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LA'BARUM. [SIGNA MILITARIA.]

LABRUM. [BALNEAE, p. 277 *a*.]

LABYRINTHUS (λαβύρινθος). This is by some set down as the corruption of an Egyptian word meaning "the building at the entrance of a reservoir" (Brugsch, *Egypt under the Pharaohs*), by others derived from a king Lamaris or Labaris (whose name, however, should perhaps be Maris or Moeris), but it is more probably an older form of the word λαύρα, "a passage." This older form became stereotyped as the proper name for a building with a maze of such passages, while the later form, λαῦραι, is particularly applied to the passages of a mine. Accordingly the labyrinth was a large and complicated subterranean building, with numerous chambers and intricate passages, like those of a mine. Hence the cavern near Nauplia was called a labyrinth (Strabo, viii. p. 369). And all the structures to which the ancients apply the name labyrinth are described as entirely or partially under ground.

Pliny (*H. N.* xxxvi. § 84) notes four. 1. As the earliest, largest, and most famous, that of Egypt, described by Herodotus (ii. 148), near lake Moeris, and 100 stadia, as Strabo states, from Arsinoë (Strabo, xvii. p. 811). The remains have been found 11½ miles from the pyramid of Hawara, in the province of Faioum. Herodotus ascribes its construction to the dodecarchs (about 650 B.C.); and Mela (i. 9) to Psammetichus alone. Other and more correct accounts refer its first construction to a much earlier period (Plin. *l. c.*; Diod. Sic. i. 61, 89). It is very likely, however, that additions were made at various times. The names of more than one king have been found there, the oldest that of Amunmhe III., who is placed in the 12th Dynasty, about 1960 B.C. This labyrinth is described as having 3,000 chambers, 1500 under ground and the same number above, and the whole was surrounded by a wall. It was divided into courts, each of which was surrounded by colonnades of white marble. At the time of Diodorus and of Pliny it was still extant; the remains now serve only to show the exact position and size corresponding with the stadium of length given by Strabo. Herodotus, who saw the upper part of the labyrinth and went through it, was not permitted to enter the subterranean part, and he was told that the kings, by whom the labyrinth had been built, and the sacred crocodiles, were buried there. Pliny's theory that it was divided into a number of halls or buildings corresponding to the number of nomes, and the consequent theory that it was a place of assembly for the nomes, do not agree with the account of Herodotus; and the number of nomes too varied greatly at different times: nor is there any better foundation for the idea, alluded to also by Pliny, that the plan had something to do with the solar system. It is unnecessary to imagine more than that it was monumental, and a monument of more than one king of Egypt.

2. Pliny gives as second the Cretan labyrinth (cf. Diod. Sic. *l. c.*), which was said to have been built by Daedalus near Cnosus, after the model of the Egyptian, but very much smaller. (For further legendary accounts, see Verg. *Aen.* vi. 27, v. 588; Ov. *Met.* viii. 159; Apollod. iii. 15; and *Dict. Biog.* under "Daedalus.") Most modern writers treat the Cretan labyrinth as a purely mythical or poetical creation, following Höck, who lays stress on the fact, that no ancient writer describes it as an eye-witness, and that neither the Homeric poems nor Herodotus mention it. That it was designedly built after any Egyptian pattern is improbable, but sufficient groundwork for the legends can be found in the rock-excavations existing in Crete. Admiral Spratt (*Travels and Researches in Crete*, ii. 42) points out that the subterranean passages in limestone rock near Gortyn correspond to the ancient description of the labyrinth—tortuous alleys which occupied two hours to pass through. They were plainly, as might be seen by the marks of tools, ancient quarries, and had been used by the Christians in recent times as places of refuge. We can understand from this why Claudian (*Sext. Cons. Hon.* 634) speaks of Gortyn as the site of the labyrinth. Admiral Spratt found also the entrances of subterranean passages, apparently sepulchral, in the rocks

near Cnosus. These were too much blocked up to explore, but there seems no reason why in ancient times they should not have been as extensive as the caverns at Gortyn, and so have given rise to the myths connected with Cnosus.

3. A third labyrinth, the construction of which belongs to a more historical age, was that in the island of Lemnos. It was begun by Smilis, an Aeginetan architect, and completed by Rhoecus and Theodorus of Samos about the time of the first Olympiad. It was in construction similar to the Egyptian, but had as a special feature one hundred and fifty columns. Remains of it were still extant in the time of Pliny. Some have conjectured that it was intended as a temple of the Cabeiri.

It may be mentioned here that the labyrinth said on the authority of Pliny (*H. N.* xxxiv. § 83) to have been built by the same Theodorus at Samos, has probably been created by a misplaced comma. The passage should be read: "Theodorus, qui labyrinthum fecit, Sami ipse se ex aere fudit."

4. Pliny (*H. N.* xxxvi. § 91) classes as a labyrinth the tomb of Porsena at Clusium, a description of which he quotes from Varro —a monument in masonry, 300 feet square and 50 feet high, beneath which is a labyrinth, "quo si quis introierit sine glomere lini exitum invenire nequeat." It had above it five pyramids of astonishing height. Niebuhr altogether discredits it; but though, with Pliny, we may think the dimensions exaggerated, it may be permitted to ask whether there is not too great a tendency to treat as pure fictions the statements of ancient writers. Dennis in his latest edition (*Cities of Etruria*, ii. p. 349) gives an interesting description of recent explorations in a tumulus at Poggio Gajella, three miles north of Chiusi. These are extensive sepulchral remains; in fact, it is described as like a city of tombs, with a network of small streets and alleys bearing the Egyptian character, which is so suggestive in Etruscan remains; and further a labyrinth of low, narrow passages in the heart of the mound. There seems really no valid reason for asserting the impossibility of some such great sepulchral building as Varro describes having once existed as a superstructure. It is possible that Varro himself found only a part standing, and that the huge size of the pyramids at the corners may be a somewhat exaggerated account given him as a tradition by the people of the district. This is surely a safer view than, with Niebuhr, to accuse so sober a writer as Varro of giving us "tales from the Arabian Nights."

Labyrinthus. (*Museo Borbonico.*)

The garden labyrinth, or maze, is purely modern; but Pliny (*l. c.*) speaks of the word as applied to an intricate pattern drawn on the pavement or scratched on the ground in a boyish game; and to this may be referred the rude drawing, given in the *Museo Borbonico*, which was scratched on a pilaster at Pompeii, and is somewhat similar to the modern idea of a labyrinth. [L. S.] [G. E. M.]

LACERNA (answering in most respects to the Greek χλαμύς) was a woollen cloak worn by the Romans over the toga (Mart. viii. 28), which explains Juvenal's expression "munimentum togae" (Juv. ix. 28). It had a hood (*cucullus*), and sometimes the plural *lacernae* is used to express both together (*e.g.* Mart. xiv. 132, "totae lacernae"); but in Horace, *Sat.* ii. 7, 55, *lacerna* includes the hood. It was worn open and loose, fastened to the shoulder by a fibula, so that in Mart. ii. 29 the white toga is seen below the purple lacerna; and thus it differed from the paenula, which fitted close and was fastened all the way up, and from the birrus, because that form of wrap was stiff (*rigens* opposed to the *fluens* lacerna, Sulp. Sever. i. 21, 4), whereas the lacerna was light and of fashionable make. The Schol. on Pers. i. 51, however, uses them as convertible terms. It seems to have been introduced at Rome by men of fashion as a protection against rain—Pliny (*H. N.* xviii. § 225) says that the price of lacernae goes up in threatening weather—and to wear in theatres, &c. (Mart. ii. 29): thus we are told that the equites used to stand up at the entrance of Claudius and lay aside their lacernae, as a mark of respect (Suet. *Claud.* 6). Its colour depended on taste and circumstances, sometimes "fusci coloris" (Mart. i. 97, 9), and made of the dark wool of the Baetic sheep (Mart. xiv. 133), sometimes of bright colours (Juv. i. 27; Mart. i. 97) and very expensive (Mart. viii. 10). By an order of Domitian, about 88 A.D., white lacernae only were allowed in the theatre (Mart. v. 8; xiv. 137). It would appear from Mart. ii. 29 that there was no such rule before. The material as well as the colour varied, and for the poorer wearers it was unfashionably coarse (Juv. ix. 27). Cicero (*Phil.* ii. 30, 76) speaks of it as an unusual form of dress, but as a military cloak it may have been worn earlier. Cassius wears it at Philippi (Vell. ii. 70, 2; cf. Prop. iv. 12, 7; Ov. *Fast.* ii. 746), and to some extent it displaced the sagum. Under the Empire it became common at Rome, as we learn from Suetonius, who says (*Aug.* 40) that Augustus seeing one day a great number of citizens before the tribunal dressed in the lacerna repeated indignantly the line of Virgil, "Romanos rerum dominos gentemque togatam," and gave orders that the aediles should allow no one to wear that dress in the forum, being anxious "pristinum vestitum reducere." (See also Marquardt, *Privatleben*, 569; Becker-Göll, *Gallus*, iii. 220.) [W. S.] [G. E. M.]

LACI'NIA, the angular extremity of the toga, one end of which was brought round over the left shoulder. It was generally tucked into the girdle, but sometimes was allowed to hang down loose. Plautus (*Merc.* i. 2, 16) indicates that it occasionally served as a pocket-handkerchief: "At tu edepol sume laciniam atque absterge sudorem." Velleius Paterculus (ii. 3) represents Scipio Nasica as wrapping the lacinia of his toga round his left arm for a shield (com-

pare Val. Max. iii. 2, 17) before he rushed upon Tib. Gracchus; while, according to Servius (*ad* Verg. *Aen.* vii. 612), the Cinctus Gabinus was formed by girding the toga tightly round the body by one of the laciniae or loose ends. These expressions are quite irreconcilable with the opinion that the lacinia was the lower border or skirt of the toga, while all the passages adduced by them admit of easy explanation, according to the above view. The lacinia was undoubtedly permitted by some to sweep the ground, especially by such as wore their garments loosely. Thus Macrobius (*Sat.* ii. 3) remarks upon one of Cicero's witticisms, "Jocatus in Caesarem quia ita praecingebatur, ut trahendo laciniam velut mollis incederet," which corresponds with the well-known caution of Sulla addressed to Pompey, "Cave tibi illum puerum male praecinctum;" and Suetonius tells how the Emperor Caligula, being filled with jealousy on account of the plaudits lavished on a gladiator, hurried out of the theatre with such haste, "ut calcata lacinia togae praeceps per gradus iret." The etymology of the word (λακ, λάκος, *lacero*, and perhaps, as Curtius inclines to think, also ῥάκος) points to the same sense, and it is probable that its primary meaning was a jagged edge or pendent corner, and so, as given above, a piece or corner of a dress, not, as Rich thinks, "a weighted drop." If any such drop can be traced in the tunica, which is doubtful, it cannot in the toga, to which the lacinia generally belongs; and all the uses for wiping, wrapping, &c. imply that it is a piece of cloth. Thus in Cic. *Fam.* xvi. 21 we find it used to wrap up pips of fruit taken from the dinner-table: it is the corner of dress seized to stop anyone (Suet. *Claud.* 15; Vulg. Gen. xxxix. 12), whence came the proverbial expression *obtinere lacinia* of a precarious hold (Cic. *de Orat.* iii. 28, § 110; Plaut. *Asin.* iii. 2, 41). The other meanings agree with the above explanation: (1) two jagged excrescences, hanging from the neck of a she-goat; (2) a corner or promontory of land (Plin. v. § 148), "promontorium in quo Megaria oppidum fuit: unde Craspedites sinus vocabatur, quoniam id oppidum velut in *lacinia* erat;" (3) a point or tongue of a leaf (Plin. xv. § 130). The corresponding Greek term, as seen from the passage quoted from Pliny, is κράσπεδον, and accordingly Plutarch (*Tib. Gr.* 19) and Appian (*B. C.* i. 16) use that word in narrating the story of Scipio given above. [W. R.] [G. E. M.]

LACO'NICUM. [BALNEAE, p. 277 *b*, p. 278 *a*.]

LACU'NAR. [DOMUS, p. 686 *a*.]

LACUS. 1. See FONS. 2. See TORCULAR.

3. Lacus (βαφή) was also used for the bath in which the smith (χαλκεὺς or *faber ferrarius*) plunged the hot iron to give it the harder qualities of steel. (Verg. *Georg.* iv. 172; Ovid. *Met.* ix. 170, xii. 276; Lucr. vi. 968; Mart. iv. 55, 15; Plin. *H. N.* xxxiv. § 146.) It is maintained by the best modern authorities on Greek and Roman metal working that by this method a kind of steel was manufactured as far back as the Homeric age. (See Blümner, *Technol.* iv. 342 *sqq.*) Though neither Greek nor Latin has a distinct word for steel (except the poetical χάλυψ, *chalybs*), yet this process was known, and the words στομοῦν, στόμωσις, στόμωμα all refer to the steeling effect of the βαφή, and this corresponds to the Latin significance of *acies* (cf. French *acier*). The earliest precise mention is that of *Od.* ix. 391:

ὡς δ' ὅτ' ἀνὴρ χαλκεὺς πέλεκυν μέγαν ἠὲ σκέπαρνον
εἰν ὕδατι ψυχρῷ βάπτῃ μεγάλα ἰάχουτα
φαρμάσσων, τὸ γὰρ αὖτε σιδηροῦ γε κράτος ἐστίν,

(where Eustathius, στομοῦται γὰρ σιδηρὸς τοιαύτῃ βαφῇ.) Conf. Plut. *Def. orac.* 41, p. 433 A; Poll. vii. 107, &c.; and especially Plut. *An. rat. uti*, 16, p. 988 D, ἀνδρείας οἷον βαφή τις ὁ θυμὸς ἐστι καὶ στόμωμα, which expression seems to fix the precise idea of the much-disputed βαφῇ σιδηρὸς ὥς in Sophocles *Aj.* 650, *i.e.* "I, who was then steeled and made ἄνδρειος as iron is by the bath, am instead made θῆλυς by Tecmessa's words" (the stop being at ὥς, and the aorist as usual referring to the time of speaking).

It is true that there was also a practice of dipping *smaller* steel implements, such as needles and brooch-pins, in oil, to make them less brittle, as was supposed (Plut. *de prim. frig.* 13, p. 950 C; Plin. xxxiv. § 146); and so this passage has often been explained, but there is no mention at all of any such practice earlier than Plutarch, and then only of small articles, whereas there is in earlier Greek writers a frequent allusion to the βαφή, especially in the moral application (Arist. *Pol.* vii. 14, &c.), and invariably (as Latin *lacus*) of hardening or steeling, which is a strong argument for giving the same meaning in the passage cited. This process would not apply to χαλκός, and such is perhaps the meaning of χαλκοῦ βαφαὶ in Aesch. *Ag.* 589, though Clytemnestra may merely be disclaiming all technical knowledge of weapons. The colouring of copper by βαφή as mentioned by Plutarch and Pollux is altogether later. [For a discussion of this treatment of iron, see Blümner (*Technologie*, iv. 342–350), who refers to a larger work of Paehler, *Die Löschung des Stahles bei den Alten*.] [G. E. M.]

LAENA. The same word as the Greek χλαῖνα, and perhaps radically connected with λάχνη (*lana*), though Curtius is doubtful on that point (*Etym.* 336). It was manufactured, according to Strabo, in later times in Gaul: ἡ δὲ ἐρέα (of the Belgians) τραχεῖα μὲν ἀκρόμαλλος δὲ ἀφ' ἧς τοὺς δασεῖς σάγους ἐξυφαίνουσιν οὓς λαίνας καλοῦσι: but, as Marquardt points out, it was an old Roman dress, being worn by the Flamines, fastened with a bronze fibula (Cic. *Brut.* 14, 56, of the Flamen Carmentalis): cf. Serv. *ad Aen.* iv. 262, "est autem proprie toga duplex, Graece χλαῖνα, amictus auguralis." (See Marquardt, *Staatsverwaltung*, iii. 336.) Festus derives its origin from the Etruscans: Cicero (*l. c.*) connects the surname Laenas of the Popilii with this dress, because Popilius was wearing it, being Flamen Carmentalis as well as Consul, when he quelled a tumult.

1. It signifies then properly a woollen cloak, the cloth of which was twice the ordinary thickness ("duarum togarum instar," Varro, *L. L.* v. 133), and therefore termed *duplex* (Festus, *s. v.*; Serv. *l. c.*), shaggy upon both sides, worn over everything else for the sake of warmth (Mart. xiv. 136). Hence persons carried a laena with them when they went out to supper (Mart. viii. 59); and the rich man in Juvenal, who walks home at night escorted by a train of slaves and lighted by flambeaux, is

wrapped in a scarlet laena (Juv. iii. 283, where see Mayor's note). The courtly bard in Persius (i. 32) is introduced reciting his fashionable lays with a violet-coloured laena over his shoulders; but that it was also worn by the poor appears from Juv. v. 131. (See also Becker-Göll, *Gallus*, iii. 221.)

2. The dress of the Flamines, as mentioned above. The correspondence of the laena with the Greek χλαῖνα is seen (i.) by the description (Homer, *Il.* x. 133):

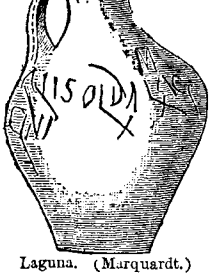
ἀμφὶ δ' ἄρα χλαῖναν περόνησαν φοινικόεσσαν
διπλῆν, ἐπαδίην, οὔλη δ' ἐπενήνοθε λάχνη·

(ii.) its use for warmth (ἀνεμοσκεπής, *Il.* xvi. 224); (iii.) from the fact that the χλαῖνα is the Homeric dress of heroes, while the Latin poets clothe them in the laena. (Aeneas in Verg. *Aen.* iv. 262; Hasdrubal in Sil. Ital. xv. 424: cf. Plut. *Num.* 7, ἃς ἐφόρουν οἱ ἱερεῖς λαίνας ὁ Ἰόβας χλαίνας φησὶν εἶναι. See Marquardt, *Privatleben*, 569.) [W. R.] [G. E. M.]

LAGO'NA or LAGU'NA (also *lagoena*, *lagena*, λάγυνος). There is considerable difference about the spelling of this word. Professor Mayor (on Juvenal, v. 29) compares, for the Latin *o* beside the Greek *υ*, the words *ancora*, *storax* (στύραξ), *nox*, *mola*, *cocles* [κύκλωψ]. The last of these connexions both Corssen and Curtius disapprove, but there are abundant instances without it. Corssen shows that the Old Latin form to the end of the Republic in inscriptions is *laguna* and sometimes *lagena* (in MSS. also *lagoena*), in the imperial times *lagona*, as in the annexed engraving. It was an earthenware jug with one handle, a long narrow neck, widened mouth, and swelling body (whence "*ventre* lagonae," Juv. xii. 60). Its narrow neck is shown also by its use in *Phaedrus* for the fable of the stork and the fox, and by the lines in the Anthology εἰς λάγυνον:

στρογγύλη, εὐτόρνωτε, μονούατε, μακροτράχηλε,
ὑψαύχην, στεινῷ φθεγγομένη στόματι.

In fact, it was in shape much like the well-known Orvieto wine-flask, but, if so covered with wickerwork, would be called φλάσκη or φλασκίον (Suid. *s. v.* πυτίνη). It was used for holding wine, and was set beside the guests (Hor. *Sat.* ii. 8, 41; Juv. v. 29). They were used also in Gaul for beer, as is shown by an inscription on a lagona in the Musée Carnavalet at Paris, "Ospita reple lagona cervesa." Martial (vii. 61) speaks of a shop with these vessels hung in a string by the handles (*catenatae lagonae*).



Laguna. (Marquardt.)

The illustration (from Marquardt) represents a lagona in the Museum at Saintes, the inscription on which is "Martiali soldam lagonam." (See Marquardt, *Privatleben*, 649; Guhl and Koner, *Das Leben Griechen und Rom.*, 160.) [G. E. M.]

LAMPADA'RCHIA. [LAMPADEDROMIA.]

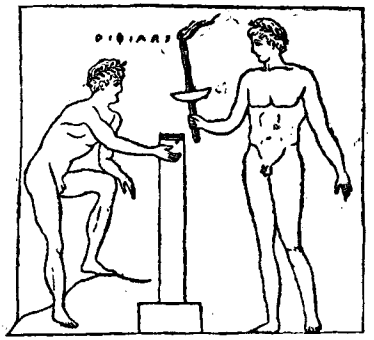
LAMPADEDRO'MIA (λαμπαδηδρομία), often also simply λαμπάς, λαμπαδοῦχος ἀγών or δρόμος, ἑορτὴ λαμπάδος, and less frequently, as in Herod. viii. 98, λαμπαδηφορία, a torch-race, celebrated not only at Athens, but also at many places in Greece and Greek colonies: at Corinth, in honour of Athena Hellotia (Schol. Pind. *Olymp.* xiii. 56; Athen. xv. 678); at Byzantium (λαμπὰς ἀνήβων, *C. I. G.* 2034); at Ceos (*id.* 2360); at Syros, in honour of Demeter; to Artemis, at Amphipolis (Diod. xviii. 4; Liv. xliv. 44); and other places (see Boeckh, *Staatshaush.*, ed. Fränkel, i. 550). Alexander celebrated a torch-race at Susa (Arrian. iii. 16). The torch-race was held also at Epitaphia; at the Theseia (*C. I. A.* ii. 444), and in later times at the Germaniceia (*C. I. A.* iii. 1096; Fränkel on Boeckh, ii. 113*; A. Mommsen, *Heortologie*, 170); and possibly at any great funeral games, where sufficient funds were provided.

At Athens we know of five celebrations of this game: one to Prometheus at the Promethea (Schol. *ad* Arist. *Ran.* 131; Harpoc. *s. v.*; Paus. i. 30); a second to Athena (Phot. *s. v.* λαμπάδος) at the Panathenaea (whether the greater only is uncertain, but see Boeckh, *l. c.*); a third to Hephaestus on the evening of the day after the Apaturia (cf. Herod. viii. 9); a fourth to Pan (Herod. vi. 105; Phot. *s. v.* λαμπάς: cf. Paus. viii. 54, § 6); a fifth to the Thracian Artemis or Bendis (Plat. *Rep.* i. p. 328 A). The three former are of unknown antiquity; the fourth was introduced soon after the battle of Marathon; the last in the time of Socrates.

The race was run, usually on foot, by ephebi, horses being first used in the time of Socrates (Plato, *l. c.*); and at night. The administration of it was undoubtedly under the gymnasiarch in the time of Xenophon (*de rep. Ath.* 13), and it was a liturgy involving emulation and cost; the tribe being honoured as in the choregia, by a victory of its contingent. Thus an inscription runs, Ἀκαμαντὶς ἐνίκα λαμπάδι Παναθήναια τὰ μεγάλα ἐπ' Ἀρχίου ἄρχοντος· Ξενοκλῆς ἐγυμνασιάρχει (*C. I. A.* ii. 1229): but we hear later of a λαμπαδαρχία, as in Aristotle (*Pol.* v. 8), who speaks of the λαμπαδαρχία as a costly and rather useless liturgy, which he would like to prohibit; and the words λαμπαδάρχης, λαμπαδαρχεῖν occur in inscriptions (see Krause, *ap.* Pauly, *Real. Encycl.* s. v.); but Isaeus, like earlier writers, uses the expression γυμνασιαρχεῖν λαμπάδι, and so in inscriptions (one as late as 166 A.D.: Boeckh, i. 554, and Fränkel's note). It is no doubt possible that in Aristotle's time a custom had arisen of making a special liturgy called λαμπαδαρχία for the festival itself, akin to but separate from the gymnasiarchy; more probably, however, there was not a distinct office, and it was merely usual to speak of the gymnasiarch under this title at the time of the torch-race, which was regarded as the most important branch of his office and its most public manifestation. The gymnasiarch had to provide the λαμπάς, which was a candlestick with a kind of shield set at the bottom of the socket, as is seen

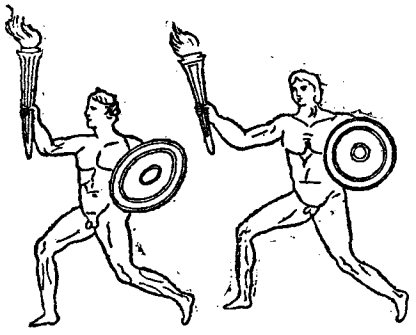
Torch used in the race. (From a coin.)

in the preceding woodcut, taken from a coin in Mionnet (pl. 49, 6). In the two cuts given below the torches are somewhat different: in one they are formed of thin strips of wood, no



Torch used in the race. (Krause.)

doubt smeared with resin or pitch, and held together by the disc through which they are passed, and which served as a guard to the hand from the dripping of the pitch (some representations show also a crossed string binding the strips of wood): in the other cut the runners carry shields (as in the *ὁπλιτοδρομία*, but without helmets); while the torches have a flame, apparently from a wick steeped in oil or liquid pitch, in the hollow at the top, somewhat like the modern torch. The gymnasiarch had also to



Torch used in the race. (Krause.)

provide for the training of the runners, which was of no slight consequence, for the race was evidently a severe one (compare Aristoph. *Vesp.* 1203; *Ran.* 1087), with other expenses, which on the whole were very heavy, so that Isaeus (*Or.* 6 [*Philoct.*], § 60) classes this office with the *χορηγία* and *τριηραρχία*, and reckons that it had cost him 12 minae. The discharge of this office was called *γυμνασιαρχεῖν λαμπάδι* (Isaeus, *l. c.*), or *ἐν ταῖς λαμπάσι γυμνασιαρχεῖσθαι* (Xen. *de Vectig.* iv. 52). The victorious gymnasiarch presented his *λαμπὰς* as a votive offering (*ἀνάθημα*, Boeckh, *Inscr.* Nos. 243, 250); and we find the victorious runner, when there were *single* competitors, receiving a *ὑδρία* (see A. Mommsen, *Heortologie*, p. 169).

As to the arrangement of the lampadedromia, it seems necessary to understand two different methods, whether we regard them as co-existent or as belonging to different periods. (1) Herodotus (viii. 98) speaks of this game to illustrate the Persian system *ἀγγαρηΐον*; Plato (*Legg.* vi. 776 B) of "handing on the torch of life from one generation to another;" and the same metaphor is used by Lucretius, ii. 77; Varro, *de Re Rust.* iii. 16, 9; Pers. vi. 61: so also Aristot. *Phys.* v. 4, 10, *οἷον ἡ λαμπὰς ἐκ διαδοχῆς φορὰ ἐχομένη*, with which compare *διαδοχαῖς πληρούμενοι*, Aesch. *Ag.* 313; and Auct. *ad Herenn.* iv. 46, "qui taedas ardentes accipit celerior est quam ille qui tradit quod defatigatus cursu integro facem tradit." Here we are clearly to understand lines of runners (*λαμπαδισταὶ* or *λαμπαδηφόροι*), posted at intervals, the first in each line who receives the torch, or takes it from the altar, running at his best speed and handing it to the second in his own line, and the second to the third until the last in the line is reached, who runs with it up to the appointed spot. Of course, if any torch went out, the line to which it belonged was out of the race. The victory (*νικᾶν λαμπάδι*) fell to that line of runners whose torch first reached the goal alight. Assuming that all the gymnasiarchs contended on each occasion, there would be ten such lines (or, after B.C. 307, twelve), one for each tribe; but it is possible that each gymnasiarch performed his service only once a year, and that only a certain number were told off for each festival. All the runners in the winning line or chain contributed to the victory, and this may possibly be the explanation of the well-known line of Aeschylus (*Ag.* 314), *νικᾷ δ' ὁ πρῶτος καὶ τελευταῖος δραμών*,— "the last and the first (*i.e.* all alike in the chain) are successful." The beacons are all victorious because all belong to the successful chain of light, as in the torch-race each person in the line shares the victory.

But, if this is the right rendering, there is certainly an obscurity of diction in putting *καὶ τελευταῖος* for *χὠ τελευταῖος*, which the strict idiom would require, and that, too, without any metrical reason, such as exists in the passage (line 324) cited by Mr. Sidgwick. It may therefore be better to explain it with reference to the fact that the *first* or winning torch *was* handed in (to the archon basileus) by the *last* recipient of it, and therefore, "he who is both first to arrive and last in the chain wins in the race."

That Pausanias, however, saw a different kind of torch-race, there can be no doubt. He says (i. 30, § 2): *ἐν Ἀκαδημίᾳ δέ ἐστι Προμηθέως βωμός, καὶ θέουσιν ἀπ' αὐτοῦ πρὸς τὴν πόλιν ἔχοντες καιομένας λαμπάδας. τὸ δὲ ἀγώνισμα ὁμοῦ τῷ δρόμῳ φυλάξαι τὴν δᾷδα ἔτι καιομένην ἐστίν· ἀποσβεσθείσης δὲ οὐδὲν ἔτι τῆς νίκης τῷ πρώτῳ, δευτέρῳ δὲ ἀντ' αὐτοῦ μέτεστιν. εἰ δὲ μηδὲ τούτῳ καίοιτο, ὁ τρίτος ἐστὶν ὁ κρατῶν, εἰ δὲ πᾶσιν ἀποσβεσθείη, οὐδεὶς ἐστὶν ὅτῳ καταλείπεται ἡ νίκη.* Here there is evidently no handing of the torch from one to another — several torch-bearers are started, possibly one for each tribe; the first who reaches the goal with his torch alight wins: the competition is individual, not one chain of runners against another. And it is no doubt to such a race that inscriptions which speak of a single victor with a single prize, refer. Whether this was a new method, or one which had existed alongside of the other, it is impossible to say with certainty; but it is probable that the

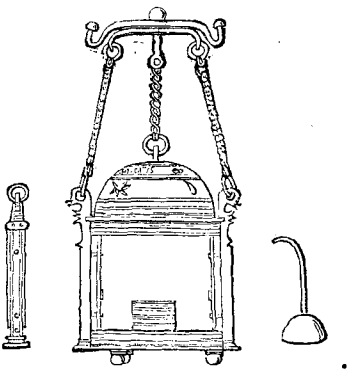
different kinds of torch-race were in vogue at different times; for it is fair to assume from the language of Pausanias, that he had not witnessed the kind of race described by the earlier writers who have been quoted above.

The starting-point at Athens was the altar of Prometheus in the Academy, and the course passed through the Ceramicus to the city (*πρὸς τὴν πόλιν*), perhaps, as Mommsen (*Heortologie*, p. 312) thinks, to the Prytaneum under the north side of the Acropolis, a distance of a little over a mile. The archon basileus presided (*προέστηκε τῶν ἀγώνων τῶν ἐπὶ λαμπάδι*, Poll. viii. 90), and gave the prize to the victor. Both starting-point and goal may have varied somewhat at different times, or in different festivals. Plutarch (*Solon*, 1) says that the torches were lighted at the altar of Eros, which was not far from the altar of Prometheus (*πρὸ τῆς ἐσόδου τῆς ἐς Ἀκαδημίαν*, Paus. i. 30, § 74); the mounted race in honour of Bendis was run in the Peiraeus (Plato, *l. c.*).

As regards the origin of these games, it may safely be said generally that it is to be sought in the worship of Hephaestus, Prometheus, and Athena, who are all connected with fire and light, and with those arts and manufactures in which fire is an agent. But it may further be conjectured that this form was first used in honour of Prometheus, to represent the myth of his giving fire to men. The torch is kindled at his altar and carried, if the theory above mentioned is correct, to the Prytaneum, where the national fire was preserved, as carefully as though it were still, what it had been in primitive times, hard to rekindle if once it died out: then this gift of the *πυρφόρος θεός*, representing the *κοῖλος νάρθηξ* (Hesiod. *Theog.* 566), is handed to the king archon, who represents in religious matters the original guardian of the national hearth. The same idea can be traced in a custom which Maury cites (from Philostratus), as existing in the games at Olympia: the runners are placed a stade from the altar where wood is to be lighted; near the altar stands the priest, who awards a crown to the first who touches the altar with his torch. (Maury, *Religion de la Grèce antique*, iii. 491.)

But with the giver of fire were soon associated in this worship the Olympian deities who presided over its use: Hephaestus, who taught men to apply it to melting and moulding of metal; and Athena, who carried it through the whole circle of useful and ornamental arts. On the close connexion of Hephaestus with Prometheus, and of both with Athena, see Preller, *Griech. Mythol.* p. 80 (ed. 1872). Both indeed are connected by myths with the birth of Athena as well as with her presidency over arts and manufactures, under her name *Ἐργάνη* (Paus. i. 24, § 36). It is suggested by Welcker (*Aeschyl. Tril.* p. 21) that the community of potters instituted the torch-race. It is true that the course was mainly in the outer and inner Ceramicus, and that Athena was the patroness of the *κεραμῆς* (*δεῦρ' ἄγ' Ἀθηναίη καὶ ὑπείρεχε χεῖρα καμίνου* is the address in the *Κεραμεῖς*); but the original connexion of the torch-race with Prometheus is more natural, and moreover the starting-point is in fact not actually in the outer Ceramicus, but beyond it. In later times the same honour was paid to all gods who were in any way connected with fire, as to Pan, to whom a perpetual fire was kept up in his grotto under the Acropolis (cf. also Pausan. viii. 37, § 677); so also to Artemis, as a moon-goddess, whom Sophocles (*Trach.* 214) calls *ἀμφίπυρος* (cf. *πυρφόροι Ἀρτεμίδος αἴγλαι*, *Oed. Tyr.* 207, and *ὁ πυρφόρος Θεὸς Τιτὰν Προμηθεύς*, *Oed. Col.* 56). The mounted race in honour of Bendis, the Thracian Artemis, was no doubt introduced by the numerous Thracian metoeci who lived for trading purposes at the Peiraeus. In the still later extensions of the rites mentioned at the beginning of this article all symbolism was probably lost, and for these it was merely adopted from the older festivals as a striking spectacle. [H. G. L.] [G. E. M.]

LANTERNA (only in late Latin *laterna*. Curt. *Gr. Et.* 266; Corssen, *Lat. Sprach.* i. 256) = the Greek *λυχνοῦχος* (see below), also *ἱπνός* (Aristoph. *Pax*, 841), a lantern. Two bronze lanterns, constructed with nicety and skill, have been found in the ruins of Herculaneum and Pompeii. One of them is represented in the woodcut below. Its form is cylindrical. At the bottom is a circular plate of metal, resting on three balls. Within is a bronze lamp attached to the centre of the base and provided with an extinguisher, shown on the right hand of the lantern. The plates of translucent horn (Plin. *H. N.* xi. § 49; Lucret. ii. 388), forming the sides, probably had no aperture; but the hemispherical cover may be raised so as to admit the hand and to serve instead of a door, and it is also perforated with holes through which the smoke might escape. To the two upright pillars supporting the framework, a front view of one of which is shown on the left hand of the lantern, chains are attached for carrying the lantern by means of the handle at the top.



Lantern found at Herculaneum.

We learn from Martial's epigrams (xiv. 61, 62) that bladder was used for lanterns as well as horn; also linen, as the cheapest form of lantern (Cic. *Att.* iv. 3, 5; Plaut. *Bacch.* iii. 3, 42). The *lanterna Punica* (*Aul.* iii. 6, 30) was probably a horn lantern, as the best kind then known. Some centuries later glass was also used (Isid. *Orig.* xx. 10). When the lantern was required for use, the lamp (*lucerna*) was lighted and placed within it. (See Mart. xiv. 61; Veg. *Mil.* iv. 18.) It was carried by a slave called *lanternarius* or *servus praelucens* (Plaut. *Amph.*

Prol. 149, i. 1, 185; Cic. *in Pis.* 9, § 20; Juv. iii. 285; Mart. viii. 75). Suetonius (*Aug.* 29) mentions that the "servus praelucens" was struck by lightning while Augustus was being carried in his litter. We learn from Photius that the name λυχνοῦχος was given to a lamp enclosed in a case of horn or of transparent skin, and that perforated pitchers were used in the same way: for instances, see Rutherford, *New Phrynichus*, p. 131. The φάνος was a link or torch of strips of resinous wood tied together, but in late Greek used for λυχνοῦχος, a lantern (Rutherford, *l. c.*). (See also Marquardt, *Privatl.* 712; Becker-Göll, *Gallus*, ii. 404.) [J. Y.] [G. E. M.]

LANX. **1.** A general term, including various forms of dishes different in shape and use, but, as far as can be gathered, a large dish. It should have been originally flat, according to Corssen's view that it is connected with *planus*, *planus*, πλάξ, πλακοῦς: but it was also deep (*cava*, Mart. xi. 31) and, so far, like the *catinus*. The epithet *panda* applied to it in Virgil (*Georg.* ii. 194) probably has the same meaning. In Hor. *Sat.* ii. 4, 40, it is round and large enough to hold a wild boar; but it is square or quadrangular in Ulp. *Dig.* 34, 2, 19. Ovid (*Pont.* iii. 5, 50) describes it as embossed (*caelata*) and holding fruit; but most frequently we find it used for bringing meat or fish to the table (Hor. *l. c.*; Juv. v. 80; Plaut. *Curc.* 323). It is used for incense (Ov. *Pont.* iv. 8, 40; Prop. ii. 13, 23). Its use in sacrifices, both for the exta and for incense, may be seen from Verg. *Georg.* ii. 194, 394; *Aen.* viii. 284, xiii. 215; Ov. *l. c.* All passages which give any indication of its material tend to prove that the lanx was always of metal; for the rich, of silver (Hor. *Sat.* ii. 4, 40; Plin. *H. N.* xxxiii. § 145, where *lances* are mentioned weighing from 100 to 500 pounds, and requiring a special *officina* to make them). In Cicero, *Att.* vi. 1, 13, the lanx embossed in filigree work (*filicata*) is opposed to vasa fictilia; but that it was made, if always of metal, sometimes of cheaper metal than silver, is implied by its rustic use in Verg. *Georg.* l. c. The following lines from Ovid (*Pont.* iv. 8, 39, 40) are instructive both as to size and relative cost:—

> "Nec quae de parva dis pauper libat acerra
> Tura minus, grandi quam data lance, valent:"

and it is noticeable that Pliny (*l. c.*), speaking of very costly silver plate, uses the word *lanx*, but in xxxv. § 163, when he speaks of pottery made at an extravagant price, he uses the word *patina*. (Marquardt, *Privatl.* 654; CATINUS.)

2. The metal dishes of the balance [LIBRA] were called *lances*, and sometimes the word *lanx* (= *libra bilanx*) was used to express the balance: so Suet. *Vesp.* 25; Verg. *Aen.* xii. 725, &c. (Becker-Göll, *Gallus*, ii. 367.) [J. Y.] [G. E. M.]

LA'PHRIA (Λάφρια), an annual festival, celebrated at Patrae in Achaia, in honour of Artemis, surnamed Laphria. The peculiar manner in which it was solemnised during the time of the Roman empire (for the worship of Artemis Laphria was not introduced at Patrae till the time of Augustus) is described by Pausanias (vii. 18, § 7). On the approach of the festival the Patraeans placed in a circle, around the altar of the goddess, large pieces of green wood, each being sixteen yards in length; within the altar they placed dry wood. They then formed an approach to the altar in the shape of steps, which were slightly covered with earth. On the first day of the festival a most magnificent procession went to the temple of Artemis, and at the end of it there followed a maiden who had to perform the functions of priestess on the occasion, and who rode in a chariot drawn by stags. On the second day the goddess was honoured with numerous sacrifices, offered by the state as well as by private individuals. These sacrifices consisted of eatable birds, boars, stags, goats, sometimes of the cubs of wolves and bears, and sometimes of the old animals themselves. All these animals were thrown upon the altar alive at the moment when the dry wood was set on fire. Pausanias says that he often saw a bear, or some other of the animals, when seized by the flames, leap from the altar and escape across the barricade of green wood. Those persons who had thrown them upon the altar caught the devoted victims again, and threw them back into the flames. The Patraeans did not remember that a person had ever been injured by any of the animals on this occasion. (Comp. Paus. iv. 31, § 6; Schol. *ad* Eurip. *Orest.* 1087.) [L. S.]

LAPICIDI'NAE. [LAUTUMIAE.]

LAPIS MILLIA'RIUS. [MILLIARIUM.]

LAPIS SPECULA'RIS. [DOMUS, p. 686 *b*.]

LA'QUEAR. [DOMUS, p. 686 *a*.]

LAQUEATO'RES. [GLADIATORES.]

LA'QUEUS, properly a rope with a noose in it, whereby anything might be pulled or led (according to Corssen's reference to *lacio*), used to signify the punishment of death by hanging, called *triumvirale supplicium*, Tac. *Ann.* v. 9 (vi. 4). Hence "Fortunae laqueum mandare" (Juv. x. 52) means "to bid Fortune go hang" (see Mayor's note). This mode of punishment was never performed in public, but only in prison, as in the Tullianum. Hence we find *laqueus* joined with *carcer* (Tac. *Ann.* iii. 50), and with *carnifex* (v. 9, xiv. 48). See also the account of the punishment of the Catilinarian conspirators (Sall. *Cat.* 55), where the punishment is inflicted by "vindices rerum capitalium." Mommsen identifies (*Röm. Staatsrecht*, ii. 595) these with the triumviri or tres viri capitales, and thinks that, in the case of important criminals and women, these officials were the actual executioners, for which theory he quotes Sallust (*l. c.*), Val. Max. v. 4, 7. At the same time it is possible, and in the nature of things probable, that these high officials are spoken of as strangling, when they were merely present to see that the carnifex did his duty. The passage in Tac. *Ann.* v. 9 (or vi. 4) at any rate shows that the execution of women was sometimes left to the carnifex, if not always. The punishment was not uncommon under Tiberius (Tac. *Ann.* ll. cc., vi. 39; Suet. *Tib.* 61); but in the ordinary course of law the milder punishment of exile was inflicted for crimes which in old times were capitally punished, and executions were mainly reserved for real or imaginary crimes against the emperor. (Cf. Tac. *Ann.* xiv. 48.) [W. S.] [G. E. M.]

LARA'RIUM was a place set apart in a Roman house for the worship of the *Lar familiaris* or (later) *Lares*. (See Marquardt,

Staats. iii. 123.) Originally this shrine, with the image or images, was in the *Atrium*, as the place where the hearth stood and the family assembled for meals; but, when the hearth and the kitchen were moved to the back part of the house, the lararia were placed elsewhere, sometimes in the kitchen, sometimes in the dining-room, sometimes in the peristyle, and frequently at the entrance of the house (especially in the later empire). Even in the 5th century Jerome (*in Esaiam*, c. 57) speaks of "idola post fores domorum quos domesticos appellant lares," and of the "Tutelae simulacrum," to which they paid reverence as they went out or in. At these shrines was placed a lighted candle or lamp, and an offering of food was made at the *secunda mensa* (Serv. *ad Aen.* i. 730; Varro, *ap.* Non. p. 544, 1; Ov. *Fast.* ii. 633). Hence (when the Genius of Augustus had, after Actium, been associated with the Lares) we can explain the expression "alteris te mensis adhibet deum" (*Hor. Od.* iv. 5, 31). We learn from Petronius (60) that, if there was no lararium in the dining-room, the statues of the Lares were sometimes brought to the table; but more usually a small table for this offering was placed before the lararium, wherever it might be, with a salt-cellar upon it (see *Arnob. ii.* 67; Pers. iii. 25; Liv. xxvi. 36), and this is probably the special significance of the *paternum salinum* (Hor. *Od.* ii. 16, 14). It was an old Roman custom for the master of the house with his household also in the morning to make an offering with prayers to the Lar familiaris. Hence we find that the emperor had a lararium in his bed-chamber (Suet. *Aug.* 7, *Domit.* 17). Here also Alexander Severus is said to have placed with the Lares images not only of Orpheus and Alexander the Great, but of Christ (Lamprid. *Al. Sev.* 29; Gibbon, ii. 529). On the occasion of *feriae privatae* on the Kalends, Nones and Ides, at the Saturnalia (Mart. xiv. 70), the birthday of the master of the house (Tibull. i. 7; Hor. iv. 11, &c.), the Lares were crowned and special offerings were made to them, and in the lararium also was hung up the *bulla* of the son who assumed the toga virilis. (For further particulars regarding the worship of the Lares, see Marquardt, *l. c.*; Preller, *Röm. Myth.* p. 497, and *Dict. Myth.* s. v.) [G. E. M.]

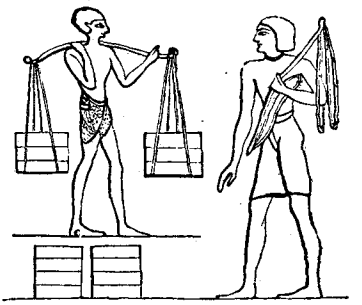
LARENTA'LIA, sometimes written LARENTINALIA (Macrob. i. 10; Lactant. *Inst.* i. 20), was a Roman festival in honour of Acca Larentia, the wife of Faustulus and the nurse of Romulus and Remus. It was celebrated on December 23 (Fest. *s. v.*; Macrob. *l. c.*; Ovid. *Fast.* iii. 57). The sacrifice in this festival was performed by the Flamen Quirinalis, as the representative of Romulus (Gell. vii. 7, 7), in the Velabrum, where the Via Nova entered it, not far from the Porta Romanula (Burn's *Rome*, 278; see Varro, *L. L.* v. § 164). At this place Acca was said to have been buried. (See also Preller, *Röm. Myth.* p. 422; Marquardt, *Staatsverwaltung*, iii. 335.) [W. S.] [G. E. M.]

LARES. See *Dict. of Gr. and Rom. Biography and Mythology.*

LARGI'TIO. [AMBITUS; FRUMENTARIAE LEGES.]

LARNAX. [ARCA; FUNUS.]

LATER, *dim.* LATE'RCULUS (πλίνθος, *dim.* πλινθίς, πλινθίον), a brick. Besides the Greeks and Romans, other ancient nations employed brick for building to a great extent, especially the Babylonians (Herod. 179; Xen. *Anab.* iii. 4, §§ 7, 11; Nahum iii. 14) and Egyptians. In the latter country a painting on the walls of a tomb at Thebes (Wilkinson's *Manners and Customs*, vol. ii. p. 99) exhibits slaves, in one part employed in procuring water, in mixing, tempering, and carrying the clay, or in turning the bricks out of the mould [FORMA], and arranging them in order on the ground to be dried by the sun, and in another part carrying the dried bricks by means of the yoke [ASILLA]. In the annexed woodcut we see a man with three bricks suspended from each end of the yoke, and beside him another who returns from having deposited his load.



Egyptian brick-makers. (From Thebes.)

These figures are selected from the above-mentioned painting, being in fact original portraits of two Αἰγύπτιοι πλινθοφόροι, girt with linen round the loins in exact accordance with the description given of them by Aristophanes, who at the same time alludes to all the operations in the process of brick-making (πλινθοποιΐα, Schol. *in* Pind. *Ol.* v. 20), which are exhibited in the Theban painting. (*Aves*, 1132–1152; Schol. *ad loc.*)

The clay was carried in shovels (ἀμαί) and placed in troughs (λεκάναι), to be manipulated there and moistened with water (for which the word ὀργάζω is used).

It is necessary to distinguish the sun-dried bricks, which were used in the earliest times, from the baked bricks. The word *later* is strictly a sun-dried or unburnt brick, whereas *testa* is kiln-baked brick; so the word *lateritius* means, made of crude or sun-dried bricks, *testaceus* made of burnt bricks, and wherever no qualifying word is used this distinction will usually be observed, but the former are also termed *lateres crudi*, the latter *lateres cocti* or *coctiles*, and similarly πλίνθοι ὠμαί and πλίνθοι ὀπταί; πλίνθος being strictly a sun-dried rectangular brick (whence the word is used for shape independently of material). Babylonian brickwork is partly of sun-dried bricks with a thin layer of reeds between each course; but it appears from the remains that the walls were originally faced with burnt bricks. These bricks are found bearing the name of Nebuchadnezzar. (Layard, p. 406; Rawlinson on Herod. Book iii., Appendix.) Egyptian bricks were generally sun-dried, and many of the burnt bricks found in Egypt are Roman. The dry climate probably made them last better than in damper countries.

Usually the proportion of length to width is 2 to 1; of length to thickness, 3 to 1. In length they vary from about 1 foot to 17 inches. (See Birch, *Ancient Pottery*, vol. i.) The Greeks used only crude or sun-dried bricks down to the time of the Roman conquest, or at any rate till after Alexander (Birch, i. 158). As an instance may be mentioned the temple of Demeter at Lepreon (Pausan. v. 5, § 6). Pausanias (ii. 18, § 150) speaks of baked bricks in a temple at Argos, but that is conjectured to be of Macedonian or Roman date. Marquardt (*Privatleben*, 636) cites the Philippeum at Olympia (Pausan. v. 20, § 10) as the earliest dated building in Greece of baked brick (B.C. 337): but Blümner denies this upon the evidence of the recent German excavators at Olympia, who informed him that in all the remains of the Philippeum there was no trace of baked brick (Blümner, *Technologie*, ii. 16). Walls of Greek cities were generally of stone, but instances of sun-dried brick walls can be found in Pausanias, viii. 8, § 7 (of Mantinea), and the birds in Aristophanes built their wall of this material (Arist. *Aves*, 1136). Their partial use for dwelling-houses, especially of the poorer classes, is mentioned in Xenophon, *Mem.* iii. 1, 7.

Roman bricks were crude till the end of the Republic (Varro, *ap.* Non. s. v. *suffundatum*; Cic. *de Div.* ii. 47, 99): the use of baked brick probably became more common as houses of more stories were built, but they were only used for facing. Vitruvius (ii. 3) seems to speak solely of *lateres crudi*, for he does not mention the triangular bricks found in existing walls at all. The earliest baked bricks are found in the Rostra (B.C. 44), and even in the time of Augustus crude bricks only were used, of which none remain. The baked Roman bricks are of various colours—red, yellow, more rarely brown, some of red pozzolana mixed with clay, as in the Flavian palace on the Palatine (Middleton's *Rome*). Their thickness varies from 1 in. to 1¾ in. The commonest size is 15 inches long and 14 wide. Those in the "palace of Constantine" at Treves are 15 inches square and 1½ thick. Vitruvius (who, as mentioned above, seems to be treating only of crude bricks) states that spring was the best time for brick-making, for those made in summer were apt to dry unequally and crack, and they should be kept two years before being used. He speaks of three shapes: the Lydian, 1½ (Roman) feet long and a foot broad; the pentadoron, five palms square; and the tetradoron, four palms (Vitruv. ii. 3). Pliny (*H. N.* xxxv. § 49) mentions some which were so porous and light that they floated in water. Blümner states that the same kind of brick was made at Nuremberg in the 14th and 15th centuries and was called *Schwammstein*. As regards the baked Roman bricks, we find them stamped at Rome in the 2nd century A.D.: but in other parts of Italy the stamped bricks are found earlier. These stamps have a figure of some god or animal, as a trade-mark, encircled by the name of the brick-maker, sometimes of the consul also, and, in the case of bricks made by soldiers, of the legion to which they belong. As the Roman armies brought their brick-making art with them wherever they went, we can trace in some instances the movements of a legion by the brick-stamps. For the methods of building with bricks, see MURUS and PARIES; and for further information about their manufacture and history, see Birch, *Ancient Pottery*; Blümner, *Technologie*, ii. 16. [J. Y.] [G. E. M.]

LATI'NITAS, LA'TIUM, JUS LA'TII (*τὸ καλούμενον Λάτιον*, Strabo, iv. p. 187; *Λατίου δίκαιον*, Appian, *Bell. Civ.* ii. 26). To understand the meaning of these terms at various periods of Roman history, it is necessary to go back to the conquest of Alba Longa by Rome, which then entered into an *aequum foedus* with the Latini, or peoples of Latium, who at that time were leagued together in a federation of thirty town (Dionys. v. 61). The attempt of Rome to assert a sort of suzerainty over the Latin league led to a war (Dionys. v. 34), which resulted in the Latins, though nominally remaining *socii* of Rome, being practically reduced to dependence on her (Dionys. iii. 54; Liv. i. 35–38). However, they seized the opportunity of Rome's struggle with Porsena to repudiate the yoke: she surrendered the claim to exercise a protectorate, and in 493 B.C. a new alliance was concluded on terms of absolute equality (*ἰσοπολιτεία*, Dionys. viii. 70), the members of the league and Rome enjoying reciprocal rights of *conubium* (Liv. i. 49; Dionys. vi. 1), *commercium* (Liv. xli. 8), and of settling on one another's territory with at any rate some public rights: we read of Latins voting in the comitia tributa in Dionys. viii. 72; Liv. xxiii. 3, 16; Appian, *Bell. Civ.* i. 23, &c. In 486 B.C. the Hernici were admitted to the confederation, which endured between the three peoples substantially for 140 years. In 340 B.C. occurred the Latin war, which terminated in the dissolution of the league: the interchange of *commercium* and *conubium* between its members ceased (Liv. viii. 14; ix. 43, 2, 4), and each of the towns which had belonged to it was brought into a direct relation of dependence with Rome, though there was great variety in the privileges which they enjoyed with respect to her, some apparently retaining *conubium*, *commercium*, and the right of acquiring *civitas* by settlement. From this time onward the Italian *civitates* or communities are roughly divisible into those which possess the Roman *civitas* in whole or part (*municipia* and *coloniae Romanae*; see COLONIA), and those which retain their independence by treaty, their only obligation towards Rome as a rule being the furnishing of a contingent of troops to the Roman army (*civitates foederatae* and *coloniae Latinae*). It has been pointed out under the head of COLONIA that joint colonies had been founded by the Romans and the Latin league both before and after the accession of the Hernici; these colonists being in all cases called *Latini*. Colonies which were founded after the destruction of the league (340 B.C.) under the name *Latinae* were established solely by Rome, and lay outside the limits of Latium. The colonists were in the main Latins, or members of other kindred or allied communities: but among them there were often some of the poorer Roman citizens, who were tempted to surrender their Roman *civitas*, thus suffering *capitis deminutio media* (Gaius, iii. 56; Cic. *pro Caec.* 33, 98; *pro Domo*, 30, 78), by the offer of an assignment of land. These later Latin colonies at first possessed the same rights with those which had been jointly founded by Rome and the league:

they were in a large measure independent of Rome, not being bound to adopt the Roman law unless they became *fundus* (Gell. xvi. 13; Cic. *pro Balb.* 8, 21), having their own coinage, and their citizens being, in relation to Rome, *peregrini* (Gaius, i. 79; Liv. xliii. 13), though obliged to serve in the Roman army. As possessing the rights of *conubium* and *commercium*, and of acquiring at least a limited *civitas* by settling at Rome, they were described, along with such old Latin colonies and towns of the league as had retained their ancient privileges, as *socii Latini nominis*, *socii* of a privileged order. But these privileges were at last curtailed. After the colonisation of Ariminum (268 B.C.) there is observable a strong tendency to confine the rights of new *coloniae Latinae* strictly to *commercium*. Later writers speak of *Latini coloniarii* having *commercium* (Ulp. *Reg.* 19, 4), but not *conubium* (*ib.* 5, 4). Similarly their general right of settling at Rome, and thereby becoming *cives* if they left a son behind in the colony (Liv. xli. 8, 9), was taken away from them. The Roman dislike of its exercise is attested by the expulsion of Latins from Rome in B.C. 187 and 177 (Liv. xxxix. 3; xli. 9, 9), and eventually *Latini coloniarii* were able to rise to the Roman *civitas* only in two ways: by discharging one of the higher magistracies (*honores*) in their own colony (App. *Bell. Civ.* ii. 26; Strabo, iv. 1, 12), and by bringing a successful prosecution under the Lex Acilia repetundarum, passed B.C. 123 (*C. I. L.* i. 198, ll. 76, 78). The phrase "per Latium venire in civitatem" (Plin. *Paneg.* 37; Gaius, i. 95) denotes in particular the first of these. Under the emperors, attainment of an *honor* in some towns with Latin rights made only the individual himself *civis*: in others the privilege was shared with him by his parents, wife and family, and this seems to be the clue to the meaning of *minus Latium*, *majus Latium* in Gaius, i. 95, and the Lex municip. Salpens. c. 21.

Thus before the Social War there were only two classes of persons, *cives* and *peregrini*, the Latins being included under the latter denomination, along with the *socii* and the provincial subjects of Rome. The leges Julia and Plautia Papiria, passed at the end of that war [CIVITAS], extended Roman citizenship all over Italy, so that Latinitas in the old sense disappeared. But the rights which it connoted—*commercium* without *conubium* or the public rights of citizenship—had become a distinct political conception: and the term was retained to denote a status which the Romans conferred on towns and countries outside Italy by way of favour. The first step in this direction was made by a Lex Pompeia, B.C. 89, which conferred this Latinitas on the Transpadane Gauls (Ascon. *in Pis.* p. 3), and expressly provided that the attainment of a *honor* should be a title to the *civitas*. Cicero says the same status was bestowed on the Sicilians after Caesar's death (*ad Att.* xiv. 12): Hadrian granted it to a large number of cities (Spart. *Had.* 21), and Vespasian to the whole of Spain (Plin. *H. N.* iii. 4) and to some of the Alpine tribes (*ib.* iii. 20); and Richard of Cirencester, in his work *de situ Britanniae*, speaks of ten cities in Britain which were "Latio jure donatae." The number of communities possessed of the same rights was increased by the establishment of Latin colonies in the provinces after the Social War: thus (*e.g.*) Comum was made a *colonia Latina* by Caesar (B.C. 59) under the name of Novum Comum (Appian, *Bell. Civ.* ii. 26), and several towns of this class, especially in Spain, are mentioned by Pliny: see COLONIA. The *Latini coloniarii* mentioned by Ulpian are thus apparently the inhabitants either of *coloniae Latinae* in the provinces, or of towns or districts on which the *jus Latii* had been conferred by a lex or imperial favour, both of which seem to be included under the "oppida Latinorum veterum" which Pliny (iii. § 18) mentions along with the "oppida civium Romanorum," military colonies of Roman citizens.

A new class of Latins originated with the Lex Junia Norbana, the date of which is approximately 19 A.D. Prior to that statute, slaves manumitted otherwise than by *vindicta*, *census*, or *testamentum* [MANUMISSIO], even though fully owned "ex jure Quiritium" by their masters, had not become free in the eye of the law; but they were said "in libertate esse," being protected by the praetor so long as they lived against any attempt on the part of the master to exercise the rights of ownership over them ("olim ex jure Quiritium servi, sed auxilio praetoris in libertatis forma servari soliti," Gaius, iii. 56). The number of such semi-free persons was increased by the Lex Aelia Sentia, A.D. 4, which further curtailed the power of making slaves *cives* by manumission (Gaius, i. 18, 38). A legal status, however, was given them by the Lex Junia Norbana, which provided that, like *Latini coloniarii*, they should have the *commercium* without the *conubium* or the public rights of *civitas*: hence they were called *Latini Juniani* (Gaius, i. 22, iii. 56). Even the ordinary rights of *commercium*, however, were curtailed largely in their case by the statutes depriving them of the power of making a will, of benefiting under the will of another person, and of competence to be appointed guardian under a testament (Gaius, i. 22, 24; Ulp. *Reg.* 20, 8): consequently as they must die intestate, and could have neither *sui heredes* nor agnates, their property went inevitably on their decease to the patron "jure quodammodo peculii" (Gaius, iii. 56; *Inst.* iii. 7, 4). The children of a Latinus Junianus inherited their father's status. But there was a large number of ways in which a Latinus Junianus could rise to the *civitas* either alone, or along with his wife and children: these, which are enumerated by Gaius, i. 28 *sq.*, and more fully by Ulpian, *Reg.* 3, comprise remanumission in one of the statutory modes, serving a certain time in the Roman guards, imperial grant, *jus liberorum*, &c. (See Mr. Poste's *Gaius*, note on i. 35.)

The status of Latinitas disappeared momentarily when Caracalla bestowed Roman citizenship on all the free subjects of the Empire [CIVITAS], but the operation of the Lex Junia must have at once re-created it. Justinian says (*Inst.* i. 5, 3) that in his time Latins were not often met with, and by Cod. vii. 7 he abolished the status of Latinitas altogether.

(Marquardt, *Römische Staatsverwaltung*, i. pp. 23–57; Savigny, *Ueber die Entstehung und Fortbildung der Latinität, vermischte Schriften*, i. pp. 14–18; *Der römische Volksschluss der Tafel von Heraclea*, ib. iii. pp. 293–304; Madvig, *de*

Jure Coloniar., *opusc. acad.*, pp. 271–284; Rudorff, *Römische Rechtsgeschichte*, § 11; Vangerow, *Latini Juniani*, Marburg, 1833; Puchta, *Institutionen*, §§ 62, 63.) [J. B. M.]

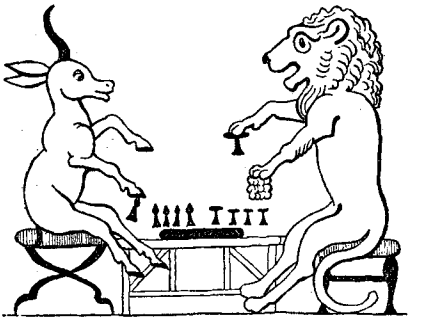
LATRI'NA, Greek [DOMUS, p. 664 *a*]; Roman [DOMUS, p. 672 *a*].

LATROCI'NIUM, LATRO'NES. Armed persons who robbed others abroad on the public roads or elsewhere were called *latrones*, and their crime *latrocinium*. Murder was not an essential part of the crime, though it was a frequent accompaniment (Sen. *de Ben.* v. 14; Dig. 49, 15, 24; 50, 16, 118). Under the Republic *latrones* were apprehended by the public magistrates, such as consuls and praetors, and forthwith executed (Liv. xxxix. 29, 41). By the Lex Cornelia de Sicariis of the dictator Sulla, they were classed with *Sicarii* and punished with death, and this law continued in force in the imperial times (Dig. 48, 19, 28; Sen. *de Clem.* ii. 1, *Epist.* 7; Petron. 91); from the 2nd century onwards the praefectus urbi had summary jurisdiction in such crimes in the city and for a circuit of 100 Roman miles about it (see Marquardt, *Staatsverwaltung*, i. 225; Mommsen, *Staatsrecht*, ii. 1067). The *grassatores* were another kind of robbers, who robbed people in the streets and roads, and besides robbing murdered and kidnapped (Suet. *Aug.* 32; *Tib.* 8; cf. Juv. iii. 305, xi. 22, xiii. 145; Friedländer, ii. 29). The name *grassator* seems strictly to belong to the unarmed footpad: if they used arms, they were punished, like the *latrones*, capitally, or in less flagrant cases they were condemned to the mines or exiled. (Cic. *de Fato*, 15; Dig. 48, 19, 28: see also Rein, *Criminalrecht*, p. 424.) [W. S.] [G. E. M.]

LATRU'NCULI (πεσσοί, ψῆφοι, *calculi*), a game of skill resembling draughts, played in a variety of ways by both Greeks and Romans. The invention of it was commonly ascribed to Palamedes, who, according to some, was also the inventor of dice (Soph. *fr.* 380, 381, Dind.; Eurip. *Iph. A.* 196, πεσσῶν ἡδομένους μορφαῖσι πολυπλόκοις, the "combinations" of the game: a curious but perhaps interpolated passage). Homer represents the suitors of Penelope amusing themselves with it (*Od.* i. 107). Plato assigns both πεττεία and κυβεία with other more useful arts to Theuth, the Egyptian Hermes (*Phaedr.* p. 274 D); and it is at least certain that such games were known to the Egyptians. Besides numerous paintings representing the game, draught-men have been discovered in the tombs. Among the recent acquisitions of the British Museum are some beautiful specimens; a set, apparently of one type, carved as lions' heads; others in glass (a favourite material with the Romans; see below) of two sizes, as if for a game in which there were both "officers" and "men."

The annexed cut, from a papyrus in the British Museum, represents a game of draughts between a lion and an antelope; each plays with five men, distinguished, not by colour, but by their shape: the lion has won, and holds in his left paw a purse containing the stakes. In Wright's *Hist. of Caricature* (1865, p. 8), the vanquished animal is described as "a unicorn"; in Becker-Göll, *Charikles* (ii. p. 373), as a hare (!). It is clearly meant for an antelope, though only one horn is seen, owing to the absence of perspective.

Among the Greeks two kinds of πεττεία at least are clearly distinguishable, though



Egyptian Draughts. (From a papyrus in the British Museum.)

there were probably others. We may notice, in passing, the explanation of the Homeric πεσσοὶ as quoted from Apion by Athenaeus (i. p. 16 f, 17 a). According to a tradition which Apion heard from a native of Ithaca, this was a game not of mental but of bodily dexterity, a sort of bowls or nine-pins in which a mark was aimed at. Too much has been made of this passage by Becq de Fouquières (pp. 405–407); Homer says simply πεσσοί, and all the rest is fancy (cf. Becker-Göll, *Charikles*, ii. 372). Of the two modes of play of which we have distinct accounts, the simpler and doubtless the older was the game of the five lines, πέντε γραμμαί, thus described by Pollux (ix. 97): ἐπειδὴ δὲ ψῆφοι μέν εἰσιν οἱ πεττοί, πέντε δ' ἑκάτερος τῶν παιζόντων εἶχεν ἐπὶ πέντε γραμμῶν, εἰκότως εἴρηται Σοφοκλεῖ καὶ πεσσὰ πεντέγραμμα καὶ κύβων βολαί· τῶν δὲ πέντε τῶν ἑκατέρωθεν γραμμῶν μέση τις ἦν ἱερὰ γραμμή· καὶ ὁ τὸν ἐκεῖθεν κινῶν ἐποίει παροιμίαν· κίνει τὸν ἀφ' ἱερᾶς. The natural inference is that in this game the pieces moved along the lines, not the spaces between them; though a board of 36 squares, *i.e.* divided by five lines each way, has been suggested (L. and S. *s. v.* πεσσοί). Eustathius (on *Il.* vi. p. 633, 58) throws some further light on the proverbial expression κινεῖν τὸν ἀφ' ἱερᾶς, "to try one's last chance:" it is well known through allusions in literature (Alcae. *fr.* 77 Bergk; Theocr. vi. 18; and elsewhere); but why it was dangerous to move this piece, when it became necessary to move it, or what was the effect upon the game, it is impossible to say. The Greek idiom of course implies that the ἱερὰ γραμμὴ was the original station of this piece; a sufficient answer to the notion of Becq de Fouquières (p. 402) that it was a part of the board which it was dangerous to approach, and from which a player had to remove his man if possible. It is a matter of probable conjecture, but not expressly stated, that in this game, as in the other form of πεττεία, the object was to hem in the enemy's men, or to place one of them between two adversaries, in which case it was taken off the board; and that the game was won, as in modern draughts, either by the capture of all the opposing forces or by their inability to move.

The accounts of the other kind of πεττεία are a little more explicit: it was called πόλις or

rather πόλεις, another name for the χῶραι or squares. The leading passage is Pollux, ix. 98: ἡ δὲ διὰ πολλῶν ψήφων παιδιὰ πλινθίον ἐστὶ χώρας ἐν γραμμαῖς ἔχον διακειμένας· καὶ τὸ μὲν πλινθίον καλεῖται πόλις, τῶν δὲ ψήφων ἑκάστη κύων· διῃρημένων δὲ εἰς δύο τῶν ψήφων κατὰ τὰς χρόας, ἡ τέχνη τῆς παιδιᾶς ἐστι περιλήψει δύο ψήφων ὁμοχρόων τὴν ἑτερόχρουν ἀνελεῖν. We have here distinct mention of squares instead of lines, of the different colours of the men (here called κύνες and not πεσσοί), of the rule that a man caught between two adversaries was lost. In the words καὶ τὸ μὲν πλινθίον καλεῖται πόλις, there seems to be a confusion between the board (πλινθίον) and the squares (χῶραι) into which it was divided; other passages, however, clear up this difficulty. Zenob. *Cent.* v. 67: πόλεις παίζειν· μέμνηται ταύτης Κρατῖνος ἐν Δραπετίσι· [*fr.* 51 M. *ap.* Poll. *l. c.*] ἡ δὲ πόλις εἶδος ἐστὶ παιδιᾶς πεττευτικῆς, καὶ δοκεῖ μετενηνέχθαι ἀπὸ τῶν ταῖς ψήφοις παιζόντων, ταῖς λεγομέναις νῦν μὲν χώραις, τότε δὲ πόλεσιν. Plat. *Rep.* iv. 422 E: ἑκάστη γὰρ αὐτῶν πόλεις εἰσὶ πάμπολλαι, ἀλλ' οὐ πόλις, τὸ τῶν παιζόντων: with the Scholia. These passages show that the game was really called πόλεις παίζειν: and Becq de Fouquières is not happy in his conjecture that the πόλις was a particular part of the board. Compare Plat. *Rep.* vi. 487 B, ὑπὸ τῶν πεττεύειν δεινῶν οἱ μὴ τελευτῶντες ἀποκλείονται καὶ οὐκ ἔχουσιν ὅ τι φέρωσιν, where "hemming in" the enemy is of the essence of the game and φέρειν is a technical word for "to move," another being θέσθαι. Polyb. i. 84, πολλοὺς ἀποτεμνόμενος καὶ συγκλείων ὥσπερ ἀγαθός πεττευτής. The giving of odds (κρεῖσσον) is alluded to (Eurip. *Suppl.* 409); and taking back a move (ἀναθέσθαι, [Plat.] *Hipparch.* 229 E). The number of ψῆφοι in the developed form of this game seems to have been thirty on each side: this rests on Phot. *Lex.* p. 439, 1: πόλεις παίζειν τὰς νῦν χαρὰς [χώρας is an obvious correction] καλουμένας ἐν ταῖς ζ', where Porson corrects ξ'. In Pollux (vii. 206), Eustathius (*ad Il.* vi. 169), and Hesychius (*s. v.* διαγραμμισμός), perhaps by a confusion, sixty men are also assigned to games with dice. The Greeks used simple materials: the πεσσοί were merely round or oval stones (ψῆφοι, *calculi*), and, as with us, the same men might be used for draughts and backgammon [DUODECIM SCRIPTA].

In none of the Greek forms of draughts is there any mention of pieces more powerful than the rest, like the crowned kings or *dames* of the modern game. This distinction first appears in the Roman *latrunculi*, which in other respects were very like the πόλεις just described. The *calculi*, a name common to this with other games, were here specially called *latrones*, i.e. not robbers, but soldiers; the word comes from λάτρον, "pay" (Varro, *L. L.* vii. 52; Fest. *Epit.* p. 118 M.); more commonly the dim. *latrunculi*, or in verse *milites* (Ov. *A. A.* ii. 207–8, iii. 357; *Trist.* ii. 477): for the game may be said to represent a miniature combat between two armies. That they stood on the squares of the board (*tabula latruncularia*, Sen. *Ep.* 117, § 30), not on the lines, is proved by another passage of Varro (*L. L.* x. 22): "Ad hunc quadruplicem fontem ordines diriguntur bini, uni transversi, alteri directi, ut in tabula solet, in qua latrunculis ludunt." Neither the number of squares nor of men is anywhere mentioned: the latter are conjectured to have been thirty a side as in the Greek game. Glass was a common material (Ov. *A. A.* ii. 208; Mart. vii. 72, 8); when "gems" are mentioned, imitation jewels of glass are probably meant (Mart. xii. 40, 3; xiv. 20); sometimes they were made of earthenware, ivory, or the precious metals. The colours are distinguished (Ov. *Trist.* l. c.; *Paneg. Pis.* 182; Mart. xiv. 17); a set of stone *calculi* of a hemispherical shape found in a tomb at Cumae are curiously enough of *three* colours,—white, black, and red (*Bullett. Nap.* 1852, p. 132).

The distinction between "officers" and "men," noticed above in Egyptian draughts, is also proved to have existed in the Roman game; see Isid. *Orig.* xviii. 67: "Calculi partim ordine moventur, partim vage. Ideo alios ordinarios, alios vagos appellant. At vero, qui moveri omnino non possunt, incitos dicunt;" and the passage quoted below from the *Panegyric on Piso*. Here *ordine* seems to mean "one square at a time," *vage* "in any direction so far as the range was unobstructed;" though a leaping movement has also been suggested (Marquardt, p. 833). The officers probably stood on the first rank, the men as a "row of pawns" (*Bauernreihe*) in front of them; but we must beware of pursuing too far analogies derived from chess. The superior pieces were called *latrones*, the inferior very probably *latrunculi;* the doubtful term *mandra* comes in here for discussion. We find it in Mart. vii. 72, "Sic vincas Noviumque Publiumque, Mandris et vitreo latrone clusos;" and in *Paneg. Pis.* 191, "fracta prorumpat in agmina mandra." The sense of "sheepfold" or "cattlepen" passes easily into that of "a drove of cattle" (Juv. iii. 227) or "a string of mules" (Mart. v. 22). As applied to the game of latrunculi, *mandra* may mean a square of the board, and so it is usually explained in the line of Martial: in *Paneg. Pis.* it undoubtedly means the row of pawns, which is broken through in order to afford scope to the more powerful pieces; a sense which will equally suit the former passage. But even the high authority of Becker (*Gallus*, p. 471) and Marquardt (*Privatl.* 833) will not convince us that *mandra* could be applied to the single pawn. As in the Greek game, the object was to get one of the adversary's men between two of one's own, and then take it off the board (Ov. *ll. cc.*; Mart. xiv. 17); or else reduce him to a dead block (*ad incitas redigere*). In this phrase, so often used figuratively (Plaut. *Poen.* iv. 2, 85; *Trin.* ii. 4, 136) the word to be supplied is *calces*, an older form for *calculos*, not *lineas*, as sometimes stated. To attack a man is usually *alligare* (Sen. *Ep.* 117, § 30); but we shall find also *obligare* and the simple *ligare*.

The most important passage on the game of *latrunculi* is in the *Panegyricus ad Pisonem*, printed in old editions of Lucan, and subsequently ascribed to Saleius Bassus, but now regarded as the work of an anonymous young poet of the age of Claudius (Teuffel, *Röm. Lit.* § 296). The poem will be found in the *Poetae Latini Minores* of Wernsdorf or Bährens, or in the *Corpus Poetarum* of Weber (pp. 1411–1413). We reproduce this passage (*vv.* 180–196) with a few

comments: one phrase in it, we think, has never yet been correctly explained.

"Callidiore modo tabula variatur aperta
Calculus et vitreo peraguntur milite bella,
Ut niveus nigros, nunc et niger alliget albos.
Sed tibi quis non terga dedit? quis te duce cessit
Calculus? aut quis non periturus perdidit hostem?
Mille modis acies tua dimicat: ille petentem
Dum fugit, ipse rapit: longo venit ille recessu,
Qui stetit in speculis: hic se committere rixae
Audet et in praedam venientem decipit hostem.
Ancipites subit ille moras similisque ligato
Obligat ipse duos: hic ad majora movetur,
Ut citus et fracta prorumpat in agmina mandra
Clausaque deiecto populetur moenia vallo.
Interea sectis quamvis acerrima surgant
Proelia militibus, plena tamen ipse phalange,
Aut etiam pauco spoliata milite, vincis,
Et tibi captiva resonat manus utraque turba."

V. 184, *periturus perdidit hostem:* i.e. Piso sacrificed pieces which his opponent could not take without suffering a greater loss; *ἀνταναίρεσις* in Eustath. p. 1397, 45. *V.* 186, *longo venit*, &c. This is a "discovered check" from one of the superior pieces by moving a pawn. But the officers all move alike in the Roman game, a fundamental difference which must prevent its being confounded with chess. *V.* 189, *Ancipites subit.* One man exposes himself to a double attack or cross-fire, *mora* being a technical word for attack. In the words which follow, *similis ligato* has always been understood as if it were simply *ligatus;* and Becq de Fouquières gives a diagram (p. 449), any number of which might be invented, to show how an attacked piece may move to the other end of the board and attack two enemies. This, however, leaves *ancipites moras* without a meaning; as we explain it, he is not really *en prise* of two pieces, but places himself between them, so that he attacks both, while either could take him if it were not for the other; he *is similis ligato*, but not *ligatus;* the well-known manœuvre called the *lunette* at draughts, and a further point of resemblance with the modern game. *V.* 191. For *et fracta* of the MSS. *effracta* or *ecfracta* is now read; the verse has been explained above. It is clear that if the pawns moved straight forward, they captured diagonally; otherwise the line could not be broken through. *V.* 194 f. The fewer pieces the winner had lost, the more glorious the victory: this is illustrated by a story in Seneca (*de Tranq. An.* 14, § 7), and furnishes an additional proof, as Becker has remarked, that the game was more like draughts than chess, notwithstanding a superficial resemblance to the latter. The winner was called *rex* or *imperator* (Vopisc. *Proc.* 13).

After all, it must be pronounced impossible to form an adequate conception of the game; we must admit, with Becker, that many questions remain unanswered. Becq de Fouquières has been decidedly less successful in explaining this game than in the *Duodecim Scripta.* While treating of games of skill among the ancients, it may be as well to say that, since the history of chess was written by the Englishman Thomas Hyde at the end of the 17th century, no scholar has held that it was known to the Greeks or Romans. Chess cannot be traced in the West before the time of Charlemagne and Harun-al-Rashid (A.D. 800); the Greek words for it, *ζατρίκιον* and *σάντραξ*, are found only in late Byzantine writers; both are derived from the Arabic *shatranj*, and that from the Sanscrit *chatur-anga.*

(The older learning is collected, very copiously but without sufficient discrimination between the different games, in a note of Salmasius on Vopisc. *l. c.*, *Hist. Aug.* ii. 736–761, ed. 1671. Modern authorities: Becq de Fouquières, *Jeux des Anciens*, ed. 2, 1873, chaps. 18, 19; Becker-Göll, *Charikles*, ii. 371 ff.; *Gallus*, iii. 468 ff.; Hermann-Blümner, *Privatalterth.* 508 ff.; Marquardt, *Privatl.* 832 ff.) [W. W.]

LAUTU'MIAE, LAUTO'MIAE, LATO'MIAE, or LATU'MIAE (*λιθοτομίαι* or *λατομίαι*, Lat. *Lapicidinae*), are literally places where stones are cut, or quarries; and in this sense the word *λατομίαι* was used by the Sicilian Greeks (Pseudo-Ascon. *ad* Cic. *in Verr.* ii. 1, p. 161, Orelli; cf. Diod. xi. 25; Plaut. *Capt.* iii. 5, 65; *Poen.* iv. 2, 5; Festus, *s. v.* Latumiae). In particular, however, the name lautumiae was given to the quarries of Syracuse, frequently mentioned by ancient authors (Cic. *Verr.* i. 5, § 14; v. 27, § 68; *ib.* 55, § 143; Aelian, *V. H.* xii. 44), and still called *Latomie* (with the Greek accent). They are situated on a part of the heights called Epipolae, to the north of the city, which at the time of the Athenian siege was outside the walls of Achradina; the elder Dionysius a few years later included the whole of the Epipolae within his fortifications. On account of their security they were used as prisons from an early period; the deepest and most inaccessible, now called the *Latomia de' Cappuccini*, is probably that in which the 7,000 Athenian prisoners were confined (Thucyd. vii. 86, 87; Diod. xiii. 33). They continued to serve for the same purpose, and in the days of Cicero were used as a general prison for criminals from all parts of Sicily. The so-called Ear of Dionysius is in the *Latomia del Paradiso;* but the name is a mere fancy of a scholar of the Renaissance, and Cicero and Aelian are certainly mistaken in the notion that the lautumiae were excavated by that tyrant expressly for a prison, though he may have enlarged them (cf. *Dict. Geogr.* ii. 1066 a). Several of them are now laid out as gardens, and being completely sheltered from all winds, though open to the sky, contain a rich sub-tropical vegetation, which renders them one of the most attractive sights of modern Syracuse.

For the prisons called Lautumiae at Rome, see CARCER. [L. S.] [W. W.]

LEBES (*λέβης*), in Greek usage a sort of kettle made of copper or iron, and put over the fire to cook (*Il.* xxi. 362). Buchholz says, "smaller than a tripod" (*Homerische Realien*, ii. § 100), and that is perhaps true of the Homeric times, but that later it was not necessarily small may be seen from Thucydides, iv. 100, where the huge caldron used in the siege of Delium is a *λέβης*. It was also used as the basin for washing the hands of guests at dinner, which were held above the silver *λέβης* while water was poured over them from a jug (*Od.* i. 137), and even of so large a vessel as the bath in which Agamemnon was killed (Aesch. *Ag.* 1129). Pausanias (v. 10, § 4) speaks of *λέβητες* overlaid with gold set on the corners of the temple roof at Olympia: in the Tragedians it occurs as an urn for holding ashes (Aesch. *Ag.* 444, &c.): in Herod. vi. 58, a *λέβης* is beaten like a kettle-

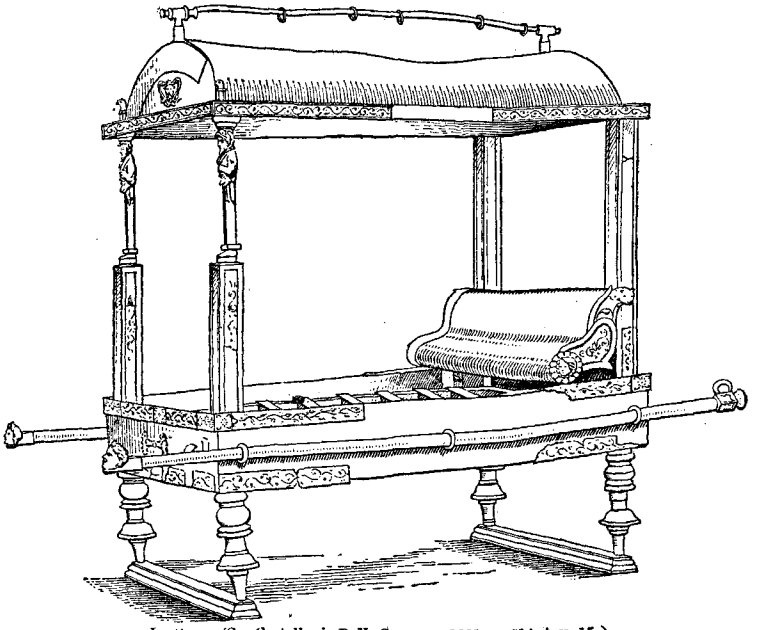
drum by Spartan mourners, and in the same way the λέβητες at Dodona were sounded, whence Virgil borrows his conventional epithet *Dodonaei lebetes*. The λέβης, like the τρίπους, was a common prize at Homeric games (*Il.* xxiii. 259), so much so that αἰτίζων ἀκόλους οὐκ ἄορας οὐδὲ λέβητας (*Od.* xvii. 222) merely means "a beggar with no ambition beyond it for heroic contests." The general conclusion from all this is, that the size varied, but the material was always metal: in shape it was rounded at the bottom, so that sometimes it was supported or suspended when it was over the fire, but sometimes it had feet and is called λέβης τρίπους (Aesch. *Fr.* 1). From this *metal* λέβης of common use, the *lebes* shape was adopted for pottery: for examples, see FICTILIA.

The Cretan λέβης (in Gortyna Insc.) was a stater stamped with a *lebes* (cf. βούς, Aesch. *Ag.* 36): examples of this coin of the 5th and 4th cent. are found (Svoronos. *Bull. Corr. Hell.* 1888). The *lebes* in Latin seems to have been merely a poetical word borrowed from Greek poets. [G. E. M.]

LECTI'CA, in Greek φορεῖον or σκιμπόδιον (Dio Cass. lvii. 4), was a litter or palanquin in which persons were carried in a lying position from one place to another. For sick persons and invalids of both sexes they were no doubt in use in Greece from early times, but probably in the form of the ordinary bed, being usually called κλίνη. As an article of luxury the φορεῖα were introduced from Asia, where they had been long in use, and were at Athens employed for carrying ladies (see Suidas, *s. v.*, who calls them γυναικεῖα); and by men only when they were lame or in ill-health. The lame Artemon, who habitually used a litter, was nicknamed περιφόρητος, either because this indulgence even for a lame man was unusual, or because, according to one account, he used a specially luxurious hammock (Plut. *Pericl.* 27; Anacr. *ap.* Athen. xii. 533; Andoc. *de Myst.* § 61; Plut. *Eum.* 14). If a man without any physical necessity made use of a lectica, he drew upon himself the censure of his countrymen as a person of effeminate character (Dinarch. *c. Demosth.* § 36). The φορεῖα were light bedsteads with mattress and pillows, and an awning, supported by four posts, with curtains to it (Plut. *Eum.* l. c.). When the Macedonian conquests had made the Greeks better acquainted with Asiatic luxury, φορεῖα were not only more generally used, but were also more magnificently adorned: so Antigonus provides one for Nicaea, βασιλικῶς κεκοσμημένον (Plut. *Arat.* 17). The bearers were called φορεαφόροι, and were usually four in number (Diog. Laert. v. 73; Lucian, *Somn. s. Gall.* 10; cf. Plut. *Pelop.* 30. See also Becker-Göll, *Charikles*, i. 200).

At Rome, as in Greece, no doubt the sick were carried on some sort of couch from the earliest times: *e.g.* Latinus in the year B.C. 489 was carried into the forum on what Livy calls a lectica (Liv. ii. 36); but it probably was merely the sick man's bed (cf. Catull. x. 17). The lectica strictly so called was probably first introduced into Rome from Asia after the victories over Antiochus, and then used chiefly for travelling; rarely in the streets of Rome itself. The earliest mention of it is found in a speech of Gaius Gracchus quoted by Gellius (x. 3). From this passage it is evident that the lectica was an article of luxury lately borrowed from Asia, whence the rustic imagined it to be a bier conveying a dead man, though (unlike an ordinary bier) it was covered. The lectica had an arched roof (cf. *arcus*, Tac. *Ann.* xv. 57), consisting of leather stretched over it upon four posts, much like the Greek φορεῖον, and the sides also were covered with curtains (*vela*, *plagae* or *plagulae*): hence Martial speaks of "lectica tuta pelle veloque" (cf. Suet. *Tit.* 10): such a litter is called by Greek historians φορεῖον κατάστεγον. Tiberius sent Agrippina and her children after their condemnation in a litter with the curtains sewn up (*obsuta*, Suet. *Tib.* 64). In the Empire, however, as time went on, curtains were not thought a sufficient protection; and we find that lecticae used by men as well as women were closed at the sides with windows made of talc (*lapis specularis*), whence Juvenal (iv. 20) calls it *antrum clausum latis specularibus* (compare Juv. iii. 239). We sometimes find mention of a *lectica aperta* (Cic. *Phil.* ii. 24, 58), but we have no reason to suppose that in this case it had no roof, for the word *aperta* probably means nothing more than that the curtains were drawn aside: it was considered incorrect for women to go in a litter with the curtains open (Sen. *de Benef.* i. 9, 3; Apul. 76). The whole lectica was of an oblong form, and the occupant lay on a bed, his head being supported on a pillow so that he might read and write in it with ease. To what extent this luxury was carried as early as the time of Cicero, may be seen from one of his orations against Verres (v. 11, 27). Feather beds seem to have been used (Juv. i. 159): the framework, as well as the other furniture, was often of the most costly description, adorned with ivory and silver (Lamprid. *Heliogab.* 4). The lectica, when standing, rested on four feet: it was carried by slaves (*lecticarii*) by means of poles (*asseres*) attached to it, but not fixed, so that they could easily be taken off (Suet. *Calig.* 58; Juv. vii. 122, iii. 245; Mart. ix. 23, 9). These *asseres* generally rested on the shoulders of the lecticarii, being passed through *lora*,—that is, straps fixed on the lectica (Sen. *Ep.* 80, 110; Juv. iii. 240; Mart. ii. 57): sometimes they were carried lower by straps (*struppi*) round the necks of the bearers, like the modern tragsessel (Gell. x. 3; cf. Plut. *Pericl.* 27). The art of taking the lectica upon the shoulders was called *succollare*, and the person who was carried was said *succollari* (Plin. *H. N.* xxxv. § 117; Suet. *Otho*, 6). From this passage we also learn that the name *lecticarii* was sometimes incorrectly applied to those slaves who carried a person in a sella or sedan-chair. The number of lecticarii employed in carrying one lectica varied according to its size, and the display of wealth which a person might wish to make. The ordinary number was probably two (Petron. *Sat.* 56; Juv. ix. 142); but it varied from two to eight, and the lectica is called hexaphoron or octophoron, accordingly as it was carried by six or eight persons (Juv. i. 64; Mart. ii. 81, vi. 77; Cic. *c. Verr.* v. 11, *ad Q. Fr.* ii. 10). Wealthy Romans kept certain slaves solely as their lecticarii (Cic. *ad Fam.* iv. 12); and for this purpose they generally selected the tallest, strongest, and most handsome men, and had them always well dressed. Liburnians seem to

have been much used for this in Juvenal's time (iii. 240, iv. 75, vi. 477), so that *Liburnus* was used for the office, like the word *Suisse* in Paris. In the first passage, it is true, some read *Liburna*, and explain it as a sort of litter,—"named from the Liburni," is Professor Mayor's suggestion; but he adopts the reading *Liburno* in his text, and this in view of the two other passages is most probable. In the time of Martial it seems to have been customary for the lecticarii to wear red liveries. The lectica was generally preceded by a slave called *anteambulo*, whose office was to make room for it (Martial, iii. 46; Plin. *Epist.* iii. 14; compare Becker-Göll, *Gallus*, ii. 158). The following cut shows a lectica constructed from fragments found on the Esquiline in 1874.



Lectica. (See Castellani, *Bull. Commun.* 1881, p. 214, tav. 15.)

Shortly after the introduction of these lecticae among the Romans, and during the latter period of the Republic, they appear to have been very common, though they were chiefly used in journeys, and in the city of Rome itself only by ladies and invalids (Dio Cass. lvii. 17). But the love of this as well as of other kinds of luxury increased so rapidly, that Julius Caesar thought it necessary to restrain the use of lecticae, and to confine the privilege of using them to certain persons of a certain age, and to certain days of the year (Sueton. *Caes.* 43).

In the reign of Claudius we find that the privilege of using a lectica in the city was still a great distinction, which was only granted by the emperor to his especial favourites (Suet. *Claud.* 28). It was apparently a senatorial privilege granted by Claudius as a favour to his freedman Harpocras (Friedländer, i. 157). But what until then had been a privilege became gradually a right assumed by all, and every wealthy Roman kept one or more lecticae, with the requisite number of lecticarii. The Emperor Domitian, however, forbade prostitutes the use of lecticae (Suet. *Domit.* 8). There was a company or corpus lecticariorum with officers over them. In the inscriptions we find *praepositus lecticariorum*, *decurio lecticariorum* (*C. I. L.* 8874, 5), and a *castra lecticariorum* in the Regio transtiberina belonging to the lecticarii publici, who stood ready for the service of the magistrates (Preller, *Regionen*, p. 218), but probably also for general hire (Juv. vi. 353). They were of the class of freedmen (cf. Mart. iii. 46).

The lectica above mentioned in which the occupant reclined, must be distinguished from the *sella gestatoria* or sedan-chair in which he sat [see SELLA]; but, if Dio is right in his statement that the sella was never used before the reign of Claudius, we must conclude that Suetonius in *Aug.* 53 uses one inadvertently for the other. Lectica is also used sometimes as the word for a bier, which is more usually called *lectus* or *lectus funebris* [see under LECTUS]. (For further information see Becker-Göll, *Gallus*, iii. 29; Marquardt, *Privatleben*, 736.) [L. S.] [G. E. M.]

LECTICA'RII. [LECTICA.]

LECTISTE'RNIUM (στρῶμναι, Dionys. xii. 9, and expressed in the kindred Greek ceremonies by the words κλίνην στρῶσαι: Theocr. xv. 127, &c.), a sacred feast at which certain of the gods were represented as reclining (*accubantes*) on a lectus, each with the left arm resting on a cushion (*pulvinus*), whence the lectus was called *pulvinar*. It was set in the open street, and before it was placed a table with offerings of food from the people. Livy (v. 13) gives a distinct account of its origin and first celebration: that it was ordained by the Sibylline

books in a time of pestilence, B.C. 399; Duumviri sacris faciendis were appointed to hold the feast for eight days (Dionysius, *l. c.*, says seven). There was a general celebration also through the city by the citizens from their private resources, the doors thrown open and hospitality offered to all comers, as though to induce forgetfulness of the public troubles. The deities so approached with prayers and a feast on this, the first, occasion were Apollo and Latona, Diana and Hercules, Mercury and Neptune, placed in pairs on the sacred couches; and at all proper lectisternia the deities were placed in pairs: that is to say, their statues, covered with drapery, which Festus (s. v. *tensa*) calls *exuviae deorum*, or, as Marquardt prefers to think, draped wooden figures with heads of bronze, wax, or marble, like the Greek acroliths, were so arranged: possibly they were borne to the pulvinar upon sacred tensae as on the (totally different) occasion of the Circensian games. The idea that these statues were merely busts is probably wrong, and rests only on the words in Liv. xl. 59, "deorum capita *quae* in lectis erant," but here Madvig reads *qui*. It is an error to confuse this sacred rite with the *epulum Jovis*, which represented the old family offering to Jupiter Dapalis, with whom were associated the other Capitoline deities, Juno and Minerva, as permanent protectors of the state, and Mercurius, who in this respect bore, like Jupiter, the surname Epulo. The *epulum Jovis* was an archaic festival superintended by the pontifices, until the special officers called *epulones* were appointed, and it differed from the lectisternium, as originally instituted, in placing the god on a lectus and the goddesses by Roman custom, conservative in religion, on sellae. In Liv. xxii. 1 it is said that a lectisternium was given to Juno Regina on the Aventine, and in B.C. 217, after the disastrous battle of Trasimene, there was a lectisternium for three days to six pairs of deities (Liv. xxii. 10). Livy numbers the lectisternia which fall in his first decade; the 3rd was "pacis exposcendae causa," the 4th in time of pestilence upon consultation of the Sibylline books, the 5th "placandis diis" at the outbreak of the second Samnite war (Liv. vii. 2 and 27; viii. 25). It should be noticed that all the early lectisternia were in time of trouble to appease the anger of heaven, not as thanksgivings, being no doubt adopted from the Sibylline books when other means failed.

It appears from Liv. xxxvi. 1, xlii. 30, that there was later a constant or perhaps daily lectisternium, "majorem partem anni," to certain deities. This must be held distinct from the extraordinary lectisternium ordered for a special crisis. It was no doubt a regular celebration in the different temples, and its method was borrowed from the lectisternium proper. The *supplicatio*, which was an old Roman rite (Liv. iii. 63), became connected with the lectisternium and to some extent confused with it, since it was celebrated commonly "omnibus diis quorum pulvinaria Romae erant," *i.e.* to those deities in whose honour the lectisternium also was held. In the imperial times, by a sort of reaction to old Roman feeling, a change was made as regards the lectisternium, that *for goddesses* it should be a sellisternium (*i.e.* they should, in old fashion, sit instead of reclining). This alteration is mentioned by Tacitus in a celebrated chapter (*Ann.* xv. 44) as taking place when Nero tried various means, and finally a persecution of Christians, to escape the infamia of the burning of Rome (cf. also Val. Max. ii. 1, 3).

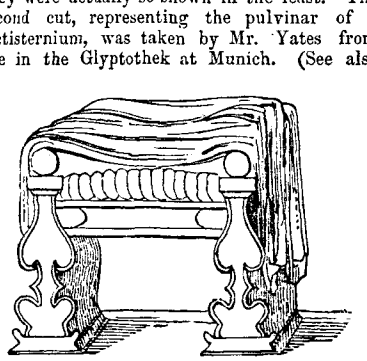
As regards the origin of the lectisternium, there is some controversy. Preller (*Römische Myth.* p. 133) maintains that it belonged to the national religion of Rome handed down from the earliest times, and cites in proof a statement of Pliny, *H. N.* xxxii. 2, that "cenae ad pulvinaria" had been ordained by Numa, and from Varro (quoted by Servius, *ad Aen.* x. 76) that there was a lectus spread before Picus and Pilumnus in behalf of child-birth. It must be recollected, however, that from the familiarity of writers in the late Republic and Empire with the terms of the lectisternium, they were likely to apply them to the old Roman offerings, such as those of Jupiter Dapalis, the Lares, &c.; and these vague notices can hardly weigh against the precise statement of Livy, that the first lectisternium was in B.C. 399. It is safer therefore to adopt Marquardt's view, that it was a Greek custom introduced into Rome, and afterwards more or less amalgamated with other older institutions of native origin. Of this Greek origin there are several indications: (1) The source of the ordinance, the Sibylline books, is Greek. (2) Three of the deities first so honoured were unknown to the Romans of the oldest times—Apollo, Latona, and Artemis (the Delphic Triad)—and a fourth (Hercules) is worshipped in new fashion, since according to Servius, *ad Aen.* viii. 176, the lectisternium was prohibited at the Ara Maxima. (3) The recumbent position for the gods and goddesses was altogether contrary to old Roman custom: in the earliest times all in the Roman family alike sat, and in later times the wives and children. It may be added also that the number, two on each couch, was Greek, not Roman; for at Rome three was the number on each lectus. We know, too, of this as a Greek rite in early times—*e.g.* at Athens to Zeus Soter and Athene Soteira (*C. I. A.* ii. 305); to Pluto (*C. I. A.* ii. 948); at Tegea to Athena (Pausan. viii. 47); to

Pulvinar at the Theoxenia. (From a Greek vase. *Roy. Soc. Lit.*, N. S., ix. p. 434.)

Heracles, as represented in many ancient works of art; at Alexandria to Adonis and

Aphrodite (Theoc. xv. 127); and to these may be added the Theoxenia at Delphi, with which A. Mommsen (*Delphika*, 303) compares the lectisternia.

Of the two cuts given, the first, taken from a Greek vase, represents the pulvinar at the Theoxenia of the Dioscuri, and a palm branch upon it, offered by an Olympic victor. The mounted figures supply pictorially the names of the Dioscuri. It must not be supposed that they were actually so shown in the feast. The second cut, representing the pulvinar of a lectisternium, was taken by Mr. Yates from one in the Glyptothek at Munich. (See also



Pulvinar of a Lectisternium. (From the Glyptothek at Munich.)

on this subject Marquardt, *Röm. Staatsverwaltung*, iii. 45, 187.) [G. E. M.]

LECTUS (κλίνη, λέχος, εὐνή), a bed. In the Homeric poems we find three kinds of beds distinguished: (1) λέχος, a heavy compact bedstead,—even a fixture, as the famous bedstead in the palace of Ulysses; (2) δέμνια, easily transportable, like a camp-bed; (3) a "shake down" upon the floor, with no framework at all, expressed by the words χάμαδις στορέσαι. As the most noticeable instance of the λέχος, we have the description (*Od.* xxiii. 190) of the bed made for himself by Ulysses. The actual trunk of an olive-tree, round which he has built and roofed his chamber, forms one solid and immovable post, lopped and smoothed with the axe; upon this is constructed the rest of the wooden framework, with the other three feet; the whole inlaid with gold and silver and ivory, and having a red leather strap across to support the bedding. (Buchholz somewhat strangely interprets the ἱμὰς to be a strap hung above the bed, by which the occupant might raise himself up. The only argument for such a view appears to be the use of the singular; but there is no reason why one girth should not be used—τόνος would be the word in later Greek—even if we do not take it as a poetical usage of singular for plural.)

For the δέμνια as a quickly improvised bed, see *Od.* iv. 296, vii. 335; *Il.* xxiv. 643. From these passages it appears that δέμνια means a light framework, such as slaves could bring out into the portico, and over it was spread the bedding (see below). The passage in the Iliad, it is true, seems to use λέχος contrary to custom in the same sense. For the third kind, see *Od.* xx. 1, where Ulysses, as a poor wanderer, has no bedstead but merely an ox-hide and the bedding placed upon it. The λέχος was, as has been said, a fixed or at least a solid framework, and therefore called πυκινόν (*Od.* vii. 340, &c.): when στορέσαι is joined to it, the arrangement of the bedding is referred to. It is made with rounded posts (δινωτόν) and carved. (The word τρητός, however, to which Buchholz gives this meaning, may only imply that the framework was pierced for the cords or girths.) The plural τὰ λέχεα includes bedstead and bedding, which was arranged as follows. On the λέχος or δέμνια were placed (1) ῥήγεα = mattress and pillows. (Göll argues from their being washed that they were merely woollen rugs; but they are always distinct from τάπητες.) (2) Over these were spread τάπητες, woollen blankets, not for a covering, but to make the bed softer; both ῥήγεα and τάπητες were under the sleeper, and over him were (3) χλαῖναι as a coverlet (*Od.* iv. 296, vii. 338; *Il.* xxiv. 647). The word εὐνὴ in Homer is merely a sleeping-place with or without a bed (comp. *Od.* vii. 347, xi. 188). The poorer classes, as in the passage cited from *Od.* xx., had a hide in place of the λέχος, and κώεα in place of the ῥήγεα and τάπητες (cf. *Od.* xiv. 518. For fuller discussion, see Buchholz, *Homerische Realien*, § 60). The complete bed consisted in later times of the following parts: κλίνη, ἐπίτονοι, τυλεῖον or κνέφαλλον, προσκεφάλαιον, and στρώματα.

The κλίνη, though used generally for the whole (εὐνὴ being rare in prose), is, properly speaking, only the bedstead, and seems to have consisted only of posts fitted into one another and resting upon four feet. At the head part alone there was a board (ἀνάκλιντρον or ἐπίκλιντρον) to support the pillow and prevent its falling out. Sometimes this was wanting, as we see in drawings on ancient vases (see also Poll. x. 34; vi. 9). Sometimes, however, the bottom part of a bedstead was likewise protected by a board, so that in this case a Greek bedstead resembled a modern so-called French bedstead. The κλίνη was generally made of wood, which in quality varied according to the means of the persons for whose use it was destined; for in some cases we find that it was made of solid maple or box-wood, or veneered with a coating of these more expensive woods. At a later period bedsteads were not only veneered with ivory or tortoise-shell, but sometimes had silver feet (Pollux, *l. c.*; Aelian, *V. H.* xii. 29; Athen. vi. p. 255). This method of veneering is like that described by Pliny, *H. N.* ix. § 33: "testudinum putamina secare in lamnas, lectosque et repositoria his vestire Carvilius Pollio instituit."

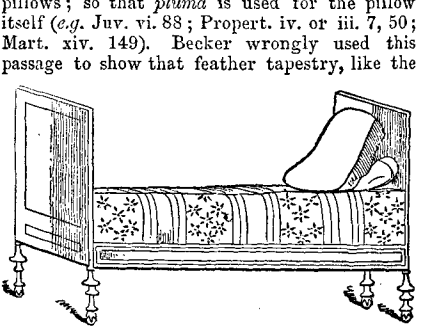
The bedstead was provided with girths (τόνοι, from which possibly the metaphor about Cratinus is drawn in Aristoph. *Eq.* 532), ἐπίτονοι, κείρια on which rested the bed or mattress (κνέφαλον, τυλεῖον or τύλη: the last word, however, is an old Ionic domestic term in this sense, in Attic a knot or hump: Rutherford's *New Phrynichus*, p. 256). The cover or ticking of a mattress was made of linen or woollen cloth or leather, and the usual stuffing (πλήρωμα) was dried reeds or wool. At the head part of the bed and supported by the ἐπίκλιντρον lay a round pillow (προσκεφάλαιον) to support the head; and in some ancient pictures two other square pillows are seen, which were intended to support the back. The covers of such pillows are striped in several pictures on ancient vases (see the woodcut under SYMPOSIUM), and

were therefore probably of various colours. They were undoubtedly filled with the same materials as the beds and mattresses.

The bed-covers, which may be termed blankets or counterpanes, were called by a variety of names, such as περιστρώματα, ὑποστρώματα, ἐπιβλήματα, ἐφεστρίδες, χλαῖναι, ἀμφιεστρίδες, ἐπιβόλαια, δάπιδες, ψιλοδάπιδες, ξυστίδες, χρυσόπαστοι, τάπητες or ἀμφιτάπητες. The common name, however, was στρώματα. They were generally made of cloth, which was very thick and woolly either on one or on both sides (Pollux, vi. 9). It is not always easy to distinguish whether the ancients, when speaking of κλῖναι, mean beds in our sense of the word, or the couches on which they lay at meal-times. We consequently do not know whether the descriptive epithets of κλῖναι, enumerated by Pollux, belong to beds or to couches. But this matters little, as there was scarcely any difference between the beds of the ancients and their couches, with this exception, that the latter being made for appearance as well as for comfort, were, on the whole, undoubtedly more splendid and costly than the former. Considering, however, that bedsteads were often made of the most costly materials, we may reasonably infer that the coverings and other ornaments of beds were little inferior to those of couches. Notwithstanding the splendour and comfort of many Greek beds, the Asiatics, who have at all times excelled the Europeans in these kinds of luxuries, said that the Greeks did not understand how to make a comfortable bed (Athen. ii. p. 48; Plut. *Pelop.* 30). The places most celebrated for the manufacture of splendid bed-covers were Miletus, Corinth, and Carthage (Aristoph. *Ran.* 410, 542, with the Schol.; *Lysistr.* 732; Cic. *c. Verr.* i. 34; Athen. i. pp. 27, 28). It appears that the Greeks, though they wore nightgowns (χιτὼν εὐνητήρ, Pollux, x. 123), did not simply cover themselves with the στρώματα, but wrapped themselves up in them. Less wealthy persons continued, according to the ancient custom, to use skins of sheep and other animals, especially in winter, as blankets (Pollux, x. 123; Aristoph. *Nub.* 10).

The bedsteads of the poorer classes are designated by the names σκίμπους, ἀσκάντης: a description of such a bed is given by Aristophanes (*Plut.* 540, &c.; compare *Lysistr.* 916). Socrates sleeps on a σκίμπους (Plat. *Protag.* 310 C). For this κράββατος is used by New Testament writers and in Scholiasts; it is said by Salmasius to be a Macedonian word, whence its use in Hellenistic Greek (see Rutherford, *New Phrynichus*, p. 138). The words χαμεύνη and χαμεύνιον, which originally signified a bed of straw or dry herbs made on the ground (Theocrit. xiii. 33; Plut. *Lycurg.* 16), were afterwards applied to a bed which was only near the ground, to distinguish it from the κλίνη, which was generally a high bedstead. Χαμεύνια were the usual beds for slaves, soldiers in the field, and poor citizens, and the mattresses used in them were mere mats made of rushes or bast. (Pollux, *l. c.*, vi. 11, x. 7; Becker-Göll, *Charikles*, iii. 74–81; Guhl and Koner, 143.)

The beds of the Romans (*lecti cubiculares*) in the earlier periods of the Republic were probably of the same description as those used in Greece; but towards the end of the Republic and during the Empire, when Asiatic luxuries were imported into Italy, the richness and magnificence of the beds of the wealthy Romans surpassed everything we find described in Greece. The bedstead was generally rather high, so that persons reached the bed by means of a *footstool* (*scamnum*, Varro, *L. L.* v. 35, 46): it was veneered with costly woods, tortoiseshell and ivory (cf. *supra* on κλίνη), or overlaid with plates (*lamnae*) of gold or silver (Mart. ix. 22), or gold leaf (*bracteae*) which the dishonest slave scrapes off with his nail (Mart. viii. 33, 5). The *aurei lecti* (Cic. *Tusc.* v. 21. 61; Suet. *Jul.* 49) and *eburni* (Hor. *Sat.* ii. 6, 103) were no doubt, as Göll says, not solid gold or ivory, but overlaid with gold and ivory = *inaurati, eburati:* so also *lecti aerati* (Liv. xxxix. 6) were overlaid with bronze. We hear, however, of massive silver bedsteads (Petron. 73; Lamprid. *Heliog.* 29). Often the feet, too (*fulcra*), were of gold or silver (Verg. *Aen.* vi. 603; Suet. *Claud.* 32; Prop. iii. 5, 5, iv. 7, 3; Juv. xi. 95). Becker less satisfactorily takes these *fulcra* as equivalent to *scamnum* (supports for the foot in mounting the bed). In Propertius, "Cynthia namque meo visa est incumbere fulcro," the foot of the bed stands for the bed itself. The *lectus pavoninus* of which Martial speaks (xiv. 85) was inlaid with variegated woods, *citrus*, &c., of many colours. The bed or mattress (*torus*) with the pillow (*culcita, cervical*) rested upon girths (*fasciae, institae, restes* or *funes:* Cic. *de Div.* ii. 65, 134; Mart. v. 62; Hor. *Epod.* xii. 12). The two sides of the bed are distinguished by different names: the side at which it was entered was open and called *sponda;* the other side was protected by a board and called *pluteus* (Isid. xx. 11). There was always a raised head-board at one end; sometimes (as also occasionally in Greek beds) a raised foot-board too. The two sides are also distinguished as *torus exterior* and *torus interior* or *sponda exterior* and *sponda interior* (Ov. *Amor.* iii. 14, 32; Hor. *Epod.* iii. 22; Suet. *Caes.* 49). The ordinary stuffing (*tomentum*) of the mattresses and pillows was wool (Plin. *H. N.* viii. § 192), for cheaper bedding straw or dried reeds (Hor. *Sat.* ii. 3, 117; Mart. xiv. 160), which had been the old-fashioned material (Plin. *H. N.* viii. § 193) in less luxurious times. Later feathers were commonly used, especially for pillows; so that *pluma* is used for the pillow itself (*e.g.* Juv. vi. 88; Propert. iv. or iii. 7, 50; Mart. xiv. 149). Becker wrongly used this passage to show that feather tapestry, like the



Lectus, in which the usual *pluteus* is wanting. (From a Pompeian painting.)

old Mexican work, was used for casings by the Romans: *pluma versicolor* is merely a pillow

with a striped covering, and the art of the plumarius is not what Becker imagined (see Göll's note on *Gallus*, iii. 339; Blümner, *Techn.* i. 210; and the article PLUMARIUS). As a special luxury, Heliogabalus had pillows made of the soft plumage under the partridge's wing. The blankets or counterpanes (*vestes stragulae*) were in rich houses of costly make, dyed purple, and embroidered in gold. These gold-embroidered coverlets were called *Attalicae vestes*, *Attalica peripetasmata*, being, as Pliny (*H. N.* viii. 196) says, first used by Attalus. Hence in Propert. iii. 5, 5, *Attalicus torus* is used for a bed so covered. The name *stragula* belongs both to the blanket on which the occupant lay as well as that which covered him, but the latter was strictly called *opertorium* (Sen. *Ep.* 87, 2).

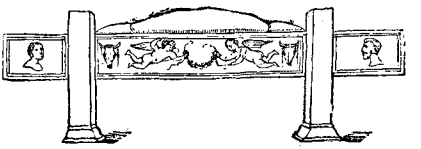
2. The *lectus tricliniaris* (for the use and arrangement of which, see CENA and TRICLINIUM) was in most points like the *lectus cubicularis*. It was, however, lower, as may be gathered from the use of *scandere*, &c. applied to the latter (see also Serv. *ad Aen.* iv. 685). It had also, at least in most cases, a *pluteus*, as may be seen from Suet. *Cal.* 26; Propert. iv. (or v.) 8, 68: and this appears also in drawings. At one end only there was a raised ledge on which a cushion was placed, and on this the left arm rested. Among the Romans it held three persons; among the Greeks, two. Like the bed, it had a mattress (*torus*), over which coverlets of fine stuffs, "Tyriae" vestes, &c., were thrown. The toral was a sort of valance from the torus to the ground (Becker-Göll, ii. 343). Some have thought that the *aulaea* (Hor. *Sat.* ii. 8, 54; *Od.* iii. 29, 14; Verg. *Aen.* i. 697) were a canopy over the lectus, and so Göll maintains; but it is better with Marquardt to take them as wall-hangings, in no way part of the lectus (see AULAEA). For pictures of the *lectus tricliniaris*, see CENA.

3. The *lectus genialis* was the marriage couch to which the newly-married were led by the *pronuba*. It was placed in the atrium opposite the door, and hence was called *lectus adversus* (Prop. v. 11, 85; Laberius, *ap.* Gell. xvi. 9). When a new marriage took place, it was again prepared (*stratus*, Cic. *Clu.* 5, 14: cf. Hor. *Ep.* i. 1, 87; Arnob. ii. 67; Juv. x. 333). Till that time it remained unoccupied in the atrium: by it in old and simple times sat the mistress of the house, spinning and superintending household work. "Lucretia nebat: ante *torum* calathi lanaque mollis erat" (Ov. *Fast.* ii. 739: cf. Ascon. *ad* Cic. *Mil.* 5, 13). The *lectus genialis* was higher than the ordinary bed, and ascended by steps, "gradibus acclivis eburnis," Lucan. ii. 356. ("Qua simplici scansione scandebant in lectum non altum scabellum, in altiorem scamnum: duplicata scansio gradus dicitur," Varro, *L. L.* v. 168.)

4. The *lectus lucubratorius*, often simply *lectus* or *lectulus*, and in Suet. *Aug.* 78 *lectica lucubratoria*, a reading couch smaller and no doubt usually simpler than the bed, but otherwise of much the same construction.

Here the Roman of literary habits spent much of his day, especially in the morning, reading and writing: to this, not to sleep, Horace's "ad quartam jaceo" refers, and the lectulus is his place of meditation (*Sat.* i. 4, 133). Suetonius (*l. c.*) tells us that Augustus was in the habit of going to his reading couch after dinner: see also Pliny the younger's account of Spurinna (*Ep.* iii. 1), and of his uncle's habits (*Ep.* iii. 5) and the description in *Ep.* v. 5, "jacere in lectulo suo compositus in habitum studentis, habere ante se scrinium." The "habitus studentis" was the reclining posture on the left arm, using the right for writing or holding the book: cf. Ov. *Trist.* i. 11, 37; Sen. *Ep.* 72; Pers. i. 52.

5. *Lectus funebris*, also but less frequently *lectica*, and in Corn. Nep. *Att.* 22 *lecticula* (cf. Tac. *Hist.* iii. 67), sometimes in poets *feretrum*, the couch or bier on which the dead were borne. They were sometimes elaborately ornamented. Dio Cassius (lvi. 34) thus describes the bier of Augustus: *κλίνη ἦν ἔκ τε ἐλέφαντος καὶ χρυσοῦ πεποιημένη καὶ στρώμασιν ἀλουργοῖς διαχρύσοις* (*i.e.* Attalicis vestibus) *κεκοσμημένη*. For other particulars, see article FUNUS, and Becker-Göll, *Gallus*, iii. 508. Representations of *lecti funebres* have been found on several sepulchral monuments. The following woodcut represents



Lectus funebris. (From an ancient tombstone.)

one taken from a tombstone. [L. S.] [G. E. M.]

LE'CYTHUS (*λήκυθος*). [AMPULLA.]

LEGA'TUM is defined by Florentinus in Dig 30, 116, as "delibatio hereditatis qua testator ex eo quod universum heredis foret alicui quid collatum velit:" another less full definition given by Modestinus in Dig. 31, 1, 36, and practically adopted by Justinian in *Inst.* ii. 20, 1, is "donatio testamento relicta." Thus the notion of a legatum implies both that of a testament and that of a universal succession. There might be fideicommissa or trust bequests, but there could be no legata, without a testament: and by a testament the deceased person's *universitas juris* devolves on the heir or person *in loco heredis* [BONORUM POSSESSIO]. The testator first bestows his *hereditas*—the aggregate of his proprietary relations—on his heir or heirs, and any legacies which he may proceed to give are so much deducted from what the heir would otherwise have. And the rule that there can be no legatum without a will was never altered, though, from the time of the classical jurists onwards, it had been so far relaxed as to admit the validity of legacies given in *codicilli* confirmed by the will: "legatum codicillis relictum non aliter valet, quam si a testatore confirmati fuerint, id est nisi in testamento caverit testator, ut quicquid in codicillis scripserit, id ratum sit" (Gaius, ii. 270 a). The fact that the heir suffered by every legacy given explains the phrase *ab herede legare*, to give a legacy away from the heir (Cic. *pro Cluent.* 12; Dig. 30, 16). The Roman term for the legatee is *legatarius*. He did not succeed in any way to the *universum jus* of the deceased (*Inst.* ii. 10, 11), and for that reason he could not in his turn be charged with the payment of a legatum out of what was given him, though he could be saddled with a

fideicommissum: "a legatario legari non potest," Gaius, ii. 271.

The word *legatum* contains the same element as *lex*: *legare* is to dispose of a matter (*e.g.* "legatum negotium," Plaut. *Cas.* i. 1, 12), and it is used in this comprehensive sense to denote a man's testamentary dispositions in general in the Twelve Tables: "verbis legis xii. tabularum his, uti legassit suae rei, ita jus esto, latissima potestas tributa videtur et heredes instituendi, et legata et libertates dandi, tutelas quoque constituendi," Dig. 50, 16, 120. Ulpian accordingly explains the word *legatum* by referring to its etymology, and likening a legatum to a *lex* properly so called: "A legatum," he says, "is that which is left by a testament, *legis modo*, that is, *imperative;* for those things which are left *precativo modo* are called fideicommissa" (*Reg.* 24, 1). Being, as contrasted with a fideicommissum, an institution of the *jus civile*, it had always under the older Roman law to be expressed in Latin (Gaius, ii. 281; Ulp. *Reg.* 25, 9), and (as will be seen below) in certain set forms, *civilia verba*. A legacy which was valid or good was legatum *utile;* one which was void was *inutile;* if it was free from all conditions, it was *pure datum*, or, as is said in Dig. 36, 2, 5, legatum *purum*.

Originally there were four forms in which alone legata could be given, and up to the time of Nero (and perhaps far later still), unless they were given in one or other of them, they were void. These forms were called *per vindicationem*, *per damnationem*, *sinendi modo*, and *per praeceptionem*. A legatum *per vindicationem* was expressed thus: "L. Titio hominem Stichum do lego;" or "L. Titius hominem Stichum sumito, capito," or "sibi habeto" (Gaius, ii. 193). Its name was derived from the legatee's remedy, if anyone in possession of the *res legata* refused to give it up: for immediately on the heir's acceptance of the inheritance the ownership of the *res legata* vested in the legatee by operation of law (whence legatum is a mode in which ownership is acquired): it became his *ex jure Quiritium*, and he could maintain a real action (*vindicatio*) for its recovery, though, as had been held by the Proculian school of jurists, whose view was confirmed by Pius Antoninus, an acceptance express or tacit was required on his part before the property became definitely his (Gaius, ii. 195). There was a similar difference of opinion between the Sabinian and the Proculian schools in the case of a legacy *per vindicationem* subject to a condition: the former holding that the thing belonged to the *heres* during the pendency of the condition, while the latter maintained that in the interval it was *res nullius* (Gaius, ii. 200). Nothing, as a rule, could be bequeathed *per vindicationem* which did not belong to the testator *ex jure Quiritium*, at the time both of the execution of the will and of his decease, though it was sufficient if the so-called *res fungibiles* ("res quae pondere, numero vel mensura constant," *e.g.* wine, oil, corn, "pecunia numerata," &c.) were his *ex jure Quiritium* at the latter date only (Gaius, ii. 196; Ulp. *Reg.* 24, 7). If the same thing was given *per vindicationem* to more than one person either jointly (*conjunctim*, e.g. "Titio et Seio hominem Stichum do lego") so as to make them *collegatarii*, or severally (*disjunctim*, e.g. "Titio hominem Stichum do lego: Seio eundem hominem do lego"), each took an equal share: the share of any who failed to take accrued to the rest in equal portions (Gaius, ii. 199).

The form of legacy *per damnationem* was "Heres meus Stichum servum dare damnas esto" or "dato." In this mode a testator could lawfully bequeath property which belonged to anyone (the heir being bound, if it belonged to a third party, to do all he could to buy it, or, if this was impossible, to pay its value to the legatee), and also things which were not in existence at the time when the will was executed —*e.g.* the future offspring of an *ancilla* or female slave. The result of acceptance of the inheritance by the heir was different from that in legacy *per vindicationem:* the *res legata* did not become the property of the legatee by operation of law, but a quasi-contractual obligation was established between him and the heir, by virtue of which he was able to bring an *actio in personam* for its transfer to him by the appropriate mode of conveyance (*mancipatio, in jure cessio*, or *traditio*). If the legacy was of an ascertained sum of money and the heir denied his liability, the legatee could, on proving his case, recover twice the original sum ("infitiando lis crescit in duplum," Gaius, ii. 283; *Inst.* iii. 27, 7). There was a difference, too, in the matter of joint legatees. If the same thing was given *per damnationem* to two or more persons *conjunctim*, each took an equal share, though, if any failed, their portion fell by the original law into the *hereditas*, and did not accrue to the co-legatees: but the Lex Papia made it *caducum*, and gave it first to *collegatarii* who had children, then to the *heredes* who had children, and finally to the other legatees who had children; a privilege alluded to by Juvenal (*dulce caducum*, ix. 88). Gaius says (ii. 208) that most authorities held that the rules of the Lex Papia as to *caducitas* applied also to "conjunctive" legacies given *per vindicationem*. In the case of a legacy of the same thing given *per damnationem* to two or more persons *disjunctim*, the heir had to give it to one, and pay its full value to each of the rest (Gaius, ii. 201–208).

The form of legacy *sinendi modo* was "heres meus damnas esto sinere L. Titium hominem Stichum sumere sibique habere:" by means of it a testator could bequeath anything which belonged either to himself or to his heir at the time of his decease, and, as in the previous case, the legatee had merely an *actio in personam* against the *heres*, though it was doubted whether the form of bequest imposed any active duty on the latter: it being argued that his only obligation was to allow the legatee to "take" the object bequeathed to him. This difference of opinion led to a similar difficulty where the same thing was given in this form to two or more persons *disjunctim:* it being questioned whether the whole was due to each, or whether on the principle of "first come first served" the heir's obligation was not altogether satisfied when one of the legatees had got the *res legata*. If the same thing was left to two or more *conjunctim*, they took it in common, but without any right by accrual to the shares of any who failed to take (Gaius, ii. 209–215).

Legatum *per praeceptionem* was in the form "L. Titius hominem Stichum praecipito." The

Sabinian school held that *praecipere* here meant "praecipuum sumere," so that a legacy could be left in this way only to one of two or more *coheredes*, and not to anyone else: the legacy meaning no more than that the testator wished one of his heirs to have some specific piece of his property rather than any of the rest. Consistently with this they maintained that the only action by which the legatee could get the *res leguta* was that called *familiae erciscundae*, the heir's partition suit, and also that nothing could be left thus which was not the testator's at the time of his decease: and finally they held that a bequest in this form to any person other than an heir was not validated by the Senatusconsultum Neronianum (of which below), because, according to them, that enactment related only to defects of form, and had no bearing on legacies which were void by reason of the incapacity or disqualification of the legatee. The Proculians, on the other hand, were of opinion that a legacy could be given to anyone *per praeceptionem*, its effect being much the same as if the form had been *per vindicationem*, and the legatee's remedy (as in that case) being a real action: and Gaius says (ii. 221) that their view was held to be supported by an enactment of Hadrian. If the same thing was thus left to more than one, either *disjunctim* or *conjunctim*, each had only his share. *Per vindicationem*, *praeceptionem*, and *sinendi modo*, only *res corporales* and *jura in re aliena* could be bequeathed: *per damnationem*, anything whatever could be bequeathed which could be the object of an obligation.

The importance of precisely observing these forms was considerably diminished by a senatusconsult of Nero, A.D. 64: "Sc. Neroniano cautum est, ut quod minus aptis (ratis?) verbis legatum *est*, perinde ac si optimo jure legatum *esset*: optimum autem jus legati per damnationem est," *Ulpian, Reg.* 24, 11. The effect of this seems to have been that a legacy given *per vindicationem*, *sinendi modo*, or *per praeceptionem*, which would hitherto have been void owing to the neglect of some formal rule applicable to the particular form employed, was now to be taken to have been given *per damnationem* (*e.g.* Gaius, ii. 197, 212, 218, 220); though Gaius' words in § 218 suggest that the senatusconsult may have dispensed with the necessity of observing any one of the four established forms at all, while it still required the use of Latin. Some hundreds of years later testators were enabled by enactments of Constantius, A.D. 339, and Theodosius II., A.D. 439, to give legacies in any words they chose, whether Greek or Latin (Cod. 6, 37, 21; 6, 23, 21, 6). Justinian finally assimilated the civil law legatum in every way to fideicommissa, which had always been governed by laxer rules, both as to form and substance. Any superiority in law which either had possessed over the other was in future to be common to both, and the object of a bequest, whether technically a legatum or a fideicommissum, was to be recovered by the beneficiary by the most appropriate remedy, real or personal (*Inst.* ii. 20, 3). The legatee acquired a "real" right to the *res legata* in every case where it belonged to the testator, and in no other, unless indeed the testator himself expressed a contrary intention (Cod. 6, 43, 1): he acquired a personal right against the heir in every case, and this was secured by a statutory hypotheca, first given by Justinian himself, over everything which the person on whom the legacy or fideicommissum was charged had himself received from the inheritance (Cod. 6, 43, 2). In their celebrated phrase "uti legassit," &c., the Twelve Tables were interpreted to have given testators absolute freedom to dispose of their property as they pleased. The result was that they were commonly so lavish in legacies as to leave practically nothing to the instituted *heres*, so that the latter refused the inheritance, and the deceased became intestate (Gaius, ii. 224). The Roman dislike of intestacy accordingly led to a series of statutes restricting the freedom of testamentary disposition conferred by the Twelve Tables. The first of these was the Lex Furia testamentaria, B.C. 183 (Gaius, ii. 225, iv. 23, 24; Ulpian, *Reg.* i. 2; 28, 7; Varro, 3; Cic. *pro Balbo*, 8), which imposed a penalty of four times the excess upon anyone (except the cognates, if any, of the person by whom the testator had been emancipated or manumitted, Ulpian, *l. c.*), who took by way of legacy or *donatio mortis causa* more than 1000 asses from the same person. But this enactment, as Gaius remarks, altogether failed in its object, because it did not prevent a man from giving as many several thousands to as many persons as he pleased, and so exhausting the estate. The Lex Voconia (Cic. *pro Balbo*, l. c.; *in Verr.* 2, 1, 42, 43; *de Senect.* 5; *de Fin.* 2, 17; *de Republ.* 3, 10), fourteen years later in date, enacted (according to Gaius, ii. 226) that no one should take as legatee or donee *mortis causa* more than the heir or any one of two or more coheirs: but in reality it seems to have only been a relaxation of the Lex Furia in favour of wealthy testators; any person ranked in the first class of the census as possessing 100,000 sesterces or upwards (Cic. *in Verr.* l. c.) being allowed to bequeath away as much as he pleased, provided no legacy or gift *mortis causa* exceeded the proportion specified. In any case it was no less a failure than the Lex Furia, because by the testator distributing his property among numerous legatees the *heres* might have so small a portion as not to make it worth his while to assume the burdens and liabilities attached to the *hereditas*. The Lex Falcidia (Dio Cass. xlviii. 33; Plin. *Ep.* 5, 1; Isidor. *Origg.* 5, 15), passed B.C. 40, eventually provided a satisfactory remedy by enacting that, if a testator gave more than three-fourths of his property in legacies, these must abate proportionately, the heir or heirs being in all cases entitled to a clear fourth of the inheritance (see Gaius, ii. 227; *Inst.* ii. 22). After the Lex Julia vicesimaria the state had a direct interest in the upholding of testaments, and so in the Lex Falcidia, so that, if a testator forbade his heir to deduct the "Falcidian fourth," the jurists held the prohibition void: but by Justinian this was allowed (*Nov.* i. 2; cxix. 11). For the extension of the principle of the Lex Falcidia to trust bequests [FIDEICOMMISSUM], see Gaius, ii. 254; *Inst.* ii. 23, 5; Dig. 35, 2, 18: and to *donationes mortis causa*, Dig. 24, 1, 32, 1; 31, 77, 1.

The chief rules as to the necessary form

of legacies have already been touched on. Under the older law it had been impossible validly to give a bequest before the institution of the heir, because the latter was "caput et fundamentum totius testamenti" (Gaius, ii. 229), but this restriction was eventually removed by Justinian (*Inst.* ii. 20, 34). The other grounds upon which a legacy might be void are: (1) The character of the legatee; (2) the character of the bequest itself; and (3) the legal character of the *res legata*.

1. A legacy was void if left to a person who had not the *commercium* (in particular *peregrini*), for without the *commercium* he had no *testamentifactio*. Latini Juniani, though possessed of *commercium*, were expressly disabled by the Lex Junia Norbana from taking any benefit under a will either as heirs or legatees (Gaius, i. 23, 24) [LATINITAS]. Until quite late again in the history of Roman law, no legacy could be validly given to *incertae personae* (including *postumi alieni*, children unborn at the making of the will, and who on being born would not be in the testator's potestas): an *incerta persona* being one of whom the testator had no determinate conception ("quam per incertam opinionem animo suo testator subjicit," Gaius, ii. 238). But even in Gaius's time a legacy to an *incerta persona* "sub certa demonstratione" was good (*e.g.* "ex cognatis meis qui nunc sunt, qui primus ad funus meum venerit, ei decem milia heres meus dato," Gaius, *l. c.*); and between the times of Gaius and Justinian the rule about *incertae personae* was gradually so broken down that in the latter's legislation its only remaining trace is that certain corporations cannot validly be either instituted heirs or made legatees without special permission from the emperor. Lastly, the Proculian school, arguing on the so-called "regula Catoniana" (Dig. 34, 7, 1), held that no legacy could validly be given to any person in the power of the instituted heir. The Sabinians, whose view was adopted as law by Justinian (*Inst.* ii. 20, 32), were of opinion that a legacy might well be given to such person *sub conditione*, i.e. provided he was not in the power of the heir when the latter accepted the inheritance; while Servius Sulpicius had thought such a bequest good at the outset, even though unconditionally expressed; though liable to become void by the legatee being in the *institutus*' power at the testator's decease (Gaius, ii. 244). A legacy to the dominus or paterfamilias in whose potestas the instituted heir was was not void (according to Gaius, ii. 245, confirmed by Justinian, ii. 20, 33), though it would be extinguished if the dominus or paterfamilias became heir through the instituted slave or son, because a man could not owe a thing to himself: but if the son was emancipated, or the slave was manumitted or transferred to another, so that the former became heir for himself, or the latter made another person heir, the legacy was due to the father or former master. Ulpian, however, had held such a legacy void *ab initio* (*Reg.* 24, 24).

2. Legacies given to take effect only after the death of the heir (*e.g.* in the forms "cum heres meus mortuus erit" or "pridie quam heres meus morietur") were void under the earlier law, though Gaius says (ii. 232) that in the form "cum heres morietur" or "moriatur" they were good: a distinction which he himself considers was "non pretiosa ratione receptum." Under Justinian, however, all these forms were equally valid (*Inst.* ii. 20, 35). Similarly, up till the time of that emperor, legacies given *poenae nomine*, i.e. for the purpose of inducing the heir to do, or not to do, some particular act (*e.g.* "si heres meus filiam suam Titio in matrimonium collocaverit, decem milia Seio dato," Gaius, ii. 235), were void: but Justinian repealed this rule except where the act or forbearance which the testator wished to secure was either illegal or *contra bonos mores* (*Inst.* ii. 20, 36).

3. A legacy of a *res extra commercium* (e.g. a basilica or a temple) was void (*Inst.* ii. 20, 4); as also was one of property which at the moment of the execution of the will already belonged to the legatee (*ib.* 10).

The objects of a legatum (things which could be bequeathed) comprise tangible objects, whether the testator's own or some other person's (the heir in this case being bound to try and get them for the legatee, otherwise to pay him their value, *Inst.* ii. 20, 4), and whether actually in existence or not, provided they probably will exist at some future time (*ib.* 7; Gaius, ii. 203): release from a debt owed to the testator by the legatee (*ib.* 13), or money owed to the latter by the testator, provided the legacy put him in a better position than he was in before (*ib.* 14): claims of the testator against third persons, the heir being bound to assign the legatee his rights of action against them (*ib.* 21); in fact, any act or forbearance which could lawfully be the object of an obligation in general: and finally servitudes and other *jura in re aliena*. By a senatusconsultum passed about the end of the Republic, it became possible to create by legacy a quasi-usufruct of "res quae usu consumuntur" (*e.g.* wine), which could not be done by agreement *inter vivos* (Cic. *Top.* 3; *Inst.* ii. 4, 2). But the legacy need not be of any single thing, corporeal or incorporeal, nor even of any aggregate of them: the heir might be directed to transfer a half or any other definite quota of the *hereditas* to a legatee ("legatum partitionis," Cic. *de Legg.* ii. 20; *pro Caec.* 4; Ulpian, *Reg.* 24, 25). In such a case the instituted heir not unfrequently refused to accept unless guaranteed *pro rata portione* against creditors' claims and other expenses, so that it became usual for the heir and partiary legatee to enter into a formal contract ("stipulationes partis et pro parte"), by which the latter engaged to indemnify the former against liabilities in proportion to the share of the estate transferred to him, and the former that he would hand over to the legatee his fair proportion of the assets.

A legacy might be transferred from the legatee to another person or altogether taken away by another will, or *codicilli* confirmed by the original testament (*Inst.* ii. 21): it might also be revoked by erasure of the gift from the will (Dig. 34, 4, 16 and 17), or tacitly by any act from which it could be gathered that the testator no longer wished the legatee to have it —*e.g.* by alienation of the *res legata* in the testator's lifetime (*Inst.* ii. 20, 12; Dig. 34, 4, 15).

The acquisition of *legata* depends on the

meaning of two expressions—"dies (legati) cedit," and "dies (legati) venit," which mark two points of time in the history of the legatee's rights. *Dies cedit* means that he acquires a provisional right to the bequest: a right which he can only lose by failure of all instituted heirs to accept under the will, so that if he dies immediately after *dies cedit*, but before *dies venit*, the right passes to his heir. The date of this was the testator's decease (altered by the Lex Papia Poppaea to the opening of the will, but the old rule was restored in Justinian's time), unless the legacy was subject to a condition precedent or a *dies ex quo* (e.g. six months after my decease), in which case *dies cedit* only on the fulfilment of the condition or the arrival of the *dies*. *Dies venit* means that the legatee acquires a right to demand the *res legata* by action: its date is acceptance of the inheritance by the heir, unless *dies cedit* itself occurs later by reason of a condition precedent or a *dies ex quo*. (Gaius, ii. 191–245; *Inst.* ii. 20; Ulpian, *Reg.* 24; Paul. *Sent. rec.* iii. 6; Dig. 30–32; Cod. 6, 37; 6, 43; Rosshirt, *Die Lehre von den Vermächtnissen nach röm. Rechte*, Heidelberg, 1835.) [G. L.] [J. B. M.]

LEGA'TUS is a person dispatched on an official mission, just as the neuter *legatum* is used of property of which the succession is determined with legal formality by the testator. The precise meaning of legatus changes according to the nature of the mission, but the idea inherent in the word—that of official appointment for a definite purpose—is the same throughout the history of the Roman constitution.

The various uses of tn word may be reduced to two, under one or other of which the rest may be conveniently classed: viz. 1. legatus = an envoy dispatched by a magistrate, under advice of the senate, for some object of diplomacy, inquiry, or organisation; 2. legatus = a person formally attached to a general-in-chief or provincial governor, as lieutenant or staff-officer. Though it will be convenient to consider these two usages separately, it must be observed that there is no difference between them in constitutional law. The principle of appointment was the same in both cases; and the form of it also, as will be shown, remained technically the same at all times; all state legati being in the eye of the law the messengers of the magistrate presiding in the senate at the time the appointment was made. Varro (*L. L.* v. 87) defines both kinds of legati in a single sentence, and treats them as essentially the same: "Legati, qui lecti publice, quorum opera consilioque uteretur peregre magistratus (2), quive nuntii senatus aut populi essent (1)." Cicero also (*in Vatin.* 15, 35), when attacking Vatinius in 56 B.C. for obtaining a *legatio* without a decree of the senate, exclaims: "Adeo afflictus senatus, adeo misera et prostrata respublica, ut non *nuntios pacis atque belli, non oratores*, non *interpretes*, (1) non *belli consilii auctores*, non *ministros muneris provincialis* (2) senatus more majorum deligere posset?" From these passages it is plain that legati only differed in respect of the duties entrusted to them, and that those duties were in the main of two kinds. We proceed to consider these two in detail.

I. *Legati as State Envoys* (legati *ad aliquem*). —The first appearance of legati of this kind is in the year 456 B.C., when three envoys, whose names are given by Livy (iii. 25), were sent to the Aequi "questum injurias et ex foedere res repetitum." Up to this time it would appear that the duties of diplomacy and treaty-making, which in the earliest times were doubtless simple and straightforward, had been discharged by the college of Fetiales (Liv. i. 24). But from 456 B.C. onwards Livy constantly makes mention of legati sent on missions of various kinds, but chiefly employed in negotiation, while the function of the Fetiales seems to have been restricted to the actual declaration of war. Thus Varro writes (*ap. Nonium*, p. 529), "priusquam indicerent bellum iis a quibus injurias factas sciebant fetiales, legatos res repetitum mittebant quattuor, quos oratores vocabant."

Mode of appointment.—In the earliest instance just referred to, we are not told how the legati were appointed; but from Livy's language in subsequent cases it may be gathered that the usual and natural method was for a magistrate to consult the senate on the advisability of the mission, when a senatusconsultum would authorise him to select the envoys (Liv. v. 35; xxix. 29; xliii. 1. See also the "Senatusconsultum de Thisbanis," in the *Ephemeris Epigraphica*, vol. i. p. 279; Mommsen, *Staatsrecht*, 2nd edit., vol. ii. pt. 1, p. 658). But there can be no doubt that from an early period the part played by the senate in their appointment came to be regarded as the essential one; and thus Cicero could expostulate with Vatinius, in the passage already quoted, for having violated immemorial usage in becoming a legatus without the authority of the senate. "Ne hoc quidem senatui relinquebas," he goes on, "quod nemo unquam ademit, ut legati ex ejus ordinis auctoritate legerentur" (*in Vat.* 15, 35). There is no known instance of the authorisation of legati in this sense by the people in Comitia, though the language of Varro (*ap. Non.* p. 529) must be taken to imply that there was nothing to prevent it. But when Polybius (i. 63) writes of the δῆμος sending ten commissioners to arrange terms of peace after the First Punic War, he may be either writing loosely and without marking the special form of procedure, or these commissioners may have been rather independent quasi-magistrates for making peace, of the same kind as those appointed under agrarian laws for the division of land, and not legati in any strict sense of the word. (Cf. Mommsen, *Staatsrecht*, ii. pt. 1, p. 624, with Willems, *Le Sénat de la République*, ii. 475, note.)

The selection of the individual envoys rested, as we saw, technically with the magistrate; but towards the close of the Republic it would seem that the choice was sometimes made by lot (*sortitio*) from the several ranks of senators (*consulares, praetorii*, &c.). An example of this method occurs in Cic. *ad Att.* i. 19, 3; and Tacitus (*Hist.* iv. 6, 8) writes as though it had once been a common practice ("vetera exempla, quae sortem legationibus posuissent"). This must be regarded as a departure, characteristic of the last age of the Republic, from the strict form of procedure, induced no doubt by the

profit attaching to commissions of this kind, and by the consequent strenuous competition for them.

Qualification.—It was the general practice to select senators only (Cic. *Att.* xiii. 20, 3), and such senators as were not at the time holding office, which would disqualify them for duties at a distance from Rome; but there seems to have been no definite rule, for we have one or two instances in which, on an emergency, non-senators were chosen (Liv. iv. 52, "consules ... coacti sunt binos equites adjicere:" cf. Liv. xxxi. 8). In almost all important missions, one legatus at least was a *consularis;* if there were two, the senior consularis was *princeps legationis* (Sall. *Jug.* 16). Even in the large legationes of the late Republic, the practice of employing ex-magistrates for the most part still held good, and exemplifies the importance attached by the Romans to official experience, in this as in other public duties. Thus the legatio of 189 B.C. which settled terms of peace with Antiochus consisted of three consulares, four praetoriani, and three quaestorii (Liv. xxxvii. 55: cf. Cic. *Att.* i. 19; Willems, *Le Sénat*, ii. 506).

Number.—In the earliest legationes, the number of legati was three (Liv. iii. 25, 6; Dionys. Hal. ix. 60, xix. 13, 17). But we have instances of legationes consisting of two, four, and six members, and most embassies after the Second Punic War were of ten (Liv. xxxiii. 24; xxxvii. 55; xlv. 17). Single legati are found from time to time (Liv. xxi. 8, 4, "ad bellum indicendum;" cf. xxxiii. 39 and xxxix. 48). It has been supposed that when a single legatus is thus mentioned, we are to understand that the *princeps legationis* is put for the other members; but it is clear from the practice of granting *liberae legationes* (to be explained directly) to individuals, that there was no definite rule against the appointment of single legati. (For full details as to the number of members of a legatio see Willems, *Le Sénat*, vol. ii. p. 499 foll.).

Authority and Responsibility.—No legatus could hold *imperium*, for imperium could not be delegated; their powers may best be expressed by the word *auctoritas;* i.e. they acted under the sanction of the home government. Being as a rule unable to communicate easily with the authorities in Rome, they would naturally be given much freedom in their dealings with foreign governments, and were in fact plenipotentiaries; but on the subject of their instruction (*mandata*) and responsibility we have hardly any information. It is not till quite at the close of the Republic that we find any trace of a legalised responsibility, beyond the mere declaration in the senate of the results of their mission (*e.g.* Liv. xlv. 13), which might, however, be made the opportunity of an attack on their proceedings, as we see from Liv. xlii. 47, where the impeachment was (no doubt as usual) unsuccessful. We have an example of the successful impeachment of legati by means of a *lex* instituting a *quaestio extraordinaria* to try them, in the year 110 B.C. (Sall. *Jug.* 40); but these legati were not state envoys of the kind now under discussion (*ib.* ch. 28). It was Caesar's law *de repetundis*, of 59 B.C., which first made all kinds of legati liable for misdoing in their office (Dig. 48, 11, 1): but this law apparently touched them only in so far as they had been guilty of pecuniary corruption or extortion.

Emoluments.—All legati travelled at the expense of the state (Zonaras, viii. 6), to which they were entitled by virtue of the ring which they wore (see Zonaras, viii. 6; Mommsen, *Staatsrecht*, i. 301; and article ANULUS). A ship or ships of war were, on important occasions, allotted them for transport (Liv. xxix. 11; xxx. 26). It seems also that in the last age of the Republic one or two lictors were allowed them, at the discretion of the provincial governor in whose province they travelled (Cic. *Fam.* 12, 21; cf. 12, 20). All were personally inviolable, as were the envoys of foreign peoples in Italy (Liv. iv. 17 foll.; Tac. *Hist.* iii. 80; Pomponius in Dig. 50, 18).

Legatio libera.—The advantages and emoluments just mentioned led to a scandalous abuse of the legatio, which came into vogue in the last century of the Republic, when rich senators frequently had private business and interests in the provinces. In order to maintain a state and dignity which would place him at an advantage, and give him practically the status of an ambassador, a senator could obtain from the senate a free mission (*legatio libera*) on stating the province for which he desired it, and perhaps also the nature of his affairs (Cic. *Fam.* 12, 21; *Att.* 4, 2, 6). This practice became such a scandal in Cicero's time, that he made a vigorous attempt in his consulship to abolish it; but the feeling was so strong against him in this effort at reform, that a tribune was found to interpose his veto, and Cicero was forced to be content with a senatusconsultum limiting these legationes to one year (see *ad Att.* xv. 11, 4; *de Leg.* iii. 8, 18, iii. 3, 9). A law of the dictator Caesar confirmed this limitation; but the *legatio libera* was not abolished, and we hear of it under the Empire (Suet. *Tib.* 31; Dig. 50, 7, 15). Cicero gives a very definite opinion of the abuse he tried to remedy: "apertum est nihil esse turpius quam est quempiam legari nisi reipublicae causa" (*de Leg.* iii. 8, 18): but what had once become a senatorial prerogative easily lost the taint of immorality in the minds of the privileged capitalist.

Legati as Envoys under the Empire.—When the Republic came to an end, all negotiations with foreign peoples passed into the hands of the *princeps*, who appointed his own deputies by virtue of his unlimited *proconsulare imperium* (Mommsen, *Staatsrecht*, ii. 892). The right of the senate to send legati remained, however, in theory; and we find them sending deputations to the *princeps* when he happened to be in the provinces (Tac. *Hist.* iv. 6–8; Dio Cass. lix. 23).

Legati in the sense of Envoys from foreign peoples.—The word *legatus* was used by courtesy of an ambassador from another state. All such, if coming from a friendly power, were inviolable (Dig. 50, 18), and treated with high consideration. They were lodged and boarded (*locus et lautia*) at the public expense, and sometimes presented with gifts (Liv. xxviii. 39; xxxv. 23; Senatusconsultum de Asclepiade, line 8 of the Latin version). On arriving they gave in their names to the praetor or quaestor urbanus at the temple of Saturn (Liv. x. 45; Plut. *Quaest. Rom.* 43), and in due time were introduced to the senate,

where they stated the object of their mission; this was done in Latin or through an interpreter down to the last half-century of the Republic, when, as all educated Romans spoke Greek, they began to be allowed to use that tongue if they wished. Cicero's rhetorical teacher, Molo, was the first to whom this privilege was granted (Val. Max. ii. 2, 3). When they had made their statement, they were liable to be questioned by individual senators (Liv. xxx. 22), under the usual formalities of senatorial procedure; they then withdrew to a platform outside the Curia called the Graecostasis (Varro, *L. L.* v. 155), where they waited until called back to hear the response of the senate (Liv. xxvi. 32, xxx. 22); or it was communicated to them by a magistrate (Liv. xlv. 20). Occasionally it happened that the senate had too much business on hand to allow them to give audience to all the envoys in Rome; in this case a committee of experienced senators was appointed to hear them (Liv. xxxiv. 57; Polyb. xxiii. 4; Senatusconsultum de Thisbanis, line 11, in *Ephemeris Epigraphica*, vol. i. p. 279). That the business became arduous as the Empire increased may be gathered (1) from the tradition, recorded by Plutarch (*Quaest. Rom.* 43), that the envoys ceased to be given *locus et lautia*, save the most distinguished, owing to their great numbers; (2) from what we know of two laws, the Lex Papia and the Lex Gabinia (both of uncertain date, but the latter either of 67 or 58 B.C.), which ordained that the senatorial sittings of the month of February should be entirely devoted to this kind of business (Cic. *Fam.* i. 4, 1; *Q. Fratr.* ii. 13, 5).

If the envoys were from a nation at war with Rome, they were received with great caution. They were not admitted into the city, but, if an audience were granted them, were lodged in the Campus Martius, and the senate met in the temple of Bellona or in that of Apollo (*extra urbem*, Liv. xxxiv. 43; Festus, s. v. *senacula*, p. 347, ed. Müll.). If no audience was accorded, they were required to quit the city and Italy within a certain time, and in their journey through Italy were escorted by a senator (Liv. xxxvii. 1; Polyb. xxxii. 1; Sall. *Jug.* 28).

The same title of legatus was used of commissioners from the provinces or from communities within them, bearing either congratulations on the conduct of a provincial governor, or complaints against him. A good example of a commission charged to explain provincial grievances will be found in Liv. xliii. 2. Cicero frequently mentions such missions in the Verrine orations; *e.g.* in i. 19 and 4, 31. Under the Empire these legationes were put under stringent regulations, of which an account will be found in Dig. 50, 18.

II. *Legati* as staff-officers; "quorum opera consilioque uteretur, peregre magistratus" (Varro, *l. c.*). These were said to be legati *alicui*, as opposed to legati *ad aliquem*.

Origin.—Livy mentions these at the very outset of the Republic (ii. 20; iii. 5), but his evidence is not conclusive, and it is remarkable that so late as the battle of Cannae (B.C. 216) no legati are mentioned in the list of the slain, though we are told of consulares, quaestors, tribuni *militares*, and senators who were killed there. On the other hand, so deeply rooted was the idea of the *consilium* of the magistrate in the Roman mind, that it is difficult to imagine that the consuls in the field were left wholly without unofficial advisers. Perhaps the practice began as a regular institution with the acquisition of transmarine provinces; but no reason can be shown why even in Italian campaigns of an earlier date the senate should not from time to time have made use of a natural mode of keeping the commanders informed of their wishes. However this may be, from the Second Punic War onwards, every commander and provincial governor had legati with him, and Polybius writes of them as a standing institution in his time (Polyb. vi. 35; cf. Liv. xxxviii. 28, 12).

Mode of Appointment.—As in the case of legati as envoys, a senatusconsultum authorised the magistrate to select the legati out of the members of the senate (Liv. xliii. 1; cf. xliv. 18). As it frequently happened that the presiding magistrate was a consul or praetor who was about to become a provincial governor, he thus became entitled to nominate his own legati (Sall. *Jug.* 28: "Calpurnius [consul] parato exercitu legat sibi homines nobiles," &c.; cf. Plut. *Flam.* 3; Cic. *Att.* ii. 18, 3): and this mode of appointment being a convenient one, it was natural that the provincial governor should desire to establish it as a right. As a rule, however, the consent of the senate was no doubt formally obtained (Schol. Bob. on Cic. *Vat.* 15, 35). In the last century of the Republic we find examples of laws in which the number and qualification of the legati to be chosen by the proconsul was expressly laid down: this was the case in the Lex Gabinia of B.C. 67, under which Pompeius received a command against the pirates (Plut. *Pomp.* 25; Appian, *Mithr.* 94), and probably in the Lex Vatinia which gave Caesar the command of Cisalpine Gaul in B.C. 59. Under the Empire the nomination of legati seems always to have been the right of the holder of the *imperium proconsulare*, whether of the *princeps* himself as having a *majus imperium*, or the proconsuls who continued to govern the senatorial provinces (Dio Cass. liii. 14), but in the latter case the consent of the *princeps* was necessary to the validity of the nomination. (See Willems, *Droit Romain*, p. 510.)

Qualification.—The general rule was that these legati must be senators; no certain instance is recorded of an exception, but it does not follow that there was any definite disqualification of non-senators. (Cf. Mommsen, *Staatsrecht*, ii. 661, note 1, with Willems, vol. 2, p. 608, note 4.) The rule held good under the Empire.

Number.—This was no doubt usually settled by the authorising senatusconsultum in each case. After the Second Punic War, where Livy's information may fairly be relied on, the number in attendance on a praetor is generally two, while a consul has three. Later, again, we find consuls with five and praetors with three. (See Willems, *Le Sénat*, ii. p. 611.) By the Lex Gabinia, Pompeius had twenty-five allowed him, Caesar ten by the Lex Pompeia-Licinia of 55 B.C. Under the Empire there was a fixed rule that in senatorial provinces (where alone legati in the strict sense of the word are found) a pro-praetor should have one, a proconsul three (Dio Cass. liii. 14).

Duties.—As we have seen, no legatus was in any sense a magistrate, and could have no independent authority of his own; all were strictly under the orders of their chief, and were bound to carry out any kind of work he might allot them. (Marquardt, *Staatsverwaltung*, i. 387; Mommsen, *Staatsrecht*, 679.) But as the tenure of provincial commands became extended, legati were frequently employed by their Generals-in-chief as commanders of division (*i.e.* of a legion), and thence gained a standing position in the army beyond that of a mere counsellor. This becomes first apparent in Caesar's Gallic war, but it may have been to some extent the practice before (Caesar, *B. G.* 1, 52; 2, 20; 5, 1; and Rüstow, *Heerwesen Caesar's*, p. 28). It was the natural result of the practice by which commanders selected their own legati; for they took care to choose men on whose skill and fidelity they could rely, and to whom they could entrust the sole conduct of difficult or distant operations. Recommended by its usefulness, it took definite shape under the Empire. From the time of Augustus onwards each legion had its own legatus (legatus legionis, as distinguished from other legati), and the governors of imperial provinces had as many legati as legions (Tac. *Ann.* i. 44; 2, 36; Marquardt, *Staatsverwaltung*, ii. 457), all of whom, however, were selected by the *princeps*.

All military legati had the right of travelling free of cost; and the fact that they were included in the Lex Julia de repetundis, already alluded to, shows that they had opportunities of gain in the provinces where they served. Before the passing of that law, the governor or commander was himself solely responsible for the conduct of his subordinates. (See Liv. xxix. 19 foll., for the famous case of Scipio and his legatus Pleminius. Rein, *Criminalrecht*, pp. 192, 606.) He had, however, the power of dismissing a legatus, and could thus relieve himself of responsibility (Cic. *Verr.* iii. 58).

Legati pro praetore.—The increase in the importance of the legatus towards the close of the Republic is shown not only by his being frequently attached to a particular legion as its commander, but also by the growing practice by which the provincial governor deputed him to act for him in some special locality or department. As early as the earlier half of the 2nd century B.C., we find a consul, at war within the bounds of Italy, having his army in charge of a legatus in order to preside at the consular elections; and a century later it frequently happened that a legatus was placed over a whole province in the absence of the governor. Thus Caesar, who from 59 to 49 B.C. was in command both of Cisalpine and Transalpine Gaul, used to leave the one or the other in the charge of a legatus when he himself was necessarily absent (Caes. *B. G.* i. 10; i. 54). The practice was carried a step farther by Pompeius between 55 and 50 B.C., for he governed his province of Spain by legati while he himself remained in Italy (Velleius, 2, 48). In such cases it became the practice to style the deputy *legatus pro praetore* (Caes. *B. G.* i. 21: cf. Sall. *Jug.* 26 and 38). Such a title could not mean that the legatus actually held the *imperium* of a propraetor, for, as we saw, *imperium* could not be delegated; but that he held a power which was practically equivalent to it, under the *auctoritas* of his chief. But there can be no doubt that as provincial commands grow longer and more important, civic technicalities tended to lose their strength and rigidity; and we have mention in the year 82 B.C. of a *legatus pro praetore* (Pompeius in Sicily and Africa) appointed by the senate, who is also styled by one author *legatus cum imperio* (cf. Liv. *Epit.* 89, with Granius Licinianus, p. 29, Bonn edit.). The practice of governing by deputies with this honorary title led directly to the system by which, under the Empire, the *princeps*, as holder of an unlimited *imperium*, governed all the provinces not under senatorial authority (see PROVINCIA and PROCONSUL) through *legati pro praetore* appointed by and responsible to himself.

This system began with the division of provinces between Augustus and the senate in B.C. 27. From that time down to the complete reconstruction of the provincial system by Diocletian, the imperial provinces were governed by legati, either of consular or praetorian rank, according (as a rule) to the number of legions stationed in the province; but all alike were styled *legati Augusti* (or *Caesaris*) *pro praetore*, the designation *vir consularis*, or *vir praetorius*, being entirely unofficial. (Marquardt, *Staatsverwaltung*, i. 408–10.) They are to be distinguished from the *legati legionis* already mentioned, though it sometimes happened that the two offices were combined, in which case the style was *legatus pro praetore legionis* (Marq. *op. cit.* 309); and also, of course, from the ordinary legati of the proconsuls who continued to govern the senatorial provinces. These *legati pro praetore* were always, down to the reign of Gallienus, of senatorial rank, as is shown by the fact that the one provincial governor who was not a senator, the *praefectus Aegypti*, was never accorded the title of legatus.

Legati juridici.—Lastly, we find under the Empire, in the imperial provinces, certain *legati juridici* (also known simply as *juridici*), who seem to have been persons of senatorial rank appointed by the *princeps* to perform the subordinate judicial duties which in senatorial provinces were administered by the ordinary legati of the proconsul. These date probably from the beginning of the Empire; for as the *legatus pro praetore*, being himself a delegate of the *princeps*, could not delegate his duties to others like a proconsul, the governors of imperial provinces would have had no assistants for their work if the *princeps* had not supplied them. Thus we find even under Augustus (Strabo, iii. 4, 20) a *legatus pro praetore* in Spain, with three *legati* under him, who must have been *legati juridici;* and in later times, especially after Hadrian's reign, the title *legatus juridicus* occurs frequently in inscriptions. (The best account of these will be found in the French translation of Mommsen's *Staatsrecht*, by P. F. Girard, i. pp. 263, 264, and notes, where the additional matter has the sanction of the author of the work.)

After the reconstitution by Diocletian and Constantine of the whole system of government, the word *legatus* rapidly disappears, in the technical senses which have been explained; only surviving in the case of the legati attached to the provinces of Asia, Africa, and Achaia, which continued to be governed by proconsuls,

or in an occasional inscription showing that the new nomenclature of *praesides* or *rectores provinciarum* did not at once supersede it in common usage. (Cf. *Notitia Occidentalis*, xviii. p. 162, 2, 3; and Orelli, *Inscr.* 3672; Schiller's *Geschichte der Kaiserzeit*, ii. p. 56.)

[For more detailed information, see the chapter on Legati in Mommsen's *Staatsrecht*, 2nd edit., ii. p. 657 foll.; cf. vol. i. 222 foll., with the additional notes in the French translation: also Marquardt, *Staatsverwaltung*, i. 408 foll.; Willems, *Le Sénat de la République*, ii. 492 foll. and 608 foll.; Buettner-Wobst, *de Legationibus Reipublicae*, Leipzig, 1876.] [W. W. F.]

LEGES. [LEX.]

LE'GIO. [EXERCITUS.]

LEGIS A'CTIO. [ACTIO.]

LEITU'RGIA (λειτουργία, or in the older form found in inscriptions up to the 3rd century, λητουργία, derived from λέϊτος or λήϊτος, a synonym of δημόσιος, and *ἔργω), the name given to certain public services, consisting partly of money and partly of personal labour, performed by wealthy individuals (called *liturgi* in this relation, Gr. λειτουργοί) for the state, in Athens and other states of Greece. (A list of these other states may be found in Boeckh's *Public Economy of Athens*, book iii. c. 1. The most remarkable are Thebes, of which we read in Plutarch's *Aristides*, c. i., that Epaminondas assisted by Pelopidas provided there a concert of flute-players; and Aegina, as to which see the singular and amusing story, antecedent to the Persian wars, related in Herod. v. 83.) We know, however, but little of these "liturgies" in any other state except Athens. At Athens they were among the most characteristic institutions of the democracy; and though they had their faulty side, there was much in the working of them that was brilliant, and even solidly excellent.

The whole idea of the liturgies was that the rich men of the community should expend their substance and devote their labour for the benefit of all, whether in the way of solid protection or by the encouragement of graceful pursuits and exhilarating contests; the honour and glory of thus administering to the entire nation, and sometimes of winning prizes for pre-eminence in the displays, being the sole and a sufficient reward. Nothing exactly similar has ever been seen in modern times; a faint reflection of it may be found in such an office as that of high sheriff among ourselves, which is at once onerous, obligatory, and conveys with it a certain credit to him who holds it.

Our detailed knowledge of these liturgies is for the most part derived from the orators of the 4th century B.C., in whose various speeches, public and private, they are constantly mentioned. Nevertheless, that century was not the time of their greatest splendour; the Sicilian expedition, and the disastrous close of the Peloponnesian war, had thrown a cloud over the fortunes of individual citizens, as well as over the state at large. They attained their culmination during the few years which succeeded the Peace of Nicias. But on this point, and on their history generally, more will be said in a subsequent part of this article.

There were two main kinds of liturgies at Athens: those relating to the amusements of a population in its peaceable life, which were called "ordinary" (ἐγκύκλιοι); and certain others to which no specific Greek name was assigned (by modern writers they are called "extraordinary"), but which practically related to the defence of the state against foreign foes.

The ordinary liturgies were principally the Choregia, or maintenance and training of a chorus for the theatrical festivals; Gymnasiarchia, or training and maintenance of gymnasts (likewise with a view to public festivals); with this last the Lampadedromia, or preparation of runners for the torch-race, was closely connected; Hestiasis, or the feasting of the tribe to which the "liturgus" belonged; and lastly the Architheoria, or superintendence and furnishing forth of sacred embassies, such as those to Delphi or Delos. It would be very incorrect to conceive of any of these great offices as a mere tax in money upon the holder of them; they were this indeed, but they were more: the choregus, the gymnasiarch, the phylarch, and the architheorus were bound to bestow personal labour in their respective offices. (See the separate articles: CHOREGUS; GYMNASIUM; LAMPADEDROMIA; HESTIASIS; THEORIA.) Every citizen whose property amounted to three talents or upwards was liable to be called upon to undertake an ordinary liturgy; citizens of less means were, it would appear, not liable. (Compare Dem. *c. Aphob.* p. 833, with the closing sentences of Isaeus, *de Pyrrhi hered.*)

The extraordinary liturgies were the Trierarchia, or the fitting out of a ship of war, and the Proeisphora, or the advance, in time of need, of the Eisphora, or war-tax, due by less wealthy citizens (who, however, could be made to refund afterwards). The Eisphora itself has sometimes been reckoned among the liturgies; but it is distinguished from them by the fact that no man by paying it escaped from the performance of another liturgy (Dem. *c. Leptin.* p. 465; *c. Euerg. et Mnesib.* p. 1155). [TRIERARCHIA; EISPHORA; PROEISPHORA.] The Trierarchia was the most expensive of all the liturgies, sometimes costing as much as a talent, and demanded greater wealth in the holder of it. Hence after the time of the Sicilian expedition it became common to join two persons in the performance of it; and in B.C. 358 the law of Periander made the trierarchy still more like a mere tax, by enacting that it should be contributed by companies (συμμορίαι), like the war-tax. None of the other liturgies suffered this degradation; though for a short time after the Sicilian expedition two persons were permitted to join in the office of choregus (Scholiast, Arist. *Ranae*, 404; and see also Fränkel's note 757 to Boeckh). The trierarch, like the other liturgi, had to give personal service; he commanded his own ship in the old times: how the actual commander was appointed when the συμμορίαι were introduced, is not clear; he appears sometimes to have been an outside person who contracted to take the duty (Dem. *c. Mid.* p. 564).

How were the various liturgi appointed? The answer to this question has some elements of difficulty. Essentially, the tribe was responsible for the appointment; and in the case of an ordinary liturgy, this responsibility centred in the overseers of the tribe (ἐπιμεληταὶ

τῆς φυλῆς). Supposing a tribe failed to appoint a liturgus, the archon (*i.e.* the Archon Eponymus or the Archon Basileus, according to the festival concerned) would inquire the reason of such default from the overseers; and lively scenes of recrimination would ensue, as we learn from the speech of Demosthenes against Midias (p. 519), where such a default on the part of the tribe Pandionis is recorded (in this instance Demosthenes himself, though of another tribe, eventually volunteered to take the office). It is not to be inferred, however, that the overseers had an absolute power of appointing the liturgus; had this been the case, the difficulty in the tribe Pandionis could hardly have arisen. The Scholiast to Demosthenes (quoted by Fränkel in note 754 to Boeckh) affirms that the rich men of the tribe took the office by turns. That this should have been the case to some extent, was almost inevitable; but the notices in the orators do not permit us to suppose that such an order was very accurately preserved. If a man was conspicuously wealthy, and especially if he had landed property, he would often be expected to serve, whether it were his turn or not (see Dem. *c. Polycl.* p. 1208: a passage not less pertinent because it refers to the προεισφορά, an extraordinary liturgy). And in fact, whatever the power of the overseer in this respect or the validity of the rule of rotation in the selection, it is probable that direct election by the votes of the tribe was not unfrequently resorted to. (Observe especially in Dem. *c. Boeot.* p. 996, the phrase *οἱ φυλέται οἵτινες...χορηγὸν ἢ γυμνασίαρχον ἢ ἑστιάτορα*, and compare Antiphon, *Choreut.* §§ 11–13, where the speaker is choregus of his tribe by direct appointment, and yet from the way in which Amynias, the overseer of the tribe, is mentioned, it seems unlikely that the appointment lay in his hands.) Voluntary offers to undertake a liturgy no doubt sometimes superseded the necessity of a formal appointment; but this would be the exception: in the passage just referred to (Dem. *c. Boeot.* p. 996) it is assumed that a man would naturally seek to escape the burden of a liturgy. From the next page of the same oration (p. 997) we learn that the two principal archons and the managers of the contests at the Panathenaea (ἀθλοθέται) would on occasions appoint a liturgus; and clearly the Architheorus, for instance, who had a function that concerned the whole state, would not be appointed by any particular tribe. The ἀθλοθέται were, however, tribal officers.

The method of appointment to the extraordinary liturgies was also connected with the tribes; but here the general (στρατηγὸς) was the authority by whom the appointment was made; at any rate this was the case with respect to the trierarchy, and probably with respect to the προεισφορὰ as a rule, though in Dem. *c. Polycl.* p. 1208 we find the members of the Council (βουλευταί) directed by the people to draw up a list of the rich men in their several demes who should make these advances of the war-tax. The generals, it would appear, sat as a united board for the appointment both of the trierarchical classes and the individual trierarchs (Dem. *c. Lacrit.* p. 940; *c. Boeot.* 997); we may conjecture that each general would mainly arrange for the trierarchs in his own tribe, and the constitution of Cleisthenes provided that each tribe should contribute an equal number of ships to the state, but nothing is said on these points in later times, and it is possible that the connexion with the tribes gradually dropped out of view in respect of the trierarchy.

As to the limitations on the liability of any special man to be called upon to perform any liturgy, two rules are mentioned: one, that no man could be required to perform two liturgies, ordinary or extraordinary, at once (Dem. *c. Lept.* p. 462, § 19); another, that no man could be required to perform a liturgy during two successive years (Dem. *c. Lept.* p. 459, § 8). In spite of these rules, we find in Dem. *c. Polycl.* p. 1209, § 9, the complainant affirming that he had been chosen to perform the προεισφορὰ while yet performing the office of trierarch: he implies indeed that he might have refused to do so; but clearly this would have been an unpopular act. So, too, the plaintiff in the speech of Isaeus, *Or.* 7 [*Apollod.*], § 38, says of his grandfather, "Besides having served all the other liturgies, he continued his whole time to do the duty of trierarch; not getting his ship in an association like men of the present day, but at his own cost; not jointly with another, but singly; not every other year, but without intermission; not in a perfunctory way (ἀφοσιούμενος), but providing the best possible equipments. For which you not only honoured him in remembrance of his conduct, but prevented his son being deprived of his property," &c. It is implied no doubt in this passage (as in the similar passage, Lys. *pro Polystr.* § 31 ff.) that such liberality on the part of the liturgus was in great measure voluntary; but we cannot mistake the fact of there being great irregularity in the practical carrying out of all rules in regard to these appointments.

The connexion with the tribes, in the ordinary liturgies, existed not only in respect of the appointment of the liturgus, but also in respect of any victory won by his chorus of singers, his gymnasts, &c. On the tripod that he was privileged to put up after such a victory (for which tripods a special street in Athens was set apart), not only his name but the name of his tribe was inscribed.

Various other liturgies of minor importance are mentioned. (See article ARRHEPHORIA; also Boeckh, book iii., c. 21, and the note 755 of Fränkel.) The μέτοικοι or resident aliens were capable of performing the choregia at the festival of the Lenaea (Schol. *ad* Arist. *Plut.* 954) and the Hestiasis (Ulpian, *ad* Dem. *Leptin.* § 15); possibly, too, there were some peculiar to the μέτοικοι. A liturgy which citizens performed was called λειτουργία πολιτική, in opposition to a λειτουργία τῶν μετοίκων.

How far the liturgies were an oppressive burden on the rich Athenians, is a point on which differences of opinion have existed. The threat of Cleon to the Sausage-seller in the Knights (v. 912), "I will make you serve as trierarch, with an old ship and a rotten sail," &c., is evidence enough that such oppression was possible. The orators clearly show, as we should expect, that while some persons sought these offices for the sake of the popularity they conferred, others tried to escape them. On the whole, however, it would appear that the necessary legal burden

which they imposed was not ruinous (see Boeckh on the point); and though some persons did ruin themselves by their liturgies, this is generally attributed to their ambitious extension of the duty rather than to its intrinsic character. Yet Antiphanes (in Athenaeus, iii. 62) speaks of the people as bidding a man waste his money on a chorus, till he has to go in rags. (See Aristot. *Polit.* v. 8; Xen. *de Rep. Ath.* i. 13; Dem. *c. Euerg. et Mnesib.* p. 1155, § 54; various parts of Lysias, *de Aristophanis bonis;* and Isocr. *de Big.* 15.)

The archons, also heiresses and orphans until the commencement of the second year after their coming of age, were free from all liturgies. So we must conclude from Dem. *de Symmor.* p. 182, and Lysias, *c. Diogeit.* § 24; though, were it not that these passages especially related to the trierarchy, we might infer from Dem. *c. Leptin.* pp. 462–465, that that office was an exception as far as the heiresses and orphans are concerned: so express is the affirmation in this last oration that no one but the nine archons was by law free from the trierarchy. Even the descendants of Harmodius and Aristogeiton, it is said, who were free from the other liturgies, were obliged to perform the trierarchy. The exemption of the descendants of Harmodius and Aristogeiton was one of those special immunities which afterwards, in the 4th century, were granted much more freely than had been the case previously; and these never included the trierarchy. Leptines (B.C. 356) procured the passing of a law which prohibited these immunities in general; Demosthenes endeavoured, and it is generally thought with success, to get this law rescinded about a year afterwards. (On this, see Kennedy's 1st appendix to his translation of Leptines.)

Of all the customs connected with the liturgies, none was more singular than the right which every citizen who was nominated for one of them had, of proposing to any other citizen equally bound with himself and of greater wealth, either to take the liturgy in his place or to exchange properties. That this right was no dead letter, the speeches of the orators show; though the actual exchange probably was seldom carried out. [ANTIDOSIS.]

It remains to make some observations on the history and development of these liturgies. We cannot rely on the specific ascription of them to Solon as their originator; and yet probably those who weigh the entire probabilities of the case will be of opinion that they commenced not later than his time, and owed, if not their actual beginning, at all events much of their subsequent growth, to that liberal impulse which he imparted to the internal policy of Athens. It is true, as Fränkel (note 752 to Boeckh) remarks, that the liturgies, as we know them, were in close connexion with the ten tribes of which Cleisthenes was the author, and that therefore our knowledge of them, strictly speaking, does not commence earlier than his date. It is true also, that we may refuse to believe even so precise a statement as that of Aeschines (*c. Timarch.* § 7) to the effect that the actual Solonic laws on the subject were visible at Athens in his time, without any imputation of falsehood against Aeschines, or of forgery against anyone else: for the whole series of Athenian laws was revised and remodelled after the expulsion of the Thirty Tyrants, under the archonship of Eucleides; and as the object of the revisers was not antiquarian accuracy, but present expediency, much would be set down under the name of Solon that was really contributed by the revisers, or perhaps by some earlier authority. Still we must not refuse all weight to what Aeschines says; and the second (probably not genuine) book of Aristotle's *Oeconomics* affirms that they were in existence in the age of the sons of Pisistratus. The probabilities of the case also are in favour of an early date for them. The objects for which the liturgies existed were valid before as well as after the time of Cleisthenes; the dithyrambic chorus, for instance, was very ancient, and even the first dramatic exhibition dates from B.C. 535. It is in the abstract conceivable that the state paid the whole expense of this; but the contrary is more probable; for the dithyrambic singers were closely connected with the rhapsodists, and surely these were not state-paid? And if Cleisthenes had made any great change in the manner of defraying such expenditure, should we not have been told of it? Nor can we fail to see the analogy between the naucraros, or chief of the naucrary (which in the Solonian constitution was obliged to contribute a trireme and two horsemen for the state service, Pollux, viii. 108), and the trierarch of a later date. The naucraros would not of course contribute the whole ship from his own resources; but it is natural to suppose that the duty of keeping it in good trim was mainly imposed on him, so that the difference between him and the trierarch would be small. (Cf. in Hermann's *Griech. Staatsalt.* § 98, note 3, the quotation from Bekker's *Anecdota.*) Besides, the whole look of such an institution as the liturgy is of something springing spontaneously out of the popular sentiment, and therefore of gradual growth; the ordinary liturgy was no political, nor even a religious, necessity (see Dem. *c. Leptin.* pp. 494, 495). And the derivation of λειτουργία, the antique character of the first half of the word, implies considerable antiquity in the thing it represents.

We may assume, then, that the liturgies were in process of development during the 6th century B.C. The institution of the ten tribes by Cleisthenes would necessitate their re-arrangement; the immense increase of the Athenian power during the succeeding century would foster them into splendour. In no other century do we find mention of such an incident as that of Cleinias, who, in the battle of Artemisium, fought in a ship built and manned (with 200 men) at his own expense entirely. Plutarch tells us of the magnificence with which Nicias conducted the religious embassy at Delos, and of the still greater display of Alcibiades at the Olympic games. The Sicilian disaster and the defeat of Athens at the close of the Peloponnesian war caused a great fall from this exuberance. Isocrates (*de Antid.* p. 84, §§ 159, 160) forcibly describes the change in public feeling: in his own boyhood, he says, every one sought to make himself appear richer than he was; now (rather before the middle of the 4th century) every one tries to conceal his wealth, for fear of informers. This has been thought

to be the grumbling of an old man; but it was no unnatural result, and there is corroborative evidence. Thus Demosthenes (*c. Lept.* p. 492) implies that the state in his time was much poorer than formerly; and he even appears to connect the growth of the exemptions from liturgies from this cause; the state could make more valuable gifts in land and money formerly, he says. It was, however, the trierarchy that suffered most from this comparative poverty; this is clear from the very institution of the "symmories," and it is emphasised by Demosthenes (*Phil.* i. p. 50, § 35): "How is it," he asks, "that your magnificent festivals always take place at the appointed time, while all your armaments are after the time? Because in the former case everything is ordered by law, and each of you knows long beforehand, who is the choregus of his tribe, who the gymnasiarch, when, from whom, and what he is to receive, and what to do. Nothing there is left unascertained or undefined: whereas in the business of war and its preparations all is irregular, unsettled, undefined. Therefore it is only when we have heard some news that we appoint trierarchs; then we dispute about exchanges, and consider about ways and means; ... during these delays the objects of our expedition are lost." It will be seen that this passage implies what we should also gather from the orators, that the offer of exchange of property (*ἀντίδοσις*) was far more frequent in the case of the trierarchy than in the case of the other liturgies; this is another sign of the comparative unpopularity of the trierarchy in these later times as compared with the other liturgies. The reason is obvious, that there was much less show about it, and therefore less personal aggrandisement of the liturgus. Yet exceptions must in fairness be admitted; as the splendid discharge of this office by the banker Pasion, if we way trust his son Apollodorus (Dem. *c. Steph.* p. 1127); and the more certain fact that volunteers were for the first time found for the trierarchy in the enthusiastic movement, brought about by Timotheus, for the recovery of Euboea, B.C. 358 (Dem. *de Cor.* p. 259; *de Cherson.* 108). It may be observed that Aristotle (*Polit.* v. 8) disapproved of the ordinary liturgies; remarking that "it would be better if the people would prevent the rich men, when they offer to exhibit a number of unnecessary and yet expensive entertainments of plays, torch-races, and the like." He may have been justified in his own time, while yet in earlier ages the liturgies may have been a result of true patriotic impulse, and a binding link between the rich and the poor.

On the subject of the liturgies, see especially Boeckh's *Staatshaushaltung der Athener;* Hermann, *Staatsalterth.* § 161; Wolf, *Prolegom. in Demosth. Leptin.* p. lxxxvi., &c.; Wachsmuth, vol. ii., p. 92, &c.; Kennedy's translation of the *Oration against Leptines*, &c., Appendix ii. p. 242. [J. R. M.]

LEMBUS (*λέμβος*), according to Fulgentius called also *dromo*, which defines it as a swift and light vessel. It was a small boat used to carry persons from the ship to the shore (Plaut. *Merc.* i. 2, 81; ii. 1, 35). So in Dem. *c. Zenoth.* p. 883, the *λέμβος* seems to be a small boat towed behind the ship into which Hegestratus tries to jump so as to escape to shore; and in Theocr. xxi. 12, it is a small fishing boat for oars (cf. Verg. *Georg.* i. 201). The name was also given to boats larger than this, but in the same manner light and swift, sent ahead to obtain information of the enemy's movements (Polyb. i. 53), or for plundering excursions (Liv. xxx. 45); also as fast-sailing transports (Polyb. li. 3). [W. S.] [G. E. M.]

LEMNISCUS. [See CORONA.]

LE'MURES. See *Dict. of Greek and Roman Biography and Mythology.*

LEMU'RIA, a festival for the souls of the departed, which was celebrated at Rome every year in the month of May. It was said to have been instituted by Romulus to appease the spirit of Remus whom he had slain (Ovid, *Fast.* v. 473, &c.), and to have been called originally Remuria (clearly a fanciful derivation). It was celebrated at night and in silence, and during three alternate days, that is, on the 9th, 11th, and 13th of May. During this season the temples of the gods were closed, and it was thought unlucky for women to marry at this time and during the whole month of May, and those who ventured to marry were believed to die soon after, whence the proverb *mense Maio malae nubent.* Those who celebrated the Lemuria walked barefooted through the house, washed their hands three times, and threw black beans nine times behind their backs. At the same time the words were used, "I redeem myself and my household with these beans," and the ghosts were bidden to quit the house. It was supposed that they followed behind the thrower and gathered up the beans. The Lemures, as the Larvae, represented the spirits of the wicked and haunted a house for evil: beans were sacred to the infernal powers, for which reason the Flamen Dialis was forbidden to touch or even to name them, just as he was forbidden to approach a grave or a dead body (Gell. x. 15); and *black* beans, like the *πάμμελας ὀτς* of Homer, would be particularly appropriate to the Lemures. That the festival was a very ancient one may be conjectured from its fetish-like character, and from the fact that it was celebrated by the father of the family for his own household. (For the date of the Lemuria, see Marquardt, *Staatsverwaltung*, iii. 575: and for details of the ceremony, Ovid, *l. c.*; Preller, *Röm. Myth.* 499.) [L. S.] [G. E. M.]

LENAEA. [DIONYSIA.]

LENO, LENOCI'NIUM. Lenocinium is defined by Ulpian as the keeping of slaves or free women for prostitution and the profits of it: "Lenocinium facit, qui quaestuaria mancipia habet, sed et qui in liberis hunc quaestum exercet in eadem causa est" (Dig. 3, 2, 1; *ib.* 4, 2): cf. Dig. 23, 2, 6–9, "Lenas eas dicimus quae mulieres quaestuarias prostituunt." The brothels of Rome (*lupanaria*) are mentioned by Plautus, Juvenal, and Quinctilian. In the Digest it is said more than once (*e.g.* 23, 2, 43, 1) that the keeping of a tavern was often no more than a cloak for this kind of trade; and Alexander Severus enacted (Cod. 4, 56, 3) that an *ancilla* who was sold under a condition that she should not be prostituted, should not either be sold into service in a public house, as if the two things were almost identical. The trade, however, was not forbidden, though it seems to have been requisite for lenones to be registered with the aedile, and by the praetor's edict they were one

of the classes branded with the stigma of *infamia* (Dig. 3, 2, 4, 2): in the time of Caligula, too (Sueton. *Calig.* 40), a tax was imposed on all who kept brothels. Theodosius and Valentinian (Cod. 1, 4, 12) enabled slaves and children whom their masters or fathers forced to prostitution to obtain protection by application to the authorities of the church, and they also forbade the practice of lenocinium under pain of exile, corporal punishment, &c. (*Cod. Theod.* 15, 8, 1, 2; *Nov. Theod.* tit. 18). Justinian (*Nov.* 14) also attempted to suppress the business by banishing lenones from the city, and by making the owners of houses who allowed prostitution to be carried on in them liable to forfeit the houses and pay ten pounds of gold: those who by trickery or force got girls into their possession and gave them up to prostitution were punished with the "extreme penalties," but it is not said what these were.

Most of the passages bearing on this subject in the writings of the jurists relate to the lenocinium which the Lex Julia de adulteriis (Dig. 48, 5, 2, 2; cf. Cod. 9, 9, 2) subjected to the penalties of *adulterium* itself, for which see *Inst.* iv. 18, 4. Among such acts are allowing one's house to be used for adultery or *stuprum;* acquiescing in the adultery of one's wife in order to share the gain she made; to keep or take back a wife whom one has detected in an act of adultery (Sueton. *Dom.* 8; Paul. *Sent. rec.* 2, 26, 8); to let an adulterer detected in the act escape, or not to prosecute him. A husband who winked at his wife's adultery had no right to retain any portion of the *dos* (Dig. 24, 3, 47); but by *Nov.* 117, 9, 3, Justinian allowed a wife a divorce if her husband attempted to make her prostitute herself, and enabled her to recover both *dos* and *donatio propter nuptias.* With respect to other persons than the husband, it was lenocinium by the Lex Julia if a man married a woman convicted of adultery: if, having detected others in adultery, he held his peace for a sum of money, or if he commenced a prosecution for adultery and then discontinued it. (Rein, *Criminalrecht der Römer*, p. 883; Walter, *Geschichte des römischen Rechts*, § 811.) [G. L.] [J. B. M.]

LEONIDEIA (λεωνιδεῖα) were solemnities celebrated every year at Sparta in honour of Leonidas, who, with his 300 Spartans, had fallen at Thermopylae. Opposite the theatre at Sparta there were two sepulchral monuments, one of Pausanias and another of Leonidas, where a contest was held, in which none but Spartans were allowed to take part. (Paus. iii. 14, § 1.) [L. S.]

LEPESTA (λεπάστη), a wine bowl mentioned by Varro among *vasa vinaria.* He also says, "Ubi erat vinam in mensa positum, aut lepestam aut galeolam aut sinum dicebant; tria enim pro quibus nunc dicimus acratophoron" (Varr. *ap.* Priscian. vi. 714). It was therefore, like the acratophoron, filled with pure wine and placed on the table. He speaks, too (*L. L.* v. 26, 35), of its being used in Sabine sacred rites to hold wine; and says that it was either of pottery or metal (Varr. *ap.* Non. 547, 26. See also Arist. *Pax*, 916, and Athen. 484 f.). In these instances it seems to be used as a drinking cup. Its shape may be guessed from its connexion with the word λέπας, "a limpet," a more probable source than λάπτω, "to swallow." It may be noticed that conversely the Latin word for limpet is *patella.* (Marquardt, *Privatleben*, 654; Becker-Göll, *Gallus*, iii. 410.) [G. E. M.]

LEPTON. [CHALCUS; OBOLOS.]

LERIA. [LIMBUS.]

LERNAEA (λερναῖα) were mysteries celebrated at Lerna in Argolis in honour of Demeter and also to Dionysus, for both deities had shrines there. Dionysus had descended by the marsh of Lerna to the nether world to seek his mother Semele. Pausanias says that part of these rights might be revealed to the uninitiated, but that which belonged to Dionysus might not. Probably these mysteries reproduced the doctrines of Eleusis about a future life. We are told that there was a doubtful tradition to the effect that Philammon instituted these mysteries. In ancient times the Argives brought firs for them from the temple of Artemis Pyronia on Mount Crathis. (Paus. ii. 36, 37, viii. 15; Maury, *Relig. de la Grèce*, ii. 370.) [L. S.] [G. E. M.]

LESCHE (λέσχη) seems to be connected with λέγω, though the history of the form which it takes is not quite clear (Curtius, *Greek Etym.* 366). It means conversation, and hence a place of conversation or council. The definition in Photius is λέσχας ἔλεγον δημοσίους τινὰς τόπους, ἐν οἷς σχολὴν ἄγοντες ἐκαθέζοντο πολλοί .... ἐξέδραις δὲ ὁμοίας γενέσθαι. In early times they were the places for lounging and gossip, such as could be found in the village smithy, παρ' ἴθι χαλκείου θῶκον καὶ ἐπαλέα λέσχην (Hes. *Op.* 491). (Compare the mention of *furnus* as a place for gossip in Horace.) In *Od.* xviii. 329 the λέσχη seems to be mentioned as distinct from the smithy, though both are mentioned as places for gossip. It is probable that even in those early times there were covered places, porticoes or verandahs, open to the sun (ἀλεεινοὶ τόποι, as Hesychius calls them, and this is probably the sense of ἐπαλής), which were used as a sort of village club. We gather from the grammarians that there were commonly in Greek cities such places called λέσχαι, where the idle resorted for conversation, the poor to find warmth and shelter; at Athens it is said that there were several. (Eustath. *ad Od.* l. c.; Proclus *ad* Hes. *l. c.*; Kühn *ad* Ael. *V. H.* ii. 34; *C. I.* 93, 23.)

In the Dorian states especially we find the word used for a sort of club-room and as a place for meeting and consultation. At Sparta every *phyle* had its lesche. Pausanias names two, one called the λέσχη Κροταναῶν, the other (from its decoration) the λέσχη ποικίλη (Paus. iii. 14, § 240; 15, § 245). Plutarch (*Lyc.* xxv. § 55) speaks of them as used for business also, but especially for the relaxation of the citizens (ἡδυσμα τοῦ πόνου), in contrast to their severe bodily exercises and drilling; in fact, "The proper home of the Spartan art of speech, the original source of so many Spartan jokes, current over all Greece, was the Lesche, the place of meeting for men at leisure near the public drilling-grounds, where they met in small bands and exchanged merry talk, as soldiers do by the watch-fire in the camp. Here men learnt the give-and-take of Spartan speech" (Curtius, *Hist. of Greece*, E. T., vol. i. p. 205). No doubt those at least mentioned by Pausanias had some architectural preten-

sions, and we find others such elsewhere, especially those in connexion with the temples of Apollo (which suggests that, though in vogue among Ionians also, they belonged more particularly to Dorians); and hence Apollo as their guardian is called λεσχηνόριος. Most famous of all was the Lesche of the Cnidians at Delphi, a court surrounded by colonnades or cloisters and painted in the colonnades on the right and left by Polygnotus: the Trojan war on the right, with the taking of the city and the loosing of the fleet; the realms of death, into which Ulysses descended, on the left. The paintings are elaborately described by Pausanias (x. 25–31, § 859 *sq.*), who was fortunate enough to have seen them. [P. S.] [G. E. M.]

LEX. This term indicates generally a rule of law binding universally on the citizens of a given state: "Lex est commune praeceptum, virorum prudentium consultum, delictorum coercitio, communis reipublicae sponsio" (Dig. 1, 3, 1); "Legis virtus est haec, imperare, vetare, permittere, punire" (*ib.* 7). In the works of the Roman writers and jurists it is used to denote an enactment of any body (or even individual) constitutionally empowered to legislate, but more properly it is used only of the enactments of the Comitia Centuriata. Definitions of *lex* will be found in Cicero, *de Leg.* i. 6 (cf. ii. 16); in Aulus Gellius, x. 20 (by the jurist Capito); in Gaius, i. 3 (adopted in Justinian's Institutes, i. 2, 4); and in Dig. 1, 3, 1 (by Papinian).

The earliest leges of which we read were those made in the Comitia Curiata (whence they are called Leges Curiatæ), which till the reforms of Servius Tullius was the only legislative body at Rome. Some of these—the so-called *leges regiae*—were said to have been enacted by the Comitia on the motion of Romulus, as well as of the kings who succeeded him (Dig. 1, 2, 2, 2). Dionysius says (iii. 36) that a collection of these leges regiae was made towards the end of the regal period by one Sextus Papirius, a commentary on which, written in the time of Julius Caesar by Granius Flaccus, is quoted in Dig. 50, 16, 144; but it is improbable that they were anything more than formal restatements of customary law already binding, and the fact that Sextus Papirius was (according to Dionysius) a pontifex suggests that they may have been only of sacerdotal import. (Some of their substance has been collected in a fragmentary form by earlier writers, and there is an essay on the subject by H. E. Dirksen: *Versuche zur Kritik und Auslegung*, Leipzig, 1823). It may indeed be doubted whether any large proportion of the enactments of the Comitia Curiata were genuine "laws," though the fifty leges of Servius mentioned by Dionysius (iv. 13) seem to have made some general changes; at any rate it is certain that after the establishment of the Comitia Centuriata by Servius Tullius the assembly of the Curiae, as a legislative body, fell almost entirely into disuse. We read of its conferring the *imperium* on the magistrates, sanctioning testaments and adrogations, and confirming some of the resolutions of the centuries which were held to require a religious sanction, and in all these cases it acted by a resolution or *lex*, but the difference between such a *lex* and a true law is too obvious to need any further exposition. And though even under Augustus a shadow of the old constitution was preserved in the formal bestowal of the *imperium* by a Lex Curiata only, the assembly of the Curiae had ceased even before Cicero's time to consist of the old patricians: they were merely represented by thirty lictors.

In the sense of a genuine enactment, establishing a rule of law, *lex* denotes the legislation of the Comitia Centuriata, in which the law was proposed (*rogabatur*) by a magistrate of senatorial rank, usually by one or both of the consuls for the year (*Inst.* i. 2, 4). Such leges were also called *populiscita* (Festus, *s. v.* Scitum Pop.).

The resolutions of the Comitia Tributa, whose origin was almost contemporaneous with that of the centurial assembly, had not at first the force of law: they seem to have been regarded merely as expressions of plebeian opinion, by which the patricians gauged the temper of the political opposition, and were guided to the line of policy which party exigencies rendered expedient. They were known as *plebeiscita* because the Comitia Tributa was at first attended only by members of the plebs, though every Roman was in fact enrolled in a tribe, and entitled to attend. When the tribunate of the plebs was instituted (*circ.* B.C. 494), a means was provided by which the resolutions of the tribes might become law. The tribunes were permitted to appear at the threshold of the building where the senate deliberated, and lay before it the proposals of the order which they represented: if approved, these proposals could then be referred in the ordinary way to the Comitia Centuriata, and thereby become genuine enactments of the sovereign populus (Val. Max. ii. 2, 7). After the enactment of the Lex Horatia Valeria (B.C. 449) the patricians seem to have begun to take part in the business of the Comitia Tributa, and it was perhaps provided by the same statute that plebiscita which related to matters of purely private law should have binding force without confirmation by the centuries. This exemption was apparently extended to all plebiscita by the first of the Leges Publiliae, B.C. 339 (Liv. viii. 12; Gellius, xv. 27), and finally a Lex Hortensia (B.C. 287) dispensed with the requirement of senatorial sanction to plebiscita. By this last change they were placed on a footing of complete equality with leges passed in the Comitia Centuriata (Dig. 2, 14, 7, 7; Gaius, i. 3; *Inst.* i. 2, 4): as the latter were proposed to the centuries by a senatorial magistrate, so they were submitted to the tribes by a tribune: leges related in the main to administrative and constitutional matters, plebiscita to matters of private law. The result of the equal legislative authority of the two comitia was that plebiscita came not uncommonly to be called leges, *lex* becoming a generic term (Dig. 1, 3, 32, 1), to which was sometimes added the specific designation, as "lex plebeive-scitum," "lex sive plebiscitum est" (*e.g.* the Tabula Heracleensis, Savigny, *Zeitschrift*, &c. vol. ix. p. 355). Cicero, in his enumeration of the sources of Roman law (*Top.* 5), does not mention plebiscita, which he undoubtedly included under leges: among the so-called leges which in fact were plebiscita are the Lex Aquilia (Cic. *pro Tullio*, 8, 11; Dig. 9, 2, 1, 1), the Lex Canuleia, Lex Rubria, &c.

The term *rogatio* means any measure proposed (bill, *projet de loi*) to the legislative body, whether on its enactment it would technically be a lex or a plebiscitum: hence the expressions *populum rogare* (Cic. *Phil.* i. 10, 26), *plebem rogare* (*de Leg.* iii. 3, 9), *legem rogare* (*de Republ.* iii. 10, 17; *Phil.* ii. 29, 72; Dig. 9, 2, 1, 1), and, by analogy, *magistratum rogare*, to offer a magistrate for election to the people (Liv. iii. 65, vi. 42; Cic. *ad Att.* ix. 15, 2, &c.; Sallust, *Jug.* 29: cf. Festus, *s. v.* Rogatio). The form of such rogation (in the case of an adrogation effected before the Comitia Curiata) is given by Gellius, v. 19, 5, 9: "Velitis jubeatis, uti L. Valerius L. Titio tam jure legeque filius siet, quamsi ex eo patre matreque familias ejus natus esset, utique ei vitae necisque in eum potestas siet, uti patri endo filio est, haec ita uti dixi, ita vos quirites rogo." Assent to the proposal was expressed in the form "uti rogas" (which explains the term *sponsio* in the definition of *lex* above from Dig. 1, 3, 1); rejection by the verb *antiquo* (Liv. iv. 58, v. 30, 55, &c.; Cic. *de Off.* ii. 21, 73; *ad Att.* i. 13; *de Leg.* iii. 17, 38). The measures submitted were not unfrequently called *rogationes* even after their definite enactment as leges or plebiscita; and in Dig. 35, 2, 1, pr., an enacted statute is termed "lex rogata." "*Promulgare* legem" denotes the publication of its terms for the public information (see LEX CAECILIA DIDIA *inf.*), such publication being usually followed by *contiones* or meetings in which the bill was explained and recommended to the people by its proposer or supporters (*suasores*): this promulgation and informal discussion is expressed by the phrase "*ferre* legem" as contrasted with *rogare*, which is confined to the solemn submission of the measure to the Comitia for acceptance or refusal: the general term used for acceptance is "rogationem *accipere*." "Legem *perferre*" is to carry a rogatio, to convert it into a lex (Cic. Cornel. *fragm. ap.* Ascon.; Liv. xxxiii. 46). Other terms familiarly used in connexion with leges are explained by Ulpian (*Reg.* 1, 3): "Lex aut rogatur, id est fertur: aut abrogatur, id est, prior lex tollitur: aut derogatur, id est, pars primae legis tollitur: aut subrogatur, id est, adjicitur aliquid primae legi: aut obrogatur, id est, mutatur aliquid ex prima lege."

By Festus *rogatio* is described as equivalent to what is otherwise called *privilegium*: "a command of the populus relating to one or more persons, but not to all persons, or relating to one or more things, but not to all:" cf. Dig. 50, 17, 196. Privilegia had been forbidden by the Twelve Tables (Cic. *de Leg.* iii. 19, 44; *pro Domo*, 17, 43), but in the sense of statutes in favour of or directed against individuals they are common; *e.g.* the Lex Centuriata by which Cicero was recalled from exile: "Non sunt generalia jussa, ... sed de singulis concepta, quocirca *privilegia* vocari debent, quia veteres priva dixerunt quae nos singula dicimus" (Gellius, x. 20, 4). The term is generally used by Cicero in the unfavourable sense (*pro Domo*, 17, 43; *pro Sestio*, 30, 65; *Brut.* 23, 89), and from the language in *pro Domo*, 11, 28, it may be inferred that privilegia were not considered leges proper: cf. Ulpian in Dig. 1, 3, 8: "Jura non in singulas personas, sed generaliter constituuntur." In the Corpus *juris privilegium* is used generally to denote a *jus singulare* or privilege conferred on classes by law: cf. Dig. 1, 3, 16; 9, 2, 51, 2; 1, 3, 14 and 15: and see Savigny, *System*, i. p. 61.

Of the form and style of Roman legislation we can judge to some extent from the fragments which survive. The Romans seem to have always adhered to the old expressions, and to have used few superfluous words. Great care was taken with such clauses as were intended to alter a previous lex (whence the standing clause "de impunitate si quid contra alias leges, ejus legis ergo, factum sit," Cic. *ad Att.* iii. 23), and to avoid all interference with prior enactments when no change in them was contemplated (whence the common formula "ejus hac lege nihil rogatur," E. H. L. N. R. Lex Tab. Heracl., Lex Rubria, Lex Quinctia de aquaed.: cf. Valerius Probus; Cic. *pro Caec.* 33, 95; *pro Balbo*, 14, 32): though the general principle seems to have been that a subsequent repealed or modified a prior lex with which it was inconsistent. The leges were often divided into chapters (*capita*), *e.g.* the Lex Aquilia (Gaius, iii. 210, 215, 217): cf. also the tablet of the Lex Rubria or de Gall. Cisalp. and Cic. *ad Att.* l. c. In order to preserve a permanent record, the lex was engraved on bronze (*aes*) and deposited in the Aerarium (Sueton. *Jul.* 28; Plut. *Cat. min.* 17): but it also seems to have been usual to cut statutes on tablets of oak (Dionys. iii. 36), which were whitened over and then fixed in a public place for all citizens to read, though whether they were so exposed for any great length of time is uncertain (Cic. *ad Att.* xiv. 12). The title of the lex was generally derived from the gentile name of the magistrate who proposed it, and sometimes from those of both the consuls or praetors (*e.g.* Lex Aelia Sentia, Junia Norbana, Papia Poppaea, &c.): and it was sometimes further described by reference to the topic to which it related (*e.g.* Lex Cincia de donis et muneribus, Lex Furia de sponsu, Lex Furia testamentaria, Lex Julia municipalis, &c.). Leges which related to a common subject were often designated by a collective name, as Leges agrariae, judiciariae, sumptuariae, &c. When a lex comprised very various provisions, relating to matters essentially different, it was called Lex Satura.

The terms in which a statute was expressed were fixed by the proposer, though he would usually be assisted by others who possessed the requisite familiarity with technical language: it was proposed to the Comitia for acceptance or rejection in its entirety, there being no discussion of or alteration in its clauses, which indeed in such an assembly would have been injurious, if not impossible. One important part of the lex was its *sanctio*—i.e. that part of it which provided a penalty for, or declared what should be the effect of, its infraction (*Inst.* ii. 1, 10; Auct. *ad Herenn.* ii. 10; Cic. *de Invent.* ii. 49, 146; Papinian in Dig. 48, 19, 41). If the sanctio declared that the act against which the statute was directed should be void, the lex was said to be *perfecta*; if there was no such provision, it was *imperfecta* (e.g. the Lex Cincia): and if an act was merely penalised, but not declared void, the lex is said by Ulpian (*Reg.* 1, 2) to be called "minus quam perfecta" (*e.g.* the Leges Furiae

testamentaria and de sponsu): cf. Savigny, *System*, iv. p. 549 *sq.*

The number of leges was largely increased towards the end of the republican period (Tac. *Ann.* iii. 25–28), and Julius Caesar is said to have contemplated a revision of the whole of them. Augustus, and perhaps his immediate successors, was careful to conduct his legislation under republican forms, though it may be doubted whether any statute was enacted after the fall of the Republic except on the initiative of the emperor, or at any rate without his sanction express or implied. The Comitia assembled and gave the force of law to the proposals submitted to them for some time after the constitution had lost all trace of real freedom (Tac. *Ann.* i. 15 relates to the election of magistrates, not to legislation); and most of the Leges Juliae, a Lex Visellia, an agrarian law of Caligula, and a law of Claudius (Gaius, i. 157, 171) were enacted in the ordinary way. The last statute which we know to have been passed in this manner is a lex agraria of the time of Nerva (A.D. 96–98), mentioned in Dig. 47, 21, 3, 1. Gaius speaks of the Comitia as in theory still a source of law ("lex est, quod populus *jubet atque constituit*, plebiscitum, quod plebs *jubet atque constituit*," i. 3: cf. *Inst.* i. 2, 4, in which the present tense has been turned into the past): but it is improbable that they had been called upon to discharge legislative functions since A.D. 100.

For some reigns after that of Augustus legislation was most ordinarily conducted by resolutions of the senate [SENATUSCONSULTUM], into which the proposed law was introduced by a consul, or very often by an oration of the emperor [CONSTITUTIONES]. Originally senatusconsulta did not acquire the force of law until they had been confirmed by the Comitia, in which case they were leges proper: but during the last half-century of the Republic the senate asserted and established an independent right of legislation. Hence, when genuine statutes ceased to be enacted with any frequency, senatusconsulta came to be actually called *leges*. Justinian says (*Inst.* i. 2, 5), "Cum auctus esset populus Romanus in eum modum ut difficile esset in unum eum convocari legis sanciendae causa, aequum visum est senatum vice populi consulŕ:" a passage based on similar language of Pomponius in Dig. 1, 2, 2, 9. The name *comitia* came to be commonly given to the sittings of the senate (Tac. *Ann.* i. 15; Capitol. *Max.* 10). Gaius says (i. 4) that a senatusconsultum "*vicem legis* obtinet," and in i. 85 he terms a senatusconsult of Claudius a *lex:* for similar passages cf. Dig. 14, 6, 9, 4; ib. 14; 48, 16, 10. No senatusconsulta occur after the reign of Septimius Severus (A.D. 193–211). The constitutions of the emperors, which succeeded senatusconsulta as the ordinary mode of legislation, were also called *leges* (e.g. Lex Anastasiana, Cod. 4, 35, 22): cf. *Inst.* i. 2, 6, and Dig. 1, 4, 1: "Quodcunque Imperator statuit, *legem* esse constat." [See CONSTITUTIONES.]

A less common and proper signification of lex, quite distinct from that of a general rule of law, is that in which it denotes the conditions under which a thing is to be done, or under which parties contract with one another: *e.g.* "lex commissoria" [COMMISSORIA]; "leges venditionis" or "emptionis," conditions of sale, Dig. 18, 1, 40 (which explains why Cicero speaks of Marcus Manilius' work on sales as "Manilianas venalium vendendorum leges," *de Orat.* i. 58, 246); "legem traditioni dicere," Dig. 8, 4, 17, 3; "lex donationis," Dig. 1, 5, 22. Accordingly we find the expression "leges censoriae" to express the conditions on which the censors let the public property or taxes to farm, which were perhaps embodied in certain standing regulations (*Fragm. de jure fisci*, § 18; Dig. 50, 16, 203). Similarly the term is used of conditions imposed on a testamentary disposition: "legatario legem dicere," Dig. 40, 5; 40, 1; cf. Dig. 32, 22, pr. Not unfrequently lex denotes merely the statute of the Twelve Tables (*e.g.* Dig. 2, 14, 7, 14; 8, 3, 13; 41, 3, 3, &c.), and in one passage it means nothing more than the nature or character of a thing: "*lex* danda operi talis, ne quid noceat vicinis," Dig. 39, 2, 15, 10. The extant authorities for Roman leges are inscriptions and the works of the classical writers and jurists. The *Corpus Inscriptionum Latinarum* of Mommsen of course comprises all extant records of authentic legislation, along with a vast number of other inscriptions; smaller collections, relating more particularly to leges, are those of Göttling (*Römische Urkunden auf Erz und Stein*, Halle, 1845) and Zell (*Defectus inscriptionum cum monumentis legalibus fere omnibus*): cf. also Rudorff, *Römische Rechtsgeschichte*, i. §§ 81–86. The best information as to the fragmentary citations from or references to leges which are found scattered about in non-juristic Latin writers is to be obtained from Haubold's *Institutiones juris Romani litterariae*, vol. i. pp. 241–44, 297–349 (Leipzig, 1809): of the imperial legislation (independently of the Codes which have come down to us) there is a very full collection by Haenel, *Corpus legum*, &c. Fasc. i. (Leipzig, 1857). But perhaps the most useful modern collection to the classical student is that of Orelli (vol. viii. of his edition of Cicero) entitled "*Index legum Romanarum quarum apud Ciceronem ejusque Scholiastas, item apud Livium, Velleium Paterculum, A. Gellium nominatim mentio fit.*"

The following is a list of the principal Leges:—

ACI'LIA DE COLONIIS DEDUCENDIS, B.C. 198 (Liv. xxxii. 29).

ACI'LIA REPETUNDARUM, B.C. 102 (Cic. *in Verr.* i. 17, 51; ii. 1, 9). [REPETUNDAE.]

ACI'LIA CALPURNIA, B.C. 68 (Dio Cass. xxxvi. 21). [AMBITUS.]

AEBU'TIA, enacted probably about B.C. 170 (for the various views as to its precise date see Rudorff, *Rechtsgeschichte*, i. § 44, p. 106; Padelletti, *Hist. Roman Law*, ch. 32, note 2): it abolished the legis actio procedure except in suits tried before centumviri, in cases of damnum infectum, and for the voluntary jurisdiction employed for adoptions, manumissions, in jure cessio, &c. (Gellius, xvi. 10, 8; Gaius, iv. 31). [JUDEX; ACTIO.] Another lex of the same name prohibited the proposer of a lex which created any office or power (*curatio ac potestas*) from having such office or power, and even excluded his collegae, cognati and affines (Cic. *de lege agr.* [*in Rull.*] ii. 8, 21; *de Domo*, 20, 51).

AE'LIA. This and a Lex Fufia passed towards the end of the sixth century of the city (Cic. *in Pison.* 5, 10) gave every magistrate the right of declaring beforehand his intention of taking the omens on a fixed day, and thereby (on the plea of their being unfavourable) of preventing the assembly of the Comitia (*obnuntiatio*). This right was frequently exercised against the tribunes of the people (Cic. *in Vatin.* 7, 9), for which reason Clodius (B.C. 58) got it temporarily taken away (Dio Cass. xxxviii. 13). The better opinion seems to be that there were two distinct leges (see Walter, *Geschichte des römischen Rechts*, § 152, note 98); they are frequently mentioned by Cicero, especially *in Vatin.*; *pro Sestio*; *in Pison.*; *ad Att.* i. 16, ii. 9, iv. 16, 5. See also Orelli's discussion of them in his *Onomasticon*; *Index Legum*, where the passages in which they are mentioned are collected; and Mommsen, *Römisches Staatsrecht*, i. pp. 80, 107.

AE'LIA DE COLONIIS DEDUCENDIS, B.C. 195 (*Liv.* xxxiv. 53).

AE'LIA SE'NTIA. This was passed A.D. 4, mainly to prevent the true Roman population from being swamped by a too free exercise of the master's right of making his slaves citizens of Rome by manumission [LIBERTUS]. It contained the following provisions:—

(i.) Slaves who had been put in irons or branded by their masters as a punishment, or put to torture on a criminal charge and convicted, or made to fight in the arena, or thrown into prison or consigned to the gladiatorial school, were not by subsequent manumission to attain any higher status than that of *peregrini dediticii* (Gaius, i. 13; Ulpian, *Reg.* i. 11; Paul. *Sent. rec.* iv. 12, 3–8: see DEDITICII and LIBERTUS). (ii.) Slaves under thirty years of age could not in future be manumitted so as to become *cives* unless the form of manumission were "per vindictam," and a sufficient reason for it were proved before a consilium, consisting at Rome of five senators and five equites, sitting on fixed days, and in the provinces of twenty recuperatores or judges who were cives, and who sat for this purpose on the last day of the conventus or judicial assize in different towns (Gaius, i. 18, 20; Ulp. *Reg.* i. 12). Among the "sufficient reasons" (*justae causae*) were that the slave was a child or near relation of the manumitter, or his paedagogus; or that he wished to make him his agent, or (being a girl) to marry her (Gaius, i. 19). But even a slave under thirty could be made a civis by his master's will if he were instituted heres necessarius "cum libertate," and the master was insolvent (Gaius, i. 21). Slaves under thirty manumitted otherwise than "vindicta apud consilium" at first remained slaves in the eye of the law [LIBERTUS], but by the Lex Junia Norbana, A.D. 19, they acquired the status of Latini. The Lex Aelia Sentia, however, itself provided one way in which they could rise to the condition of civitas; that is to say, if they married a civis Romana, or a Latina coloniaria, or a woman of the same class as themselves, had as evidence of this fact the presence of five Roman citizens of full age, and begot a son who attained the age of one year, they could prove these facts to the praetor at Rome, or the governor in a province; and on the magistrate declaring the case "proven," the man, his wife and child became all Roman citizens. If the man died before he had proved his case to the magistrate, the mother could do it, and the legal effect was the same. There were also other modes in which a Latinus could become civis [LATINITAS; cf. Poste's *Gaius*, note on i. 35]. (iii.) Manumission by a master under twenty was declared void unless made "per vindictam" and on proof of a "justa causa" of the same kind as above before the consilium (Gaius, i. 38). Thus, after this, though he could make a will at fourteen, a master could not manumit his slaves by it unless he was twenty (Gaius, i. 40); but Justinian permitted testamentary manumission at seventeen (*Inst.* i. 6, 7) and (by *Nov.* 119, 2) even at fourteen. Even manumission in one of the informal modes (e.g. *inter amicos*) by a master under twenty, which at the most could only have made him a Latinus, was held void unless a "justa causa" were proved before the consilium (Gaius, i. 41). (iv.) Manumission being an act by which a man diminished his property, manumission in fraud of creditors was by the statute made revocable by the latter (Gaius, i. 37; *Inst.* i. 6, pr.—4), and this provision was extended to peregrini by a senatusconsult under Hadrian (Gaius, i. 47): but it did not apply to the institution of a slave as "necessarius heres," in order to save the testator from the disgrace of posthumous bankruptcy (*Inst.* l. c. 1). Similarly the patron of a freedman who owned slaves was enabled to prevent the libertus from prejudicing his contingent rights of succession by revoking manumissions "in fraudem patroni" (Gaius, i. 37). (v.) The statute also allowed a patron to bring a criminal prosecution against his liberti if guilty of ingratitude (Dig. 40, 9, 30; 50, 16, 70, pr.: cf. Tac. *Ann.* xiii. 26).

Of the above provisions only the third and fourth were in force under the law of Justinian. The supposed reference to a Lex Aelia Sentia in Cicero (*Top.* 2, 10) is shown by Orelli to be a myth.

AEMI'LIA BAE'BIA. [CORNELIA BAEBIA.]

AEMI'LIA DE CENSORIBUS, passed by M. Aemilius when dictator, B.C. 433: it gave the censors, though elected at intervals of five years, only a year and a half instead of a whole lustrum for the discharge of their functions (*e.g.* holding the census and letting out the taxes and public works to farm), so that the state was without censors for intervals of three years and a half (Liv. iv. 24, ix. 33, 34; Mommsen, *Röm. Staatsrecht*, ii. p. 336).

AEMI'LIA DE LIBERTINORUM SUFFRAGIIS, B.C. 116 (Aurel. Vict. *de Vir. illustr.* 72).

AEMI'LIA SUMPTUARIA, passed by Aemilius Lepidus, B.C. 179 (Macrob. *Saturn.* ii. 13, p. 369). Pliny (*H. N.* viii. § 223) seems to be referring to a different sumptuary law of the same name passed by M. Aemilius Scaurus, B.C. 116, though this may have been identical with the Lex Aemilia de libertinorum suffragiis.

AGRA'RIAE. [AGRARIAE LEGES: and LEX APULEIA; CASSIA; CORNELIA; FLAMINIA; FLAVIA; JULIA; LICINIA; MAMILIA; SEMPRONIA; SERVILIA; THORIA.]

A'MBITUS. [AMBITUS.]

A'MPIA, a lex proposed by T. Ampius and

T. Labienus, trib. plebis, B.C. 64, by which Cn. Pompeius was allowed to wear a crown of bay at the Ludi Circenses, and the like (Vell. Paterc. ii. 40; Dio Cass. xxxvii. 21).

ANASTASIA'NA, a constitution of the Emperor Anastasius, A.D. 506 (Cod. 4, 35, 22), providing that no purchaser of a debt or "chose in action" should be able to recover more from the debtor than what he had paid for it himself, with ordinary interest, even though it was alleged that the transaction was in part a gift (Vangerow, *Lehrbuch der Pandekten*, § 576).

ANNA'LES were those statutes which determined at what age a man might be a candidate for the several magistracies: if he was elected to one at the earliest possible age, he was said to become praetor, consul, &c., "anno suo" (Cic. *de Off.* ii. 17, 59; *Philip.* v. 17, 47 *sq.*; Tac. *Ann.* xi. 22). The first of them was a Lex Villia, proposed by L. Villius, a tribune, B.C. 180 (Liv. xxv. 2, xl. 44), by which a man could be elected quaestor at the age of thirty-one, aedile at thirty-seven, praetor at forty, and consul at forty-three. There seems to have been a Lex Pinaria on the same subject carried by one M. Pinarius Rusca, a tribune, *circ.* 134 B.C. (Cic. *de Orat.* ii. 65, 261): see Wex, *Rhein. Museum*, 1845, pp. 276–288; Hofmann, *Röm. Senat.* pp. 172–177.

A'NTIA (Gell. ii. 24, 13; Macrob. *Saturn.* ii. 13). [SUMPTUARIAE LEGES.]

ANTO'NIA DE TERMESSENSIBUS, a plebiscitum enacted *circ.* 72 B.C., by which Termessus in Pisidia was recognised as libera. (See FOEDERATAE CIVITATES; Puchta, *Institutionen*, § 69; and Dirksen, *Bemerkungen über das Plebiscitum de Thermensibus.*)

ANTO'NIAE, the name of various enactments proposed or passed by the influence of M. Antonius after the death of the dictator Julius Caesar (Cic. *Phil.* iii. 4, 9; v. 4, 10; vi. 2, 3; xiii. 3, 5; *ad Fam.* xii. 14, 6). One abolished the dictatorship (*Phil.* i. 1, 3; Dio Cass. xliv. 51); others related to the constitution of the judicia (*Phil.* v. 5, 12; viii. 9, 27), to appeals after conviction for Vis or Majestas (*Phil.* i. 9, 21), to permutatio of the provinces (Dio Cass. xlv. 9, 20; Vell. Pat. ii. 20; Appian, *Bell. Civ.* iii. 27, 30), to honours to be paid to Caesar at the ludi Romani (*Phil.* ii. 43, 110), and to an agrarian division of land (*Phil.* v. 3, 7; Dio Cass. xlv. 9).

APULE'IA, B.C. 102, gave one of two or more sponsors or fidepromissors (sureties), who paid the whole debt which they had guaranteed, the right of bringing an actio pro socio against the rest for the recovery of what he had paid in excess of his fair share (Gaius, iii. 122). [INTERCESSIO.]

APULE'IA AGRARIA, proposed by the tribune L. Apuleius Saturninus, B.C. 101 (Liv. *Epit.* 69; Appian, *Bell. Civ.* i. 29; Cic. *pro Sestio*, 16, 37; 47, 101).

APULE'IA DE COLONIIS DEDUCENDIS, perhaps really a chapter of the preceding lex: at any rate passed by the same tribune in the same year (Aurel. Vict. *de Vir. illust.* 73; Cic. *pro Balbo*, 21, 48).

APULE'IA FRUMENTARIA, of the same date and author (Auct. *ad Herenn.* i. 12, 21). [FRUMENTARIAE LEGES.]

APULE'IA MAJESTATIS, probably passed by the same tribune and about the same time (Cic. *de Orat.* ii. 25, 49, 107, 201). [MAJESTAS.]

AQUI'LIA, *circ.* B.C. 287. [DAMNI INJURIA ACTIO.]

ATE'RNIA TARPEIA, B.C. 454, gave to all magistrates the right, which had hitherto belonged only to the consuls, of fining those who resisted their authority: the maximum of the fine, which had been fixed by a Lex Valeria (B.C. 509) at two sheep and five oxen, was raised to two sheep and thirty oxen: cf. PAPIRIA or JULIA PAPIRIA (Cic. *de Republ.* ii. 35, 60; Dion. Halic. x. 50; Gellius, xi. 1, 2–3; Festus, *s. vv.* Ovibus, Duobus, Peculatus; Paul. Diac. *ex Festo*, s. v. Maximam Multam; Plin. *H. N.* xviii. § 11; Niebuhr, *Röm. Geschichte*, ii. p. 341 *sq.*; Mommsen, *Röm. Staatsrecht*, i. p. 128; Huschke, *Multa*, pp. 31, 46, 88; Puchta, *Institutionen*, § 53 *ad fin.*; Walter, *Geschichte des röm. Rechts*, § 820.)

A'TIA DE SACERDOTIIS, B.C. 63, proposed by the tribune T. Atius Labienus; it restored the regulations of the Lex Domitia on the same subject, which had been repealed by Sulla (Dio Cass. xxxvii. 37; Ascon. *in Div.* 3).

ATI'LIA. [JULIA LEX ET TITIA; TUTOR.]

ATI'LIA MA'RCIA, B.C. 312, related to the election of tribuni militum by the people (Liv. ix. 30).

ATI'NIA, passed perhaps B.C. 198, repeated the rule of the Twelve Tables that stolen property should not be acquirable by usucapio, and added that the *vitium furti* should be removed, and the property admit of usucapio, as soon as the owner recovered possession of it, or was in a position to bring a vindicatio for its recovery (Gell. xvii. 7; *Inst.* ii. 6, 2; Dig. 41, 3, 4, 6; 50, 16, 215: see FURTUM).

ATI'NIA, a plebiscitum of the time of Sulla; apparently enacted that tribuni plebis should be elected solely from senators. The chief authority on its content is Gell. xiv. 8 (cf. Plin. *H. N.* vii. § 143; Cic. *pro Dom.* 47), which may also be interpreted to mean (1) that tribuni plebis should become senators *virtute officii sui* (Becker, ii. 2, 277), or (2) that they might (but not *must*) be chosen from senators (Hofmann, *Röm. Senat.* pp. 144–165). On the different views, see Walter, *Geschichte des röm. Rechts*, § 140, note 128. There is a reference to certain Leges Atiniae in Cic. *Phil.* iii. 6, 16; *Verr.* i. 42, 109, of which nothing further is known.

AUFI'DIA, B.C. 62 (Cic. *ad Att.* i. 16, 13). [AMBITUS.]

AURE'LIA DE AMBITU (Cic. *ad Q. fratrem*, i. 3, 8).

AURE'LIA JUDICIARIA, B.C. 71 (Cornel. *fragm.* 26; Ascon. *in Pis.* p. 16, 19, *in Com.* p. 67, 78 *sq.*; Liv. *Epit.* xcvii.; Vell. Pat. ii. 32, 3). [JUDEX.]

AURE'LIA TRIBUNICIA (Ascon. *in Com.* p. 66, 78). [TRIBUNI.]

BAE'BIA, B.C. 192, enacted that four and six praetors should be chosen in alternate years; but the law was not observed, and perhaps repealed (Liv. xl. 44; Festus, *s. v.* Rogat; Meyer, *Orator. Rom. fragm.* p. 90, ed. 2).

BAE'BIA CORNE'LIA. See CORNELIA BAEBIA.

CAECI'LIA DE CENSORIBUS or **CENSORIA**, carried by Metellus Scipio, B.C. 52: it repealed a plebiscitum of Clodius (B.C. 58) which had prescribed a formal procedure for the censors in

exercising their functions as inspectors of Mores, by providing that they should not, in selecting the senate, pass over and so cast a slur on any one who had not been explicitly accused before them, and marked with the nota censoria by both (Ascon. *in Pis.* 4, p. 9 (Orelli); Cic. *pro Sest.* 25, 55, and Schol. Bob. p. 360; Dio Cass. xxxviii. 13, 15, xl. 57).

CAECI'LIA DE CN. POMPEIO, B.C. 63 (Schol. Bob. *pro Sestio*, p. 302; Dio Cass. xxxvii. 43; Plut. *Cato minor*, c. 26 *sq.*).

CAECI'LIA DE P. SULLA ET P. AUTRONIO (Cic. *pro Sulla*, 22 *sq.*; Dio Cass. xxxvii. 25: see Orelli, *Onomasticon*).

CAECI'LIA DE VECTIGALIBUS, B.C. 62, released the harbours of Italy from payment of direct taxes (*portoria*) to the state (Dio Cass. xxxvii. 51; Cic. *ad Att.* ii. 16; *ad Quint. fratr.* i. 10; Dig. 50, 16, 203), which, however, were re-imposed by Caesar (Suet. *Jul.* 43).

CAECI'LIA DI'DIA, B.C. 98, forbade the proposing of a Lex Satura (*i.e.* of enactments relating to different matters in one rogatio), lest people might be compelled either to vote for something which they did not approve, or reject something which they did. It also contained a provision that leges should be promulgated *trinis nundinis* before they were proposed to the Comitia (Cic. *Phil.* v. 3, 8; *pro Dom.* 16, 41; 20, 53; *pro Sestio*, 64, 135; *ad Att.* ii. 9, 1: see LICINIA JUNIA).

CAE'LIA TABELLA'RIA, B.C. 71. [TABELLARIAE LEGES.]

CALI'DIA, B.C. 99, by which Q. Metellus Numidicus was recalled from exile (Val. Max. v. 2, 7; Aurel. Vict. *de Viris illustr.* c. 62; Cic. *pro Plancio*, 28, 69).

CALI'GULAE LEX AGRA'RIA. [MAMILIA.]

CALPU'RNIA DE AMBITU, B.C. 67 (Dio Cass. xxxvi. 21; Cic. *pro Mur.* 23, 46; 32, 67). [AMBITUS.]

CALPU'RNIA DE CONDICTIONE, B.C. 234. [PER CONDICTIONEM.]

CALPU'RNIA DE REPETUNDIS, B.C. 49 (Cic. *Brut.* 27, 106; *de Off.* ii. 21, 75; *Verr.* iv. 25, 56, &c.). [REPETUNDAE.]

CANULE'IA, B.C. 445, legalised *conubium* between patricians and plebeians, which had been denied by one of the two last tables of the decemviral legislation; so that issue of such a marriage would in future be in the patria potestas (Liv. iv. 1, 4, 6; Cic. *de Rep.* ii. 37, 63).

CA'SSIA AGRA'RIA, B.C. 486, one of the early concessions to the plebs (Liv. ii. 41; Dionys. viii. 76).

CA'SSIA, B.C. 104, proposed by the tribune L. Cassius Longinus: it deprived of their senatorial rank those who had been convicted in a judicium publicum, or whose imperium had been taken from them by the populus (Cornel. *fragm.* 24, p. 451; Ascon. *in Cornel.* p. 78, ed. Orelli). Mommsen conjectures that it also disabled such persons from all office (*Staatsrecht*, i. p. 464).

CA'SSIA (Tac. *Ann.* xi. 25) empowered the dictator Caesar to add to the number of the patricii, in order to prevent their extinction: cf. Sueton. *Jul.* 41. C. Octavius was made a patrician by this lex (Sueton. *Aug.* 2).

CA'SSIA TABELLA'RIA, B.C. 37 (Cic. *Brut.* 25, 97; 27, 106; *de Legg.* iii. 16, 37). [TABELLARIAE LEGES.]

CA'SSIA TERE'NTIA FRUMENTA'RIA, B.C. 73, provided for the distribution of corn among the poorer citizens, and for the means of obtaining it from Sicily (Cic. *Verr.* iii. 70, 163; v. 21, 52).

CICERE'IA enacted that a creditor on taking sponsors or fidepromissors should first state publicly what the debt to be guaranteed was, and also the number of sureties he was going to take: if this were not done, they could, by taking action within thirty days, procure their release (Gaius, iii. 123; *Dig.* 50, 16, 33; cf. Puchta, *Institutionen*, § 264, note *s*).

CI'NCIA or MUNERA'LIS, a plebiscitum carried by the tribune M. Cincius Alimentus, B.C. 204 (Cic. *Cato*, 4; *ad Att.* i. 20; *de Orat.* ii. 71, 286; *de Senect.* 4, 10; Liv. xxxiv. 5), and entitled *de donis et muneribus*. In relation to gifts pure and simple, its enactments seem to have been two: (1) It forbade gifts beyond a certain maximum, the amount of which is unknown (*Fragm. Vat.* 304; Ulp. *Reg.* i. 1; Paul. *Sent. rec.* v. 11, 6; Dig. 39, 5, 21, 1); but it did not avoid gifts in excess of the limit, or even impose a penalty on the donee for taking the excess: it was, in fact, a "lex imperfecta" (Ulp. *Reg.* i. 1, 2; Macrob. *Somn. Scip.* ii. 17). (2) It prescribed a form in which gifts must be made. A gift of a res mancipi was *perfecta* only if the res donata were mancipated and actually delivered (*Fragm. Vat.* 313), that of a res nec mancipi only if it were delivered (*ib.* 293, 313); that of a res mobilis was not perfected until the donee had possessed the thing for the greater part of the preceding year, for not till then was he entitled to the Interdictum Utrubi for his protection (*ib.* 293, 311). Absence of the mancipation form, if requisite, could be compensated for by usucapio (*ib.* 293). Thus the general effect of this provision was that gifts made in any other fashion (*e.g.* release or stipulation) were invalid (*Fragm. Vat.* 283, 310, 311; Dig. 20, 6, 1, 1).

Puchta (*Institutionen*, § 206) is of opinion that a gift was originally revocable in the ways described below if *either* of these provisions was disregarded: but that after some time observation of the statutory requirement as to form of conveyance was allowed to atone for violation of the rule as to amount, so that the latter became tacitly repealed by disuse. If the maximum of the Lex Cincia was no higher than that of the Lex Furia testamentaria, only twenty years later in date, it certainly must in time have come to be regarded as ridiculously small. Certain classes of donees, however, were excepted (Legis Cinciae exceptae personae) from the operation of both of these enactments, on the ground of being connected with the donor by the tie of kinship, affinity, betrothal, patronatus or guardianship (*Fragm. Vat.* 298–309).

But though the lex was *imperfecta*, there were means by which gifts in violation of its provisions could be rescinded, by the donor's having practically a power of revocation. If he were sued by a *persona non excepta* on a promise to give, he could defeat the action by "exceptio legis Cinciae" (*Fragm. Vat.* 310), which was also available if a res mancipi had been mancipated but not yet delivered (*ib.*, and Dig. 44, 4, 5, 2). If it were mancipi, and had been tradita

but not yet mancipated, the donor could assert his ownership in it by a vindicatio, and meet the defendant's "exceptio rei donatae" by "replicatio legis Cinciae:" and wherever the donee of a res mobilis had not possessed it for six months, the donor could recover possession by the Interdictum Utrubi. Where the gift was not revocable in any of these ways (*e.g.* if it had been a release of a debtor by acceptilatio, or by novation in favour of a third person, Dig. 39, 5, 21, 1), the donor was allowed an *actio rescissoria*, and he could recover by *condictio* any property of his which had definitely passed to the donee "contra legem Cinciam" (*Fragm. Vat.* 266; Dig. 39, 5, 21, 1; 44, 4, 5, 5). If, however, the donor died without revoking or expressing his intention of revoking a gift against the statute, it could not be upset by his heir: "morte Cincia removetur" (*Fragm. Vat.* 259, 266, 294).

Under the later Empire the rules of the Lex Cincia gradually went into disuse. Insinuatio (registration in the acta) of gifts to *non exceptae personae* was first required by Constantius Chlorus, and this rule was extended to *exceptae personae* by Constantine (*Cod. Theod.* 3, 5, 1). Later still the exemption of gifts to *exceptae personae* from the requirement of appropriate conveyance was done away with, except as between parent and child: and insinuatio was required by Theodosius II. only if the amount exceeded 200 solidi in value (*Cod. Theod.* 3, 5, 8): this maximum was raised to 500 solidi by Justinian, who also abolished the necessity of conveyance in any form, thus making a mere promise to give actionable (*Inst.* ii. 7, 2).

Tacitus (*Ann.* xi. 5) refers to another enactment of this statute, forbidding a person to take anything for his pains in pleading a cause, "ne quis ob causam orandam pecuniam donumve accipiat:" *Ann.* xiii. 42 is explained by the fact that this provision was confirmed by a senatusconsult under Augustus, which imposed on the advocate a penalty of four times the sum received (Dio Cass. liv. 18). Under Claudius, however, advocates might take fees, but not in excess of 10,000 sesterces for each suit; a sum which under Nero was represented by 100 aurei: in this reign, too, further regulations were made on the subject (Suet. *Nero*, 17), especially one subjecting those who took any sum in excess of the specified maximum to a prosecution for repetundae. But from Pliny (*Ep.* v. 21) it seems that in Trajan's time the fee could not be paid until the work had been done. (Savigny, *Die Lex Cincia*, *Zeitschrift*, iv. 1; *Verm. Schriften*, i. 315–385; Rudorff, *de lege Cincia*, 1825; Wenck, Preface to Haubold, *Opusc. acad.* i. p. 37; Hasse, *Rhein. Museum.* i. 185 *sq.*, iii. 174 *sq.*; Puchta, *Institutionen*, § 206; Francke, *Civil. Abhandl.* 1826, p. 1 *sq.*; Klinkhamer, *de Donationibus*, 1826; Bruns, *Quid conferant Vat. fragm. ad Melius cognosc. jus Romanum*, 1838, pp. 112 *sq.*)

CLAU'DIA, passed by the Emperor Claudius: it abolished the *tutela legitima* of agnates over women not in potestas or manus, thus in effect greatly enlarging their control of their property (Gaius, i. 157, 171–2).

CLAU'DIA DE SENATORIBUS, a plebiscitum of 218 B.C.: it enacted that no senator or senator's son should own a ship of larger cubic capacity than 300 amphorae (Liv. xxi. 63): Cicero says that in his time it was "antiqua et mortua" (*in Verr.* v. 18, 45).

CLAU'DIA DE SENATU COOPTANDO HALESINORUM, B.C. 95 (Cic. *in Verr.* ii. 49, 122).

CLAU'DIA DE SOCIIS, B.C. 177 (Liv. xli. 8, 9).

CLO'DIAE, a number of plebiscita carried by Clodius when tribune, B.C. 58, and frequently referred to by Cicero and Dio Cassius: among them are—

CLO'DIA DE AUSPICIIS [see AELIA]: it is also enacted "ut omnibus fastis diebus legem ferri liceret" (Cic. *pro Sestio*, 15, 33; 26, 56; *in Vatin.* 17, 35; *in Pison.* 4, 5; Dio Cass. xxxviii. 13).

CLO'DIA DE CENSORIBUS. [CAECILIA.]

CLO'DIA DE CIVIBUS ROMANIS INTEREMTIS, which led to Cicero's exile: it interdicted from fire and water [EXSILIUM] those who had put a Roman citizen to death uncondemned (Vell. Pat. ii. 45, 1, 2; Dio Cass. xxxviii. 14). Cicero himself considered it a privilegium (*ad Att.* iii. 15, 6; 23, 3; *ad Fam.* xiv. 4, 2; *in Pison.* 13, 30; *pro Sestio*, 24, 53; 32, 69; *pro Domo*, 18, 47, &c.).

CLO'DIA DE COLLEGIIS restored the clubs or guilds (collegia) which had been abolished by a senatusconsult, probably of B.C. 64, and permitted the formation of new ones (Cic. *ad Att.* iii. 15, 4; *pro Sest.* 25, 55; *in Pison.* 4, 8; Dio Cass. xxxviii. 13). Nearly all of them were subsequently swept away by Julius Caesar (Sueton. *Jul.* 42).

CLO'DIA DE LIBERTINORUM SUFFRAGIIS (Cic. *pro Milon.* 12, 33; 33, 89).

CLO'DIA DE PESSINUNTIO MATRIS MAGNAE SACERDOTE (Cic. *pro Sest.* 26, 56).

CLO'DIA DE PROVINCIIS CONSULARIBUS (Cic. *in Pison.* 16, 37).

CLO'DIA DE REGE PTOLEMAEO ET DE EXSULIBUS BYZANTINIS (Vell. Pat. ii. 45; Cic. *pro Domo*, 8, 20; 20, 52; *pro Sestio*, 26, 57; Dio Cass. xxxviii. 30; Plut. *Cat. min.* 34).

CLO'DIA FRUMENTARIA, directing the free distribution of corn to the poorer citizens instead of its sale at a low rate (Dio Cass. xxxviii. 13; Cic. *pro Sest.* 25; Ascon. *in Pison.* 4; *pro Dom.* 10, 26). [FRUMENTARIAE LEGES.]

CO'CTIA, the reading in Cic. *ad Att.* iv. 16, 14: it means the lex judiciaria of L. Aurelius Cotta. [AURELIA JUDICIARIA.]

COLO'NIAE GENETI'VAE, a lex of B.C. 44, regulating the constitution of this colony, established by Julius Caesar on the site of Urso in Baetica: discovered on bronze at Osuna in 1870, 1875 (Bruns, *Fontes juris Rom. antiqui*, 1880, pp. 43–103, 109–127).

COMMISSO'RIA. [COMMISSORIA LEX.]

CORNE'LIAE. These comprise (I.) a large number of leges passed by Sulla in his dictatorship (Liv. *Epit.* lxxxix.); (II.) leges of L. Cornelius Cinna; and (III.) a number of statutes passed by different magistrates bearing this name.

I. CORNE'LIAE AGRA'RIAE, "quibus agri perduellium publicati veteranisque assignati sunt" (Orelli): apparently referred to in Cic. *in Rullum*, ii. 28, 78; iii. 2, 6; 2, 8; 3, 12.

CORNE'LIA DE CIVITATE (Liv. *Epit.* lxxxvi.; Cic. *pro Dom.* 30, 79; *pro Caec.* 35,

102; Sallust. *Hist. frajm.* lib. i. orat. Lepidi): it took the full civitas away from Volaterrae and other municipia.

CORNE'LIA DE FALSIS OR TESTAMENTARIA (Cic. *in Verr.* i. 42, 108; *Inst.* ii. 12, 5, iv. 18, 7). [See FALSUM.]

CORNE'LIA DE MAGISTRATIBUS, making discharge of inferior magistracies a necessary condition to the attainment of higher ones (Appian, *Bell. Civ.* 100, 101), and re-affirming the provisions of certain old plebiscita (Liv. vii. 42, x. 13). The "lex de viginti quaestoribus" (Tac. *Ann.* xi. 22) was probably merely one of its chapters (see Puchta, *Institutionen*, § 79, note *a*; Mommsen, *Röm. Staatsrecht*, i. pp. 519–524, 548).

CORNE'LIA DE PROSCRIPTIONE (Cic. *in Verr.* i. 47, 123; *pro Sext. Rosc.* 43, 125–128; Vell. Pat. ii. 29; Quintil. *Inst. Or.* xi. 1, 85; Plut. *Sulla*, 31). [PROSCRIPTIO.]

CORNE'LIA DE PROVINCIIS ORDINANDIS limited the costs which might be incurred by provincial towns in sending public deputations to Rome for the purpose of praising their governor before the senate (Cic. *ad Fam.* iii. 8, 10), and enacted (1) that those who had provinces under the Lex Sempronia should retain their imperium till they had re-entered the city on their return (Cic. *ad Fam.* i. 9, 25); and (2) that provincial governors should leave their province not later than thirty days after the arrival of their successors (Cic. *ad Fam.* iii. 6, 3; *ib.* 6).

CORNE'LIA DE REJECTIONE JUDICUM allowed an accused senator the right of challenging a larger number of his judges than persons of lower rank, the latter's challenges being limited to three (Cic. *in Verr.* ii. 31, 77; see Orelli's *Onomasticon*).

CORNE'LIA DE REPETUNDIS (Cic. *pro Rabirio*, 4, 9). It was under this statute that Verres was prosecuted. [REPETUNDAE.]

CORNE'LIA DE SACERDOTIIS (Liv. *Epit.* lxxxix.; Pseudo-Ascon. *in Div.* p. 102, Orelli: see SACERDOTIA).

CORNE'LIA DE SENTENTIA FERENDA enabled the accused to say whether the votes of the judges should be given openly or by ballot: probably only a chapter of the Lex Cornelia judiciaria (Cic. *pro Cluent.* 20, 55; 27, 75).

CORNE'LIA DE SICARIIS ET VENEFICIS. From Pliny (*H. N.* xviii. § 12) we learn that the Twelve Tables contained some regulations as to homicide, but probably these were little more than a repetition of the law of Numa Pompilius which punished intentional slaying with death (Festus, *s. v.* Parici): unintentional killing was atoned for under the old religious law, and possibly by the Twelve Tables. (Cic. *pro Tull.* 51; *Top.* 17; Festus, *s. v.* Subici, Subigere), by the offer of a ram (Serv. *in Eclog.* iv. 43; *Georg.* iii. 387; Dion. Hal. vii. 22: cf. Festus, *s. v.* Sororium). The Twelve Tables also penalised incantations (Plin. *H. N.* xxviii. § 17; Sen. *Nat. quaest.* iv. 7; Augustin. *de Civ. Dei*, viii. 19) and poisoning, both of which offences appear to have been included under parricidium [POMPEIA DE PARRICIDIIS]: the murderer of a parent was sewed up in a sack (*culleus*) and thrown into a river. It was under the provisions of some old law that the senate by a consultum ordered the consuls P. Scipio and D. Brutus (B.C. 138) to inquire into the murder in the Silva Scantia (Cic. *Brutus*, 22). The Lex Cornelia de sicariis et veneficis, passed *circ.* B.C. 81, inflicted penalties not only for actual killing, but for going about with weapons for the purposes of murder or thieving; for incendiarism; for preparing, having, or selling poisons for the destruction of human life; for inciting a magistrate without cause to bring a capital charge; for the taking of money by a magistrate for such a service, and for bearing false witness in a capital prosecution (*Collatio leg. Mos.* i. 3; Cic. *pro Cluentio*, 54, 55, 57; Dig. 48, 8, *passim*; Paul. *Sent. rec.* v. 23, 1 and 10; *Inst.* iv. 18, 5). By an enactment of Antoninus Pius the killing of slaves without just cause was brought within the statute (Gaius, i. 53), which by senatusconsulta and imperial legislation was also extended to the offence of castration and to human sacrifices. The penalty which it inflicted was *aquae et ignis interdictio* (later *deportatio*: see EXSILIUM), to which Julius Caesar added forfeiture (Dig. 48, 8, 3, 5): in the case of meaner criminals, even death (Dig. *ib.*).

CORNE'LIA DE VADIMONIO. [VADIMONIUM.]

CORNE'LIA DE VI PUBLICA. [VIS PUBLICA.]

CORNE'LIA JUDICIARIA took the judicia away from the equites exclusively, and divided them between equites and senators (Tac. *Ann.* xi. 22; Vell. Pat. ii. 32, 3: see JUDEX).

CORNE'LIA MAJESTATIS (Cic. *in Pison.* 21, 50; Ascon. *in Cornel.* p. 59, Orelli). [MAJESTAS.]

CORNE'LIA NUMMARIA (Cic. *in Verr.* i. 42, 108). [FALSUM.]

CORNE'LIA SUMPTUARIA (Gell. ii. 24, 11; Macrob. *Saturn.* ii. 13; Plut. *Sulla*, c. 35). [SUMPTUARIAE LEGES.]

CORNE'LIA TESTAMENTARIA (Cic. *in Verr.* i. 42, 108; *Inst.* iv. 18, 7). [FALSUM.]

CORNE'LIA TRIBUNICIA took away to a large extent the tribunes' right of intercession, and disabled those who had served this office from attaining a patrician magistracy (Vell. Pat. ii. 30; Appian, *Bell. Civ.* i. 100, ii. 29; Caesar, *Bell. Civ.* i. 5, 1; i. 7, 3; Cic. *in Verr.* i. 60, 155: see POMPEIA TRIBUNICIA).

CORNE'LIA UNCIARIA, perhaps passed about the same time as Sulla's Lex sumptuaria. It seems to have lowered the rate of interest (Festus, *s. v.* Unciaria).

II. CORNE'LIA DE NOVORUM CIVIUM ET LIBERTINORUM SUFFRAGIIS, B.C. 87 (Cic. *Phil.* viii. 2, 7; Vell. Pat. ii. 20: cf. Appian, *Bell. Civ.* i. 64 *sq.*).

CORNE'LIA DE RECIPIENDO MARIO (Vell. Pat. ii. 21, 6).

CORNE'LIA DE REVOCANDIS EXSULIBUS (Aurel. Vict. *de Vir. illustr.* c. 69).

III. CORNE'LIA BAE'BIA DE AMBITU, B.C. 181, passed by the consuls P. Cornelius Cethegus and M. Baebius Tamphilus (Liv. xl. 19; Schol. Bob. *in* Cic. *pro Sulla*, p. 361, Orelli).

CORNE'LIA CAE'CILIA DE CN. POMPEIO, B.C. 57, gave Cn. Pompeius extraordinary powers for five years for the management of the corn supply of Rome (Cic. *ad Att.* iv. 1, 7; Liv. *Epit.* civ.; Dio Cass. xxxix. 9; Plut. *Pomp.* 49). [FRUMENTARIAE LEGES.]

CORNE'LIA DE EDICTIS, passed by C. Cor-

nelius, tribunus plebis, B.C. 67 : it enacted that praetors should not vary the rules proclaimed in their perpetual edicts issued on their entry on office by subsequent *Edicta repentina*, or appiy a different law from that which they had proclaimed they would observe (Ascon. *in Corn.*, Orelli, p. 58 ; Dio Cass. xxxvi. 23 : cf. Cic. *in Verr.* iii. 14, 36). [EDICTUM.]

CORNE'LIA DE INJURIIS, B.C. 81, perhaps a statute of Sulla. Its original object was the criminal prosecution of injuriae (assaults and batteries) "quae manu fiant" (Dig. 47, 10, 5, pr.); but by gradual usage a civil action was developed under its provisions, which had the advantage over the ordinary actio injuriarum in not being barred by a year's prescription (Dig. 47, 10, 37, 1 ; *Inst.* iv. 4, 8). [INJURIA.]

CORNE'LIA DE LUSU allowed betting at gymnastic exercises (Dig. 11, 5, 2, 1 and 3).

CORNE'LIA DE NOVIS TABULIS, passed by P. Cornelius Dolabella, B.C. 47 (Liv. *Epit.* cxiii.; Dio Cass. xlii. 32 ; Plut. *Antonius*, c. 9).

CORNE'LIA DE RESTITUENDO CICERONE, B.C. 57 (Cic. *in Pison.* 15, 35).

CORNE'LIA DE SPONSORIBUS (B.C. 81), probably enacted by Sulla : it provided that (with a few exceptions) no one should become surety for the same debtor to the same creditor in any one year for a larger sum than 20,000 sesterces (Gaius, iii. 124, 5). See INTERCESSIO.

CORNE'LIA GE'LLIA. [GELLIA CORNELIA.]

CORNE'LIA NE QUIS LEGIBUS SOLVERETUR, passed by C. Cornelius, tribunus plebis, B.C. 67, and directed against the reckless exercise by the senate of its usurped power of granting dispensations from the laws : in future such a dispensation required the presence of 200 members in the senate, and also confirmation by the Comitia Tributa ; but no tribune was to be able to veto the proposal (Ascon. *in Corn.* p. 57, 72, Orelli ; Dio Cass. xxxvi. 22).

CREPERE'IA, a lex of the Second Punic War, which regulated the coinage by fixing the relation between as, sestertius, and denarius (Plin. *H. N.* xxxiii. § 45 ; Cod. 8, 54, 37); according to Studemund, it is the lex mentioned in Gaius, iv. 95.

CURIA'TA DE ADOPTIONE (Gell. v. 19 ; Cic. *ad Att.* ii. 7, 2 ; *de prov. Consul.* 19, 45 ; *pro Domo*, 15, 39 ; *pro Sest.* 7, 16 ; Tac. *Hist.* i. 15 ; Sueton. *August.* 65). [ADOPTIO.]

CURIA'TA DE IMPERIO (Cic. *de Rep.* ii. 13, 25, ii. 17, 18, &c. ; Tac. *Ann.* xi. 22 ; Liv. v. 46, ix. 38, &c.). [IMPERIUM.]

DECEMVIRA'LIS. [DUODECIM TABULARUM.]

DE'CIA DE DUUMVIRIS NAVALIBUS, B.C. 312 (Liv. ix. 30).

DECIMA'RIA, a chapter of the Lex Papia Poppaea, limiting the amount which a wife could take under her husband's will, and *vice versâ*, if they had no children, to a tenth of what was actually given (*Fragm. Vat.* 264 ; Quint. viii. 5 ; Cod. 8, 58, rubr.).

DI'DIA, B.C. 144 (Macrob. *Saturn.* ii. 13). [SUMPTUARIAE LEGES.]

DOMI'TIA DE SACERDOTIIS, B.C. 105 (Cic. *in Rull.* ii. 7, 18 ; *Epist. ad Brut.* i. 5 ; Suet. *Nero*, 2 ; Vell. Pat. ii. 12, 3). [SACERDOTIA.]

DUI'LIA, a plebiscitum of 449 B.C., imposing severe penalties on the tribune responsible for the choosing of his own and his colleague's successors who omitted to see that they were duly elected, and on those who created new magistrates from whom there was no appeal (Liv. iii. 55 : see VALERIAE HORATIAE).

DUI'LIA MAE'NIA DE UNCIARIO FENORE, B.C. 357, establishing or confirming a rate of interest at $8\frac{3}{4}$ per cent. (12 unciae to 100 asses) per annum (Liv. vii. 16, 19). The same tribunes Duilius and Maenius carried a measure for the prevention of such unconstitutional proceedings as the enactment of a lex by the soldiers out of Rome on the consul's proposal (Liv. vii. 16 : see Mommsen, *Römisches Staatsrecht*, i. p. 69, note 2).

DUO'DECIM TABULA'RUM. The enactment of the Twelve Tables was the outcome of plebeian agitation for an "exaequatio juris" between the two orders in the state. In the year B.C. 462 the tribune of plebs C. Terentilius Arsa had obtained a resolution of the plebs for the appointment of five persons, with the object of enacting laws for the definition of the consular imperium; but this the senate, the stronghold of the patricians, had refused to send on to the Comitia Centuriata (Liv. iii. 9). In the next year he proposed a codification or definite statement of the whole law by a commission of ten ; but this, though carried by the plebs, was equally unsuccessful in its later stages (Liv. iii. 10 ; Dionys. x. 3). In B.C. 454, however (Dionys. x. 52, 54), the senate so far yielded as to assent to a plebiscitum, pursuant to which three commissioners were to be sent to Athens and the Greek cities in order to make themselves acquainted with their laws. On their return, after two years' absence, it was proposed (B.C. 451) that all the ordinary magistracies should be suspended, and the whole authority of the state vested in ten patrician commissioners, including the three who had been to Greece ("decemviri legibus scribundis"), from whom there was to be no *provocatio*, and who were directed to codify the public and private law of Rome (Dionys. x. 54–57 ; Liv. iii. 32, 33). The plebeians consented to stand out of the commission only under express reservation of their previously established rights and liberties (Liv. iii. 32). This proposal was carried through the Comitia Centuriata and Curiata without opposition (Liv. iii. 34 ; Dionys. x. 32). The decemviri were appointed by the comitia of the centuries, being presided over by Appius Claudius, Consul designate ; but they took the administration of affairs by turn, the insignia of office being used only by him who for the time being represented the executive (Liv. iii. 33). Ten Tables of laws were prepared during the year, and after being approved by the senate were confirmed by the Comitia Centuriata and Curiata : two further tables (which Cicero, *de Rep.* ii. 37, calls "tabulae iniquarum legum") were added in the next year, these having been prepared by decemviri among whom were (according to Dionys. x. 58) three plebeians, though Livy (iv. 3) does not suggest that there had been any change in the constitution of the commission. Cicero's remark may be due to the fact that the prohibition of *conubium* between plebs and patricians was enacted by the eleventh Table (Dirksen, *Uebersicht*, &c., p. 740). In their integrity, the whole

Twelve Tables were first published in B.C. 449, after the downfall of the decemviri (Liv. iii. 54, 57); they are mentioned by the Roman writers under a great variety of names (*e.g.* Leges Decemvirales, Lex Decemviralis, Leges Duodecim, Duodecim Tabularum, or *lex* or *leges* simply); and, being the only attempt at codification of the *jus civile* until Justinian's time, are spoken of by classical writers throughout Roman history as the fundamental element of the system: by Tacitus as "finis aequi juris," by Livy as "corpus omnis Romani juris" and "fons publici privatique juris."

Some doubt has been cast, but without reason, on the story of the embassy to the Greek states, which preceded the enactment of the Twelve Tables. Pomponius (Dig. 1, 2, 2, 3 and 4) also refers to assistance given to the decemviri by an Ephesian named Hermodorus, who was living as an exile in Italy; but the assistance consisted perhaps more in interpreting the laws brought back by the commissioners from Greece than (as Pomponius hints) in the suggestion of new legislation. At any rate, this last tradition was confirmed by the fact of a statue having been erected in the Comitium at Rome in memory of Hermodorus; but it did not exist in the time of Pliny (*H. N.* xxxiv. § 21). The foreign source of some of the laws was acknowledged by the Romans themselves: *e.g.* Cicero attributes to Solon the original of the rules as to burial (*de Leg.* ii. 25, 64). Similarly Gaius, in his Commentary on the Twelve Tables, where he is speaking of Collegia (Dig. 47, 22, 4), says that the members of Collegia may make what terms they please among themselves, if they thereby violate no "publica lex;" and he adds that this rule seems to be taken from the legislation of *Solon*, to whom also (Dig. 10, 1, 13) he refers for the origin of certain rules as to boundaries and the *actio finium regundorum*. But that the decemviral legislation contained any considerable element of foreign law is in the highest degree improbable. The law as previously established seems to have been handed down in the main, if not entirely, by oral tradition; and whether it be true or not that the patricians were especially cognisant of it, it is certain that the plebeians had suffered largely from having no certain or full knowledge of its intricate rules and formulae. What they desired primarily was a plain and clear statement in writing ("legibus scribundis") of the law as it stood: it was only in the *jus publicum* that they wished for change, and that only so far as was required to place the two orders on a tolerable equality in respect of civil and political rights. The caprice of the magistrate who administers the law is best guarded against by those over whom it is administered having a clear knowledge of its provisions.

The laws were cut on tablets of bronze and put up in a public place (Liv. iii. 57; Diod. xii. 56), though Pomponius, in the passage of the Digest already referred to, says that the material of the Tablets was ivory (see Zimmern, *Geschichte des röm. Privatrechts*, vol. i. p. 101). It is commonly supposed that they were destroyed in the burning of the city by the Gauls some sixty years after their enactment, but the passage of Livy on which this is based (vi. 1) is just as conclusive against as for the supposition. The Romans of the age of Cicero had no doubt of the genuineness of the collection which then existed; and if we may believe Cyprian (*Ep.* 2, 4, *ad* Donat. *de gratia Dei*), the Twelve Tables were exposed in the forum as late as the third century of our era. Cicero speaks of learning the text of them by rote ("ut carmen necessarium") when a boy (*de Leg.* ii. 4, 23), and up to his time the chief juristic work of the lawyer class seems to have been their *interpretatio*—the extension of a rule of the Twelve Tables (or of other early statutes, such as the Lex Aquilia) to cases not strictly within its letter: but shortly before the fall of the Republic, as he tells us (*de Leg.* i. 5, 17), the jurists had abandoned the *jus civile*, and taken to commenting instead on the Praetor's Edict. Of actual commentaries on the Twelve Tables we hear of one by Sextus Aelius Paetus Catus in his *Tripartita*, a work which existed in the time of Pomponius [JUS AELIANUM]. Others were written by another Aelius, by Atilius (Cic. *de Leg.* ii. 23, 59; Dig. 1, 2, 2, 38), by Labeo (Gell. i. 12, vii. 15, xx. 1), and finally by Gaius: this was in six books, from which twenty excerpts are preserved in the Digest. The decemviral legislation, though largely modified (especially in the parts of it relating to public law) by subsequent enactments, was not formally repealed till the time of Justinian, nearly 1000 years after its first establishment. No complete copy of its text has come down to us, but about 100 fragments, partly incomplete, have been collected from citations and references in classical and juristic literature.

It remains to give a short account of the contents of the Twelve Tables, so far as they can be gathered from the extant fragments and the notices of earlier writers.

I. The personal freedom and civil equality of citizens was secured by the exclusion of all capital sentences except those delivered by the Comitia Centuriata (Cic. *de Leg.* iii. 19, 44; *de Republ.* ii. 36, 61; *pro Sest.* 30, 65), by the recognition as provisionally free of a man whose free status was called in question, and by the prohibition of *privilegia*.

II. Freedom of individual action within the domain of private law was secured by the recognition of contracts and testaments.

III. Certain points of private law were more precisely defined which would otherwise have endangered the security of rights of property, or opened the door to harshness and oppression: especially as regards (*a*) usucapion and the restrictions imposed on property in the interest of neighbours; (*b*) the laws of debt and the rights of unsatisfied creditors; (*c*) family law (*manus*, *patria potestas*, *tutela*, and *conubium* between patricians and plebeians); and (*d*) inheritance, especially on intestacy.

IV. Capital penalties were prescribed for false witness, judicial partiality or corruption, incendiarism, nocturnal theft of crops, and libel; and the right of appeal from condemnation to any of these was given to every citizen (Cic. *de Republ.* ii. 31).

V. Private *poenae* were established for *injuria*, theft, and certain kinds of *damnum*.

VI. The mode of summons and the procedure in actions generally were defined and regulated, especially with a view to preventing capricious

exercise of his authority and jurisdiction by the magistrate; and

VII. Certain sanitary and sumptuary rules were laid down as to the interment of dead bodies.

The most celebrated attempt to re-arrange the extant fragments of the Twelve Tables in the order in which they originally stood, or to reconstruct the Tables themselves, is that of Jacobus Gothofredus (Heidelberg, 1616): on this and similar works there is an admirable critique by Dirksen, *Uebersicht der bisherigen Versuche zur Kritik und Herstellung des Textes der Zwölf-Tafel-Fragmente*, 1824; and especially M. Voigt, *Civil und Criminalrecht der Zwölf Tafeln*. Cf. also Schöll, *Leg. XII. Tab. reliquiae*, Leipzig, 1866; Bruns, *Fontes juris Rom. antiqui*, ed. 4 (Tübingen, 1880), pp. 14–37; and Puchta, *Institutionen*, vol. i. §§ 54, 55.

FA'BIA DE PLAGIARIIS (Cic. *Rab. Perd.* 3, 8; Paul. *Sent. rec.* v. 306; *Inst.* iv. 18, 10; Dig. 48, 15; Cod. 9, 20). [PLAGIUM.]

FA'BIA DE NUMERO SECTATORUM (Cic. *pro Murena*, 34, 70, 71).

FABRI'CIA DE REDITU CICERONIS (Cic. *pro Milone*, 14, 38).

FALCI'DIA. [LEGATUM.]

FA'NNIA, B.C. 161 (Gell. ii. 24, 2–6; Macrob. *Saturn.* ii. 9, 13; Plin. *H. N.* x. § 139; Athen. vi. p. 274 c). [SUMPTUARIAE LEGES.]

FA'NNIA. [JUNIA DE PEREGRINIS.]

FLAMI'NIA, an agrarian law for the distribution of lands in Gaul and Picenum, proposed by C. Flaminius, tribunus plebis (Cic. *Brut.* 14, 57; *Acad.* ii. 5, 13; *de Invent.* ii. 17, 52; Val. Max. v. 4, 5; Polyb. ii. 21). According to Polybius, who here seems more reliable than Cicero, the date of the law was B.C. 232.

FLAMI'NIA MINUS SOLVENDI, B.C. 217, reduced debts by more than a third by allowing sixteen asses to be paid by ten (Festus, *s. v.* Sestertii).

FLA'VIA AGRA'RIA, B.C. 60: by this the tribune L. Flavius proposed a distribution of lands among Pompeius' soldiers (Cic. *ad Att.* i. 18, 6, i. 19, 4; Dio Cass. xxxvii. 50; Marquardt, *Röm. Staatsverwaltung*, i. p. 446).

FRUMENTA'RIAE. [FRUMENTARIAE LEGES.]

FU'FIA. [AELIA.]

FU'FIA CANI'NIA, *circ.* A.D. 4, limited the number of slaves who could be manumitted by will (Gaius, i. 42–46; *Inst.* i. 7; Ulpian, *Reg.* i. 24, 25; Paul. *Sent. rec.* iv. 14; Cod. 7, 3; Sueton. *Aug.* 40). It is also sometimes called Furia or Fusia Caninia. [MANUMISSIO.]

FU'FIA DE RELIGIONE, B.C. 61, a plebiscitum of the tribune Q. Fufius Calenus, relating to the mode of selecting the judges who were to try Clodius for his outrage on the rites of the Bona Dea (Cic. *ad Att.* i. 13, 3; *ib.* 16, 2).

FU'FIA JUDICIARIA (B.C. 59?) apparently provided that the senators, knights, and tribuni aerarii should vote separately in the judicia (Dio Cass. xxxviii. 8; Schol. Bob. *pro Flacco*, p. 235, Orelli).

FU'RIA ATI'LIA, a plebiscitum of 137 B.C. enacting the surrender of C. Mancinus to the Numantines (Cic. *de Off.* iii. 30, 109).

FU'RIA DE SPONSU (Gaius, iii. 121, 122). [INTERCESSIO.]

FU'RIA TESTAMENTARIA, B.C. 183 (Gaius, ii. 225, iv. 23; Cic. *pro Balbo*, 8, 21). [LEGATUM.]

GABI'NIA DE SENATU LEGATIS DANDO, a plebiscitum of Aulus Gabinius, tribunus plebis B.C. 67, appropriating the sittings of the senate in the month of February to the reception of embassies (Cic. *ad Quint. fratr.* ii. 13, 3; *ad Fam.* i. 4).

GABI'NIA DE UNO IMPERATORE, &c., passed by the same tribune in the same year, and conferring extraordinary powers on Cn. Pompeius for conducting the war against the pirates (Vell. Pat. ii. 31, 2; Dio Cass. xxxvi. 6–20; Plut. *Pomp.* 25; Cic. *pro lege Manilia*, 17–19).

GABI'NIA DE VERSURA, passed by the same tribune in the same year, and forbidding all loans of money at Rome to legationes from foreign parts, its object being to prevent the senate from being bribed by such embassies (Cic. *ad Att.* v. 21, 12; vi. 2, 7).

GABI'NIA TABELLARIA, B.C. 139 (Cic. *Lael.* 16, 41). [TABELLARIAE LEGES.]

GA'LLIAE CISALPI'NAE. [RUBRIA.]

GE'LLIA CORNE'LIA, B.C. 72, gave to Cn. Pompeius the extraordinary power of conferring the Roman civitas on Spaniards in Spain with the advice of his council (Cic. *pro Balbo*, 8, 14 and 19; 14, 32, 33).

GENU'CIA DE FENORE, B.C. 343, forbade taking interest for the use of money (Liv. vii. 42; Tac. *Ann.* vi. 16). It was persistently evaded (Liv. xxxv. 7), and eventually altogether disregarded (Plut. *Cato Major*, 21; Appian, *Bell. Civ.* i. 54).

GENU'CIA DE CONSULATU, B.C. 343, a proposal by the same tribune Genucius for opening both consulships to plebeians (Liv. vii. 42). In viii. 12 Livy represents the law as having actually been passed; but we do not read of both consuls being plebeians till the 6th century, and he is probably incorrect: see Puchta, *Institutionen*, § 57, note 1; Mommsen, *Röm. Staatsrecht*, ii. p. 76.

GLI'CIA, a statute supposed by Cujacius as the origin of the *querela inofficiosi testamenti*, but apparently without reason (see Vangerow, *Pandekten*, 7th edit. ii. p. 218).

GUNDOBA'DA, a name sometimes given to the Lex Burgundiorum of King Sigismund, otherwise known as "Papian," A.D. 517.

HERE'NNIA, B.C. 60 (Cic. *ad Att.* i. 18, 4; i. 19, 5).

HIERONICA. [DECUMAE, Vol. I. p. 605.]

HI'RTIA DE POMPEIANIS, *circ.* 49 B.C. (Cic. *Phil.* xiii. 16, 32).

HORA'TIA, B.C. 449, made the persons of the tribunes, aediles, and decemviri *sacrosancti* (Liv. iii. 55). [VALERIAE ET HORATIAE.] Another Lex Horatia mentioned by Gellius (vi. 7, 2–4) was a privilegium relating to a vestal virgin named Caia Tarratia.

HORTE'NSIA DE PLEBISCITIS, B.C. 287 (Plin. *H. N.* xvi. § 37; Gell. xv. 27, 4; Gaius, i. 3; *Inst.* i. 2, 4). [PLEBISCITUM; PUBLILIAE LEGES.]

HORTE'NSIA DE NUNDINIS, of about the same date, enacted that the market days, which had hitherto been Feriae, should be *dies fasti*. This was done for the purpose of accommodating the inhabitants of the country (Macrob. *Saturn.* i. 16; Plin. *H. N.* xviii. § 13).

HOSTI'LIA enabled the *actio furti* to be

brought by an agent on behalf of any person who (or whose tutor) was in foreign captivity or absent *reipublicae causa* (*Inst.* iv. 10, pr.).

ICI'LIA DE AVENTINO PUBLICANDO, a plebiscitum proposed by L. Icilius, B.C. 456, granting the Aventine, hitherto possessed by the patricians, as a dwelling-place to the plebs, who thereby acquired a right to the buildings which they erected on it (Liv. iii. 31, 32; Dionys. x. 31, 32; cf. Niebuhr, *Rom. Hist.* ii. 301: and see SUPERFICIES).

ICI'LIA DE SECESSIONE, B.C. 449 (Liv. iii. 54).

ICI'LIA TRIBUNICIA, B.C. 469, enacted that any person who interfered with a tribune in the exercise of his constitutional powers should be put to death unless he gave sureties for the payment of the fine to which he rendered himself liable (Dionys. vii. 17; Cic. *pro Sestio*, 39, 84; Becker-Marquardt, ii. 3, 129).

JU'LIAE LEGES, most of which were passed in the time of C. Julius Caesar and Augustus: among them are—

JU'LIA AGRARIA, passed by Julius Caesar in his first consulate, B.C. 59: it provided for an assignment of lands in Campania (whence Lex Campana in Cic. *ad Att.* ii. 18) to the Pompeian veterans and the poorer citizens generally, especially such as had three children (Dio Cass. xxxviii. 1–7; Vell. Pat. ii. 44; Appian, *Bell. Civ.* ii. 10; Sueton. *Jul.* 20; Cic. *ad Att.* ii. 16, *ad Fam.* xiii. 4, *Phil.* ii. 39, 101, v. 19, 53; Plut. *Cato Minor*, 31–33; Dig. 47, 21; Zumpt, *Comment. Epigraph.* i. 277–302; Harless, *Ackergesetzgebung C. Julius Caesar*, Bielefeld, 1841).

JU'LIA CADUCARIA, identical with the Lex Julia et Papia Poppaea.

JU'LIA DE ADULTERIIS. [ADULTERIUM.]

JU'LIA DE AMBITU. [AMBITUS.]

JU'LIA DE ANNONA, directed against attempts to raise in any way the price of corn, and making it a criminal offence (*Inst.* iv. 18, 12; Dig. 47, 11, 6, pr.; 48, 12, 2).

JU'LIA DE BONIS CEDENDIS. Up to nearly the end of the Republic an insolvent debtor was unable to escape from the two severe forms of bankruptcy execution (*manus injectio* and *bonorum emptio* or *venditio*) by a voluntary composition. This statute (whether due to Julius or Augustus Caesar is uncertain) enabled him, at any moment before his creditors took steps to have him adjudged a bankrupt, to make a *cessio bonorum* to them, though the right could not be exercised if his insolvency was due entirely to his own fault (Cod. 7, 71, 8, pr.). He surrendered his property, which was dealt with in much the same way as if the procedure had been by *bonorum emptio*; but he escaped *infamia* and the liability to personal arrest, and was entitled to the *beneficium competentiae*: i.e. his creditors were bound to let him retain so much of his means as was sufficient to provide him with the necessaries of life. The provisions of the statute, originally intended to benefit *cives* only, were extended to the provinces by imperial constitutions, Cod. 7, 71, 4 (Caes. *Bell. Civ.* iii. 1; Sueton. *Jul.* 42; Tac. *Ann.* vi. 16; Dio Cass. lviii. 21; Gaius, iii. 78).

JU'LIA DE CAEDE ET VENEFICIO (Sueton. *Nero*, 33), perhaps the same as the Lex Julia de vi publica.

JU'LIA DE CIVITATE, B.C. 90 (Cic. *pro Balbo*, 8, 21; Gell. iv. 4, 3). [CIVITAS; FOEDERATAE CIVITATES.]

JU'LIA DE CRETA (Cic. *Phil.* ii. 38, 97).

JU'LIA DE EXSULIBUS (Cic. *Phil.* ii. 38, 98: cf. *Phil.* v. 4, 11).

JU'LIA DE FENORE (or DE PECUNIIS MUTUIS or CREDITIS), passed by Julius Caesar when dictator, B.C. 49. It compromised the claims of creditors and debtors by estimating property at the value it had held before the depreciation occasioned by the Civil War, and compelling the creditors to take it at this valuation; and by allowing debts to be discharged without payment of the accumulated interest. It was calculated that the creditors lost about one-fourth of what was their due (Caes. *Bell. Civ.* iii. 1; Sueton. *Jul.* 42; Plut. *Caes.* 37; Appian, *Bell. Civ.* ii. 48).

JU'LIA DE FUNDO DOTALI, a chapter of the Lex Julia de adulteriis: it absolutely prohibited mortgages of Italian land which formed part of a *dos* by the husband, and allowed its alienation only with the wife's consent. It was commented on by Papinian, Ulpian, and Paulus (Gaius, ii. 63; *Inst.* ii. 8, pr.; Paul. *Sent. rec.* ii. 21, 2; Dig. 23, 5). See ADULTERIUM.

JU'LIA DE LIBERIS LEGATIONIBUS (Cic. *ad Att.* xv. 11, 4; *de Legg.* iii. 8). [LEGATUS.]

JU'LIA DE MARITANDIS ORDINIBUS. [JULIA ET PAPIA POPPAEA.]

JU'LIA DE PROVINCIIS, passed by Julius Caesar: it limited the governorship of a praetorian province to one year, that of a consular one to two. Orelli also ascribes to this lex certain regulations of Caesar as to provincial expenses, which Ernesti considers to have been part of the Lex Julia repetundarum (Cic. *Phil.* i. 8; Dio Cass. xliii. 25; Ferrat. *Epist.* iii. 14).

JU'LIA DE PUBLICANIS (Cic. *pro Plancio*, 14, 35; Appian, *Bell. Civ.* ii. 13; Dio Cass. xxxviii. 7; Sueton. *Jul.* 20).

JU'LIA DE REGE DEIOTARO (Cic. *Phil.* ii. 37, 93: cf. *ad Att.* xiv. 12, 1).

JU'LIA DE RESIDUIS, part of the Lex Julia peculatus (*Inst.* iv. 18, 12; Dig. 48, 13). [PECULATUS.]

JU'LIA DE SACERDOTIIS (Cic. *ad Brut.* i. 5; cf. *Phil.* ii. 3, 6).

JU'LIA DE SACRILEGIS. [PECULATUS.]

JU'LIA DE SICULIS (Cic. *ad Att.* xiv. 12, 1).

JU'LIA DE VI PUBLICA ET PRIVATA. [VIS.]

JU'LIAE JUDICIARIAE. One of Julius Caesar deprived the tribuni aerarii of their share in the *judicia publica* (Suet. *Jul.* 41; Cic. *Phil.* i. 8); others, more probably of Augustus than Julius, instituted an "album selectorum judicum" for the hearing of civil causes (Suet. *Octav.* 32; Gell. xiv. 2), and perhaps fixed at twenty years the age under which a person could not be compelled to be a judex (Dig. 4, 8, 41); limited the jurisdiction of the centumviri (Gaius, iv. 30; see Keller, *Civil Process*, § 23); and divided actions in respect of their pendency into *judicia legitima* and *judicia quae imperio continentur* (Gaius, iv. 104). For the whole subject, see JUDEX.

JU'LIA MAJESTA'TIS (Cic. *Phil.* i. 9, 23; *Inst.* iv. 18, 3; Dig. 48, 4). [MAJESTAS.]

JU'LIA MISCELLA, avoiding a condition annexed to the institution of a heir or a legacy to the effect that the person benefited should

not marry: probably a clause of the Lex Julia et Papia Poppaea (Dig. 35, 1, 64; *ib.* 72, 4, &c.; Cod. 6, 40).

JU'LIA MUNICIPA'LIS, commonly called the Tabula Heracleensis. It was discovered on bronze in two fragments at Tarentum (Heraclea) in 1732 and 1735, which have been united and kept in the Museo Borbonico at Naples since 1760. The inscription on one side is a Greek psephisma of the town of Heraclea, that on the other is a copy of part of a Roman lex (clearly made for the use of the citizens of the town), which contains police regulations for the city of Rome: rules for the constitution of communities of Roman citizens (*municipia, coloniae, praefecturae, fora, conciliabula civium Romanorum*), and others relating to capacity for the decurionatus and magistracies, to the census in the Italian towns, and to changes in local regulations. It was thus a lex of the class called Satura.

It seems that the lex of the year B.C. 49, which gave the civitas to the Transpadani, enacted that a Roman commissioner should be sent to all the towns for the purpose of framing regulations for their municipal organisation. The Lex Julia empowered the commissioners to continue their labours for one year from its date, and included the whole of Italy within the scope of their authority. The name of the lex (which for a long time was called simply Tabula Heracleensis) was determined by Savigny by means of an inscription discovered at Padua in 1696 (Orelli, *Inscr.* ii. 3676): its date is now regarded by the authorities to be fixed at B.C. 45 by a passage of Cicero (*ad Fam.* vi. 18), so that its determining cause seems to have been the admission of the Transpadani to the civitas, B.C. 49.

(A lithographed copy of the Table is given by Ritschl, *Tab.* xxxiii. xxxiv.: the text may also be found in Orelli's Inscriptions, i. 206, and Spangenberg's *Monumenta legalia*, 1830, No. 16, p. 99 *sq.* The first work on the subject is that of Mazochi, Naples, 1754, 1755: the best is Savigny's Essay (with two appendices) in his *Vermischte Schriften*, vol. iii. pp. 279–413: *cf.* Puchta, *Institutionen*, § 90.)

JU'LIA ET PA'PIA POPPAEA. The relation of this statute to the Lex Julia de maritandis ordinibus is not perfectly clear. Augustus appears in his sixth consulate (B.C. 28) to have issued an edict (Tac. *Ann.* iii. 28) on the subject of marriage, which he followed up (B.C. 18) by proposing a law to the senate regulating certain marriages, imposing disabilities on unmarried persons (*caelibes*), and establishing rewards for those who had married and reared children (Dio Cass. liv. 16). This he carried with difficulty through the senate, but, apparently owing to the organised resistance of the equites, it was tumultuously rejected at the Comitia (Suet. *Aug.* 34). Towards the end of his reign, however (A.D. 3), he succeeded in carrying it, with its rewards increased and its penalties mitigated: it is referred to in the *Carmen Saeculare* of Horace, which was written B.C. 17, and is mentioned under the name Lex Julia de maritandis ordinibus in Dig. 38, 11; 23, 2. The opposition of the knights was overcome by a provision that it should not come into force for three, a period subsequently extended to six, years; and taking advantage of this, Augustus passed in A.D. 9 another statute (called Papia Poppaea from the *consules suffecti* for the year, M. Papius Mutilus and Q. Poppaeus Secundus: Dio Cass. lvi. 1–10), containing further enactments on the same subject. Some writers are of opinion that there was but one lex (Papia Poppaea), in which the earlier unsuccessful law was incorporated, and it is true that the frequent mention of them together as one lex (Julia *et* Papia Poppaea) lends some colour to the supposition: but the view here taken seems more in accordance with the information given by historians, and to be confirmed by the provisions of the statutes being sometimes distinguished in close juxtaposition. Sometimes they are cited by reference to their various chapters: *e.g.* Lex Caducaria, Lex Decimaria, Lex Miscella, &c.

Many commentaries were written on these leges by the Roman jurists, of which considerable fragments are preserved in the Digest: Gaius wrote fifteen books, Ulpian twenty, and Paulus at least ten. The joint statute contained at least thirty-five chapters (Dig. 22, 2, 19), but as a rule it is impossible to say to which of the two leges included under the general title of Lex Julia et Papia Poppaea the several provisions as now known to us belong. Attempts have been made both by J. Gothofredus and Heineccius to restore them, on the assumption that their provisions are reducible to the two general heads of a Lex Maritalis and a Lex Caducaria (cf. Puchta, *Institutionen*, § 107).

Among the enactments of these statutes are the following:—

(i.) Prohibition of certain marriages under penalties: viz. of ingenui with infames (*e.g.* actresses and prostitutes); and of senators or their children with freedwomen, freedmen, and actors' daughters (Ulpian, *Reg.* xiii. 1, xvi. 2; Dig. 23, 2, 44, pr. and 1). Marriages between a senator or his issue and libertini were declared void by a senatusconsult passed under M. Aurelius (Dig. 23, 2, 16, pr.), and the rule was subsequently extended to actors and actresses (Dig. *ib.* 42, 1).

(ii.) Avoidance of conditions against marriage annexed to legacies and inheritances. [JULIA MISCELLA.]

(iii.) Provisions to encourage marriage. *Caelibes* were disabled by the Lex Julia from taking either as heirs or as legatees (Gaius, ii. 111, 144, 286) under a will, unless the testator were related to them within the sixth degree (Ulpian, *Reg.* xvi. 1; *Frag. Vat.* 216, 219), or unless they married within 100 days (Ulpian, *Reg.* xvii. 1; xxii. 3). *Spadones* and vestal virgins were exempted from the operation of the statute, as were widows for twelve months, and divorced women for six: these periods were extended by the Lex Papia to two years and eighteen months respectively (Ulp. *Reg.* 14). Again, the penalty of the statute could be evaded by an engagement to marry, if carried out within two years (Sueton. *Octav.* 34; Dio Cass. liv. 16, lvi. 7; Dig. 23, 1, 17). Finally, males were released from its provisions in this respect on attaining sixty, women on attaining fifty years of age; but a Senatusconsultum Persicianum passed under Tiberius enacted that they should be regarded as *caelibes* in perpetuity if they postponed marrying till so late in life. A Senatuscon-

sultum Claudianum so far modified the strictness of the new rule as to give a man who married after sixty the same advantage that he would have had if he had married under sixty, provided he married a woman who was under fifty; but it was enacted by a Senatusconsultum Calvisianum under Nero, that if a woman over fifty married a husband under sixty, even the latter should not escape the disabilities imposed by the statute (Ulpian, *Reg.* xvi. 4). Similarly, by the Lex Papia, *orbi* (persons who had been married, but had no children living) were disabled from taking more than a moiety of what was left them by way of either inheritance or legacy (Gaius, ii. 111, 286; Ulpian, *Reg.* xvi. 1; Sozomenus, 1, 9), unless related to the testator within the sixth degree. Males escaped the penalties of *orbitas* by having a single (even adoptive) child (Juv. xix. 83, 86–89), but by a Senatusconsultum Memmianum adoption was deprived of this effect when resorted to merely in order to evade the statute: but women were not so well off, ingenuae being released only by three, libertinae only by four children (Paul. *Sent. rec.* iv. 9, 1–3). There were exceptions to these rules if the wife was under twenty or over fifty, or the husband under twenty-five or over sixty, and also if the husband was residing away from the wife *reipublicae causa* (Ulpian, *Reg.* xvi. 1). Legacies and inheritances which could not be taken either in whole or part, owing to these provisions of the Lex Julia or Lex Papia Poppaea, became *caduca* [BONA CADUCA], the law upon which subject was considerably modified by these statutes.

(iv.) Some other provisions have been noticed elsewhere [DECIMARIA; JULIA MISCELLA]. To these may be added the rule giving a preference to candidates for office according to the number of their children (Tac. *Ann.* xv. 19; Plin. *Ep.* vii. 16): the release of ingenuae with three and libertinae with four children from tutela (Gaius, i. 144, 145), and of libertini with a certain number of children from *operarum obligationes* (Dig. 38, 1). The exemption of persons from discharging the office of tutor or curator *jure liberorum* (*Inst.* i. 25, pr.; Dig. 27, 1, 18) was based on these statutes, which also introduced changes (besides those already noticed) into the law of succession, both testamentary and intestate, especially in connexion with libertini (Gaius, iii. 42–50, &c.: see PATRONUS). And the Lex Julia also fixed the date at which wills were opened as that at which the rights of legatees should become indefeasible (*dies cedit*: see LEGATUM), which previously had been the decease of the testator; but the old rule was restored under Justinian.

After the enactment of the Lex Papia Poppaea, it became not unusual to obtain a grant of a fictitious *jus liberorum* by special favour from the senate, and later from the emperor (Dio Cass. lv. 2; Sueton. *Claud.* 19; Plin. *Ep.* ii. 13, x. 2, 95, 96; Paul. *Sent. rec.* iv. 9, 9), whereby those who had no children, or not enough, were enabled to escape its disabilities and even enjoy most of its benefits (*Fragm. Vat.* 170). This privilege is mentioned in some inscriptions, on which the abbreviation I. L. H. (*jus liberorum habens*) sometimes occurs. The Emperor M. Aurelius enacted that children should be registered by name within thirty days of their birth with the Praefectus Aerarii Saturni (Capitol. *Marc.* 9; cf. Juv. *Sat.* ix. 84).

The penalties of *caelibatus* and *orbitas* were abolished by Constantine and his sons (*Cod. Theod.* 8, 16), as were the disabilities contained in the "Lex Decimaria" by Theodosius II. (*Cod. Theod.* 8, 17, 2, 3), so that little is left of these statutes in the law of Justinian.

JU'LIA PAPI'RIA. [PAPIRIA.]

JU'LIA PECU'LATUS. [PECULATUS.]

JU'LIA ET PLAU'TIA, of uncertain date, enacted that *res vi possessae* should stand on the same footing with *res furtivae* [ATINIA] and be incapable of acquisition by usucapio. It related solely to land, for robbery of *res mobiles* was theft itself (Gaius, iii. 209), and land could not be stolen (*Inst.* ii. 6, 7). (Gaius, ii. 45, 51; *Inst.* ii. 6, 2; Dig. 41, 3, 4, 22.) It would seem from Theophilus on the passage of the Institutes last referred to that there were really two statutes, Julia and Plautia, perhaps the two of those names "de vi."

JU'LIA REPETUNDA'RUM. [REPETUNDAE.]

JU'LIA SUMPTUA'RIA, passed B.C. 49 by Julius Caesar (Cic. *ad Att.* 13, 7, 1; *ad Fam.* 7, 26, 2; 9, 15, 5). Augustus, too, seems to have re-enacted with additional severities the earlier sumptuary laws (Gell. ii. 24; xliii. 25). [SUMPTUARIAE LEGES.]

JU'LIA THEATRA'LIS (Sueton. *Aug.* 40; Plin. xxxiii. § 32) permitted Roman equites, in case they or their parents had ever had a census equestris, to sit in the fourteen rows of the theatre appropriated to them by the Lex Roscia Theatralis, B.C. 67.

JU'LIA ET TI'TIA (supposed to have been passed B.C. 31) assigned to the governors of provinces (*praesides*) the duty of appointing guardians for women and impuberes who were not in patria potestas, or already provided with one. A Lex Atilia, which was in existence in the seventh century of the city, had already given the same power in Rome to the praetor urbanus, acting with a majority of the tribuni plebis (Gaius, i. 185; *Inst.* i. 20, pr.; Ulpian, *Reg.* xi. 18).

JU'LIA VICESIMA'RIA, passed by Augustus, A.D. 6 (Dio Cass. lv. 25, lvi. 28; Plin. *Paneg.* 37–40; Capitol. *Marc.* 11). [VICESIMA.]

JU'NIA DE LIBERTINORUM SUFFRAGIIS. [CLODIA; MANUMISSIO.]

JU'NIA DE PEREGRINIS, or JUNIA PENNI, a plebiscitum of M. Junius Pennus, B.C. 126, expelling peregrini from the city (Cic. *de Off.* iii. 11, 47; *Brut.* 28, 109). By a Lex Fannia (possibly merely an edict of the Consul Fannius) B.C. 122, Latins and Italians were similarly treated (Appian, *Bell. Civ.* i. 23; Plut. *C. Gracchus*, 12; Cic. *Brut.* 26, 100, *pro Sest.* 13, 31), as were all persons who had not an Italian domicile by a Lex Papia, B.C. 65 (Dio Cass. xxxviii. 9; Cic. *in Rull.* i. 4, 11; *de Off.* loc. cit.; *ad Att.* iv. 16).

JU'NIA LICI'NIA. [LICINIA JUNIA.]

JU'NIA NORBA'NA, probably A.D. 19 (see Puchta, *Institutionen*, § 213, note u), created the status of Latinus Junianus by enacting that slaves manumitted otherwise than by one of the *manumissiones legitimae*, or against the provisions of the Lex Aelia Sentia, should have the rights of Latini (i.e. *commercium* without *co-*

nubium). The statute, however, expressly deprived them of the right of making, or taking under a will, or of being testamentary guardians: see AELIA SENTIA LEX; LATINITAS; LIBERTUS; MANUMISSIO. (Gaius, i. 16, 17, 22, &c., iii. 56; Ulpian, *Reg.* i., xx. 8, xxii. 3.)

JU'NIA PENNI. [JUNIA DE PEREGRINIS.]

JU'NIA PETRO'NIA, or PATRO'NIA, enacted that if the judges in a suit relating to personal freedom were evenly divided, the person whose status was in question should be declared free (Dig. 40, 1, 24: cf. Dig. 42, 1, 38, pr.). Whether it is the same statute as the Lex Petronia is doubtful.

JU'NIA REPETUNDA'RUM. [REPETUNDAE.]

JU'NIA VELLE'IA, A.D. 10, made it possible (which hitherto had not been allowed) to either institute or disinherit certain *postumi sui* (i.e. descendants who after the making of a will come into the immediate potestas of the testator). Those to whom this lex related were (*a*) children of the testator born in his lifetime, but after the execution of his will; (*b*) grandchildren of the testator born after their father's death, but in the lifetime of the testator; (*c*) grandchildren born before the execution of the grandfather's will, but who become *sui heredes* by their father's decease after that event (Ulpian, *Reg.* xxii. 19; Dig. 28, 2, 29; Gaius, ii. 134, and Mr. Poste's note on § 130).

LAETO'RIA, the same as PLAETO'RIA [CURATOR]. Sometimes the lex proposed by Volero for electing plebeian magistrates at the Comitia Tributa is cited as a Lex Laetoria (Liv. ii. 56, 57).

LE'NTULI (Cic. *ad Fam.* xiii. 48), really a magisterial decretum relating to the provincial organisation of Cyprus: cf. the "decretum Rupilii" for Sicily (Cic. *in Verr.* ii. 13, 16).

LICI'NIAE. In B.C. 375 C. Licinius Stolo and L. Sextius, two of the tribunes of the plebs, proposed a number of *rogationes*, partly in the political, partly in the economical interests of the plebeians (Liv. vi. 35). The latter were aggrieved by their practical exclusion from the chief magistracies: but they were still more distressed by the burden of their debts. They had suffered heavily through the sacking of the city by the Gauls (Liv. vi. 11, &c.), and in comparison with the patricians were taxed out of all proportion to their real means (Liv. iv. 60, v. 10; Niebuhr, *Röm. Gesch.* i. 645); they were largely indebted to the other order, which was rapidly buying them out of their land (Liv. xxxiv. 4), and cultivating its new acquisitions by slave labour, so that the plebeians were debarred from making their livings even as farmers holding under their own creditors (Appian, *Bell. Civ.* i. 8).

The Licinian rogation which was intended to settle the financial question proposed that all sums which had been paid by way of interest should be struck off the capital debts, and that three annual periods should be allowed for the payment of the residue (Liv. vi. 35, 39). The precise content of the second (*de modo agrorum*, Liv. xxxiv. 4; Gell. xx. 1, 23; Val. Max. viii. 6, 3; Vell. Pat. ii. 6, 3; Appian, *Bell. Civ.* i. 8; Plin. *H. N.* xviii. 3) is less certain. According to one view (Puchta, *Institutionen*, § 57) it proposed that no one should *own* more than 500 *jugera* of land, or pasture on the ager publicus more than 100 cattle and 500 sheep or smaller beasts: others (*e.g.* Niebuhr, and Walter, *Gesch. des röm. Rechts*, § 62) hold that it prescribed the limit of 500 *jugera* merely for the "possessiones" of ager publicus: a third view (advanced by Huschke, *Ueber die Stelle des Varro*, 1835, and Rudorff, *Röm. Feldmesser*, ii. 312, *Röm. Rechtsgeschichte*, i. 38) is that both ownership and possession were comprised in the enactment. The first of these theories at any rate seems to be disproved by Livy, vi. 37 and 39 ("agris occupatis . . . injustis possessoribus"), Plin. *H. N.* xviii. 17, and Appian, *Bell. Civ.* 18 *sq.*; and perhaps that of Niebuhr is best supported by the authorities. It was also proposed, in the interest of those plebeians who were too poor to buy land, that a certain number of free persons should be employed on every estate (Appian, *loc. cit.*). A third *rogatio* was for the abolition of the military tribunate (an office created some years previously in order to relieve the consuls of some of their less important duties, to which the plebeians had been eligible, though Livy says, vi. 37, that in B.C. 369 it had not been occupied by any of them for forty-four years), and for the election of one of the consuls every year from the ranks of the plebeians (Liv. vi. 35, vii. 1, 21, 22, 25, x. 7; Gell. xvii. 21, 26, 27; Schol. Bob. *pro Scauro*, p. 375, Orelli). The patricians prevented the enactment of these rogations by inducing the other tribunes to veto them: Stolo and Sextius, according to Livy, retaliated in the same way, and, being repeatedly re-elected tribunes, persevered for five years in preventing the election of any curule magistrates.

In B.C. 368, encouraged by the support of one of the tribuni militum, M. Fabius, Licinius' father-in-law, and by the decreasing opposition of their colleagues, the two tribunes proposed, and after two years' violent agitation carried (B.C. 366), a new *rogatio* that, instead of the *duumviri* hitherto established, there should be a collegium of *decemviri* for the custody of the Sibylline books, and the performance of the *sacra* therewith connected, and that one-half of these *decemviri* should be plebeians (Liv. vi. 42). This paved the way for the admission of the plebeians to the consulship: and in the next year (B.C. 365) the three original rogations were at last carried together in the form of a Lex Satura (Liv. vii. 39; Dio Cass. *Fragm.* 33), and L. Sextius was elected consul, being the first plebeian who attained that dignity. The patricians were in some degree compensated by retaining the monopoly of the praetorship (*urbana*): but the incorrectness of Livy in representing them also as solely eligible to the curule aedileship, established about this time, has been shown by Niebuhr, iii. 39–49.

The penalty fixed for an infraction of the Lex Licinia *de modo agrorum* was an arbitrary fine sued for before the populus by the plebeian aediles. Curiously enough, Licinius Stolo himself was (B.C. 357) the first person against whom the statute was put in force (Val. Max. viii. 6, 3). Livy (vii. 16) says that together with his son he held a thousand *jugera* of *ager*, and by emancipating his son fraudulently evaded the provisions of his own law: which apparently means that he emancipated the son in order that the latter

might get 500 *jugera* nominally for himself, but which would practically be at his father's disposal: at any rate, he was fined 10,000 asses. From this story (which is also told by Columella, i. 3, and Pliny, *H. N.* xviii. § 17) it is clear that the plebeians had now acquired the right of holding (*possidere*) the *ager publicus*, probably under the Lex Licinia itself; and it would seem that the estates which the patricians had to surrender as being against the statute came for the most part into the possession of plebeians. Niebuhr (*Röm. Geschichte*, iii. 19) attributes to the lex a genuinely agrarian character, and believes that there was a regular distribution of land among them; but the passages on which he relies (especially Varro, *de Re Rust.* i. 2, and Columella, *loc. cit.*) hardly bear out his view, which is directly contradicted by Appian (*Bell. Civ.* i. 8). The history of the later agrarian legislation, however, makes it clear that in some way or other the Lex Licinia *de modo agrorum* (if it related at all to the possessiones of *ager publicus*, which Puchta denies) was persistently evaded.

(Besides the works of Niebuhr, Puchta, Huschke, and Rudorff, already referred to, cf. Göttling, *Geschichte der röm. Staatsverfassung*, p. 354; the *Classical Museum*, Nos. v. vi. and vii.; and AGRARIAE LEGES).

LICI'NIA, of uncertain date, containing provisions similar to those of the second Lex Aebutia noticed above, in connexion with which it is mentioned by Cicero (*in Rull.* ii. 8, 21; cf. *pro Domo*, 20, 51).

LI'CINIA DE CREANDIS TRIUMVIRIS EPULONIBUS, B.C. 197 (Liv. xxxiii. 42; cf. Cic. *de Orat.* iii. 19, 73).

LI'CINIA DE LUDIS APOLLINARIBUS, B.C. 209 (*Liv. xxvii. 23*).

LI'CINIA DE SACERDOTIIS, B.C. 146 (Cic. *de Am.* 25, 96).

LI'CINIA DE SODALITIIS, B.C. 56 (Cic. *pro Planc.* 15, 36; *ad Fam.* 8, 2, 1: see Wunder's Prolegomena, cited in full by Orelli, *Ciceronis opera*, vol. viii. pp. 200, 201; and AMBITUS).

LI'CINIA JU'NIA, sometimes called **JUNIA LICINIA**, passed B.C. 62 by the consuls L. Licinius Murena and Junius Silanus, perhaps to enforce more strictly the provisions of the Lex Caecilia Didia, in connexion with which it is sometimes mentioned (Cic. *Phil.* v. 3, 8; *ad Att.* ii. 9, 1; iv. 16, 5; *in Vatin.* 14, 23; *pro Sestio*, 64, 135). But it also seems to have enacted that a copy of every proposed statute should be deposited before witnesses in the Aerarium (Schol. Bob. p. 310; Mommsen, *Röm. Staatsrecht*, ii. pp. 532, 533).

LICI'NIA MU'CIA DE CIVIBUS REGUNDIS (probably REDIGUNDIS), passed B.C. 95 by the consuls L. Licinius Crassus the orator, and Q. Mucius Scaevola, Pontifex Maximus; ordained a strict examination into the title to citizenship, as many *non-cives* had contrived to get themselves put on the census, and ordered back to their own *civitates* all who could not make out a good title. This measure partly led to the Marsic war, and is cited by Cicero as an instance how even the wisest men sometimes pass bad laws (*Cic. de Off.* iii. 11, 47; *Brut.* 16, 63; *pro Balbo*, 21, 24; *pro Sestio*, 13, 30: Ascon. *in Cornel.* p. 67).

LICI'NIA SUMPTUA'RIA (Gell. ii. 24, 7–10; Macrob. *Saturn.* ii. 13; Festus, *s. v.* Centenaria). [SUMPTUARIAE LEGES.]

LI'VIAE. Various enactments carried by M. Livius Drusus the younger, when tribunus plebis B.C. 91, for establishing colonies in Italy and Sicily (Appian, *Bell. Civ.* i. 35), distributing corn among the poorer citizens at a low rate (Liv. *Epit.* 71), and admitting the *foederatae civitates* to the Roman citizenship (*ib.* Appian, *loc. cit.*). He was also the author of a *lex judiciaria*, dividing the judicia equally between the senate and the Equites (Vell. Pat. ii. 13; Liv. *Epit.* 70; Cic. *pro Cluentio*, 56, 153), and instituting a penal procedure against judges who allowed themselves to be bribed (Cic. *loc. cit.*; Appian, *Bell. Civ.* i. 35); and he is said by Pliny (*H. N.* xxxiii. § 46) to have proposed a measure for adulterating silver by mixing with it an eighth part of brass. Drusus was assassinated, and the senate declared his laws not binding, either because they had been carried "contra auspicia" (Ascon. *in Cornel.* p. 68), or because they were in violation of the Lex Caecilia Didia (Cic. *pro Domo*, 16, 41). Cf. Cic. *de Leg.* ii. 6, 12; Florus, iii. 17; Plut. *C. Gracchus*, 9 ff.

LUTA'TIA DE VI [VIS]. The supposed existence of such a lex (based on Cicero, *pro Caelio*, 29, 70) is now much discredited; but see Rein, *Criminalrecht*, p. 742.

MAE'NIA, probably passed by Maenius, tribunus plebis, B.C. 287. It is mentioned only by Cicero (*Brut.* 14, 55), who says that "M. Curius Dentatus compelled the Patres *ante auctores fieri*, in the case of the election of a plebeian consul, which was a great thing to accomplish, as the Lex Maenia had not yet been passed." The statute seems to have enacted that the senatorial auctoritas to the Comitia Curiata (by a vote of which the magistrates acquired their imperium) should be given before instead of after the assembly of the centuries in which the magistrates were elected (cf. Liv. i. 17; Cic. *pro Plancio*, 3, 8; Licinius Macer in Sallust. *Frag.* iii. p. 972, ed. Cort; Puchta, *Institutionen*, § 59, notes l and n; Walter, *Geschichte des röm. Rechts*, § 66; and AUCTORITAS).

MAE'NIA DE DOTE, B.C. 186: see Voigt's treatise on the subject, Weimar, 1866, and Puchta, *Institutionen*, § 74, note k, and § 292, note b.

DE MAGISTRIS AQUA'RUM (Haubold, Spangenberg, *Mon. Leg.* p. 177).

MAMI'LIA DE COLONIIS. It was supposed that Rudorff had proved (*Zeitschrift*, ix. 12) that the Lex Mamilia, Roscia, Peducaea, Alliena, Fabia, is the same as the "Lex agraria quam Gaius Caesar tulit" (Dig. 47, 21, 3), and that this Gaius Caesar is the Emperor Caligula. But Mommsen (*Schriften der röm. Feldmesser*, ii. p. 223) believes that the so-called Lex Mamilia related to the appointment of C. *Julius* Caesar's agrarian commission: and this seems to be confirmed by the discovery of the Lex Coloniae Genetivae.

MAMI'LIA DE JUGURTHAE FAUTORIBUS established a special tribunal of three *quaesitores* to investigate cases of bribery among Romans by Jugurtha (Sallust, *Jugurtha*, 40, 65; Cic. *Brut.* 33, 34: cf. Mommsen, *Röm. Staatsrecht*, vol. ii. pp. 646, 647).

MAMI'LIA FINIUM REGUNDORUM (B.C. 110, Ernesti; B.C. 165, Pighius) re-enacted the pro-

vision of the Twelve Tables, that a space of 5 ft. along the boundaries of landed estates (extending 2½ ft. into each) should be excluded from usucapio, and ordained a new procedure in cases of dispute (Cic. *de Leg.* i. 21, 55; Rudorff, "Gränzscheidungsklage," *Zeitschrift*, x. pp. 355–363).

MANI'LIA, proposed by the tribune C. Manilius B.C. 66, and conferring on Cn. Pompeius the command in the war against Mithridates. It was supported by Cicero when praetor in his speech *pro lege Manilia* (cf. Vell. Pat. ii. 33, 1; Liv. *Epit.* 100; Dio Cass. xxxvi. 25; Appian, *Bell. Mithrid.* 97).

MANI'LIA DE LIBERTINORUM SUFFRAGIIS (Dio Cass. xxxvi. 25; Ascon. *in Corn.* pp. 64, 65): perhaps the same as the Lex Manilia de suffragiorum confusione (Cic. *pro Mur.* 23, 47), which seems to have enacted that the libertini should vote in all and not only in the four urban tribes.

MANILIA'NAE (Cic. *de Orat.* i. 58, 246). These were not statutes at all, but forms which it was prudent for parties to observe in contracts of sale, whence they are called *actiones* by Varro, *de Re Rust.* ii. 5, 11. They seem to have been invented by a jurist called M'. Manilius, who was consul B.C. 149.

MA'NLIA, a name wrongly given to the Lex Licinia de creandis triumviris epulonibus, because P. Manlius was one of the first triumviri appointed under its provisions (Liv. xxxiii. 42).

MA'NLIA DE LIBERTINORUM SUFFRAGIIS, B.C. 58, probably identical with the Lex Manilia of the same title (Ascon. *in Mil.* p. 46).

MA'NLIA DE VICESIMA MANUMISSORUM, B.C. 357, imposed a tax of one-fifth on the value of all manumitted slaves (Liv. vii. 16; cf. xxvii. 10). [MANUMISSIO.]

MA'RCIA, *circ.* 352 B.C., prescribed the procedure *per manus injectionem* against *feneratores* for recovering from them four times any sum which they had taken by way of illegal interest (Gaius, iv. 23; Liv. vii. 21).

MA'RCIA AGRA'RIA, proposed by L. Marcius Philippus, tribunus plebis, B.C. 104 (Cic. *de Off.* ii. 21, 73).

MA'RCIA DE LIGURIBUS, B.C. 172 (Liv. xlii. 22).

MA'RIA, proposed by C. Marius, when tribune B.C. 119, for narrowing the *pontes* at elections (Cic. *de Legg.* iii. 17, 38; Plut. *Marius*, 4).

ME'MMIA or RE'MMIA. [CALUMNIA.]

MENE'NIA seems to have in some way limited the magistrate's power of inflicting arbitrary fines: see ATERNIA TARPEIA.

ME'NSIA or MINI'CIA enacted that the children of parents, either of whom was a *peregrinus*, should be *peregrini* themselves: and thus (where a *civis Romana* married a *peregrinus*) introduced an exception to the rule that where there was no *connubium* between man and wife the issue should follow the condition of the mother (Ulpian, *Reg.* v. 8).

ME'SSIA DE CN. POMPEII IMPERIO (Cic. *ad Att.* iv. 1, 7).

ME'SSIA DE REVOCANDO CICERONE (Cic. *post Red. in Sen.* 8, 21).

METI'LIA, B.C. 217 (Liv. xxii. 25 *sq.*; Plut. *Fabius*, 9).

MINI'CIA (Gaius, i. 78, Studemund *ad loc.*): see MENSIA.

MINU'CIA DE TRIUMVIRIS MENSARIIS, B.C. 46 (Liv. xxiii. 21).

MU'CIA, a plebiscitum of 141 B.C.: resulted in the exile of L. Hostilius Tubulo (Cic. *de Fin.* ii. 16, 54).

NERVAE AGRA'RIA, the latest known instance of a lex passed at the Comitia (Dig. 47, 21, 3, 1).

OCTA'VIA, probably B.C. 87 (Cic. *de Off.* ii. 21, 72; *Brut.* 62, 222). [FRUMENTARIAE LEGES.]

OGU'LNIA, proposed by two Ogulnii, who were tribunes B.C. 300: it increased the number of the Pontifices and Augurs from four each to eight and nine respectively, and enacted that four of the former and five of the latter should be taken from the plebs (Liv. x. 6–8).

OP'PIA, B.C. 215 (Liv. xxxiv. 1, 8; Val. Max. ix. 1, 3). It was repealed twenty years after its enactment. [SUMPTUARIAE LEGES.]

O'RCHIA, B.C. 171 (Macrob. *Saturn.* ii. 13). [SUMPTUARIAE LEGES.]

OVI'NIA, enacted probably *circ.* B.C. 312: apparently assigned to the censors the function of selecting the senate, but required them to choose the persons best qualified without distinction between patricians and plebeians (Festus, p. 246). Perhaps the strict meaning of Festus' text is that on coming into office they revised the list of the senate, those whose names were passed over *ipso facto* losing their seats (Hoffmann, *Röm. Senat*, pp. 3–18).

The nature of the Lex Ovinia mentioned by Gaius (iv. 109) is unknown.

PA'PIA DE PEREGRINIS. [JUNIA DE PEREGRINIS.]

PA'PIA DE VESTALIUM LECTIONE (Gell. i. 12).

PA'PIA POPPAEA. [JULIAE.]

PAPI'RIA or JU'LIA PAPI'RIA DE MULTARUM AESTIMATIONE, B.C. 430, substituted money fines for those of cattle and sheep fixed by the Lex Aternia Tarpeia, a sheep being valued at ten, a bullock at a hundred asses (Liv. iv. 30; Cic. *de Rep.* ii. 35). Gellius (xi. 1) and Festus are wrong in making this change a part of the Lex Aternia Tarpeia itself.

PAPI'RIA, 89 B.C., fixed the value of the *as* at half an ounce: one of the numerous enactments which tampered with the coinage (Plin. *H. N.* xxxiii. § 46).

PAPI'RIA DE ACERRANORUM CIVITATE, B.C. 332, proposed by L. Papirius when praetor, and giving the *civitas sine suffragio* to the people of Acerrae (Liv. viii. 17; cf. Vell. Pat. i. 14, 4).

PAPI'RIA DE CONSECRATIONE AEDIUM, *circ.* 303 B.C., enacted that no land, temple, or altar should be consecrated without a plebiscitum (Cic. *pro Dom.* 49, 50; Liv. ix. 46).

PAPI'RIA DE SACRAMENTO, a plebiscitum of L. Papirius, providing that the *tres viri capitales* should be elected by the people, and should exact from unsuccessful litigants the stake (*sacramentum*) which they lost in the *legis actio* of that name, and which was forfeited to the aerarium (Festus, *s. v.* Sacramento: cf. Mommsen, *Röm. Staatsrecht*, ii. pp. 580, 585). Puchta (*Institutionen*, § 161, note g) conjectures that the statute also put an end to the actual deposit of the stake *in sacro*, and substituted the giving of security (*praedes*) for its payment.

PAPI'RIA PLAU'TIA, B.C. 89, enacted that all *cives* and *incolae* of *foederatae civitates*, who

at the date of the statute were domiciled in Italy, should be able to obtain the Roman civitas by giving in their names to the praetor urbanus at Rome within sixty days (Cic. *pro Archia*, 4, 7; *ad Fam.* xiii. 30). [CIVITAS; FOEDERATAE CIVITATES.]

PAPI'RIA POETE'LIA. [POETELIA PAPIRIA.]

PAPI'RIA TABELLA'RIA, B.C. 132. [TABELLARIAE LEGES.]

PE'DIA, B.C. 44, interdicted from fire and water all who had taken part in the murder of Julius Caesar (Vell. Pat. ii. 69, 5).

PEDUCAE'A, a privilegium of B.C. 114, relating to incest committed by certain Vestal Virgins (Cic. *de Nat. Deor.* iii. 30, 74; Ascon. *in Milon.* p. 46).

PESULA'NIA seems to have extended to dogs the rule of the Twelve Tables (*Inst.* iv. 9, pr.; Dirksen, *Uebersicht*, &c. p. 532), that if damage were done by an animal the owner must either surrender it or pay compensation (Paul. *Sent. rec.* i. 15, 1).

PETI'LLIA DE PECUNIA REGIS ANTIOCHI, B.C. 186 (Liv. xxxviii. 54; cf. xxxix. 6).

PETRE'IA. A lex of this name (*de decimatione militum*) applying in cases of mutiny is mentioned in the old editions of Appian (*de Bell. Civ.* ii. 47), but the true reading is *πατρίῳ νόμῳ*.

PETRO'NIA forbade masters to make their slaves fight with wild beasts, unless they had committed some serious offence, and the magistrate had assented to their being so treated (Dig. 48, 8, 11, 2; Gell. v. 14); it was followed by a number of senatusconsulta to the same purpose. Puchta (*Institutionen*, § 107) is of opinion that it provided for the appointment of special magistrates in the towns to deal with the matter; but the inscriptions on which he relies (cited in Marquardt, *Röm. Staatsverwaltung*, i. p. 494) seem to relate to a different Lex Petronia (de praefectis). Whether there were two leges or one, the first mention of legislation by this name occurs in the *fasti* of Venusia, B.C. 32.

PINA'RIA (Gaius, iv. 15). Its effect is merely matter of conjecture. According to Studemund and Walter, a single judge was originally appointed at the close of the formal proceedings before the praetor, to try *sacramenta*: and this was altered by the statute, which prescribed an interval of thirty days between the proceedings before the praetor and the appointment of the judex. Keller supposes that its effect was not to create a necessary interval of thirty or any other number of days at all, but to transfer the hearing of *sacramenta* from the standing collegia of judges (decemviri and centumviri) to a single judex. Bethmann-Hollweg (*Civil Process*, i. p. 65) holds that it required all actions of debt for less sums than 1000 asses to be tried before a single judge.

PINA'RIA ANNALIS. [ANNALES LEGES.]

PINA'RIA DE INTERCALANDO, B.C. 472 (Varro in Macrob. i. 13).

PLAETO'RIA or LAETO'RIA (Cic. *de Off.* iii. 15, 61; *de Nat. Deor.* iii. 30, 74). [CURATOR.]

PLAETO'RIA allowed the praetor to fix any time he pleased for the termination of legal proceedings, the Twelve Tables having enacted that they should not close till sunset (Varro, *L. L.* vi. 5; Censorin. *de Die Nat.* 24).

PLAU'TIA or PLO'TIA AGRA'RIA, B.C. 98 or 89 (Cic. *ad Att.* i. 18, 6).

PLAU'TIA or PLO'TIA DE REDITU LEPIDANORUM (Sueton. *Caesar*, 5; Gell. xiii. 3).

PLAU'TIA or PLO'TIA DE VI (Ascon. *in Milon.* 35; Cic. *ad Att.* ii. 24; *de Harusp. Resp.* 8; Sallust. *Cat.* 31: see C. G. Wächter's paper on the subject in the *Neues Archiv des Criminalrechts*, xiii. p. 8 *sq.*, cited at length in Orelli's *Cicero*, vol. viii. pp. 233–243, and VIS).

PLAU'TIA or PLO'TIA JUDICIA'RIA, B.C. 89, enacted that fifteen persons should be selected annually from each tribe, without reference to their rank, to act as judges in criminal trials. It was repealed by the Lex Cornelia judiciaria of Sulla (Cic. *pro Cornel.* fragm. 27; Ascon. *in Cornel.* p. 79).

PLAU'TIA PAPI'RIA. [PAPIRIA PLAUTIA.]

POETE'LIA, a plebiscitum of B.C. 358: the first law against *ambitus* (Liv. vii. 15).

POETE'LIA PAPI'RIA, the name usually given to a lex, supposed to have been passed B.C. 326, for the relief of the nexi (Liv. viii. 28; Cic. *de Republ.* ii. 34, 59; Varro, *L. L.* vii. 105). [NEXUM.]

POMPE'IA, B.C. 89, passed by Cn. Pompeius Strabo, father of the great Pompeius, when consul: it conferred Latin rights [LATINITAS] on the Transpadani, and probably the civitas on the Cispadani (Strabo, v. p. 213; Savigny, *Zeitschrift*, ix. 308–326).

POMPE'IA DE AMBITU (Dio Cass. xl. 52; Ascon. *in Mil.* p. 37). [AMBITUS.]

POMPE'IA DE IMPERIO CAESARI PROROGANDO, B.C. 55 (Vell. Pat. ii. 46, 2; Appian, *Bell. Civ.* ii. 18; Cic. *Phil.* ii. 10, 24).

POMPE'IA DE JURE MAGISTRATUUM (Sueton. *Caesar*, 28; Cic. *ad Att.* viii. 3, 3, cf. *Phil.* ii. 10, 24; Dio Cass. xl. 56) forbade candidature for public offices by persons who were not at Rome: but C. Julius Caesar was excepted from its operation. This was doubtless the old law, but it appears to have become obsolete.

POMPE'IA DE PARRICIDIIS, B.C. 52. It is difficult to come to any definite conclusion as to the precise meaning of *parricida* and *parricidium* in early Roman history and literature. From a quotation which Cicero makes from some old source ("sacrum sacrove commendatum qui ceperit rapsitque parricida esto," *de Leg.* ii. 9, 22), the offence seems at one time not to have been confined to killing; and even when it had acquired this narrower signification, it apparently denoted the taking of the life of any free person ("si quis hominem liberum dolo sciens morti duit parricida esto," law of Numa Pompilius in Festus, *s. v.* Parici Quaestores: cf. Rein, *Criminalrecht*, pp. 401, 449). The Romans themselves seem to have had great doubts about the etymology of the word: *συστέλλοντες τὴν πρώτην συλλαβὴν καὶ βραχεῖαν ποιοῦντες, τοὺς γονέας* (parentes), *ἐκτείνοντες δὲ, τοὺς ὑπηκόους* (parentes) *σημαίνουσιν* (Johannes Lydus, *de Mag. Rom.* i. 26). "Parricida, quod vel a pari componitur, vel a patre: quibusdam a parente videtur esse" (Prisc. *Gram.* i.: cf. Cic. *pro Cluentio*, 11, 32; Liv. xl. 24; Quinctil. *Inst.* viii. 6, 35). But by the time of Cicero *parricidium* seems to have acquired the specific sense of killing near relatives: the application of it to Catiline and to the murderers of Caesar (Sueton.

Jul. 88) may perhaps be regarded merely as an oratorical survival of older usage. There seems to be no doubt that the Lex Cornelia de sicariis et veneficis contained provisions as to the killing of near relations (Dig. 48, 9, 1; *Inst.* iv. 18, 6 *ad fin.*): the Lex Pompeia de parricidiis, some thirty years later, apparently re-enacted these, and defined the crime of *parricidium* as the deliberate and wrongful slaying of ascendants, husbands, wives, *consobrini*, brothers and sisters, uncles and aunts, stepfathers and mothers, fathers and mothers in law, patrons and descendants; but the killing of a child by its father was excepted (Dig. 48, 9, 1). Hadrian sentenced a man who killed his son to *deportatio* (Dig. *ib.* 5); but it was not *parricidium* to kill one's own children till the age of Constantine, who prescribed for it the punishment of the sack described below (Cod. ix. 17; *Inst.* loc. cit.). For most cases of *parricidium* no change was made in the penalties of the Lex Cornelia (death, banishment, and forfeiture) by the statute of Pompeius; but for the murder of a father, mother, grandfather or grandmother, the old punishment of the *culleus* was ordained (Dig. 48, 9, 9, 1; Paul. *Sent. rec.* v. 24). This consisted in the guilty person being first whipped till he bled, sewn up in a sack with a dog, a cock, a viper, and an ape, and thrown into the sea or a river: if there was no water near, Hadrian sanctioned his being torn in pieces by wild beasts (Dig. 48, 9, 9, pr.), and in Paulus' time he seems sometimes to have been burnt. The antiquity of this punishment is attested by Valerius Maximus, who records that it was inflicted on M. Tullius by Tarquinius when king (i. 1, 13: cf. "more majorum," Dig. 48, 9, 9, pr. and 1; and Cic. *pro Rosc. Am.* 25, 70, *ad Quint. Fratr.* i. 2; Juv. *Sat.* iii. 8, 212 *sq.*). The selection of animals was supposed to be symbolical: *μετὰ ἀσεβῶν ζώων ἀσεβὴς ἄνθρωπος* (Dosith. iii. 16): *τὰ δὲ προειρημένα θήρια ἐμβάλλεται διὰ τοῦτο, ἐπειδὴ ὁμοιότροπα αὐτῷ ἐστί· τὰ μὲν γὰρ ἀναιρεῖ τοὺς γονεῖς, τὰ δὲ πρὸς αὐτοὺς οὐκ ἀπέχεται μάχης* (Theophilus). Accessories to the crime were punished as severely as principals under the Lex Cornelia (Cod. 9, 16, 7).

POMPE'IA DE VI, a privilegium relating to the trial of Milo by a *quaestio extraordinaria* for killing Clodius, though there was a permanent commission for trying offences of this class (Cic. *Phil.* ii. 9, 22): it also seems to have contained some general provisions as to the procedure and penalty in cases of violence (Ascon.; and Schol. Bob. *pro Milone*: cf. Wächter's note, cited by Orelli, *Cicero*, vol. viii. pp. 247–250, and Walter, *Geschichte des röm. Rechts*, § 834, note 7).

POMPE'IA FRUMENTARIA (Dio Cass. xxxix. 24).

POMPE'IA JUDICIARIA (Cic. *Phil.* i. 8, 20; *in Pison.* 39, 73; Ascon. *in Pison.* p. 16; Sall. *de Rep. Ord.* ii. 3). [JUDEX.]

POMPE'IA TRIBUNICIA, B.C. 70, restored the old *tribunicia potestas* which Sulla had almost destroyed (Sueton. *Jul.* 5; Vell. Pat. ii. 30; Cic. *de Leg.* iii. 9, 11; Liv. *Epit.* 97). [TRIBUNI.]

PO'RCIA, probably B.C. 197, appears to have enacted that a Roman citizen might save himself from the punishment of death or flogging by withdrawing into exile (Sall. *Cat.* 51; Cic. *pro Rabirio*, 3, 4; *in Verr.* v. 63, 163; Liv. x. 9; Gell. x. 3, 13). Cicero (*de Rep.* ii. 31, 54) alludes to three leges Porciae on this or similar matters, but nothing more is known about them.

PO'RCIA DE PROVINCIALIBUS SUMPTIBUS, apparently due to M. Portius Cato, praetor B.C. 298, and perhaps referred to in Liv. xxxii. 27: it is mentioned in the Plebiscitum de Termessensibus (Lex Antonia), which enacts "nei quis magistratus prove magistratu legatus neu quis alius neive imperato quo quid magis iei dent praebeant ab ieisve auferatur nisei quod eos ex lege Portia dare praebere oportet oportebit." (Haubold, *Mon. legal.* p. 137).

PRAEDIATO'RIA, the reading in some editions of Gaius (iv. 28); but the true reading, according to Studemund, is *lege censoria*.

PUBLI'CIA permitted betting at certain games which required strength, such as running and leaping (Dig. 11, 5, 2, 1 and 3). [CORNELIA; TITIA.]

PUBLI'LIA, proposed by Publilius Volero, tribunus plebis, and carried after much opposition B.C. 471. It provided "ut plebeii magistratus (tribunes and plebeian aediles) tributis comitiis fierent" (Liv. ii. 56); but this apparently should not be taken to mean that these magistrates had previously been elected in the Comitia Centuriata (as is held by Mommsen, *Röm. Tribus*, p. 83; Becker-Marquardt, ii. 2, 253–260, &c.): the choice had practically been made by the plebs, but in a less organised fashion than became the rule after it had by this statute been definitely assigned to the Comitia in which the plebeians had the preponderance (Schwegler, xxvi. 7: cf. Walter, *Geschichte des röm. Rechts*, § 44; for another view, see Mommsen, *Röm. Geschichte*, ii. 2). "From this time onward," says Dionysius (ix. 49), "up to my own day, the election of tribunes and aediles was made without birds (augural ceremonies) and all the rest of the religious forms in the Comitia Tributa." By the same enactment the number of the tribunes was raised from two to five (Liv. ii. 58; Diod. ii. 38), and B.C. 454 to ten (Liv. iii. 30; Dionys. x. 30), who were elected in equal proportions from the five classes of the Servian Constitution (Ascon. *in Cornel.* p. 77): this change was readily acquiesced in and perhaps even suggested by the patricians, who foresaw in the larger number increased chances of disagreement, and were more likely to win over to their own side one of many than one of few plebeian magistrates. Possibly, too, the office of tribune was opened to the patricians, two of whom were tribuni plebis B.C. 448 (Liv. iii. 65), though these, according to Mommsen (*Röm. Staatsrecht*, ii. p. 265), were only coopted members of the Collegium.

We are told by Dionysius (ix. 43, 44) that when Publicius failed in the first attempt to carry his measure, he added a fresh provision, enabling the Comitia Tributa to discuss and resolve on matters of public importance (cf. Zonaras, vii. 17): this was carried along with his earlier proposal, and was of considerable constitutional significance: for it thus became easy for the tribunes to unite the plebeians on any matter on which they had to vote in the Comitia Centuriata, and also to consult them as to the submission of proposals for legislation to the senate: these, if approved, could then be referred in the ordinary way to the centuries,

and thereby become genuine enactments of the sovereign populus (Val. Max. ii. 2, 7; Dionys. x. 30, 48, 52). For the further history, see PUBLILIAE and PLEBISCITUM.

PUBLI'LIA DE SPONSU gave the kind of surety called a *sponsor* an *actio depensi* to recover twice the sum which he had paid for his principal unless reimbursed within six months, and enabled him after obtaining judgment to proceed at once by *manus injectio pro judicato* (Gaius, iii. 127, iv. 22). [INTERCESSIO.]

PUBLI'LIAE LEGES, carried B.C. 339 by the Dictator Q. Publilius Philo: their substance is thus described by Livy (viii. 12): "Tres leges secundissimas plebei, adversas nobilitati tulit: unam ut plebiscita omnes Quirites tenerent: alteram, ut legum quae comitiis centuriatis ferrentur, ante initum suffragium Patres auctores fierent: tertiam, ut alter utique ex plebe, quum eo ventum sit ut utrumque plebeium consulem fieri liceret, censor crearetur." The first of these seems to stand in connexion with one of the leges Valeriae Horatiae, B.C. 449, which enacted "ut quod tributim plebs jussisset populum teneret" (Liv. iii. 55): *i.e.* it restored the Comitia Tributa after the second secession of the plebs, and perhaps also provided that plebiscita which had no constitutional import, or which related purely to matters of private law, should have the force of statute, even without subsequent confirmation or enactment by the centuries. In B.C. 339, the patricians having now brought themselves to take regular part in the business of the Comitia Tributa, confirmation by the centuries must have seemed a superfluity in any case; and accordingly the first Lex Publilia seems to have dispensed with it for all plebiscita whatsoever. They still, however, required to be sanctioned by the senate before they acquired complete validity; but the necessity of this seems to have been abolished by the Lex Hortensia, B.C. 287, which enacted "ut eo jure, quod plebs statuisset, omnes Quirites tenerentur" (Gaius, i. 3; Dig. 1, 2, 2, 8; Laelius Felix in Gell. xv. 27; Plin. *H. N.* xvi. § 37). There is, however, great difference of opinion as to the real import of, and the relation between, these three leges, which, if literally taken, seem all to have enacted the same thing. Walter (*Geschichte des röm. Rechts*, § 65) thinks that the last two dispensed with the senatorial confirmation of plebiscita which were not proposed "ex senatus auctoritate;" Niebuhr (ii. 415; iii. 170, 171, 491), that the Lex Publilia did away with the necessity of confirmation by the Comitia *Curiata*, and that the senatorial approval was dispensed with by the Lex Hortensia: while Mommsen (*Röm. Geschichte*, ii. 3) and Lange (i. 469–473) take the accounts given to us literally, and hold the last two laws to be merely re-enactments of the Lex Valeria Horatia, which got rid of confirmation by the senate and the Comitia Curiata as well. The view adopted above is that of Puchta (*Institutionen*, § 59).

As to the meaning of the second Lex Publilia, there is also some difference of opinion, occasioned by our uncertainty as to the signification of "Patres" in the text of Livy cited above. According to one view, it simply re-affirmed the constitutional doctrine that no measure should be submitted for enactment to the Comitia Centuriata without having been previously approved by the senate: such re-affirmation seeming desirable in consequence of the recent changes in respect of plebiscita, which were sanctioned by the senate after, and not before, being passed by the Comitia Tributa. But Livy's remark that all the leges Publiliae were "adversae nobilitati" makes the view of Niebuhr more probable, that by "Patres" is meant the Comitia Curiata; the assent of which was by this statute reduced to a mere formality by the requirement that it should be *given before* the centuries had considered whether they should pass any given measure or not.

The third Publilian law requires no explanation. We read of a plebeian being censor as early as B.C. 351 (Liv. vii. 22; x. 8, 8): but this statute required that one of the censors should always be selected from the plebs.

PU'PIA (Cic. *ad Q. Fratr.* ii. 13; *ad Fam.* i. 4) enacted that the senate should not sit on dies Comitiales. Previously it could deliberate on any day whatsoever (see Cic. *ad Fam.* xii. 55; *ad Q. Fratr.* ii. 1, &c.; *ad Att.* iv. 2; Liv. xxxix. 39). Its date was perhaps B.C. 224.

QUI'NTIA, a lex proposed by T. Quintius Crispinus (consul B.C. 9) for the preservation of the Aquaeductus. It is preserved by Frontinus (*de Aquaeduct. Roman.*).

RE'GIA, properly LEX DE IMPERIO PRINCIPIS. The nature of the imperium, and the mode in which it was conferred, are explained under IMPERIUM. Augustus united in his own person most of the republican powers and magistracies, though they were bestowed upon him by the populus separately and at different times. After holding the consulship for nine years in succession, he received the *proconsulare imperium* and the *potestas consularis* and *tribunicia* for life: the powers of the censorship were granted him at first for five years, but were periodically renewed without interruption: he was also Pontifex Maximus and Princeps Senatus, whence, according to some, he took the title "Princeps" by which the earlier emperors were known, and which personally he preferred to the style of "Imperator," which, though it belonged to him, he never asserted within the city of Rome. [PRINCEPS.] The practice of investing the emperor with these various powers or authorities by distinct leges was followed for a considerable time. The preservation of the Lex de imperio Vespasiani (which seems to have been only a senatusconsultum representing the old Lex Curiata de imperio) has led to the belief that in the time of that emperor all the powers enjoyed by Augustus were conferred on the sovereign by a single statute. The fragment which is extant (Haubold, Spangenberg, *Monum. Legal.* p. 221) empowers Vespasian to make treaties, originate senatusconsulta, propose persons to the people and the senate for election to magistracies, extend the *pomoerium*, and make edicts with the force of law: it releases him from the same laws from which Augustus, Tiberius, and Claudius had been released; and provides that all that he had done before its enactment should have the same effect as if it had been done by the people. But, sweeping as the form seems to be, it is clear that the senate continued even after Vespasian "to dispense the various prerogatives of sovereignty, one by one, with affected hesita-

tion." It was not really till the time of Alexander Severus that the whole of the imperial powers (including the *proconsulare imperium*, the *principatus senatus*, and the *tribunicia potestas*) were conferred on the emperor *uno ictu*, and Severus himself remarks upon this as a novelty ("quae omnia *novo exemplo* uno die in me contulistis," Lamprid. *Alex. Sev.* 1): but from his time the practice became usual, the formal imperium however being bestowed first by a separate resolution of the senate (cf. Capitol. *Max. et Balb.* 8; Vopisc. *Prob.* 2). For the meaning of *legibus solutus* as applied to the emperor, see Mommsen, *Röm. Staatsrecht*, ii. p. 728, and Merivale, *Hist. of the Romans under the Empire*, iii. p. 466 *sq.*

The Lex de Imperio is in the Corpus Juris of Justinian sometimes called "Lex Regia," an expression which occurs in Dig. 1, 4, 1, pr. (Ulpian), transcribed in *Inst.* i. 2, 6, and in Cod. 1, 17, 1, 7. The title of Dominus was applied to the emperor as early as Trajan, but the phrase "lex regia" does not appear to occur before the third century, when to avoid the comparison between "rex" and "imperator" would have been mere affectation. For the whole subject, see Dio Cass. liii. 16–19; Tac. *Hist.* i. 47, iv. 3, 6; and Merivale, *Hist.* chap. 31.

RE'GIAE (LEX, p. 32*a supr.*; and JUS CIVILE PAPIRIANUM).

RE'MMIA (Cic. *pro Rosc. Am.* 19, 55). [CALUMNIA.]

RHO'DIA, a term used to denote those portions of the Rhodian maritime code (referred to by Strabo, xiv. p. 652; and Cic. *pro lege Manilia*, 18, 54) which were adopted into the Roman law, and on which information may be obtained from Dig. 14, 2, and Schryver, *Sur la loi Rhodia de jactu*, Brussels, 1884. Its main principle was that, where property was thrown overboard to lighten and so assist in saving a ship, the loss should be portioned out among all in whose interest the sacrifice was made.

RO'SCIA THEATRA'LIS, carried by the tribune L. Roscius Otho, B.C. 67: it assigned to the Equites the fourteen rows of seats in the theatre next to those of the senators, who sat in the orchestra, to which apparently (Vell. Pat. ii. 32, 3) they had a kind of prescriptive right (Liv. *Epit.* 99; Dio Cass. xxxvi. 25; Cic. *pro Murena*, 19, 40; *ad Att.* ii. 19; Juv. xiv. 324; Hor. *Epod.* iv. 16). This provision was re-enacted by the Lex Julia theatralis. The statute also seems to have assigned seats in the theatre to persons who had lost their property, whether by their own fault or by misfortune (*decoctores*), Cic. *Phil.* ii. 18, 44. The law caused some popular disturbances when Cicero was consul, which he allayed by a speech (*ad Att.* ii. 1; Plut. *Cic.* 13).

RU'BRIA or GA'LLIAE CISALPI'NAE. When Cisalpine Gaul ceased to be a province and became part of Italy, it was necessary to provide for the administration of justice, as the usual forms of provincial administration would cease with the determination of the provincial mode of government. This was done (B.C. 49, Mommsen and Rudorff; B.C. 42, Savigny and Puchta) by a plebiscitum proposed by an otherwise unknown tribune, named Rubrius, of which a portion was discovered in 1760 on a tablet in the ruins of Veleia, which is preserved in the Museum at Parma. The whole lex probably covered five Tables, and was divided into chapters, of which we have caps. 20–22 complete, and parts of the 19th and 23rd: it apparently followed the order of the praetorian edict, and regulated the judicial competence and procedure of the Cisalpine municipia. Its policy seems to have been restrictive: *e.g.* it is provided that the municipal magistrates shall have jurisdiction to try by judices (in the ordinary Roman fashion) all suits in which the sum involved does not exceed 15,000 sesterces, and some even irrespective of their amount: as for actions to which their jurisdiction does not extend, they may conduct the preliminary inquiry, but must remit them for trial to the praetor at Rome. The 19th chapter relates to "operis novi nuntiatio;" the 20th, to "damnum infectum;" the 21st and 22nd, to the jurisdiction, especially restricting the right of imprisoning for money debts; and the 23rd, to the "judicium familiae erciscundae."

The text of the lex is lithographed in Ritschl's Inscriptions, vol. i. Tab. xxxii., and may also be found in Mommsen's Inscriptions, vol. i. No. 205, as well as in the earlier editions of Carli, Pietro di Lama, and Haubold (Spangenberg). The subject is expressly handled by Savigny (*Zeitschrift*, ix.) and Puchta, *Kleine civil. Schriften*, 1851: cf. Huschke, *Ueber die Klagformeln in der Lex Rubria*; Gaius, pp. 203–242; Hugo, *Civil. Magazin*, vol. ii. pp. 431–496; and Dirksen, *Obs. ad selecta legis Gall. Cisalp. capita*, Berlin, 1812.

RUPI'LIAE. These are not leges proper, but regulations for the organisation of Sicily, comprised in a decretum issued by P. Rupilius, its proconsul (B.C. 131), in accordance with instructions given him by the ten legati sent by the senate, as was usual (Liv. xlv. 17; Appian, *Iber.* 99, *Pun.* 135; Sall. *Jugurtha*, 16) when the organisation of a province was being settled (Cic. *in Verr.* ii. 13, 16, 40; Pseudo-Ascon. p. 212: cf. Val. Max. vi. 9, 8). There is frequent mention in Cicero's second speech against Verres of the regulations (*leges*) of Rupilius in respect of the Sicilian judicial procedure, *e.g.* one by which he there established the supposed principle of the Lex Pinaria, requiring an interval of thirty days between the proceedings *in jure* and the appointment of a judex (cap. 15). Other leges of the same person, relating to the co-optation of the senate of Heraclia, where he had established a colony, are mentioned *in Verr.* ii. 50, 125; and as to "res frumentaria," *in Verr.* iii. 40, 91. (See Marquardt, *Röm. Staatsverwaltung*, i. p. 341.)

RUTI'LIA related to the appointment of the tribuni militum (Festus, *s. v.* Rufuli; Liv. viii. 5; Ascon. *in Verr.* i. 10, p. 112, Orelli).

SACRA'TAE (mentioned or referred to by Liv. ii. 33, iii. 55, vii. 41, &c.; and Cic. *pro Sest.* 7, 16, 30, &c.; *de Off.* iii. 31, 111; *de Leg.* ii. 7, 18, &c.). The term seems properly to have been used of laws to which a religious sanction was attached, so that the person who was convicted of violating them became *sacer*: "Sacratae leges sunt, quibus sanctum est, qui quid adversus eas fecerit, sacer alicui deorum sit cum familia pecuniaque" (Festus). As to the nature of the sanction, something more may be gathered from Festus, *s. v.* Sacer mons: "At

homo sacer is est, quem populus judicavit ob maleficium, neque fas est eum immolari: sed qui occidit parricidii non damnatur, nam lege tribunicia prima cavetur: *si quis eum qui eo plebei scito sacer sit occiderit parricida ne sit.*" Among such leges sacratae were the Lex Valeria de provocatione, the statute affirming the inviolability of tribuni plebis (Liv. ii. 8, 33, iii. 55; Cic. *de Leg.* iii. 4, 11), the Lex Icilia de Aventino (Liv. iii. 32) and the Lex militaris referred to by Liv. vii. 41. See Ernesti's note cited by Orelli, *Cicero*, viii. p. 257; Ihering, *Geist des röm. Rechts*, pp. 273–276.

SAE'NIA DE PATRICIORUM NUMERO AUGENDO, enacted in the fifth consulship of Augustus (Tac. *Ann.* xi. 25; *Mon. Ancyr. Pilae prioris*, tab. 2. See CASSIA).

SALPENSA'NA, a lex of the Emperor Domitian, A.D. 81–84, regulating the constitution of the Latin colony of Salpensa in Baetica.

SA'TURA. [LEX, p. 33 *b supr.*]

SCATI'NIAE, another reading for Atiniae in Cic. *Phil.* iii. 6, 16.

SCANTI'NIA, a lex of unknown date, enacted for the suppression of unnatural crime (Auson. *Epigr.* 89; Juv. ii. 44; Cic. *ad Fam.* viii. 12, 14; Suet. *Domit.* 8), which was treated by the Lex Julia de adulteriis merely as *stuprum* (Dig. 48, 5, 34, 1; Collatio, v. 2; Paul. *Sent. rec.* ii. 26, 13), and punished by partial confiscation of property, flogging, and relegatio (*Inst.* iv. 18, 4). For these death was substituted by imperial constitutions (Coll. v. 3; Cod. 9, 9, 31).

SCRIBO'NIA, of unknown date, enacted that praedial urban servitudes should not be acquirable by usucapio (Dig. 41, 3, 4, 29): rustic servitudes could never be so acquired (apart from the *praedia* to which they were annexed), owing to the impossibility of applying to them the notion of possession (Dig. 8, 1, 14, pr.). The statute, however, did not prohibit the extinction of a servitude by lapse of time, which the Romans call "usucapio libertatis" (Dig. 41, 3, 4, 29). But the prescriptive acquisition of servitudes was re-introduced through the praetorian doctrine of *longi temporis possessio*. [SERVITUTES; USUCAPIO.] See Unterholtzner, *Verjahrungslehre*, ii. §§ 195–197.

SCRIBO'NIA ALIMENTA'RIA (Cael. *ad Fam.* viii. 6, 5).

SCRIBO'NIA VIA'RIA, carried by the tribune C. Scribonius Curio, B.C. 51. Its motive and purport are explained by Appian, *Bell. Civ.* ii. 26 *sq.*: cf. Orelli's *Cicero*, viii. pp. 259, 260.

SEMPRO'NIA AGRA'RIA, carried by Tiberius Gracchus when tribune, B.C. 133. In settling its provisions he was aided by the advice of Crassus, then Pontifex Maximus, Mucius Scaevola, then Consul and later Pontifex Maximus himself, and Appius Claudius (Plut. *Tib. Gracchus*, 9); their main objects being to relieve the poverty of the humbler Roman citizens, and to establish a population of free and independent yeomen over the vast tracts of public land, the enjoyment of which the patricians had practically appropriated, notwithstanding the Lex Licinia, and which were at that date but sparsely peopled by shepherds, herdsmen, and a few slave cultivators. Its main enactment was that no person should hold more than 500 jugera of ager publicus (Liv. *Epit.* 58; Aurel. Victor *de Vir. ill.* 64), with an additional 250 jugera for each of two sons: but in no case was the holding to exceed 1000 jugera. From the estates recovered from the present tenants, as being in excess of the maximum fixed by the statute, holdings were to be provided for the poorer and landless citizens, which they were to have no power of alienating or even letting (Appian, *Bell. Civ.* i. 9, 10); the taxes assessed on the land were to be paid by the tenant. The execution of the statute was entrusted to a commission of three, which was to be elected every year (Appian, *loc. cit.*), the first three commissioners being Tiberius himself, his brother C. Gracchus, and Appius Claudius; but it was attended with great difficulties. The ager publicus had been held by private persons for generations as private property, had often changed hands by sale or assignment, and had been improved and built upon. Proposals were originally made for the payment of compensation for buildings and unexhausted improvements (Plut. *loc. cit.*; Appian, *Bell. Civ.* i. 11); but these, it would appear, were withdrawn.

The execution of the measure was stopped by a senatusconsultum which extinguished the powers of the commissioners to whom it had been entrusted; but it was revived by the Lex Sempronia of C. Gracchus, B.C. 123. The senate, however, practically rendered it a dead letter by employing Livius Drusus, another of the tribunes, to bring forward agrarian proposals even more popular with the proletariate than that of Gracchus; especially one permitting alienation of the holdings, whereby the tenants got money instead of land, and the rich were enabled to buy back the estates of which they had been temporarily deprived. (Plut. *C. Gracchus*; Appian, *Bell. Civ.* i. 21 ff.: for the whole subject, see Merivale's *Fall of the Roman Republic*, chap. i.)

SEMPRO'NIA DE CAPITE CIVIUM, carried by Caius Gracchus, B.C. 123: it re-affirmed the old legal principle that no judgment should be pronounced involving the life or freedom of a citizen without the assent of the Roman people (Cic. *pro Rabirio*, 4, 8; *in Cat.* 4, 5; *in Verr.* v. 63, 163; Gell. x. 3). See Ahren's Excursus on the statute, cited by Orelli, *Cicero*, vol. viii. pp. 264, 265.

SEMPRO'NIA DE PECUNIA CREDITA OR DE FENORE, passed by the tribune M. Sempronius Tuditanus, B.C. 193. It was occasioned by the fact of citizens lending money in the names of non-cives in order to evade the laws against usury, to which it subjected the Socii and Latini (Liv. xxxv. 7).

SEMPRO'NIA DE PROVINCIA ASIA provided that the taxes of the Roman province of Asia should be let out to farm by the censors (Cic. *in Verr.* iii. 6, 12: cf. *ad Att.* i. 17, 9): probably a different lex from that which next follows. [DECUMAE.]

SEMPRO'NIA DE PROVINCIIS CONSULARIBUS, passed by C. Gracchus, B.C. 123: it enacted that before the election of consuls the senate should in each year determine the two provinces which they were to have at the termination of their year of office; which of the two each was to take, was to be settled by them afterwards by

lot or otherwise (Sall. *Jugurtha*, 27;—Cic. *pro Domo*, 9, 24; *pro Balbo*, 27, 61; *ad Fam.* i. 7, 10; *de Prov. Cons.* 2, 3).

SEMPRO'NIA DE SUFFRAGIIS, passed by C. Gracchus: it enacted that the order in which the centuries should vote should be determined by lot (Sall. *de Republ. ordin.* ii. 8; Mommsen, *Röm. Geschichte*, iv. 3).

SEMPRO'NIA FRUMENTARIA of C. Gracchus (Cic. *Tusc.* iii. 20, 48; *pro Sestio*, 48, 103; *de Off.* ii. 21, 72; *Brut.* 62, 222). [FRUMENTARIAE LEGES.]

SEMPRO'NIA JUDICIARIA, carried by C. Gracchus, B.C. 122: it took the judicia publica from the senate and transferred them to the Equites (Appian, *Bell. Civ.* i. 22; Vell. Pat. ii. 6, 32; Cic. *in Verr.* i. 13, 40; Tac. *Ann.* xii. 60; Florus, iii. 13, 17).

SEMPRO'NIA MILITARIS, for providing soldiers with an outfit at the cost of the state (Plut. *C. Gracchus*, 5).

SEMPRO'NIA NE QUIS JUDICIO CIRCUMVENIRETUR (Cic. *pro Cluentio*, 55, 151). It seems in reality to have been somewhat of the same nature as the Lex Cornelia de sicariis et veneficis.

SERVI'LIA AGRA'RIA, brought forward by the tribune P. Servilius Rullus, B.C. 63: it proposed to divide the ager campanus and campus stellatis among the poorer citizens (Cic. *in Rull.* 2, 28), to compensate all who had been robbed of their property by Sulla by the sale of all the ager publicus in Italy and the provinces (Cic. *ib.* 2, 15, 38), and to purchase lands in Italy for the poor otherwise unprovided for from the wealth which had poured into the treasury from the recent conquests of Pompeius. It was successfully opposed by Cicero as consul, but was in substance carried by Julius Caesar, B.C. 59 (Cic. *in Pison.* 2, 4; *ad Fam.* 8, 6, 5: see JULIA AGRARIA).

SERVI'LIA GLAU'CIA DE REPETUNDIS, B.C. 104 (Cic. *pro Scauro*, 1, 2; *pro Rab. Post.* 4, 9; *in Verr.* i. 9, 26; *pro Balbo*, 24, 54: see the next note). [DELATIO NOMINIS; REPETUNDAE.]

SERVI'LIA JUDICIA'RIA, B.C. 106: by this the consul Q. Servilius Caepio restored to the senators the monopoly of the judicia publica of which they had been deprived by the Lex Sempronia judiciaria (Tac. *Ann.* xii. 60; Cic. *Brut.* 43, 44, 86; *de Invent.* i. 49; *de Orat.* ii. 55, 223; *pro Cluent.* 55, 151), but it seems to have been almost at once repealed by the Lex de repetundis of Servilius Glaucia: see Klenze's work, *Fragmenta legis Serviliae*, &c., Berlin, 1825, and the extracts from it in Orelli's *Cicero*, vol. viii. p. 268.

SES'TIA DE REVOCANDO CICERONE, B.C. 67 (Cic. *ad Att.* iii. 20, 3; *ib.* 23, 4).

SI'LIA, *circ.* 244 B.C., introduced the legis actio called *condictio*, for the recovery of "certa pecunia" (Gaius, iv. 19). [PER CONDICTIONEM.]

SI'LIA, a plebiscitum proposed by P. and M. Silius, tribuni plebis, in respect of publica pondera (Festus, *s. v.* Publica Pondera).

SILVA'NI ET CARBO'NIS. [PAPIRIA PLAUTIA.]

SULPI'CIAE, proposed by the tribune P. Sulpicius Galba, a supporter of Marius, B.C. 88, and enacting the recall of the exiles (Auct. *ad Herenn.* ii. 28, 45), and the distribution of the new citizens and the libertini among all the thirty-five tribes (Ascon. *in Corn.* p. 64, Orelli): conferring the command in the Mithridatic war on Marius in lieu of Sulla (Vell. Pat. ii. 18, 6), and prohibiting senators from incurring debts beyond 2,000 drachmae, or 20,000 asses (Plut. *Sulla*, 8). Appian (*Bell. Civ.* i. 59) says that all these laws were repealed (ὡς οὐκ ἔννομα) by Sulla and Pompeius. (Cf. Liv. *Epit.* 77; Cic. *Phil.* viii. 2, 7.)

SULPI'CIA SEMPRO'NIA, B.C. 304; clearly the same as the LEX PAPIRIA DE CONSECRATIONE AEDIUM, and improperly named after the consuls of the year by some writers; its true title is clear from Cic. *pro Domo*, 49 and 50, 128. (Cf. Gaius, ii. 5–7.)

SUMPTUA'RIAE. [SUMPTUARIAE LEGES.]

TABELLA'RIAE. [TABELLARIAE LEGES.]

TARPE'IA ATE'RNIA. [ATERNIA TARPEIA.]

TERENTI'LIA, the proposals of the tribune C. Terentilius Arsa (B.C. 462), which eventually led to the enactment of the Twelve Tables (Liv. iii. 9, 10, 31; Dionys. x. 1 *sq.*) [DUODECIM TABULARUM.]

TESTAMENTA'RIAE. [CORNELIA; FALCIDIA; FUFIA CANINIA; FURIA; VOCONIA.]

THO'RIA. This agrarian law, proposed by a tribune named Sp. Thorius, is mentioned by Cicero (*Brut.* 36, 136; *de Orat.* ii. 70, 284) and Appian (*Bell. Civ.* i. 27), and was one of three statutes by which such provisions of the Lex Agraria of C. Gracchus as had not been repealed by M. Livius Drusus were abrogated (Appian, *loc. cit.*). The first, whose author is unknown, was passed B.C. 121, and apparently confirmed the enactment attributed above [SEMPRONIA AGRARIA] to Drusus, which permitted the sale of lands assigned to the poorer citizens under the law of Gracchus: the second (Lex Thoria), B.C. 119 or 118, prohibited all future distributions of ager publicus, abolished the "triumviri agris dandis assignandis" established by Tiberius Gracchus, and confirmed the old *possessores* in their holdings subject to the payment of a tax (*vectigal*), which was to be divided among the needier citizens in lieu of land: the third (B.C. 111), possibly proposed by the tribune C. Baebius (Sall. *Jug.* 32, 33), relieved the *possessores* of this tax altogether.

The relation of these leges to one another is connected with the fragments of an extant bronze tablet, containing inscriptions on both sides: on one, parts of the Lex Servilia de repetundis (the chief authority on which is Klenze's work); on the other, parts of a Lex Agraria. The largest and most important of the fragments is now in the Museo Borbonico at Naples. The Lex Agraria was cut on the rough back of the tablet, the smooth side of which was intended for and occupied by the Lex Servilia; and the agrarian law being considerably longer than the latter, "the characters [on the reverse side] are remarkably small, the lines narrow, the abbreviations numerous, and the chapters only separated by two or three points, whereas on the other side the letters are uniform, large, and well made, the lines wide, the words written at full length, and the chapters of the lex separated by superscriptions . . . Further, the lines of the Agraria Lex are often so oblique that they

cross the straight lines on the opposite side, which are cut very deep, and consequently are visible on the side on which the agrarian law is cut" (Rudorff).

The main subject of the lex, to which the first eighteen chapters or forty-three lines refer, is the public land in Italy as far as the rivers Rubico and Macra. Its second part, covering fifty-three lines, relates to land both public and private in the province of Africa: the final portion to the Roman public land in the territory of Corinth. Rudorff (*Zeitschrift für rechtsgesch. Wissenschaft*, vol. x. pp. 1–194) is of opinion that the lex applied to other land also, and for two reasons. First, the Roman agrarian laws of the seventh century of the city (*e.g.* the Lex Servilia of Rullus) apparently related to all the provinces of the Empire. Secondly, the fragment of this lex, which is preserved, is so broad compared with its height that the whole tablet may be concluded to have contained three times as much as the portion which we have: for nearly all the bronze tablets, on which Roman laws are cut, are oblong in form, with the height much greater than the width. Of the two-thirds of the tablet which he supposes to have been lost, no trace has yet been discovered.

Rudorff, in his essay on this lex (written in 1839), identified it with the Lex Thoria, by which name it was known for some considerable time. But more recently (*Röm. Rechtsgeschichte*, i. § 16: cf. his note in Puchta's *Institutionen*, § 72, *l*) he has accepted the conclusion of Mommsen (*Berichte der Sächs. Gesellschaft*, 1850, p. 92) that it really is the third of the leges above mentioned, which possibly was a Lex Baebia. It is certainly said by Cicero (*Brut.* 36, 136) that Sp. Thorius "agrum publicum vitiosa et inutili lege vectigali levavit;" but this Mommsen renders "relieved the ager publicus of the useless agrarian law of Gracchus by imposing on it a vectigal." The 19th and 20th lines of the lex on the tablet (which decree the repeal of the *vectigalia*) seem to be conclusive in favour of this and against Rudorff's earlier theory.

The extant text of this statute is printed by Mommsen, *Inscr. Lat.* No. 200, and by Rudorff in the essay referred to: cf. Huschke, *Kritisches Jahrbuch*, 1841, pp. 579–620; Zumpt, *Comment. Epigraph.* 1850, pp. 205–221; and Walter, *Geschichte des röm. Rechts*, § 252, and note 69 *ib.*

TI'TIA. Similar in its provisions to the Lex Publicia (Dig. 11, 5, 2, 3).

TI'TIA AGRA'RIA (Val. Max. viii. 1; Cic. *de Leg.* ii. 12, 31; Julius, *Obs.* c. 45).

TI'TIA DE TUTORIBUS [JULIA ET TITIA]. Another Lex Titia is referred to in Cic. *pro Mur.* 8, 18.

TREBO'NIA, carried by the tribune L. Trebonius (B.C. 448), and enacting that if the Comitia were unable to elect ten tribuni plebis on the proper day, those actually selected should not fill up the vacancies by cooptation, but the Comitia be continued until the full number was complete (Liv. iii. 64, 65; v. 10).

TREBO'NIA DE PROVINCIIS CONSULARIBUS, B.C. 55 (*Liv. Epit.* 105; Dio Cass. xxxix. 33; Plut. *Cato min.* 43).

TRIBUNI'CIA. Plebiscita are commonly described as "leges tribuniciae:" but the term is also applied by Cicero (*in Verr.* i. 16, 42) to the lex by which Pompeius restored to the tribunes the powers of which they had been shorn by Sulla.

TU'LLIA DE AMBITU, carried by Cicero B.C. 63 (*pro Mur.* 3, 23, 32, &c.; *pro Sest.* 64, 163; *in Vatin.* 15, 37; Dio Cass. xxxvii. 29). [AMBITUS.]

TU'LLIA DE LIBERIS LEGATIONIBUS, also carried by Cicero (*de Leg.* iii. 8, 18). See LEGATUS.

UNCIA'RIA (Festus, p. 375). [CORNELIA UNCIARIA; cf. VALERIA DE AERE ALIENO.]

VALE'RIA DE AERE ALIENO, carried B.C. 86 by L. Valerius Flaccus, reducing all debts by three-fourths (Vell. Pat. iii. 23; Sall. *Cat.* 33; Cic. *pro Fonteio*, 1, 1).

VALE'RIA DE CIVITATE CALLIPHANAE VELIENSIS, B.C. 98, a privilegium by which a priestess of Ceres was made a civis Romana (Cic. *pro Balbo*, 24, 55).

VALE'RIA DE CIVITATE FORMIANORUM, &c., B.C. 88 (Liv. xxxviii. 36).

VALE'RIA DE MANUS INJECTIONE. [VALLIA.]

VALE'RIA DE SULLA DICTATORE, carried by L. Valerius Flaccus, B.C. 82, giving the force of law to all Sulla's acts (Cic. *de Lege agr.* iii. 2, 7; *de Leg.* i. 15, 42; *pro Rosc. Am.* 43, 126; Plut. *Sulla*, 33).

VALE'RIAE, proposed and carried B.C. 508 by the consul P. Valerius, with the object of relieving himself from the suspicion of aiming at the kingly power and increasing his own popularity: means by which he acquired the name of Publicola or Poplicola, by which he is generally known. The first and best known of his laws is that which reduced the powers of the magistrate (de Provocatione—de Multa) by enacting that every citizen, whether patrician or plebeian, should have an appeal (*provocatio*) to the Comitia (*curiata*, Walter, *Geschichte des röm. Rechts*, § 40; Schwegler, xxi. 17, xxv. 12; *centuriata*, Mommsen, *Röm. Geschichte*, ii. 1, and Huschke, Rein, Becker-Marquardt, &c.) from any magisterial sentence by which he was condemned to death or flogging (Cic. *de Rep.* ii. 31, 54; Val. Max. iv. 1; Liv. ii. 30), or to payment of any fine larger than two sheep and five oxen (Plut. *Popl.* 11). Cicero (*de Rep.* ii. 31, 54) says that this was the first lex passed at the Comitia Centuriata. The right of appeal only applied to Rome and its precincts within a mile of the city, for the imperium of the consuls beyond this boundary was unlimited ("neque enim provocationem esse longius ab urbe mille passuum," Liv. iii. 20). The second Lex Valeria of Publicola declared accursed anyone who formed designs to grasp the kingly power, and made both him and his property *sacer* [SACRATAE LEGES]: Dionys. v. 19, 70; Plut. *Popl.* 12.

VALE'RIAE HORA'TIAE, carried B.C. 449 by the consuls L. Valerius Potitus and M. Horatius Barbatus. The probable import of one of these, relating to the binding force of *plebiscita*, has been stated above [PUBLILIAE LEGES]. A second was intended to secure the principle of the Lex Valeria de provocatione, enacting "ne quis ullum magistratum sine provocatione crearet: qui creasset eum jus fasque esset occidi, neve ea caedes capitalis noxae haberetur" (Liv. iii. 55: cf. Cic. *de Rep.* ii. 31, 54). This principle was re-asserted again almost at once by the Lex Duilia (Liv. *loc. cit.*), and many years afterwards by a third Lex Valeria, passed by M. Valerius,

consul B.C. 300, which Livy (x. 9) says was armed with more precise sanctions "quod plus paucorum opes quam libertas plebis poterant."

A third Lex Valeria Horatia made "sacrosancti" the persons of the plebeian tribunes and aediles and the "judices decemviri" (Liv. iii. 55): anyone who violated the enactment being made "sacer" to Jupiter, and his property confiscated to the temple of Ceres and Liber. The "judices decemviri" seem not to be two separate classes of judges, but the collegium of decemvirs.

VA'LLIA, according to Studemund's recension, the name of the statute mentioned by Gaius (iv. 25), which limited the operation of Manus injectio for execution purposes to judgment debts (*judicatum*) and debts established by *actio depensi*. [PUBLILIA DE SPONSU.]

VA'RIA (Val. Max. viii. 6, 4; Appian, *Bell. Civ.* i. 37; Cic. *Tusc.* ii. 24, 57; *pro Scauro*, 1, 3; *Brut.* 56, 89). [MAJESTAS.]

VATI'NIA DE COLONIS, under which the Latin colony of Novum Comum in Cisalpine Gaul was founded B.C. 59 (Suet. *Jul.* 28).

VATI'NIA DE IMPERIO C. CAESARIS, carried B.C. 59 by the tribune P. Vatinius: it conferred on Julius Caesar the province of Cisalpine Gaul, with Illyricum, for five years: Gallia Transalpina was subsequently added by a senatusconsultum (Sueton. *Jul.* 22; Dio Cass. xxxviii. 8; Appian, *Bell. Civ.* ii. 13; Vell. Pat. ii. 44; Cic. *in Vatin.* 15, 36: cf. TREBONIA).

VATI'NIA DE REJECTIONE JUDICUM, carried by the same P. Vatinius: it enabled both accuser and accused in a trial for Repetundae to once reject the whole *consilium* of judges drawn by the praetor: previously they had been able only to challenge individual members of the panel (Cic. *in Vatin.* 11, 27; Schol. Bob. pp. 321, 323, Orelli).

VATI'NIA DE L. VETTII INDICIO (Cic. *in Vatin.* 11, 26; Dio Cass. xxxviii. 9; Appian, *Bell. Civ.* ii. 12; Schol. Bob. *in Vatin.* p. 320, Orelli).

VECTIBULICI, a law supposed to have been passed by the Comitia in the time of Trajan, and so later than the Lex Agraria of Nerva, generally held to have been the last enacted in this manner. The reading in Cod. 7, 9, 2, on which the assumption rests, is probably corrupt: see Puchta, *Institutionen*, § 106, note b.

VE'RRIA FRUMENTA'RIA (Cic. *in Verr.* iii. 49, 117).

VIA'RIA, a name sometimes given to the lex of Scribonius Curio, de viis muniendis [SCRIBONIA], because described under it by Cicero, *ad Fam.* viii. 6.

VICESIMA'RIA (Gaius, iii. 125, 126; Dig. 2, 15, 13; 11, 7, 37; 28, 1, 7, &c.). [JULIA VICESIMARIA.]

VI'LLIA ANNA'LIS, B.C. 180. [ANNALES LEGES.]

VISE'LLIA, A.D. 23, rendered libertini liable to a criminal prosecution who fraudulently attempt to exercise the rights of *ingenui* (Cod. 9, 21; 10, 32, 1): it also enabled Latini Juniani to acquire the civitas by service in the Roman guards (*vigiles*) for six years, which was subsequently reduced to three by a senatusconsultum (Ulpian, *Reg.* iii. 5). [J. B. M.]

LEX VOCONIA. [VOCONIA LEX.]

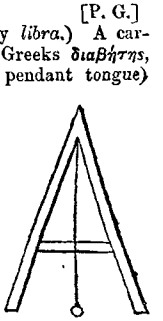
LEXIARCHI (λεξίαρχοι). [ECCLESIA.]

LEXIARCHICON (λεξιαρχικόν). [DEMUS.]

LEXIS (λῆξις). [DIKÉ.]

LIBELLA. **1.** The diminutive form of *libra*, a Roman pound, and naturally applied not to the heavy pound of copper, but its equivalent in silver. Varro writes as follows (*L. L.* v. 174) of the libella: "Nummi denarii decuma libella, quod libram pondo as valebat, et erat ex argento parva." This phrase has been much discussed, and has misled many metrologists, but the latest researches (Hultsch, *Metrologie*, ed. 2, p. 275) seem to show that Varro's words contain two errors and one truth. He is wrong in supposing that the denarius was ever equal in value to ten heavy or libral asses; in fact it was equivalent to four (As, p. 205): and he is wrong in supposing that the libella was ever issued as an actual coin; it was in fact a mere money of account, like the guinea among ourselves. But he is probably right in his assertion that originally the libella was the tenth of a denarius, and so equal to seven grains of silver, or one *as* of the triental reduction [As, Vol. I., p. 205]. Later it was reckoned as the tenth of the sestertius, and so as equivalent only to 1·75 grains of silver. The half of the libella was the sembella (Varro, v. 174), and its quarter the teruncius. The relation (one-tenth) of the libella to the sestertius or denarius gave rise to the phrase "heres ex libella" (Cic. *ad Att.* vii. 2, 3), applied to those who inherited the tenth of an estate; while he who inherited the fortieth part was called "heres ex teruncio" (*ib.*). [P. G.]

2. (Also, but less frequently *libra*.) A carpenter's level, called by the Greeks διαβήτης, and also in poets (from the pendant tongue) σταφυλή (Hom. *Il.* ii. 765, where Schol. σταφυλὴ γὰρ ὁ τεκτονικὸς διαβήτης): in Colum. iii. 13, 12, *libella fabrilis*, —cf. Plin. xxxvi. 172; Vitruv. iii. 5, 2: in Lucret. iv. 515 (where other instruments also are mentioned), "libella aliqua si ex parti claudicat hilum," the idea is clearly of the legs not being set truly. In Caesar (*B. C.* iii. 40) the form *libra* is used, which seems to be the regular form when it is applied to water-level, so that *infra libram maris* means "below the sea-level." (Blümner, *Technologie*, &c., ii. p. 236.) [G. E. M.]



Libella, a carpenter's level. (From a grave-stone, Gruter, p. 644, 1.)

LIBELLUS, properly the diminutive form of *liber*, and therefore means a small book-roll [see LIBER]; but as regards its use in that sense, it belonged particularly to books of poetry. There are other technical meanings which require notice in this place. We find libellus most frequently used in writers under the Empire for a *memorial* of any kind, either an accusation (whence our *libel*), or a petition; and also to official notifications of any kind. In all these senses the libellus implies a roll made up of very few pages, or it might be only a single page. (Cf. Birt, *Antike Buchwesen*, p. 22.) It was used by the Romans as a technical term in the following cases:—

1. *Libelli accusatorum* or *accusatorii* were the written accusations which in some cases a plaintiff, after having received the permission to

bring an action against a person, drew up, signed, and sent to the *judicial* authorities, viz. in the city to the praetor, and in a province to the proconsul. (Cod. 9, 2, 8; Dig. 48, 5, 2, 17, 29; 47, 2, 74.) The form in which a *libellus accusatorius* was to be written, is described by Ulpian in a case of adultery (Dig. 48, 2, 3). The accuser had to sign the libellus, and, if he could not write, he was obliged to get somebody else to do it for him. If the libellus was not written in the proper legal form, it was invalid, but the plaintiff had still the right to bring the same action again in its legal form. (Juv. vi. 244, &c.; Tac. *Ann.* iii. 44; Plin. *Epist.* vii. 27; compare Brisson, *de Form.* v. c. 187, &c.)

2. *Libelli famosi* were what we call libels or pasquinades, intended to injure the character of persons. A law of the Twelve Tables inflicted very severe punishments on those who composed defamatory writings against any person (Cic. *de Re Pub.* iv. 10, 33; Arnob. iv. p. 151). During the latter part of the Republic this law appears to have been in abeyance, for Tacitus (*Ann.* i. 72) says that previous to the time of Augustus libels had never been legally punished (compare Cic. *ad Fam.* iii. 11), and that Augustus, provoked by the audacity with which Cassius Severus brought into disrepute the most illustrious persons of the age, ordained, by a *lex majestatis*, that the authors of *libelli famosi* should be brought to trial. On this occasion Augustus, who was informed of the existence of several such works, had a search made at Rome by the aediles, and in other places by the local magistrates, and ordered the libels to be burnt; some of the authors were subjected to punishment (Dio Cass. lvi. 27). A law quoted by Ulpian (Dig. 47, 10, 5) ordained that the author of a *libellus famosus* should be *intestabilis*, and during the later period of the Empire we find that capital punishment was not only inflicted upon the author, but upon those persons in whose possession a *libellus famosus* was found, or who did not destroy it as soon as it came into their hands (Cod. 9, 36). For further information on this subject see Rein, *Das Criminalrecht der Römer*, pp. 378, &c., 531.

3. The "comites in fasce libelli" (Juv. vii. 107; see Mayor's note) are the extracts from laws and other matters connected with his *brief*, which the barrister brought into court. (Cf. Juv. vi. 244.)

4. *Libellus* is used by Roman jurists as equivalent to *Oratio Principis*. [ORATIONES PRINCIPUM.]

5. The word *libellus* was also applied to a variety of writings, which in most cases probably consisted of one page only:—

a. To any short letters or reports addressed to the senate or private individuals (Suet. *Jul.* 56, *Aug.* 84; Cic. *ad Fam.* xi. 11).

b. To the bills or programme called *libelli gladiatorii*, or *munerarii*, which persons who gave gladiatorial exhibitions distributed among the people. [GLADIATORES.]

c. To petitions to the emperors (Juv. xiv. 194; Suet. *Aug.* 53; Mart. viii. 31, 3; 82, 1). The emperors had their especial officers or secretaries who attended to all petitions (*libellis praefectus*, or *magister libellorum*, or a *libellis*, Dig. 20, 5), and who read and answered them in the name of the emperor (Suet. *Domit.* 14). Such a libellus is still extant. See Gruter, *Inscript.* p. DCVII. 1.

d. To the bill of appeal called *libellus appellatorius*, which a person who did not acquiesce in a judicial sentence had to send in after the lapse of two or three days. (Dig. 40, 1.)

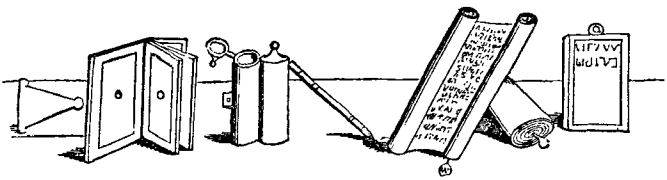
e. To the bills stuck up in the most frequented parts of the city, in case of a debtor having absconded (Cic. *pro Quint.* 6, 15, 19; Rein, *Röm. Privatr.* p. 499). Such bills were also stuck up on the estates of such a debtor, and his friends who wished to pay for him sometimes pulled down such bills (Senec. *de Benef.* iv. 12).

f. To bills in which persons announced to the public that they had found things which had been lost, and in which they invited the owner to claim his property (Plaut. *Rud.* v. 2, 7, &c.; Dig. 47, 2, 44). The owner gave to the finder a reward (εὑρετρα) and received his property back. Sometimes the owner also made known to the public by a libellus what he had lost, stating his name and residence, and promising to give a reward to the person who found his property and brought it back to him. (Propert. iii. 21, 21, &c.) [L. S.] [G. E. M.]

LIBER (*βίβλος, βιβλίον*), a book. But it must be recollected that these words in Greek and Latin until a very late period mean a book in the form of a roll, as will be explained below, and that the modern book shape was used only for the codex (in Greek, *τεῦχος*: see CODEX), and not for literary publications. The name *liber* itself is either a misconception or a relic of antiquity applied to something different. It means "rind" or "bast;" but there seems no doubt that not the rind of the papyrus, but the pith (which Cassiodorus rightly gives as *medullae*), was used to make paper (*charta*). The true *liber* or bast is thought to have been used in pre-historic times for writing in some form, as were also leaves of trees (Plin. *H. N.* xiii. § 69); but this has nothing to do with the material of *charta*; nor has the substance *philyra*, which Pliny seems to apply wrongly in describing the manufacture of paper. Philyra, as Pliny himself elsewhere (xvi. § 65) explains, was the inner bark or skin of the lime-tree, which, as it happens, was also used for writing, though not in the form of *charta* (Ulpian, *Dig.* 32, 52). It is unnecessary to go further here into this point, which is fully discussed by Birt (*Antike Buchwesen*, p. 229 *sq.*). The same view is adopted by Marquardt (*Privatleben*, 800) and Blümner (*Technologie*, i. 309). Of the linen material for books little need be said. It belonged to very early times among the Romans; for the *Libri lintei* are referred to by Livy not as existing in his own time, but as mentioned by Licinius Macer (Liv. iv. 7, 13, 20, 23). They were not *books*, but merely public records with lists of magistrates, kept in the temple of Juno Moneta. Livy also speaks of a Samnite ritual-book as a "liber vetus linteus" (x. 38). In much later times linen was used for note-books by Aurelian (Vopisc. *Aur.* i. 7). The Egyptian papyrus of which paper (*charta*) was made formed an article of trade before the time of Herodotus (v. 68). He calls the plant *βύβλος* or *βίβλος*, but Theophrastus distinguishes *πάπυρος* as the plant and *βίβλος* as the pith, the true material of the paper. It was so largely exported that Cassiodorus (*Ep.* xi. 38) speaks of

the abolition of the tax upon it by Theodoric as the removal of an impediment to learning. The papyrus plant grows in swamps to a height of ten feet or more, and paper was manufactured from it (principally at Alexandria, but also at Rome) in the following manner (see Pliny, xiii. § 77). The pith of the papyrus was cut into strips called *schidae* (or, in Festus, *inae*); these strips were placed alongside one another on a wetted board, and, if there was not glutinous property enough in the papyrus, they were smeared with paste: upon them transversely was placed a second layer forming a cross pattern or network: the whole was pressed and beaten into a consistent form and smoothed down with an ivory instrument (hence *charta dentata*), or a shell (Mart. xv. 209), forming a single page (*pagina*, σελίς), which was called in its manufacture *plagula*, because of the network pattern in the initial stage (cp. the expressions "*texere* chartam," ἥτρια βύβλων, &c.). Pliny (*l. c.*), unless the reading is altered, seems to think that the Nile water itself acted as a paste: this is in itself highly improbable, and we may more safely conclude that the papyrus itself yielded the glutinous substance when, as in Egypt, it was fresh, but when it was imported and dry the paste was necessary, which Pliny describes as used at Rome. Pliny reckons nine sorts or qualities of paper: (1) the best sort had once been called in Egypt *hieratica*, because it was specially used for sacred books, but in the Empire it was called *Augusta*, and was 13 *digiti* broad, and from a similar compliment the second quality was called *Livia*, so that, as Pliny notes, the *hieratica* was relegated to the third class; (4) the *amphitheatrica*, so called because it was manufactured near the amphitheatre at Alexandria, 9 *digiti* broad; (5) an improvement upon this by a Roman Fannius, and therefore called *Fanniana*, 10 *digiti* broad; (6 and 7) *Saitica* and *Taeniotica* (8 *digiti*), so called from the places of their manufacture in Egypt; (8) *emporetica*, used not for writing, but, as the name suggests, for wrapping up parcels. Later in Claudius's reign came the *Claudia*, which was a foot broad, and was regarded as an improvement, because it was thick enough for writing on both sides, whereas the Augusta was thin and transparent, and could only take writing on one side. Parchment (*membrana*) was also a common material for writing; but the uses of *charta* and *membrana* were distinct until late in the Empire. Skins of animals had been used for writing in very ancient times: in fact, in Asia among the Persians and, as is well known, among the Jews, it had been what papyrus was to the Egyptians (Diod. xi. 32; Herod. v. 58; and see Birt, p. 49). It is therefore not strictly correct of Varro (*ap.* Plin. xiii. § 70) to say that parchment for writing was an invention of Eumenes II., king of Pergamum (about 180 B.C.), in consequence of the jealousy of Ptolemy Epiphanes, who prohibited the exportation of papyrus. (Jerome tells the same story of Attalus.) The true account seems to be that great improvement in the preparation of διφθέραι was introduced either by Eumenes or Attalus at Pergamum, whence the term *pergamena*, parchment, inasmuch as formerly διφθέραι were used (like *charta*) only on one side, and now they were smoothed for writing on both sides, and in this improved form exported to Rome. But it is important to notice that *charta* was until long after the Augustan age exclusively used for literary publications. Parchment was bound in the codex form (or book shape), and used for account books, for wills, and for notes. In fact, it competed rather with wax tablets than with paper. The *membrana* in Horace, *Sat.* ii. 3, 2, *A. P.* 389, is used for the rough copy of poems to be altered and published later ("delere licebit quod non ediderís"); and the same purpose is served by the parchment in a diptych stained yellow in Juv. vii. 24. For *books*, i.e. literary publications, the codex was used first by Christian writers, beginning with the codices of the sacred writings; for other writings scarcely before the second half of the 3rd century, and in general use not before the 5th century. Exceptions to this appear in Martial, xiv. 188, 190, 192; but the *membrana* there may only refer to the wrapper, which enclosed the roll: cf. Mart. i. 3, 3. Letters were written on wax tablets or on paper, not on parchment. That the word *palimpsestus* in Cic. *Fam.* vii. 18 does not gainsay this, is shown by his use of *chartula* in that passage.

The pages (σελίδες, *paginae*) having been prepared in the manner described above, they were pasted together (*conglutinatae*) to form a long roll; but sometimes the pages were written first and pasted into a roll afterwards, for which purpose some people kept *glutinatores* (Cic. *Att.* iv. 4). The writing was in columns, so that the lines of writing were parallel to the sides of the roll: on each page there was a column, and there was a blank space between each column. Down to the time of Caesar, however, it was the custom to write official documents *transversa charta*; that is to say, across the whole breadth of the roll, so that the lines of writing were at right angles to the sides of the roll. This explains the passage in Suet. *Jul.* 56. The shape and appearance of Greek and Roman books will be understood from the following woodcut.



Ancient Writing Materials. (From a painting at Herculaneum.)

The roll was sometimes of considerable length. The Scholiasts indeed (quoted by Birt, p. 444) speak of Thucydides and Homer being written each in one long roll. The roll of Thucydides is estimated at about 578 pages, nearly 100 yards —surely an incredible length; and a Homer roll, 120 yards in length, is said to have been in existence at Constantinople. But this was certainly not the usual system, and the roll rarely exceeded 100 pages (cf. Mart. viii. 44), and was

usually much smaller. It was customary to divide a long work (*opus* or *corpus*) into several books (*libri*); each *liber* being in one roll (*volumen*; in Greek, *τομὸς* or *κύλινδρος*). Greek writers sometimes called these *libri* or divisions of a work *βίβλια*, sometimes *λόγοι*, and in the later Empire *συγγράμματα*. Thus, in contrast to the huge roll of Homer, said to have been at Constantinople, we have the papyrus of the 24th book of the Iliad from Elephantine, so that the complete *Iliad* would have been in 24 rolls or volumes. The pages were numbered, or at any rate the total number was usually put on the *titulus*: even the total number of verses, or of lines in a prose work, were sometimes written on it. Thus Josephus reckons 60,000 *στίχοι* at the end of his 20th book of Antiquities, and Justinian gives to the Digests "centum quinquaginta paene milia versuum." The price of the book was in part estimated by this number, and Marquardt cites an edict of Diocletian (*C. I. L.* iii. p. 831) in which the payment of the copyist was fixed at so much for every hundred lines.

The writing was usually only on one side of the paper. The other side in cast books was utilised for schoolboys' exercises: "libelle inversa pueris arande charta" (Mart. iv. 86), or as scribbling paper (Mart. viii. 62). Both sides were, however, sometimes used for the original work, and the books were then called *opisthographi* (Plin. *Ep.* iii. 5: see Juv. i. 6, and Mayor's note). Sometimes the writing was sponged out (as in a parchment palimpsest) and the paper used over again. This is the point of the joke made by Augustus, "Ajacem suum in *spongiam* incidisse" (Suet. *Aug.* 82).

The roll was protected against worms by being smeared with cedar oil, which gave the paper a yellow tinge (Ov. *Trist.* iii. 1, 13; Mart. iii. 2; Hor. *A. P.* 331): then the last leaf was pasted on to a thin piece of wood called the *umbilicus* or *ὄμφαλος* (the *umbilicus* is found also made of tightly-folded paper). Hence the last page is called *eschatocollion* (Mart. ii. 6); and the expression "ad umbilicum adducere" means, to finish (cf. Hor. *Epod.* 14, 8; Mart. iv. 89) = "ad cornua," Mart. xx. 107. The edges (*frons*) of the roll were carefully cut, and also smoothed with pumice-stone, whence the book is "pumice mundus" (Ov. *Trist.* iii. 1, 13; Mart. i. 67, viii. 72; Catull. xxii. 8; Tibull. iii. 1, 10). There is an amusing mistake in Isidore's statement, "Circumcidi libros primum Siciliae increbuit, nam initio pumicabantur," where he has confused *sicilire*, "to *cut*" (*sica*), with Sicilia. His statement is adopted by some modern writers, but there seems no reason to doubt that the book was both cut and smoothed with pumice-stone. As a further decoration, the ends (*cornua*) of the *umbilicus* were sometimes gilded as far as they projected (Mart. viii. 61). The edges themselves (*frons*) were also coloured (*nigra frons*, Ov. *Trist.* i. 1, 8). A strip of parchment on which the title or subject of the book, and sometimes its number of pages or even lines, was written, was pasted on to the roll. (In this sense "praetexat summa fastigia" = "praetexat frontes.") This strip was called *titulus* or *index*, in Greek *σίττυβοι* or *σίττυβαι* (Cic. *Att.* iv. 4). (Others spell the word *σίλλυβοι*, but see Phot. and Hesych. *s. v.* and Marquardt's note, *Privatleben*, 817.) This *titulus* or index was often painted a bright colour, and perhaps the "lora rubra" (Catull. 22, 7) have the same meaning (though Göll takes the words to stand for the parchment case). Finally, a cover for the roll (*membrana*, *διφθέρα*) was made of parchment coloured red or yellow, "Lutea sed niveum involvat membrana libellum" (Tib. iii. 1, 9), which is called *purpurea toga*, and also *sindon* (Mart. x. 93; xi. 1). If one work was in several *libri*, they were tied in a bundle (*fasces*, *fasciculus*, Gell. ix. 4, or *δέσμη*). So Aristot. *fr.* 134: *δέσμας πάνυ πολλὰς δικανικῶν λόγων Ἰσοκρατείων περιφέρεσθαι ὑπὸ τῶν βιβλιοπωλῶν*. The only other addition to be noticed is, that occasionally the portrait of the author was placed on the first page of the book (Senec. *de Tranq. An.* 9; Mart. xiv. 186). It is for the imaginative a matter for speculation whether the portrait of Virgil in the Vatican edition is the copy of an original.

In reading, the roll (*liber* or *volumen*) was held in both hands and unrolled with one, while the other rolled it up: the unrolling was called

Book held by a crowned Poet. (From a painting at Herculaneum.)

evolvere, *revolvere*, or *volvere*; going right through was called *explicare*: rolling up again, *convolvere*, *replicare*, or *complicare* (Cic. *Q. F.* iii. 1, 5). So in Mart. iv. 82, "charta *plicetur*" means, "let it remain unread"; "opus explicitum" (xiv. 1) means "read all through" (cf. "explicet volumen suum," Cic. *pro Rosc. Am.* 35, 101). In rolling it up tightly, it was convenient to do so by holding the *umbilicus* with both hands while the first page was pressed under the chin. This is the meaning of "quae trita duro non inhorruit mento" (Mart. i. 66; cf. x. 93) and *ἢ ῥά σ' ἀναγνοὺς παῖς τις ἀναθλίψει πρὸς τὰ γενεῖα τιθείς*, in the Anthology. The above apparatus of a book is given completely by Martial (iii. 2):

> "Cedro nunc licet ambules perunctus
> Et frontis gemino decens honore
> Pictis luxurieris umbilicis;
> Et te purpura delicata velet
> Et cocco rubeat superbus index."

The multiplication of books at Rome began after the conquest and pacification of Italy, but booksellers' shops were not known until the end of the Republic. The earliest mention of such

shops is in Cic. *Q. Fr.* iii. 4, and Phil. ii. 9, 21; but they were then still uncommon, and we find Atticus selling books for the copying of which he had a large number of slaves (Cic. *Att.* ii. 4). Booksellers were called *librarii* and also *bibliopolae* (Mart. iv. 71, &c.), and in Greek *βιβλιοκάπηλοι*. Horace gives us the name of the Sosii (*Ep.* i. 20, 2; *A. P.* 345). Martial names several, and specifies Argiletum as the booksellers' quarter (i. 3, 117): there were also the *Vicus Sandilarius* (Gell. xviii. 4) and the Sigillaria (Gell. v. 4). There were booksellers, too, in the provincial towns, *e.g.* at Lugdunum (Plin. *Ep.* ix. 11; cf. Hor. *Ep.* i. 20, 13), at Brundisium (Gell. ix. 4). As to the price, we have no very clear information; but it would seem that a book was not necessarily, as regards cost of production, very expensive, though it might from special circumstances command a large price. Gellius (ii. 3) speaks of the 2nd Aeneid being bought for *viginti aurei* = nearly £18; but it was an antiquarian curiosity, as being reputed (however unlikely that might be) Virgil's own copy: and as a literary tradition, possibly untrue, it was said that Aristotle gave three talents for an autograph MS. of Speusippus, and Plato nearly two for three books of Philolaus (Gell. iii. 17). Such instances merely show that book-fanciers lived then as now, and price was regulated by fashion and rarity. Trustworthy copies of Ennius, for instance, were so rare in the time of Gellius that one of undoubted authority was *hired* for a large sum to decide a dispute as to the reading "quadrupes *ecus*" or "quadrupes *eques*" (Gell. xvii. 5). That, on the other hand, the real cost of production was not great, may be seen from the fact that Statius (*Silv.* iv. 9, 9) speaks of a book (possibly one of his own) in a neat purple cover costing about fivepence: the first book of Martial, in the shop of Atrectus, cost 5 denarii (Mart. i. 117); but even that was dear; for the bookseller Tryphon could sell it at a profit for two (Mart. xiii. 3). The author's profit could be made (1) by selling his original copy to a bookseller (Sen. *de Ben.* vii. 6; Suet. *de Gr.* 8), (2) by selling copies made by his own slaves: but in the absence of all legal protection, the gains so to be made were very small, and the author who sought profit from his writing depended mainly on the liberality of rich patrons. (See Friedländer, vol. iv. p. 66–120, French translation; Birt, ch. vii.)

How early or to what extent booksellers existed at Athens is a matter of dispute. It is not unreasonable (with Birt and Becker) to deduce from the mention of *βιβλιογράφοι* in Cratinus (Poll. vii. 211) that they existed as early as 430 B.C. This name, for which *βιβλιοπώλης* was afterwards used, would imply that the first booksellers were copyists who both copied and sold books: and though Boeckh thinks that the proverbial use of *λόγοισιν Ἑρμόδωρος ἐμπορεύεται*, with Suidas's explanation, implies the rarity of such a trade, even after Plato's time, we have, on the other hand, the statement of Xenophon (*Anab.* vii. 5, 14) that books were on sale even at Salmydessus; we have a book-market (*τὰ βιβλία*) at Athens in the time of Eupolis (Poll. ix. 47); and we might conclude from Aristoph. *Ran.* 1109, *βιβλίον τ' ἔχων ἕκαστος μανθάνει τὰ δέξια*, that books were then easily to be purchased: and the same may be inferred from the mention of the book collector Eudemus in Xen. *Mem.* iv. 2. It is indeed probable that the well-known passage in the Apology (26 D) is wrongly adduced as an additional argument. When Socrates says that you can buy the opinions of Anaxagoras at the theatre for one drachma, he does not mean, as has often been imagined (even by Boeckh), that there was a bookstall there, but simply that one drachma would procure admission to the dearest place (*εἰ πάνυ πολλοῦ*) in the theatre, where the doctrines of Anaxagoras might be heard in some play, perhaps, of Euripides. That a book of Anaxagoras could be bought there or anywhere else for a drachma is unlikely, since an inscription of the year 407 gives the price of the paper alone as 1 drachma 2 obols a sheet (*i.e.* a single roll which would serve for one small book). (*C. I. A.* i. 324: see Birt, p. 433.) Without this passage, however, there is enough for a fair inference that some kind of book-market began at Athens and in some other Greek towns in the latter part of the 5th century B.C. (See further on this subject Birt, *Buchwesen*, chap. ix.; Becker-Göll, *Charikles*, ii. 160; Boeckh, ed. Fränkel, i. 60: see also art. BIBLIOTHECA.) [W. S.] [G. E. M.]

LIBER, LIBERTAS. The division of men into free and slaves is the "summa divisio de jure personarum" (Gaius, i. 9; *Inst.* i. 3, pr.): according as a man is a member of the one or the other class, it is decided whether he is capable of having any legal rights whatever, or is not a mere thing or chattel in the eye of the law. Free men were either so from birth [INGENUI] (Gaius, i. 11; *Inst.* i. 4, pr.), or they became free by release from slavery, in which case they were called *libertini* [LIBERTUS] (Gaius, *loc. cit.*). *Libertas* is defined by Justinian after Florentinus (in Dig. 1, 5, 4, pr.) as "naturalis facultas ejus quod cuique facere libet, nisi si quid aut vi aut jure prohibetur;" that is to say, a man is restrained of his natural freedom when his hands are tied behind his back, or when the law forbids him to do this or that, though civil liberty at any rate does not require that one should be free to act against the laws (Cic. *pro Cluentio*, 53, 146; Pers. *Sat.* v. 89; Dio Chrysost. *Or.* 14). By the Roman jurists freedom was considered the natural condition of man, and slavery an artificial result of organised political society (Florentinus in Dig. 1, 5, 4, 2; Ulpian in Dig. 1, 1, 4, copied into Justinian's Institutes, i. 4, 2; 1, 5, pr.), and in their eyes it was the first and indispensable condition of protection from the law either to person or property. Every free man had certain legal rights; every *civis* had more; and his legal status was completed by membership of a Roman familia [see CAPITIS DEMINUTIO], though in theory every *civis* had a "family" ("emancipatus ... sui juris effectus propriam familiam habet," Dig. 50, 16, 195, 2). The rights which a man possessed at Rome as being merely free were those conferred by the *jus gentium* as represented in the edict of the Praetor. A *peregrinus* who was *liber* had no *commercium* or *connubium*, and consequently no share in the *jus civile*: but he could own property, which was protected by *utiles actiones* or *actiones in factum* [ACTIO]: his possession was secured by inter-

dicts; he could make a valid testament, if such was the practice of his own state, and he could engage in commerce through those contracts which were said to be derived from the *jus gentium*. [J. B. M.]

LI'BERA FUGA. [EXSILIUM.]

LIBERA'LIA were celebrated on March 17. Though the day was sacred to Bacchus, this must be understood of Liber, the Italian Bacchus; and the Liberalia must not be confounded with the festivals Dionysia or Cerialia, which were of Greek origin and celebrated with *ludi* at different times. On this day the boys who took the *toga virilis* (called also *toga pura* and *toga libera*) went in procession and made an offering in the Capitol, of cakes (*liba*), which were bought in the streets at little altars. (See the curious description in Varro, *L. L.* vi. 14, "per totum oppidum eo die sedent sacerdotes Liberi, anus hedera coronatae cum libis et foculo pro emptore sacrificantes." As to the origin of the name, some are disposed to derive it solely from *toga libera*, allowing no real connexion with the name of the deity, and Marquardt seems to take this view (*Staatsverwaltung*, iii. 363): but (1) the day was certainly regarded as sacred to the god Liber (Ov. *Fast.* iii. 371; Varro, *l. c.*), and was probably the day of an old Italian festival in his honour; (2) the offering was made by the boys at the shrine of Liber in the Capitol ("Liberalia Libero in Capitolio," Calend. Farnes.); (3) the toga, when not called *virilis*, was oftener called *pura* than *libera*; so Cicero (*ad Att.* vi. 1, 12) says, "Quinto Liberalibus togam *puram* cogitabam dare;" and Tertullian (*de Idol.* 16) calls the Liberalia "sollemnitas togae purae" (cf. Plin. *H. N.* viii. 194); and in poetry the name *pura* is the older (Catull. lxviii. 15). While, however, it seems most natural to connect the name *Liberalia* with the Italian deity *Liber*, there is little doubt that the idea of freedom from pupilage was always connected in the Roman mind with this day, on which the boy was "liberatus paedagogo." But in truth there is no need to quarrel about it; for even if the name of the god and the adjective are not etymologically the same (and, though Curtius distinguishes them, the distinction is by no means certain), there is no doubt that Liber was regarded as the god of freedom at Rome (see Preller, *Röm. Myth.* 442): so that it is no mere poetic conceit, when Ovid says of this day:

> "Sive quod es Liber vestis quoque libera per te
> Sumitur et vitae liberioris iter."

Latin writers sometimes use the word *Liberalia* to translate the Greek festival Dionysia, which must always be distinguished from the above; and whenever the *ludi liberales* are mentioned, they refer either to the Bacchanalia or the Cerialia (see those articles), not to the Liberalia properly so called. (See also Serv. *ad* Verg. *Ecl.* iv. 50; Marquardt, *Staatsverwaltung*, l. c.; Preller, *Röm. Myth.* p. 445.) [G. E. M.]

LIBERA'LIS CAUSA. [ASSERTOR.]

LIBERA'LIS MANUS. [MANUS.]

LIBERA'LITAS. [AMBITUS.]

LIBERO'RUM JUS. [LEX JULIA ET PAPIA POPPAEA.]

LIBERTUS (*ἀπελεύθερος*), a freedman.

1. GREEK. Concerning freedmen, as concerning slaves, our information mostly relates to Athens; but we have reason to believe that there was a general likeness between all the Greek states in this respect, though Sparta had some distinctive peculiarities. When we remember that slaves in Greece were mainly (though not exclusively) taken from non-Greek and more or less barbarous nations, but yet were not distinguished (like the negro) by any special external mark, we shall see how natural was the position that Aristotle took; namely, that some men were fitted by nature to be slaves, while yet the prospect of freedom as a reward for good work ought to be held before them (*Polit.* vii. 10; *Oecon.* i. 5, ed. Bekker). Emancipation, then, formed a cardinal point in the philosophic view of the subject, and mitigates the force of Aristotle's approval of slavery.

Emancipation was of course generally the act of the master of the slave; but sometimes the state would give freedom as a return for important public services, compensating (as it would seem) the master (Plato, *de Leg.* xi. p. 914). Thus the slaves who fought in the battle of Arginusae received freedom and even citizenship as a reward (Aristoph. *Ran.* 33, 192, 693); and the same promise was made to the slaves who fought at Chaeronea (Dio Chrysost. xv. 21). Other historical instances are known; and slaves who revealed a dangerous conspiracy were always set free at Athens (Lysias, *pro Call.* 5; *περὶ τοῦ σηκοῦ*, 16); it is clear that such a rule gave dangerous facilities to an accuser.

When an individual master set his slave free, it would either be from gratitude or affection, or because the slave purchased his freedom. Slaves could often earn money on their own account; at the same time they could not personally make any contract with their masters that the law would recognise. Hence the procedure was for the slave to deposit the money in some temple; the god to whom the temple was dedicated then bought the slave from his master, and in the contract thus made the provision for the freedom of the slave was inserted. Numerous inscriptions, embodying such contracts, have been discovered at Delphi and elsewhere. Conditions are in most cases found attached to the emancipation; certain duties to be performed, or payments to be made, by the freedman for his former master; or, in case the freedman dies without children, his former master is to be his heir (this even without special contract was, it appears, the rule at Athens: Rhetor. *ad* Alex. i. 16; Isaeus, *de Nicostr. hered.* 9; and compare Bunsen, *de Jur. hered. Ath.* p. 51); or perhaps even the freedman has to serve his master until the death of the latter. It is worth notice that the inscriptions record nearly twice as many female slaves liberated as males. It was not unfrequent for a master to emancipate his slaves by testamentary disposition; directions of this kind are contained in the wills of the philosophers Plato, Aristotle, Theophrastus, Straton, Lycon, Epicurus, as communicated to us by Diogenes Laertius (iii. 30;—v. 1, 15; 2, 55; 3, 63; 4, 72;—x. 21).

For the security of the freedman, the act of emancipation would often take place in a theatre (Aeschin. *c. Ctes.* § 44) or other public place, that there might be as many witnesses

as possible. There was, however, no recognised form of emancipation; and the state as such took no interest in it, though for fiscal purposes lists of the freedmen would in some states be kept (Curtius, *Anecd. Delph.* p. 13 *sqq.*).

When the emancipation was complete, and all conditions fulfilled, the freedman (except in special cases, as in that of the slaves who fought at Arginusae) took the status of a *μέτοικος*, or resident alien; and as such was bound to choose as his patron (*προστάτης*) the master who had set him free. He had then certain duties towards his patron (beyond, it would appear, those of the ordinary *μέτοικος*), on the transgression of which he was liable to be proceeded against at law [APOSTASIOU DIKÉ]; the most serious offence would be choosing for himself another patron. (Meier and Schöm. *Att. Proc.* p. 473, &c.; Petit, *Leg. Att.* ii. 6, p. 261; compare Plato, *de Leg.* xi. p. 915.) He had to pay the *μετοίκιον*, or tax of 12 drachmae yearly, and a triobolon besides; this triobolon was probably the tax which slave-holders had to pay to the Republic for every slave they kept, so that the triobolon paid by freedmen was intended to indemnify the state, which would otherwise have lost by every manumission of a slave. (Boeckh, *Publ. Econ.* p. 331 = *Sthh.*[3] i. 403.) Whether the relation between a patron and his freedman extended to the children of the latter, is unknown; but in one of the Delphic inscriptions it is specially stated that if any of the children of the freedman die childless, the patron is to be the heir. A freedman was said to be *καθ' ἑαυτὸν* (Dem. *pro Phorm.* p. 945, § 4), and the expression *χωρὶς ᾤκει* in Dem. c. *Euerg. et Mnesib.* p. 1161, § 72, is plainly synonymous with "he had been emancipated;" probably in Dem. *Phil.* i. p. 50, § 36, *τοὺς χωρὶς οἰκοῦντας* means the same thing, though from the context some difference is clearly implied between these and the *μέτοικοι*, due no doubt to the imperfect character of the emancipation of many freedmen.

Freedmen, like the resident aliens generally, appear to have taken much to commerce; and two of the bankers whose names we know best in all Athenian history, Pasion and Phormio, had both been slaves, and some years after their emancipation received the Athenian citizenship. In the case of Pasion, this was the reward of services rendered to the state.

We have no mention of any emancipation of public slaves at Athens; and since these generally worked in the mines, and were more hardly treated than others, it is not likely that their emancipation was frequent. But at Sparta the emancipation of the helots (who were, properly speaking, not slaves, but serfs) was frequent. They were called Neodamodes when emancipated (Pollux, iii. 83), and formed from B.C. 421, when they are first mentioned (Thucyd. v. 34), to B.C. 369, when they are last mentioned (Xenoph. *Hellen.* vi. 5, 24), not an inconsiderable part of the Spartan armies. The emancipation of the helots required the action of the state, and could not be carried out by an individual (Ephorus, in Strabo, viii. p. 365). Another class of emancipated slaves at Sparta were the *μόθακες* or *μόθωνες*, who were children brought up with the children of citizens. (Phylarchus in Athenaeus, vi. 102. See Müller's *Dorians*, ii. 3, § 6.) Other classes are named in the same chapter of Athenaeus as *ἀφέται*, *ἀδέσποτοι*, *ἐρυκτῆρες*, and *δεσποσιοναῦται*. The *δεσποσιοναῦται* served on board the fleet; of the other classes nothing is known. (See especially in relation to this subject Büchsenschütz's *Besitz und Erwerb im griechischen Alterthume*, pp. 168–181, to which this article is much indebted.) [L. S.] [J. R. M.]

2. ROMAN. Freedmen are defined by Gaius, i. 11, and Justinian, *Inst.* i. 5, pr., as those "qui ex justa servitute manumissi sunt." As a class they are denoted by the term *libertini*, but each freedman, in relation to his late master, is called *libertus* (i.e. *liberatus*). In the time of the censor Appius Claudius, and for some time after, *libertinus* meant the son of a *libertus* (Suet. *Claud.* 24); but this is not the meaning of the word in the extant Roman writers.

Originally there was but one species of *libertini*, viz. *liberti cives*: they possessed in substance all the rights, private and public, of a free-born citizen of Rome. In other words, if a full owner of a slave *ex jure Quiritium* set him free in one of the three civil or statutory modes of manumission (*vindicta, census, testamentum*), he became a *civis*: any other kind of manumission, or even civil manumission by a merely "bonitarian" owner, left him a slave in the eye of the law, though protected by the praetor in the actual enjoyment of freedom (Gaius, iii. 56). The children of *liberti cives* were *ingenui*.

Legislation under the first two emperors had the effect of creating two new classes of freedmen. The Lex Aelia Sentia, A.D. 4, enacted that slaves who had been put in chains by their masters or branded as a punishment, or convicted of crime after torture or imprisoned, or made to fight in the arena, or entered at the gladiatorial school, should, if subsequently manumitted, have no higher status than that of enemies who had surrendered at discretion ("peregrini *dediticii*," Gaius, i. 13). The Lex Junia Norbana, *circ.* A.D. 19, gave a legal status to slaves manumitted under circumstances which prevented their becoming *cives* without being *dediticii*, the number of whom must have been largely increased by other clauses of the Lex Aelia Sentia (Gaius, i. 18, 38); they were to have the rights of Latini Coloniarii (i.e. *commercium* without *connubium*), though the statute expressly disabled them from making a will, being testamentary guardians, or taking under the will of another person either as heirs or legatees (Gaius, i. 23, 24: see LATINITAS): they were called Latini Juniani. Hence Ulpian writes in the third century (*Reg.* i. 5): "Libertinorum genera sunt tria: cives Romani, Latini Juniani, dediticiorum numero."

Dediticii were capable of owning property so far as other *peregrini* were, but it went inevitably to the patron on their decease, as they could not make a will, and had no *sui heredes* or agnates: they might not live within 100 miles of Rome, or be manumitted a second time, under penalty of being made slaves again; and there was no means by which they could rise to any higher civil condition (Gaius, i. 15, 26, 27). The rights of Latini Juniani, and the modes in which they could rise to the status of *civitas*, are noticed under LATINITAS.

Both of these classes were abolished by Justinian, who thus restored the simplicity of the early law and made all manumitted slaves citizens of Rome (*Inst.* i. 5, 3; Cod. 7, 5; 7, 6).

The main point in which a *libertus civis* was inferior to an *ingenuus* was his relation to his *patronus* or quondam master. Towards him he was bound to show *obsequium* and *reverentia*, as a child towards his father (Dig. 37, 15, 9), and on that account he could bring no action against him without the praetor's permission, while he could not bring an *actio famosa* under any circumstances whatever (Dig. 37, 14, 1; 37, 15, 5, 1; *ib.* 7, 2; Gaius, iv. 183; *Inst.* iv. 16, 3): for breach of this duty he was liable "in servitutem revocari" (Suet. *Claud.* 25; Dig. 37, 14, 5, pr.). He was also bound to provide the patron, his parents, and children with alimony, if their circumstances became reduced; and he could bind himself to perform certain services (*operae officiales*) for the patron by mere oath (*jurata promissio liberti*), which between ordinary persons would create no legal obligation whatever (Dig. 38, 1, 7, 3), though this was not extended so far as to reduce him to a dependence inconsistent with freedom (Dig. 44, 5, 1, 5). Finally, the patron had certain rights of inheritance in respect of the freedman's property, if he died intestate, leaving no issue of his own; and if it exceeded a certain minimum, he had a claim to receive a specific proportion of it under his will. This subject is too long to be entered into here, but it is treated at length in Gaius, iii. 39–76; *Inst.* iii. 7.

The rights of the patron devolved on his decease upon his children (Gaius, iii. 58; Dig. 38, 1, 29), and, so far as they related to *liberti cives*, could not be bequeathed away by will to an outsider, because they were based upon the fiction of relationship. But a Senatusconsultum Ostorianum (*Inst.* iii. 8) enabled the patron to assign a freedman or any number of them to any child in his power, either by declaration in his lifetime or by testament; and if the child was still in the father's power at the latter's decease, he became sole *patronus* of the *liberti* so assigned to the exclusion of the other children.

The patron might lose his rights, either in whole or part, by their abuse (Dig. 37, 14, 15), or by neglect of his own duties towards the freedmen (Dig. *ib.* 5, 1; 38, 2, 14, pr.). By special imperial favour, too, a *libertus* could become *ingenuus*, and this in two ways. By a grant of the *jus anulorum aureorum*, he acquired the position of an *ingenuus* in relation to all men except his patron, the latter's privileges remaining unaffected (*Fragm. Vat.* 226; Dig. 38, 2, 3, pr.; 40, 10, 6). By *natalium restitutio*, he became *ingenuus* in every respect, the relation of freedman and patron being extinguished (Dig. 40, 11, 2). [J. B. M.]

LIBITINA'RII. [FUNUS.]

LIBRA, the unit of weight among the Romans and Italians. The libra or pound of copper was also the unit of value, and was called As (*q. v.*). The weight of the libra has been fixed by metrologists as 5050 grains (327·5 grammes), nearly 12 ounces avoirdupois. It was divided into twelve unciae or ounces. For further details, see As, Vol. I. p. 202, and PONDERA. [P. G.]

LIBRA (*σταθμός*), a balance, a pair of scales. The principal parts of this instrument were: (1) the beam (*jugum*, *ζυγόν*), whence *ζυγὸν ἱστάναι=to weigh* (Dem. 1461); (2) the two scales called in Greek *πάλαντα* (Hom. *Il.* viii. 69; xxii. 209, &c.; Aristoph. *Ran.* 797) and *πλάστιγγε* (Aristoph. *Ran.* 1378), and in Latin *lances* (Verg. *Aen.* xii. 725, &c.). [LANX.] Hence the verb *παλαντεύω* is employed as equivalent to *σταθμῶ*, and to the Latin *libro*, and is applied as descriptive of an eagle balancing his wings in the air (Philostrat. Jun. *Imag.* 6; Welcker, *ad loc.*). The beam was sometimes made without a tongue, being held by a ring or other appendage fixed in the centre (see the woodcut). When the tongue working in an eye (*agina*) is used, as in our scales, it is called *examen* or *ligula* (Suet. *Vesp.* 25). The word *trutina* and the Greek *τρυτάνη* were used of this sort of balance, as may be seen from Juv. vi. 437 and Demosth. p. 60, where there are clearly two scales. Specimens of bronze balances may be seen in the British Museum and in other collections of antiquities, and also of the steel-yard [STATERA], which was used for the same purposes as the libra. The woodcut to the article CATENA shows some of the chains by which the scales are suspended from the beam. In the works of ancient art, the balance is also introduced emblematically in a great variety of ways. The annexed woodcut is taken from a beautiful bronze patera, representing Mercury and Apollo engaged in exploring the fates of Achilles and Memnon, by weighing the attendant genius of the one against

Libra. (From an ancient vase.)

that of the other. (Winckelmann, *Mon. Ined.* 133; Millin, *Peintures de Vases Ant.* i. pl. 19, p. 39.) A balance is often represented on the reverse of the Roman imperial coins; and to indicate more distinctly its signification, it is frequently held by a female in her right hand, while she supports a cornucopia in her left, the words AEQVITAS AVGVSTI being inscribed on the margin, so as to denote the justice and impartiality with which the emperors dispensed their bounty.

The constellation Libra (in Greek *ζυγός*) is placed in the Zodiac at the equinox, because it is the period of the year at which day and night are equally balanced. (Verg. *Georg.* i. 208; Plin. *H. N.* xviii. § 245; Lucan. viii. 467, "quo Libra pares examinat horas." [J. Y.] [G. E. M.]

LIBRAMENTUM, LIBRA'TIO AQUA'RUM. [AQUAEDUCTUS.]

LIBRA'RII, slaves who were employed for writing or copying in any way, and sometimes also the readers or reciters (ANAGNOSTAE) were included under this name (Orelli, 2872). They must be distinguished from the *Scribae publici*, who were freemen [SCRIBA], and also from the booksellers, who were also called *librarii* (see under LIBER). The slaves to whom this name of *librarii* was given may be divided into three classes:—

1. *Librarii* who were employed in copying books, called Scriptores Librarii by Horace (*Ars Poet.* 354): these librarii were also called *antiquarii*, or, more correctly, the *antiquarii* were a special class of *librarii* who were skilled in reading and copying ancient MSS. (see Isid. *Orig.* vi. 14; Cod. Theod. iv. 8, 2; Auson. *Ep.* 16; and Becker-Göll, *Gallus*, ii. 423). The name *librarii* was also given to the slaves who had charge of libraries, and to those who made up the book-rolls, more properly called *glutinatores* (Cic. *ad Att.* iv. 4).

2. *Librarii a studiis* were slaves who were employed by their masters when studying to make extracts from books, &c. (Orelli, *Inscr.* 719; Suet. *Claud.* 28; Cic. *ad Fam.* xvi. 21). To this class the *notarii*, or short-hand writers, belonged, who could write down rapidly whatever their masters dictated to them. (Plin. *Ep.* ii. 5; Martial, xiv. 208.) [NOTARII.]

3. *Librarii ab epistolis*, whose principal duty was to write letters from their master's dictation. (Orelli, *Inscr.* 2437, 2997, &c.) To this class belonged the slaves called *ad manum*, *a manu*, or *amanuenses*. [AMANUENSIS.] (See also Marquardt, *Privatleben*, 151, and Becker-Göll, *l. c.*) [W. S.] [G. E. M.]

LIBRA'TOR is in general a person who examines things by a *libra*; but the name was, in particular, applied to two kinds of persons.

1. *Librator aquae*, a person whose knowledge was indispensable in the construction of aqueducts, sewers, and other structures for the purpose of conveying a fluid from one place to another. He examined by a hydrostatic balance (*libra aquaria*) the relative heights of the places from and to which the water was to be conducted. Some persons at Rome made this occupation their business, and were engaged under the *curatores aquarum*, though architects were also expected to be able to act as *libratores*. (Plin. *Ep.* x. 50; Frontin. *de Aquaed.* 105; compare Vitruv. viii. 6; Cod. 10, 66, 1.) [L. S.]

2. Libratores (or *libritores*, according to some MSS.) were soldiers who are coupled with slingers (*funditores*) in Tacitus, *Ann.* ii. 20, xiii. 39. There is much difference of opinion about them. Some recent writers take them to be engineers of some description engaged in the management of *tormenta*, and the derivation *librare*, "to level," is suggested as though they levelled and directed them. It can be inferred from Marquardt's note (*Staatsverwaltung*, ii. 526) that he also classes them with the managers of *tormenta*, but he gives no definite statement of his opinion. In Tac. *Ann.* xiii. 39, in a fresh sentence after the words "multos tormentis faces et hastas incutere jubet," we find "libratoribus et funditoribus attributus locus unde eminus glandes torquerent," from which the inference surely would be that they have nothing to do with the *tormenta*, and are an arm of the service more like the slingers: and the other passage of Tacitus tells the same way, "funditores libratoresque excutere tela et proturbare hostes jubet: missae et tormentis hastae." Forcellini conceives slings which discharged stones of a pound weight to explain the *libralia* or *librilia saxa* (cp. Caes. *B. G.* vii. 81). If this were a correct view, the key to the precise explanation might be found in Liv. xxxviii. 29, where, at the siege of Same in B.C. 189, slingers are described as brought from Achaia, who "a pueris" practised slinging *saxa globosa*: the force is greater than that of the Balearic slinger, and the sling is not a single thong but a triple "scutale" made stiffly, so that the missile "librata quum sederit velut nervo missa excutiatur:" apparently they could fire more nearly point-blank and with heavier charge. But against this we have first the fact that the *libratores* were to be distinguished from slingers generally, and not merely from Balearic slingers; and, secondly, the passage of Vegetius, ii. 23, which tells us that *libralia saxa* were thrown *by the hand* and with less preparation *as requiring no sling*: and Festus explains *librilia* as "saxa ad brachii crassitudinem loris revincta." This suggests the conclusion that the stones were swung by the thong, to which they were fastened, and discharged thong and all. And it is perhaps best to regard the *libratores* as stone-throwers employed, not with the *tormenta*, but along with the *funditores* (cp. the λιθοβόλοι coupled with σφενδονῆται, Thuc. vi. 69), throwing with the hand by the thong attached missiles heavier than the *glans* of the slinger: and the word should probably be connected with the sense of *swinging* in *libro* (as in Livy, *l. c.*), rather than with *libra*, "a pound." [G. E. M.]

LICTOR (in Greek writers, ῥαβδοῦχος or ῥαβδοφόρος), an attendant upon certain magistrates and other persons discharging official duties at Rome and in the provinces. Their name has been derived by many (following Plutarch, *Rom.* 26) from *ligare*; but apart from the difficulty of the form of the word for *ligator*, it is clear that binding was not the most ordinary duty of the lictor, nor the duty most likely to confer the name. Though Corssen favours the derivation from *licium*, "a girdle" (see Gell. xii. 3), it is far more probable that the word comes from *licere*, "to summon," and that their original function was to summon assemblies: if so, the *lictores curiatii* (see below) probably represent the oldest class of lictors; though the title "summoner" might also refer to the magisterial *vocatio* through a lictor. We have, however, no account of their first institution, but find them mentioned in the earliest times of the monarchy. Livy (i. 8), laying stress on the favourite Etruscan number *twelve*, derives the office from Etruria, and Müller endorses this opinion, in which, however, as Professor Seeley in his note on that passage observes, no great confidence can be placed, since there was a tendency to ascribe all ancient institutions to Etruria. Virgil (*Aen.* vii. 173) might be quoted against it, when he gives "primos attollere fasces" of the early Latin kings; but that

is merely a synonym for *regnum excipere*, and it would be absurd to give it any antiquarian authority. All that can be said is, that this attendance was in earliest times "insigne regium" (Liv. iii. 36; Dionys. x. 59), in the same way as the breaking of the fasces was a sign of rebellion or deposition (Liv. ii. 55; Dio Cass. lix. 29). It is necessary to distinguish two kinds of lictors: (1) *lictores qui magistratibus* (or *Caesari*) *apparent;* (2) *lictores qui sacris publicis apparent.* Both are handed down from the kingly times, inasmuch as the king held also priestly office, and it is impossible to say which class is the older; but the attendants on magistrates are certainly the more important. They were the outward mark of authority: they were not sent for on special occasions, but attended the magistrate like his shadow: if he is at home, they are in his vestibule (Liv. xxxix. 2); if he goes to the rostra, they precede him (Liv. xxiii. 23); when he takes his seat on the tribunal, they stand by him (Cic. *Cluent.* 53, 147); when he pays a visit, the lictor knocks for his admission (Liv. vi. 34; Mart. viii. 66; Juv. iii. 128). The sovereignty of the people is admitted by the lictors lowering the fasces when the consul comes to the *contio* (Liv. ii. 7; Plut. *Pop.* 10), and Plutarch says the custom remained to his own time. (Cicero calls this "the insolence of liberty:" *de Rep.* ii. 31, 53.) So also, if a magistrate of lower rank met a superior, his lictors lowered the fasces, or, if with imperium, removed their axes; as Dionysius mentions, when he tells the story of Coriolanus ordering this to be done as a mark of respect to his mother. The magistrate must, however, dismiss his lictors when he enters the territory of an allied independent state. We find in Tacitus (*Ann.* ii. 53), Germanicus with one *lictor* at *Athens*; but that this is allowed him as an *accensus*, not as a sign of *proconsulare imperium*, is clear, for if it had been his sign of office he would have had twelve.

The lictors bore fasces with axes, to show that the king or magistrate had the power of life and death. Therefore this distinction belonged to the dictator, from whom there was no appeal; to a commander in the field; and in older times to consuls, before the Valerian law of *provocatio* (Cic. *Rep.* ii. 31, 55): and the withdrawal of the axes showed the withdrawal of summary jurisdiction or martial law. The axes were allowed also to consuls in the triumph, because they still held the imperium, and in *processus consularis* (Claud. *Prob. et Olybr.* 232). The lictors actually carried out the sentence of death under the old system, for all Roman citizens who were condemned, so long as the execution was in the hands of the Quaestores Parricidii or Duumviri Perduellionis, as representatives for this purpose of the consul (see articles on these offices): but, when executions were controlled by tribunes and aediles, who were not attended by lictors, the death sentence was carried out either by the tribune or aedile in person or by a carnifex. The carnifex seems, too (probably after the appointment of Tres viri capitales), under the Republic, to have taken the place of the lictor for execution even of citizens: such, at least, would be the natural inference from the description in Suet. *Claud.* 34, "Quum spectare *antiqui moris* supplicium concupisset et deligatis ad palam noxiis carnifex deesset," &c. On active service the execution under martial law naturally belonged to the lictors (Liv. iv. 29; xxviii. 29, &c.). The ordinary duty of the lictors in the city was *submovere turbam*, i.e. to make the people give way to the magistrate, and to disperse any crowd which might interfere with the business in hand (cf. Hor. ii. 16, 9). This duty was heralded by the cry *animadvertite*, i.e. "pay due observance to the magistrate" (Suet. *Jul.* 80). Pliny speaks of this as "sollennis ille lictorum et praenuntius clamor." From Liv. xxiv. 44, it would appear that the technical word *animadvertere* was also used of the lictor noticing and reproving disrespect, unless (which would make better sense) the word *jubere* is added there. The lictors are also the instruments of the magistrate for *vocatio*, i.e. the summons of any citizen who offends; whereas tribunes, as being without lictors, could only arrest by their own hand, or their *viator*, but could not summon (Varro, *ap.* Gell. xiii. 12); and resistance to a lictor was equivalent to resistance to the magistrate.

As regards the number of lictors allowed to different offices, the king was attended by twelve; though Mommsen (*Staatsrecht*, i.[3] 343) suspects from the words *decuriae* and *decem primi* used of lictors, that the number 12 superseded an original number 10. Twelve, at any rate, is the number given by Cicero, *Rep.* ii. 17, 31; Liv. i. 8; and others. Appian is the only writer who (*B. C.* i. 100) says twenty-four, thinking perhaps of the dictator, and he is inconsistent in this (see Appian, *Syr.* 15). As the consuls originally performed the regular duties of administration by turns on alternate months, so the officiating consul was attended by twelve lictors, the other only by an *accensus* (Liv. ii. 1; Cic. *Rep.* ii. 31, 55). Similarly, as the decemvirs held office each for a day in turn, the decemvir of the day had twelve lictors, the others an *accensus* each (Liv. iii. 33). It appears, however, from Suet. *Jul.* 20, that at some time the custom came in of an *accensus* preceding the consul out of office, while twelve lictors followed him. There can be no doubt that the state of the consular military tribunes was regulated by the same principle as that of the decemvirs.

The dictator had twenty-four (Polyb. iii. 87; Dio Cass. liv. 1; Appian, *B. C.* i. 100). Yet Livy (*Ep.* 89) says that Sulla was the first so to appear: perhaps, as Mommsen suggests, the dictator was attended by twenty-four only without the city, and Sulla's innovation consisted in his using them also within it. The *magister equitum*, nominated by the dictator, had six lictors (Dio Cass. xlii. 47; xliii. 48), and the same number was assigned to the *praefectus urbi* nominated by Caesar in his dictatorship (Dio Cass. *l. c.*). Two belonged to the praetor at Rome (Censorin. xxiii. 3; Cic. *de Leg. Agr.* ii. 34, 93); six to the praetors in the provinces (Appian, *Syr.* 15; Cic. *Verr.* v. 54, 142), whence Polybius constantly terms the praetor στρατηγὸς ἐξαπέλεκυς, and, treating it merely as a synonym for the magistrate, uses this adjective to express even the praetor at Rome (Polyb. xxxiii. 1). (Under the Empire, however, the praetor at Rome actually had six lictors: Mart. xi. 98, 15.) Proconsuls outside Rome had twelve under the Republic, as would belong to those who acted

as consuls; and those of Africa and Asia, at any rate, had the same number in the earlier Empire. Ulpian (Dig. 1, 16, 44), however, speaks of the limitation to six for proconsuls. Six was certainly the number for propraetors, but five only for a quaestor or *legatus pro praetore* (Cic. *Att.* x. 4, 9); and for Augustus's time a propraetor who was the imperial *legatus pro praetore* had only five, and was called *quinquefascalis*.

The emperors had twelve lictors to the time of Domitian, to whom twenty-four were assigned (Dio Cass. liv. 10; lxvii. 4), but in the later Empire the attendance of lictors gradually fell into disuse. It marks the importance of the *curatores viarum* under the Empire, that in their office they had two lictors.

As to the status of the lictors, they are ranked before *viatores* and *praecones*, but after *scribae* and *accensi* (Cic. *Verr.* iii. 66, 153; *ad Q. F.* i. 1, 4; Orelli, *C. I.* 4109). From Tacitus, xiii. 27, we learn that most lictors were freedmen; whether it was so in republican times it is impossible to say: in Liv. ii. 55 they are spoken of as belonging to the plebs; it is clear that at Rome, whether freeborn or not, they were always free. In the provinces it appears from Gellius, x. 3, that sometimes at least they were taken from the class of reduced Italians called *Bruttiani*. At Rome there was a community of three decuriae of lictors under ten directors (*decem primi*).

In Rome they wore the toga, which, one would gather from Gellius *l. c.* and from Plut. *Rom.* 26, was girded with the *licium* or *limus*; but Mommsen observes that ancient representations of lictors do not show them with any girdle, and that the limus belonged rather to *servi publici*. Outside Rome they wore the red *sagulum* (Sil. ix. 20), and at triumphs naturally also the same war-dress (Appian, *Pun.* 61, calls it *χιτὼν φοινικόεις*): at funerals, black (Hor. *Ep.* i. 7, 5). The fasces, tied with a red strap, were held in the left hand and carried on the left shoulder: at funerals they were carried reversed (Tac. *Ann.* iii. 2; cf. Verg. *Aen.* ii. 45): the fasces wreathed with laurel (*laureati*) in the Republic marked the magistrate who had been saluted as a victorious imperator, and under the Empire distinguished the imperial lictors.

Lictors.

The lictors always walked in single file (cf. Val. Max. ii. 2, § 4; Liv. xxiv. 44) before the magistrate in office, whence the last in order, who was the principal lictor, was called *proximus* (Cic. *Div.* i. 28, 59; *Verr.* v. 54, 142; Tac. *Hist.* iii. 80), but perhaps also *primus* (Cic. *ad Q. F.* i. 1, 7); and *ἡγούμενος* (Appian, *B. C.* v. 55) may have the same meaning, applied to *rank*, not *order of march*.

Coin representing the children of Brutus led to death by Lictors.

(2) *Lictores curiatii* (not *curiali*, as may be seen from Inscriptions: see Mommsen, *Staatsrecht*, i.[3] p. 389) were employed originally to summon the Comitia Curiata. Of these there were thirty, according to the number of the curiae; and, when the meeting of the Comitia Curiata became a mere form, it was represented by the thirty *lictores curiatii* (Cic. *Leg. Agr.* ii. 12, 31). Ovid (*Fast.* ii. 23) speaks of lictors used in sacred rites, whom Mommsen with some probability takes to be *lictores curiatii*; and he also suggests the possibility that they acted as *flamines curiales*. They attended specially on the Pontifex Maximus, probably the same number (ten or twelve) as had belonged to the king; and they are called "lictores curiatii qui sacris publicis adparent." The Flamen Dialis was attended by one of these lictors (Plut. *Quaest. Rom.* 93); as was also any Vestal who appeared in public (Plut. *Num.* 10): a similar distinction was granted to widows of emperors, as though they were priestesses of a deified husband (Tac. *Ann.* xiii. 2; note the *refusal* of it by Tiberius, *Ann.* i. 14). These *lictores curiatii* were constituted as a separate decuria (*C. I. L.* xiv. 296).

(3) Lictors were specially assigned to attend for the time on the givers of games who had not otherwise the right to lictors: as, for instance, in funeral games (Cic. *Legg.* ii. 24, 61); perhaps originally because givers of games were so constantly of magisterial rank that lictors became a customary part of the spectacle; or the public function conveyed the temporary magisterial rank.

(4) In the games of the Vicomagistri there were two *lictores populares denuntiatores*, who belonged to separate decuria, to attend upon them (Dio Cass. lv. 8, cf. Liv. xxxiv. 7; Ascon. *in Pison.* 7; and see article COMPITALIA). The origin of the name *denuntiator* may be gathered from "ludicrum denuntiare" (Liv. xlv. 32).

As regards the attendance of *lictores atri* at a funeral (Hor. *Ep.* i. 7, 5), it must be understood that this can be said only of great funerals, having a more or less public character, when either the deceased himself was of magisterial rank and his own lictors attended, or where funeral games were given, and there were therefore lictors assigned (cf. Cic. *Legg.* ii. 24, 61).

(For full information respecting lictors, see Mommsen, *Staatsrecht*, i. 374 ff.) [G. E. M.]

LIGO (*δίκελλα* or *μάκελλα*) was a hoe formed either of one broad iron or of two curved iron prongs fixed at right angles to the handle, which was used by the ancient husbandmen to clear the fields from weeds. (Ovid, *ex Pont.* i. 8, 59; Mart. iv. 64; Stat. *Theb.* iii. 589; Colum. x. 89.) The *ligo* seems also to have been used in turning up and breaking the clods. (Hor. *Carm.* iii. 6, 38; *Epist.* i. 14, 27; Ovid, *Amor.* iii. 10, 31;

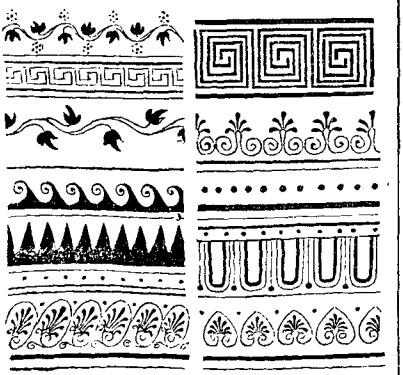
compare Dickson, *On the Husbandry of the Ancients*, i. p. 415.) [L. S.]

LI'GULA, a Roman measure of fluid capacity, containing one fourth of the CYATHUS. (Columella, *R. R.* xii. 21; Plin. *H. N.* xx. § 36.)

It signifies *a spoonful*, like *cochlear;* only the *ligula* was larger than the *cochlear* (see Mart. viii. 33 and 71). The spoon which was called *ligula*, or *lingula* (dim. of *lingua*), from its shape, was used like a dessert-spoon. (Cato, *R. R.* 84; Plin. *H. N.* xxi. § 84; Mart. xiv. 120; Becker-Göll, *Gallus*, iii. 293; Marquardt, *Privatleben*, 314.) For a drawing of the *ligula*, see under COCHLEAR, where the larger spoon is the *ligula*, the smaller the *cochlear*. The word is also used for the leather tongue of a shoe (Pollux, ii. 109, vii. 80; Festus, *s. v.*). (See under CALCEUS, p. 335.) [P. S.] [G. E. M.]

LIMA (*πίνη*), a file, was made of iron or steel, for the purpose of polishing metal or stone, and appears to have been of the same form as the instruments used for similar purposes in modern times. (Plin. *H. N.* ix. § 109, xxviii. § 148, xxxvii. § 109; Plaut. *Menaechm.* i. 1, 9; Xen. *Cyrop.* vi. 2, 33.) [L. S.]

LIMBUS (*παρυφή*), the border of a tunic or a scarf, chiefly in the woman's dress (Verg. *Aen.* iv. 137; Serv. *ad loc.* 7). This ornament, when displayed upon the tunic, was of a similar kind with the CYCLAS and INSTITA (Servius *in* Verg. *Aen.* ii. 616), but much less expensive, more common and more simple. It was generally woven in the same piece with the entire garment of which it formed a part, and it had sometimes the appearance of a scarlet or purple band upon a white ground; in other instances it resembled foliage (Verg. *Aen.* i. 649; Ovid, *Met.* vi. 127), or the scrolls and meanders introduced in architecture. A very elegant effect was produced by bands of gold thread interwoven in cloth of Tyrian purple (Ovid, *Met.* 51), and called *ληροὶ* or *leria*. (Festus, *s. v.*; Brunck, *Anal.* i. 483.) Demetrius Poliorcetes was arrayed in this manner (*χρυσοπαρύφοις ἀλουργίσι*, Plut. *Demet.* 41). Virgil (*Aen.* v. 251) mentions a scarf enriched with gold, the border of which was in the form of a double meander. In illustration of this account examples of both the single and the double meander are introduced at the top of the annexed woodcut. The other



Limbi. (From ancient vases.)

eight specimens of *limbi* are selected to show some of the principal varieties of this ornament, which present themselves on Etruscan vases and other works of ancient art.

An ornamental band, when used by itself as a fillet to surround the temples or the waist, was also called *limbus*. (Stat. *Theb.* vi. 367, *Achill.* ii. 176; Claud. *de Cons. Mallii Theod.* 118.) A later name for the limbus was *lorum*, whence dresses with one or more rows of stripes were called *monolores*, *dilores*, *trilores*, &c. (Vopisc. *Aurel.* 46, 6). The makers of *limbi* were called *limbolarii* (Plaut. *Aul.* 514, and Wagner's critical note). For these *limbi*, see also Marquardt, *Privatleben*, 544; Blümner, *Technologie*, i. 202; Becker-Göll, *Charikles*, iii. 255, *Gallus*, iii. 266. [J. Y.] [G. E. M.]

LIMEN. [JANUA.]

LIMUS was the apron tied round the waist and reaching nearly to the feet worn by the *popa*, or slaughterer who attended on the priest at a sacrifice (Serv. *ad Aen.* xii. 120), and by *servi publici* in general (Isid. *Orig.* 19, 33). Hence *servi publici* were known as *limo cincti;* and when (as in *C. I. L.* v. 3401) *apparitores* and *limo cincti* are mentioned together as attending on a magistrate, the former are free, the latter slave attendants (see Mommsen, *Staatsrecht*, i.[3] 324). It would appear from Gellius, xii. 3, that the word *licium* was synonymous with *limus*, and he states that the lictors were girded with this limus or licium in former times; but Mommsen throws doubt upon this (*Staatsrecht*, i. 375), and thinks it arose from a confusion of lictors with *servi publici* and a desire to derive their title from *licium*, since lictors are never represented in such a dress. That the *licium* alone should be worn by a person seeking stolen property (whence phrase *per licium quaerere*) no doubt was arranged to prevent his bringing in the goods concealed in his dress (see Gell. xi. 18, and cf. Gaius, *Inst.* iii. 192). [G. E. M.]

LIPOMARTY'RIOU DIKÉ (*λιπομαρτυρίου δίκη*). [MARTYRIA.]

LIPONAU'TIOU GRAPHÉ (*λιποναυτίου γραφή*). [ASTRATEIAS GRAPHÉ.]

LIPOSTRA'TIOU GRAPHÉ (*λιποστρατίου γραφή*). [ASTRATEIAS GRAPHÉ.]

LIPOTA'XIOU GRAPHÉ (*λιποταξίου γραφή*). [ASTRATEIAS GRAPHÉ.]

LITHOBO'LIA (*λιθοβόλια*), a festival celebrated at Troezen in commemoration of two maidens who came there from Crete, and were stoned to death during the civil broils of the place. (Paus. ii. 32, 6; Lobeck, *Aglaoph.* 680; Hermann, *Relig. Alterth.* § 52.) [L. S.]

LITHOSTRO'TA. [PAVIMENTUM; PICTURA.]

LITIS CONTESTA'TIO. Under the oldest Roman civil process—that known as the *legis actiones*—the proceedings prior to hearing and judgment were of an exceedingly formal and technical character. The parties, on appearing before the praetor, had to repeat certain prescribed forms of words, appropriate to the nature of the particular action, and to perform a variety of solemn and symbolical acts (*e.g.* Gaius, iv. 16); and any error or omission in these on the part of the plaintiff inevitably lost him his remedy: "Ex nimia subtilitate veterum qui tunc jura condiderunt eo res perducta est, ut vel qui minimum errasset litem perderet" (Gaius, iv. 30). The object of these proceedings was preliminary: they were intended to ascer-

tain the question in dispute, and to prepare it for hearing and decision. The hearing and decision itself was in many cases entrusted to a private person appointed by the praetor, though selected by agreement between the parties, or to the standing collegia of judges (decemviri and centumviri): but sometimes the praetor would undertake it himself. In any case, however, it seems to have been far less formal than the preliminary proceedings, which had always to take place before the praetor in person, and to which alone the term *legis actio* was applied (Gaius, iv. 11). Owing to the supreme importance to the parties of their being gone through with perfect precision, and to the fact that at this period no written records were preserved of judicial proceedings, which were purely oral, it was the practice for both parties, at the close of the formal *legis actio* (though before a word of evidence or argument on the question at issue), to appeal to the bystanders to take note of the proceedings, that if any dispute subsequently arose as to their validity evidence might be forthcoming of what had been done (cf. Ulpian, *Reg.* 20, 9; Dig. 28, 1, 20). This appeal was called *litis contestatio:* "Contestari est cum uterque reus dicit TESTES ESTOTE"; "Contestari litem dicuntur duo aut plures adversarii quod ordinato judicio ('when the cause has been made ready for hearing') utraque pars dicere solet TESTES ESTOTE" (Festus). The view here taken of the nature of *litis contestatio* is that of Bethmann-Hollweg (*Civil Process*, i. p. 177) and Keller (*Civil Process*, p. 281). By others it is held that what the parties called upon the bystanders to attest was, not that the *legis actio* had been duly consummated, but that they had solemnly agreed to submit their dispute to arbitration instead of settling it in the more primitive way of self-redress (Ihering, *Geist des römischen Rechts*, i. p. 171); and some (*e.g.* Mayer, *Die Litis Contestation*, 1830, and originally Rudorff, *Römische Rechtsgeschichte*, ii. § 71) go so far as to assert that the form in which the agreement was made was *per aes et libram* [NEXUM]. This theory is based upon the fact that in the formulary period, as will be seen below, *litis contestatio* produced (or, more correctly, was the outward sign of) consequences which usually are only producible by contract; but it is rejected by most writers on the subject (*e.g.* Puchta, *Institutionen*, § 172; Keller, § 62), and seems too fanciful to be seriously entertained. Others (*e.g.* Heffter, *Institutionen des röm. und teutschen Civilprocesses*, 1825) even hold that there was no real *litis contestatio* at all in the *legis actio* period, but that it was introduced with the formulary system to give a solemnity to the proceedings *in jure* and their results, which in themselves they did not possess.

The *legis actio* procedure was swept away by the Lex Aebutia, *circ.* 170 B.C., and its place was taken by the system of formulae, one of the main features of which was the universal division of the proceedings in an action into two portions: those which took place before the praetor (*in jure*) and those which took place before the judex (*in judicio*). The object of the proceedings *in jure* was to fix the issues to be tried: when they had been settled, they were briefly embodied in a written document or formula, by which the judge was appointed and informed of the points which he had to determine: the actual hearing of the case was his and not the praetor's function (Gaius, iv. 30). Under this system of procedure, *litis contestatio*, in its old sense of an appeal to witnesses, seems no longer to have taken place, for the best evidence that could be desired of the correctness of the proceedings *in jure* was the written formula, though Bethmann-Hollweg (*Civil Process*, ii. p. 480) thinks that it may have survived for some time through the Roman fondness of old forms, but at any rate not till the time of the classical jurists. The term "litis *contestatio*," however, is retained throughout to denote the point of time in the history or development of an action at which it passed from praetor to judex (Cic. *pro Rosc. Com.* 11, 32; 12, 35; *Lex Gall. Cisalp.* i. 48; Gaius, iii. 180, iv. 114). It means, technically, the moment at which the matter really becomes an "action" at all: the legal position of the parties in respect of the particular suit is definitely fixed; and though perhaps it is incorrect to say that *litis contestatio* (in this sense) *produces* important results for them, it certainly is the sign and symbol that those results have ensued. For instance, from that moment the plaintiff's right of action is consumed (Gaius, iv. 106, 107): he cannot subsequently sue at all, or at any rate he cannot sue with any effect, on the same ground. Similarly prescription of the right of action ceases to run, for the action has been commenced; and consequently also the defendant cannot as a rule evade condemnation, if the plaintiff proves his case, even though after *litis contestatio* it should become impossible for him (*e.g.*) to restore the property in dispute owing to its accidental destruction. For these, and other points in which the rights and duties of the parties were irrevocably fixed by this definite commencement of the action (and which are sometimes improperly described as consequences of *litis contestatio*), reference may be made to Mr. Poste's edition of Gaius (pp. 447–451, 2nd edit.). In point of fact, these consequences are analogous to those which would be produced by contract, and many writers attribute these modifications in the legal relation of the parties to an assumed contract, by which they are supposed to voluntarily submit themselves to the jurisdiction of the court, to bind themselves to abide by its judgment, and to waive any right which they may have had to settle the matter after another fashion. But such an assumption is in reality needless, for these consequences may more correctly be ascribed to the very nature of the proceedings *in jure*, the law implicitly ordaining that they shall necessarily flow from the fixing of the issues in the formula (Puchta, *Institutionen*, § 172; Walter, *Geschichte des römischen Rechts*, § 720); and if this view be accepted, it would seem to be unnecessary (with some of those by whom it is supported) to regard *litis contestatio* even as a quasi-contract.

In the time of Diocletian (A.D. 294) the formulary system finally disappeared, and actions were commenced and conducted in much the same way as in modern courts of justice, the procedure being called simply *cognitio*. In this period *litis contestatio* denotes the summary statement of his case before the judge by the plaintiff, and the similarly summary statement

by the defendant of the nature of his defence, evidence and argument following in detail: "Lis tunc contestata videtur, cum judex per narrationem negotii causam audire coeperit" (Cod. 3, 9; cf. Cod. 3, 1, 14, 1; Cod. 2, 59, 2, pr.). The Greek equivalent of *litis contestatio* in this sense is *προκατάρξις* (Nov. 53, 3, 2; 80, 10; 96, 1; Basil. vii. 1, 3). Many of the old results for the parties still ensue, though most writers are of opinion that the right of action was no longer necessarily extinguished (see Bethmann-Hollweg, *Civil Process*, iii. pp. 257–262).

(See Holtzendorff's *Rechtslexicon*, s. v., and the literature of the topic *ad fin.*, especially Keller, *Litis Contestation und Urtheil*, and Windscheid, *Actio*, §§ 8, 9.) [J. B. M.]

LITRA (*λίτρα*) was the unit corresponding, *though not equivalent* among the Greeks of Sicily, to the libra of the Italians, and in use for weighing various substances, including copper. The word was in use as early as the time of Epicharmus, and occurs frequently in Aristotle. It was divided into twelve ounces, *ὀγκίαι*. [See PONDERA.] Writers like Polybius naturally use the word to render the Latin *libra*. The weight of the litra was about 3366 grains, 218 grammes (Hultsch, *Metrologie*, 2nd edit., p. 662). The equivalent in silver of a litra of copper was a small coin weighing 13·5 grains, which was in common use in Sicily, and was the tenth of the Corinthian stater, called from that fact *δεκάλιτρος στατήρ*. Pollux (ix. 80) gives the value of the silver litra as the same as that of an Aeginetan obol (16 grains); but this is only a rough approximation. [P. G.]

LITTERA'RUM OBLIGA'TIO. [OBLIGATIONES.]

LITU'RGIA. [LEITURGIA.]

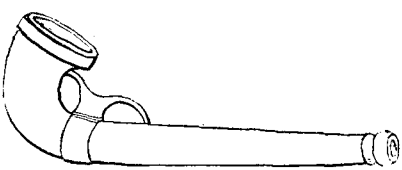
LI'TUUS. Müller (*Die Etrusker*, iv. 1, 5) supposes this to be an Etruscan word signifying *crooked*, but more probably it is connected with the verb *litare*, its augural sense being the original, and the military *lituus* being so called from a resemblance in shape. In the Latin writers it is used to denote—

1. The crooked staff borne by the augurs, with which they divided the expanse of heaven, when viewed with reference to divination (*templum*), into regions (*regiones*); the number of these according to the Etruscan discipline being sixteen, according to the Roman practice four (Müller, iii. 6, 1: Cic. *de Div.* ii. 18, 42). Cicero (*de Div.* i. 17, 30) describes the lituus as "incurvum et leviter a summo inflexum bacillum;" and Livy (i. 18) as "baculum sine nodo aduncum" (cf. Serv. *ad Aen.* vii. 407; Marquardt, *Staatsverwaltung*, iii. 402). It is very frequently exhibited upon works of art. The figure in the middle of the following illustrations is from a most ancient specimen of Etruscan sculpture in the possession of Inghirami (*Monumenti Etruschi*, tom. vi. tav. P. 5. 1), representing an augur; the two others are Roman denarii. It is thought with much probability that the pastoral staff of bishops (not the archiepiscopal crosier) was borrowed as regards its form from the augur's lituus, which in the earliest Christian representations it exactly resembles. (See *Dict. of Christian Antiquities*, s. v.)

2. A sort of trumpet slightly curved at the extremity (Festus, *s. v.*; Gell. v. 8). It differed both from the *tuba* and the *cornu* (Hor. *Carm.* ii. 1, 17; Lucan, *i.* 237), the former being straight, while the latter was bent round into a spiral shape. Lydus (*de Mens.* iv. 50) calls the lituus

Lituus, the Augural Staff.

the sacerdotal trumpet (*ἱερατικὴν σάλπιγγα*), and says that it was employed by Romulus when he proclaimed the title of his city. Ascon. (*ad* Hor. *Carm.* i. 1, 23) asserts that it was peculiar to cavalry, while the tuba belonged to infantry. This is not quite correct, for in the armies of the Sabines and Romans (Ovid, *Fast.* iii. 216), where the lituus is mentioned, it is clear that infantry are to be understood. The *bucinator* and the *tubicen* are both attached to the cavalry as well as the infantry (Marquardt, *Staatsverwaltung*, ii. 553). As regards its shape, Seneca (*Oedip.* 733) says, "Sonuit *reflexo* classicum cornu Lituusque *adunco* stridulos cantus elisit aere." Its tones are usually characterised as harsh and shrill (*stridor lituum*, Lucan, i. 237; *sonitus acutos*, Ennius, *ap.* Fest. *s. v.*; Stat. *Theb.* vi. 228, &c.). The following representation is from Fabretti. See also the representation of



Lituus, a trumpet. (Fabretti.)

a liticen [under CORNU] from the altar of Julius Victor (Vol. I. p. 544). [W. R.] [G. E. M.]

LIXAE were sutlers who followed the Roman legions for trading purposes. So far as they are distinguished from *mercatores*, they sold provisions, while the *mercatores* dealt in other wares; but while in Caesar the *mercator* stands for both (*B. G.* vi. 37), in Livy and Tacitus we find *lixae* alone for petty traders of all kinds, distinct only from the negotiator who speculated on a large scale. Thus in Liv. xxxix. 1, where there is no prospect of plunder, the army is unencumbered by *lixae*, i.e. traders who would have bought up what they could from the soldiers: so Liv. v. 8, "Lixarum in modum negotiabantur" (cf. Liv. xxi. 63); and Hirt. *de Bell. Afr.* 75, "Lixae mercatoresque qui plaustris merces portabant." These traders of all descriptions had booths for their goods outside the camp, which were called *canabae*, so that *ad canabas legionis* means in the market quarter or bazaar, and in some cases out of these temporary bazaars more permanent settlements sometimes arose, becoming at last transformed

into municipia. (See Marquardt, *Staatsverwaltung*, i. 20.) The *lixae* were sometimes forbidden to follow the legion (Sall. *B. J.* 45), from which it is clear that they came for their own profit, and not as a necessary commissariat adjunct. They are sometimes coupled with *calones*, the slaves who attended soldiers, though quite different from them, merely because both were distinct from the fighting army. In emergencies both might be pressed into the service, as in Liv. xxiii. 16, where they have somewhat the same effect as the camp-followers at Bannockburn. [G. E. M.]

LOCA'TIO CONDU'CTIO, or letting and hiring, is, like sale [EMPTIO VENDITIO], one of the four Roman contracts which were said to be made *consensu*, because neither form nor part performance was required to make the agreement actionable. It comprises two varieties, which are distinguished below, viz. *locatio conductio rerum* and *locatio conductio operarum*. The contract was concluded, and the parties bound, as soon as they were agreed upon what was to be hired, and the consideration (*merces*) to be paid for it (Gaius, iii. 142; *Inst.* iii. 24, pr.). This *merces* must be money, "pecunia numerata" (*Inst.* ib. 2), except that the rent of agricultural land might be a certain proportion of its annual produce (Cod. 4, 65, 21).

Locatio conductio rei is the letting or hiring of a *res*, but the *res* may be anything which could be bought and sold (and so not merely a tangible object, movable or immovable, but a *res incorporalis*, such as a usufruct, Dig. 7, 1, 12, 2). The lessee of a house was called *inquilinus*, of agricultural land *colonus*. The letter (*locator*) of a *res* was bound to allow the other to have it for the time or purpose agreed upon, and for that time to take its fruits if it were a fruit-bearing object; but as he remained its owner, he could always recover it back at the cost of having to pay damages for the breach of his contract: and similarly, if he sold or otherwise alienated the *res locata*, the alienee could always make the conductor give it up (whence the German maxim *Kauf bricht Miethe*), though the latter of course had his remedy against the *locator* (Dig. 19, 2, 25, 1; Cod. 4, 65, 9). The hirer was bound to pay the *merces* agreed upon; to show the *diligentia* of a *bonus paterfamilias* [CULPA] in his charge of it, and to redeliver it at the termination of the contract in as good condition as when it came into his hands, saving ordinary wear and tear.

Locatio conductio operarum is the letting by a free man (*locator*) of his services at a fixed *merces*. If he was employed to make some specific object for the employer (*e.g.* to build a house, to make a piece of plate, &c.), *he* was called *conductor* or *redemptor* (Hor. *Carm.* iii. 1) and the employer *locator*, and the transaction is sometimes called specifically *locatio conductio operis* (*faciendi*). If the agreement was to do the whole job at a sum absolutely fixed, as distinct from so much *per diem*, or so much for each portion completed, it was said to be made *per aversionem* (Dig. 19, 2, 35, pr.; *ib.* 36; *ib.* 51, 1).

The jurists were often doubtful whether a given contract was sale or hire; as where, in consideration of so much money to be paid by a customer, a goldsmith agreed to make him a ring out of his (the smith's) gold (Gaius, iii. 147; *Inst.* iii. 24, 4): other similar cases will be found in Gaius, iii. 146. Among them was that of a lease of land in perpetuity at a rent, which Gaius says was, according to the better opinion in his time, hire, not sale, but which in later times became an independent contract distinct from either [EMPHYTEUSIS]. Sometimes again the transaction was held to be neither sale nor hire, though closely resembling both, but one of the so-called innominate contracts, enforced by an *actio praescriptis verbis* (*Inst.* iii. 24, 1 and 2). (Gaius, iii. 142–147; *Epit.* ii. 9, 15; Paul. *Sent. rec.* ii. 18; *Inst.* iii. 24; Dig. 19, 2; Cod. 4, 65.) [J. B. M.]

LOCHUS (λόχος). [EXERCITUS, Vol. I. pp. 769, 770, 775.]

LO'CULI, a small coffer or casket with compartments (cf. *loculatae arculae*, Varro, *R. R.* iii. 17), whence it comes that in this signification the word is only used in the plural. It was smaller than the *arca* (Juv. i. 89: see Mayor's note), but, like the *arca*, was used to hold money (Hor. *Sat.* i. 3, 17; *Ep.* 11, 1, 175; Mart. v. 39, 7); for jewels (Juv. xiii. 139); to hold keys (Plin. xiv. 13, § 89), &c. It takes the place of the larger *arca* as the treasure chest of the house (Hor. *Sat.* ii. 3, 146), and then was placed in the atrium [see ARCA]: it was made of wood (Mart. xiv. 13) or sometimes of ivory (Ovid. *Fast.* vi. 749; Juv. xiii. 139); for security it had a lock (Hor. *Sat.* ii. 3, 149) or was sealed up (Plin. *l. c.*). In Hor. *Sat.* i. 6, 74, *Ep.* i. 1, 56, the word *loculi* is used for a small case holding a schoolboy's *libri*, *chartae*, and *stilus*, which would generally be called *capsa* (Juv. x. 117) or *theca* (Suet. *Claud.* 35). (See Orelli's Excursus on Hor. *Sat.* i. 6.) [G. E. M.]

LO'CULUS. [FUNUS.]

LOCUPLE'TES (or *adsidui*) were Roman freeholders of land who were included in the five classes of Servius as liable for summons to service or *tributum*. Under this head came all who held land valued over 11,000 asses (cf. also Liv. xlv. 15, "eos qui praedium praediave rustica pluris H. S. triginta millium haberent censendi jus factum est:" for the arrangement of the classes, see COMITIA). The state was therefore divided into *adsidui* (or *locupletes*), i.e. those who had property, and *proletarii*, "begetters of children," who were counted by heads, not by property [see PROLETARII]. This is shown in Cic. *de Rep.* ii. 22, 40: "Servius Tullius quum locupletes adsiduos appellasset ab aere dando, eos qui aut non plus mille quingentos aeris aut omnino nihil in suum censum praeter caput detulissent, proletarios nominavit, ut ex iis quasi proles. id est quasi progenies civitatis expectari videretur." As to the origin of the two words, for *adsiduus* we may safely reject the etymology given by Cicero, "ab aere dando," and that suggested in Gellius, x. 16, "a muneris faciendi adsiduitate." It means no doubt "settled on the soil," or permanently domiciled (from *adsidere;* cf. *residuus*) = the German *ansässig* (Mommsen, *Hist. of Rome*, i. 196): *locuples* is derived by Ovid (*Fast.* v. 280) from *landholding*, where *locus* is made equivalent to *ager;* and so Plin. *H. N.* xviii. § 11, "Locupletes dicebant *loci* id est *agri* plenos." But it is clear that this is not the natural sense of *locus*,

and it is better with Mommsen (*Staatsrecht*, iii. 237) to take it as referring to wealth of money and connect it with *loculi*, the money-chests. From the passage in Cic. *Top.* ii. 10, "Cum lex adsiduo vindicem adsiduum esse jubeat, locupletem jubet locupleti; locuples enim est adsiduus, ut ait Aelius," it is clear that *adsiduus* was the older term, written in the Twelve Tables (cf. Gellius, *l. c.*). [W. S.] [G. E. M.]

LODIX, *dim.* LODI'CULA (*σάγιον*), a small shaggy blanket (Juv. vii. 66). Sometimes two lodices sewed together were used as the coverlet of a bed (Mart. xiv. 148). The Emperor Augustus occasionally wrapped himself in a blanket of this description on account of its warmth (Sueton. *Aug.* 83). It was also used as a carpet ("ancilla lodiculam in pavimento diligenter extendit," Petron. *Sat.* 20). The Romans obtained these blankets from Verona (Mart. xiv. 152). Their lodix was nearly, if not altogether, the same as the *sagulum* worn by the Germans (Tac. *Germ.* 6). [SAGUM.] [J. Y.]

LOGISTAE (*λογισταί*). [EUTHYNE.]

LOGI'STICA [*λογιστική*, sc. *τέχνη*, Plat. *Gorg.* 450 D, &c.: the nearest Latin equivalents appear to be *ratiocinandi ars* (cf. Cic. *Tusc.* i. 2, 5), *dinumeratio* (Id. *Rep.* iii. 2, 3), *rationis subductio* (cf. *subducere*, iii. in Smith's *Lat. Dict.*), or *computatio* (*post. Aug.*)] means "the art of calculation" as opposed to the "theory of numbers," *arithmetica* (q. v.). Neither, of course, can exist without the other; but as the operations of *arithmetica* were generally performed by means of geometrical figures, which were found more suggestive as representing not numbers only, but magnitudes generally, the customary numerical symbols and the operations in which they were used were deemed to belong to *logistica*, and are more properly treated in this article. We shall divide the subject accordingly into two parts, dealing first with the representation of numbers, and secondly with calculations.

I. NUMERAL SIGNS.

(*a.*) *Greek.*—(1.) *Finger-signs.* From the general use among Aryan peoples of a denary or vigesimal notation, it may be inferred, with as much certainty as can ever be obtained about pre-historic culture, that these nations at a very early time used the fingers and toes as symbols of number (cf. A. F. Pott, *Zählmethode*, &c., Halle, 1847, and *Sprachverschiedenheit etc. an den Zahlwörtern*, Halle, 1867; Tylor, *Primit. Culture*, i. ch. 7). A relic of a yet earlier notation, the quinary, survives in the words *πεμπάζειν*, *πεμπάζεσθαι*, *πεμπαστής* (Hom. *Od.* iv. 412; Aesch. *Pers.* 981, &c.), which imply that 5 was at one time the limit of the units in ordinary counting. At this time, and indeed for long after the denary notation was adopted, the Greeks clearly used both hands to count no higher than 10 (cf. Herod. vi. 63, 65; Arist. *Problem.* xv.), and no doubt this simple practice was never lost. But the references to finger-reckoning in literature are very scanty until a late date (Plut. *Apophth.* 174 b; Dio Cass. lxxi. 32, § 1; *Anth. Pal.* xi. 72, &c.), when a far more complicated system, common to Greece, Italy, and the East, is found in use. (See Roediger in *Jahresb. der Deutsch. Morgenl. Gesellsch.* 1845, pp. 111–129.) This is fully described by Nicolaus Smyrnaeus (called also Rhabda or Artabasda) in a work entitled *ἔκφρασις τοῦ δακτυλικοῦ μέτρου*, written probably in the 13th or 14th century, and printed by N. Caussinus in his book *De Eloquentia Sacra et Humana* (lib. ix. ch. viii. pp. 565–568, Paris, 1636; also in Schneider's *Eclog. Physic.* p. 447). In this system, units and tens were represented on the left hand, hundreds and thousands on the right. The thumb and forefinger of the left hand were devoted to tens, those of the right to hundreds; the remaining fingers of the left hand belonged to the units, those of the right to thousands. The fingers might be straight (*ἐκτεινόμενοι*), bent (*συστελλόμενοι*), or closed (*κλινόμενοι*). In the left hand, *bending* the fourth finger marked 1; bending the third and fourth, 2; the middle, third, and fourth, 3; the middle and third only, 4; the middle only, 5; the third only, 6. *Closing* the fourth finger gave 7; the fourth and third fingers, 8; the middle, third, and fourth, 9. The same motions on the right hand indicated thousands, from 1000 to 9000. The motions of the forefinger and thumb in representing tens and hundreds, on the left and right hands respectively, are more difficult to describe. The reader is referred to Roediger's article, above cited; to Friedlein's *Zahlzeichen und Elem. Rechnen der Gr. u. Römer*, p. 6; and to Prof. Palmer's art. in *Journal of Philology*, vol. ii. p. 247 *sqq.*, where a plate is given. Martianus Capella (*De Nuptiis Philol.* &c., bk. vii. p. 244 of Grotius' ed. 1599) says, "Nonnulli Graeci etiam *μυρία* adjecisse videntur," and adds, apparently in reference to this usage, "quaedam brachiorum contorta saltatio fit," of which he does not approve. The motions were probably the same as those described by Bede in the tract *De loquela per gestum digitorum* (Opera, Basileae, 1563, col. 171–173). Various positions of the left hand on the left breast and hips indicated the ten thousands, corresponding positions of the right hand on the right side the hundred thousands, and the hands folded together represented a million. There is no means of ascertaining the origin or the time of introduction of this method of finger-numeration. It is thought by some commentators that Aristophanes alludes to it in *Vesp.* 656, but it is observable in that passage that Philocleon only concludes from his "easy" calculation, that 150 talents are less than a tenth of 2,000, so that he probably used his fingers in the ordinary way to divide the latter number by 10. The more complicated system was obviously of no use in calculation, save as a *memoria technica* in cases where the mind might be embarrassed by the consideration of several numbers at once. It was probably, at first, only a means of communication between buyers and sellers who were ignorant of each other's language. The same or a similar system is still used for secret transactions in Persia (cf. De Sacy in *Journal Asiat.* vol. ii., and Tylor, *Primit. Culture*, i. p. 246, n.).

(*b.*) *Pebble-signs.*—Under this head may be included all the representative signs used with the reckoning-board, *abacus*, *ἄβαξ* or *ἀβάκιον* (*q. v.*). These were generally small stones or balls, or dots marked in sand, and the signs varied in value according to the row of the abacus in which they were placed. (Herod. ii. 36;

Diog. Laert. i. 59: cf. Becker-Goll, *Charikles*, ii. 67 ff.; and see below under Roman "pebble-signs," p. 74.) [ABACUS.]

(*c.*) *Written Characters.*—Iamblichus says (*in Nicom. Arithm.*, ed. Tennulius, p. 80), without citing any authority, that among the earliest Greeks numbers were represented in writing by repeated strokes. In one inscription (Franz, *Epig. Graeca*, p. 347; Boeckh, *C. I. G.* 2919, vol. ii. p. 584) from Tralles, ἔτεος ||||||| is found, but Boeckh suspects this to be a forgery of imperial times. With some limitations, however, the statement of Iamblichus may be true. It is possible that with the Greeks, as with the Phoenicians and Egyptians, the signs of the units, tens, &c. were at an early date repeated nine times without any intermediate compendia. (Cf. Pihan, *Exposé des Signes de Numération*, &c. Paris, 1860.)

But the earliest known system of written numerical symbolism in Greek is that which used to be called after Herodianus, a Byzantine grammarian of the 3rd century, who alleged that these "Herodianic" signs occurred in laws of the Solonian period and other ancient documents, coins or inscriptions, seen by him. (See App. Gloss. to Steph. *Thesaurus*, vol. xii.; Valpy's ed. p. 690.) His statement has since been most abundantly corroborated, especially in Athenian inscriptions, and the system of numeration is now generally called Attic. For our present purpose, however, the old name is more convenient. Upon this system strokes served for units less than 5, and the chief higher numbers are represented by their initial letters, Γ for πέντε, Δ for δέκα, Η for ἑκατόν, Χ for χίλιοι, Μ for μυρίοι, with further compendia, [Γ]Δ for 50, [Γ]Η for 500, &c. (See *C. I. A.* vols. i. and ii.; or Hicks, *Gr. Inscr.* passim; or Boeckh, *Att. Seewesen*, p. 547 *sqq.* &c. For curious Boeotian variations, see Franz, *Epig. Graec.* App. II. ch. i. p. 348.) These signs alone are used in all the known Athenian inscriptions of any date B.C. (in other words, in all the Inscr. of *C. I. A.* vols. i. and ii.). Outside Attica they certainly remained in use along with the alphabetical signs, to be next described, and are found with them on papyrus-rolls preserved in Herculaneum, which cannot have been written before Cicero's time. The two styles are there used, as we use Roman and Arabic numerals together, on occasions when arithmetical division proceeds on two distinct principles, *e.g.* to mark the books of an author as distinguished from the number of lines in the whole work. (Ritschl, *Die Alex. Bibliotheken*, pp. 99, 100, 123, n.) But at some date which, as will be shown directly, cannot now be ascertained, the letters of the alphabet with some additions came to be used in the Semitic manner as numeral signs. It has been well pointed out (Cantor, *Vorles. über Gesch. der Math.* i. p. 108) that the change was, for all purposes except brevity, a mistake. With the Herodianic signs many patent analogies were exhibited which were wholly obscured by the new symbolism. To take a very simple instance, Δ multiplied by Γ gave [Γ]Δ, and Η multiplied by Γ gave [Γ]Η; but on the new system ι′ × ε′ gave ν′, and ρ′ × ε′ gave φ′, and none of these signs contained in itself the least clue to its meaning. Hence, at every arithmetical operation with alphabetical symbols, the mind was really strained, first to interpret the signs, then to effect the calculation, and lastly to express the result in signs again. We shall see later how cumbrous the process was.

When and how the arithmetical use of the alphabet was adopted in Greece, is a subject of the greatest difficulty. It is the custom to say that the practice was originally Semitic (cf. Nesselmann, *Algebra der Griechen*, p. 72 *sqq.*), but no such practice appears on the Phoenician inscriptions at present known, and it is not found on any Hebrew coins before 141–137 B.C. (Cf. Schröder, *Phönikische Spr.*, quoted by Hankel, *Zur Gesch. der Mathem.* p. 34, and Dr. Euting there cited. Also Madden, *Coins of the Jews*, p. 67, *temp.* Simon Maccabaeus.) On the other hand, the Hebrew cabbalistic practice of *gematria* (*i.e.* of treating as interchangeable, for purposes of interpretation, words whose letters, regarded as numerals, amount to the same total) is said to be as old as the 7th century B.C., and, if so, points to the numerical use of the alphabet at that time (Cantor, *Vorles.* i. pp. 87, 104, 105, quoting Lenormant, *La Magie chez les Chaldéens*, p. 24: cf. also Rev. xiii. 18, and Dr. Ginsburg's art. *Kabbalah* in *Encycl. Brit.*, 9th edit. vol. xiii.). And there is a peculiarity in the Hebrew and Greek alphabetical numerals which suggests some connexion between them. In both cases the proper alphabet is deficient, and is supplemented up to the same limit. The Hebrew alphabet of 22 letters gives numbers only up to 400. The deficiency is supplied, up to 900, by using the *final* forms of letters, the *medial* forms of which (cf. Greek σ and ς) had already been used to represent 20, 40, 50, 80, and 90. The Ionic alphabet of 24 letters, which was formally adopted at Athens in 403 B.C., could give numbers only as far as 600. Three letters are wanting to complete the hundreds, and for this purpose the three ἐπίσημα, ϝ, ϙ, and ϡ, two of which had certainly been used in older alphabets, but are omitted in the Ionic, are introduced. But these ἐπίσημα, unlike the Hebrew finals, do not occur together, but stand for 6, 90, and 900 respectively, at widely distinct places in the series. Now ϝ no doubt represents the old *Vau* (*F*), and both this and κόππα (ϙ) occur at the proper places of those letters in the alphabet, yet the last sign ϡ, whether it represent the Phoenician *shin* (Gr. σάν, Herod. i. 139) or *tzade*, occurs, in either case, out of its place and is clearly resumed into the alphabet for arithmetical purposes. But if we consider the difficulty of reviving a long-forgotten letter at all, and remember that ϝ and ϙ occur in their proper order, we should conclude that the Greek numerical alphabet, if it was settled by custom only, was settled at a very early time indeed, possibly before the Hebrew. It is even conceivable that the non-Phoenician letters, υ, φ, χ, ψ, ω, were originally invented for purely arithmetical purposes, and were afterwards adopted as alphabetical signs.

But against these suppositions there is a most formidable array of facts. In the first place, the inscriptions at present known do not disclose the existence, for literary purposes, of so full an alphabet as that used in numeration. There is none in which both *F* and ϙ occur side by side

with both ψ and ω. (See the charts appended to Kirchhoff, *Zur Gesch. des Griech. Alph.* 3rd edit., 1877, and pp. 157–160 of the text. The transcript in Hicks, *Gr. Inscr.* No. 63, p. 117 *sqq.*, is misleading. The original in *Rhein. Mus.* 1871, p. 39 *sqq.*, contains neither η nor ω.) Secondly, the common alphabetic numerals do not appear on inscriptions proper (exclusive, that is, of coins and MSS. to be mentioned presently) before the 2nd century B.C., and, among these, only on the Asiatic. The oldest specimen is probably one of uncertain place (printed in *C. I. G.* vol. iv. pt. xxxix. No. 6819), which is assigned by E. Curtius to about 180 B.C. (Franz, *Epigr. Gr.* p. 349, cites, as oldest, one of Halicarnassus, *C. I. G.*, No. 2655, which Boeckh thinks to be little earlier than the Christian era.) A (not yet published) Rhodian inscription in the British Museum, assigned to about the same time, still uses the Herodianic signs. It should be added, also, that the earliest Asiatic inscriptions, which contain alphabetic numerals, arrange them generally with the lowest digit first, reversing the usual order (*e.g.* $\overline{\eta}\kappa$, $\overline{\zeta}\kappa$, &c. in No. 6819 above cited). It has already been mentioned that no Attic inscriptions before imperial times contain alphabetic numerals at all. (It is, no doubt, purely accidental that ϡ does not occur in any inscription: Franz, *Epigr. Gr.* p. 352.) It may be admitted that public inscriptions would be the last place into which a new system of numerals would force its way, but it is hardly likely that the Herodianic signs would have survived in public documents several centuries after the alphabetic had come into general use among merchants, &c. Thirdly, the earliest numerical or quasi-numerical use of the Greek alphabet, of which we can be quite sure, is not the same as that now in question. The tickets of the 10 panels of Athenian *heliastae* were marked with letters from α to κ, omitting ϛ. (Schol. to Ar. *Plut.* 277; Hicks, *Inscr.* No. 119, p. 202; Franz, *Epigr. Gr.* p. 349.) The books of Homer, as divided by Zenodotus, are headed with the 24 letters of the Ionic alphabet, omitting ϛ and ϙ. The books of the *Ethics*, *Politics*, and *Topics* of Aristotle are numbered in the same way; and that this division is ancient is evident from Alex. Aphrodisiensis, who (*in Metaph.* 9, 81 b, 25) quotes from ζ′ τῶν Νικομ. a series of definitions which are now found in the 6th book. It should be mentioned finally, to complete the perplexity of the subject, which, considering its importance, has been strangely neglected, that there is no evidence (it would, of course, be hard to find) of a time when a short alphabet was used as far as it would go, and the remaining hundreds were represented by double letters or Herodianic signs; nor any evidence of fluctuation in the value of the letters. Ϙ, for instance, might be expected to have sometimes its Semitic value 100, instead of 90, or Σ might occasionally represent 100, instead of Ρ.

The Greek inscriptions already collected are so numerous that the statements here made are not likely ever to want correction in any important detail. The fact, at present indisputable, to which they point, is that alphabetic numerals do not appear at all until long after ϛ and ϙ had disappeared from the literary alphabet, and that these letters are nevertheless used, and used in their right places, for numeration. The revival of these letters and of ϡ implies, under the circumstances, a degree of antiquarian learning such as cannot be attributed to the public at large. It looks like the work of some scholar, backed by the influence of paramount political authority. It will be conceded that Alexandria is the most likely place, in the first three centuries B.C., to find kings and scholars in co-operation, and to find some mutual influence of Greek and Semitic literary usages. It remains only to add, what has been reserved for this place, that by far the most ancient and certain evidence of alphabetic numeration comes from Egypt under the first Ptolemies. The oldest Graeco-Egyptian papyrus (at Leyden, No. 379: *v.* Robiou, quoting Lepsius, in *Acad. des Inscr. Suj. div.*, 1878, vol. 9), which is dated 257 B.C., contains the numerals $\kappa\theta'$ (=29). Still earlier evidence is furnished by coins, especially a great number of Tyrian coins of Ptol. II. Philadelphus, assigned to 266 B.C. (The κ on some coins of Ptol. I. Soter, and the double signs AA, BB, &c., on those of Arsinoë Philadelphi, are of doubtful signification.) From this time onwards the evidence of Ptolemaic coins and papyri is abundant. It is not unreasonable to suppose that the ordinary Greek alphabetic numeration was first used at Alexandria on coins, for which its brevity, its sole advantage, would make it especially useful. Jewish usage may have suggested it or been suggested by it; but, however that may be, Alexandrian commerce and the fame of Alexandrian learning would be sufficiently potent agencies to disseminate the new system throughout the Hellenic East.

Before proceeding to exhibit the Greek use of alphabetic numerals, it will be well here to mention briefly two facts, of some interest in themselves, which need not further concern us. Heilbronner, in his *Historia Matheseos* (pp. 735–737), cites from Hostus, who refers to Noviomagus, a system of numeral signs in which arms, as it were, are attached to a central line according to a fixed plan, which may best be exhibited by an example. ⌞ or ⌜ is 1, ⌜ or ⌝ is 10, ⌟ or ⌞ is 100, ⌝ or ⌟ is 1000, ⌶ is 1111 in the vertical form, and similarly for the other numbers: *e.g.* ⏃ is 7744, ⏄ is 7766, ⏅ is 9999. The work of Noviomagus has been at last identified by Friedlein (*Zahlz.* p. 12) as *De Numeris*, libri ii. (Cologne, 1539) book i. ch. 15. This style is said by Noviomagus to be used by "Chaldaei et astrologi." It was known to John of Basingstoke, who learnt it in Athens about 1240, and is described by Matthew Paris (*Chronica*, v. 285, ed. Luard). Secondly, Greek arithmetic has no cipher. The $\overline{0}$ which Delambre (*Astron. Anc.* i. p. 547, ii. pp. 14, 15) found in the Almagest is a contraction of οὐδέν, and occurs only in the measurements of angles which contain no degrees or no minutes. It stands, therefore, always alone, and is not used as a digit of a high number. The stroke which Otfried Müller found on an Athenian inscription, and which Boeckh thought to be a cipher, is clearly explained by Cantor as the ἰῶτα, the customary sign of 10. (See Cantor, *Math. Beitr.* p. 121 *sqq.*, and pl. 28; Nesselmann, p. 138, n. 25; Hultsch, *Scriptores Metrol. Graeci*, Vorrede,

pp. v., vi.; Friedlein, p. 82.) The numerical values attributed to each letter in the Greek alphabet are stated in every Greek grammar. Suffice it here to say that the letters α′—θ′, including ϛ′ for 6, represent the units, ι′—ϙ′ the tens, ρ′—ϡ′ the hundreds. For the thousands the alphabet recommences, but the stroke or acute accent which marks the numerical use of a letter is now placed in front of the letter, and rather below it, so that ,α—,θ represent 1000—9000. For 10,000 Μυ or Μ, the initial letter of *μύριοι*, was generally used on the Herodianic principle; and with multiples of 10,000 the co-efficient might be placed before, after, or over this Μ. If the co-efficient were placed first, the Μ was sometimes omitted and a dot substituted. Other devices appear in MSS., *e.g.* ,ι for 10,000, ,κ for 20,000 in Geminus, or ἀ, β̇, &c. (See Hultsch, *Metrol. Script. Reliq.*, vol. i. pp. 172, 173; and Ritschl, *op. cit.* p. 120; Nicomachus, ed. Hoche, Introd. p. x.) In the case of high numbers, accents were usually omitted and a stroke was drawn over all the component letters (cf. *C. I. A.*, vol. iii. Nos. 60 and 77, for the two styles); and as these were arranged in the modern order, with the highest on the left and the lowest on the right, the distinguishing mark of the thousands was also often omitted and the value of the letter was indicated by its place, *e.g.* $\overline{\beta\tau\epsilon}$ is 2305. The improved nomenclatures invented by Archimedes (in the *ψαμμίτης*) and Apollonius (exhibited by Pappus, *Math. Coll.*, bk. ii.) may have been originally accompanied by improved symbolisms, but no trace of them now remains.

The representation of fractions (*λεπτά*) in MSS. is also various, but the most common methods are either to write the denominator over the numerator, or to write the numerator once with one accent and the denominator twice with two accents, *e.g.* ι′ζ′ or $\overset{\kappa\alpha}{\iota\zeta}$ or ι′ζ′ κα″ κα″. Fractions of which the numerator is unity ("sub-multiples," as they are sometimes called) are the most common. With these the numerator is omitted and the denominator is written above the line, or is written once with two accents. (See for special details Nesselmann, pp. 112–115; Hultsch, *op. cit.*, vol. i. pp. 172–175; Friedlein, *Zahlzeichen*, pp. 13, 14.) Special signs for ½, ⊥ or ⊥, C′ and S, and for ⅔, ω″, are found. Brugsch (*Numerorum Demot. Doctr.*, Berlin, 1849, p. 31) gives, on the authority of Greek papyri, the signs / for addition, ⌒ for subtraction, and ⌒ for a total. (See the plate appended to Friedlein, *op. cit.*, and references there given.)

(b.) *Roman.*—(1.) *Finger-signs.* The later mode of representing numbers on the fingers seems to have been the same among the Romans as the Greeks. The best known reference is Juvenal, x. 248 (where see Prof. Mayor's note). The oldest is possibly Plautus, *Mil. Glor.* ii. 3, "dextera digitis rationem computat," but the meaning of this is not very clear. Pliny indeed (*H. N.* xxxiv. § 16) says that Numa set up a statue of Janus with the fingers so arranged as to represent 355, the number of days in a year (cf. Macrob. *Conviv. Sat.* i. 9).

(2.) *Pebble-signs.*—The Romans used at least two forms of abacus, one in which buttons (*claviculi*) moved in grooves (*alveoli*), another in which the stones were loose. A drawing of a very elaborate abacus of the first kind is given by Friedlein in *Zeitschr. f. Math. und Phys.*, 1864, vol. iv. pl. v. (cf. *Zahlz.* p. 22). It is capable of representing whole numbers up to 999,999, all fractions with 12 for denominator, and some others. It employs 45 buttons in 19 grooves. Seven vertical grooves at the bottom of the instrument contain four buttons each, those in the left-hand groove representing a million, the values descending towards the right down to the units. Opposite these grooves, at the top of the board, are seven smaller grooves, containing 1 button each, representing 5,000,000, 500,000, &c., down to 5. The eighth lower groove contains 5 buttons, each representing $\frac{1}{12}$; the eighth upper groove contains 1 button, representing $\frac{6}{12}$. Three grooves at the side contain a button for $\frac{1}{24}$ at the top, another for $\frac{1}{48}$ in the middle, and two for $\frac{2}{48}$ at the bottom of the board respectively. It is possible also that some *abaci* had balls moving on wires or strings, similar to those still used in schools. In these, of course, the lines would be held horizontally, and not vertically. The so-called Pythagorean abacus, with its accompanying *apices*, is not mentioned by any writer of classical times. The MSS. of the *Geometria*, attributed to Boethius, in which it is first described, cannot be considered earlier than the 11th century, and no trace of any such abacus appears elsewhere before the 9th century. It need not therefore be discussed in this article (*v.* Friedlein, *Zahlz.* pp. 22–27).

(3.) *Written characters.*—There are some signs that the Romans occasionally used their alphabet for numerical purposes; but the practice was neither general nor reduced to any fixed rule, and the dates of our authorities for it, where known, are all late. Some verses on the subject appear, with slight variations in several MSS. One version of them is given by Noviomagus in the work *De Numeris*, already mentioned (lib. i. cap. 10). It begins:—

> "Possidet A numeros *quingentos* ordine recto,
> Atque *trecentos* B per se retinere videtur.
> Non plus quam *centum* C litera fertur habere,
> Litera D velut A *quingentos* significabit," &c.

(See Friedlein, *Zahlz.* pp. 20, 21.) But it is unlikely that an alphabet so short and so capable of disturbance as the Roman certainly was, could ever have been used, in the Greek manner, for numerical purposes.

The ordinary Roman numerals are too well known, and are still in too common use, to require detailed exhibition. The well-known theory that 10 was represented by two strokes (X), 100 by three (⊏), and 1000 by four (M), and that V, L and ↳ or ⊐ are the halves of these signs (Nesselmann, pp. 89, 90; Key's *Latin Grammar*, § 251), has the advantage of symmetry, but does not account for the more ancient forms of these symbols. (See the plates appended to Friedlein, *op. cit.*, and Cantor, *Vorles. Math.*) The more common theories of recent times are that L, C, and M or ⅄ are corruptions of Ψ (the Chalcidian form of χ, written ⊥), Θ and Φ, while X is referred either to ⊗, the old form of Θ, or to the Greek X, so that all these signs would be adopted from the letters of the Greek alphabet, for which the Romans had no use.

(See Ritschl in *Rhein. Mus.* 1869, xxiv. p. 12; and Mommsen, *Unter It. Dial.* pp. 19–34; Roby, *Lat. Gram.* App. D, ii.; Friedlein, *op. cit.* p. 27.) The objections to this theory are, of course, that the proposed letters are not used in their Greek order, and that the Romans and Etruscans used, in conjunction with these very signs, a wholly peculiar mode of representing intervening numbers. Such forms as IX, XL, XC, are so original, as to suggest the originality also of the signs of which they are compounded. (Still stranger forms, as XIIX for 18, are also found: Friedlein, p. 32; Corssen, *Etrusker*, i. 39–41.)

A few of the more uncommon Roman numerals should be here mentioned. The sign for 1000 being ↀ (not M till post-Augustan times: Mommsen, *op. cit.* p. 30), that for 10,000 was (ↀ), and that for 100,000 ((ↀ)); but the ordinary sign for a million was ⊠, and any higher multiple of 100,000 was similarly enclosed with side and top lines. But the repetition of ↀ and the other signs above given being found cumbrous, it was usual, with intervening multiples of 1000, to write the coefficient with a stroke over it, or with *milia*, or merely M appended, *e.g.* $\overline{\text{XII}}$DC, or XII *milia* DC or XIIMDC. (Cf. Friedlein, *Zahlz.* pp. 28–31, where the forms attributed to Pliny are specially discussed; and Marquardt, *Röm. Alt.* iii. 2, p. 32, and v. 1, p. 98, notes 161 and 522.) Other forms are found, but it is to be remembered that MSS. are not safe guides to the usages of classical times. The form ↅ for 6, for instance, is not uncommon in MSS., but is not attested by any coins or inscriptions older than the 6th century. (Friedlein, p. 33).

The fractions generally used by the Romans were the divisions of the *as* and *uncia*. It should be remembered that the *as* was, for all purposes, the type of unity. Thus Balbus (*ad* Celsum *de Asse*, 1) says, "Quidquid unum est, assem ratiocinatores vocant" (cf. Marquardt, iii. 2, pp. 42–44), and the fractions of the *as* are applied to divisions of any kind of magnitude. Livy (v. 24, 5) has "terna jugera et septunces" and (vi. 16, 6) "bina jugera et semisses agri." Columella and the *gromatici* (ed. Lachmann, &c., Berlin, 1848) use the same terms for divisions of time or length. (Cf. Varro, *de R. R.* i. 10; Friedlein, pp. 34, 35; Roby, *Lat. Gram.* i. App. D, vi.–xiii.) The names of the divisions of the *as* from *deunx* to *uncia*, i.e. from $\frac{11}{12}$ to $\frac{1}{12}$, are set out below in the Appendix, Table XIII. Those of the *uncia* are given in Table XIV. It may be mentioned, however, in this place that *scrupulum* is also very often called *scrupulus* and *scriptulum*, and that the book *De Asse* of the 3rd century gives, besides *duella*, the unusual fractions *drachma* ($\frac{1}{8}$), *tremissis* ($\frac{1}{16}$), and the name *hemisescla* for *semisextula* or *dimidia sextula* (Friedlein, p. 41). Other fractions were, of course, expressible (e.g. *quattuor septimae*, sc. *partes*, &c.), and after the time of Constantine new terms appear as translations of Greek or adaptations of older Roman names (e.g. *superdimidius*, *supertertius*, &c., for *ἡμιόλιος*, *ἐπίτριτος*, &c.: Friedlein, pp. 41–43, 97, 98), but the divisions of the *as* and *uncia* given in the Appendices are the only fractions for which special signs are found. The signs from *uncia* to *quincunx* are merely arrangements of horizontal strokes or dots, as ·, :, ⁖, ⁘, ⁙. *Semis* is represented by S, and from this to *deunx* the signs are S, with those for *uncia*, &c., added to the right of it. Then *as* is an upright stroke I. The signs below *uncia* are usually *semuncia*, ⊢ or ∈ or ∨, *sicilicus* Ↄ, *sextula* ∖, ↄ or 2, *dimidia sextula* ⋿ or χ, *scriptulum* ⊣ or ⋕. (Cf. Bede, *De Ratione Assis*, Opera, Basileae, i. col. 182.) Much fuller tables are given in Friedlein, plates 13–15, and the forms applicable to divisions of the *denarius* are set out in Roby, *Lat. Gram.* i., App. D, viii. It is possible in this place only to mention the most common and interesting facts and to refer to the authorities who treat the subject in detail. The reader cannot expect here an adequate commentary on Frontinus or Victorius. (*Vide*, beside the references already given, Hankel, *Zur Gesch. der Math.* pp. 56–63; Cantor, *Vorles.* p. 445.)

II. Calculation.

It has been already remarked that finger-signs are of no practical assistance to calculation save as a mode of representing a sum, difference, product, &c., and so relieving the memory to some extent in the processes of mental arithmetic. The actual work of calculation was done with the *abacus* or with written signs. Addition and subtraction were always done with the former. So also were multiplications and divisions, where the multiplier or divisor was a low number, but as a general rule multiplication was done with written signs, and division by both methods together. The schemes of addition and subtraction set out by Nesselmann (p. 119) are without authority, and it is to be remarked that it was in multiplication only that the ancients approached at all nearly to the modern facility of using written signs (cf. Friedlein, pp. 26 and 74).

(a.) *Greek.*—Addition (*σύνθεσις*) and subtraction (*ἀφαίρεσις*) seem to have involved generally some mental arithmetic, for apparently on the ordinary *abaci* only one number of several digits could be represented at a time. The practice probably was to set out one of two numbers to be added, to add the other mentally and set out the sum (*κεφάλαιον*), removing or adding to the *ψῆφοι* previously arranged as the calculation progressed. (This perhaps is what Herodotus alludes to in ii. 36.) Some *abaci*, however, notably the Salaminian table (see Cantor, *Vorles.* i. pp. 111, 112), have two sets of columns at opposite ends of the board. It is supposed by Cantor that these columns were used by two different persons—a banker, for instance, and his customer; but it may also be suggested that the two sets are intended for the representation of two numbers in an addition or subtraction. Multiplication was sometimes effected by repeated additions (cf. Lucian, *Ἑρμότιμος*, 48); but the process, even where the multiplier is low, is very cumbersome when the multiplicand is high, and some sort of a multiplication table must early have been compiled. The fullest specimens of Greek arithmetic which we possess are a great number of multiplications set out by Eutocius of Ascalon in his notes to Archimedes (*Circ. Dimens.*, Torelli's ed., pp. 208

sqq.). One of these, which is rendered in modern figures by Nesselmann (p. 118), and with some improvements by Friedlein (p. 76), may be here given. It is the more interesting because it involves fractions. (The letter *k* is used here instead of the Greek sign for $\frac{1}{2}$.) The modern figures are given at the side.

,γιγ k δ′	3013 ½ ¼
,γιγ k δ′	3013 ½ ¼
ϡ γ M M,θ ,αφ ψν.	9000000, 39000, 1500, 750.
γ M ρλ ϵ βk	30000, 130, 5, 2½.
,θ λθ ăk kδ′	9000, 39, 1½, ½, ¼.
,αφ φk δ′ η′	1500, 6½ ¼ ⅛
ψν γδ′ η′ ις′	750, 3¼, ⅛, 1/16.
ϡη M ,βχπθ ις′.	9082689 1/16.

(Cf. also Delambre, *Astr. Anc.* vol. ii. ch. 1.) The reader sees that the process begins by taking the highest multiple of 10 in the multiplier and multiplying therewith all the digits of the multiplicand, beginning on the left. The second digit of the multiplier is then taken, and so on. The treatment of the fractions should be observed. Two other very interesting examples, taken from Heron's *Geometica* (ed. Hultsch, pp. 81 and 110), are also given by Friedlein (p. 77). In the first of these the process involves the multiplication of $\frac{63}{64}$ by $\frac{3}{64}$. The product is given in the form $\frac{126}{64}\cdot\frac{1}{64}$, reduced to $\frac{1}{64}+\frac{62}{64}\cdot\frac{1}{64}$, and is there left. (*καὶ ξγ′ξδ″ξδ″ τῶν δύο ξδ″ξδ″ ρκϛ′ξδ″ξδ″ τῶν ξδ″ξδ″, γινόμενα καὶ ταῦτα ἑξηκοστοτέταρτον α′ καὶ ξβ′ξδ″ξδ″ τῶν ξδ″ξδ″.*)

The nearest approach to modern multiplication with Indian numerals is made by Apollonius, according to the extracts preserved by Pappus in his 2nd Book above mentioned. Apollonius recommends that with all multiples of 10 the co-efficients alone (*πυθμένες*) should be multiplied first, and the tens or powers of ten multiplied afterwards. But this method, as we have said, does not seem to have been accompanied by a new symbolism, and is strictly confined to multiples of 10, with no added units. It was accompanied by a new nomenclature, similar to that of Archimedes, according to which numbers from 1–9999 belonged to the first group (*μυριάδες ἁπλαῖ*), 10,000–9999,9999 to the second group (*μυριάδες διπλαῖ*), and so on, so that a certain simplicity of description was gained; *e.g.* 1,0001,0001 would be described as *α* of the third group + *α* of the second + *α* of the first (cf. Nesselm. p. 127, and Papp. ii. 27). But the invention seems, like that of Archimedes, to have been sportive chiefly, and is certainly illustrated only by the multiplication of the numbers symbolised by all the letters in the two lines—

Ἀρτέμιδος κλεῖτε κράτος ἔξοχον, ἐννέα κοῦραι

and

Μῆνιν ἄειδε θεὰ Δημήτερος ἀγλαοκάρπου.

Eutocius, however (*ad* Arch. *Circ. Dim.* loc. cit.), speaks of the *ὠκυτόκιον* of Apollonius (MSS. *ὠκυτόβοον*: the emendation was originally Halley's) as a great aid to multiplication. This was possibly a "ready reckoner," or table of calculated products. It is difficult to see how, as Cantor suggests (*Vorles.* pp. 298, 387), it can have been connected with the new classification of numbers described by Pappus (cf. Nesselmann, pp. 126–135).

No example of the division of whole numbers occurs with the working-out in any Greek author. It is obvious, however, from the expressions used and the mode in which remainders are stated, that the practice was to take a multiple of the divisor and subtract it from the dividend; then take another multiple of the divisor and subtract it from the first remainder, and so on until the last remainder was less than the divisor. The series of quotients was then added together, and the fractional remainder, if any, was separated into a series of "sub-multiples" or fractions with unity for numerator. Thus Heron (*Geom.* ed. Hultsch, p. 56), dividing 25 by 13, sets out the quotient as $1+\frac{1}{2}+\frac{1}{3}+\frac{1}{13}+\frac{1}{78}$. No name for "quotient" is found. The customary Greek expression for the result of a division was that the divisorth part of the dividend was so and so (Friedlein, p. 79). The theory of the extraction of square roots is exhibited geometrically by Theon in his commentary to the first book of the Almagest (ed. Halma, 1821: *vide* also Cantor, *Vorles.* p. 420; Nesselmann, pp. 108–110; Friedlein, p. 84). The practice, however, as has been said above under the article ARITHMETICA (*q. v.*), was probably rough and empirical. The theory of finding a G. C. M. or a L. C. M. is exhibited in Euclid, vii. 2, 3, and 36, 38. Compound divisions, in which the divisor and dividend contain degrees, minutes and seconds, are given by Theon in his commentary to Ptolemy before mentioned. (Nesselmann, pp. 142–144.) The following example is selected by Friedlein (p. 83):—1515° 20′ 15″ is to be divided by 25° 12′ 10″. The first quotient 60 is found by trial. Then $60\cdot25°=1500°$. $1515°-1500°=15°=900'$: $900'+20'=920'$: $60\cdot12'=720'$: $920'-720'=200'$: $60\cdot10''=10'$. $200'\ 15''-10'=190'\ 15''$. The next quotient is 7′. Then $25°\cdot7'=175'$, $190'-175'=15'=900''$: $900''+15''=915''$: $12'\cdot7'=84''$. $915''-84''=831''$: $10''\cdot7'=70'''=1''\ 10'''$: $831''-1''\ 10'''=829''\ 50'''$. The last quotient 33″ is a little too high, but is adopted by Theon as near enough for his purpose. The mode of multiplication and subtraction need not be further exhibited. The final quotient is 60° 7′ 33″.

No method of extracting cube-roots is mentioned in any Greek writer, and such an operation would, in any case, belong more to *ἀριθμητικὴ* than to *λογιστικὴ*.

(b.) *Roman.*—Of the methods of calculation in use among the Romans even less is known than the little which is discoverable of Greek *logistic*. What is certain is that the Roman *abacus* was adapted to higher needs than the Greek, and that it was used in very complicated calculations (cf. Columella, *de Re Rust.* iii. p. 115; Friedlein, *Zahlz.* pp. 88–90, and plate 21 shows the use of the *abacus* above described for various purposes of elementary calculation). The *Calculus* of Victorius, written in the 5th century of our era, is a ready-reckoner of sums,

differences, products, quotients, and reductions of extraordinary fulness (*v.* Friedlein, pp. 93 *sqq.*, and Appendix). The existence of such a book, which provides answers to questions of great simplicity as well as to the more difficult, seems to show that the Romans were not more adept at arithmetic than the Greeks. The passages of Roman writers which refer incidentally to calculations, deal almost entirely with fractions. We may guess from Horace (*A. P.* 327–330) how long a time was spent in schools in learning by heart the divisions of the *as* and the differences between them. We may gather from Pliny (*H. N.* vi. § 38) how inexact the treatment of fractions was, and yet how difficult were the problems attempted. This latter passage is very neatly explained by Friedlein (p. 90), whose note may be here given. Europe, says Pliny, is rather less than $1\frac{1}{2}$ of Asia and $2\frac{1}{6}$ of Africa. It follows that ("si misceantur omnes summae") Europe is rather more than $\frac{1}{3}+\frac{1}{8}$, Asia $\frac{1}{4}+\frac{1}{16}$ (reading *sexta decima* for *quarta decima*), Africa $\frac{1}{5}+\frac{1}{60}$, of the whole earth. If T be the earth, E Europe, *As* Asia, and *Af* Africa, then $T = E + As + Af$. $As = \frac{3}{8}E$. $Af = \frac{6}{13}E$: therefore $T = (1+\frac{3}{8}+\frac{6}{13})E = (\frac{5}{8}+\frac{6}{13})E = \frac{83}{39}E$. Therefore $E = \frac{39}{83}T = \frac{117}{83\cdot3} = \frac{83}{83\cdot3}+\frac{34}{83\cdot3}$ = almost $\frac{1}{3}+\frac{1}{3}$, &c. It will be observed that the mode of treating the fractions is exactly similar to the Greek. The treatment of divisions of the *as* and other monetary fractions is, of course, far simpler, because here both numerators and denominators are strictly limited, and the terms themselves suggest by their definition the mode of calculating with them. Similarly any English boy, in dealing with pounds, shillings, and pence, soon perceives that the admissible fractions of a pound are limited to $\frac{19}{20}$ or $\frac{239}{240}$, of a shilling to $\frac{11}{12}$. The methods of arithmetic in use in the Roman empire from the time of Boethius to that of Planudes are exhaustively discussed by Friedlein in the work *Zahlzeichen, etc. der Griechen und Römer und des Christlichen Abendlandes vom 7. bis 13. Jahrhundert*, of which frequent use has been made in this article. But these methods cannot be said to belong to classical antiquity; and, if they did, they could not be conveniently summarised in this place. We have attempted here no more than to give such facts with regard to Greek and Roman arithmetic as are of importance to the interpretation of the authors most generally read, to the criticism of inscriptions, or to a due conception of ancient life and manners. [J. G.]

LOGO'GRAPHI (λογογράφοι) is a name applied by the Greeks to two distinct classes of persons.

1. To the earlier Greek historians previous to Herodotus, though Thucydides (i. 21) applies the name logographer to all historians previous to himself, and thus includes Herodotus among the number. The Ionians were the first of the Greeks who cultivated history; and the first logographer, who lived about Olymp. 60, was Cadmus, a native of Miletus, who wrote a history of the foundation of his native city. The characteristic feature of all the logographers previous to Herodotus is, that they seem to have aimed more at amusing their hearers or readers than at imparting accurate historical knowledge. They wrote in the unperiodic style called λέξις εἰρομένη. They described in prose the mythological subjects and traditions which had previously been treated of by the epic and especially by the cyclic poets. The omissions in the narratives of their predecessors were probably filled up by traditions derived from other quarters, in order to produce, at least in form, a connected history. In many cases they were mere collections of local and genealogical traditions. (Thirlwall, *Hist. of Greece*, ii. p. 127, &c.; Müller, *Hist. of Greek Lit.* i. p. 206, &c.; Wachsmuth, *Hellen. Alterth.* ii. 2, p. 443; Curtius, *Hist. of Greece*, translated by Ward, ii. p. 499.)

2. To persons who wrote judicial speeches or pleadings and sold them to those who were in want of them. These persons were called λογοποιοί as well as λογογράφοι. Antiphon, the orator, was the first who practised this art at Athens, towards the close of the Peloponnesian war (Plut. *Vit. Dec. Orat.* p. 832; Aristot. *Rhet.* i. 33). After this time the custom of making and selling speeches became very general; and though the persons who practised it were not very highly thought of and regarded as pedants (Demosth. *de Fals. Leg.* pp. 417, 420, where see Shilleto's note; Plat. *Phaedr.* p. 257 C; Anaxim. *Rhet.* xxxvi. 22 and 24; compare Plat. *Euthydem.* p. 272 A, 289 D, 305 A), yet we find that orators of great merit did not scruple to write speeches of various kinds for other persons. Thus Lysias wrote for others numerous λόγους εἰς δικαστήρια τε καὶ βουλὰς καὶ πρὸς ἐκκλησίας εὐθέτους, and besides πανηγυρικούς, ἐρωτικούς, and ἐπιστολικούς. (Dionys. Hal. *Lys.* i. 3; compare *Att. Proc.* p. 707 = 919 Lipsius; Jebb's *Attic Orators*, i. 3.) [L. S.]

LOIDO'RIAS DIKĒ (λοιδορίας δίκη). [KAKEGORIAS DIKĒ.]

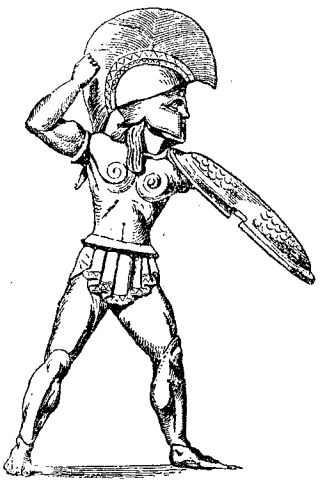
LONCHĒ (λόγχη). [HASTA.]

LOPHOS (λόφος). [GALEA.]

LORA'RII. [FLAGRUM.]

LORI'CA (θώραξ), a cuirass. The epithet λινοθώρηξ applied to two light-armed warriors in the Iliad (ii. 529, 830), although it occurs in the comparatively late catalogue of the Ships, indicates the early use of the linen cuirass. But with the exception of the passages quoted, all allusions to the cuirass in Homer imply a defence of rigid metal; for it is certainly wrong to suppose that the στρεπτὸς χιτὼν of the Iliad (v. 113, xxi. 31) is a hauberk of twisted mail, or that χαλκοχίτων is more than a poetical epithet. The Homeric cuirass was usually of bronze (but cf. *Il.* xi. 19–28; xxiii. 561). As regards the parts of the body protected, it covered the γαστέρα μέσσην (*Il.* xiii. 371, 397, 506), but there is no proof that it reached lower than this. It consisted of the two γύαλα, viz. the breastplate (*pectorale*), which covered the breast and abdomen, and the corresponding plate which covered the back (Paus. x. 26, 2; *Il.* v. 99, xv. 530). In Homeric times the γύαλα cannot have been made to fit very closely to the body, for a warrior might have his cuirass pierced and yet escape unwounded (*Il.* iii. 360; vii. 254). The Homeric body-armour consisted of the θώραξ, ζωστήρ, ζῶμα, and μίτρη. There is some uncertainty as to the respective functions of these different pieces. It seems probable that the annexed woodcut of a bronze statuette of a Greek warrior found at Dodona (*Arch. Zeit.* 1882, pl. 1) shows the form of the thorax. It

is clear that at the point of junction the ζωστὴρ was upon the thorax, and the thorax upon the

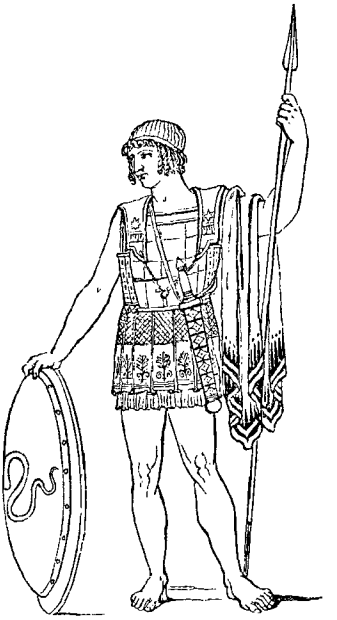


Ancient Lorica as worn by a Greek warrior. (From bronze statuette found at Dodona.)

μίτρη (*Il.* iv. 132, 185). Probably the ζωστὴρ was a girdle round the lower part of the thorax, helping to keep the two γύαλα together, and itself kept in position by the projecting rim at the bottom of the thorax, which was the ζῶμα. It is plain from a comparison of *Il.* iv. 136 and 187 that the ζῶμα was a part of the thorax. The μίτρη was perhaps a metal band, protecting the lower part of the abdomen, its upper edges lying beneath the projecting rim of the thorax. Such bands have been found in very early tombs in Euboea and Italy (Helbig, *Das Homerische Epos aus dem Denkmälern erläutert*, p. 199, fig. 67). Specimens are in the British Museum. (On the whole question of Homeric body-armour, see Helbig, *loc. cit.* p. 197; W. Leaf, *Journ. of Hellen. Studies*, iv. p. 73; and Leaf's *Homer*, *Il.* iv. 137). A remarkable fragment of a thorax, apparently of the early form, has incised designs of an archaic character, with human figures, animals, and conventional patterns (*Bull. de Correspondance hellénique*, vii. pll. i.–iii.).

In historical times the rigid thorax (θώραξ στάδιος or στατός, so called because, when placed upon the ground on its lower edge, it stood erect) was developed as follows. The projecting rim at the bottom of the thorax disappeared. The lower part was prolonged in the middle to protect the abdomen. (For an early example of such a prolongation, see Froehner, *Choix de Vases Grecs*, pl. iii. See also below the woodcut of a Roman emperor.) Round the lower edges of the thorax a series of flaps was attached, consisting of leather or felt covered with metal, and serving to protect the hips and groin, while not interfering with the wearer's freedom of movement. They are well shown in the following woodcut of a figure of a young warrior from one of Mr. Hope's fictile vases (*Costumes of the Ancients*, i. 102).

Instead of the straps here described, which the Greeks called πτέρυγες (Xen. *de Re Equest.* xii. 4), the Chalybes, who were encountered by Xenophon on his retreat (*Anab.* iv. 7, § 15), had in the same situation a kind of cordage.



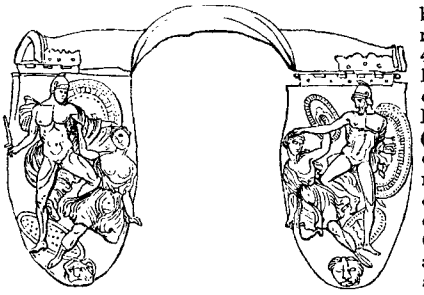
Lorica as worn by a Greek warrior. (From a vase.)

Appendages of a similar kind were sometimes fastened by hinges to the lorica at the right shoulder, for the purpose of protecting the part of the body which was exposed by lifting up the arm in throwing the spear or using the sword. (Xen. *de Re Equest.* xii. 6.) Other straps were sometimes attached round the holes for the arms, thus serving as short sleeves (cf. *Alt. von Pergamon*, ii., Atlas, pl. xlvii. fig. 2).

The γύαλα were modelled so as to fit accurately to the form of the body, as may be seen in the representations of them in the woodcuts at Vol. I. pp. 189, 284. It appears (Xen. *Memorabilia*, iii. 10) that great pains were taken to secure that the thorax should fit the individual wearer. The two plates were united on the right side of the body by two hinges, as seen in the equestrian statue of the younger Balbus at Naples, and in various portions of bronze cuirasses still in existence. On the other side, and sometimes on both sides, they were fastened by means of buckles (περόναι, Paus. *l. c.*). [FIBULA.] In Roman statues we often observe a band surrounding the waist and tied before. The breast-plate and the back-plate were further connected together by leathern straps passing over the shoulders, and fastened in front by means of buttons or of ribands tied in a bow. In the above woodcut both of the connecting ribands are tied to a ring over the navel. The breast-plate of Caligula (see woodcut below) has a ring over each breast, designed to fulfil the same purpose.

Bands of metal often supplied the place of the leathern straps, or else covered them so as to become very ornamental, being terminated by a lion's head, or some other suitable figure ap-

pearing on each side of the breast. The most beautiful specimens of enriched bronze shoulder-bands now in existence are those which are reported to have been found A.D. 1820, near the river Siris in S. Italy, and which are preserved in the British Museum. They were originally gilt, and represent in very salient relief two Greek heroes combating two Amazons. They are seven inches in length, and belong to the description of bronzes called ἔργα σφυρήλατα, having been beaten into form with wonderful skill by the hammer. Brönsted (*Bronzes of Siris*, London, 1836) has illustrated the purpose which they served, by showing them in connexion with a portion of another lorica, which lay upon the shoulders behind the neck. This fragment was found in Greece. Its hinges are sufficiently preserved to show most distinctly the manner in which the shoulder-bands were fastened to them (see woodcut).



Lorica. (British Museum.)

The form and appearance of the thorax as worn by Roman generals and emperors is shown in the annexed woodcut, which is taken from a marble statue of Caligula found at Gabii (Visconti, *Mon. Gab.* No. 38). The gorgon's head over the breast, and the two griffins underneath it, illustrate the style of ornament which was common in the same circumstances (Mart. vii. 1, 1–4. A classified table of the designs that occur on imperial cuirasses is given by Wroth, *Journal of Hellen. Studies*, vii. p. 128). [AEGIS.] The execution of these ornaments in relief was more especially the work of the Corinthians (Cic. *Verr.* iv. 44, 132).

Lorica as worn by a Roman emperor. (Statue of Caligula found at Gabii.)

Of Grecian cuirasses the Attic were accounted the best and most beautiful (Aelian, *V. H.* iii. 24). The cuirass was worn by the heavy-armed infantry and by the horsemen, except that Alexander the Great is reported to have given to the less brave of his soldiers breast-plates only, in order that the defenceless state of their backs might diminish their propensity to flight (Polyaen. iv. 3, 13). These were called half-cuirasses (ἡμιθωράκια).

The rigid cuirasses which have now been described were sometimes found to be very oppressive and cumbersome (cf. Tac. *Ann.* i. 64), and various forms of flexible cuirasses were devised, which could adapt themselves better to the movements of the body.

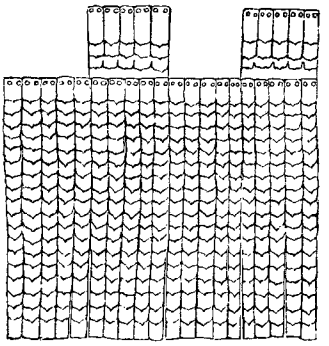
In Homer (*vide supra*) the only indication of a flexible cuirass is contained in the epithet λινοθώρηξ applied to two light-armed warriors, the Locrian Ajax and the Mysian Amphios.

In later times the linen cuirass continued to be worn, principally amongst the Oriental nations, especially the Persians (Xen. *Cyrop.* vi. 4, § 2; Plut. *Alex.* p. 1254, ed. Steph.), the Egyptians (Herod. ii. 182, iii. 47,—description of the famous linen cuirasses of Amasis), the Phoenicians (Paus. vi. 19, § 4), and the Chalybes (Xen. *Anab.* iv. 7, § 15). One of the inventories of the Parthenon contains the (conjecturally restored) entry of thirteen θώρακες λινοῖ καὶ φολιδωτοί (*C. I. A.* ii. 731, l. 25). Iphicrates endeavoured to restore the use of it among the Greeks (Nepos, *Iphicr.* i. 4), and it was occasionally adopted by the Romans, though considered a much less effectual defence than a cuirass of metal (Sueton. *Galba*, 19; Arrian, *Tact.* p. 14, ed. Blancardi).

A much stronger material for cuirasses was horn, which was applied to this use more especially by the Sarmatae and Quadi, being cut into small pieces, which were planed and polished and fastened, like feathers, upon linen shirts (Amm. Marcell. xvii. 12, ed. Wagner). Hoofs were employed for the same purpose. Pausanias (i. 21, § 8) having made mention of a thorax preserved in the temple of Aesculapius at Athens, gives the following account of the Sarmatians: Having vast herds of horses, which they sometimes kill for food or for sacrifice, they collect their hoofs, cleanse and divide them, and shape them like the scales (φολίδες) of a serpent, or the petals of a fir-cone. They then bore holes in the scales and sew them together, so as to produce a cuirass, inferior neither in elegance nor in strength to those of Greek workmanship. This author adds that the loricae made of these horny scales are superior to linen cuirasses, which are useful to hunters, as a protection against the bites of wild beasts, but are not adapted for fighting. The woodcut on page 80, taken from Meyrick's *Critical Inquiry into Ancient Armour* (plate iii.), exhibits an Asiatic cuirass exactly corresponding to this description. It consists of slices of some animal's hoof, which are stitched together, overlapping each other in perpendicular rows, without being fastened to any under-garment. The projection nearest the middle must be supposed to have been worn over the breast, and the other over the back, so as to leave two vacant spaces for the arms.

This invention no doubt preceded the metallic

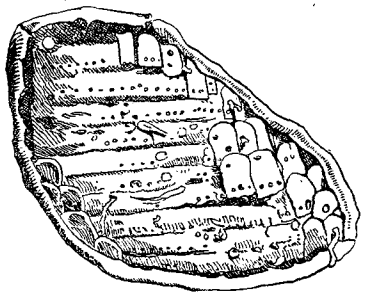
scale armour. The Rhoxalani, a tribe allied to the Sarmatians, defended themselves by wearing



Lorica of horn. (Meyrick.)

a dress consisting of thin plates of iron and hard leather (Tac. *Hist.* i. 79). The Persians wore a tunic of the same description, the scales being sometimes of gold (Herod. vii. 61; *θώρηκα χρύσεον λεπιδωτόν*, ix. 22); but they were commonly of bronze (*thoraca indutus aënis squamis*, Verg. *Aen.* xi. 487). The basis of the cuirass was sometimes a skin, or a piece of strong linen to which the metallic scales, or "feathers," as they are also called, were sewed (Verg. *Aen.* xi. 770; Serv. *in loc.*; Justin, xli. 2, 10).

The New Museum at Oxford contains a remarkable specimen from Kertch of a piece of a *θώραξ λεπιδωτός*: the scales of bronze are fastened by leather thongs to a lining of hide. (See woodcut from *Journ. of Hellen. Studies*, pl. xvii. fig. 3.)



θώραξ λεπιδωτός. (From Kertch.)

An armed horseman, on the frieze of the west side of the Parthenon, wears an interesting combination of a *θώραξ στάδιος* and *λεπιδωτός*. On the breast and on the back are metal plates (handsomely ornamented), which are joined together at the sides by scale armour.

The epithet *λεπιδωτός*, as applied to a thorax, is opposed to the epithet *φολιδωτός* (Arrian, *Tact.* p. 13, 14). The former denotes a similitude to the scales of fish (*λεπίδες*), the latter to the scales of serpents (*φολίδες*). The resemblance to the scales of serpents, which are long and narrow, is exhibited on the shoulders of the Roman soldier in the woodcut at Vol. I. p. 190. These scales were imitated by long flexible bands of metal, made to fold one over another according to the contraction of the body. There is a specimen in the New Museum at Oxford of this armour in bronze, from Kertch. The bands

θώραξ στάδιος and *λεπιδωτός*, combined. (From the Parthenon.)

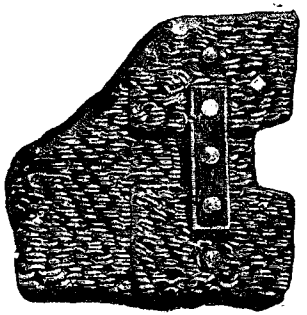
are riveted together by bronze wire, and fastened upon a lining of tough hide, which is still in a wonderfully good state of preservation. (*Journ. of Hellen. Studies*, pl. xlvi. fig. 1: cf. *Compte-rendu de la Comm. Imp. Arch.* 1876, pl. ii. figs. 11, 12, 20.) They appear very frequently on the Roman monuments of the times of the emperors, and the following woodcut places in immediate contrast a *θώραξ λεπιδωτὸς* on the right and *φολιδωτὸς* on the left, both taken from Bartoli's *Arcus Triumphales*.

θώραξ φολιδωτός. *θώραξ λεπιδωτός*.
(Bartoli, *Arcus Triumphales*.)

A lighter and more inexpensive thorax of leather without metal additions was introduced at an early period (cf. *e.g.* the archers on the pediments of the temple at Aegina), and was known as the *σπολάς* (Poll. vii. 70).

The hauberk or habergeon of chain-mail (*ἁλυσιδωτοὺς θώρακας*, Polyb. vi. 21; Athen. v. 22; Arrian, *l. c.*), which was worn by the Roman hastati, was also a characteristic weapon of the Gauls (Varro, *L. L.* v. 116; Poseidonius *ap.* Diod. v. 30). Examples occur on the reliefs of Gaulish trophies from the temple of Athena Polias at Pergamon (*Alt. von Pergamon*, ii.

Atlas, pl. xliv. fig. 1, pl. xlvi. fig. 2, pl. xlix. fig. 4 = woodcut). The cuirass of chain-mail



Lorica of chain-mail. (Temple of Athena Polias at Pergamon.)

appears to have been nearly the same shape as that of horn, engraved above. The two sides are joined, and the projecting pieces are brought one over each shoulder, and are fastened by the bar upon the breast. The whole is made of thick wire twisted in an elaborate pattern. Virgil several times mentions hauberks in which the rings, linked or hooked into one another, were of gold ("loricam consertam hamis, auroque trilicem," Verg. *Aen.* iii. 467; v. 259; vii. 639). According to Val. Flaccus (*Argon.* vi. 232), the Sarmatae covered both themselves and their horses with chain-mail. [J. Y.] [A. H. S.]

LORI'CA, LORICA'TIO, in architecture. [MURUS; TECTORIUM OPUS.]

LOUTRON (λουτρόν). [BALNEAE.]

LUCAR was the money paid from the state treasury to those who presided over the ludi scenici, as the state contribution towards the expenses (*τὸ τελούμενον εἰς θέας*, Plut. *Q. R.* 88). It seems originally to have been the money derived from *luci*, or sacred groves (Fest. s. vv. *lucar* and *pecunia;* Plut. *l. c.*); but, being paid into the public treasury and devoted to the expenses of the ludi, it bears regularly this acquired meaning of money devoted to payment of actors especially and other expenses of the games. In Tac. *Ann.* i. 77, it is stated that decrees were made under Tiberius to remove certain abuses relating to theatrical shows, and among them to limit the payments from the treasury ("de modo lucaris"); with which corresponds Suet. *Tib.* 34, "Ludorum ac munerum impensas arripuit mercedibus scenicorum recisis." The holder of the games (*e.g.* the praetor, Plut. *Brut.* 21; Juv. vi. 379) paid the *mercedes* to actors and the other expenses which were incurred; but towards this he received the *lucar* from the state. As a mark of liberality he might forego this aid. Thus in the inscription Orell. 3882 a certain Marius Lupercianus "in ludos cum accepisset publice lucari misso de suo erogationem fecit." According to a regulation of Servius Tullius at each death (partly with the object of securing a register of deaths), a piece of money had to be presented to the goddess Libitina (Dionys. iv. 15). This money was called *lucar Libitinae* (Orell. 3349). Hence in Horace, *Sat.* ii. 5, 19, autumn is called "Libitinae quaestus:" so in Suet. *Ner.* 39, "pestilentia unius autumni quo triginta funerum millia *in rationem Libitinae venerunt.*" (Preller, *Röm. Myth.* 387; Marquardt, *Staatsverw.* iii. 488; Mommsen, *Staatsrecht*, ii. 61.) [LUDI, p. 87.] [G. E. M.]

LU'CERES. [PATRICII.]

LUCERNA (λύχνος), an oil lamp. The Greeks and Romans originally used candles; but in later times candles were chiefly confined to the houses of the lower classes. [CANDELA.] A great number of ancient lamps has come down to us; the greater part of which are made of terra-cotta (*τροχήλατοι*, Aristoph. *Eccl.* 1), but also a considerable number of bronze. Most of the lamps are of an oval form, and flat upon the top, on which there are frequently figures in relief. (See the woodcuts, Vol. I. pp. 211, 619.) In the lamps there are one or more round holes according to the number of wicks (*ellychnia*) burnt in it; and as these holes were called from an obvious analogy, *μυκτῆρες* or *μύξαι*, literally nostrils or nozzles, the lamp was also called *Monomyxos*, *Dimyxos* or *bilychnis*, *Trimyxos*, or *Polymyxos*, according as it contained one, two, three, or a greater number of nozzles or holes for the wicks; and there is besides the central hole for pouring in the oil, usually covered with a lid. The following example of a *dimyxos lucerna*, upon which there is a winged boy with a goose, is taken from the *Museo Borbonico*, vol. iv. pl. 14.

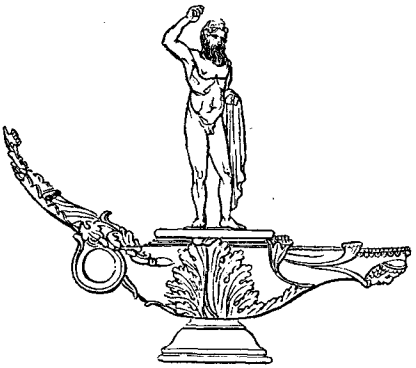
Lucerna. (*Mus. Borb.* iv. pl. 14.)

For the polymyxos cf. Mart. xiv. 41:

"Illustrem cum tota meis convivia flammis,
Totque geram myxas, una lucerna vocor;"

and see the woodcut Vol. I. p. 331.

The next woodcut, taken from the same work (vol. i. pl. 10), represents one of the most beautiful bronze lamps which has yet been found. Upon it is the figure of a standing Silenus.



Lucerna. (*Mus. Borb.* i. pl. 10.)

The lamps sometimes hung in chains from the ceiling of the room (Verg. *Aen.* i. 726; Petron. 30; Stat. *Theb.* i. 521), but generally stood upon

a stand. [CANDELABRUM.] Sometimes a figure holds the lamp, as in the annexed woodcut (*Museo Borbon.* vol. vii. pl. 15), which also exhibits the needle or instrument which served to trim the wick, and is attached to the figure by means of a chain. (Comp. Verg. *Moret.* 11, "Et producit *acu* stupas humore carentes.")

Lucerna. (*Mus. Borb.* vii. pl. 15.)

We read of *lucernae cubiculares, balneares, triclinares, sepulcrales*, &c.; but these names were only given to the lamps on account of the purposes to which they were applied, and not on account of a difference in shape. The *lucernae cubiculares* were burnt in bedchambers all night. (Mart. xiv. 39, x. 38.)

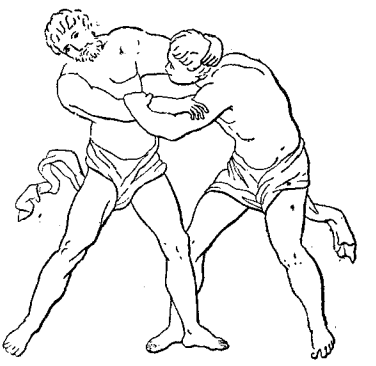
Perfumed oil was sometimes burnt in the lamps (Petron. 70; Mart. x. 38, 9). The sepulchral lamps were not merely placed and left, but were lighted as a pious duty. So in the following condition of freedom: "Saccus servus meus et Eutychia ancilla mea sub hac conditione liberi sunto, ut monumento meo alternis mensibus lucernam accendant et solemnia mortis peragant" (Dig. 40, 4, 44).

(Passeri, *Lucernae fictiles;* Birch, *Ancient Pottery*, ii. 277; Marquardt, *Privatleben*, 645; Becker-Göll, *Charikles*, iii. 86; *Gallus*, ii. 390.)

[W. S.] [G. E. M.]

LUCTA, LUCTA'TIO (πάλη, πάλαισμα, παλαισμοσύνη, or καββαλική), wrestling. The word πάλη is sometimes used in a wider sense, embracing all gymnastic exercises with the exception of dancing, whence the schools of the athletae were called *palaestrae;* that is, schools in which the πάλη in its widest sense was taught (Plat. *Legg.* vii. p. 795). [PALAESTRA.] There are also many passages in ancient writers in which πάλη and παλαίειν are used to designate any particular species of athletic games besides wrestling, or a combination of several games. (See Krause, *Gymnastik und Agonistik*, p. 400, note 2.)

The Greeks ascribed the invention of wrestling to mythical personages, such as Palaestra, the daughter of Hermes (Apollod. ii. 4, § 9), Antaeus and Cercyon (Plat. *Legg.* vii. p. 796), Phorbas of Athens, or Theseus (Schol. *ad* Pind. *Nem.* v. 49). Hermes, the god of all gymnastic exercises, also presided over the πάλη. Theseus is said by Pausanias (i. 39, § 3) to have been the first who reduced the game of wrestling to certain rules, and to have thus raised it to the rank of an art; whereas before his time it was a rude fight, in which bodily size and strength alone decided the victory. The most celebrated wrestler in the heroic age was Heracles. In the Homeric age wrestling was much practised, and a description of a wrestling match is given in the Iliad (xxiii. 710, &c.; compare *Od.* viii. 103, 126, 246). During this period wrestlers contended naked, with the exception of the loins, which were covered with the περίζωμα (Paus. i. 44, 1) or

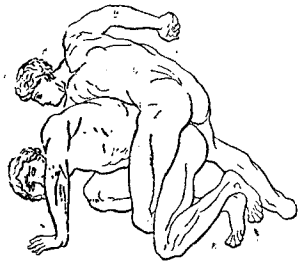


Wrestlers with περίζωμα. (Krause.)

ζῶμα (*Il.* xxiii. 683), and this custom remained throughout Greece until Ol. 15 (= 720 B.C.), from which time the perizoma was no longer used, and wrestlers fought entirely naked. (Thucyd. i. 6, with the Schol. and Boeckh's note to *C. I. G.* i. p. 554, who shows that from the time of Orsippus (Paus. *l. c.*), i.e. 720 B.C. or 632, runners put off the περίζωμα, but that it was only a short time before the age of Thucydides that those who contended in other departments of athletics put it off.) In the Homeric age the custom of anointing the body for the purpose of wrestling does not appear to have been known, but in the time of Solon it was quite general, and was said to have been adopted by the Cretans and Lacedaemonians at a very early period (Thucyd. *l. c.*; Plat. *de Re Publ.* v. p. 452). At the festival of the Sthenia in Argos the πάλη was accompanied by flute-music. [STHENIA.]

The contest in wrestling was divided by the ancients into two parts, viz. the πάλη ὀρθὴ or ὀρθία (ὀρθοστάδην παλαίειν); that is, the fight of the athletae as long as they stood upright, and the ἀλίνδησις or κύλισις (*lucta volutatoria*), in which the athletae struggled with each other while lying on the ground. Unless they contrived to rise again, the ἀλίνδησις was the last stage of the contest, which continued until one of them acknowledged himself to be conquered (ἀπαγορεύειν, ἀπειπεῖν). The πάλη ὀρθὴ appears to have been the only one which was fought in the times of Homer, as well as afterwards in the great national games of the Greeks; and as soon as one athlete fell, the other allowed him to rise and continue the contest if he still felt inclined (Senec. *Ep.* 13, 2; Lucian, *Lexiph.* 5). But if the same athlete fell thrice, the victory was decided, and he was not allowed to go on (Senec. *de Benef.* v. 3; Aeschyl. *Eum.* 589; *Anthol. Gr.* vol. ii. p. 406, ed. Jacobs). As the winner of three falls, the victor was called τριακτήρ (Aesch. *Ag.* 171); similarly one who is not conquerable is ἀτρίακτος (*Choeph.* 338). The ἀλίνδησις was only fought in later times, at the smaller games, and especially in the pancratium. The place where the wrestlers contended was generally soft ground, and covered with sand (Xen. *Anab.* iv. 8, § 26; Lucian, *Anach.* 2). Each of the various tribes of the

Greeks seem to have shown its peculiar and national character in the game of wrestling in some particular trick or stratagem, by which it excelled the others.

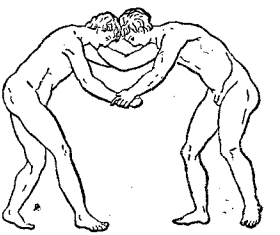


Wrestlers—ἀλίνδησις. (Krause.)

There were certain rules for wrestling (Plat. *Legg.* viii. 833 E; cf. Lucian, *Demon.* 49), *e.g.* that striking was not allowed, though pushing was quite fair (Plut. *Symposiac.* ii. 5; Lucian, *Anach.* 24; yet cf. *Ocyp.* 86). But within these laws all kinds of feints and tricks were practised; hence wrestling is called by Plutarch (*op. cit.* ii. 4) τεχνικώτατον καὶ πανουργότατον τῶν ἀθλημάτων (cf. Xen. *Cyr.* i. 6, 32). Well-trained wrestlers were not satisfied with merely effecting the defeat of their adversary, but always strove to display grace and elegance in their performances (Cic. *Orat.* 68, 228). Prior to the contest each combatant used to anoint the other, and rub him over with fine dust or sand (Ov. *Met.* ix. 35; Lucian, *Anach.* 1). The oil was useful to make the wrestlers more flexible and agile (εὐτονώτερα, *ib.* 24), and the dust to allow the adversary to get a grip, besides being advantageous to the wrestler himself in that it prevented him from perspiring too diffusely and from catching cold, as one is likely to do if exposed to the wind with one's pores open, and also in that it enabled the dirt to be more easily scraped off after the contest was over (*ib.* 29). There are a great many technical terms applied to different kinds of wrestling (Poll. iii. 155), which are set forth by Krause (*Gymnastik und Agonistik der Hellenen*, i. 400–439, also in his art. *Gymnastica*, §viii. in Pauly's *Realencyclopädie*, iii. 1006–1009) and Grasberger (*Erziehung und Unterricht*, i. 331–373), such as—

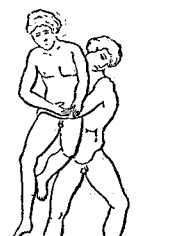
1. ἀκροχειρισμός. This consisted in one of the wrestlers, if he had very powerful hands, seizing the fingers of the other, and sometimes breaking them, thus compelling his adversary to give up (Artemid. *Oneir.* i. 60; cf. Aristot. *Eth. N.* iii. 1, 17). One athlete, Sostratus of Sicyon, from his success in this, was called ἀκροχειριστής (Paus. vi. 4, 1). This feature, however, as well as breaking the toes (Paus. viii. 40, 2), belongs mostly to the Pancratium [PANCRATIUM].

2. δράσσειν or δράσσεσθαι—a word for grasping, getting the "grip" (λαβή, ἅμμα). The ordinary method appears to have been this:—The wrestlers used to approach one another with upraised and extended arms, and take up a firm position of attack with the right leg advanced and the upper part of the body drawn somewhat back. Then each advanced his left leg till they were close together (*cum pede pes junctus*, Ov. *Met.* ix. 45, a position called by Plutarch, *l. c.*, σύστασις or παράθεσις), arched his neck and shoulders, contracted (σφηκώσας) his body as much as possible, and thus standing each tried to get his grip (Heliod. *Aeth.* x. 31; Ov. *Met.* ix. 33 ff.; Stat. *Theb.* vi. 850 ff. See also cut in Guhl and Koner, p. 267). The efforts to get the grip are vividly described by Statius in his account of the wrestling match between Agylleus and Tydeus (*ib.* 860): "Et jam alterna manus frontemque humerosque latusque Collaque pectoraque et vitantia crura lacessit Interdumque diu pendent per mutua fulti Bracchia," &c. In making these efforts to grasp one another, as each kept his body back as much as possible while he bent forward his head, the wrestlers often necessarily knocked their heads together (συναράττειν τὰ μέτωπα, Lucian, *Anach.* 1; "et frontem fronte premebam," Ov. *Met.* ix. 45). Cf. illustration No. 1589 in Baumeister's *Denkmäler*: but such "butting" was only incidental, and not, as Guhl and Koner say, a regular feature of the wrestling. Frequently both wrestlers took "body-grips" (διαλαμβάνειν), as in the wrestling-match in the *Iliad*, xxiii. 711. In that case, if one fell, the other did too, he who was uppermost being considered the victor in that fall. This is the meaning of πίπτει δ' ἀσφαλὲς οὐδ' ἐπὶ νώτῳ in Aesch. *Suppl.* 90. We have several illustrations of wrestlers grasping just above the waist, so as, either by extreme pressure or by dragging his adversary about, to force him to surrender (Krause in Pauly, p. 1006); or sometimes an arm and a shoulder are grasped.



Wrestlers getting the "grip" (δράσσοντες). (Krause.)

3. ἄγχειν, ἀποπνίγειν, choking. This was done either by throwing both arms round the neck, generally from behind (Theocr. xxv. 268; Philostr. *Imag.* i. 6, p. 384, Kayser) or by a very tight pressure in the middle of the body, as Hercules strangled Antaeus (ἀράμενος τὸν Ἀνταῖον μετέωρον ἄμμασιν Ἡρακλῆς κλάσας ἀπέκτεινε, Schol. to Plat. *Legg.* 796 A; Stat. *Theb.* vi. 897), or by the elbow pressed up under the chin (Lucian, *Anach.* 1), a method of strangling which is perhaps meant by ἀγκωνίζειν.



Wrestler—ἄγχων. (Hercules and Antaeus.) (Krause.)

4. λυγίζειν is a general term for the bending and twisting which is seen in all wrestling: cf. Hesiod, *Scut.* 302, μάχεσθαι ἑλκηδόν, which refers to wrestling.

5. ἀγκυρίζειν was some trick of "hooking" (ἄγκυρα, "a hook") the leg round the leg of the adversary. It differs according to Hermann

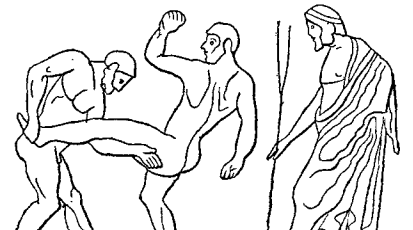
(*ap.* Grasberger, *op. cit.* i. 355) from *ὑποσκελίζειν* in this respect, that in the latter the tripping foot is not taken off the ground, while in *ἀγκυρίζειν* it is. But more probably *ὑποσκελίζειν* is a generic term.

6. *ἐμβάλλειν, παρεμβάλλειν* (Plut. *Symposiac.* ii. 4; Lucian, *Ocyp.* 60) was probably making a charge in front or on the side of the opponent: for we know that pushing was allowed. Cf. *ῥάσσειν ἀράσσειν.*

7. *παρακρούειν*, to make a feint of grasping: cf. Stat. *Theb.* vi. 876, "fictumque in colla minatus Crura subit." The word is derived, according to *Etym. Magnum*, s. v. *παρακρούεται* (652, 48), *ἀπατᾷ, ἀπὸ μεταφορᾶς τῶν παλαιστῶν οὐ καταβαλλόντων ἀλλ' ἐν ὥρᾳ παρακρουόντων ἢ ποδὶ ἢ χειρὶ καὶ οὐ ριπτόντων.*

8. *ὑποσκελίζειν, supplantare.* This is a general term for "tripping up" or "taking the legs from under" one's opponent: cf. *ὑφελὼν τὼ πόδε* (Lucian, *Dial. Deor.* vii. 3), *ὑπέσυρε τὰ σκέλη* (Diod. xvii. 100). A special form of this occurs in the wrestling-match in the *Iliad* (xxiii. 726), when Ulysses strikes Ajax, probably with his heel, behind at the hollow of the knee (*κώλην*). This appears to have been also called *πτερνίζειν* (cf. LXX. Gen. xxvii. 36). Another form consisted perhaps in pressing the right leg of the opponent inwards *ἐν δὲ γόνυ γνάμψεν* (Hom. *Il.* xxiii. 731). This the Scholiast calls *παρακαταγωγή.*

9. *ἀνατρέπειν*, the general word for "upsetting," which was the result of *ὑποσκελίζειν* (cf. Plat. *Euthyd.* 278 B). Plutarch (*l. c.* 5) speaks of *περιτροπαί.* The methods were various, *e.g.* grasping the opponent's leg and suddenly pulling



Wrestlers—*ἀνατρέπων.* (Krause.)

it, lifting him clean off the ground (Lucian, *Anach.* 24).

10. *στρέφειν.* This consisted in one wrestler turning his adversary right round by suddenly springing on him. After the turn was effected, he generally leaped on his adversary's back (Ov. *Met.* ix. 52 ff.), twisting his legs tightly round his thighs (Hesych. *s. v. πλίγμα*); or grasped his adversary's sides low down round the stomach, raising him off the earth and crushing him with a violent pressure at the same time; or drove his elbow up under his chin to choke him (Lucian, *Anach.* 31). In Statius (*l.c.* 898), when Tydeus gets his adversary well raised up off the ground, he turned him obliquely (as in the cut under PANCRATIUM), let him fall, and falling along with him had an *ἀλίνδησις* on the ground (cf. Lucian, *Anach.* 1). The Argives were celebrated for this kind of sudden twist in order to get on the opponent's back, and were called by Theocritus (xxiv. 109) *ἑδροστρόφοι* = "cross-buttock men." Cf. *τὴν ἕδραν στρέφειν*, Theophr. *Char.* x. (xxvii.).

11. *κλιμακίζειν* appears to mean that, after suddenly turning his opponent round, the wrestler clambered up his back, as it were up a ladder. This is Hermann's not very satisfactory explanation of *ἀμφίπλεκτοι κλίμακες* in Soph. *Trach.* 520. Krause (in Pauly, 996) says it is a rapid movement of the thigh, whereby the adversary was thrown down. But this is far from definite, and does not explain the origin of the term. The Schol. explains it as *ἐπαναβάσεις, παρὰ ἄνω τε καὶ κάτω αὐτοὺς στρέφεσθαι ἐν τῇ μάχῃ.* If this "being turned upside down" means being rolled over and over, the *κλῖμαξ* will be a species of *ἀλίνδησις.* For further conjectures, see Grasberger, *op. cit.* i. 367–369.

12. *διαλαμβάνειν*, to seize round the middle (Aristoph. *Eq.* 262; Plut. *Ant.* 33); *διαλαμβάνων τοὺς νεανίσκους ἐτραχήλισεν* (cf. Grasberger, *op. cit.* iii. 465).

13. *τραχηλίζειν*, to bend the neck back, Theophr. *Char.* x. (xxvii.): hence in the passive metaphorically used for "to be conquered," Plut. *de Curios.* 521, 6.

In a diaetetic point of view the *ἀλίνδησις* was considered beneficial to the interior parts of the body, the loins, and the lower parts in general, but injurious to the head; whereas the *πάλη ὀρθὴ* was believed to act beneficially upon the upper parts of the body. It was owing to these salutary effects that wrestling was practised in all the gymnasia as well as in the palaestrae, and that in Ol. 37 (= 632 B.C.) wrestling for boys was introduced at the Olympic games, and soon after in the other great games, and at Athens in the Eleusinia and Thesea also. (Paus. v. 8, § 9; Pind. *Ol.* viii. 68; Gell. xv. 20; Plut. *Symposiac.* ii. 5.) The most renowned of all the Greek wrestlers in the historical age was Milo of Croton, whose name was known throughout the ancient world (Herod. iii. 137; Strab. vi. p. 263, &c.; Diod. xii. 9). Other distinguished wrestlers are enumerated by Krause (*Gymn.* i. 434 ff.). (To the works of Krause and Grasberger referred to, add Hermann-Blümner, *Griech. Privatalterthümer*,[3] pp. 344, 345, and Iwan Müller's *Handbuch*, vol. iv. *Die Griech. Privatalterthümer*, § 97, p. 451 c, where a copious bibliography is to be found.) [L. S.] [L. C. P.]

LUDI is a general term comprising the various spectacles and contests of the circus and amphitheatre (*ludi circenses*), and those of the theatre (*ludi scenici*) and stadium.

1. *Kinds of games.*—In their *legal aspect* we may divide the games into public and private. (*a*) *Public.* Originally the games were religious ceremonies, the two oldest being the Equirria [EQUIRRIA] and Consualia [CONSUALIA], held in honour of Mars and Consus. But games were frequently vowed (*ludi votivi*) on the eve of or during times of war (for a long list see Friedländer, *ap.* Marquardt, *Staatsv.* iii. 476, note 7), especially to Jupiter (hence called *ludi magni, maximi*: Festus, s. v. *Magnos Ludos*), which gradually came by custom to be solemnised every year, and afterwards established by law as annual (Liv. i. 35, 9) [LUDI ROMANI]. During the time of the Republic there were seven such games,—the *ludi Romani, Plebeii, Ceriales, Apollinares, Megalenses,*

Floralcs, *Victoriae Sullanae*. The first two were called *sacri*, because they had an *epulum* connected with them (Dio Cass. li. 1). These two, as well as the Apollinares, had also a day set apart for the *equorum probatio*. During imperial times many new games were added. The birthday feasts and games (*ludi natalicii*), celebrated in honour of the reigning emperors (called *τὰ γενέθλια*, whereas *τὰ γενέσια* were those celebrated in honour of dead emperors), were allowed by even the most modest of the Caesars, *e.g.* Antoninus Pius (see Capit. *Ant. Pius*, 5); but they seem to have been retained after death only for those emperors who were consecrated (*ib.* 13). Mommsen (in *C. I. L.* i. p. 380) derives from the Calendar of Philocalus (constructed 354 A.D.) a list of nineteen such birthday games as were celebrated at that date. These games were nearly always circensian, as were also those celebrated in honour of the day the emperor ascended the throne (*ludi natalis imperii*). Only in the case of Sept. Severus (Dio Cass. lxxviii. 8) were the latter games retained beyond the time of the reigning emperor (cf. Capit. *Pertinax*, 15). *Ludi votivi*, too, were often instituted after a war, *e.g.* the *ludi Parthici* (perhaps on Sept. 18, Trajan's birthday), instituted by Hadrian in celebration of Trajan's Parthian war (Dio Cass. lxix. 2, and Reimar *ad loc.*); and such are frequent in the Constantinian period, *e.g.* Ludi Alemannici (Oct. 5–10), Gottici (Feb. 4–9), Sarmatici (Nov. 25–Dec. 1), &c.; see a list in *C. I. L.* i. p. 376. (*b*) *Private*. Besides these *ludi publici*, there were *ludi privati*, especially *ludi funebres*. Though the whole people took part in them, still they are private games, as being given by private individuals and not by the state. The *ludi funebres* were celebrated on the ninth day after death, hence sometimes called *ludi novendiales* (Serv. *ad* Verg. *Aen.* v. 64). Gladiatorial exhibitions in the Forum were frequent at these games (indeed were not given elsewhere during republican times), in accordance with the old belief that human blood should flow over the grave of a dead man (Serv. *ad* Verg. *Aen.* iii. 67; v. 78). The beginning at Rome of gladiatorial contests, which came from Etruria and Campania, dates from the funeral games of D. Junius Brutus in 264 (Liv. *Epit.* xvi.; Mommsen, *R. H.* ii. 412). Exhibitions of gladiators were often ordered by will to be given at the funeral of the testator (Cic. *Vat.* 15, 37; *Sulla*, 19, 54; Hor. *Sat.* ii. 3, 84). Dramatic representations were also held at funeral games: *e.g.* the *Adelphi* was acted at the funeral games of Aemilius Paullus in 160 B.C. Generally the games only lasted one day, and only a few pairs of gladiators fought; but at the funeral of M. Aemilius Lepidus (Liv. xxiii. 30, 15), in 216 B.C., the games lasted three days, and twenty-two pairs of gladiators fought; at those of M. Valerius Laevinus, in 200 B.C., the games lasted four days, and twenty-five pairs fought (Liv. xxxi. 50, 4); while at those of P. Licinius in 183 B.C. the games lasted three days, and 120 gladiators fought (Liv. xxxix. 46, 2), a very large exhibition indeed (cf. Liv. xli. 28, 11). It was thought disgraceful for women to be present at *ludi funebres*, and P. Sempronius Sophus, consul in 268 B.C., sent a divorce to his wife because she attended funeral games (Val. Max. vi. 3, 12; Plut. *Quaest. Rom.* 267). Another kind of *ludi privati* were those given by people of high rank voluntarily, on occasions of great public rejoicing, such as Stella's games in 93 A.D. (Mart. viii. 78: cf. Pers. vi. 48). For giving such games, non-senators had to get permission from the senate (Dio Cass. lx. 23). These games were perhaps the *ludi honorarii* referred to by Suet. *Aug.* 32, for which thirty days in the year had been set apart. Augustus reconstituted these as working days. *Ludi honorarii* appear to have been most constantly given at the Liberalia (Fest. p. 102, and Müller's note). Private exhibitions, to which special invitations were issued, were often given by the emperors; such as the LUDI PALATINI, the JUVENALES. Such also, too, were given by Caligula (Suet. *Cal.* 54), Nero (Tac. *Ann.* xiv. 44), Commodus (Lampr. *Comm.* 8), Caracalla (Dio Cass. lxxix. 10), Elagabalus (Lampr. *Elag.* 23), &c.

In the Calendar of Philocalus (354 A.D.) several other public games are mentioned, devoted to gods, but they are of little importance. The principal are on Jan. 7 to Janus; April 1, to Venus Verticordia (Macrob. *Sat.* i. 12, 15); April 5, to Quirinus; April 8, to Castor and Pollux; May 29–June 1, Fabarici to the goddess Carna (Macrob. *Sat.* i. 12, 31; Ov. *Fast.* vi. 101 ff.); July 23–24, to Neptune (Tertull. *Spect.* 6); Aug. 5 (Cic. *Att.* iv. 1, 4), to Salus; Sept. 29–30, to the Fates; Oct. 19–22, to the Sun; Nov. 1, to Osiris and Isis (*C. I. L.* i. 405).

According to their *intrinsic nature*, the games may be divided (cf. Cic. *de Leg.* ii. 15, 38) into (1) *ludi circenses* [CIRCUS], which include both the races in the circus and the gladiatorial shows [GLADIATOR], and baitings of beasts [VENATIO] in the amphitheatre [AMPHITHEATRUM]; (2) the *ludi scenici*, or dramatic and spectacular shows in the theatre. [COMOEDIA; TRAGOEDIA; THEATRUM; HISTRIO; MIMUS; PANTOMIMUS.] To these are to be added (3) the Greek contests of musicians and athletes, strictly called *Agones*. The performances and performers of the first two kinds are sufficiently treated in the articles referred to. Here we must say a word on the *Agones*. These contests were first introduced into Rome by M. Fulvius Nobilior in 186 B.C. (Liv. xxxix. 22, 2). In 169 B.C. we are told that Aemilius Paullus gave similar shows at Amphipolis, in which the Romans were quite unversed (Liv. xlv. 32, 9–10). And at the triumph of L. Anicius Gallus in 167 B.C. it was attempted to give a musical exhibition, but the people made the performers box instead of playing the music: that was the only sort of *ἀγὼν* they understood (Polyb. xxx. 13). In the last century of the Republic we hear of Sulla (App. *B. C.* i. 29), Scaurus (Val. Max. ii. 4, 7), Pompeius (Dio Cass. xxxix. 38), Curio (Plin. *H. N.* xxxvi. § 120), and Caesar (Plut. *Caes.* 39) giving exhibitions of athletes. Such contests were not appointed to occur at regular intervals till imperial times. Then there were three principal *agones*: (1) the *Actia*; (2) the *Agon Neroneus*; (3) the *Agon Capitolinus*. The first two are described in the articles LUDI ACTIACI and QUINQUENNALIA. The *Agon Capitolinus* was

established in 86 A.D. by Domitian (Suet. *Dom.* 4), and celebrated every fourth year in early summer (Herodian, vii. 8, 3; and Clinton, *Fasti Rom.* p. 252). It lasted till the end of antiquity (Friedländer, *S. G.* ii.[3] 620–1), and even into modern times: for it was on Easter Sunday 1341, on the Capitoline hill, that Petrarch was crowned (Gregorovius, *Gesch. der Stadt Rom*, vi. 207–216; Gibbon, viii. 227, ed. Smith). It comprised contests in Greek and Latin poetry, Greek and Latin oratory (the subjects being the praises of Jupiter Capitolinus and Domitian, Quintil. iii. 7, 4; Suet. *Dom.* 4), and music, for which Domitian built a covered theatre (the Odeum) in the Campus Martius (Preller, *Regionen*, 169), and in the same place he built a stadium for the athletes who contended in boxing, wrestling, and the pancratium (Friedländer, *op. cit.* 616–620, an important collection of evidence). Originally there was a foot-race for girls (Suet. *l. c.*). The victors were crowned with oak-leaves (Mart. iv. 1, 6). For the other *agones*, which were mostly gymnastic, such as the *Agon Minervae* of Gordian, and the *Agon Solis* of Aurelian, see Friedländer, *op. cit.* 467.

2. *The Length of the Games.*—They originally lasted each only the portion of one day (Liv. xlv. 9, 4; Mommsen, *R. H.* i. 472). From one day they gradually increased during the Republic,—the Ludi Romani to 15, and after Caesar's death to 16, the Ludi Plebeii to 14, the Ceriales to 8, the Apollinares to 8, the Megalenses to 7, the Florales to 6, and the Ludi Victoriae Sullanae to 7: *i.e.* 66 in all. Of these the Ludi Romani had 5 *dies circenses*, the Ludi Plebeii 3, and the rest one each: *i.e.* 13 in all. (See the Calendar in *C. I. L.* i. and p. 377.) Various games were added during the Empire: in the time of M. Aurelius there were 135, and in 354 A.D., when the Calendar of Philocalus was drawn up, there were 175 (*C. I. L.* i. p. 378). Gradually, too, the whole of each day came to be filled up with events, beginning from early morning (Cic. *Fam.* vii. 1, 1; *Nat. Deor.* i. 28, 78; Suet. *Cal.* 26, *Claud.* 34), and continued on into the night (Suet. *Cal.* 18, *Dom.* 4; Tac. *Ann.* xiv. 20, xvi. 5) on a memorable occasion with living torches (Tac. *Ann.* xv. 44). Night festivals probably began with the Floralia (Ov. *Fast.* v. 361 ff.); and the part of the secular games celebrated at night was the most important. After 61 B.C. there was a pause in the middle of the day for the audience to get their dinner (Dio Cass. xxxvii. 46); and this period was filled up, at least in the case of the *circenses*, with the exhibition of inferior gladiators, the *meridiani*. It was during this pause for dinner on one of the days that the giver of the games feasted the people, if he did feast them; though sometimes the *epulum* lasted for more than one day (Vell. ii. 56). But we hear of viands being also brought into the circus and the theatre (Stat. *Silv.* i. 6, 28 ff.; Mart. v. 49, 9; cf. Suet. *Dom.* 4).

3. *Instauratio* (Macrob. *Sat.* i. 11, 5).—The anxious scrupulousness with which the Romans observed ritual is often insisted on (for examples, see Liv. v. 17, 2; xxxii. 1, 9; xli. 16, 1). So in the case of the games Cicero tells us (*de Harusp. resp.* 11, 23): "Si ludius constitit aut tibicen repente conticuit aut puer ille patrimus et matrimus si tensam non tenuit aut lorum omisit aut si aedilis aut verbo aut simpulo aberravit, ludi non sunt rite facti eaque errata expiantur et mentes deorum immortalium ludorum instauratione placantur." That is, that in any such case when the games were performed *non rite*, *non recte*, *minus diligenter*, they had to be held over again, either entirely or the ceremonies of certain days were performed again. The strict phrase for the repetition of the games in their entirety was *ludi toti instaurati sunt*; that for the repetition of the ceremonies of certain days was *ludi* (*semel*, *ter*, *quinquies*, or *per unum diem*, *per triduum*, *per quinque dies*) *instaurati sunt*. See a long list of examples in Weissenborn on Liv. xxiii. 30, 16. Games so repeated were called *instaurativi* (Cic. *de Div.* i. 26, 55). Sometimes the games were repeated as often as ten times, owing to faults purposely committed by the performers who were interested. This was put a stop to by the Emperor Claudius, who forbade the Circenses to be renewed for more than one day, with the most salutary results (Dio Cass. lx. 6). For further details on *instauratio*, see Ritschl, *Parerga zu Plautus u. Terenz*, p. 311 ff.

4. *The Givers of the Public Games.*—(*a*) *Consuls.* In order that they might be binding on the people, *ludi votivi* had to be administered by a magistrate with the imperium, usually then by the consul (Liv. xxx. 2, 8; 27, 11; Cic. *pro Sest.* 55, 117; Dio Cass. xlviii. 32, lvi. 1, lx. 23). The Ludi Romani were administered by the consuls till the appointment of the curule aediles in 366 B.C. After that the consuls had only the presidency in these games (Liv. viii. 40, 2, xlv. 1, 6; Mommsen, *Staatsrecht*, i.[2] 397). The fact was, the giving of the games held out too great opportunities of bribery for the higher magistrates (Mommsen, *op. cit.* ii.[2] 129). But in imperial times the consuls were appointed to administer the Ludi Actiaci on Sept. 2 (Dio Cass. lix. 20), the birthday of Augustus on Sept. 23 (*ib.* lvi. 49; cf. *C. I. L.* i. pp. 401–2), and probably many others (*ib.* p. 377). The shows of gladiators given by consuls elect date from the beginning of the second century A.D. (Dig. 35, 1, 36, pr.). The first evidence of the games given by the consuls on their *entry* into office, which became so important in the fourth century (*C. I. L.* i. p. 382), appears to be Fronto *ad Marcum*, ii. 1. But in the early Empire the consuls were expected some time or other during their year of office to give shows (cf. Epictet. *Diss.* iv. 10, 21); and though even in the time of Claudius this was considered a great burden (Dio Cass. lx. 27), the custom continued (*ib.* lxi. 6; Vopisc. *Aurel.* 12, 12). Alexander Severus lessened the expense of the consuls and defrayed part of it himself (Lamp. *Alex. Sev* 43; Dio Cass. lxxx. 5). (*b*) *Aediles.* From the time of their appointment in 366 B.C., they were given the administration of the Ludi Romani (cf. Liv. vi. 42, 13), and gradually they had entrusted to them the administration of all the other games except the Ludi Apollinares, which were administered by the praetor urbanus (Liv. xxv. 12, 10), as were also the Ludi Piscatorii (Festus, *s. v.*). The Ludi Plebeii were held by the plebeian aediles, and so too were the Ludi

Ceriales. Cicero (*Verr.* v. 14, 36) indeed implies that the latter were celebrated by the curule aediles; but the Cerialia was the plebeian counter-feast to the Megalensia of the patricians (Gell. xviii. 2, 11; Mommsen, *Staatsr.* ii.² 509). After 44 B.C. the administration of the Ludi Ceriales was most probably transferred from the curule aediles to the newly-appointed (Dio Cass. xlvii. 40) plebeian aediles Ceriales. The Ludi Megalenses and Florales were held by the curule aediles (Cic. *Verr.* I. c.; *Mur.* 19, 40; Liv. xxxiv. 54, 3; Dio Cass. xliii. 48). In 22 B.C. Augustus took the *cura ludorum* from the aediles and gave it to the praetors (Dio Cass. liv. 2), after which time any games given by the aediles were voluntary (*ib.* liv. 8; Capitol. *Gord.* 3). (*c*) *Praetors.* They had the charge of the Ludi Apollinares and Piscatorii during the Republic. But in imperial times we find the urban praetors (this is probably the meaning of *τῶν στρατηγῶν τῶν πάνυ* in Dio Cass. lxxviii. 22) administering the Ludi Megalenses (Juv. xi. 193, and Mayor's note), Florales (Suet. *Galb.* 6), and gladiatorial shows (Dio Cass. lv. 31). The Augustalia were administered by the praetor peregrinus (Tac. *Ann.* i. 15). A special praetor Parthicarius (Wilm. 1167) was appointed to superintend the Ludi Parthici of Trajan (Dio Cass. lxix. 2). Lots seem to have been cast as to which praetor should give the games (*ib.* lix. 14). The son of Symmachus was praetor urbanus when he gave his celebrated games (Symm. *Epist.* iv. 69). For the praetorian games of the post-Constantinian period at Constantinople, see Gothofred. *Paratitlon* to Cod. Theod. vi. 4, *init.* (*d*) *Quaestors.* Gladiatorial exhibitions during the Republic were confined to the private funeral games. In imperial times they were given as public games, and are strictly called *munera*, not *ludi*. In 47 A.D. we find the duty of giving these *munera* imposed on the quaestors in lieu of paving the streets (Suet. *Claud.* 24; Tac. *Ann.* xi. 22, xiii. 5). This was discontinued in 54 A.D., from which time till the age of Domitian (Suet. *Dom.* 4) it was only occasionally and voluntarily that the quaestors gave such shows. From the time of Domitian the *munera*, though fewer than the *ludi*, became, however, regular entertainments (Hirschfeld, *Verwaltungsgeschichte*, p. 177). In the time of Alexander Severus it was only the *quaestores candidati principis* who had to give the games at their own expense, and as a reward they were advanced at once to the praetorship (Lampr. *Alex. Sev.* 43). The rest got a subsidy from the treasury and were called *quaestores arcarii* (Lampr. *l. c.*; Mommsen, *Staatsr.* ii.² 518, 522). (*e*) *Curatores.* The emperor in virtue of his consular power (Dio Cass. lx. 23)—for it was the consuls who gave extraordinary games (cf. Hirschfeld, *l. c.*)—often gave very brilliant games, which were administered by *curatores ludorum* or *curatores munerum*. The *procuratores munerum* (Wilm. 1285, cf. 1243), according to Mommsen (*op. cit.* ii.² 911, notes 1, 2), were permanent officials, the *curatores* those appointed for a special occasion (Suet. *Cal.* 27; Tac. *Ann.* xiii. 31; Plin. *H. N.* xxxvii. § 45). For further, see Hirschfeld, *op. cit.* pp. 175–8.

5. *The Cost of the Games* (see especially Marquardt, *Staatsv.* ii.² 85–87).—The cost of the games was defrayed partly by the state and partly by the giver of the games. The state part was called *lucar* [LUCAR], because it was originally the revenue from the produce of the sacred groves (*luci*), which was devoted to the games (Festus, *s. v.*; Plut. *Quaest. Rom.* 88, p. 285). For the *ludi votivi* a definite sum (*pecunia certa*) was voted (in Liv. xxxi. 9, 7, the sum is indefinite, and that is mentioned as an exceptional circumstance), usually 200,000 asses (cf. Mommsen in *Rhein. Mus.* xiv. p. 87), as it was also for the Ludi Romani till the Punic Wars (Dionys. vii. 71; Ascon. p. 142, Or.). In 217 B.C. the sum voted was 333,333⅓ asses (Liv. xxii. 10, 7). For the Ludi Apollinares in 212 B.C. the state gave 12,000 asses (Liv. xxv. 12, 12); in 51 B.C., for the Ludi Romani, 760,000 sesterces, for the Ludi Plebeii 600,000, and for the Apollinares 380,000 (see the Fasti Antiates in *C. I. L.* i. 328, 329),—sums which fell so far short of the actual amount expended that the magistrates who gave the games had to resort to the help of their friends and to extortions from the provincials to supply what was considered necessary (Liv. xl. 44, 11; Cic. *Q. Fr.* i. 9, 26). The people sometimes made subscriptions among themselves towards the expenses of the games: *e.g.* in 186 B.C. for the games of Scipio Asiaticus (Plin. *H. N.* xxxiii. § 138), in 37 and in 27 B.C. (Dio Cass. xlviii. 53, liii. 24); but such were unusual and did not go far. We know that Scaurus expended vast sums on the games he gave in 58 B.C. (Plin. *H. N.* xxxvi. § 113), and that Milo expended three patrimonies (Cic. *Mil.* 35, 95) in giving his extra-splendid games (*ad Q. Fr.* iii. 8, 6). The expense in fact was so enormous that in 28 B.C. no senator could take the aedileship (Dio Cass. liii. 2). Augustus did not allow one praetor to give more than another to the games (*ib.*); in 17 B.C. we find him allowing them to give three times the grant of the state (*ib.* liv. 17); in 7 A.D. the money paid to them for gladiatorial shows was withheld by the state (*ib.* lv. 31); but in the Ludi Augustales the tribunes were not allowed to defray the whole expense themselves (Dio Cass. lvi. 47; Tac. *Ann.* i. 15). The state always continued to make grants (cf. Spart. *Hadr.* 3), and sometimes advances to be repaid (Fronto, *Ep. ad Verum*, 6, 9); while in a somewhat opposite direction it tried to limit the expenses of the games (Suet. *Tib.* 34; Dio Cass. lxviii. 2; Capitol. *Ant. Pius*, 12). But the enormous sums expended on the games may be seen from what has been said about the games of Scaurus and Milo, from what Martial (v. 25, 10) tells us that the chariot-races sometimes cost 400,000 sesterces (4,000*l.* nearly), from the case of Symmachus, who though not one of the richest senators expended 2,000 pounds of gold (= 80,000*l.* about), and Justinian's games, which cost 288,000 solidi (=220,000*l.* about). For further details, see Friedländer, *Sittengesch.* ii.³ 276–278.

The games accordingly were splendid. As a sample, take those which are elaborately described by Calpurnius, *Ecl.* vii., and commented on by Gibbon, ii. 58–60, ed. Smith; those given by Trajan, and described in Dio Cass. lxviii. 15; and the games of Symmachus, by Friedländer, *op. cit.* ii.² 319 ff. For enactments on the games in the post-Constantinian period, see *Cod. Theod.*

xv. titles 5, 6, 7, 9, especially the latter on the expenses of the games.

6. *The Audience.*—In early times slaves were not allowed to attend the games (Cic. *Har. Resp.* 12, 26); nor were any strangers present except state-guests. But in later times slaves certainly as a matter of fact used to frequent the games (Columella, *R. R.* i. 8, 2; Dig. 21, 1; 65, pr.; 10, 3, 1–5; Juv. vi. 353), and also strangers (Ov. *A. A.* i. 173; Mart. *Spect.* 3). Apparently by law reserved seats were retained for the magistrates, *e.g.* consuls (Cic. *Att.* ii. 1, 4), praetors (Suet. *Nero*, 12), tribunes (Dio Cass. xliv. 4), priests and vestals (Arnob. *adv. Gentes*, iv. 35, an important passage), some of the public apparitors (Tac. *Ann.* xvi. 12), and many of the officially recognised collegia (Hübner, *ap.* Marquardt, iii. 471, note 7). The emperor had a regular closed-in box (*cubiculum*), which Trajan opened, so that he could be seen like any other spectator (Plin. *Panegyr.* 51; Suet. *Nero*, 12). The actual seats were doubtless corresponding to the rank of each individual; *e.g.* the curule magistrates had a *sella curulis*, the tribunes a *subsellium*, &c. It was a custom frequently practised to give a free seat in perpetuity to a distinguished man and to his descendants (Val. Max. iv. 4, 8; Cic. *Phil.* ix. 7, 16) ; this we find as early as 494 B.C. in the case of M. Valerius Maximus (*C. I. L.* i. p. 284; cp. Liv. ii. 31); and occasionally a curule seat was dedicated in memory of a great man after his death (Dio Cass. xliv. 6, liii. 30; Tac. *Ann.* ii. 83; *C. I. L.* vi. 912). Those who had reserved seats could transfer them to another for the performance (Cic. *Mur.* 35, 73), and in the time of C. Gracchus, on the occasion of a show of gladiators, we read that several of the magistrates erected seats which they tried to sell, encroaching on the space which the people ought to have enjoyed (Plut. *C. Gracch.* 12). If we may judge from the initials of names on the seats in the amphitheatre at Syracuse, it appears that seats could be sold for lengthened periods (Friedl. *ap.* Marq. iii. 473, note 1). Of course occasionally games were given by speculators to make money out of them, though such a course was looked on as sordid (Tac. *Ann.* iv. 62): in that case, nearly, if not all, the places were sold. But at the ordinary games there appears to have been three kinds of seats (Mommsen, *ap.* Friedl. *op. cit.* 472): (1) those reserved by the exhibitor to *give* to his friends or to those who had legal right to reserved seats; (2) the seats which he reserved to *sell* to such as wished to avoid the long waiting and severe crush (cf. Suet. *Cal.* 26) attendant upon trying to secure them; (3) the seats or rather places (for the mass of the spectators stood) which were open gratis to the public. The traffic in the second kind of seats was pretty considerable, and box-officers (*locarii*, Mart. v. 24, 9) doubtless derived a large income from buying up the reserved seats and selling them at a raised price. A noticeable feature about the audience at the games was the way the exhibitor thought it advisable often to give them presents. This he did by throwing them among the spectators to be scrambled for, such being called *missilia:* see Stat. *Silv.* i. 6, 10 ff. Fruits (Mart. xi. 31, 10), vegetables (Pers. v. 180; Hor. *Sat.* ii. 3, 182), and other eatables (Joseph. *Ant.* xix. 1, 3) were often thrown, but generally *tesserae*, which admitted to the most various kinds of pleasures (see Friedländer on Martial, viii. 78, 9). One of these tesserae which we have is marked *prandium* (Friedl. *ap.* Marquardt, iii. p. 476, note 3). Occasionally the presents were fastened to a string (*linea dives*), which was jerked up and down (Mart. viii. 78, 7). For the variety of articles scrambled for, see Suet. *Nero*, 11. We may well believe that the crush and violence were very great (Herodian, v. 6), and wise people left before the scrambling began (Suet. *Epist.* 74, 7; cf. Friedländer, *op. cit.* ii.[3] 286–7).

Another point to be noticed was the opportunity the people took of giving free expression to their opinions in the theatre ("et, ubi plurima vulgi licentia, in circum ac theatra effusi seditiosis vocibus strepere," as Tacitus says, *Hist.* i. 72). In republican times much importance was attached to the manner in which public men were greeted in the theatre by the people (Cic. *Att.* ii. 19, 3; *Sest.* 54, 115). In imperial times we hear of the audience rising up when the emperor or a distinguished man entered, clapping (Suet. *Aug.* 56) or waving handkerchiefs (*oraria*, Vopisc. *Aurel.* 48) and vociferously addressing complimentary titles or good wishes (Suet. *Dom.* 13), often in a kind of song (Tac. *Ann.* xvi. 4; Dio Cass. lxxiii. 2). Of course there was the most clamorous outcry for the liberation of slaves or criminals who had made a good exhibition in the contests (Dig. 40, 9, 17, pr.), for the discharge of distinguished gladiators (Mart. *Spect.* 29, 3); and many a gibe was directed at unpopular people (Juv. v. 3, and Mayor's note; Tac. *Ann.* xi. 13), and even the emperor himself (Capitol. *Macrin.* 12; Tertull. *Spect.* 16). The people also made use of these occasions (as it was very difficult to refuse requests made in this way, Joseph. *Ant.* xix. 1, 4) to declare against laws (Dio Cass. lvi. 1; Joseph. *l. c.*), against detested ministers, *e.g.* Tigellinus (Plut. *Galb.* 17), Cleander (Herodian, i. 12, 5), Plautianus (Dio Cass. lxxvi. 2), and make many other appeals (cf. Tac. *Ann.* vi. 13; Plin. *H. N.* xxxiv. § 62; Suet. *Dom.* 13) and demonstrations (Cic. *Att.* xiii. 44, 1; Dio Cass. lxxv. 4). Indeed, these were pretty much the only occasions on which the feelings of the people could be expressed or gauged under the Empire; and the importance which was attached to this expression of the popular will may be seen from the fact that Titus, in order to carry out certain executions which he considered advisable, put people throughout the theatre to demand them (Suet. *Tit.* 6). See further in Friedl. *Sittengesch.* ii.[3] 266–274. For the frantic excitement of the audience during the actual games, especially the chariot-races, see the passages quoted by Mayor on Juv. xi. 197, and Tert. *Spect.* 16; and for the tumults occasioned by the partisans of rival performers, see Friedländer, *S. G.* ii.[3] 457 ff.

The spectators who were Roman citizens had to wear their toga at the games, and the higher ranks and magistrates appeared in official dress (Suet. *Aug.* 40). Augustus allowed the spectators to come in slippers, without boots, in summer, a permission revoked by Tiberius, but granted again by Caligula (Dio Cass. lix. 7). Cloaks (*lacernae*), which had by order of Domitian to be white (Mart. xiv. 137), could be worn over

the toga in bad weather, but they were (at least in the reign of Claudius) laid aside on the entry of the emperor (Suet. *Claud.* 6). We are told that Caligula also allowed, besides cushions for the senators, the broad-brimmed Thessalian or Macedonian *causia* [CAUSIA] as a protection against the sun (Dio Cass. *l. c.*; Mart. xiv. 39), so that it seems the audience before 37 A.D. used not to wear anything on their heads. Domitian revived the old customs of theatrical etiquette, and compelled the audience to appear in white, forbidding coloured costumes (Mart. v. 8; 23, 1), though we still hear that the favourers of the different factions wore their colours (cf. Mart. xiv. 131). When owing to wind the awning (*velarium*) could not be used, the spectators were allowed to hold up umbrellas (Mart. xiv. 28). The *dissignator* (Plaut. *Poen.* prol. 18) was the official who directly saw that these regulations were observed, and he was responsible to the aediles (cf. Suet. *Aug.* 40).

7. *The Performers and the Performances.*—See the special articles referred to above, p. 85 *b*.

For the political and social aspects of the games, how in regard to them idleness took the place of strenuousness till the people were content to give up their rights and assemblies in return for *panem et circenses;* and the demoralisation spread among the community in various ways by the passion for these shows, as such subjects lie outside the sphere of Antiquities, we must be content to refer to Friedländer, *Sittengesch.* i.[4] 468 ff., ii.[3] 263 ff., 288, 391 ff.; and H. Schiller, *Geschichte der Röm. Kaiserzeit*, 244, 433 ff.

(Further, on the games generally, see Friedländer in Marquardt, *Röm. Staatsverwaltung*, iii. 462–475; also in his *Darstellungen aus der Sittengeschichte Roms*, ii.[3] 263–289 (abbreviated *S. G.*); Mommsen in *Corpus Inscript. Lat.* i. pp. 293–412, esp. 375–381.) [L. C. P.]

LUDI ACTI'ACI or A'CTIA (Ἄκτια). Games celebrated to the Actian Apollo.

1. *At Rome.*—Though under this actual name there were not any games celebrated at Rome, still there were games in honour of the Actian Apollo. These were decreed at Actium by Augustus in 31 B.C. after his victory, and first held at Rome in 28 (Dio Cass. liii. 1). They consisted of horse-races among the patrician youths and men, gymnastic contests, and sometimes gladiatorial exhibitions. They were held every fourth year (Dio Cass. li. 19), and administered generally by one of the four chief colleges of priests in succession (*ib.* liii. 1), though sometimes by the consuls (Mommsen, *Res gestae d. Aug.* p. 42). Thus the first exhibition was held by the consuls, or rather by Agrippa alone (Dio Cass. liii. 2); but in 16 B.C. we find them celebrated by the Quindecimviri (*ib.* liv. 19). We are to suppose the celebration of 24 B.C. was held by the Pontiffs, that of 20 B.C. by the Augurs, that of 16 B.C. by the Septemviri Epulones, and so on in rotation till 13 A.D., when they were probably held for the last time (Mommsen, *l. c.*). The last recorded celebration is 9 A.D. (Plin. *H. N.* vii. § 158), and we do not hear of them again till 62 A.D., when they had been a considerable time discontinued (Tac. *Ann.* xv. 23). We find these games sometimes alluded to as *pro salute* (or *valetudine*) *Caesaris* (*C. I. L.* vi. 877): cf. ὑπὲρ τῆς ἐμῆς σωτηρίας (*Res gest. d. Aug.* v. 8–11, Greek) and Plin. *l. c.*; also *ludi pontificales* (Suet. *Aug.* 44), *i.e.* when they were held by the Pontiffs. That these games were celebrated to the Actian Apollo may be proved from the coin of C. Antistius Vetus of 16 B.C. (Eckhel, vi. 104; Mommsen, *Röm. Münzwesen*, p. 742). On one side is a sacrificing priest, with the inscription *pro valetudine Caesaris* S. P. Q. R.; on the other, Apollo sacrificing, with the inscription *Apollini Actio.* In Suet. *Tib.* 6 *Actiaci* is a mistake for *astici* (Mommsen, *Res gest.* p. 43).

2. *At Actium.* [See ACTIA.]

3. *In the Provinces.*—Similar quinquennial games seem to have been held in many provincial towns (Suet. *Aug.* 59): *e.g.* at Caesarea by Herod (Joseph. *Ant.* xv. 11, xvi. 9; *B. J.* i. 21, 8); also at Antioch and Alexandria (*C. I. G.* 5804). [L. C. P.]

LUDI APOLLINA'RES. These games were established in the year 212 B.C., in accordance with a prophecy of the old seer Marcius (*carmina Marciana*, Liv. xxv. 12, 2), and after an inspection of the Sibylline books (Macrob. *Sat.* i. 17, 27–29), on the motion of the praetor and decemvir *sacris faciundis*, P. Cornelius Rufus, to the god who warded off evil, Apollo. As nothing was yet decreed about their continuance, they were, for this first year at least, ordinary *ludi votivi.* They were at first, and continued to be, celebrated by the praetor urbanus (Liv. *l. c.* § 10; Cic. *Phil.* ii. 13, 31); thus we find them held by the praetor Lentulus in 60 B.C. (Plin. *H. N.* xix. § 23), Brutus in 44 B.C. (Cic. *l. c.*), Agrippa (Dio Cass. xlviii. 20). They were to a large degree a Greek festival. The decemviri s. f. sacrificed with victims after the Greek fashion; the state supplied the victims, and also gave 12,000 asses to recoup the expenses of the games; and the people aided with a small subscription (Liv. xxv. 12, 12–14). The next year the praetor L. Calpurnius Piso proposed that the games should be vowed each year (Liv. xxvi. 23, 1), and hence the Calpurnii have the head of Apollo on their denarii (Mommsen, *Röm. Münzwesen*, pp. 580, 626). After this they were celebrated every year, but till 208 B.C. on no definite day (Liv. xxvii. 23, 5–7). In consequence of a pestilence in that year, the praetor P. Licinius Varus voted that they should be held every year on a fixed day. That day was not "a. d. iii. Non. Quint." as Livy (*l. c.*) says, but "a. d. iii. Id. Quint," *i.e.* July 13 (Weissenborn *ad loc.*). This day always continued to be the last day on which these games were held. The number of days gradually increased from one till it finally reached eight, or perhaps nine. In 190 B.C. we find July 11 one of the days (Liv. xxxvii. 4, 4), and in 44 B.C. July 7 (Cic. *Att.* xvi. 1, 1; 4, 1). They were for the most part theatrical exhibitions from the very beginning (see the interesting story in Festus, s. v. *Thymelici*, p. 326 M.); it was at these games that the *Thyestes* of Ennius was acted (Cic. *Brut.* 20, 78); but sometimes there was a *venatio* (Plin. *H. N.* viii. § 53; Cic. *Att.* xvi. 4, 1), and Dio Cassius (xlviii. 33) speaks of ἡ τῶν Ἀπολλωνείων ἱπποδρομία. In the Apollinarian games held by Agrippa in 40 B.C., two days were given to the games of the circus, during one of which the *Ludus Trojae* was exhibited (Dio Cass. xlviii. 20). In all the calendars these games

are entered as beginning on July 6, except in that of Philocalus (354 A.D.), according to which they are given as beginning on the 5th: perhaps an additional day was added in the fourth century. (See generally Preller, *Röm. Mythologie*, 269–271.) [L. C. P.]

LUDI AUGUSTA'LES. [AUGUSTALES.]

LUDI CAPITOLI'NI. Livy (v. 50, 4) tells us that in the year 390 B.C., after the defeat of the Gauls, on the motion of Camillus a decree of the senate was passed that *Ludi Capitolini* should be instituted, inasmuch as Jupiter, the best and greatest, had preserved his settlement and citadel in a serious crisis, and that the dictator M. Furius should appoint for that purpose a collegium, consisting of those who dwelt in the Capitol and citadel (cf. Liv. v. 52, 11). As being administered by a collegium, the Capitoline games were like the Circensian games of the Fratres Arvales (cf. Henzen, *Acta Fr. Arv.* p. 36 ff.). After 384 B.C., when Marius Capitolinus was condemned, a motion was brought before the people that no patrician should dwell in the citadel or the Capitol (Liv. vi. 20, 3), so that from this time only plebeians could be members of this collegium.

For the guild of the Capitolini, cf. Cic. *Q. Fr.* ii. 5, 2. They had *magistri* of their own (Henz. 6010, where as well as in the passage of Cicero they are found associated with the Mercuriales: cf. 6011). Preller (*Röm. Myth.* 202) thinks this is a very old festival in honour of Jupiter Capitolinus, so old that it was attributed to Romulus (cf. Tert. *Spect.* 5). Mommsen (on *C. I. L.* i. 805 = Henz. 6011) shows that these collegia of Capitolini and Mercuriales were *pagi within the city*, both having a substantive and independent constitution for religious purposes. A curious ceremony was performed at these Capitoline games, from a supposed connexion of the Capitoline games with a triumph of Romulus over Veii; or, as Mommsen (*R. H.* i. 340) holds, with the capture of Veii by Camillus in 396 B.C. An old man who was considered to represent the King of Veii was led through the Forum to the Capitol, dressed in regal attire and wearing a bulla suspended from his neck; and a herald accompanying him proclaimed the "sale of the Sardians," because the Veientines being Etruscans were supposed to have come from Sardis in Lydia (Plut. *Quaest. Rom.* 53 = p. 227; Festus, s. v. *Sardi venales*). Hence was supposed to be derived the proverb *Sardi venales, alius alio nequior* (Cic. *Fam.* vii. 24, 2), but that is more correctly referred to the great number of slaves acquired by the Romans when Tiberius Gracchus conquered Sardinia in 177 B.C. (Liv. xli. 17; Aurel. Vict. 57; Mommsen, *R. H.* ii. 199). [L. C. P.]

LUDI CERIA'LES. [CERIALIA.]

LUDI COMPITALI'CII. [COMPITALIA.]

LUDI FLORA'LES. [FLORALIA.]

LUDI FU'NEBRES. [LUDI, p. 85 *a*.]

LUDI HONORA'RII. [LUDI, p. 85 *b*.]

LUDI JUVENA'LES. [JUVENALES.]

LUDI LIBERA'LES. [BACCHANALIA.] (These must not be confounded with the LIBERALIA.)

LUDI MAGNI. [LUDI, p. 84 *b*.]

LUDI MARTIA'LES or rather **MARTIS ULTO'RIS.** The temple to Mars Ultor was dedicated on Aug. 1, 2 B.C., in the Forum Augusti (Dio Cass. lx. 5). The dedication of the temple and celebration of games to Mars Ultor held on May 12 (Fasti Maffeiani in *C. I. L.* i. p. 305; Ov. *Fast.* v. 597) refer to the temple provisionally erected in the Capitol in 20 B.C. (Dio Cass. liv. 8): cf. Mommsen in *C. I. L.* i. 393. These games were celebrated annually (Dio Cass. lx. 5) by the consuls (*ib.* lvi. 46). Senators had the privilege of contracting for the horses used in these games (*ib.* lv. 10). A naumachia was given on the occasion of the dedication of the temple (Vell. ii. 100); also *ludi sevirales*, i.e. evolutions of the six turmae of cavalry, each with its *sevir* at its head (Dio Cass. *l. c.*). There appears to have been occasionally a *venatio* (*ib.* lvi. 27). [L. C. P.]

LUDI MEGALENSES. [MEGALESIA.]

LUDI NATALI'CII. [LUDI, p. 85 *a*.]

LUDI PALATI'NI. After Augustus died, Livia and Tiberius had dedicated an altar to the Numen of Augustus (Plin. *H. N.* xii. § 94). We know from the Fasti Praenestini (in *C. I. L.* i. p. 312; cf. p. 385) that on January 17 the Pontiffs, Augurs, Quindecimviri, and Septemviri sacrificed victims on this altar. On Jan. 21, 22, and 23, theatrical exhibitions were held in a private theatre erected in front of the palace. These exhibitions were strictly private, and only the highest nobles and their families invited (Dio Cass. lvi. 46, lix. 16; Joseph. *Ant.* xix. 1, 11; Tac. *Ann.* i. 73). In the year Caligula was murdered there was just for that year an extra day added, viz. Jan. 24 (ix. Kal. Febr.): cf. Suet. *Cal.* 56, 58; Dio Cass. lix. 29; Joseph. *l. c.* In the Calendar of Philocalus (354 A.D.) the 23rd was removed and the 17th to 19th added (*C. I. L.* i. pp. 334 and 385). [L. C. P.]

LUDI PISCATO'RII. We know that the fishermen and the divers of the whole bed of the Tiber formed a corporation (Wilmanns, *1737*). To them probably refer the *ludi piscatorii* held each year on the 7th of June across the Tiber by the praetor urbanus (Festus, *s. v.*; Ov. *Fast.* vi. 235–240). [L. C. P.]

LUDI PLEBE'II. These were certainly held in the Circus Flaminius (Val. Max. i. 7, 4), and are mentioned as early as 216 B.C. (Liv. xxiii. 30, 17). Now as the Circus Flaminius was built in 220 B.C. (Liv. *Epit.* xx.), we may assign the establishment of the Ludi Plebeii to the same date, and also the *Jovis epulum* on the Ides (for all Ides are sacred to Jupiter) which is connected with these games (Liv. xxv. 2, 10; xxvii. 3, 9). This is a more probable view than that of Cicero, who (*de Orat.* iii. 19, 73) makes the Epulum Jovis to exist in the time of Numa, or that of the Pseudo-Asconius (p. 143, 12), who supposes the Ludi Plebeii to have been established either after the expulsion of the kings, or after the secession of the plebs. (See Marquardt, *Staatsverw.* iii. 349.) We find from the Calendar of Philocalus (354 A.D.) that the Ludi Plebeii lasted till the fourth century; cf. also Lampr. *Alex. Sev.* 37. The date of them was originally Nov. 15 (the *Equorum probatio* being on the 14th), just as that of the Ludi Romani was Sept. 15 (*C. I. L.* i. 401). They were celebrated by the plebeian aediles; and already in 207 B.C. they lasted for more than one day (Liv. xxviii. 10, 7). In some early calendars, *e.g.* the Fasti Maffeiani, they are put

down as lasting from Nov. 4 to Nov. 17: in the Calendar of Philocalus, from Nov. 12 to 16 (*C. I. L. l. c.*). That plays were acted at the Ludi Plebeii is proved from the didascalia to the *Stichus* of Plautus (Ritschl, *Parerga zu Plaut.* p. 261). [L. C. P.]

LUDI PONTIFICA'LES. [LUDI ACTIACI.]

LUDI ROMA'NI. These games (the chief Roman festival) were in honour of Jupiter (Festus, s. v. *Magnos Ludos*), and are said to have been established by Tarquinius Priscus on the occasion of his conquest of the Latin Apiolae (Liv. i. 35, 9); though Dionysius (vii. 71) and Cicero (*de Div.* i. 26, 55) refer the establishment to the victory over the Latins at Lake Regillus. At first they lasted for one day only; a second day was added on the expulsion of the kings in 509 B.C. (Dionys. vi. 95), a third after the first secession, 494 B.C. (Liv. vi. 42, 12). From the year 191 to 171 they lasted ten days (Liv. xxxvi. 2, xxxix. 22, 1; Mommsen, *Röm. Forsch.* ii. 54), and shortly before Caesar's death they appear to have been a fifteen-day festival (Cic. *Verr.* i. 10, 31), Sept. 5 to 19. After Caesar's death a day was added (Cic. *Phil.* ii. 43, 110): this day must have been Sept. 4. For Cicero says (*Verr.* ii. 52, 130) that there was an interval of 45 days from the Ludi Romani to the Ludi Victoriae Sullanae on Oct. 26. Accordingly, Sept. 19 in the time the Verrines were composed must have been the last day of the Ludi Romani (*C. I. L.* i. 401); and so it appears in the Calendars of the Augustan time, the days of the games being Sept. 4 to 19. There was the *Epulum Jovis* on the 13th, and the *Equorum probatio* on the 14th. The games in the circus lasted from the 15th to the 19th. In the Calendar of Philocalus (354 A.D.) they run from Sept. 12 to 15. The celebration was in the hands at first of the consuls, afterwards of the curule aediles.

But we must not suppose that these games were regularly established as annual from the beginning. Games, as we have seen, in many cases began from a vow made by the commander, and were celebrated as a special festival after his triumphal procession. As the army, however, used to go forth as a general rule each summer, it became customary when it returned in autumn to celebrate such games, though connected with no triumph, and though no signal victory had been gained. But still in all cases they were celebrated as extraordinary games, and not as games regularly established by law. They were *sollemnes*, "customary," but had not yet become *annui* ("sollemnes, deinde annui mansere ludi Romani magnique varie appellati," Liv. i. 35, 9); for we must remember that *sollemnes* need not mean anything more than "customary." Livy indeed in the passage quoted identifies the two kinds, the *ludi magni* and the *ludi Romani*, and so do Cicero (*Repub.* ii. 20, 35), Festus (*l. c.*), and Pseudo-Asconius (pp. 142-3, Or.); but in all his other books Livy observes a distinction which has been pointed out by Ritschl (*Parerga zu Plautus*, &c. p. 290), that *ludi magni* is the term applied to extraordinary games originating in a vow (*ludi votivi*), while *ludi Romani* is that applied to the games when they were regularly established as annual (*ludi stati*). The latter term, i.e. *ludi Romani*, is first used by Livy in viii. 40, 2 (see Weissenborn *ad loc.*); and after that the terms varied according as the games are *stati* (e.g. x. 47, 7; xxv. 2, 8) or *votivi* (xxii. 9, 10; 10, 7; xxvii. 33, 8; xxxvi. 2, 2; xxxix. 22, 2, &c.; Suet. *Aug.* 23). The distinction drawn by Ritschl is to be considered proved. But when was the fixed festival, the *ludi Romani*, definitely established as annual?

Most probably, says Mommsen (*Röm. Forsch.* ii. 53; cf. *R. H.* i. 472), on the occasion of the first appointment of the curule aediles in 367 B.C., who were to be the *curatores ludorum sollemnium* (Cic. *Leg.* iii. 3, 7). For in the oldest Roman calendars which date from the time of the Decemvirs (cf. Mommsen, *Die röm. Chronologie*, &c. p. 30) these festivals are not engraved in capitals but in small characters, therefore are additions (*C. I. L.* i. 361) made after 449 B.C.; also in 322 B.C. the ludi Romani are mentioned as a regular annual festival (Liv. viii. 40, 2): accordingly the final establishment of these games must lie between these dates; and the year 367 B.C., when so many changes were effected, and when we are told a day was added to these games and curule aediles appointed to superintend them, seems the most reasonable to assume.

Yet Livy and the other authors who identify the ludi magni and Romani are not altogether in error: for the arrangement of the two kinds of games was similar. An incidental proof of this is that when Pompeius established *ludi votivi* in 70 B.C., they lasted for fifteen days (Cic. *Verr.* i. 10, 31), like the ludi Romani; and we find similar sums, viz. 200,000 asses, bestowed for both ludi magni and ludi Romani (Pseud.-Ascon. p. 142; Dionys. vii. 71). The actual ludi Romani consisted of first a solemn procession, *pompa* [CIRCUS]: then a chariot-race, in which each chariot in Homeric fashion carried a driver and a warrior, the latter at the end of the race leaping out and running on foot (Dionys. vii. 72; and cf. Orelli, 2593, where a charioteer is spoken of as *pedibus ad quadrigam*). This is a practice confined to the ludi Romani. In the exhibitions of riding, each rider had a second horse led by the hand (Festus, *s. v. Paribus Equis*), as it appears the Roman horsemen in early times were in the habit of using two horses in battle (cf. Gran. Licinian. lib. xxvi.), like the Tarentini in Greek warfare (Liv. xxxv. 28, 8). Such riders were called *desultores* (Liv. xxiii. 29, 5). Originally, in all probability, there was only one contest of each kind, and only two competitors in each contest (Liv. xliv. 9, 4), as "may be inferred from the circumstance that at all periods in the Roman chariot-race only as many chariots competed as there were so-called factions; and of these there were originally only two, the white and the red" (Mommsen, *R. H.* i. 236, note). These few events allowed further minor exhibitions, such as boxers, dancers, competition in youthful horsemanship (*ludus Trojae*), &c. It was allowed that the wreath the victor won (for this in Greek style was the meed of victory) should be put on his bier when dead (Twelve Tables, 10, 7, and Mommsen's remarks, *Staatsrecht*, i.² 411, note 2). During the festival, too, the successful warrior in real warfare wore the spoils he had won from the enemy, and was crowned with a chaplet. After the introduction

of the drama in 364, plays were acted at the ludi Romani, and in 214 B.C. we know that *ludi scenici* took up four days of the festival (Liv. xxiv. 43, 7). In 161 B.C. the *Phormio* of Terence was acted at these games.

(The chief work on the ludi Romani is Mommsen's article *Die ludi magni und Romani* in his *Römische Forschungen*, ii. 42–57 = *Rheinisches Museum*, xiv. 79–87. Compare also his *Roman History*, i. 235–237 (where the Greek influences on the Roman games are traced), 472, 473; and Friedländer in Marquardt's *Staatsverwaltung*, iii. 477, 478.) [L. C. P.]

LUDI SAECULA'RES. *Saeculum*, like so many words expressing time in Latin (*annus, mensis, dies*, Censorin. *De die natali*, 19, 22, 23), has a twofold meaning. There is the *saeculum civile* and the *saeculum naturale*. In the years 363 B.C. and 263 we find a recognition of the *saeculum civile* in the appointment of a dictator *clavi figendi causa*—a custom which originated probably in 463 B.C., when a grievous plague attacked Rome (Liv. iii. 6, 2; Dionys. ix. 67, 68), and a testimony to the irresistible force of fate was made by driving a nail (*clavus*), the symbol of Destiny, into the wall of the cella of Minerva on the Capitol on the Ides of September (Liv. vii. 3, 6; Mommsen, *Röm. Chron.* 175). The *saeculum naturale* was not, says Censorinus (238 A.D.) in his *locus classicus* on the meaning of the word (*op. cit.* chap. 17), ever established by the Romans, though they fixed the *saeculum civile* at 100 years. But its significance can be gathered from the celebration of certain games, which in later times indeed were called *Ludi saeculares*, but in early times *Ludi Terentini*. This *Terentum* (from *terere*) was a volcanic cleft in the Campus Martius, at which even under the monarchy the gens Valeria sacrificed dark victims to Dis and Proserpina (cf. Mart. x. 63, 3, "Romano Terento"). Valerius Maximus (ii. 5, 2: cf. Zosimus, ii. 1) tells a story of a certain Valesius who got his sons cured of a serious illness by giving them water from the Tiber boiled over this cleft; and these sons saw in the sleep that restored them to health a vision which ordered the sacrifice of dark-coloured victims to Dis and Proserpina on an altar to be found in the Terentum, and the celebration of lectisternia and nocturnal games for three nights in their honour. The altar was found deep buried, the sacrifice was offered, and from this sacrifice date the Ludi Terentini. We are told that P. Valerius Poplicola, first consul, in a case of pestilence offered the same sacrifice and held the same games, and thereby saved the state (Val. Max. *l. c.*). But this latter is a very old mistake, due to the confusion of the first consul with the L. Valerius Poplicola, consul in 449 B.C. For though we cannot be certain of any celebration of these games in 349 B.C., we have the most distinct evidence for their being held in 249 B.C. Varro (*ap.* Censorinus, *op. cit.* 17, 8) says of this year: "Cum multa portenta fierent, et murus ac turris, quae sunt inter portam Collinam et Esquilinam, de coelo tacta essent et ideo libros Sibyllinos xviri adissent, renuntiarunt, ut Diti patri et Proserpinae ludi Terentini in campo Martio fierent tribus noctibus et hostiae furvae immolarentur, utique ludi centesimo quoque anno fierent." (Here, too, we should notice what St. Augustin, *de Civ. Dei*, iii. 18, says of these games, deriving his knowledge probably from Varro: "Jam vero Punicis bellis instaurati sunt ex auctoritate librorum Sibyllinorum ludi saeculares quorum celebritas inter centum annos fuerat instituta. Renovarunt etiam pontifices ludos sacros inferis et ipsos abolitos annis retrorsum melioribus.") The next celebration was not in 149 B.C. but in 146 (Censor. *op. cit.* 17, 11, who quotes contemporary authorities, Piso, Gellius, and Hemina). In the year 49 B.C. religion was silent amid the turmoil of the civil war; and the games were not solemnised till the well-known celebration of Augustus in 17 B.C. But why in this year?

There were many Greek myths (Lobeck, *Aglaoph.* 791 ff.) of certain ages of the world—the golden age, the silver age, &c.—mixed up with astronomical theories of the whole order of the universe beginning anew when the planets returned to their original positions after what was called a *magnus annus*. The same series of people would reappear on earth and repeat again the various exploits of their lives (cf. Verg. *Ecl.* 4, 34 ff.). Among these myths was one that the cycle began anew after four periods of 110 years each. (Cf. Probus *ad* Verg. *l. c.*; and Varro, *ap.* St. Augustin, *de Civ. Dei*, xxii. 28: "Genethliaci quidam scripserunt esse in renascendis hominibus quam appellant παλιγγενεσίαν Graeci: hanc scripserunt confici in annis numero quadringentis quadraginta ut idem corpus et eadem anima quae fuerint conjuncta in homine aliquando eandem rursus redeant in conjunctionem.") Again, there was an influence from Etruria. Just as at Rome at the end of every five years there was a propitiatory offering made to the gods for the people, so in Etruria a similar sacrifice was made at the beginning of what they considered a *saeculum*, i.e. that space of time which embraced even the longest life. The propitiatory offering was made for all alive at the time: when that whole race had passed away, the gods signified that the cycle was over by sending prodigies, and a new sacrifice had to be offered (Censorin. *op. cit.* 17, 5). The first four *saecula* of the Etruscans lasted 100 years each, the fifth 123, the sixth and seventh 119 (Varro, *ap.* Censorin. *l. c.*): so that something over 100 years was the average *saeculum*. The definite Greek theory that the *saeculum* lasted 110 years was taken up by the Quindecimviri (Censor. *op. cit.* 17, 9: cf. "undenos decies per annos," Hor. *Carm. Saec.* 21), and in the interests of Augustus they proceeded to invent celebrations for 456 B.C., 346, 236, 126, Augustus's games being celebrated in the last year of the *saeculum*, 17 B.C. (cf. Mommsen, *op. cit.*, note 363, p. 185). The contemporaries of Augustus, however, Livy (cxxxvi. *ap.* Censor. *op. cit.* 17, 9) and Verrius Flaccus in Festus (s. v. *Saeculares Ludos*), adopt the theory of the *saeculum* being 100 years. The successors of Augustus celebrated the secular games according to different kinds of computation. Claudius, says Gibbon, did not treat the oracle with implicit respect. He celebrated the games, "which none had ever seen before," in the 800th year of the city (47 A.D.), with an actor who had taken part in the secular games of Augustus (Plin. *H. N.* vii. § 159). Domitian celebrated them in 841 of the city (=87 A.D.), six years too early if they were to be 110 years after those of Augustus.

(For this somewhat famous celebration, see Fast. Capitol. in *C. I. L.* i. p. 442; Suet. *Dom.* 4; Tac. *Ann.* xi. 11; Mart. iv. 1, 7, x. 63, 3; Stat. *Silv.* i. 4, 17, iv. 1, 37; Eckhel, vi. 383.) Antoninus Pius in the year 900 of the city (147 A.D.) celebrated them (Aurel. Vict. *Caes.* 15, 4), while Sept. Severus held them 220 years after Augustus in 204 A.D. The last celebration was in the 1000th year of the city (247 A.D.) by the Emperor Philip (Eutrop. 9, 3; Eckhel, vii. 323–4). It may be that Gallienus in 257 A.D. (Eckhel, vii. 409, viii. 22) held them as an extraordinary solemnity in a period of great trouble (Trebell. Pollio, *Gall.* 5), and Maximian in 304 A.D. certainly intended to hold them (*ib.* viii. 20), but does not appear to have carried out his intention: so from Philip's time we may say that the secular games disappear till they were revived in the Middle Ages as the Popish Jubilees instituted by Pope Boniface VIII. in 1300 (Gibbon, i. 327, 328; viii. 217, ed. Smith).

The *Ludi Terentini*, then, and their continuation, the *Ludi Saeculares*, are not a really genuine Roman ceremony. They rest on reference to the Sibylline books (Zosim. ii. 4; Varro, *ap.* Censor. *op. cit.* 17, 8; Hor. *Carm. Saec.* 5), are celebrated by the Quindecimviri (Hor. *Carm. Saec.* 70; Tac. *Ann.* xi. 11) outside the pomoerium (that the gods of the lower world might not be brought inside the city), the gods honoured are not Roman, and the Roman antiquarians considered the solemnities to be derived from Etruria (Censorin. *l. c.*: "Dein quod Etrusci quorum prima saecula centenum fuerant annorum etiam hic ut in aliis plerumque imitari voluerunt Romani"). It was as Magister of the College of Quindecimviri that Augustus celebrated the games with M. Agrippa as his colleague (Mommsen, *Res gestae d. Aug.* pp. 91–93; Eckhel, vi. 102).

The rites of the celebration are given by Zosimus (ii. 5), who also quotes *verbatim* the Sibylline oracle ordering the celebration. His account is in many points confirmed by coins, and is as follows: Heralds summoned the people to the spectacle they had never seen before and never would see again (cf. Herodian, iii. 8, 10). Then in the Capitoline temple of Jupiter and the Palatine temple of Apollo the Quindecimviri gave to all present (slaves were excluded) purificatories (καθάρσια, *suffimenta*), consisting of torches, sulphur, and bitumen; and in the same temples, and that of Diana on the Aventine, wheat, barley, and beans were given to the people to make an offering with (cf. Eckhel, vi. 387, for medals with the inscriptions *Suf(fimenta) p(opulo) d(ata)* and *A Pop(ulo) Frug(es) ac(ceptae)*, &c.), though Zosimus says these were to be given to the actors in the games. Then began the feast, which lasted three nights and three days. Offerings were made to Jupiter, Juno Lucina, Apollo, Latona and Diana, the Fates, Demeter (Tellus, Hor. *Carm. Saec.* 29), Pluto and Proserpina. On the first night at the second hour the emperor, with the assistance of the Quindecimviri, sacrificed to the Fates, at the Terentum, on the border of the Tiber, three rams on three altars, letting the blood flow all over the altars, and then thoroughly burned the victims. A stage is then erected, the people light torches, a newly-composed hymn is sung, and splendid shows are exhibited: for the oracle said (l. 34) that the grave was to be mingled with the gay. On the next day a sacrifice was made on the Capitol of white bulls to Jupiter and a white cow to Juno, in accordance with the oracle (ll. 12, 15), and then in the theatre there were dramatic representations in honour of Apollo. On the second night a white pig and a white sow were sacrificed to Tellus, in accordance with the oracle (l. 11), and dark victims offered to Dis and Proserpina (Varro, *ap.* Censor. *op. cit.* 17, 8; Festus, s. v. *Saeculares Ludos*). On the second day the matrons offered supplications and sang hymns to Juno on the Capitol; and on the third day in the Palatine temple of Apollo there was a sacrifice of white oxen (Hor. *Carm. Saec.* 49), and thrice nine noble boys and maidens whose parents were still alive (ἀμφιθαλεῖς, *patrimi ac matrimi*) sang hymns in Greek and Latin for the preservation and prosperity of the Roman empire. Such a hymn was called *Carmen Saeculare*, and we still possess the hymn which Horace wrote for the celebration of the games by Augustus.

On the secular games generally, consult Mommsen, *Die römische Chronologie bis auf Cäsar*, pp. 172–194 (chapter on the *Saecula*); K. L. Roth, in the *Rheinisches Museum*, viii. (1853), pp. 365–376; Preller, *Römische Mythologie*, 469–478; Marquardt, *Staatsverwaltung*, iii. 370–378. [L. C. P.]

LUDI SEVIRA'LES. [LUDI MARTIALES.]

LUDI TAU'RII were of a similar nature, and due to a somewhat similar origin as the Ludi Saeculares. They were instituted to the gods of the lower world, according to Festus (s. v. *Taurii*, p. 350 M. The absurd interpretation given by Varro on p. 351 may be discarded), in the reign of Tarquinius Superbus, when a great pestilence fell on pregnant women, owing to the sale of bulls' flesh among the people. Other interpretations of the name are that it is from *taura* or *taurea*, a barren cow, which was sacrificed to Proserpina, or that the games were instituted by the Sabines that a pestilence which had attacked them might be turned on the bulls which they sacrificed (Serv. on Verg. *Aen.* ii. 140). At these games there was a chariot-race in the circus (Varro, *L. L.* v. 154). We hear of their being celebrated *religionis causa* for two days in 186 B.C. (Liv. xxxix. 22, 1). [L. C. P.]

LUDI TERENTI'NI. [LUDI SAECULARES.]

LUDI VICTO'RIAE CAE'SARIS or VE'NERIS GENETRI'CIS. These were first celebrated in 46 B.C. by Julius Caesar on the dedication of the temple of Venus Genetrix, voted at the battle of Pharsalia, which took place on Sept. 24 (*C. I. L.* i. 397); but they appear in the Calendars as being celebrated in July, from the 20th to the 30th. This is due to the introduction of the Julian Calendar, according to which July 23, 24 would correspond to Sept. 24, 25 (*C. I. L.* l. c.). They are called *Ludi Victoriae Caesaris* by the Fasti Maffeiani and Amiternini, by Matius Calvena in Cicero, *Fam.* xi. 28, 6, and Suet. *Aug.* 10; but *Ludi Veneris Genetricis* by App. *B. C.* iii. 28, Plin. *H. N.* ii. § 93, Senec. *Quaest. Nat.* vii. 17, Dio Cass. xlix. 42. But Victoria was identified with Venus Genetrix (Varro, *L. L.* v. 62; Gell. x. 1, 7; Preller, *Röm. Myth.* 389, 707; Mommsen in *C. I. L.* i. 397). These games were

administered by a special collegium (Suet. *l. c.*; Plin. *l. c.*; Jul. Obseq. 68 [128]). [L. C. P.]

LUDI VICTO'RIAE SULLA'NAE were established by Sulla in 82 B.C. The original day was the Kalends of November, the date of the victory at the Colline Gate; but afterwards the games lasted from Oct. 26 to Nov. 1 inclusive. They were called Ludi Victoriae Sullanae by Velleius (ii. 27) and the Fasti Sabini (*C. I. L.* i. p. 302), to distinguish them from the Ludi Victoriae Caesaris. They do not appear in the Calendar of Philocalus (354 A.D.). [L. C. P.]

LUDI VOLCANA'LICI. The coins of 20 B.C., stamped *Mars Ultor* and *Volkanus ultor* (Eckhel, vi. 96), would seem to point to these games being established after the recovery of the standards from the Parthians; but the Fasti of the Augustan age do not mention them. These games were abolished by Macrinus, but soon renewed, owing to a religious feeling among the people that they ought to be restored, which was confirmed by the burning of the amphitheatre (Dio Cass. lxxviii. 25). They were celebrated in the temple of Vulcan outside the city (Plut. *Quaest. Rom.* 47 = p. 276) on the 23rd of August (*C. I. L.* i. 400). [L. C. P.]

LUDUS LITTERA'RIUS (*διδασκαλεῖον*), a school.

I. IN GREECE.—The education of children in Homeric times is not definite enough to come under our subject: it may, however, be noted that the sons of princes are represented in Homer as being trained under some instructor, not only in martial exercises, which would correspond to the palaestric course in later times, but (to take the instance of Achilles) also in something answering to rhetoric, under Phoenix (*Il.* ix. 414), whom Plutarch (*de Educ. Lib.* 12) calls *παιδαγωγὸς Ἀχιλλέως*, and in music and medicine under Chiron. The latter being represented to us as an instructor of boys away from their homes, may be said to give the earliest hint of anything like school teaching. Passing to historical times, we must draw a general distinction between Doric and Ionic races. In Doric states (for instance, Sparta and Crete) there was much gymnastic and little mental training. A boy at Sparta was taken from his parents' control at seven, and his subsequent training was supervised by the Bidiaei, under whom (with the real management) was the Paedonomus [BIDIAEI; PAEDONOMI]. This referred, however, only to bodily exercises and chorus-singing. The state took no heed of literary education, and, if any was to be gained, it was a private concern of the parents. Many no doubt learned to read and write, and acquired some amount of simple arithmetic; but even this was far from being universal. In the *Hippias Major*, p. 285 C, it is said that few Spartans knew any arithmetic. Music, however, all learnt, the cithara and flute, and especially singing in chorus.

In Ionic states more attention was paid to literary culture. It is a question how far even among Ionians literary schools were ordered or controlled by the state, and it is still more doubtful whether they received state payment, or rather it is tolerably certain that the cases in which they did so may be regarded as exceptional. There is, however, abundant evidence of the importance attached to schools in Ionian states, even in early times. Herodotus (vi. 27) mentions a school of 120 boys at Chios in the year 500 B.C.; and so important was school education regarded, that, when the Athenians went to Troezen during the occupation of Athens by Xerxes, special provision was made to supply teachers there (Plut. *Themist.* 10). That education was regarded as a necessity appears even more clearly in the decree of the Mitylenaeans, given by Aelian (vii. 15), that the punishment of disobedient allies should consist in the prohibition of schools. Diodorus (xii. 12) tells us that Charondas (between 600 and 500 B.C.) passed laws for Thurii to the effect that all boys should have literary teaching at the public expense (*χορηγούσης τῆς πόλεως τοὺς μισθοὺς τοῖς διδασκάλοις, ὑπέλαβε γὰρ τοὺς ἀπόρους ἀποστερήσεσθαι τῶν καλλίστων ἐπιτηδευμάτων*). This is important testimony as to state regulation and state payment, if it can be accepted as authentic history. Most scholars deny that these laws are genuine, though others (as Göll) do not altogether reject them. It is to be feared that their date must be regarded as uncertain. As regards later times in Greece, it is clear from Polybius xxxi. 17 that there was state payment for education at Rhodes, since the Rhodians devoted a gratuity of Eumenes, king of Pergamus, to that purpose; and we learn from an inscription at Teos that in the last century B.C. there was in that island a payment for three *γραμματοδιδάσκαλοι* to teach boys and girls fixed at 600, 550, and 500 drachmas, two for the gymnastic school at 500 and a musical teacher at 700: a rich man of the place, Polythrus, had given the state 34,000 dr. to further the education of the poor (Hirschfeld, *Hermes*, ix. 501; Fränkel's note on Boeckh, *Staatshaush.* ii. 35*). We may pass from Greece in general to Athenian education, as the most important branch of the subject, and that on which we have most information. It does not appear that there was any state payment of schools at Athens before the Roman Imperial age, when Hadrian endowed chairs of rhetoric and philosophy (Gibbon, v. 91, ed. Smith). As regards state control, there was certainly a law of Solon fixing an obligation on parents and guardians to provide for the education of boys (Plat. *Crit.* 50 D). The neglect of this duty was noticed by the Areopagus, and brought at least some public stigma. There is no evidence of any penalty, and Becker thinks that it was merely an injunction, and that the only consequence of neglect was that the parents lost the right of claiming support from their children (cf. Aeschin. *Timarch.* § 13). The passage in Plato, *Legg.* vii. p. 804 C, is a Utopian scheme, not a statement of existing institutions. On the other hand, there is the question whether the public officers, the Sophronistae and Epimeletae, exercised any functions of inspection which would give the state a control. It is usual to think that they had nothing to do with schools (*διδασκαλεῖα*), though something with the gymnasium (see Göll on Becker's *Charikles*, ii. 56). And this agrees with Aristot. *Pol.* v. (or viii.) 1 (= p. 1336), where Aristotle desiderates public superintendence of education rather than leaving it in private hands, "*as it is now*": but Curtius (*Hist. of Greece*, ii. 385) believes the Sophronistae to have been appointed about 459 B.C. (at the same time as the Nomophylaces), to take

over that part of the Areopagitic duties which related to orderly public life, and especially to the education of the young. And Fränkel, in the note mentioned above, cites a decree of Eleusis, which praises Dercylus for his efforts as στρατηγὸς in the cause of education; and this seems to imply some kind of state interference. Whether, however, state officials controlled and inspected schools or not, there is no doubt that feeling and custom made some considerable amount of literary education universal for boys at Athens. For girls there were no schools; what they *did* learn was from their mothers or from female slaves, and consisted chiefly in useful works, such as spinning: that sometimes at any rate they learnt to read and write may be gathered from Dem. *c. Spud.* pp. 1030, § 9, and 1034, § 21.

School period.—At the age of six, when the boy was strong enough to do without a woman's care, he was entrusted to a *paedagogus* [PAEDAGOGUS], who conducted him everywhere,—to school, to the palaestra, &c.,—carrying his books and other school requisites. (Cf. Plat. *de Leg.* vii. 808 D, who says that, if animals have caretakers, of course the boy must, "being the most unmanageable of all animals.") There is a kindlier notice of the genus schoolboy and his progress to school in Lucian, *Am.* 44, which is worth quoting: ὄρθριος ἀναστὰς ἐκ τῆς ἀζύγου κοίτης τὸν ἐπὶ τῶν ὀμμάτων ἔτι λοιπὸν ὕπνον ἀπονιψάμενος ὕδατι λιτῷ καὶ χιτωνίσκον καὶ χλανίδα ταῖς ἐπωμίοις περόναις συβράψας ἀπὸ τῆς πατρῴας ἑστίας ἐξέρχεται κάτω κεκυφὼς καὶ μηδένα τῶν ἀπαντώντων ἐξ ἐναντίου προσβλέπων, ἀκόλουθοι δὲ καὶ παιδαγωγοί, . . . carrying tablets, books or lyre." It is true that in the same author we find σκυθρωπὸς ὥσπερ οἱ εἰς διδασκαλεῖα φοιτῶντες, and of the severe discipline of cane and rod we have evidence from Arist. *Nub.* 972, Xen. *Anab.* ii. 6, 12, &c. The school began early in the morning and ended at sunset, according to Solon's law (Aesch. *Timarch.* § 12; cf. Plat. *Legg.* vii. 808 B; Thuc. vii. 29); but there was an interval for the ἄριστον at mid-day (Lucian, *de Parasit.* 61). In grammar schools the Musea was a school festival (see Theophrast. 26 and Jebb's note). And there were holidays at great festivals, so much so that in the month Antheserion there was comparatively little school-time (Theophrast. 22).

Subjects.—The regular school course (ἐγκύκλιος παιδεία) was intended to convey, besides mere reading and writing, a knowledge of the poets, and proficiency in music and gymnastics. In the Socratic age some mathematical training was added, and at least a knowledge of simple arithmetic was universally imparted (*Hippias Maj.* 285 B; Plat. *Legg.* vii. 819 C). This mere reckoning, however, was taught mainly at home by means of a calculating table [ABACUS; LOGISTICA]; and accordingly Aristotle (*Pol.* v. or viii. 1) speaks of three usual subjects, γράμματα, γυμναστική, and μουσική. (In Plato μουσικὴ would include γράμματα.) The elementary reading lesson was sometimes made easy and attractive by methods like those of the modern *Kindergarten*, the use of ivory letters, &c. (Cf. Plat. *Legg.* vii. 819 D.) Grasberger cites from Philostratus (*Vit. Soph.* ii. p. 240) a device of Herodes, who gives to a weak pupil twenty-four companions named from the letters of the alphabet, ἵνα ἐν τοῖς τῶν παίδων ὀνόμασι τὰ γράμματα αὐτῷ μελετῷτο. For the method of teaching writing, see Plat. *Protag.* 326 D. The literary course consisted of reading and explaining the best poets (Plat. *Protag.* l. c.), such as Homer, Hesiod, Theognis, Phocylides; but of these especially Homer. In Xen. *Symp.* 3, 5, Niceratus says, "My father, to make me a good man, compelled me to learn all the poems of Homer, and now I could say by heart the whole *Iliad* and Odyssey." (Cf. Dio Chrysost. *Or.* xi. 4.) This poetical training was intended to impart a knowledge of mythology and philosophy (especially through the γνῶμαι), as well as taste and power of expression. Of course time was freer, since there was no language, natural science, or history to be learnt.

To this literary course was sometimes added special teaching in tactics and strategy for those who looked to a military career (Plat. *Euthydem.* 273 C; Xen. *Mem.* iii. 1), and drawing was taught before the time of Aristotle (*Pol.* l. c.), having been, according to Pliny, introduced by Pamphilus (the teacher of Apelles) first at Sicyon, whence it spread over Greece, and was regarded for all sons of citizens a most important branch of education—slaves might not learn it (Plin. *H. N.* xxxv. § 77). It was chiefly correct outline drawing without colour, on boxwood tablets. The musical teaching began at 12 or 13, and was so ordered that the pupils might appreciate and accompany lyric poetry. Aristotle, in the book cited above, says that, while the literary education and the drawing are useful for the mind, music is to be maintained on the ground that, though of no practical use, it provides a noble and liberal employment of leisure. It should be observed that the instrument taught was the lyre: the flute, a favourite instrument at Thebes, and once commonly learnt at Athens, was tabooed, except for professionals, about the time of the Peloponnesian war. Aristotle (*l. c.*) gives reasons for this. The διδασκαλεῖα lasted till ἥβη, *i.e.* till 16; and afterwards for those of the richer classes, who wished for advanced learning, came the schools of the rhetoricians and Sophists, who taught various departments of knowledge. Curtius (*Hist. of Greece*, ii. 414) remarks that "the training was for life in general: the palaestra lessons fitted them for military exercises: power of judgment and readiness of speech came from their poetic studies: the music learnt at school was useful in social meetings, where the lyre passed from hand to hand." And it is easy to see that the literary course above described qualified the Athenians to take an intelligent and critical interest in their great dramas, and indeed in literature and art generally, such as was possible for no other nation as a whole in ancient or modern times; though there is some justice in the remark of Professor Mahaffy, that the development of the system led to elegant trifling and intellectual idleness (*Social Life in Greece*, 335). Such questions, however, need not be enlarged on here. They belong rather to Greek history.

Place of Education.—The schoolroom itself was called διδασκαλεῖον or παιδαγωγεῖον (Dem. *de Cor.* p. 313, § 258; Pollux, iv. 19, 41); also φωλεόν, or φωλεός. Hesychius gives curtly the

combination of meanings φωλεόν· διδασκαλεῖον· ἢ οὗ τὰ θηρία κοιμᾶται. Some indeed maintain that the παιδαγωγεῖον was only an ante-room, where the paedagogi sat and waited; but Grasberger (vol. ii. 207) remarks that it was unlikely that so poor a school as that of Elpias would have an ante-room, and cites Philostr. *Vit. Soph.* ii. 263, to show that the paedagogi sat with their charges. In Roman times certainly we have Remmius Palaemon, as paedagogus, learning more than the schoolboys from the lesson (Suet. *Gr.* 23). Some schools had not even one room, but were held in the open air, as by Dionysius the younger (Gell. xxi. 5); cf. *Anth. Gr.* xi. p. 437:

> αἰάζω Διότιμον ὃς ἐν πέτρῃσι κάθηται
> Γαργαρέων παισὶν βῆτα καὶ ἄλφα λέγων.

But this is only in the case of the very poor: even the father of Aeschines is described by Demosthenes as in a schoolroom, and Demosthenes contrasts that establishment with the respectable (προσήκοντα) schools to which he went himself. The boys sat on benches (βάθρα), the master on a chair (θρόνος). See the rather unattractive picture in Liban. iv. p. 868, where we are told that the master "sits aloft, like a dicast, with an awful frown and an expression of implacable wrath, before which the pupil must tremble and cringe." In the vase-picture given below, we

Athenian School. (From the Duris Vase.)

see the various departments, each group representing a class: (1) repetition of poetry; (2) music lesson on the lyre (where both teacher and pupil sit, and both have laid aside the *himation* to give free play to the arms); (3) the writing master with a tablet (or possibly a master correcting an exercise); (4) a singing lesson, where the master is not *teaching* the forbidden flute (see above), but giving a note from it. On the walls are articles of the school apparatus,—book-roll, tablets, lyre, geometrical instrument (?), drinking vessel, basket for books. It is a disputed question whether the seated spectators are government inspectors, paedagogi or parents, and the question is so impossible to decide, that the picture unfortunately cannot be made an argument for the presence of any one of the three at the lesson.

Payment.—The poor status of the Athenian schoolmaster (γραμματιστής) is sufficiently indicated by the line ἤτοι τέθνηκεν ἢ διδάσκει γράμματα (Meinek. *Fr. Incert.* 453 = Zenob. *Cent.* iv. 17). He was ill-paid, and often did not receive his payment at all (Dem. *c. Aphob.* i. p. 828, § 46; cf. Theophrast. 22). This does not apply to the Sophists in the more advanced school, who were able to charge as much as 100 minae for their complete course to each pupil (see Boeckh, *Staatshaus.* i. 154): and the chairs founded in later times by Hadrian had a stipend of 100 minae a year attached to them.

2. ROMAN.—At Rome, education, though not made obligatory by any law, was always, so far as our knowledge extends, considered of importance. In early days, however, the father himself generally taught his son. ("Erat autem antiquitus institutum ut a majoribus discereмus . . . suus cuique parens pro magistro erat." Plin. *Ep.* viii. 14: cf. Plaut. *Most.* i. 2, 42.) So Servius Tullius is said to have been taught by king Tarquin (Cic. *de Rep.* ii. 21, 37); and of Cato the elder it is said, as part of his conservatism, αὐτὸς μὲν ἦν γραμματιστής, αὐτὸς δὲ νομοδιδακτής, αὐτὸς δὲ γυμναστὴς to his own son (Plut. *Cat. Maj.* 20). This old training no doubt consisted much in living with the father and learning his business of public life; but there was also direct instruction in reading, writing, and arithmetic (*i.e.* reckoning), and in saying by heart the twelve tables which formed a sort of catechism to the Roman of the old school. Thus Cicero says, "discebamus pueri xii tabulas ut carmen necessarium;" though he adds with regret, "quas jam nemo discit." But it of course often happened that the father wanted either the ability or the inclination to teach his son, and so arose the custom of wealthy parents employing educated slaves or freedmen as private tutors at home. Livius Andronicus, late in the 3rd century B.C., was so employed by Livius Salinator: Augustus so employed the freedman Verrius Flaccus to teach his grandsons; and in some cases, when the teacher was a slave, his master let him teach a class of outsiders and so made a profit (Plut. *Cat. Maj.* 20). For this private tuition in early times, see also Plaut. *Bacch.* iii. 1, 27. It is probable, however, that even in the earliest times there were schools to which those who could neither teach themselves nor provide competent slaves as teachers, sent their children, boys and girls alike. Plutarch (*Rom.* 6) represents Romulus and Remus as learning at a school at Gabii ὅσα χρὴ τοὺς εὖ γεγονότας, and, in less purely legendary times, there is no reason to discredit the account of Virginia going to school (Liv. iii. 44), or of the schools at Falerii (Liv. v. 44) and Tusculum (Liv. vi. 25) early in the 4th century B.C.

Against this has by some been adduced the passage of Plutarch (*Quaest. Rom.* 59), which states that Spurius Carvilius was the first person who opened a school (γραμματοδιδασκαλεῖον) at Rome, B.C. 231: but Plutarch probably only means that Carvilius was the first *grammaticus* or teacher of the more advanced literary schools, which came in along with the influence of Greek literature, and he

does not thereby negative the elementary schools mentioned by Livy (and indeed by himself elsewhere) as existing much earlier. It is necessary therefore to distinguish (1) *litterator*, or *magister litterarius* (=γραμματιστής), the elementary schoolmaster; (2) *grammaticus* (also *litteratus*), a more advanced teacher; (3) *rhetor*. This distinction explains Apul. *Flor.* 20: "prima cratera *litteratoris* ruditatem eximit, secunda *grammatici* doctrina instruit, tertia *rhetoris* eloquentia armat." So Augustin. *Confess.* i. 13, 1: "adamaveram litteras, non quas *primi magistri*, sed quas docent qui *grammatici* vocantur." Private teachers were employed in later as in older times, by many men of high station, but still, except the imperial family, it was common for those of the highest rank to send their sons to schools. Thus we find Sulla sending his son Faustus to the school in which Cassius also was being educated (Plut. *Brut.* 9); and Ausonius, a man of the highest rank in the state, recommends school education in a passage cited below. The question whether home or school education is to be preferred is discussed by Quintilian (*Inst. Or.* i. 2), with a result in favour of the latter, and the arguments on either side have a striking resemblance to those which are used at the present day.

Place.—The elementary schools and those of the *grammatici* were usually in a verandah partly open to the street, and the schoolroom is accordingly called *pergula* (see Marquardt, *Privatleben*, 93, note), *taberna*, or *porticus* (Suet. *Gr.* 18; Juv. xi. 137; Liv. iii. 44, vi. 25; Eumen. *pro Inst. Schol.* 20). Hence the noise of teaching and of punishing was audible through the street and annoying to the neighbours (Mart. xii. 57, &c.). Boys and girls were taught in the same school, as is shown alike by passages such as Mart. viii. 3, ix. 68; Ovid. *Trist.* ii. 369, and by old paintings which have been discovered.

School-time.—The school began early, even before dawn, when "nondum cristati rupere silentia galli" (Mart. ix. 68); so that the boys brought lamps with them (Juv. vii. 226): there was a break for the prandium (Lucian, *de Paras.* 61), after which the school was continued. Each boy was accompanied from his home by his paedagogus, or slave (who acted as a sort of private tutor, both in regard to control and not unfrequently in teaching), also called *custos* (Juv. vii. 218; cf. Hor. *Sat.* i. 6, 86), and by an inferior slave called *capsarius*, carrying the books and tablets, the "custos angustae vernula capsae" of Juv. x. 17, who is to be distinguished from the paedagogus. (Cf. Suet. *Ner.* 36, and Mayor's note on Juv. *l. c.*) Juvenal in *Sat.* vii. 222 ff. describes for us the schoolroom (which was, as was said above, generally in a sort of verandah); the busts of the poets blackened by smoke from the scholars' lamps, the master seated on his chair (*cathedra*), while his class stood before him or sat on benches (*subsellia*). We hear also of wall-maps in a remarkable passage of Eumenius, a teacher at Autun at the end of the 3rd century: "The boys should have daily before their eyes on the walls all lands and seas, all cities and peoples, comprehended under our empire: for the name and position of places, the distances between them, the source and outflow of rivers, the coast-line with all its seaboard, its gulfs and its straits, are better taken in by eye than ear" (*pro Instaur. Schol.* 20; cf. Propert. v. 3, 37). There were also tables of authors and of dates hung up (see Marquardt, *Privatleben*, 109).

Discipline.—That this was generally severe may be seen from the line of Juvenal (i. 15), "et nos ergo manum ferulae subduximus," and from the abundant illustration given by Professor Mayor on that passage. Zonaras mentions that the prince Arcadius was flogged by Arsenius without apparently any objection from the Emperor Theodosius. Arsenius, however, seems to have been a private tutor, teaching only the emperor's children. Quintilian (i. 3, 14) argues against corporal punishment altogether. On the other hand, prizes were given to encourage the industrious — some valuable or prettily got-up book: "praeposito praemio quod virtus auferret. . . . Is erat liber aliquis antiquus, pulcher aut rarior" (Suet. *Gr.* 17). Grasberger (ii. 335) cites an inscription found near the Porta Salaria about Q. Sulpicius Maximus, who at the age of 11½ won a prize against fifty-two competitors for Greek verses about Phaethon. Prizes are mentioned also at Athens in the Roman period for the best ἐγκώμιον or essay. Few passages will better give an idea of a Roman school than Idyll iv. which Ausonius (once tutor to Valentinian's sons, but afterwards a count of the empire and consul) addresses to his grandson, just going to school (line 27):

"Tu quoque ne metuas, quamvis schola verbere multo
Increpet, et truculenta senex gerat ora magister.
Nec matutinis agitet formido sub horis,
Quod sceptrum vibrat ferulae, quod multa supellex
Virgea, quod fallax scuticam praetexit aluta,
Quod fervent trepido subsellia vestra tumultu.
Haec olim genitorque tuus, genetrixque secuti
Securam placido mihi permulsere senectam."

Schooltime and Holidays.—The Roman school year began on March 24th, after the Quinquatria, when the new boy brought his entrance-fee (*Minerval*, see Tertull. *de Idol.* 10; Juv. x. 116, and Mayor's note). Sometimes the money for the whole previous year was brought then (Juv. vii. 242), but (as appears from Hor. *Sat.* i. 6, 72) it was usually paid each month; and this is prescribed by an edict of Diocletian (*C. I. L.* iii. 831). The regular holidays or vacation were the week at the Saturnalia in December and the five days at the Quinquatria in March, but there was also a holiday on each *nundinae* (Varr. *ap.* Non. 133; Suet. *Gr.* 7), and at the time of the important games. This is indeed a very much shorter estimate of holidays than that which Marquardt gives (*Privatl.* 43), of *four months'* continuous holidays in the summer! But his view cannot be accepted. He bases it on two well-known passages: (1) Hor. *Sat.* i. 6, 75, from the reading, "Ibant *octonis* referentes Idibus *aera*;" (2) Mart. x. 62, "ferulae . . . cessent et idus dormiant in Octobris." As regards the first passage, there is little doubt that we should read *octonos, aeris*, which must have been the reading of Schol. Cruqu., "Hoc est singulis idibus referebant octonos asses aeris," and of Acron, "Octonis (-os?) numos pro mercede, octonos asses aeris, quia ante Idus mercedes dabantur." For the expression we may compare Cic. *pro Rosc. Com.* 10, 28, "duodecim aeris,"

and Plin. *H. N.* xiv. § 16, "octonis aeris vendere." Horace is contrasting with Rome the countrified school where boys carried their own books instead of having a *capsarius*, and paid a very small sum. Martial, even if the passage were taken to convey a fact, would not convey what Marquardt postulates, since the poet represents the schools as going on at any rate in July, and therefore expressly excludes the *four* months. But in truth Martial makes no statement: bored by the noise of a neighbouring school, doubly tiresome in hot weather, he is expressing a wish, which he never expects to be fulfilled. There is therefore nothing in these passages to discredit the plain inference to be drawn from the manner in which the Quinquatria and Saturnalia are spoken of as the *principal* holiday-times for schoolboys, though neither lasted more than a week.

Subjects.—The school life began usually at seven years of age (Quint. i. 1, 15); but no doubt in most cases there was some earlier home instruction. Tacitus (*Dial.* 29) mentions, with no approval, the custom of having a Greek maid, like a *bonne*, for children to give them an early familiarity with the Greek language. In the elementary schools the course consisted of reading, writing, and simple arithmetic. (Cf. Augustin. *Conf.* i. 13, "illas primas ubi legere et scribere et numerare discimus.") Quintilian (i. 1, 26) mentions the system of making the reading lesson attractive by using ivory letters, as above in Greek schools. The writing lesson was on a wax tablet, with lines or furrows (*sulci*) to guide the hand (Quint. i. 1, 27). Arithmetic (as we know from Horace, *A. P.* 325) was of great importance in the Roman judgment, and we find from an edict of Diocletian that the arithmetic master (*calculator*) was paid more highly than the teacher of reading and writing. (For the method, see LOGISTICA.) In the schools of the grammarians (which we may assume, according to the passage quoted from Pliny, to have been started by Sp. Carvilius) came the study of poets. This school differed from the elementary school, because that was training merely for the bare necessities of practical life, while the grammar school (if we may so term it) was nearer the ideal Greek training, an *eruditio liberalis* or "liberal education" (Cic. *Tusc.* ii. 11, 27). The central point was to read with full explanation Greek and Latin poets (these were sometimes distinct under *grammatici Graeci* and *Latini*): the boy must first learn to read the poet with understanding and with correct emphasis. It is clear that the Romans, like the Greeks, laid the greatest stress on elocution. Eloquence under the Republic was the only avenue to power (Tac. *Dial.* 37; Friedländer, vol. iv. 7); and the school was intended to train the utterance as well as to supply a flow of words, "os tenerum puero balbumque poeta figurat." This is abundantly shown in Cicero and Quintilian *passim*, and perhaps better than elsewhere in Ausonius, *Id.* iv. 45:

> "Perlege quodcunque est memorabile: priva monebo
> Conditor Iliados, et amabilis orsa Menandri
> Evolvenda tibi: tu flexu et acumine vocis
> Innumeros numeros doctis accentibus effer,
> Adfectusque impone legens: distinctio sensum
> Auget, et ignavis dant intervalla vigorem."

With this object the master read over the passage and made the class repeat it, as we see from the frequent *reddere dictata*, i.e. to repeat passages after the master (Hor. *Ep.* i. 1, 55; i. 18, 13). This is expressed also by the word *praelegere* (Mart. i. 36; Quint. i. 8, 8). Besides this, however, the passage was thoroughly threshed out as to its meaning, its metre, the questions of geography, history, mythology, and ethics connected with it (Quint. i. 4, 4; Cic. *Verr.* i. 18, 47; Tac. *Dial.* 30). Hence Cicero says of these schools of *grammatici*, "In grammaticis poetarum pertractatio, historiarum cognitio, verborum interpretatio" (*de Orat.* i. 42, 187; cf. Juv. vii. 231). The questions raised were, however, often extremely trivial, "the name of Anchises' nurse," &c. (Juv. vii. 235: see the instances in Mayor's note *in loc.*). There were also learning by heart and practice in verse composition: prose belonged to the rhetoric school, when that was established as separate from the grammatical. As regards the authors read, Homer universally held the first place (Hor. *Ep.* ii. 2, 42; Quint. i. 5, 8; Plin. *Ep.* ii. 14), and next perhaps the favourite was Menander (Ov. *Trist.* ii. 23; Auson. *l. c.*), and then the great tragedians. We have an account in Stat. *Silv.* v. 3 of the books read in the school kept by the father of Statius at Naples; and the list comprises Homer, Hesiod, Theocritus, Pindar, Ibycus, Stesichorus, Sappho, Corinna, Callimachus. It is possible, as Friedländer remarks, that at Naples, as a town preserving Greek life and habits, Greek literature might be more deeply studied than elsewhere. The Latin authors most read in the 1st century were Virgil, Horace, and Lucan; Statius lived to see his own works read in schools (*Theb.* xii. 810). A reaction took place as to the literature in vogue about 100 A.D. (see Grasberger, vol. ii. p. 204; Friedländer, vol. iv. p. 20), and, in place of the authors of the Augustan age, the older prose writers and the poets of the 3rd cent. B.C.—Gracchus, Naevius, Ennius, Plautus, Accius, and Lucilius—were adopted as schoolbooks. This was at the time when Hadrian preferred Cato to Cicero, Ennius to Virgil (*Vit. Hadr.* 16). Fronto, the teacher of Marcus Aurelius, was a leader in the depreciation of the Augustan writers (see Teuffel, *Hist. of Roman Lit.* § 351 ff.). Music began to be studied towards the end of the 1st century—a mark of Greek influence (Sen. *Ep.* 88, 9; Suet. *Tit.* 3); and the above course, with the addition of geometry, formed what Quintilian (i. 10, 1) calls the ἐγκύκλιος παιδεία with which the majority were content. Many, however, proceeded to the school of the *rhetor*. Like the school of the *grammaticus*, this was originally formed after the Greek pattern. The early Latin rhetors, Plotius, &c. were not approved, and the censors in B.C. 92 closed the Latin schools of rhetoric, because, as they alleged, they were a pretence for idleness. (Suet. *Rhet.* 1; Gell. xv. 11). Cicero (*ap.* Suet. *Rhet.* 2) testifies to the superior teaching of the Greek *rhetores*. In these schools prose authors took the place of poets: but the principal part was the prose exercise, which, for the beginner a mere prose narrative, passed on to the *declamatio*. The easier kind of *declamatio* was *suasoria*, on some historical and mythological subject, adopting

some view on this or that story or point of history and arguing it (see Juv. i. 16). They advanced to *controversiae* or declamations on some legal point. (See Friedländer, vol. iv. p. 23, French translation.) Pliny (*Ep.* ii. 3) may be referred to for a description of a celebrated *rhetor*—the Isaeus alluded to in Juv. iii. 74.

The status and emoluments of the schoolmasters, *grammatistae* and *grammatici* alike, were low. Ovid calls them "turba censu fraudata:" compare the poverty of the famous Orbilius, described in Suet. *Gr.* 9, and especially Juv. *Sat.* vii. 228–243. What their ordinary fee was, cannot, however, be determined. In Diocletian's time (when their position was probably better than when Juvenal wrote), the maximum fee for the *grammatistes* from each pupil was 50 denarii a month, and for the *grammaticus* 200 (*C. I. L.* iii. 831).* The *rhetor* seems to have received twice as much as the *grammaticus*, and his emoluments were increased by the state endowments begun by Vespasian (Suet. *Vesp.* 18). Remmius Palaemon is cited as an instance of a wealthy *grammaticus*, and by a *rhetor* wealth was more often acquired. There were, besides, the turns of fortune, of which Juvenal speaks (vii. 197), and of which the Emperor Pertinax (once a *grammaticus*) and Ausonius afford instances. (See Mayor's note on Juv. *l. c.*)

For the literature on this subject, the most important Latin and Greek authors have been cited in this article: a long additional list will be found in Grasberger, vol. ii. p. 12, whose work, *Erziehung und Unterricht in classischen Alterthum*, forms the most complete modern authority. See also Becker-Göll, *Charikles*, ii. 19 ff.; Göll's excursus on Becker's *Gallus*, vol. ii. pp. 61–114; an excellent popular work of Blümner, *Leben und Sitten der Gr.*; Marquardt, *Privatleben*, p. 80 ff. [G. E. M.]

LUDUS TROJAE. [TROJAE LUDUS.]

LU'MINA. [SERVITUTES.]

LUPA'NAR. [CAUPONA, Vol. I. p. 388*b*.]

LUPA'TUM. [FRENUM.]

LUPERCALIA, probably the most ancient of the Roman festivals, was held every year on the 15th of February, in honour of a deity who is described as *Faunus* or Pan by Ovid (*Fasti*, ii. 268 foll.), *Inuus* by Livy (i. 5), *Lupercus* by Justin (xliii. 1, 7). The later Romans had lost the secret of the god's real name, and their scholars merely made guesses about it, which are represented in the names above given; Faunus being brought in through his supposed connexion with the Palatine hill, Inuus being an obscure deity of the same character as Faunus, and Lupercus probably a mere invention, based on the name of the festival. Remembering the great multiplicity and fluidity of the names of Roman deities, and the tendency to avoid fixing a god's name in ritual, we may hesitate to form a conclusion where the Romans themselves were uncertain. (*Liber* is suggested by Servius on *Aen.* viii. 343, who also says that others held the divinity in question to be a *deus bellicosus*.) The general character of the rites suggests an extreme, possibly even a pre-Roman, antiquity; and though their meaning can be in part explained, they do not suggest any particular deity as specially concerned in them.

These rites were as follows:—On the day in question the members of the two colleges of Luperci (see LUPERCI) met at the cave of the Lupercal, under the Palatine, where Romulus and Remus were said to have been nurtured by the she-wolf, where (according to Justin, *l. c.*) there was a temple and an image of the deity girt with a goat-skin—most probably of comparatively late origin. Here they sacrificed goats and young dogs (Plutarch, *Quaest. Rom.* 68; *Rom.* 21), and at the same time were offered the sacred cakes made by the Vestal Virgins from the first ears of the previous harvest (Serv. *Ecl.* 8, 82). Then two young men of birth, themselves perhaps members of the Luperci, were brought forward: these had their foreheads smeared with the knife still bloody from the victims, and then wiped with wool dipped in milk, after which they were obliged to laugh. They then, or other Luperci, girt themselves with the skins of the slaughtered goats, and feasted luxuriously; after which they ran round the Palatine hill, striking at all the women who came near them with strips of skin cut from the hides of the victims. These strips bore the name of *februa*, a word applied by the Romans to many kinds of instruments of purification. (For the above details, see Plut. *Rom.* 21, *Caesar* 61; Dion. Hal. i. 79, 80; Val. Max. ii. 2, 9; Ov. *Fasti*, ii. 267; Juv. *Sat.* ii. 142.)

The immediate object of this striking was believed to be that of rendering the women fertile—and this is confirmed by a considerable number of parallels in classical antiquity (see Mannhardt, *Mythologische Forschungen*, 113 foll.)—and at the same time was regarded as a purificatory rite, or as a *lustratio* of the Palatine city round which they ran (Tac. *Ann.* xii. 24). This is a combination of ideas which is not hard to explain, if we recollect that other processional ceremonies of the Romans (see LUSTRATIO) had the combined objects of purifying, averting evil, and fertilising land, people, or city. Other parts of the festival are, however, extremely difficult to explain. In the smearing of the young men's foreheads with blood, we may see a relic of human sacrifice, which actually occurred in the somewhat similar worship of the Lycaean Zeus in Arcadia; or this may have been a symbolic or quasi-dramatic act, signifying that the young men had died, like the victims, but had gained a new life with the wiping off of the blood—a resuscitation which may have been marked by the rule that they should *laugh* at this point in the rite. If this latter explanation were true, the thing symbolised would be the revival of the powers of fertilisation with the return of spring (Mannhardt, *op. cit.* p. 91 foll.).

The girding on of the goatskins may possibly be partially explained by certain similar usages in which the priest wears the skin of the victim he has slain. By some this is referred to totem-worship—the god himself (cf. Justin, *l. c.*) and his priests wearing the skin of the sacred totem (Lang, *Myth Ritual and Religion*, ii. 177 and 213; Robertson Smith, *s. v.* Sacrifice, in *Encycl. Brit.*).

The victim should, in these totem sacrifices, be the animal which represents the deity, and so far the popular conception of Faunus bears out the view above given, when we see the statue of

* Diocletian's *pretia* are all in the copper denarius = (according to Hultsch) about $\frac{1}{10}$ of a penny. Hence the yearly fee of 600 den. = 15 shillings. (See Marquardt, *Staatsverw.* ii. 34.)

the goat-footed deity clothed in the skin of the sacrificed goat. (Compare the clothing of the ram-faced god Ammon in the skin of a sacrificed ram, Herod. ii. 42.) As to the sacrifice of the dog, it is perhaps simplest to connect this also with the pastoral use of that animal as protector of the flocks, rather than to refer it, as Preller does, to a worship of infernal powers. (He cites the case of Hecate.) While, however, there is much to be said for the probability of these views, they are at best conjectural. Thus much seems at any rate clear, that the rites are those of a primitive pastoral tribe occupying at first the Palatine, and that they were understood to bring fertility and security not merely of flocks, but of the whole people: for the running round the pomoerium is clearly meant to include the whole existing state.

While (probably) the most ancient festival of Rome, it was also the festival which lasted longest. We find it celebrated in the 5th century, apparently with the approbation of the Emperor Anthemius (Gibbon, vol. iv. p. 281), and finally prohibited, A.D. 496, by Pope Gelasius, who is thought by some to have ordered the Christian festival now held on February 2 (originally February 14), in order to make the populace forget the pagan rites of purification connected with that month. The date, however, at which this Christian festival was first instituted is not quite certain. It is worth noticing, as bearing on the significance of the Lupercalia, that in these later times popular superstition valued them as piacular rites which were a safeguard against pestilence. This seems clear from the arguments against them which are used in the letter of Gelasius (see Fleury, *Histoire Eccles.* xxx. 41). In addition to the authors cited in the article, reference may be made to Marquardt, *Staatsverw.* iii. 442; Preller, *Röm. Mythol.* 342 ff. [W. W. F.]

LUPERCI were the members of a very ancient, perhaps the most ancient, corporation of priests at Rome, which also outlived the other institutions of the old Roman religion. An account of the rites which they superintended will be found in the preceding article [LUPERCALIA]. As regards their institution there are two separate legends; one ascribing their foundation to the Arcadian Evander (Liv. i. 5; Ov. *Fast.* ii. 423; Plut. *Rom.* 21), the other to Romulus and Remus (Ov. *Fast.* ii. 361; Plut. *l. c.*). It is probable that both are untrue. It seems that the idea of a Greek institution is only an attempt of later times to connect this priesthood with the worship of the Greek pastoral god Pan. They were said to be priests of Faunus, the Italian deity of flocks and herds, and Evander is perhaps merely a translation of Faunus, "the favourer" (see Marquardt, *Staatsverwaltung*, iii. 439). It is probable, as Marquardt points out, that the connexion with the legends of Romulus, though much older than the Grecising legends, is more recent than the institution of the priesthood, and arose from the fact that the neighbourhood of the Lupercal was connected with many traditions about Romulus, the Ficus Ruminalis, Casa Romuli, &c., and also from the compound *lupus* in the word itself, just as those who adopted Greek tradition found an argument in the word Λύκαια. The name of Faustulus, it is to be noticed, in the Romulean legends, has the same meaning as that of Faunus. We can have little doubt that the priesthood belongs to the oldest tribal settlement on the Palatine, and derives its name from neither of the above-mentioned legends. Rejecting many improbable derivations, such as *luere-capra* (Servius), *lupa-parcere* (Arnobius), *lues-parcere* (Unger), *lupus-hircus* (Schwegler), we may adopt as the most likely origin of the name Luperci, that which Mommsen (*Hist. of Rome*, i. 176) and Marquardt prefer, *lupus-arceo:* i.e. "the protectors of the flock from wolves." The priesthood was in the hands of two collegia, of which the *sodales* were called respectively *Luperci Quinctiliani* (or *Quinctiales*?) and *Luperci Fabiani*, or sometimes Quinctilii and Fabii. In other words, originally it was a gentile sacred rite, and was in very ancient times under the exclusive charge of these two *gentes*, although that attachment to a particular *gens* lasted only in the name, and was retained neither in respect of the members nor the organisation. So far as regards the second collegium, there is no difficulty in understanding it of the gens Fabia (cf. Propert. v. 1, 26), though Unger (*Rhein. Mus.* 1881, pp. 50 ff.) seeks to connect the name with *februare;* but there is more doubt about assigning the other collegium to the gens Quinctilia. It may be assumed that these Luperci ranked before the Fabian; for this priority of rank will explain the legends which attribute the Quinctilii to Romulus and the Fabii to Remus (Ov. *Fast.* ii. 373; Vict. *de Orig.* 22), and the name might be regarded as fairly settled, if we could satisfy ourselves whether the Quinctii or the Quinctilii were the older. Mommsen (*Hist. of Rome*, i. 51; and *Staatsrecht*, i. 560, note) and Marquardt (*op. cit.*) take the Quinctii to be the old gens, the Quinctilii a later introduction from Alba (for which the authority is Dionys. iii. 29); and they cite also an inscription (Orelli, 2253 = *C. I. L.* vi. 1932), "lupercus *Quinctialis* vetus," and the coincidence of the praenomen *Kaeso* belonging to the Quinctii and Fabii *alone*, and possibly derived from the thongs with which the Luperci strike (*caedunt*), as proving that the name should be *Quinctianus* or *Quinctialis* from the Quinctii, not *Quinctilianus*, as though from the Quinctilii. We have, however, on the other hand, the fact that Livy (i. 30) gives just the opposite account to Dionysius, and makes the Quinctii come from Alba; and that all ancient authorities, except the inscription above, give the name Quinctilii or Quinctiliani to this priesthood. We can hardly therefore take Mommsen's view as proved beyond a doubt. We shall be on more certain ground in assuming that this gens, whether the Quinctii or the Quinctilii, exercised the priesthood in this worship on the Palatine for the *Montani*, and with them, when the tribal communities amalgamated, were joined the Fabii for the same rites on behalf of the *Collini*. (That the Fabian gens belonged to the Collini is shown by their having their *sacra gentilicia* on the Quirinal: Liv. v. 46, 52.) Possibly the Fabii used originally their separate sanctuary on this hill for the Lupercalia, but there can be no doubt that the associated worship of the two *collegia* of Luperci (as afterwards of the third also) was in the Lupercal on the Palatine—the only Lupercal

mentioned—a cave in the western angle of the Palatine, the site of which cannot be positively identified, where the rites in the festival were begun. It was in later times adorned with some masonry, perhaps a portico at the entrance; for it is stated in the inscription of Ancyra that Augustus rebuilt it. (See Middleton's *Rome*, p. 57; Burn's *Rome and Campagna*, p. 156.) Julius Caesar, in the beginning of the year 44, added a third corporation of priests called the *Luperci Julii* (Dio Cass. xliv. 6; Suet. *Jul.* 76), and assigned to them revenues which the senate after his death took away (Cic. *Phil.* xiii. 15, 32), and of this collegium Antonius was *magister*. The assumption from this is that each of the collegia had its own *magister*, though in inscriptions we find only "magister lupercorum" without distinction. The word *vetus* applied to a *lupercus* (as in the inscription given above) means no doubt that he belonged to one of the two older corporations. The members (*sodales*, ἑταῖροι) were ordinarily of the equestrian rank, rarely senators (cf. Mommsen, *Staatsrecht*, l. c.). Under the Republic they were probably (like the *Fratres Arvales*) coopted into the body, but Mommsen thinks that under the Empire they were appointed by the emperor. Some have asserted the office to be terminable, on the authority of two inscriptions, which seem to give "lupercus *iterum*," "lupercus *ter*" (*C. I. L.* vi. 496; 2610), but the wording and significance of these are by no means certain, and Marquardt believes the office to have been for life (as was also the office of the Fratres Arvales). It is also questionable whether this priesthood existed in any Italian town except Rome. The inscriptions found in various municipia perhaps record merely the names of men who belonged to one of the three collegia at Rome, and who kept the title in their new domicile. At any rate, we have no mention of the festival being held anywhere but at Rome. Of the manner in which the functions were partitioned among the different collegia we have no record. For an account of the rites which they celebrated, see LUPERCALIA. (In addition to the works cited above, reference may be made to Preller, *Röm. Myth.* 111.) [G. E. M.]

LUPUS FE'RREUS, the grappling-iron used by the besieged in repelling the attacks of the besiegers, and especially in seizing the battering-ram and diverting its blows. [ARIES.] (Liv. xxxiii. 3; Veget. *de Re Mil.* ii. 25, iv. 23.) [J. Y.]

LUSTRA'TIO (*luo*, to purify), called by the Greeks κάθαρσις, is a term which covers a great variety of ceremonies in the religious usage of the ancients: of these only the most remarkable and best attested can be referred to in this article. It should be remarked at the outset, that ceremonial purification, which is found in some shape among peoples of all stages of development, may be traced to an origin in the necessities of bodily ablution, especially in connexion with certain well-marked events in human life, such as birth, marriage, bloodshed, and burial. There gradually follows a transition "from practical to symbolic cleansing, from removal of bodily impurity to deliverance from invisible, spiritual, and at last moral evil" (Tylor, *Primitive Culture*, ii. 388).

This transition was complete by the time at which Greek and Roman literature enables us to become acquainted with the rites of this kind practised by the two peoples; but the primitive idea may be often noted underlying usages which had lost their original meaning. Cicero reflects this idea in the following remarkable passage:—"Caste jubet lex adire ad deos, animo videlicet, in quo sunt omnia; nec tollit castimoniam corporis, sed hoc oportet intelligi, quum multum animus corpori praestet observeturque, ut casta corpora adhibeantur, multo esse in animis id servandum magis; nam illud vel *aspersione aquae* vel dierum numero tollitur; animi labes nec diuturnitate evanescere nec amnibus ullis elui potest" (*de Legibus*, ii. 10, 24).

The various usages of lustration may conveniently be grouped under the following heads:—1, purification necessary before entering holy places; 2, purification from blood-guiltiness; 3, purification at birth, marriage, and death; 4, purification of house, land, city, or people, on certain stated occasions, or with some special temporary object.

1. Both in Greece and Italy we have sufficient evidence that worshippers could not enter a temple without a previous symbolic act of washing. Even before engaging in ordinary prayer this was proper, as may be seen from Homer, *Od.* iv. 750 (cf. *Il.* xvi. 228 ff.); but in temple-worship it was indispensable. At the entrance of temples were placed vessels holding pure water (περιῤῥαντήρια), in which the worshippers dipped their hands; or the water was sprinkled over them by a whisk, frequently a laurel-branch (Bötticher, *Baumkultus der Hellenen*, p. 353; Lucian, *Sacrif.* 13; Pollux, i. 8). Sea-water or spring-water was preferred; and salt was sometimes added to fresh water (Theocr. 24, 95). Temples were usually placed near running water, for convenience (Bötticher, *Tektonik der Hellenen*, ii. 485). In Latium the word *delubrum* signified the space before the temple where this purification was performed (Serv. *ad Aen.* ii. 225); and it was as indispensable as in Greece, as may be clearly seen from Livy (xlv. 5, 4): "Cum omnis praefatio sacrorum eos, quibus non sint purae manus, arceat" (cf. i. 45, 6, where the priest of the temple of Diana, on the Aventine, requests a Sabine who wished to sacrifice there, to bathe in the Tiber in the valley below). The temples themselves were no doubt kept pure from defilement in the same manner as the worshippers; for we find that the Vestal Virgins daily sprinkled that of Vesta with some kind of mop (which is represented on coins) and with water brought from the holy springs of Egeria or the Camenae (cf. Eur. *Ion*, 101). For further information about this kind of lustration, see K. F. Hermann, *Griech. Alterthümer*, vol. ii. sects. 19 and 23, ed. 2; Marquardt, *Staatsverwaltung*, vol. iii. (ed. 2), pp. 154 and 175.

2. The notion that blood-guiltiness could be removed by symbolic purification was not apparently indigenous in Greece, for it is not found in Homer (Grote, *Hist. of Greece*, i. 21). Müller (*Eumen.* § 53) takes a different view. In later times, whether the murder had been voluntary or not, it was indispensable (see Lobeck, *Aglaoph.* 968, where passages are collected); and is familiar to us in the story of Orestes, both from the Eumenides of Aeschylus and from numerous painted vases. Herodotus (i. 35) tells us that the κάθαρσις of the Greeks was identical with

that used by the Lydians, whence it has been inferred that the Greeks borrowed the idea from Lydia; and considering the strong negative evidence of the Homeric poems on the point, it is not unlikely that the practice of expiation from blood-guiltiness may have been of later date, and suggested by Eastern influences. There is no certain sign of it in Roman antiquity; the so-called lex regia of Numa, quoted in Festus (221, s. v. *parricida*), makes no mention of it; and it would seem that a murderer was totally and permanently excluded from temple-worship (Liv. xlv. 5, 3), though this cannot be regarded as fully proved by the evidence. When Ovid, in the well-known lines, "A nimium faciles qui tristia crimina caedis Fluminea tolli posse putetis aqua" (*Fasti*, ii. 45), refers to the Greek belief and practice as based on a delusion, he is perhaps reflecting not only the opinions of educated scepticism, but also the view which was natural to the Roman mind.

3. Purification was necessary after the birth of an infant, as is shown by the Roman expression *dies lustricus* for the day (the ninth after birth for a boy, the eighth for a girl) on which the child received its name (Macrob. i. 16, 36: "Est autem lustricus dies *quo infantes lustrantur* et nomen accipiunt"). In the corresponding Athenian rite of the Amphidromia, we are not informed of any such lustration, except that the women who had attended at the birth then washed their hands (Suidas, *s.v.* ἀμφιδρόμια); but the practice of some form of baptism is so universal (Tylor, *Prim. Culture*, ii. 389 ff.) that we may be justified in assuming it. At marriage the practice of lustration is clearly seen in Greece: both bride and bridegroom bathed, on the day before the wedding, in water brought from a holy spring (*e.g.* Callirrhoe, at Athens), to signify that they entered the married state in purity (Pollux, iii. 43; Schol. Eur. *Phaen.* 349). So at Rome, the bride, on arriving at her husband's house, was sprinkled with lustral water (Festus, p. 87), and her feet were washed (Serv. *ad Aen.* iv. 167). In Greece, after a death, all who were in the house, and all who subsequently came in contact with the corpse, were contaminated and in need of purification (*Odyss.* x. 481; Eur. *Iph. Taur.* 380), and a cask of water, called ἀρδάνιον, was placed outside the house with this object (Pollux, viii. 65). Among the Romans we find the same ideas prevailing in funeral rites: a day was fixed on which, by sacrifices and other ceremonies, the polluted household was cleansed. This was called "feriae denicales" (Festus, p. 70; cf. Cic. *de Leg.* ii. 22, 25); a pig had been previously sacrificed at the grave (Cic. *l. c.*) to render it holy ground.

4. From the illustrations given in the three preceding paragraphs it will have been seen that the idea of the necessity of purification, in the simple and ordinary sense of the word, and as symbolised chiefly by some act of ablution, was one which pervaded the whole life of the individual and the family, both in Italy and Greece. The words καθαιρεῖν and *lustrare*, however, were applied to a great number of other purificatory rites on a larger scale, and occurring either on days fixed in the calendar of religious operations, or on peculiar occasions, which concerned certain portions of land, cities, or a whole community of individuals. It is by no means clear in all these rites, how far the leading idea is simple purification, or expiation for some crime or other taint, or even a kind of dedication to a divinity for the purpose of procuring good fortune, *e.g.* in agriculture or in war. Doubtless these ideas ran into each other, and were not clearly distinguished in the minds of those who took part in the rites at the time when we first become acquainted with them. A few examples, of which the most instructive are the Italian, will serve to show the nature of the rites, and to give some idea of their object or objects.

Of extraordinary purifications of this kind, the most famous in Greece were: 1. The work done by Epimenides at Athens after the Cylonian massacre, described by Plutarch in his Life of Solon (ch. 12; cf. Diog. Laert. i. 10, 3); the details are uncertain, but the general character seems to have resembled that combination of actual and moral purification which was wrought on the worshippers in the Greek mysteries. 2. The purification of Delos by the Athenians in the year 426 B.C., with the object of releasing their own city from the plague and the wrath of Apollo. All dead bodies were then removed from the island, and it was decreed that neither birth nor death should take place there in future (Thuc. iii. 104). With these examples may be compared the Roman *amburbium*, which, unlike other rites of the kind at Rome, seems only to have been celebrated on occasions of great distress, as, for example, after the battle of the Trebia (Liv. xxi. 62, 7). Victims were led round the city wall and sacrificed, accompanied by the Pontifices, Vestal Virgins, and members of the other priestly colleges. (Lucan, i. 592 ff.; Festus, p. 5.)

Of regularly recurring lustrations we find the best examples in Italy; but they also took place at Athens. Every meeting of the Ecclesia was preceded by a lustration (περίστια), when the περιστίαρχος sacrificed young pigs, which were afterwards thrown into the sea. [ECCLESIA, Vol. I. p. 699 *b*.] Of the great Athenian festivals, some at least had the object of purification: such for example was the harvest festival of the Thargelia (ὅτε καθαίρουσιν Ἀθηναῖοι τὴν πόλιν, Diog. Laert. ii. 5, 23), on which occasion two men called φαρμακοί were driven out of the city as καθάρσια (Harpocrat. *s. v.* φαρμακός).

Of parallel rites at Rome we have more certain information. Sometimes it was the *land* that was the object of lustration, whether the land of a private owner or the land of the state; sometimes it was the *people*, whether brought together in the form of a public assembly, or in the form of an army or fleet. Of the lustration of a farm we have an account preserved in Cato's treatise *de Re Rustica* (§ 41). The *suovetaurilia* (offering of pig, sheep, and ox) were driven round the farm, libations offered to Janus and Jupiter, and a fixed form of prayer used to propitiate Mars, the special deity of the agriculturist. This was doubtless the original and simplest form of this kind of lustratio, for we find exactly the same ritual applied to the land of the state on the 29th of May each year, in the Ambarvalia [AMBARVALIA], of which the best description will be found in Verg.

Georg. i. 345. The great inscription from Iguvium in Umbria, which consists of exact regulations and formulae to be observed in a procession round the land of that city, offers a parallel case of lustration from North Italy, and a more minute description of the kind of ritual in use than we possess from any other source. (See Bréal, *Tables Eugubines*, p. xxi. ff.)

A complete lustration of the whole Roman people took place at the end of every *lustrum*, when the censor had finished his census and before he laid down his office. This took place in the Campus Martius, where the people were assembled for the purpose. The sacrifices were carried three times round the assembled multitude, as in the Ambarvalia they were carried round the land (Dionys. Hal. iv. 22). All Roman armies before they took the field were lustrated (Dio Cass. xlvii. 38; App. *Hist.* 19, and *B. C.* iv. 89); and as this solemnity was probably always connected with a review of the troops, the word lustratio is also used in the sense of the modern review (Cic. *Att.* v. 20, 2). The rites customary on such occasions are not mentioned, but they probably resembled those with which a fleet was lustrated before it set sail, and which are described by Appian (*B. C.* v. 96). Altars were erected on the shore, and the vessels manned with their troops assembled close at hand. Silence was kept, while the priests carried the purifying sacrifices (*καθάρσια*) in boats three times round the fleet; these sacrifices were then divided into two parts, one of which was thrown into the sea, and the other burnt on the altars, while the multitude prayed to the gods. (Cf. Liv. xxxvi. 42 and xxix. 27, where also a prayer is recorded such as generals used on these occasions.)

The examples given in the foregoing account are to be taken only as selected illustrations of a very large and widespread series of purificatory rites. There were indeed few religious ceremonies either in Greece or Italy of which some kind of lustration did not form a part; for as the simple idea of purification became connected with other ideas, such as fertilisation, as in rites of spring and summer, or the averting of evil from a community and its property, the field over which its influence extended became continually enlarged. It may be studied in the Greek Mysteries, which had as their chief object the removal of moral evil from the minds of the worshippers, and were accompanied by preliminary rites of a purely lustral character; in the Bacchic rites, where fire, sulphur, and air were used as means of purgation, besides water (Serv. *ad Aen.* vi. 741); in the Palilia of the Romans, where the flocks and herds were made to pass through the fire, as a means both of purification and fertilising; in the Lupercalia in the month of February, which was the special season of purification (februum = an instrument of purifying); in the singular ceremony of the ARGEI on the Ides of May, called by Plutarch "the greatest of the purifications" (*Quaest. Rom.* 86), and in many other rites.

The articles on the festivals above mentioned may be referred to for further information: and on the general subject of lustration, for Greece, Hermann, *Griech. Alterthümer*, vol. ii. sects. 19, 23 and 24; for Rome, Marquardt, *Staatsverwaltung*, vol. iii. (2nd edit.), pp. 200 ff., and Preller, *Röm. Mythol.* (3rd edit.), vol. i. 419 ff. [W. W. F.]

LUSTRICUS DIES. [LUSTRATIO, p. 102 *b*.]

LUSTRUM. The term *lustrum* primarily meant a purification by sacrifice. Varro (*L. L.* vi. 2) explains it thus: "lustrum nominatur tempus quinquennale a luendo, id est solvendo, quod quinto quoque anno vectigalia et ultrotributa per censores persolvebantur." The derivation is probably right, but the explanation is wrong. Paul. D. 120 says, "Cum ejusdem vocabuli prima syllaba producitur, significat nunc tempus quinquennale, nunc populi lustrationem." In the regal period this sacrifice without doubt had been one of the duties performed by the king in his capacity of priest. Thus Livy (iv. 44) represents king Servius Tullius as celebrating the first *lustrum* in 566 B.C. when he had completed the census. ("Censu perfecto edixit, ut omnes cives Romani in campo prima luce adessent. Ibi omnem exercitum suovetaurilibus lustravit: idque conditum lustrum appellatum, quia is censendo finis factus est.") Under the early Republic it was naturally performed by the consuls, who represented the king of the previous epoch. When with the growth of the state the duties of the consuls had largely increased, and it was found necessary to establish the censorship in 443 B.C. (or 435 B.C., according to Mommsen), the duty of performing this rite devolved on the censors. The latter held office not from *lustrum* to *lustrum*, but were appointed at intervals of five years [CENSOR]. They entered on their office in April, and by May of the following year they had completed the census and their other duties. They then celebrated the *lustrum*, without which, according to some, their official acts were devoid of authority (Mommsen, *Staatsr.* ii. 322). The lustration [LUSTRATIO] took place in the Campus Martius. All the men of military age were assembled there; thrice round them were borne on spears a boar, a ram, and a bull (*suovetaurilia*), which were sacrificed by the censors to Mars for the fulfilment of the vows made by the preceding censors. One censor at the same time offered fresh vows for the coming years. They then led the whole host to the city gate, and as a mark of the completion of the *lustrum* drove a nail into the wall of a temple (that of Mars Ultor since the 2nd century B.C.), and then deposited the new register of the citizens in the treasury. After this the censors immediately laid down office. From the fact that the *lustrum* took place (as a rule) every fifth year, the term was likewise applied to the period of five years preceding. The solemn rite was thus regarded as completing this *quinquennium*, and hence the term *condere lustrum* was used to describe it. But though it was usual to hold it every five years, its celebration was by no means invariable. Sometimes the rite was omitted on religious grounds, as we learn from Livy, iii. 22: "Census actus eo anno, lustrum propter Capitolium captum, consulem occisum, condi religiosum fuit" (cf. Livy, xxiv. 43), and probably from other causes likewise; for the Fasti Capitolini, in which are entered the censors, and the letters L F attached to the names of those who completed this rite, show that, although the customary interval was five years, not unfrequently six and seven years elapse, or sometimes only

four between each celebration. According to Livy (x. 47), in the period between the first appointment of censors (443 or 435 B.C.) and 294 B.C., there had only been twenty-six pairs of censors, and only twenty-one *lustra*. In later times the ceremony was probably simplified. Cicero (*de Or.* ii. 66, 268) says, "lustrum condidit et taurum immolavit." The last celebration of a *lustrum* took place under Vespasian, 74 A.D.

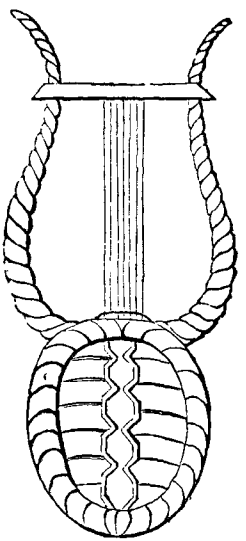
From the interval between the *lustra* being usually five years, the term *lustrum* came gradually to be used as a general expression for a period of five years. But, according to the Roman method of computation, the phrase *quinto quoque anno* might mean every four years. Thus Cicero (*de Or.* iii. 32, 127) calls the Olympic festival "maxima illa quinquennalis celebritas ludorum." Thus likewise the Roman priests interpreted the *quarto quoque anno* of the Julian Calendar as meaning every *three* years (Macrob. i. 14, 1). Hence from the earliest times there would be a vagueness in the use of the term. In the writers of the Augustan age, who commonly use *lustrum* in its general sense, we find its use fluctuating. Ovid, for instance, uses it for a period of five years (*Amor.* iii. 6, 27: "nondum Troia fuit lustris obsessa duobus"). In *Fasti*, iii. 119, he uses it in the same sense when describing the year of Romulus ("mensibus egerunt lustra minora decem"), but in the same poem (l. 165) where he is explaining the Julian year and the intercalation of the *dies bissextus* ("hic anni modus est: in lustrum accedere debet quae consummatur partibus una dies"), *lustrum* must mean a period of four years. Again, from *Trist.* iv. 10, 96, and *Epp. ex Pont.* iv. 6, 5, we find that he identifies the Roman *lustrum* with the Greek Olympiad ("in Scythia nobis quinquennis Olympias acta est: jam tempus lustri transit in alterius"), just as Polybius (vi. 13) uses πενταετηρίς to translate the Latin *lustrum*. The later writers seem to use it only as a period of four years. Pliny (*H. N.* ii. § 47) twice uses it of the four-year Julian cycle. We also find on inscriptions the intervals of four years between the Capitoline games instituted by Domitian described as *lustra*; and Censorinus (18), when defining the *lustrum* or *annus magnus*, seems unaware that it ever differed from the Olympiad, or denoted any other period than four years. [W. R.]

LYCAEA (Λύκαια), a festival celebrated by the Arcadians in honour of Ζεὺς Λυκαῖος on Mount Lycaeus. The account given by Pausanias (viii. 38) is that it was founded by Lycaon, son of Pelasgus, and that besides the games (of which we have no particular account) there was a sacrifice to Zeus of a child, whose blood was poured over the altar, after which Lycaon himself was turned into a wolf, and he records the tradition that ever after at the annual festival a man was turned into a wolf for a period of ten years, or, if he tasted human flesh, for life. (Paus. viii. 2; cf. Augustin. *de Civ. Dei*, xviii. 17.) It is not improbable that these wehrwolf stories, however ancient, are a perversion of something older still from a false connexion of the name with λύκος, and similarly that the references to the sacrifice as a rite of the pastoral Arcadians as a protection against *wolves*, like the Roman Lupercalia (cf. Plut. *Caes.* 61), &c., are equally illusory. It is more likely that the name of the mountain belongs to the root λυκ, "light," as in the Attic hill Λυκάβηττος, with which we may compare many mountain names of other countries, such as the *Strahlhorn*. These names come from the fact of the mountain peak catching the sunlight first and retaining it last. It is a remarkable coincidence that Pausanias, speaking of Lycosura, the town founded by Lycaon on the Lycaean mountain, which he calls the most ancient in Greece, uses the phrase καὶ ταύτην εἶδεν ὁ ἥλιος πρώτην. In accordance with this origin of the name, the worship was the earliest Pelasgian worship of Zeus, represented by no statue, but dwelling in light on the summit of the Lycaean mountain, where was the altar of human sacrifice on the highest point, with two pillars standing eastward of it surmounted in later times by two golden eagles. Below the altar was a grove, which no man might enter, where it was believed that no shadow could fall, and in the grove the holy spring Ἄγνω, in which the priest in time of drought dipped an oak-bough after sacrifice. (Paus. viii. 38.) The sacrifice was particularly connected with prayers for rain; and it is probable that human sacrifices were retained to a late period. Pausanias does not mention their discontinuance, and says, ἐπὶ τούτου τοῦ βωμοῦ τῷ Λυκαίῳ Διὶ θύουσιν ἐν ἀπορρήτῳ. πολυπραγμονῆσαι δὲ οὐ μοι τὰ ἐς τὴν θυσίαν ἡδὺ ἦν, ἐχέτω δὲ ὡς ἔχει καὶ ὡς ἔσχεν ἐξ ἀρχῆς. The contests seem to have included horse-races and foot-races; for Pausanias mentions in front of the grove of Pan on the same mountain ἱππόδρομος καὶ στάδιον, where at one time the Lycaean festival was held. [G. E. M.]

LYCEUM. [GYMNASIUM.]

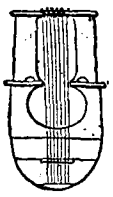
LYRA (Lat. *fides*), a lyre, the chief stringed instrument used in Greek music. Two main varieties are known to us from ancient art and literature, viz. the *lyre* (λύρα) properly so called, and the *cithara* (κιθάρα).

The distinctness of the lyre and the cithara may be shown from Plato (*Rep.* iii. p. 399 D, λύρα δή σοι, ἦν δ' ἐγώ, καὶ κιθάρα λείπεται κατὰ πόλιν χρήσιμα), and from Aristotle, who excludes the cithara from education (*Pol.* viii. 6 = p. 1341, 18, οὔτε γὰρ αὐλοὺς εἰς παιδείαν ἀκτέον οὔτ' ἄλλο τεχνικὸν ὄργανον, οἷον κιθάραν κἂν εἴ τι τοιοῦτον ἕτερόν ἐστιν). Mythologists generally taught that the cithara was invented by Apollo, the lyre by Hermes (Paus. v. 14, 8). The difference between the two instruments seems to be sufficiently ascertained from the representations of them



Lyra. (Blanchini.)

found on ancient monuments, especially painted vases, on which two well-marked types can be traced. One of these answers closely to the description which the author of the Homeric hymn to Hermes gives of the lyre invented by the youthful god (*H. Merc.* 41 ff.). The lower part or body of the instrument consists of a tortoise-shell, or of a wooden case in which the original tortoise-shell is more or less faithfully reflected. In this shell are fixed two curved arms (*πήχεις*) or horns, joined at the upper end by a cross-bar (*ζυγόν*). The strings pass from the shell, over a bridge or fret of reeds (*δόνακες*), to the *ζυγόν*. The instruments of the other type are larger, and show a decided advance in point of construction. The shell is replaced by a wooden case, usually square or angular, and instead of "horns" we find the sides of the case prolonged upwards, so that the whole framework acts as a resonance box of considerable power. Now, it is clear from the evidence of the monuments that the first of these was the instrument of education and of every-day life; while the second was the "technical instrument," seen in the hands of professional players (*κιθαρῳδοί*), who wear the long robe proper to musical contests and other festivals. The first, therefore, must be the lyre, and the second the cithara.



Cithara. (Guhl and Koner.)

The early history of the lyre and cithara is obscure. In Homer we find a stringed instrument called the *φόρμιγξ*, used especially to accompany singing or epic recitation (*ἀοιδή*). We also hear, somewhat less frequently, of the *κίθαρις*: but there is no trace of a difference between them. The verb *φορμίζω* is used of the *κίθαρις* (*Od.* i. 153–155); and conversely we find the phrase *φόρμιγγι κιθαρίζειν* (*Il.* xviii. 569). The word *λύρα* is post-Homeric: it occurs once in the Hymn to Hermes (l. 423), but does not seem to have been in common use before the time of Pindar. It is worth noticing, as a consequence of the comparatively late date of the word, that the derivatives *λυρίζω*, *λυριστής*, &c., are unknown in good Greek, *κιθαρίζω* and *κιθαριστὴς* being always used of the lyre and cithara alike; just as *χαλκεύς*, "bronze-smith," was applied to workers in iron as well as in the older metal. It would be rash, however, to infer that the Homeric instrument resembled the cithara rather than the lyre. We may suppose that the later form of the cithara was developed gradually, retaining the original name, which therefore included all varieties, until the new word *λύρα* came into vogue for the commoner and more primitive kind. The author of the Hymn to Hermes recognises only one form, that of the lyre, to which he applies the terms *κίθαρις* and *φόρμιγξ* as well. The identity of the *κίθαρις* and the lyre is also maintained by Aristoxenus, the pupil of Aristotle (Ammon. *de diff. Voc.* p. 82, *κίθαρις καὶ κιθάρα διαφέρει, φησὶν Ἀριστόξενος ἐν τῷ περὶ ὀργάνου · κίθαρις γάρ ἐστιν ἡ λύρα κ. τ. λ.*).

Regarding the original number and tuning of the strings, contradictory accounts were current. According to one statement in Diodorus (i. 16), Hermes was the author of harmony of sound, and in that character invented a lyre with three strings, answering to the three seasons. The same author elsewhere (v. 75) says that Hermes invented his lyre in place of the cithara, which Apollo had laid aside in remorse for his cruelty to Marsyas. According to the Hymn to Hermes (l. 51) the primitive lyre was one of seven strings:

ἑπτὰ δὲ συμφώνους ὀΐων ἐτανύσσατο χορδάς.

On the other hand, the increase of the number of strings from four to seven appears to be claimed by Terpander, in two lines attributed to him:

σοὶ δ' ἡμεῖς τετράγηρυν ἀποστέρξαντες ἀοιδὰν
ἑπτατόνῳ φόρμιγγι νέους κελαδήσομεν ὕμνους.

A different account, however, is given by Aristotle (*Probl.* xix. 32), where he touches on the question why the interval of an Octave is not called *δι' ὀκτώ* (as a Fourth is *διὰ τεσσάρων*, a Fifth *διὰ πέντε*). He suggests by way of answer that the scale was formerly one of seven notes only, saying that Terpander left out the note called *τρίτη*, and added the *νήτη* at the upper end of the scale (the octave of the *ὑπάτη*, or lowest note). If this account is the true one, what Terpander did was to raise the scale to the compass of an Octave, but without increasing the traditional number of strings. However this may be, the comparative antiquity of a scale of at least seven notes is proved by their names. The following are the notes of the central octave in the later system, with the modern notes which show the intervals on the diatonic scale:—

e *ὑπάτη*, lit. "uppermost," our "lowest" note.
f *παρυπάτη*, "next to *ὑπάτη*."
g *λιχανός*, "forefinger" note.
a *μέση*, "middle" note.
b *παραμέση*.
c *τρίτη*, third, viz. from the *νήτη*.
d *παρανήτη*.
e *νήτη*, for *νεάτη*, "lowest," our "highest."

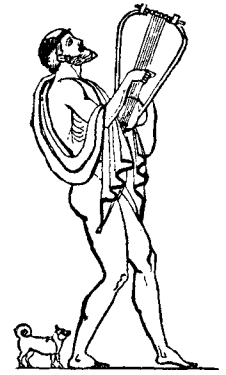
Of these names there is only one that is admittedly later than the rest, viz. *παραμέση*, which probably dates from the time when the heptachord of Terpander acquired an eighth string, and consequently a complete diatonic scale of the compass of an Octave. If we may trust a passage quoted from Philolaus (*Nicom.* p. 17), the gap then filled up was not that between *μέση* and *τρίτη*. Philolaus gives the name *τρίτα* (he writes in Doric) to the later *παραμέση*, the note which was a tone above the *μέση*. The change, therefore, consisted in inserting a note half a tone above the *τρίτη* of Philolaus, which new note then became the "third," and made it necessary to find a new name—*παραμέση*—for the old *τρίτη*. But the language of Aristotle himself (*Probl.* xix. 7, 32, 47) shows that the exact steps of this progress were no longer known. According to Nicomachus, the eighth string of the scale was added by Pythagoras. Probably, however, this is a mere inference from the Pythagorean discovery of the numerical ratios on which the musical intervals —the Octave, Fifth, Fourth, and Tone—are based. Another notice (Boeth. *de Mus.* i. 20) attributes the improvement to a certain Lycaon of Samos.

The lyre was originally played without the

aid of a plectrum; and each string seems to have been sounded by a particular finger. Thus the λιχανὸς or "forefinger" was so called, according to Nicomachus (p. 22), because it was sounded by the forefinger of the left hand. It follows, as has been pointed out by Gevaert (ii. p. 254), that the left hand was used for the lower tetrachord, and that the little finger was not used to touch the strings. When the plectrum came into use, it was held in the right hand, and perhaps was specially employed for the air, while the softer tones produced by the fingers of the left hand served for the accompaniment. This is suggested (though by no means proved) by the epigram of Agathias (*Anth. Pal.* xi. 352) quoted by Gevaert:

> Τὸν σοφὸν ἐν κιθάρῃ, τὸν μουσικὸν Ἀνδροτίωνα,
> εἴρετό τις τοίην κρουματικὴν σοφίην·
> δεξιτερὴν ὑπάτην ὁπότε πλήκτροισι δόνησας,
> ἡ λαιὴ νήτη πάλλεται αὐτομάτως.

The phenomenon here referred to is the "sympathy" by which a sounding body excites the vibration of another whose note is in unison with it, or with one of its harmonics.



Anacreon playing the Lyre. (Vase-painting in the British Museum.)

The seven-stringed lyre was still in use in the time of Pindar, unless we suppose that the epithets ἑπτάκτυπος (*Pyth.* 2, 70) and ἑπτάγλωσσος (*Nem.* 5, 24) are due to mere poetical tradition. On the other hand, we are told that Lasus of Hermione, who was an older contemporary of Pindar, introduced new notes, by which he broke up (διέρριψεν) the existing scale (Plut. *Mus.* cc. 29, 30). A passage quoted by Plutarch (*l. c.*) from the comic poet Pherecrates denounces a series of similar innovators—Melanippides, Phrynis, Cinesias, and finally Timotheus of Miletus, who "outraged music with his twelve strings." The object of the additional strings seems to have been not so much to obtain greater compass as to make it possible to combine different modes or keys, perhaps also different genera (see the art. Musica), on the same instrument, and to pass easily from one to another. It is the "multiplicity of keys or scales" (πολυαρμονία) which is always associated with "multiplicity of strings" (πολυχορδία) in the minds of those who, like Plato, regarded such changes as dangerous and corrupting.

Citharista with Lyre. (Dennis's *Etruria*.)

It is characteristic of the lyre and the cithara that the strings are all of the same length, so that the difference of pitch is entirely due to different thickness. In this respect they differed from instruments such as the harp, which have strings of different length, and again from those in which the length of the string is varied by the player, as in the case of the violin. The woodcuts above show the method of holding the lyre, in playing with the right hand only or with both. It was also played sitting, and supported on the knees. The cithara was held in the same manner. The harp type was represented in Greek music by the τρίγωνον or triangular harp, a Phrygian instrument, with which we find associated the Lydian πηκτίς. Both are condemned by Plato (*Rep.* iii. p. 399) for the excessive number of their strings. They are also mentioned together in a fragment of Sophocles, *fr.* 361:

> πολὺς δὲ Φρὺξ τρίγωνος ἀντίσπαστά τε
> Ἀνδῆς ἐφυμνεῖ πηκτίδος συγχορδία.

The μάγαδις, which was closely akin to the πηκτίς, was so called from the bridge or fret (μαγάς), by which a string could be divided by the player, so as to yield a higher note. It had twenty strings, and admitted of playing the same tones simultaneously in different octaves (hence called μαγαδίζειν). This is also attributed by Aristotle (*Probl.* xix. 14) to an instrument called the φοινίκιον or Phoenician lyre. The most perfect of all these instruments seems to have been the ἐπιγονεῖον, called after its inventor, Epigonus of Ambracia, which had forty strings. Besides these, we hear of the βάρβιτος, which is thought to have been nearly related to the lyre, also the νάβλα and the σαμβύκη (Strab. x. p. 471). Several of these names are confessedly barbarous, and all the instruments now in question lay under the imputation of being more or less alien to genuine Greek art. They evidently enjoyed much popularity, but were never regarded as of equal dignity with the lyre and cithara.

(Compare Carl von Jan, *De fidibus Graecorum*, Berolini, 1859; Westphal, *Geschichte der alten und mittelalterlichen Musik*, Breslau, 1864; Gevaert, *Histoire et Théorie de la Musique de l'Antiquité*, Gand, 1875–81.) [D. B. M.]

M.

MACELLUM (ὀψοπαλία, ὀψοπωλεῖον, κρεοπωλεῖον), a provision market for butchers, fishmongers, poulterers, fruiterers, and confectioners: see Ter. *Eun.* ii. 2, 24, "ad macellum ubi advenimus concurrunt . . . cuppedinarii omnes, cetarii, lanii, coqui, fastores, piscatores" (cf. Plaut. *Aul.* ii. 8, 3; Hor. *Sat.* ii. 3, 229; *Epist.* i. 15, 31). These provisions were formerly found at Rome in their separate markets—the forum boarium, piscatorium, olitorium: but for convenience the market was brought together

in the *macellum*, built B.C. 179 to the north of the Forum (Fest. s. v. *macellum*). Varro (*L. L.* iv. 32) and Festus speak of a robber Romanius Macellus, whose house was demolished that a market might be established on the site; but it must be confessed that the story has a suspicious appearance of growing out of the name *macellum Romanum*, and either Curtius' reference to *macto* (*Greek Etym.* 338), or the identification with the Greek μάκελον or μάκελλον (which Varro himself suggests as the alternative), may be accepted in preference. The latter, which seems the more probable, is connected with the word *maceria*, a roughly built wall, and thus macellum may be assumed to have got its name from being an enclosed space. With this agrees Varro's expression "aedificatus locus appellatus macellum;" and it had booths in its colonnade (*macellariae tabernae*, Val. Max. iii. 4, 4). To this earliest macellum we refer Cic. *pro Quint.* 6, 25, "ab atriis Liciniis et faucibus macelli." The atria Licinia seem to have been auction rooms (cf. *de Leg. Agr.* i. 3, 7) near the forum. The Macellum magnum was in the second region on the Cispian hill, and is placed by some at S. Stefano Rotondo, it being suggested that the circular construction, with pillars, is planned upon the old market buildings (Burn, *Rome and Compagna*, p. 221). This is purely conjectural. A similar rotunda is found on a coin of Nero, with the inscription "macellum Augusti" (Eckel, vi. 273). The Macellum Livianum was near the Porta Esquilina and the Arch of Gallienus. It is probable that the macellum of B.C. 179 was destroyed to make room for the forum Augusti, and that Augustus built, instead of it, the macellum which he named after Livia. (See Richter, *ap.* Baumeister, *Denkm.* p. 1534.) To the macella the cooks would go to buy, and the less wealthy marketed there for themselves (Juv. xi. 10). The salesmen in it were called *macellarii* (Suet. *Jul.* 26; *Vesp.* 19). Julius Caesar tried to check extravagance by putting the macella under police control, and the same control through the aediles was attempted by Tiberius, moved apparently by the tale of mullets at 10,000 sesterces apiece (Suet. *Jul.* 43; *Tib.* 34).

The Athenian provision market was called, as a general term, ὀψοπωλία (Athen. p. 6 a); but more frequently we find the different departments αἱ ἰχθῦς, τὸ ὄψον, τὰ ἅλφιτα, &c., which were in divisions in the market-place called κύκλοι. [AGORA.] The signal for a sale was given by a bell ringing, when marketers, cooks, &c., flocked there (see Mahaffy, *Social Life in Greece*, ch. 10). [J. Y.] [G. E. M.]

MACHAERA (μάχαιρα). [CULTER; PUGIO.]

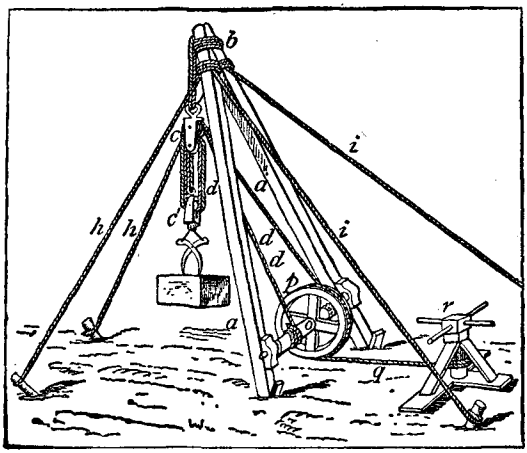
MA'CHINAE (μηχαναί) and O'RGANA (ὄργανα). The object of this article is to give a brief general account of those contrivances for the concentration and application of force which are known by the names of *instruments*, *mechanical powers*, *machines*, *engines*, and so forth, as they were in use among the Greeks and Romans, especially in the time of Vitruvius, to whose tenth book the reader is referred for the details of the subject.

The general but loose definition which Vitruvius gives of a *machine* (x. 1, § 1), is a wooden structure, having the virtue of moving very great weights. A *machina* differs from an *organon*, inasmuch as the former is more complex and produces greater effects of power than the latter: perhaps the distinction may be best expressed by translating the terms respectively *machine* or *engine* and *instrument*. Under the latter class, besides common *tools* and *simple instruments*, as the plough for example, Vitruvius appears to include the *simple mechanical powers*, which, however, when used in combination, as in the crane and other machines, become *machinae*. Thus Horace uses the word for the machines used to launch vessels (*Carm.* i. 4, 2), which appears to have been effected by the joint force of ropes and pulleys drawing the ship, and a screw pushing it forwards, aided by rollers (φάλαγγες) beneath it. The word *organon* was also used in its modern sense of a musical instrument. [See HYDRAULA.]

The Greek writers, whom Vitruvius followed, divided machines into three classes,—the (*genus*) *scansorium* or ἀκροβατικόν, the *spiritale* or πνευματικόν [HYDRAULA], and the *tractorium* or βαρουλκον, according to the most probable reading, for moving heavy weights. Some explanation is needed for the *genus scansorium* or ἀκροβατικόν, which has been much discussed by commentators. Vitruvius clearly describes the machina which he thus classes. It is a scaffolding formed of upright poles, fixed in the ground with cross planks tied to them, and the "catenationes et erismatum fulturae," which he mentions afterwards, are no less obviously the ties of sloping supports for these upright poles. It is in fact such a scaffolding as may be seen any day for building purposes, and is the machine below (No. V.) on which Isidore says the workmen stand "propter altitudinem parietum." It is somewhat of a puzzle, when Vitruvius says that it differs from the other machinae in respect of having *audacia* rather than *ars*; but he probably means only this: that a very high scaffolding may cause wonder at its boldness; but there is no scientific principle in it, as in the other classes of machinae, which are mechanical powers. It must be confessed however that his account of its purpose, "ut ad altitudinem sine periculo scandatur *ad apparatus spectationem*" (unless some such alteration as "ad parietum structionem" is adopted) cannot be explained in a wholly satisfactory manner. If it is for workmen to stand on, it is hard to see why the word *spectatio* is used, but the only explanations offered by commentators—(1) for seeing theatrical shows, or (2) for viewing the enemy's works within the walls—cannot satisfy us. The theatre had its own tiers of seats: the words *sine periculo* would be wholly out of place, and moreover it is impossible that he should have so used apparatus when there is nothing in the context to explain its meaning, as is the case in Cic. *ad Fam.* vii. 1, 1. The same objection must prevent us from adopting the second view, for there is nothing whatever to indicate that Vitruvius is speaking of military affairs. We may be content to say that this class of machina is not what we should call a machine at all, *i.e.* it had no mechanical power, but was used as we use a scaffolding. The information which Vitruvius gives us may perhaps, however, be exhibited better under another classification.

I. *Mechanical Engines.*

1. *The Simple Mechanical Powers* were known to the Greek mechanicians from a period earlier than can be assigned, and their theories were completely demonstrated by Archimedes. Vitruvius (x. 3, s. 8) discusses the two modes of raising heavy weights, by *rectilinear* (*εὐθεῖαν*) and *circular* (*κυκλωτὴν*) motion. He explains the action of the *lever* (*ferreus vectis*), and its three different sorts, according to the position of the fulcrum (*ὑπομόχλιον*), and some of its applications, as in the *steelyard* [STATERA], and the oars and rudder-oars of a ship; and alludes to the principle of *virtual velocities*. The *inclined plane* is not spoken of by Vitruvius as a *machina*, but its properties as an aid in the elevation of weights are often referred to by him and other writers; and in early times it was, doubtless, the sole means by which the great blocks of stone in the upper parts of buildings could be raised to their places.



Drawing of a Machina Tractoria. (Blümner, *Techn.* iii. fig. 10.)

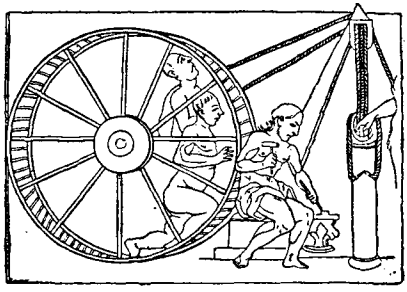
Under the head of circular motion, Vitruvius makes a passing allusion to the various forms of wheels and screws, — *plaustra*, *redae*, *tympana*, *rotae*, *cocleae*, *scorpiones*, *balistae*, *prela*, about which see the respective articles. It is worth while, also, to notice the methods adopted by Chersiphron and his son Metagenes, the architects of the temple of Artemis at Ephesus, and by later architects, to convey large blocks of marble from the quarries, by supporting them in a cradle between wheels, or enclosing them in a cylindrical framework of wood (Vitruv. x. 6, s. 2; cf. Blümner, *Technologie*, iii. 129 ff.); and also the account which Vitruvius gives of the mode of measuring the distance passed over by a carriage or a ship, by an instrument attached to the wheel of the former, or to a sort of paddle-wheel projecting from the side of the latter (c. 9, s. 14). What he says of the *pulley* will be more conveniently stated under the next head.

2. *Compound Mechanical Powers*, or *Machines for raising heavy weights* (machinae tractoriae). Of these Vitruvius (x. 2–5) describes three principal sorts, all of them consisting of a proper erect framework, from which hang *pulleys*. He describes the different kinds of pulleys, according to the number of *sheaves* (*orbiculi*) in each block (*trochlea* or *rechamus*), whence also the machine received special names, such as *trispastos*, when there were *three* sheaves (as in the explanatory drawing), one in the lower block and two in the upper; and *pentaspastos*, when there were *five* sheaves, two in the lower block and three in the upper. The Greek name for the axis (*axiculus*, Vitruv.) was *μάγγανον*.

In the explanatory drawing by which Blümner illustrates Vitruvius, we see (*a*) the two upright beams (*tigna*) supported in place by (*h*) forestays (*antarii funes*) and (*i*) backstays (*retinacula*), tied at the top by (*b*) a *fibula*. From the top hangs (*c*) a fixed pulley-block (*trochlea*, *τροχιλία*, Aristoph. *Lys.* 722): to this the *funis ductarius* (*d*) passes from the lower movable block (*c'*), to which again the weight, which is to be raised, is attached by iron grapnels (*forfices*). In this case the sheaves in each block are double (*duplices ordines orbiculorum*). The two portions of the funis ductarius are then fastened to an axle (*o*), with (*p*) a wheel (*tympanum* or *rota*, *περιτρόχιον*) upon it. The sockets on the beam which receive the pivots of the axle are called *chelonia* (*χελώνεια*). A separate rope passing round the tympanum is taken back to a capstan (*ergata*, *ἐργατοκύλινδρος*), which is worked round by levers (*vectes*). This well explains Lucret. iv. 905:

> "Multaque per trocleas et tympana pondere magno
> Commovet atque levi sustollit machina nisu."

Sometimes, however, the tympanum is of larger size, and is moved as a treadwheel without any capstan by treaders inside it.


Machina Tractoria, from a relief at Capua. (Blümner.)

The woodcut above is from a relief found in the amphitheatre at Capua, where it had been placed by the *redemptor* of the work. It represents the raising of a pillar. Blümner thinks that the attachment of the pulling-rope to the axle of the treadwheel is left to the imagination, and that the two ropes which go in that direction must be the supports of the beam: but perhaps we should rather take the lower rope to be a single rope from the pulley to the axle, and the upper rope to be a stay of the beam. Vitruvius describes also a crane of less power which has single sheaves in each block,

and in which, instead of the *tympanum* and *ergata*, there is, fixed by *chelonia* to the beam, simply a windlass (*sucula*, ἄξων or ὄνος), round which the pulling-rope is wound; and a crane of a single beam, where triple *funes ductarii* pass from the pulley-blocks down to a fixed horizontal pulley (*artemo*, ἐπάγων) at the base of the beam, and are pulled horizontally by three rows of men without windlass. The machine is then called a *polyspastos*. This crane, he says, having a single beam, is more easily transferable. It may be noticed that Pollux, x. 140, speaks of a καρκίνος for raising stones; but it is probable that the καρκίνος was strictly that part of the machine above described, which held the stone = Lat. *forfices*: γέρανος (*crane*) is the name which Pollux (iv. 130) gives to the machine for raising actors in the theatre. (For further description, see Blümner, *Technologie*, iii. pp. 111–128.)

II. *Military Engines.* (Vitruv. x. 15–22; Vegetius and the other writers *de Re Militari*; ARIES; HELEPOLIS; TESTUDO; TORMENTUM; TURRIS, &c.)

III. *Theatrical Machines.* [THEATRUM.]

IV. *Hydraulic Engines.*

1. *Conveyance and delivery of water through pipes and channels.* [AQUAEDUCTUS; EMISSARIUM; FISTULA; FONS.] It has been shown, under the articles referred to, that the ancients well knew, and that they applied in practice, the hydrostatic law, that water enclosed in a bent pipe rises to the same level in both arms. It also appears, from the work of Frontinus, that they were acquainted with the law of hydraulics, that the quantity of water delivered by an orifice in a given time depends on the size of the orifice and on the height of the water in the reservoir; and also, that it is delivered faster through a short pipe than through a mere orifice of equal diameter.

2. *Machines for raising water.* The ancients did not know enough of the laws of atmospheric pressure to be acquainted with the common sucking pump; but they had a sort of forcing pump. [CTESIBICA MACHINA.] For raising water a small height only they had the well-known screw of Archimedes, an instrument which, for this particular purpose, has never been surpassed. (Vitruv. x. 11; COCLEA.) But their pumps were chiefly on the principle of those in which the water is lifted in buckets, placed either at the extremity of a lever, or on the rim of a wheel, or on a chain working between two wheels. (Vitruv. x. 9; ANTLIA; TYMPANUM.)

3. *Machines in which water is the moving power.* (Vitruv. x. 10; MOLA.)

4. Other applications of water, as to the measurement of time, and the production of musical sounds, in the *clepsydra* and the *hydraulic organ*. (Vitruv. ix. 5, 6, x. 13; HOROLOGIUM; HYDRAULA.)

V. The word *machina* in Latin also signifies the scaffolding on which plasterers or masons work (Plin. xxxv. § 120; Dig. 13, 6, 5 and 7). Hence *machio* is used for the workman (Isid. *Or.* xix. 8, 2), whence the modern words *maçon*, "mason."

VI. In Plin. *H. N.* xxxv. § 81, *machina* is a painter's three-legged easel = ὀκρίβας or κιλλίβας. [P. S.] [G. E. M.]

MAENIA'NUM signified, originally, a projecting balcony, which was erected above the arcades of shops on the south-west of the Roman forum and overhanging the street, in order to give more accommodation to the spectators of the gladiatorial combats, by the censor C. Maenius, B.C. 318 (Festus, *s. v.* p. 135, ed. Müller; Isidor. *Orig.* xv. 3, § 11); and hence balconies in general came to be called *maeniana*. The front panels of the balconies were painted by Serapion (Plin. *H. N.* xxxv. § 113). Many allusions to such structures, and to the regulations which were found necessary to keep them within due bounds, are found in the ancient writers (Cic. *Acad.* ii. 22, 70; Non. p. 83, s. 65, Müll.; Sueton. *Calig.* 18; Vitruv. v. 1; Val. Max. ix. 12, § 7; Cod. Just. viii, 2, 20, 10, 11, xliii. 8, 2, § 6; l. 16, 242, § 1; Amm. Marc. xxvii. 9, 10). From these passages it appears that as they were inconvenient in narrow streets, the praefectus urbis in 368 A.D. enforced older laws against their construction, and the emperors Theodosius and Honorius extended the prohibition so as to include provincial towns as well as Rome, unless there was a space of at least ten clear feet between the opposite maeniana. (See also AMPHITHEATRUM, Vol. I. p. 112; CANCELLI; and, for a drawing of a maenianum, DOMUS, Vol. I. p. 666; *Burn's Rome and Campagna*, p. 90; Becker-Göll, *Gallus*, ii. 288.) [P. S.] [G. E. M.]

MAGADIS. [LYRA, p. 106.]

MAGISTER, which contains the same root as *mag-is* and *mag-nus*, was applied at Rome to persons possessing various kinds of offices, and is thus explained by Festus (*s. v. Magisterare*):—"*Magisterare*, moderari. Unde *magistri* non solum doctores artium, sed etiam pagorum, societatum, vicorum, collegiorum, equitum dicuntur; quia omnes hi magis ceteris possunt." Paulus (Dig. 50, tit. 16, s. 57) thus defines the word: "Quibus praecipua cura rerum incumbit, et qui magis quam ceteri diligentiam et sollicitudinem rebus, quibus praesunt, debent, hi magistri appellantur." The following is a list of the principal magistri:—

MAGISTER ADMISSIONUM. [ADMISSIONALES.]

MAGISTER ARMORUM appears to have been the same officer as the Magister Militum. (Amm. Marc. xvi. 7, xx. 9.)

MAGISTER AUCTIONIS or BONORUM. [BONORUM EMPTIO.]

MAGISTRI AUGUSTALES or LARUM AUGUSTORUM. [AUGUSTALES.]

MAGISTER BIBENDI. [SYMPOSIUM.]

*MAGISTER A CENSIBUS (or *praepositus a censibus*) was an official who examined the qualifications of persons who applied to be enrolled among the knights. He is sometimes

* It should be noticed that these private offices in the imperial household were in the earlier Empire discharged by slaves or by freedmen (some of whom, Narcissus and Parthenius, had exceptional official rank); in the later Empire they gradually assumed a higher public standing. Vitellius thus employed men of equestrian rank (Tac. *Hist.* i. 58), and therefore the statement that Hadrian "ab epistulis et a libellis *primus* equites Romanos habuit" (Spart. *Hadr.* 22) is not correct; but it probably marks the date from which this became the rule. The three chief departments were *a rationibus, a libellis, ab epistolis*. (See for a full account, Friedländer, *Sittengeschichte*, i. pp. 51 ff.)

connected with the *a libellis*, who received the application in the first instance. [EQUITES.]

MAGISTER COLLEGII was the president of a collegium or corporation. [COLLEGIUM.]

*MAGISTER EPISTOLARUM (or AB EPISTOLIS), a private secretary, answered letters on behalf of the emperor. (Orelli, *Inscr.* 2352.)

MAGISTER EQUITUM. [DICTATOR, Vol. I. p. 633 *b*.]

MAGISTER FANI in coloniae and municipia was appointed each year by the duumviri of the town (one for each temple or shrine), to arrange the ceremonies, sacrificia, pulvinaria, &c. (Lex Col. Genet. c. 128, Orelli, 2218.) They were equivalent to the Roman *aedituus*, who was also called *magister fani*. (Marquardt, *Staatsverwaltung*, iii. 215.)

*MAGISTER LIBELLORUM (or A LIBELLIS) was an officer or secretary who read and answered petitions addressed to the emperors. [LIBELLUS, p. 57 *a*.] He is called in an inscription "Magister Libellorum et Cognitionum Sacrarum." (Orelli, *l. c.*)

*MAGISTER MEMORIAE, an officer whose duty it was to receive the decision of the emperor on any subject and communicate it to the public or the persons concerned. (Amm. Marc. xv. 5, xxvii. 6.)

MAGISTER MILITUM, the title of the two officers to whom Constantine entrusted the command of all the armies of the Empire. One was placed over the cavalry, and the other over the infantry. On the divisions of the Empire their number was increased, and each of them had both cavalry and infantry under his command. In addition to the title of *Magistri militum*, we find them called *Magistri armorum, equitum et peditum, utriusque militiae* (Zosim. ii. 33, iv. 27; Vales. *ad* Amm. Marc. xvi. 7). In the 5th century, there were in the Eastern empire two of these officers at court and three in the provinces; in the Western empire, two at court and one in Gaul. Under Justinian, a new magister militum was appointed for Armenia and Pontus. (Walter, *Geschichte des römischen Rechts*, § 342, 2nd ed.)

MAGISTER NAVIS. [EXERCITORIA ACTIO.]

*MAGISTER OFFICIORUM was an officer of high rank at the imperial court, who had the superintendence of all audiences with the emperor, and also had extensive jurisdiction over both civil and military officers. They originally took part of the duty of the court *cubicularius*; the other part went to the *praefectus sacri cubiculi*. [See also ADMISSIO.] (Cod. 1, tit. 31; 12, tit. 16;—Cod. Theod. 1, tit. 9; 6, tit. 9;—Amm. Marc. xv. 5, xx. 2, xxii. 3; Cassiod. *Variar.* vi. 6.)

MAGISTER PAGI. [PAGUS.]

MAGISTER POPULI. [DICTATOR.]

*MAGISTER A RATIONIBUS, more usually called *procurator*, had the charge of the emperor's private expenses [see FISCUS].

*MAGISTER SCRINIORUM had the care of all the papers and documents belonging to the emperor. (Cod. 12, tit. 9; Spartian. *Ael. Ver.* 4; Lamprid. *Alex. Sev.* 26.)

MAGISTER SOCIETATIS. The equites, who farmed the taxes at Rome, were divided into companies or partnerships; and he who presided in such a company was called Magister Societatis. (Cic. *Verr.* ii. 74, 182; *ad Fam.* xiii. 9; *pro Plancio*, 13, 32.) [SOCIETAS.]

MAGISTRI VICORUM. These officials had existed under the Republic, and we have no account of their beginning. Livy (xxxiv. 7) introduces them into a speech of the year 195 B.C. as officials of an inferior class, but allowed to have the magisterial insignia—no doubt at the festivals which were under their charge. The magistri vicorum were, however, entirely re-organised by Augustus in the year B.C. 7, when he divided the city into 14 regions and 265 vici, and assigned 4 magistri vicorum to each vicus (the number may be gathered from inscriptions, *C. I. L.* vi. 445, 975), who were elected annually by the inhabitants of the vicus (Suet. *Aug.* 30). The first so appointed entered upon their office on August 1, B.C. 7, and accordingly in several inscriptions we find mentioned magistri *anni secundi, tertii*, &c., equivalent to the years B.C. 6, 5, &c. (*C. I. L.* vi. 764, 282). Those of the year B.C. 7 are "magistri qui primi Kal. Aug. magisterium inierunt." The total number of magistri vicorum remained 1060 till the beginning of the 4th century, when it was reduced to 672, and 48 were assigned to each *region*: the title magistri *vicorum* was, however, retained. Their functions were partly civil, partly religious. When Augusti appointed them, they had (with servi publici under them) especially to guard against fires. This had been a function of the old magistri vicorum, who accordingly were in charge of the worship of Stata Mater, the protectress against fire (see Fest. p. 317; Preller, *Röm. Myth.* 531; Mommsen, *Staatsrecht*, i. 328). They had other duties, as to the limits of which we have not very clear information, regarding the maintenance of order within their district. The duty of watching against fire was in A.D. 6 transferred to the newly constituted *cohortes vigilum*.

As regards their religious duties (their most characteristic function), they presided over the Compitalia in honour of the Lares Compitales [COMPITALIA], besides the worship of Stata Mater mentioned above, and these offices were continued to the newly constituted magistri vicorum under Augustus, with increased importance when the Genius Augusti was included in the same worship. They had also to superintend the building or repairs of the Sacella of the Lares, as churchwardens, so to speak, of their vicus: but in this they had to obtain the approval of the praetor or of the official over the region who was appointed by lot from the aediles, tribunes, and praetors (see Suet. *Aug.* 30; Dio Cass. lv. 8; Mommsen, *Staatsrecht*, ii. 516). In the exercise of their religious office they wore the toga praetexta, and had two lictors assigned to them. (Dio Cass. *l. c.*; Liv. xxxiv. 7; Marquardt, *Staatsverwaltung*, iii. 203.) [W. S.] [G. E. M.]

MAGISTRA'TUS. *Magistratus* is properly the abstract form of the concrete *magister*, but it comes to be used indifferently to indicate the office and the person who holds it. In the *S. C. de Bacchanalibus* we find *magistratus* side by side with *magister*, denoting the governor of a religious guild. In the later practice, however, only the word *magister* applies to lesser corpora-

* See note in preceding page.

tions; *magistratus* is commonly restricted to the person or office of the governors of the Populus Romanus, of the Plebs, and of the municipia and colonies. The powers of the municipal magistrates are discussed elsewhere [see COLONIA]; the following remarks apply to the magistrates of the populus and of the plebs.

Every such magistrate has *coercitio*, the power within his proper sphere of duty to compel the citizens by force of punishment to obey him, and to avenge any act which argues contempt of his magisterial authority (*in ordinem cogere magistratum*). He has likewise the power of addressing the people by word of mouth (*jus contionis*) and by written proclamation (*jus edicendi*).

The magistrates are grouped in colleges; there are two consuls, ten tribunes, and so forth. But these colleges do not, with very rare exceptions (see Liv. ix. 46, 7), act as boards deciding by a majority of votes. Each individual magistrate is invested with the full powers of his college, and is qualified, if not interrupted by his colleagues, to act in all matters alone. A particular subdivision of duties (*provinciae*) may, however, be prescribed by the senate or people for the individual members of a college. This division is specially important in the case of the praetors at home and of the governors of the transmarine possessions of Rome. The first have particular departments of business assigned to them; the latter have particular localities in which they are to exercise their functions. When it may be a matter of dispute which of the equally qualified persons is to perform a particular act or series of acts, the question has to be settled by arrangement, by taking turns, or by the lot.

Magistratus Populi Romani.—Though the word seems never to be applied directly to the king, our authorities trace all magistracy back to the regal power. Pomponius, for instance (Dig. i. 2, 2, 14), begins his discussion with the words, "Quod ad magistratus attinet, initio civitatis hujus constat reges omnem potestatem habuisse." At the institution of the consulship this power was put in commission. "Regio imperio duo sunto," is Cicero's description of the office (*de Leg.* iii. 3, 8); and Livy (ii. 1, 7) comments—"libertatis originem inde magis quia annuum imperium consulare factum est, quam quod deminutum quicquam sit ex regia potestate, numeres. Omnia jura, omnia insignia primi consules tenuere."

The college representing the kingly power was modified by various additions and alterations; as, for instance, when a dictator was co-opted into it as a superior colleague, or praetors were created as inferior colleagues to the consuls, or when their place was filled by an interrex or by tribunes with consular power. Each one of these officials had the imperium: he possessed, like the kings, the right to command the individual citizen in peace and war [see IMPERIUM], and to be the president and mouthpiece of the sovereign corporation, the Populus Romanus. Further certain specialised functions were committed to assistants not invested with these plenary powers: such were the censors, curule aediles, and quaestors, besides the lesser officials, who collectively made up the vigintivirate. The more specific name for power (*imperium*) being denied to these, the generic term *potestas* serves as descriptive of their authority. Thus we may say at pleasure "consularis potestas" or "consulare imperium," but only "censoria potestas." To both classes belong the *auspicia patriciorum*, and all holders of these offices are *magistratus patricii*, whether they be personally members of the patrician order or not.

Messalla (Aul. Gell. xiii. 14) divides these *auspicia patriciorum* into greater and lesser, and the magistrates in like manner into *majores* and *minores*. The censor, from the practical importance of his office, ranks among the *majores magistratus;* but with this exception Messalla's division of greater and lesser answers to the division between those magistrates who have and those who have not the imperium. The greater magistrates receive their office from the populus assembled by centuries, the lesser magistrates from the populus assembled by tribes. What Messalla says is confirmed by Cicero's account (*ad Fam.* vii. 30) of the proceedings of Caesar. When assembling the populus for the election of quaestors, he was "tributis comitiis auspicatus"; when in the course of the day he wished to elect a consul instead, "centuriata habuit." Messalla proceeds to point out, however, that the powers of magistracy are more formally and regularly (*justius*) entrusted by the subsequent passing of a Lex Curiata. All the magistrates with imperium are colleagues, and so their auspices may collide (*turbant, retinent, vitiant, obtinent*), in which case those of the superior override those of the inferior. In illustration of this we find that a praetor acting in the field in conjunction with a consul could not, though he had an imperium of his own, claim a triumph, because his imperium and his auspices were overborne by those of the consul (Val. Max. ii. 8, 2). It is certain that any of the magistrates *cum imperio* could in the same way overbear any of the minor magistrates. On the other hand, Messalla tells us that a magistrate may be "non ejusdem potestatis," "non eodem rogatus auspicio" with another. In this case the two have not merely different *provinciae* or spheres for the exercise of their authority, but the authority itself is different; they are not colleagues, and no collision of their auspices is possible. Such was the censor in relation to the consul or praetor, and such by parity of reasoning would be the curule aedile in relation to the quaestor. The same principle obtains in the matter of *intercessio*. It is summed up in the words of Cicero (*de Leg.* iii. 3, 6): "ni par majorve potestas prohibessit." Magistrates *non ejusdem potestatis* cannot veto each other's actions.

The magistrates *cum imperio* alone had the *jus agendi cum populo*. The voice of the Roman people could be uttered only in answer to a question (*rogatio*) put to it by such a magistrate. This power could not be delegated in case of elections or of legislation; but when the people met to hear an appeal from the sentence of a magistrate in a criminal case, the consul or praetor might lend his auspices to an inferior (as, for instance, the quaestor), who could then preside and put the question. [See Varro, *L. L.* vi. 91, "ad praetorem aut ad consulem mittas auspicium petitum;" and 93, "alia de causa hic

magistratus (quaestor) non potest exercitum urbanum convocare."]

As all magisterial power is derived from the people, it follows that those magistrates who have the *jus agendi cum populo* must provide for the succession, not only in their own college, but in all the other magistracies. The censor or the curule aedile cannot submit the question of the choice of their successors to the people, but this must be done by the consul or praetor. The presiding officer is said *rogare* or *creare* the newly elected magistrate. Most modern writers (including Mommsen) hold that this is a relic of an ancient power of nomination or selection on the part of the magistrate, that the obligation to consult the people on the choice is of later origin, and that the primary notion of magistracy is that of a power passing from hand to hand through successive generations of officers. This opinion is, however, in direct contradiction to the belief of the Romans themselves, who represented the higher magistrates, including the king, as chosen from the first by the people; and the cases adduced in favour of the modern hypothesis seems inconclusive. The co-optation of the dictator is an exception, which is probably to be explained on the ground that he was to be appointed in emergencies when the delay necessary for a popular election might be dangerous. Nor is it safe to draw any conclusion from the fact that neither the Rex Sacrificulus nor the Pontifex Maximus was elected by the people. The Romans were evidently uneasy lest by abolishing the kingship they should have offended the gods, and it was not unnatural that, when severing the oversight of religion from the chief magistracy, they should have emphasised the partition of functions by committing the transmission of religious power to the Sacred College itself. Mommsen's theory necessarily leads him to believe that the interrex who reigned for only five days was entrusted with the enormous responsibility of imposing on the people a ruler for life. There is no need to accept the premises which lead to so improbable a conclusion. The unanimous evidence of the ancients justifies us in regarding the people as the fount of power, and in limiting the part of the magistrate in the creation of his successor to those sufficiently ample powers which belonged to him as the necessary convener and regulator of the assembly which had to elect.

Jurisdictio, the power of administering justice between the citizens, belongs in its full extent only to the magistrate *cum imperio*. The formal competence of every such magistrate to administer justice is recognised in the fictitious lawsuits necessary for manumissions, adoptions, and transfers of property (*in jure cessio*). The consul or even the pro-consul at the gates of the city may hold a court for such purposes. But all serious litigation at Rome is specially reserved as the provincia of one or other of the praetors. After the conquest of Sicily, that island was made the province of a special praetor, who exercised therein the fullest *jurisdictio*, and similar functions were assigned to the governors of districts subsequently annexed. Besides the full jurisdiction which goes with imperium, a limited jurisdiction in special cases belongs to the curule aediles, the decemviri litibus judicandis, and to the municipal magistrates. [See JURISDICTIO.]

Criminal justice—that is, the punishment of heinous offences, supposed to endanger the state—falls likewise under the imperium. But the action of the magistrate in this sphere is early limited by the right of appeal to the people, when the punishment to be inflicted is serious. This right subjects the magistrate to the necessity of defending his sentence and to the possibility of having it reversed; it practically reduces him from a judge to an accuser. Such a situation was felt to be beneath the dignity of the superior magistrate; and accordingly we find that he habitually refrained from the exercise of any such powers, and allowed the task of condemning or accusing to devolve on his inferiors (at first probably his delegates) the duoviri perduellionis and the quaestors. By a curious combination of constitutional exigencies, the tribune may find himself with regard to the centuriate trial in the same position as the quaestor. If he has condemned a citizen to death, and is appealed against, his own (plebeian) assembly is, by the law of the Twelve Tables, incapable of hearing the case; he must therefore ask one of the magistrates *cum imperio* for a day of the Comitia Centuriata: see Liv. xliii. 16, 11, "Utrique censori perduellionem se judicare pronuntiavit (tribunus), diemque comitiis a C. Sulpicio praetore urbano petiit." Whenever *provocatio* is suspended, as on the appointment of a dictator or on the decree of senate or people to constitute a special *quaestio*, the superior magistrate is seen as criminal judge, and inflicts death by virtue of his imperium. The most notable case is the proceeding against the Bacchanalians in B.C. 186, of which a full account is given by Livy (xxxix. 14–19).

A relic of the criminal jurisdiction of the consuls and praetors survived in their power to sharpen their *coercitio* by throwing citizens into prison. This was a consequence of their right of summons and seizure (*vocatio et prensio*) as a preliminary to trial. This right was not possessed by the inferior magistrates, who could only enforce their orders by seizing pledges or inflicting a small fine.

The senate is the *consilium* or authorised body of advisers attached to the chief magistrate. Accordingly only those magistrates of the Roman people who as possessors of the imperium represent the kingly office, can summon and consult the senate. This power is absent from the censor, the curule aedile, and the quaestor. These magistrates appear, however, no less than those *cum imperio*, to have been relieved during their term of office from the duty of giving advice as senators (*suo loco sententiam dicere*) to the presiding magistrate. On the other hand, they could, any of them, address an official statement to the senate (*verba facere*) regarding the matter in hand.

The office of the magistrate ceases immediately on the expiry of the period for which he has been elected. If he is present in the city (*domi*), his powers lapse with his office; but if he is absent on service (*militiae*), he is to continue at his post and exercise all powers until he is relieved by a successor. Meanwhile he is acting *pro consule*, *pro praetore*, or *pro quaestore*,

as the case may be. Such a necessity could hardly arise, while a campaign lasted only for a single summer. When in B.C. 326, during the Samnite War, it became desirable for the consul Q. Publilius Philo to remain at the head of his army for a second year, a special decree of the people to extend his command, though not strictly necessary, was held to be proper, and for some time this precedent appears to have been followed. By the time of the Second Punic War, however, it is recognised that a simple decree of the senate is sufficient for the prorogation of an existing command. It is otherwise of course when a command *pro consule* is conferred on a private man—as for instance on P. Scipio, when he went to Spain in B.C. 211. For this a law of the populus or the plebs is always necessary.

It may perhaps be counted as an exception to the rule of purely local division, that the pro-magistrate cannot preside at the meetings either of senate or people, even when these are held outside the walls. These are the exclusive prerogatives of the actual magistrates. The pro-magistrate is commonly confined, even more strictly than the magistrate in his year of office, to a special district as his *provincia*. The Lex Majestatis of Sulla particularly forbids him to overstep the bounds of that district. When he has handed over his province to a successor, his power is therefore in abeyance, but it is not extinguished till he enters the city gates. He still keeps his official title, and wears his official dress: he is still attended by lictors and axes, and exercises formal acts of jurisdiction. At a word from the senate he is authorised to stir up again his dormant imperium; and when the state is in danger, "those who are present with pro-consular command near the city" are included in the mandate which arms the magistrates against the enemy: see Caesar, *Bell. Civ.* i. 5, "dent operam consules, praetores, tribuni plebis, quique pro consulibus sint ad urbem, ne quid respublica detrimenti capiat."

Magistratus plebis.—When the non-patrician Romans formed themselves into an exclusive corporation on the Mons Sacer in B.C. 449, their first act was to elect magistrates of their own; and these officers, the tribunes and aediles of the plebs, existed from thenceforth side by side with the magistrates of the Roman people. The resemblances and differences between the functions of the two kinds of magistrate produce some of the most curious complexities known to any constitution. The authority of the plebeian magistrates was from the first acknowledged (though somewhat grudgingly) by the whole community, inasmuch as the law of the state accorded to them the right absolutely to protect the private citizen against any action of the patrician magistrate. As the corporation of the plebs gradually assumed to itself the right to legislate on matters concerning the whole community, its officers became necessarily more and more magistrates of the Roman state. When by the Hortensian Law (B.C. 287) the decree of the plebs was formally placed on an equal footing of power with the decree of the sovereign populus, the reason for any distinction between the magistrates of the two corporations really disappeared. In the case of the plebeian aediles this distinction was practically abolished. Originally the subordinate assistants of the tribune and his instruments in giving effect to his duty of protection, the aediles of the later Republic were assimilated to the minor magistrates of the Roman people. Though still necessarily plebeians, and elected by the plebs, their powers and duties bore no relation to their original functions, but were precisely similar to those of their curule namesakes. This identity is best illustrated by the fact that Caesar divided the city into wards, each in charge of a single aedile, without any distinction between the two kinds. The plebeian (like the curule) aedileship gave the opportunity for conciliating the people by gifts and shows, and so paving the way of the candidate to the higher posts. In the ordinary career of a Roman statesman the office was a step in advance, after a man had served the tribunate and before he proceeded to the praetorship.

The position of the tribune in the later Republic is much more anomalous. As the ruling magistrate of his corporation he has the *jus agendi cum plebe*, which confers on him precisely the same powers of initiative in legislation as are possessed by the consul who puts the question to the populus. The senate likewise is assigned as a *consilium* of advisers to him as well as to the consul, and he has the same right of summoning it and eliciting its decrees. So far we have only a multiplication of the chief magistracy. But here the identity ceases. The tribune had not the essential attribute of the chief magistrates of the Populus Romanus, the imperium. He could neither command in war nor administer justice between the citizens. On the other hand, certain eminent prerogatives derived from the historical nature of his office survived. The "word of might that guards the weak from wrong" had been made effective by investing the person of the tribune with *sacrosanctitas*, and this *sacrosanctitas* could be used in attack as well as in defence. The *coercitio* of him whom it is death to resist must necessarily overbear all other authority. If the tribune thinks fit to throw the consul into prison or to drag the censor to the Tarpeian rock for execution (Pliny, *H. N.* vii. § 143), no one but another tribune can hinder him. In like manner the intercessio of the tribune transcends the rule that magistrates *non ejusdem potestatis* cannot interfere with one another. The veto of the tribune is absolute over the actions of consul, of praetor, and of censor, while these have no corresponding power over him. In case of collision the patrician magistrate must always yield to the *sacrosancta potestas*. Such powers would be nothing short of a legalised tyranny, were they placed in a single hand. As a matter of fact the great number of the tribunes, and the principle that each of them could hinder the action of his colleague, rendered these enormous powers practically harmless. In ordinary times the college of tribunes, divided against itself, excluded from military command, and incapable of action outside the city walls, possessed little influence or dignity, and was commonly the humble instrument of the senate, and a convenient check on any vagaries of the superior magistrates. (See Liv. xxviii. 45; xlv. 21.) The survival, however, of so irrational an institution became eminently dangerous in times of revolution. In the hands of the Gracchi the

tribunician power proved strong enough to overbear the other elements of the constitution, and could be resisted only by violence and bloodshed. Under the control of Marius, of Pompey, and of Caesar, the same office afforded an effective support to the military chiefs against the senatorial government. After serving for a century the purpose of party strife or of individual ambition, the power of the plebeian magistrate, united at last with military and provincial command, became the basis of the despotism of the emperors. For their appointment, see NOMINATIO.

(This article is in the main a summary of the first volume of Mommsen's *Staatsrecht*, to which the reader is referred for more detailed information.) [J. L. S. D.]

MAJESTAS. The only term for treason in early Roman law was *perduellio*, a word made up of *per, para* = "very," and *duellum*, "war" (Charisius, ii. 14, 159). *Perduellis*, a person guilty of this crime, originally signified a pronounced public enemy of the state, and then came to mean one who assisted a public enemy by his treachery (Varro, *L. L.* v. 1, 3; Cic. *de Off.* i. 12, 37; Dig. 50, 16, 234: cf. L. Lange, *de duelli vocabuli origine et fatis*). According to the Twelve Tables, a citizen was *perduellis* who showed a hostile disposition against his country, either by stirring up an enemy against it (*hostem conciere*) or by surrendering a Roman citizen to an enemy (*civem hosti tradere*) (Voigt, *XII. Tafeln*, ii. § 172); but the offence, like that of treason in early English law, was not clearly defined, as is shown by the fact that the crime of Horatius in killing his sister was included, according to Livy (i. 26), under the head of *perduellio*, and not under that of *parricidium*, to which it seems legally to belong. (Festus, s. v. *Sororium:* cf. Mommsen, *Staatsrecht*, ii.[3] p. 615; Clark, *Early Roman Law*, p. 73.)

The earliest trial and form of procedure is that which is given by Livy (i. 26) in respect of this case (cf. Liv. vi. 20). In the regal period the jurisdiction over this and other capital offences belonged to the king, who might delegate his power to commissioners, called *duoviri perduellioni judicandae*. Under the Republic the jurisdiction was given directly to duoviri, who were appointed for each particular occasion by the Comitia. There was always an appeal (*provocatio*) from the duoviri to the populus. The *perduellionis judicium* existed at least in theory to the later times of the Republic (Cic. *Orat.* 46, 156); but the name seems almost to have fallen into disuse. (Mommsen, *Staatsrecht*, ii. pp. 542, 615–618.)

Perduellio was regarded as a religious offence in early times, the tutelary god being propitiated by the death of the offender (*deo necari*), who was put to death by flogging and hanging ("infelici arbori reste suspendi ... verberatum," Cic. *pro Rabir. perd.* 4, 13; Liv. i. 26, 6). In course of time the punishment was *aquae et ignis interdictio*.

Voigt gives the following as cases of *perduellio* by stirring up an enemy against the state:—1. The case of Vitruvius Vaccus, 426 A.U.C., who was tried before a *quaestio extraordinaria* and convicted (Liv. viii. 19, 4; 20, 6). 2. The case of the Tusculans, in 431 A.U.C., who were prosecuted by the tribunes and acquitted (Liv. viii. 37, 8–11). 3. The case of Sempronius Gracchus, in 631 A.U.C., who was acquitted. The case of C. Popilius Laenas, in 647 A.U.C., is given as one of *perduellio* by surrendering a Roman citizen to an enemy (Auct. *ad Herenn.* iv. 24, 34; Cic. *de Leg.* iii. 16, 36; Liv. *Ep.* 65). It should be added that Cn. Fulvius was charged with the offence of treason for losing a Roman army (Liv. xxvi. 1, 3).

The term *perduellio* was still used under the Empire and is found in Justinian's legislation, but it is a question whether it was not merged for all legal purposes in the *crimen majestatis*. Ulpian, as cited in Dig. 48, 4, 11, distinguishes between the legal consequences of *majestas* which is *perduellio* and *majestas* which is not, so that we should perhaps regard *perduellio* at this time as a species of *majestas*.

The word *majestas* consistently with its relation to *mag*[*nus*] signifies the magnitude or greatness of a thing. "Majestas," says Cicero (*Part. Orat.* 30, 105), "est quaedam magnitudo Populi Romani;" "Majestas est in Imperii atque in nominis Populi Romani dignitate." Accordingly the phrases *majestas Populi Romani, Imperii majestas* (Hor. *Carm.* iv. 15), signify the whole of that which constituted the Roman state; in other words, the sovereign power of the Roman state. The expression *minuere majestatem* consequently signifies any act by which this *majestas* was impaired; and it is thus defined by Cicero (*de Invent.* ii. 17, 53): "Majestatem minuere est de dignitate, aut amplitudine, aut potestate Populi aut eorum quibus Populus potestatem dedit, aliquid derogare." (See Cic. *ad Fam.* iii. 11: "Majestatem auxisti.") The phrase *majestas Publica* in the Digest is equivalent to the *majestas Populi Romani*. The *crimen majestatis*, or, to use the complete expression, *crimen laesae, imminutae, deminutae, minutae, majestatis*, is the offence of injuring or attempting to injure the sovereign power of the Roman people. Accordingly it is defined by Ulpian (Dig. 48, 4, 1) to be "crimen illud quod adversus Populum Romanum vel adversus securitatem ejus committitur." Thus the conception of the *crimen majestatis* is more abstract and wider in scope than *perduellio* or than that of treason in English law.

Various *leges* were passed for the purpose of determining more accurately what should be *majestas*. These *leges* were a Lex Apuleia, probably passed in the fifth consulship of Marius, the exact contents of which are unknown (Cic. *de Or.* ii. 25, 49); a Lex Varia, B.C. 91 (Appian, *Bell. Civ.* 1, 37; Cic. *Brut.* 89, 304; Valer. Maxim. viii. 6, § 4; Cic. *pro Scaur.* 1, 3; *Tusc.* ii. 24, 57); a Lex Cornelia, passed by L. Cornelius Sulla, which appears to have consolidated and made considerable additions to the law of *majestas*, bringing under it a number of acts of usurpation on the part of provincial governors and of magistrates. Sigonius has attempted to collect its *capita*. By this law *majestas* became the subject of a *quaestio perpetua* (Cic. *in Pis.* 21, 50; *pro Cluent.* 35, 97; *ad Fam.* iii. 11: cf. Zachariä, *Corn. Sulla*, ii. 129–131; Volkerstaert, *de L. Cornelio Sulla legislatore*, pp. 154–160). Lastly, there was the Lex Julia de majestate, which continued under the Empire to be the fundamental enactment on

the subject. This Lex Julia is by some attributed to C. Julius, and assigned to the year B.C. 48, and this may be the lex referred to in the Digest and Code. That a Lex de majestate was passed in Caesar's time appears from Cicero (*Philipp.* i. 9, 23). But more probably the Lex Julia de majestate was one of the Leges Juliae of Augustus. Like many other *leges*, the Lex Julia was modified by senatusconsulta and imperial constitutions; and we must not conclude from the title in the Digest (48, 4), *ad Legem Juliam majestatis*, that all the provisions enumerated under that title were comprehended in the original Lex Julia.

The offences comprised under the head of *crimen majestatis* may be divided into two heads: (1) Attacks against the public security generally; and (2) treason specially directed against the person of the emperor.

(1.) Under this head we may include acts of the following kind:—Bearing arms against the state, adhering to the public enemy in various ways, sedition directed against the state, inciting to mutiny, making war or levying troops without authority to do so, killing a Roman magistrate, the refusal of a governor to leave his province after he had been superseded, and other unlawful acts of officials, the forgery of public instruments, &c. (Dig. 48, 4, 1, 2; Paul. 5, 29, 1.)

(2.) Under the Empire the term *majestas* was applied to the person of the reigning Caesar, and we find the phrases *majestas Augusta, imperatoria*, and *regia*. It was, however, nothing new to apply the term to the emperor, considered in some of his capacities, for it was applied to the magistratus under the Republic, as to the consul and praetor (Cic. *Philipp.* xiii. 9, 20; *in Pisonem*, 11, 24). Horace even addresses Augustus (*Ep.* ii. 1, 258) in the term "majestas tua," but this can hardly be viewed otherwise than as a personal compliment, and not as said with reference to any of the offices which he held. It was by the extension of the crime of *majestas* that the emperors first raised themselves above the ordinary law. They were not content with the protection which the Lex Cornelia had given to magistrates by making it treason to kill, or perhaps even to attempt to kill them; but the most trivial acts of disrespect to the emperor's person or authority became treasonable in course of time. Augustus availed himself of the Lex Julia for prosecuting the authors of *famosi libelli* ("cognitionem de famosis libellis, specie legis ejus, tractavit," Tac. *Ann.* i. 72; Dio Cass. lvi. 27; Sueton. *Aug.* 55). The proper inference from the passage of Tacitus is that the Lex Julia did not properly apply to words or writings, for these were punishable otherwise. [LIBELLUS, 2.] The passage of Cicero (*ad Fam.* iii. 11) is manifestly corrupt, and, as it stands, inconsistent with the context; it cannot be taken as evidence that the Lex Majestatis contained any express provisions as to libellous words, as to which there were other sufficient provisions [INJURIA]. Under Tiberius the offence of *majestas* was extended to all acts and words which might seem to be disrespectful to the Princeps, as appears from various passages in Tacitus (*Ann.* i. 73, 74; ii. 50; iii. 38, 66, 67).

It was treason to do anything which could possibly be construed as disrespectful to the statues of the emperor. It is stated by Marcianus, as cited in the Digest, that it was not *majestas* to repair the statues of the Caesar which were going to decay; and a rescript of Severus and his son Antoninus Caracalla declared that, if a stone was thrown and accidentally struck a statue of the emperor, that also was not *majestas;* and they also graciously declared that it was not *majestas* to sell the statues of the Caesar before they were consecrated. In the time of Tiberius it was a matter of charge against a man that in selling a garden he had included a statue of Augustus; which Tiberius declared to be no offence (Tac. *Ann.* i. 73). There is also an extract from Saturninus, *de Judiciis*, who says that if a person melted down the statues or *imagines* of the emperor, which were already consecrated, or did any similar act, he was liable to the penalties of the Lex Julia majestatis. Augustus wished to treat an act of adultery with a female member of the imperial family as treason; but it was declared by Tiberius that this was not the law (Tac. *Ann.* ii. 50; Mommsen, *Staatsrecht*, ii. 754). The violation of an oath which a person had sworn by the Genius or Salus of the emperor was included in the *crimen majestatis*. The assumption by a private person of a divine as well as of a regal title of honour made him subject to the law of treason (Mommsen, *op. cit.* ii. 755, 817). It was sufficient to constitute treason that a treasonable act should have been begun, but a mere intention to commit the offence without any overt act was not treason. (For the mode of procedure in trials on account of *laesa majestas*, see CRIMEN, QUAESTIO.)

An inquiry might be made into an act of treason against the Imperator even after the death of the offender (Cod. 8, 9, 6); a rule which was established (as we are informed by Paulus) by M. Aurelius in the case of Druncianus or Druncanius, a senator who had taken part in the outbreak of Cassius, and whose property was claimed by the fiscus after his death. Perhaps the account of Capitolinus (*M. Ant. Phil.* c. 26) and of Vulcatius Gallicanus (*Avidius Cassius*, c. 9) is not inconsistent with the statement of Paulus. On the case of Druncanius, see Tillemont, *Histoire des Empereurs*, vol. ii. p. 382. Women were admitted as evidence in a case of *laesa majestas*, and the case of Fulvia is cited as an instance.

The torture was only applicable generally to slaves and not to freemen, but it is provided that, in case of treason against the emperor, all persons should be in the same position as slaves in respect of liability to torture. (Dio Cass. lx. 15; Paul. 5, 29, 2; Tac. *Ann.* xv. 56; Dig. 48, 18, 10, § 1.) Tiberius sold a man's slaves to the *actor publicus* (*Ann.* iii. 67) in order that they might not fear to give evidence against their master, who was accused of *repetundae* and also of *majestas*.

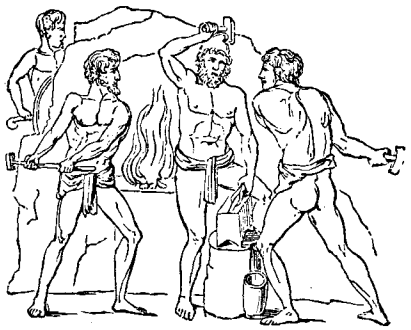
The crime of *majestas* was punished with increasing severity under the Empire. The old punishment was perpetual interdiction from fire and water; but now, says Paulus (*S. R.* v. 29, 1), writing at or about the close of Caracalla's reign, persons of low condition are thrown to wild beasts, or burnt alive; persons of better condition are simply put to death. The property of the offender was confiscated and his memory

was infamous (*damnatio memoriae*). A constitution of S. Severus and Antoninus Caracalla declared that from the time that an act of *majestas* was committed a man could not alienate his property or manumit a slave, to which the great (*magnus*) Antoninus (probably Caracalla is still meant) added that a debtor could not after that time lawfully make a payment to him. (Dig. 48, 4; Cod. 9, 8; Walter, *Römische Rechtsgeschichte*, § 803; Rein, *Crim. Recht*, p. 493; Dieck, *Geschichte des Röm. Majest. verbrechen*; J. Weiske, *Das Crimen Majestatis der Römer*; Brugmans, *de Perduell. et Majest. Crim.*) [G. L.] [E. A. W.]

MAJO'RES. [INFANS.]

MALACENSIS LEX or MALACITA'NA LEX, a statute regulating the municipal constitution of Malaga in Spain, of which chapters 51–69 were discovered on a bronze tablet in five columns near that city in 1851. No doubt the law was no enactment of the Roman comitia, but was bestowed on Malaga by Domitian, between the years A.D. 81–84. Along with the Lex Salpensana, which was excavated at the same time and place, it throws considerable light on the institutions and organisation of the Latin municipia, and on some purely legal topics, such as the "cautio praedibus praediisque." [Printed in the *C. I. L.* 2, No. 1964, and in Bruns, *Fontes juris Romani Antiqui*. First published by R. de Berlanga at Malaga in 1853. See particularly Mommsen's monograph, *Die Städtrechte der latcinischen Gemeinden Salpensa und Malaca in der Provinz Baetica*, Leipzig, 1855. They have also been written on by Laboulaye, Paris, 1856; Asher, Paris and Heidelberg, 1868; Giraud, Paris, 1856–8, 1866–8; Van Lier, 1865; and Van Schwinderen, 1866.] [J. B. M.]

MA'LLEUS, *dim.* MALLE'OLUS, (1) a hammer, a mallet, was used much for the same purposes in ancient as in modern times. In Greek the general term is *σφῦρα*; the large smith's hammer, such as that used by Hephaestus, is specially called *βαιστήρ* (also *κέστρα*); the word *κροταφὶς* is used for a hammer with one end sharpened, like a coal-pick. In Latin, while *malleus* is the general term, *marcus* is specially used for the heavy smith's hammer, and *marcellus*, *marculus* for smaller varieties (Isid. *Orig.* xix. 7). When several



The forge of Vulcan. (From a bas-relief.)

men were striking with their hammers on the same anvil, it was a matter of necessity that they should strike in time, and Virgil accordingly says of the Cyclopes, "Inter se brachia tollunt *in numerum*" (*Georg.* iv. 174; *Aen.* viii. 452). The scene which he describes is represented in the above woodcut, taken from an ancient bas-relief, in which Vulcan, Brontes, and Steropes are seen forging the metal, while the third Cyclops, Pyracmon, blows the bellows (*Aen.* viii. 425). Beside the anvil-stand [INCUS] is seen the vessel of water in which the hot iron or bronze was immersed (*ib.* v. 450, 451). [LACUS.]

But, besides the employment of the hammer upon the anvil for making all ordinary utensils, the smith (*χαλκεύς*) wrought with this instrument figures called *ἔργα σφυρήλατα* (or *ὁλοσφύρητα*, Brunck, *Anal.* ii. 222), which were either small and fine, some of their parts being beaten as thin as paper and being in very high relief, as in the bronzes of Siris [LORICA], or of colossal proportions, being composed of separate plates, riveted together: of this the most remarkable example was the statue of the sun of wrought bronze (*σφυρήλατος κολοσσός*, Theocrit. xxii. 47; *βαιστηροκοπία*, Philo *de 7 Spectac.* 4, p. 14, ed. Orell.), seventy cubits high, which was erected in Rhodes. Another remarkable production of the same kind was the golden statue of Jupiter (Strabo, viii. p. 378; Plat. *Phaedr.* p. 236 B), which was erected at Olympia by the sons of Cypselus.

By other artificers the hammer was used in conjunction with the chisel [DOLABRA], as by the carpenter (*pulsans malleus*, Coripp. *de Laud. Justini*, iv. 47; woodcut, Vol. I. p. 126) and the sculptor.

Several drawings of ancient hammers may be seen in Blümner, *Technologie*, ii. 196, every one of which might be matched by a pattern now in use.

2. To be distinguished from the above is *malleolus*, a sort of rocket, having lighted tow and pitch attached to one end, which was thrown in sieges and in naval warfare. Its name is probably derived from *malleolus*, the shoot of a plant, or else because the head with the tow attached was compared to a hammer. (See Cic. *Cat.* i. 13, 32; Liv. xlii. 64; Amm. Marcell. xxiii. 4, 14; Veget. iv. 18.) [W. S.] [G. E. M.]

MALUS. [NAVIS.]

MALUS O'CULUS. [FASCINUM.]

MANCEPS has the same relation to *mancipium* that *auspex* has to *auspicium*, and in its original sense = *is qui manu capit* or *qui mancipat*; that is, it means an acquirer or purchaser of a thing by the form of conveyance called *mancipium* or *mancipatio* (*mancipio accipiens*, see MANCIPIUM; cf. Tertull. *Apolog.* 11). But at an early time the word was also used to signify a party conveying by mancipation (*mancipio dans*), in which sense it is equivalent to *emanceps* (Plaut. *Curc.* 4, 2, 29).

From its original meaning *manceps* derived several special significations. It frequently means a person who purchases or hires a thing at a public auction. *Mancipes* were they who bid at the public lettings of the censors for the purpose of farming any part of the public property (Festus, s. v. *Manceps*: "Manceps dicitur qui quid a populo emit conducitve quia," &c.). Sometimes the chief of the Publicani generally are meant by this term, as they were the bidders for the public revenue and gave the

security, and then they shared the undertaking with others or underlet it (Ascon. *ad Div. in Caecil.* 10, 33). These *mancipes* would accordingly have distinctive names, according to the kind of revenue which they took on lease, as Decumani, Portitores, Pecuarii. Suetonius (*Vesp.* 1) says that the father of Petro was a *manceps* of labourers (*operae*), who went yearly from Umbria to Sabinum to cultivate the land; that is, he hired them from their masters and paid so much for the use of them, as has been often done in slave countries. Conductores Thermarum et Salinarum are called *mancipes* in the Theodosian Code (14, 5, 1). The word is also used in the Theodosian Code to denote a class of public officials (8, 5, 53; 60, 24, 65, *mancipes locorum*). In one place of this Code (14, 16, 2) *manceps* means a manager or manciple of a public bakery. (See Forcellini, *Lex.*; Dirksen, *Manuale*, s. v.; and Voigt, *XII. Tafeln*, ii. § 84, n. 4.) [G. L.] [E. A. W.]

MANCIPA'TIO. [MANCIPIUM.]

MANCI'PII CAUSA. The three expressions by which the Romans distinguished the different species of power (*manus* or *potestas*) to which a free person might be subject in the hands of another, were *in potestate*, *in manu*, and *in mancipio ejus esse* (Gaius, i. 138). This last kind of power arose when a paterfamilias transferred a filiusfamilias to another person by process of mancipation [MANCIPIUM], as he had a right to do. The legal effect of such mancipation was that the filiusfamilias who was the object of it ceased to be in the power of his paterfamilias, and came into the *mancipium*, or power, of the person to whom he was given in mancipation: thereby he was degraded to a servile state, undergoing a *capitis deminutio*. A husband had the same power over a wife *in manu*, for she was *filiae loco*. The mancipation was in form a conveyance by sale, and it cannot be doubted that at one time the right of selling children in this way was freely exercised, children being hardly distinguished from slaves and other property. In course of time, however, the effect of the mancipation of free persons became considerably modified by custom. Generally speaking, such mancipation was mere matter of form (*dicis gratia*) in the classical period of Roman law, and probably from a much earlier time; the form being used in order to free a filiusfamilias from *patria potestas* [EMANCIPATIO; ADOPTIO], and was not intended to give the person to whom the transfer was made any real power, though for the moment until manumission the person mancipated was nominally *in mancipii causa*, and thus suffered *capitis deminutio* (Gaius, i. 141). The mancipation came only to be used for the purpose of creating a real and lasting *causa mancipii* when a filiusfamilias was surrendered by his paterfamilias to some one on account of a delict which the filiusfamilias had committed against the surrenderee.

The power exercised over persons *in mancipii causa* resembled that of a master over his slaves (*mancipia*). Thus Cicero compares the position of a person *in mancipio* with that of a criminal condemned to slavery (*pro Caecin.* 34, 98). Being like slaves to the person to whom they were transferred, they had no agnatic rights in his family, and they were manumitted in the same way as slaves, the person manumitting them acquiring thereby a kind of patronal relation to them. Still such persons were not exactly in the relation of slaves to the persons to whom they were mancipated; thus they were to some extent protected from the ill-treatment of the latter by the *actio injuriarum* which they might maintain (Gaius, i. 141); their children were not *in mancipio*, according to Gaius (Gaius, i. 135); they were not possessed as property (Gaius, ii. 90), and though they were *necessarii heredes*, if instituted by their master, they had the *beneficium abstinendi* like *sui heredes* (Gaius, ii. 160). [HERES.]

But the great distinction between a person *in mancipio* and a *mancipium* or slave was that whereas a slave had no rights, a person *in mancipio* was only in a servile condition in respect to the person to whom he was mancipated, not losing his general status as a freeman. The semi-servile position of persons *in mancipio* is expressed by the phrase *causa mancipii*.

In respect of property, the same rule applied to persons *in mancipio* as to other persons who were *alieni juris*: all that they had or acquired belonged to the person in whose *mancipium* they were. *Mancipium* was put an end to by manumission *vindicta*, *censu*, or *testamento*. According to Gaius (i. 140), manumission *censu* of a person *in mancipio* might take place without the consent of the person whose *mancipium* was taken away; but this was not applicable to a person mancipated on condition of remancipation to his father, or to a person mancipated *ex noxali causa*; that is, on account of his delict (Gaius, i. 140). When, however, a person surrendered *ex noxali causa* (*noxae datus*), had made satisfaction for the injury he had committed, the person *noxae accipiens* might be compelled to make a remancipation or manumission by order of the praetor. (*Collat.* ii. 3, 1; *Inst. Just.* 4, 8, 3: cf. Theoph. *ad loc.*) The limitations of the Lex Aelia Sentia and Fufia Canidia in respect to the manumission of slaves did not apply to this kind of manumission.

The *mancipium* was put an end to by remancipation to the father; it did not terminate *ipso jure*, but always required some act of remancipation or manumission. Justinian put an end to the *noxae datio* in the case of children, which indeed before his time had fallen into disuse. (*Inst. Just.* 4, 8, 7; Gaius, i. 116–123, 138–141; A. Schmidt, *Die Persönlichkeit d. Sklaven*; Danz, *Geschichte des römischen Rechts*; Walter, *Geschichte d. röm. Rechts*; Böcking, *Pand. Inst.* i. § 48; Kuntze, *Cursus d. R. R.* §§ 796, 797.) [E. A. W.]

MA'NCIPI RES. [DOMINIUM.]

MANCI'PIUM, or according to an earlier form *mancupium*, is the formal legal proceeding *per aes et libram*, by which power and dominion over persons and over things was transferred by one person to another. The word in this sense is of ancient origin, and occurs in the Twelve Tables (Dicksen, *Uebersicht*, &c. p. 395; Voigt, *XII. Tafeln*, ii. § 84). Cicero only uses *mancipium*, but Gaius and other writers express this act of transfer by the more modern word *mancipatio*, which is in its conception the act of transfer regarded from the side of the purchaser or person *qui mancipat* [MANCEPS], as *emancipatio*, *emancipare*, which sometimes mean generally a

conveyance or to convey *per aes et libram* (Quintil. vi. 3; Plin. *Ep. ad Traj.* 4, 3; Gell. xv. 27, 3), refer to the side of the transferor; *mancipium* is the conveyance regarded as an act both of transferor and transferee (Voigt, *l. c.*). The etymology of the word *mancipium* is the same as that of the word *mancipatio*, of which Gaius (i. 121) says, "Mancipatio dicitur quia manu res capitur." The term *mancipium*, then, is derived from the act of corporeal apprehension of the thing to be conveyed, which took place in this process of transfer. This explanation of the origin of the word, which is adopted by most modern writers, is rejected by Mr. Muirhead (*Introduction to the Law of Rome*, p. 61), who maintains that the notion of mancipium is not *manu capere*, but *manum capere*, to take or acquire by transfer power or dominion over persons and things. He urges as an objection to the common etymology that there was no taking with the hand when land or a house was being conveyed, for the parties did not require to be near them; and there could be none in the mancipation of a praedial servitude, for it was intangible. This criticism is based on the assumption, that the law on the subject of mancipation, as it is described by Gaius, was also the law of earlier times, when the word *mancipium* was first formed; it seems probable, however, that a taking of the thing or of some part of it by the hand was at first required in every *rei mancipatio*, as well as in every *rei vindicatio*, and that it was subsequently dispensed with in the case of land on account of its inconvenience. There is also reason to suppose, that praedial rustic servitudes were not one of the original objects of an independent mancipation.

The party who made a transfer pursuant to the form of mancipation was said *mancipio dare*; he to whom the transfer was made was said *mancipio accipere* (Plaut. *Trin.* ii. 4, 18). The verb *mancipare* is sometimes used as equivalent to *mancipio accipere* (cf. Schol. Crug. *ad* Hor. *Ep.* ii. 159; "mancipat: mancipio accipit," Voigt, *l. c.*). Horace uses the phrase "mancipat usus," which is not an unreasonable licence; he means to say that *usus* or usucapion has the same effect as mancipation, which is true; but the effect in case of usucapion is produced by possession for a certain time, when the possessor has not already acquired ownership by mancipation or other title.

Some Latin writers who lived towards the close of the Republic appear to have considered *mancipium* to be a species of *nexum*, the term *nexum* being used by them in a more general sense than had attached to it in earlier times. According to Aelius Gallus, as cited by Festus (s. v. *nexum*), everything was *nexum*, "quodcunque per aes et libram geritur;" and as *mancipatio* was effected *per aes et libram*, it was consequently a *nexum*. M. Manilius, as cited by Varro (*L. L.* vii. 105), attaches the same comprehensive sense to the term *nexum*. Cicero (*Top.* 5, 28) says that the alienation of a *res mancipi* was effected either by *traditio nexu* or by *in jure cessio*. These two modes correspond to the *mancipatio* and *in jure cessio* of Gaius (ii. 41), and accordingly *mancipatio* (or the older term *mancupium*) is equivalent to *traditio nexu*.

But, as we see from a passage of Varro which contains a definition of *nexum* by C. Mucius Scaevola, the term *nexum* was, properly speaking, only applicable to proceedings *per aes et libram*, in so far as obligations resulted from them, and so would not include the notion of conveyance, which attaches to *mancipium*. (Varr. *L. L.* vii. 5, 105: "(Q. Mucius) nexum (est), quae per aes et libram fiant, ut obligentur, praeterquam quae mancipio dentur (Varr.): hoc verius esse ipsum verbum ostendit, de quo quaerit: nam id est, quod obligatur per libram neque suum fit; inde nexum dictum.") A *nexum* was, however, contained in a *rei mancipatio*, since the latter proceeding, besides transferring ownership, which was its main object, also gave rise to subsidiary obligations. Thus the *mancipio dans* was bound to warrant the title to the thing conveyed against eviction, and the *mancipio accipiens* might be bound by a *fiducia* attached to the mancipation to reconvey the thing on the happening of some condition. Hence a *res* was said to be *nexa* or *obligata* which was mancipated subject to a pledge or mortgage. Cicero (*de Harusp. Resp.* 7, 14) includes in the same sentence both the *jus mancipii* and the *jus nexi*, where he is speaking of various titles to property. He may mean here to speak of the *jus mancipii* in the sense of title by absolute conveyance as contrasted with the *jus nexi* or title by mortgage. (Cf. Cic. *de Orat.* i. 38, 173; *ad Fam.* iv. 30.)

The forms of mancipations are described by Gaius (i. 119): "Mancipatio is effected in the presence of not less than five witnesses, who must be Roman citizens and of the age of puberty (*puberes*), and also in the presence of another person of the same condition, who holds a pair of brazen scales, and hence is called *libripens*. The purchaser (*qui mancipio accipit*) taking hold of the thing says: I affirm that this slave (*homo*) is mine *ex jure Quiritium*, and he is purchased by me with this piece of money (*aes*), and he gives it to the seller (*ei a quo mancipio accipit*) as a symbol of the price (*quasi pretii loco*)." The same account of the matter is given more briefly by Ulpian (*Frag.* xix.).

Mancipation was instituted at a time when only copper money was in use, as we learn, Gaius says, from the Twelve Tables; and it also dates from a time when money was weighed in scales, there being no coined money (Gaius, i. 122), though subsequently the scales were struck with a coin. Mancipation, like all early conveyances, is of a public or semi-public nature. It was not, indeed, as was *in jure cessio*, executed in the presence of a magistratus, but the five Roman citizens who were required to attest it probably stood in the place of the community, and their number may have been originally intended to correspond with the five classes into which the populus was divided by Servius.

The *libripens* was supposed to be an impartial third person, and was perhaps at one time designated by some public authority. We do not know whether the scales used in the sale were public or private; but it is probable that there were public scales in the market to enable persons to mancipate slaves and cattle. Mr. Muirhead (*Introd.*, &c., p. 58, n. 10) refers to a statement of Varro (*L. L.* v. 183) that scales were still preserved in his time in the temple of Saturn.

An act of calling the attention of the wit-

nesses to the execution of the mancipation (*antestari*) is mentioned (cf. Huschke, *Jurisprud. antejust., C. Aelius Gallus*, § 6); but whether it was performed by a person exclusively employed for the purpose, or by one of the parties to the mancipation, is uncertain. The terms *antestari*, *antestatus*, do not occur in Gaius and Ulpian, and it is clear that when they wrote there was no special person in the proceeding known as *antestatus*.

The description which Gaius gives of mancipation shows that the proceeding consisted of an assertion of title to the thing on the part of the purchaser, as well as of the purchase itself *per aes et libram*. This assertion of title, which varied in its terms according to the character of the mancipation, corresponded to some extent with the claim made by a person acquiring a thing by *in jure cessio* (Gaius, ii. 24), though it was made before witnesses, and not to the praetor. The sale *per aes et libram* was no doubt at first a real one, but the mancipation was converted into a general form of transfer by the formal payment of a small piece of copper (*aes, raudus, rauduscul*um), the adequacy of the price paid being legally immaterial. Thus Gaius calls *mancipatio* "imaginaria quaedam venditio:" for though the law required the sale, the real cause of the transaction was outside the mancipation, and might just as well be gift or dowry as actual sale. The cause would, however, appear in the instrument, which was generally drawn up as a record of title (see inscriptions cited by Voigt, ii. § 84, n. 9).

The essential parts of the formula of mancipation might be accompanied by qualifications called *leges mancipii* (Cic. *de Or.* i. 39, 178), which would be obligatory on the parties. Thus mancipations might be made subject to a trust (*fiducia*) of remancipation, and servitudes might be reserved (*deductio*) by this means. Effect was given to such additional terms by the clause of the Twelve Tables, "Cum nexum faciet mancipiumque, uti linguâ nuncupassit, ita jus esto." The *nuncupatio* was the declaration of the terms of the mancipation by the parties to the conveyance. In Roman law of the classical period it was more usual to make independent covenants concerning accessory terms, instead of incorporating them in the mancipation itself. Mancipation was a general form of transfer, and was not only used in the conveyance of property, but in other transactions, as in emancipation, adoption, co-emption. As to the application of mancipatio to wills, see TESTAMENTUM.

Mancipatio and *in jure cessio* (a conveyance probably of later origin than mancipation) were the only means of transferring ownership recognised by the law of the Twelve Tables. After a time, however, only certain kinds of things, called *res mancipi*, were required to be conveyed by mancipatio, other *res* (*nec mancipi*) being allowed to pass by mere informal delivery of possession (*traditio*). It is not to be supposed that the effect of this change was to prevent *res nec mancipi* being transferred by mancipation, should the parties to a conveyance wish to use this form; mancipation seems, in fact, to have been sometimes used for conveying important *res nec mancipi* (*e.g.* Plin. *H. N.* ix. § 117), probably on account of its evidentiary value and the warranty of title which attached to it.

The following *res* were *res mancipi*:—Lands and houses *in Italico solo*, praedial rustic servitudes, slaves, oxen, horses, mules, and asses. (Gaius, i. 120; ii. 15, 17.) [DOMINIUM.]

Lands (*praedia*) might be transferred by mancipation, though the parties to the mancipation were not on the land; but all other things which were mancipated were only transferable in the presence of the parties. The purchaser or person to whom the *mancipatio* was made did not in the time of the classical jurists acquire possession by the act of mancipation, but only ownership, the acquisition of possession being a separate act (Gaius, iv. 131) [POSSESSIO], though as a matter of fact the transfer of ownership and possession would generally take place at the same time, at least in the case of movables. The conveyance of a *res mancipi*, by informal delivery only, had no legal effect in respect of transfer of ownership according to Jus Civile, but in course of time the praetor protected a person to whom a *res mancipi* had been conveyed by *traditio*, giving him the same security as if he had acquired a civil title by mancipation (*in bonis rem habere*, Gaius, ii. 40). The establishment of a praetorian title in such a case was a great step towards the abolition of *mancipium* as a conveyance. When things were transferred by *mancipatio* under a contract of sale, the vendor was bound to warranty in double of the amount of the thing sold (Paul. *S. R.* ii. 17). A vendor therefore who had a doubtful title would not sell by *mancipium*, but would merely transfer by delivery, and leave the purchaser to acquire the Quiritarian ownership of the thing by usucapion (Plaut. *Curc.* iv. 2, 9; *Persa*, iv. 3, 55). Accordingly Varro observes (*R. R.* ii. 10) that if a slave was not transferred by *mancipium*, the seller entered into a *stipulatio dupli* to be enforced by the buyer in the case of eviction; when the transfer was by *mancipium*, the stipulation was not necessary.

Mancipation, an institution of the Jus Civile, was not suited to the customs of non-Italian people, and came to be regarded as an inconvenient form; hence it gradually lost its importance, and in Justinian's legislation was entirely superseded by the informal conveyance *traditio*, which was derived from the Jus Gentium (Cod. Just. 1, 31: "de sublata differentia rerum mancipi et nec mancipi." In passages of the Corpus Juris, where the jurists speak of *mancipatio*, the compilers substitute *traditio*. The last mention of the conveyance occurs in *Vat. Frag.* § 313; *Hermog. Cod.* 7, 1; *Theod. Cod.* 8, 12, 4, 5). *Mancipatio* ceased also to be a formality in adoption and emancipation.

The word *mancipium* is used in a cognate sense to the above as equivalent to complete ownership, and may thus be opposed to *usus*, as in a passage of Lucretius that has often been quoted (iii. 971), and to Fructus (Cic. *ad Fam.* vii. 29, 30). Sometimes the word *mancipium* means the thing mancipated, and hence it frequently signifies a slave, as being a most important *res mancipi*. This is probably the sense of the word in Cicero (*Top.* 5, 27) and certainly in Horace (*Ep.* i. 6, 39). (Brisson, *Antiq.* i. 7 Giraud, *Recherches sur le droit de propriété chez les Rom.* i. 217, &c.; Leist, *Mancipation und Eigenthumstradition*, rev. by Degenkolb, *Krit. Vierteljahrschrift*, vol. xx. p. 481; Deiters, *de*

mancipat. indole et ambitu; Bechmann, *Kauf*, i. 47, &c.; Kuntze, *Excurse*, 167, &c.; Voigt, *XII. Tafeln*, ii. §§ 84–88; Ihering, *Geist*, ii. § 46; Maine's *Ancient Law*, p. 318.) [E. A. W.]

MANDA'TUM. 1. *Mandatum*, "a commission," is the name of a contract which arises from consent; *i.e.* it requires no special form of words, no entry in a ledger, no passing of property or of the possession of property from one party to the other: as soon as the two parties have mutually agreed, the one to employ the other, and the other to be so employed, the legal relation exists, subject however to two conditions. The employment must be one which is not merely for the benefit of the person employed, and payment for the service must not be part of the agreement. If payment is intended, the contract is hiring (*locatio, conductio*), not mandate: if A suggests to B to do something in B's own interest solely, A's instructions are held to amount merely to advice (*consilium*), on which no legal responsibility is incurred (Dig. 17, 1, 2, 6). On the other hand, if B does some act for A and in A's interest, without previous instructions, B may have an action to recover his expenses, but this action is a special one founded simply on the business done (*negotiorum gestorum*: cf. Dig. 3, 5, 2, &c.). The person who gives a commission is called *mandator* or *mandans*; the person who undertakes the commission is called *is qui suscipit*, or *recipit*, *mandatum, cui mandatum est*, &c. (in modern Latin, *mandatarius*, "mandatee"). The mandatee is bound to execute the commission diligently and faithfully, or else to renounce it in time to prevent loss to the mandator (Dig. 17, 1, 22, 11). He is to account to him for all profit arising from it. For any expense or loss properly incurred, or strictly incidental, the mandator is liable. The mandator's right of action to enforce fulfilment of the mandatee's obligations to him is *actio mandati*: the mandatee's action to obtain reimbursement is *actio mandati contraria*. As a rule the mandate is extinguished by the death of either party, at least if the event be known to the other party and the commission be yet unexecuted. But rights arising from a commission may be enforced by or against the heirs of either party (Dig. 17, 1, 58, pr.). This rule, however, seems in early times to have been doubtful; M. Drusus, the city praetor (under what circumstances we know not), refusing the right of action and Sex. Julius (a successor?) granting it (Auct. *ad Heren.* ii. 13, § 19). Either party adjudged guilty of breach of good faith became thereby disgraced, *ignominiosus* (Gaius, iv. 182), *infamia notatur* (Edict. *ap.* Dig. 3, 2, 1; *ib.* 6, 5). So Cicero says, "mandati constitutum est indicium non minus turpe quam furti" (*Rosc. Am.* 38, 111 *sqq.*); and the heir was eventually held responsible for fraud on the part of his predecessor (Dig. 44, 7, 12).

A special case of mandate, called by modern lawyers *mandatum qualificatum*, is a request from A to B to lend C money. A was taken to guarantee payment, and B (the creditor) had, if the debtor failed to pay, an action on the mandate (*act. m. contraria*) against A to recover the money, and then in return ceded to him the creditor's right of action on the loan. A surety proper (*fidejussor*), on the other hand, was regarded as assuming the responsibility at the instance of the debtor, and, if forced to pay the debt of his principal, had an action of mandate against him (Gaius, iii. 127). Hence *mandatores* and *fidejussores* are often discussed together, though their legal positions were different in several respects (*e.g.* Dig. 17, 1, 28; 37; 46, 1, &c.).

The principal authorities are Cic. *Rosc. Am.* l. c.; Gaius, iii. 155 *sqq.*; Dig. 17, 1; 46, 1; Cod. iv. 35, 36; Inst. iii. 26.

2. *Mandata* is technically used of the "commission" or instructions given, especially to provincial governors, by the emperor. These were very various and related to their own conduct (*e.g.* Dig. 1, 16, 6, 3; 32, 1, 4), or to their administration (*e.g.* Dig. 37, 14, 7, 1; 47, 11, 6; 22, 1), or even established new rules of private law: *e.g.* the validity of a soldier's will, though not in due form (Dig. 29, 1, 1). These instructions, like the Edicts, appear by frequent repetition to have assumed the character of standing orders (cf. Dig. 29, 4); and Justinian A.D. 535 further consolidated some such instructions into what is now called the 17th Novel. Pliny in his letters to Trajan refers to them (*Ep.* 97, § 7; 111, 112). Cicero applies the term to a legate's instructions (*de Leg.* iii. 8, 18); and Frontinus (*Aquaed.* 110, 111) quotes from a chapter of the Instructions (*ex capite mandatorum*) rules for the use of water from the Italian aqueducts (cf. Cod. i. 85; Rudorff, *R. G.* i. 56). [H. J. R.]

MANDRAE. [LATRUNCULI.]

MA'NDYAS (*μανδύας*). [LACERNA.]

MANES. See *Dict. of Greek and Rom. Biography and Mythology*.

MANGO'NES. [SERVUS.]

MA'NICA, a sleeve, regarded as effeminate until the later Empire. Verg. *Aen.* ix. 616, "Et tunicae manicas et habent redimicula mitrae O vere *Phrygiae*," and Gell. vi. 12, "Tunicis uti virum prolixis ultra brachia et usque in primores manus ac prope digitos Romae atque omni in Latio indecorum fuit." But the fashion changed, "Talares et manicatas tunicas habere apud Romanos veteres flagitium erat nunc autem honesto loco natis, cum tunicati sunt non eas habere flagitium est." (Augustin. *de doct. Christ.* iii. 20.) Besides the use of sleeves sewed to the tunic, which, when so manufactured, was called *chiridota* or *manicata tunica* (Curt. iii. 7, p. 12, ed. Zumpt), sleeves were also worn as a separate part of the dress. Palladius (*de Re Rust.* i. 43) mentions the propriety of providing *ocreas manicasque de pellibus*, i.e. leggings and sleeves made of hides, as useful both to the huntsman and to the agricultural labourer. The Roman gladiators wore, together with greaves, a sleeve of an appropriate kind on the right arm and hand (Juv. vi. 255), as is exhibited in the woodcuts under GLADIATOR.

These parts of dress are mentioned together even as early as the Homeric age (see *Od.* xxiv. 228, 229). In this passage the manicae (*χειρίδες*) seem to be fingerless gloves, worn on the hands to protect them from briars and thorns; and Eustathius, in his commentary on the other passage, distinguishes between these and gloves, which he calls *χειρίδες δακτυλωταί* (p. 1960, *init.*). The *χειρὶς πλέα ἀργυρίου* was probably not (as in Liddell and Scott) a sleeve, but a

leathern glove, like that in the Odyssey, used as a purse.

Gloves with fingers (*digitalia*, Varro, *de Re Rust.* i. 55) were worn among the Romans for the performance of certain manual operations. Pliny the younger refers also to the use of manicae in winter to protect the hands from cold (*Epist.* iii. 5). Those used by the Persians were probably made of fur, perhaps resembling muffs: the Persians also wore gloves in winter (δακτυλῆθραι, Xen. *Cyrop.* viii. 3, § 17). In an enumeration of the instruments of torture used in the fourth century of the Christian era we observe "the glove" (Synes. *Epist.* 58); probably an iron glove for crushing the hand, as the "boot" did the leg.

Handcuffs were called *manicae*. (Verg. *Georg.* iv. 439; *Aen.* ii. 146;—Plaut. *Asin.* ii. 2, 38; *Capt.* iii. 5, 1; *Most.* v. 1, 17;—Non. Marcellus, s. v. *Manicae.*)

In Lucan. iii. 565, *manica* is used as equivalent to MANUS FERREA. [J. Y.] [G. E. M.]

MANI'PULUS; MANIPULA'RES; MANIPULA'RII. [EXERCITUS, Vol. I. p. 783.]

MA'NSIO (σταθμός). When the kings of Persia, and afterwards the Romans, constructed the great roads through their empires, there naturally sprung up certain resting-places, where travellers stayed for the night, or refreshed themselves. The term σταθμός, which primarily meant a lonely habitation for shepherds and their flocks, was applied by the Greeks to these stations. Herodotus (v. 52) gives a full account of the royal road which ran from Sardes to Susa (and from Sardes to Ephesus, *id.* v. 54). There were stations and halting-places (σταθμοὶ βασιλήϊοι καὶ καταλύσιες) all along it, 20 within the limits of Phrygia and Lydia, a distance of 94½ parasangs (*about* 320 English miles); in Cappadocia, a distance of 104 parasangs, there were 28 stations; in Cilicia, a distance of 15½ parasangs, there were 3; in Armenia, in a space of 56½ parasangs, there were 15, and so on, making 111 σταθμοὶ in all. The whole distance is estimated at 13,500 stades, so that the average number of stades in each stathmus was about 121, or just 4 parasangs (less than 14 English miles). But as Herodotus (*loc. cit.*) puts the average day's journey at 150 stades, it is evident that the stathmi were frequently a less distance apart than a usual day's journey. As a matter of fact the day's journey varied in different regions, for Herodotus, when discussing the extent of Scythia (iv. 101), makes the day's journey amount to 200 stades. It is plain from Herodotus (*loc. cit.*) and Xenophon (*Anab.* i. 2) that the stathmi were situated at very irregular intervals. The term σταθμὸς naturally came to be used of the distance or stage between the halting-places. Hence Herodotus, to distinguish the halting-places themselves, uses in one place the phrase καταγωγαὶ σταθμῶν, in another σταθμοὶ καταγωγέων. Xenophon, who employs σταθμὸς as a measure of distance, finds it necessary, on account of the varying distances between the stopping-places, to specify the number of parasangs in every case. These halting-places, which were naturally situated at fertile and well-watered spots, would be more numerous in the more fertile regions: cf. Polyaenus (vii. 40, 1), τῆς Περσίδος, ἔνθα κῶμαι πολλαὶ καὶ λεὼς πολὺς καὶ σταθμοὶ πολλοί. There would be in those places inns for the accommodation of travellers (κατάλυμα, πανδοκεῖον). As the great ancient roads of Asia still form the main highways for caravans, there is every probability that the modern *Khan* or *Caravanserai* represents the ancient κατάλυμα. The *Khan* is usually a square building, enclosing a large open court, surrounded by balconies with a series of doors, entering into plain unfurnished apartments, and often with a fountain in the middle of the court. The Great King seems sometimes to have settled conquered peoples in these stations; for instance, Darius planted the captive Eretrians at Ardericca (τῆς Κισσίης χωρῆς κατοίκισε ἐν σταθμῷ ἑωυτοῦ, τῷ οὔνομά ἐστιν Ἀρδέρικκα, Herod. vi. 119). Treatises, or handbooks to these σταθμοί, were composed, one by Baeto (Athenaeus, x. 442 b, Βαίτων ὁ Ἀλεξάνδρου βηματιστὴς ἐν τῷ ἐπιγραφομένῳ Σταθμοὶ τῆς Ἀλεξάνδρου πορείας), and another by Amyntas, called simply οἱ Σταθμοί (id. *ib.*) or Σταθμοὶ Περσικοί (id. ii. 67 a), or οἱ τῆς Ἀσίας σταθμοὶ (id. xi. 500 d). Arrian (*Anab.* i. 2, 1) uses σταθμὸς as a definite measure of distance without any reference to parasangs or stades (ἀπέχει δὲ οὗτος ἀπὸ τοῦ Ἴστρου, ὡς ἐπὶ τὸν Αἷμον ἰόντι σταθμοὺς τρεῖς). From this it would appear that some average day's journey was taken as a σταθμός. Herodotus (viii. 98), speaking of the Persian couriers (ἄγγαροι), tells us that the road was divided into portions, corresponding to the distance that a man and horse could traverse in a day (at a high rate of speed), and Xenophon (*Cyrop.* viii. 6, 17) ascribes this institution to Cyrus, who, having found out what distance a horse could do in a day, divided the roads into corresponding stages, built stables (ἱππῶνες), placed couriers and horses, and a man in charge at each station.

When Augustus organised the Roman empire, he established an Imperial Postal System (Suet. *Aug.* 49), which conveyed despatches from station to station by means of couriers, who were called under the Empire *Speculatores*, corresponding to the *tabellarii* of the Republican period. (Tac. *Hist.* ii. 73; Suet. *Cal.* 44; cf. Liv. xxxi. 24.) For this purpose the stations (*stationes*) were divided into *mansiones* and *mutationes*. The former were places where travellers rested for the night (cf. Hor. *Sat.* i. 5, 9, *mansuri oppidulo*, for this use of *manere*), and where there were inns (*deversorium*, *caupona*, *hospitium*, *taberna*), or stopped for refreshment; there were often likewise houses (*palatia*) for the accommodation of the provincial governors, or the emperor himself, in case he passed that way. The *mutationes* (cf. the late Greek ἀλλαγαί) were mere posting-houses for the changing of horses. The word *mansio*, from meaning a stopping-place at the end of a day's journey, came to be used like σταθμὸς as a measure of distance (Suet. *Tib.* 10, "deinde ad primam statim mansionem febrim nactus;" Plin. *H. N.* xii. § 52, "a quo [*monte*] octo mansionibus distat regio"). There were usually four or five *mutationes* to one *mansio*. The *Itinerarium a Burdigala Hierusalem usque*, a guide-book composed about the time of Constantine the Great, mentions in order the *mansiones* from Bordeaux to Jerusalem, with the intervening *mutationes*,

and the more considerable places near the road, which are called either *civitates*, *vici*, or *castella*, and the distances are given in leagues (*leugae*) or miles (*milia*). [Compare CURSUS PUBLICUS.] [W. RI.]

MANTE'LE, in the imperial times, was a table-cloth, but originally, as its etymology shows, was a towel or napkin used by priests at sacrifices (Serv. *ad Aen.* i. 701; Ovid. *Fast.* iv. 933) and by guests at a banquet. It is natural that the antique use of the word should be found in accounts of sacrifices, and in Virgil (*Georg.* iv. 377; *Aen.* i. 701), where we find the woollen mantele, with soft and even nap (*tonsis mantelia villis*), used to wipe the hands when water was poured over them before the feast [see MAPPA]: so Isidore, *Or.* 19, 26, 6, says, "Mantelia nunc pro operiendis mensis sunt, quae, ut nomen ipsum indicat, olim tergendis manibus praebebantur." For the newer fashion of using a table-cloth (*mantele*), see Martial, xii. 29, 12; xiv. 138. After Hadrian's time it was the custom to use table-cloths of costly material and embroidery (Lamprid. *Heliog.* 27; *Alex. Sev.* 37). We may gather from Horace (*Sat.* ii. 8, 10) that no table-cloth was used in his time, and no doubt the fashion of giving extravagant prices for dining-tables of a beautiful grain arose at a time when the table was fully shown. In fact, there is no mention of the covering of the table earlier than the passage cited from Martial, and, when this custom arose, the name of the larger or sacrificial napkin was adopted for the table-cloth (see Marquardt, *Privatleben*, 312). [W. S.] [G. E. M.]

MA'NTICA (*πήρα*, *θύλακος*), properly a hand-bag, a wallet or travelling bag, in which a few necessaries could be carried. It was carried in the hand or slung over the shoulder (Appul. *Met.* i. 60; Catull. 22, 21; Pers. 4, 24), or strapped on behind the saddle of the horse, "mantica cui lumbos onere ulcerĕt" (Hor. *Sat.* i. 6, 106). The later word *averta* was a larger sort of saddle-bag, usually of leather. Either would suffice to carry, besides provisions, whatever change of clothes the poorer traveller needed. The rich entrusted their luggage to the attendant slaves, who packed it up in bundles. Thus the Greek *στρώματα* (Arist. *Av.* 616; *Ran.* 12), carried on a journey by the slave, means a roll of clothes as well as bedding; and these were also more methodically packed in a *στρωματόδεσμος*, or large bag. (Plat. *Theaet.* p. 175 E; Aesch. *Fals. Leg.* § 99; Poll. vii. 79; Rutherford, *New Phryn.* p. 487.) [G. E. M.]

MA'NTIKE (*μαντική*). [DIVINATIO.]

MANU'BIAE. [SPOLIA.]

MANUM, CONVENTIO IN. [MATRIMONIUM, p. 138.]

MANUMI'SSIO was a legal act by which slaves and persons *in mancipii causa* were released from the *manus* or power of their masters, thereby acquiring freedom (Dig. 1, 1, 4, pr.; Inst. 1, 5, pr.). Accordingly the word *manumissio* is equivalent to *e* or *de manu missio* (cf. Voigt, *XII. Tafeln*, ii. § 77, n. 2). There were three modes of effecting a legal manumission according to Jus Civile (*justa et legitima manumissio*),—namely, *vindicta*, *census*, and *testamentum*,—which are enumerated both by Gaius (i. 17) and Ulpian (*Frag.* 1) as necessary in order to free a slave and make him *civis* (cf. Cic. *Top.* 2, 10; and Plaut. *Cas.* ii. 8, 68). Of these the *manumissio vindicta* was probably the oldest and, at one time, the only mode of manumission. It is mentioned by Livy (ii. 5) as in use at an early period, and indeed he states that some persons refer the origin of the *vindicta* to the event there related, and derive its name from *vindicius*: the latter part at least of this supposition is of no value.

Manumissio by the *vindicta* was originally an action between a third person, who vindicated the freedom of the slave to be manumitted before the praetor, and the master of the slave, who was in the position of defendant. The form of the *vindicta* supposes, not that the person manumitted was a slave, but that he was a person whose freedom (*libertas*) was the matter in issue. Thus it had for its professed object the maintenance of a previously acquired status, and not the conversion of a slave into a freeman. The proceeding before the magistratus was in form an assertion of the slave's freedom (*manu asserere liberali causa*, Plaut. *Poen.* iv. 2, 83), to which the owner made no defence, but allowed the slave to be declared by the magistratus a freeman.

The proceeding then was a species of *in jure cessio*, and was in fact a collusive action, which was based on the fiction of the slave's freedom. When the magistratus had pronounced in favour of freedom *ex jure quiritium*, there could be no further dispute about the *libertas* or about the *civitas* which was attached to *libertas*. The slave had been manumitted with the consent of the master by the act of the magistratus. The ceremony of the manumissio by the *vindicta* was as follows:—The master brought his slave before the praetor, since it was his province to exercise jurisdiction in civil causes. The praetor's lictor, who came to be used as *adsertor libertatis*, in order to save the trouble of bringing a person to take this part, holding a rod (*vindicta* or *festuca*) with one hand, and with the other laying hold of the slave, said, "Hunc ego hominem ex jure quiritium liberum esse aio," at the same time touching him with the rod; the master then using the same formalities, and turning the slave round and releasing his hold of him, as seems to have been the custom ("momento turbinis exit Marcus Dama," Pers. *Sat.* v. 78), admitted his freedom, either expressly or by his silence, which was followed by the *pronuntiatio* of the magistratus, "Quandoque Numerius Negidius non contra vindicat, hunc ego hominem ex jure quiritium liberum esse dico."

Addicere is the technical term to express this act of a magistratus by which he pronounced in favour of a right, in this case a right to freedom; it is so used by Cicero in respect of manumission (*ad Att.* vii. 2; cf. Gaius, ii. 24). This form of manumission derived its name from the *vindicta* or rod, otherwise called *festuca*, which was used in the proceeding (Plaut. *Mil.* iv. 1, 15; Hor. *Sat.* ii. 7, 76; Pers. v. 125; Gaius, iv. 16). In course of time the formalities of *manumissio per vindictam* were very much curtailed. The master ceased to act as if he were party to an action (Dig. 40, 2, 23), and the presence of the lictor became unnecessary. All that seems to have been required in the time of Justinian was that the master should take his slave before the

magistratus, wherever the latter was to be found,—it might be in the public road (*in transitu*), as when the praetor or proconsul was going to the bath or to the theatre,—and that he should declare to the magistratus his desire to have the slave manumitted (Gaius, i. 20; Dig. 40, 2, 8).

The manumission by the *census* is thus briefly described by Ulpian (1, 8): "Slaves were formerly manumitted by census, when at the lustral census (*lustrali censu*) at Rome they gave in their census at the bidding of their masters." The slave must of course have had a sufficient *peculium*, or the master must have given him property, so that he might become a taxpayer. *Manumissio per censum*, like *manumissio per vindictam*, was not in form a manumission, but supposed the slave to be already free. It was the act of the censor in enrolling the slave on the list of citizens, which gave validity to the manumission, just as *manumissio per vindictam* was effected by the *addictio* of the praetor. Cicero tells us that there was a question of law whether a slave should be considered free immediately on being entered on the censor's roll, or not until the lustrum was celebrated (Cic. *de Or.* i. 40, 183; see CENSUS); and this was a matter of some importance, for his acquisitions were only his own from the time when he became a freeman.

Manumissio per censum seems to have been a common mode of manumitting persons *in mancipio*, who had been surrendered on account of their offences (*noxae dediti*), and this form of manumission may have been first used for the purpose of manumitting such persons (Gaius, i. 140; cf. Voigt, *XII. Tafeln*, ii. § 143, n. 15; MANCIPII CAUSA). The republican institution of the census became obsolete under the Empire, and with it this mode of manumission; the last lustrum was under Vespasian, A.D. 74, up to which time since the beginning of the Christian era only two had taken place.

The law of the Twelve Tables confirmed freedom which was given by will. The earliest wills were made in the Comitia, and so testamentary manumission may at first have implied a legislative act, but the *testamentum per aes et libram*, which was recognised by the Twelve Tables, and which gradually superseded the *testamentum calatis comitiis*, was not executed before any public authority, though the witnesses required for its validity may have been regarded as representatives of the populus. [TESTAMENTUM.]

There came to be three kinds of testamentary manumission:—1. Where a master by his will made a slave free and appointed him *heres*. 2. Where a master gave his slave a direct legacy of his freedom. 3. Where a person requested his heir or legatee to manumit a slave.

1. A testator might declare in his will that his slave should be free and *heres*, in which case on the death of the testator the slave became both free and *heres*, whether he wished to undertake the liabilities of the succession or not (*necessarius heres*, Gaius, ii. 153; Ulp. *Frag.* 22, 11); it was common to manumit a slave and appoint him *heres* in a substitutional clause, in order to make intestacy impossible.

According to the law of Justinian, the appointment of a slave as *heres* by his master was sufficient to show an intention to manumit, without any express declaration of freedom, since a slave could not become *heres*.

2. Where freedom was given to a slave as a *legatum*, the slave acquired his freedom by the act of the testator, and this from the moment that the will took effect, if the bequest was absolute. A testamentary manumission might, however, be made subject to a suspensive condition, in this respect differing from manumission *per vindictam* or *per censum*. A slave who was made conditionally free by testament was called *statu liber* (Festus, 314, 67; Ulp. *Fragm.* 2, 1; Dig. 40, 7, 1); until the condition was fulfilled, he was the slave of the *heres*. If a *statu liber* was sold by the *heres*, or if the ownership of him passed to some one else by usucapion, he had still the benefit of the condition; a condition to this effect being contained in the law of the Twelve Tables. Although the *statu liber* was legally a slave, the *peculium* which he possessed at the death of the testator and all subsequent acquisitions derived from it could not be taken from him by the *heres*, and might be used by him in order to fulfil the condition of his freedom, if this consisted, as was not unfrequently the case, in the payment of a sum of money to the *heres*. A slave who was made free *directo* was called *orcinus libertus*, because he had been made free by a person who was dead. (Cf. the application by Suetonius, *Aug.* 35, of the term *orcini* to certain senators of a low class.)

3. Where a slave was manumitted by an heir or legatee at the request of the testator, the will of the deceased only operated indirectly; the slave did not become *libertus orcinus* on manumission, but was the *libertus* of the heir or legatee who manumitted him. If the person who was requested to manumit refused, he might be compelled to manumit on application to the praetor. A man might request his *heres* or legatee not only to manumit his own slaves, but also slaves belonging to the *heres* or legatee or to any other person. In case of *libertas* being thus given to the slave of any other person, the gift of *libertas* was extinguished, if the owner would not sell the slave at a fair price.

The legal act of manumission was often followed by a religious ceremony in the temple of Feronia, where the freedman appeared clad in the toga or dress of a Roman citizen, and with a pileus, or particular kind of cap, on his shaven head. This last circumstance explains the expression "servos ad pileum vocare" (Liv. xxiv. 32), which means to promise slaves their liberty in order to induce them to join in some civil disturbance (cf. Plaut. *Amph.* iii. 4, 16; *Poen.* v. 2, 2; Serv. *ad Aen.* viii. 564). The pileus was still worn in the time of Justinian, since he declares that slaves who attend the funeral of their master with the cap of freedom on their heads (*pileati*) become Roman citizens (Cod. 7, 6, 1, § 5).

Manumission according to the forms recognised by the civil law not only made a slave free, but also *civis*. Besides the due observance of the legal forms, however, it was required that the manumissor should have quiritarian ownership of the slave, and that he should be of legal capacity to perform the act of manumission.

If a slave belonged to a person, but only under a praetorian title, he became Latinus and not *civis* on manumission. [LATINITAS.] If several persons were joint owners of a slave, and one of them manumitted him in such form as would have effected complete manumission, if the slave had been the sole property of the manumissor, such manumissor lost his share in him, which accrued to the other joint owner or joint owners. Justinian enacted that, if only one joint owner was willing to manumit a slave, the others might be compelled to manumit on receiving the price fixed by law for their shares. If one person had the usufructus and another the ownership (*proprietas*) of a slave, and the slave was manumitted by the *proprietarius*, he did not become free till the *usufructus* had expired: in the meantime there was no legal owner (*dominus*).

The modes of manumission above described were of a formal and public character, but in course of time other ways of giving freedom to a slave of an informal and private kind came to be recognised. Thus a form of manumission *inter amicos* is referred to by Gaius and Ulpian (Gaius, i. 41, 44; Ulp. *Fragm.* 1, 10, 18), which was a declaration of a slave's freedom made by his master in the presence of friends, or it might be done by inviting the slave to table, or by writing a letter to an absent slave. These were not manumissions recognised by the Jus Civile, and so originally had no legal effect; but after a time the praetor protected the liberty of slaves who had been made free in this manner, so that they were free in fact (*in libertate esse*), though they had not the legal status of freemen (*liberos esse*). The Lex Junia Norbana gave then the status called Latinitas [LEX JUNIA NORBANA; LATINITAS]; finally under Justinian these manumissions were given the same effect as those belonging to Jus Civile, but it was required that they should be attested by five witnesses (Cod. 7, 6, 1, § 1). A new form of manumission—*manumissio in ecclesiis*—was established by the Church, and first recognised by a constitution of Constantine, A.D. 316 (Cod. 1, 13): this manumission was carried out before the bishop in the presence of the congregation.

A *manumissio sacrorum causa* is sometimes mentioned as a kind of manumission, whereas the words *sacrorum causa* point to the cause and not to the mode of manumission. (Festus, s. vv. *Manumitti*, *Puri;* Savigny, *Zeitschrift*, vol. iii. p. 402.) A manumission by adoption is spoken of (Gell. v. 19; Inst. 1, 11, 12); the form of adoption required the intervention of a magistratus.

Laws were passed under the early emperors for the purpose of preventing the degradation of *civitas* by an incautious exercise of the right of manumission. The Lex Aelia Sentia laid various restrictions on manumission [LEX AELIA SENTIA], particularly as to the age of the person manumitting, which was raised from fourteen to twenty, and as to the age of the slave, which was required to be thirty, as a general rule, in order to qualify him to become *civis*. Moreover it prevented slaves who had suffered an infamous punishment from becoming *cives*, and declared manumissions in fraud of creditors void. The lex was almost entirely repealed by Justinian, who abolished the division of freedmen into *cives*, *Latini*, and *dediticii*, making all freedmen *cives*. The Lex Fufia Caninia fixed limits to the number of slaves who could be manumitted by will; the funerals of the wealthy being often attended by a large number of freedmen, who had been manumitted by the deceased to the injury of their inheritance. The number allowed to be manumitted in this way was a half, one-third, one-fourth, and one-fifth of the whole number that the testator possessed, according to a scale fixed by the lex. As its provisions only applied to cases where a man had more than two slaves, the owner of one slave or two slaves was not affected by this lex. The exact date of the law is doubtful, but there is some evidence to show that it was passed A.D. 8; several senatusconsulta were passed to prevent evasions of it (Sueton. *Aug.* 40; Gaius, i. 42–46). This lex was repealed by Justinian (Cod. 5, 3). A tax was levied on manumission by a Lex Manlia, B.C. 357; it consisted of the twentieth part of the value of the slave, hence called *vicesima* (Liv. vii. 16, xxvii. 10; Cic. *ad Att.* ii. 16).

Manumission was as a rule optional on the part of a master, but in some cases it was obligatory, as in the case of a master treating his slave with extreme cruelty, according to a constitution of Antoninus Pius (Gaius, i. 53). The act of manumission, which made the slave a new man, established the relation of *patronus* and *libertus* between the manumissor and manumitted, which was a quasi-parental relation [LIBERTUS; PATRONUS]. When manumitted by a citizen, the *libertus* took the praenomen and the gentile name of the manumissor, and became in a sense a member of the gens of his patron.

Freedmen who became *cives* enjoyed public as well as private rights, but subject to various drawbacks. They had not the *jus honorum*, and they could only vote in one of the four *tribus urbanae*, not in the *tribus rusticae*, though various attempts were made to give them a better suffrage. [LIBERTUS; CIVITAS.] (Dig. 40, 1, 4; Holtzman, *de Emanc. Jur. Rom. et Hod.;* Becker, *Alt.* ii. 1, 65; Unterholzner in *Zeitschr. f. Gesch. Rechtswiss.* ii. 1391; Keller, *Inst.* 211, &c.) [G. L.] [E. A. W.]

MANUS FE'RREA. [HARPAGO.]

MANUS INJE'CTIO is a kind of legalised self-help, which consists in a claimant laying hands on and arresting the person subject to his claim, according to the forms of early procedure. *Manus injectio* is used to signify either (1) an arrest of this kind made out of court, and (2) an arrest carried out in court before the magistratus, which is the strict sense of the term.

1. The seizure of a slave by his master is called *manus injectio;* e.g. the act of Claudius in seizing Virginia is so described (Liv. iii. 44). A plaintiff might bring a defendant into court by *manus injectio*, if the latter refused to obey his *in jus vocatio* or summons; and in the case of a judgment debtor or person in the position of a judgment debtor, he could do this without any *in jus vocatio*.

2. *Manus injectio*, carried out in court before the magistratus, is the process of execution for debt according to the law of the Twelve Tables; it is one of the five forms of *legis actio*, and as

such is described by Gaius (iv. 12). The law of the Twelve Tables relating to it is cited and explained in a well-known passage of Gellius (xx. 1). It appears from these sources that a debtor who had formally acknowledged his debt and a judgment debtor had thirty days allowed them to make payment, and after that time were liable to arrest at the hands of their creditor and to be brought into court ("aeris confessi rebusque jure judicatis triginta dies justi sunto. Post deinde manus injectio esto. In jus ducito," Gell. *l. c.*). Both parties being before the magistratus, the creditor addressed the debtor as follows: "Quod tu mihi judicatus (sive damnatus) es sestertium decem milia, quandoque non solvisti, ob eam rem ego tibi sestertium decem milium judicati manum injicio" (Gaius, *l. c.*); and he at the same time laid hold of some part of the debtor's body, which was the act of *manus injectio*. The debtor was not allowed to resist the arrest and maintain an action (*manum sibi depellere et pro se lege agere*): all he could do was to provide a responsible substitute called *vindex* (*qui vim dicit*), who could resist (*manum depellere* or *vindicare*) and carry on an action as defendant. The debtor was released, it seems, by such intervention on his behalf, and the vindex liable if his defence was unsuccessful (cf. Liv. vi. 14). In default of a vindex, the creditor might carry the debtor to his house (*domum ducere*), and keep him in confinement for sixty days, during which time the debtor's name and the amount of his debt were proclaimed at three successive markets (*nundinae*). This *domum ductio* probably required an order of the magistratus, which would be given as a matter of course, supposing the judgment or acknowledgment to have been proved (Lex Rubr. cc. 21, 22). During this period of sixty days, the debtor was not a slave, but he was kept in chains, which could not be above a certain weight ("quindecim pondo, ne majore, aut si volet, minore, vincito"); the creditor being bound to supply him with a bare maintenance, if he did not keep himself. ("Si volet, suo vivito. Ni suo vivit, qui eom vinctum habebit, libras farris endo dies dato. Si volet. plus dato.") If there was no arrangement between the parties, and the debtor did not pay his debt or anyone on his behalf, he suffered a *maxima capitis deminutio*, and might be put to death or sold as a slave beyond the Tiber, all his property passing to his creditor, and when there were several joint creditors being divided amongst them (as to the different interpretations of the words *partis secanto*, see NEXUM). According to some writers, there was an *addictio* or magisterial assignment of the debtor to the creditor at the end of the sixty days; but there is no mention in our authorities of any reappearance of the parties in court, and it is perhaps better to suppose that a conditional assignment was contained in the original order of the magistratus. Persons who contracted a money debt by *nexum*, which was a formal proceeding *per aes et libram* in the presence of witnesses, were probably considered to have made a sufficiently public acknowledgment of their debt, and so may have been liable at once to *manus injectio* on default; but the opinion of some writers that no execution or proceedings in court were necessary in this case cannot be supported, nor can it be shown that any part of the ordinary process was omitted.

Manus injectio was not applicable for the enforcement of any but a liquidated money claim; and was confined under the Twelve Tables to *judicati*, *damnati*, and *confessi*. In course of time, however, some other debtors were put either wholly or partly on the same footing as *judicati* (Gaius, iv. 22–25). The Lex Publilia, evidently following the analogy of the Twelve Tables, allowed the *manus injectio* in the case of money paid by a sponsor, if the sponsor was not repaid in six months. The Lex Furia de sponsu allowed it against him who had exacted from a sponsor more than his just proportion (*virilis pars*). These and other leges allowed the *manus injectio pro judicato;* that is, treated the debt as if it were a *res judicata*. Other leges granted the *manus injectio pura;* that is, *non pro judicato*, as the Lex Furia testamentaria and the Lex Marcia adversus feneratores. But in these cases the defendant might resist the manus injectio (*manum sibi depellere*), and defend his cause; but it would appear that he could only relieve himself from the *manus injectio*, by actually undertaking to defend himself by legal means. Accordingly it was in these cases an execution, if the defendant chose to let it be so; if he did not, it was the same as serving him with process to appear before the praetor. In course of time a law was passed called the Lex Vallia, by which every *manus injectio* was made *pura*, except in the cases of judicatus and of a person whose debt had been paid by his sponsor (*is pro quo depensum est*); and consequently in the two latter cases, even after the passing of this lex, an insolvent person could only escape arrest by finding a vindex. The Lex Poetelia had previously put an end to *manus injectio* on account of *nexum*. This form of execution for debt was however put an end to by the Lex Aebutia, which partly abolished the *legis actio* procedure. A dramatic scene of *manus injectio* is portrayed on a sarcophagus at Rome (Voigt, i. 63, n. 3; Helbig, *Bullet. dell' Inst.* 1866, 90, &c.). (Keller, *Röm. Civilprocess*, §§ 19, 83; Bethmann-Hollweg, *Der römische Civilprocess*, vol. i. § 45; Bekker, *Die Aktionen d. röm. Privatrechts*, vol. i.; Karlowa, *Der röm. Civilprocess z. Zeit. d. legis actionis;* Huschke, *Nexum*, p. 79, &c.; Savigny, *Das Alt.-Röm. Schuldrecht*, Verm. Schr. vol. ii. p. 369; Voigt, *XII. Tafeln*, 1, §§ 63–65; Muirhead, *Roman Law*, § 36.) [E. A. W.]

MAPPA (χειρόμακτρον, ἐκμαγεῖον), a linen napkin. Among Greeks and Romans alike, before the meal began and after it was over, means were provided for washing the hands of the guests. A slave carried round a basin (*malluvium, trulleum, polubrum;* in Greek, λέβης, χέρνιψ, χειρόνιπτρον), which he held under the hands to receive the water poured over them from a jug (*urceolus*, πρόχους); and the slave who poured the water carried also a napkin or towel to wipe the hands dry: κατὰ χεῖρὸς ὕδωρ, παράπεμπε τὸ χειρόμακτρον (Arist. *ap.* Athen. ix. p. 410. See Hom. *Il.* xxiv. 304; *Od.* i. 136; Plat. *Symp.* p. 175 A, &c.). But, besides this, as forks are a modern invention of the 14th century, it was necessary that the guests should often wipe their fingers during the meal: for this purpose the Greeks used, not napkins, but pieces of

bread, called ἀπόμαγδαλιαί (Poll. vi. 93; Eustath. *ad Od.* xix. 92). Herodotus (iv. 64) mentions a ghastly practice of the Scythians, who used the scalps of their enemies as ἀπομαγδαλιαί: and Pliny (*H. N.* vii. § 12) says that the Scythian Anthropophagi, besides making drinking cups from the skulls of their slain enemies (compare the story of the Lombard Alboin, Gibbon, vol. v. 339), also used the scalps *pro mantelibus* (= mappis) *ante pectora*. From "ante pectora" it may be seen that the napkin was sometimes tucked under the chin, like a bib, according to a fashion still lingering in some countries. The mappa in Horace's time was provided by the host (Hor. *Sat.* ii. 4, 81; Varr. *L. L.* ix. 47); but, as far as we have evidence, it was the custom in Martial's time for the guests to bring their own napkins (see Mart. xii. 29); and the same is implied by the fact that persons whose rank entitled them to the *latus clavus* had it embroidered as a border to the mappa (Mart. iv. 46), and also by what we are told of mean-spirited guests carrying off food from the dinner table wrapped in their napkin (Mart. ii. 37; Petron. 66). We hear of napkins in the time of Heliogabalus embroidered with gold (Lamprid. *Heliog.* 27; *Alex. Sev.* 37, 40). Athenaeus (ix. p. 479) speaks of gaily-coloured napkins worn by women as a head-dress, like a handkerchief. In the circus the signal for starting a race was given by the presiding consul or praetor dropping a white napkin (hence "*cretata* mappa"). From this the Megalesian games are called *spectacula Megalesiacae mappae* (Juv. xi. 193): compare Tertullian (*Spect.* 16), "mappam missam putant, sed est diaboli ab alto praecipitati figura." (Cf. also Mart. xii. 29; Suet. *Ner.* 22.) (Compare above MANTELE; and see Marquardt, *Privatleben*, p. 313; Becker-Göll, *Gallus*, iii. 389.) [W. S.] [G. E. M.]

MARCUS. [MALLEUS.]

MARIS (μάρις, μάρης, Hesych. μάριστον), a Greek measure of capacity, which, according to Pollux (x. 184) and Aristotle (*Hist. An.* viii. 9), contained 6 cotylae (or nearly 3 pints). Polyaenus (iv. 3, § 32) mentions a much larger measure of the same name containing 10 congii, or nearly 8 gallons. [COTYLA.] [P. S.]

MARRA was apparently a sort of single-headed pick-axe, perhaps heavier and with a broader head than the *ligo*, for Columella (x. 72) applies the epithet *lata* to the marra: its use for breaking up the hard ground in preparation for lighter digging and hoeing is sufficiently shown by Col. x. 88 (quoted by Mayor on Juvenal, xv. 166), "mox bene cum glaebis vivacem cespitis herbam contundat marrae vel fracti dente ligonis . . . tunc quoque trita solo splendentia sarcula sumat angustosque foros adverso limite ducens rursus in obliquum distinguat tramite parvo." In Plin. xviii. § 147, it is prescribed for cleaning the ground of weeds too strong and obstinate to be got out by the hoe, ploughing being the last resource, if the weeds beat even the marra. The contrast of the marra with the *dens fracti ligonis* in the passage quoted from Columella suggests that its head had a smooth blade, not indented or split into two prongs. [G. E. M.]

MARSU'PIUM (μαρσύπιον, βαλάντιον), a purse. (Non. Marcellus, *s. v.*; Varro, *de Re Rust.* iii. 17;—Plaut. *Men.* ii. 1, 29; ii. 3, 33, 35; v. 7, 47; *Poen.* iii. 5, 37; *Rud.* v. 2, 26;—Xen. *Conviv.* iv. 2.) The word is a diminutive of μάρσιπος, a bag, which occurs in Xen. *Anab.* iv. 3, 11, as a clothes-bag, equivalent to στρωματόδεσμος. *Marsupium*, therefore, is strictly a small bag or pouch.

Mercury holding a Marsupium.

The purse used by the ancients was commonly a small leathern bag, and was often closed by being drawn together at the mouth (σύσπαστα βαλάντια, Plat. *Symp.* p. 190 D). Mercury is commonly represented holding one in his hand, of which the annexed woodcut from an intaglio in the Stosch Collection at Berlin presents an example. For journeys and campaigns, the safer girdle-purse (*zona*) was used. (See also CRUMENA, ZONA.) [J. Y.] [G. E. M.]

MA'RSYAS. [COLONIA, Vol. I. p. 481 *a*.]

MARTIA'LES LUDI. [LUDI MARTIALES.]

MARTIA'LIS FLAMEN. [FLAMEN.]

MARTY'RIA (μαρτυρία) signifies strictly the deposition of a witness in a court of justice, though the word is applied metaphorically to all kinds of testimony. We shall here explain—1, what persons were competent to be witnesses at Athens; 2, what was the nature of their obligation; 3, in what manner their evidence was given; 4, what was the punishment for giving false evidence.

The capacity to give evidence was regarded more as a privilege of the witness than as a right of justice. Hence it was limited to freemen, males, and adults. The incapacity of women and minors may be inferred from the general policy of the Athenian law: thus a woman or a child could make no contracts beyond the value of a bushel (μέδιμνος) of barley, *i.e.* for the barest necessaries of life (Isae. *Or.* 10 [*Aristarch.*], § 10; Schol. Aristoph. *Eccles.* 1025; Harpocr., Phot., Suid., *s. v.* ὅτι παιδὶ καὶ γυναικί). A woman could, however, take an oath if tendered to her by challenge (πρόκλησις); and this oath had an evidentiary value, being in fact a substitute for evidence. It differed, however, because the consent of the adversary was required before it could be taken. For an example of this kind of oath tendered and refused, see Dem. *c. Aphob.* iii. p. 852, § 26; tendered and taken, *c. Boeot. de Dot.* p. 995, § 3, *de Nom.* p. 1011, § 10. (Cf. DIAETETAE, p. 623 *a*; Thalheim, *Rechtsalterth.* p. 8; Lipsius, *Att. Process*, pp. 876, 900.)

Slaves were not allowed to give evidence, unless upon examination by torture (βάσανος): nor were female slaves exempted (Dem. *c. Aphob.* iii. p. 852, § 25). There appears to have been one exception to this rule: a slave might be a witness against a freeman in cases of murder (Antiph. *de caed. Herod.* § 48). The suggestion of Platner (*Process und Klagen*, p. 215) that μαρτυρεῖν is here equivalent to μηνύειν, "lay an information," is rejected both by Schömann and by Lipsius (*Att. Process*, p. 876 n.). The party who wished to obtain the evidence of a slave belonging to his opponent challenged him to give up the slave to be examined (ἐξήτει τὸν δοῦλον). The challenge was called πρόκλησις.

The owner, if he gave him up, was said ἐκδοῦναι or παραδοῦναι. But he was not obliged so to do, and the general practice was to refuse to give up slaves, which perhaps arose from humanity, though the opponent always ascribed it to a fear lest the truth should be elicited. The orators affected to consider the evidence of slaves wrung from them by torture more valuable and trustworthy than that of freemen; but it must be observed, they always use this argument when the slave had *not* been examined. (Demosth. *c. Aphob.* iii. p. 848, § 13; *c. Onet.* i. p. 874, § 37; Hudtwalcker, *Ueber die Diäteten*, p. 44 ff.)

Citizens who had been disfranchised (ἠτιμωμένοι) could not appear as witnesses (any more than as jurors or plaintiffs) in a court of justice; for they had lost all honourable rights and privileges (Dem. *c. Mid.* p. 545, § 95; *c. Neaer.* p. 1353, §§ 26, 27). State debtors were not allowed to bring actions (Isae. *Or.* 10 [*Aristarch.*], § 20; Dem. *c. Mid.* p. 542, § 87; perhaps also *c. Nicostr.* p. 1251, § 14 ff.), but had apparently sometimes a *locus standi* in their own defence; the plaintiff *against Phaenippus* is a state-debtor, p. 1049, § 32 (Thalheim, *op. cit.* p. 16). But there was no objection to alien freemen (Dem. *c. Lacr.* p. 927, § 14, p. 929, § 20; Aeschin. *de F. L.* § 155). We learn from Harpocration (*s. v.* διαμαρτυρία) that in actions against freedmen for neglect of duty to their patrons (ἀποστασίου δίκαι) foreigners were not allowed to put in an affidavit that the action was not maintainable (μὴ εἰσαγώγιμον εἶναι). But this can hardly be considered an exception, for such affidavits gave an undue advantage to the party for whom they were made.

Neither of the parties to a cause was competent to give evidence for himself, though each was compelled to answer the questions put by the other. The law declared τοῖν ἀντιδίκοιν ἐπάναγκες εἶναι ἀποκρίνασθαι ἀλλήλοις τὸ ἐρωτώμενον, μαρτυρεῖν δὲ μή. ([Dem.] *c. Steph.* ii. p. 1131, § 10.) That the friends of the party, who pleaded for him (called συνήγοροι), were not incompetent to give evidence, appears from the fragment of Isaeus *pro Euphil.*, and also from Aeschines, who, on his trial for misconduct on the embassy, calls Phocion to assist him both as a witness and an advocate (*de F. L.* §§ 170, 184).

The obligation to attend as a witness, both in civil and criminal proceedings, and to give such evidence as he is able to give, arises out of the duty which every man owes to the state; and there is no reason to believe that any persons (except the parties themselves) were exempted from this obligation. The passages cited in support of the contrary view (Isae. *Or.* 2 [*Menecl.*], § 33; [Dem.] *c. Timoth.* p. 1195, § 38; *Att. Process*, p. 880 Lips.) prove nothing more than that the near relations of a party were *reluctant* to give evidence against him; whereas the fact that they were bound *by law* to give evidence may be inferred from Demosthenes (*c. Aphob.* iii. p. 849, § 15; p. 850, § 20; p. 855, § 36). At Athens, however, it was less easy than it is now in England to keep men to their legal obligations: hence the defiant tone of the friends of a powerful defendant (*c. Timoth. l. c.*).

The party who desired the evidence of a witness summoned him to attend for that purpose. The summons was called πρόσκλησις (Plat. *Legg.* xi. p. 936 E; Dem. *c. Aphob.* iii. p. 850, § 20; *c. Timoth.* p. 1190, § 19; *c. Theocrin.* p. 1324, § 8. In the two former passages προκαλεῖσθαι is an unsound correction; cf. *Att. Process*, p. 884 Lips.) If the witness promised to attend and failed to do so, he was liable to an action called δίκη λιπομαρτυρίου. Whether he promised or not, he was bound to attend; and if his absence caused injury to the party, he was liable to an action (δίκη βλάβης). This is the probable distinction between these forms of action, as to which there has been much doubt. (Meier and Schömann, *Att. Proc.* p. 672=881 Lips.; Platner, *Att. Proc.* p. 221; Schömann, *Antiq.* i. 487 n., E. T.).

The attendance of the witness was first required at the ἀνάκρισις, where he was to make his deposition before the superintending magistrate (ἡγεμὼν δικαστηρίου). The party in whose favour he appeared, generally wrote the deposition at home upon a whitened board or tablet (λελευκωμένον γραμματεῖον), which he brought with him to the magistrate's office, and, when the witness had deposed thereto, put into the box (ἐχῖνος) in which all the documents in the cause were deposited. If the deposition were not prepared beforehand, as must always have been the case when the party was not exactly aware what evidence would be given, or when anything took place before the magistrate which could not be foreseen, as for instance a challenge, or question and answer by the parties; in such a case it was usual to write down the evidence upon a waxen tablet. The difference between these methods was much the same as between writing with a pen on paper, and with a pencil on a slate; the latter could easily be rubbed out and written over again if necessary (Demosth. *c. Steph.* ii. p. 1132, § 11). If the witness did not attend, his evidence was nevertheless put into the box; that is, such evidence as the party intended him to give, or thought he might give, at the trial. For all testimonial evidence was required to be in writing, in order that there might be no mistake about the terms, and the witness might leave no subterfuge for himself when convicted of falsehood. (Demosth. *c. Steph.* i. p. 1115, § 44; ii. p. 1130, § 6.) The ἀνάκρισις might last several days, and, so long as it lasted, fresh evidence might be brought, but none could be brought after the last day, when the box was sealed by the magistrate, and kept so by him till the day of trial. (Demosth. *c. Aphob.* i. p. 836, § 1; *c. Boeot. de Nom.* p. 999, § 17; *c. Everg. et Mnes.* p. 1143, § 16; *c. Conon.* p. 1265, § 27.)

The form of a deposition was simple. The following example is from Demosthenes (*c. Lacr.* p. 927, § 14):—"Archenomides son of Archedamas of Anagyrus testifies, that articles of agreement were deposited with him by Androcles of Sphettus, Nausicrates of Carystus, Artemon and Apollodorus both of Phaselus, and that the agreement is still in his hands." Here we must observe that whenever a document was put in evidence at the trial, as an agreement, a will, the evidence of a slave, a challenge, or an answer given by either party at the ἀνάκρισις, it was certified by a witness, whose deposition

was at the same time produced and read. (Demosth. *pro Phorm.* pp. 946, 949, 957; *c. Phaenipp.* p. 1046; *c. Steph.* p. 1120.)

The witness, whether he had attended before the magistrate or not, was obliged to be present at the trial, in order to confirm his testimony. The only exception was, when he was ill or out of the country, in which case a commission might be sent to examine him. [ECMARTYRIA.] All evidence was produced by the party during his own speech, the κλεψύδρα being stopped for that purpose. (Lys. *c. Pancl.* §§ 4, 8, 11, 14, 15; Isae. *Or.* 3 [*Pyrrh.*], §§ 12, 76; Dem. *c. Eubul.* p. 1305, § 21.) The witness was called by an officer of the court, and mounted on the raised platform (*βῆμα*) of the speaker, while his deposition was read over to him by the clerk; he then signified his assent, either by express words, or bowing his head in silence. (Lys. *de caed. Eratosth.* § 29; Aeschin. *de F. L.* § 156; Dem. *c. Mid.* p. 560, § 139; *c. Phorm.* p. 913, § 19; *c. Steph.* i. p. 1109, § 25; *c. Eubul.* p. 1305, § 22.) In one passage an ἄτιμος, whose mouth is shut, is directed to stand up in silence in order to excite compassion (Dem. *c. Mid.* p. 545, § 95). In the editions that we have of the orators we see sometimes Μαρτυρία written (when evidence is produced) and sometimes Μάρτυρες. The student must not be deceived by this, and suppose that sometimes the deposition only was read, sometimes the witnesses themselves were present. The old editors merely followed the language of the orators, who said "call the witnesses," or "mount up witnesses," or "the clerk shall read you the evidence," or something to the same effect, varying the expression according to their fancy. (See Lys. *pro Mantith.* § 8; Isae. *Or.* 3 [*Pyrrh.*], §§ 76, 80; Dem. *c. Callipp.* p. 1238, § 7; *c. Neaer.* p. 1352, § 23).

If the witness was hostile, he was required by a solemn summons (κλητεύειν) either to depose to the statement read over to him, or to take an oath that he knew nothing about it (μαρτυρεῖν ἢ ἐξόμνυσθαι). One or the other he was compelled to do, or, if he refused, he had to pay a fine of a thousand drachmas to the state, which sentence was immediately proclaimed by the officer of the court, who was commanded ἐκκλητεύειν αὐτόν, *i.e.* to give him notice that he was in contempt and had incurred the fine. The distinction between κλητεύειν, of the party summoning the witness, and ἐκκλητεύειν, of the herald or crier, has been wrongly denied by some authorities, and is not noticed in L. and S. ed. 7; but it is established by Aeschin. *c. Timarch.* § 46, *de F. L.* § 68, compared with Lycurg. *c. Leocr.* § 20, Dem. *c. Zenoth.* p. 890, § 30, *c. Neaer.* p. 1354, § 28. For the compulsion of an unwilling witness (like the English subpoena), see also Isae. *Or.* 2 [*Astyph.*], § 18; Dem. *de F. L.* p. 396, § 176=194, p. 403, § 193=220; *c. Aphob.* iii. p. 850, § 20; *c. Theocrin.* p. 1324, § 7 (Lipsius, *Att. Process*, p. 882 n.). The ἐξωμοσία was not a safe way of getting off giving evidence; it was liable to the penalties of perjury (Dem. *de F. L.* § 176; *c. Steph.* i. p. 1119, § 58).

An oath was usually taken by the witness at the ἀνάκρισις, where he was sworn by the opposite party at an altar (πρὸς τὸν βωμὸν ἐξωρκίσθη). If he had not attended at the ἀνάκρισις, he might be sworn afterwards in court; as was always the case when a witness took the oath of denial (ἐξώμοσε). In the passage just cited from Lycurgus, the expression λαβόντας τὰ ἱερὰ means nothing more than touching the altar or its appurtenances, and has no reference to victims. (Valckenaer, *Opusc. Philol.* vol. i. pp. 37–39.) Whether the witness was always bound to take an oath, is a doubtful point. Schömann formally retracts (*Antiq.* i. 485 n., E. T.) his earlier opinion, that evidence was usually unsworn (cf. *Att. Process*, pp. 885–6 Lipsius). It seems certain, however, that the other side could put a witness on his oath (ἐξορκοῦν, Dem. *c. Steph.* i. p. 1119, § 58; ἐξορκίζειν, *c. Conon.* p. 1265, § 26, with Sandys on both passages). See also *c. Eubul.* p. 1305, § 22; Aeschin. *de F. L.* § 156.

The oath of the witness (the ordinary νόμιμος ὅρκος) must not be confounded with the oath taken by one of the parties, or by some friend or other person out of court, with a view to decide the cause or some particular point in dispute. This was taken by the consent of the adversary, upon a challenge (πρόκλησις, [Dem.] *c. Timoth.* p. 1203, § 65) given and accepted; it was an oath of a more solemn kind, sworn by (or upon the heads of) the children of the party swearing (κατὰ τῶν παίδων, Dem. *c. Aphob.* iii. p. 852, § 26; *c. Conon.* p. 1269, § 40), or by perfect or full-grown victims (καθ' ἱερῶν τελείων, [Dem.] *c. Neaer.* p. 1365, § 60), and often with curses upon himself or his family (κατ' ἐξωλείας, *c. Eubul.* l. c.), and sometimes was accompanied with peculiar rites, such as passing through fire (διὰ τοῦ πυρός, *c. Conon.* l. c. and Sandys *ad loc.*). The mother or other female relation of the party (who could not be a witness) was at liberty to take this oath. (Dem. *c. Aphob.* l. c.; *c. Boeot. de Dot.* p. 1011, § 10: it is tendered to the father, *c. Callipp.* p. 1240, § 15; cf. Wachsmuth, *Hellen. Alterth.* ii. 1, p. 335; Hudtwalcker, *Diät.* pp. 52–57.)

With respect to hearsay evidence, see ἈΚΟΕΝ ΜΑΡΤΥΡΕΙΝ; and for the affidavit called διαμαρτυρία, ANAKRISIS, p. 122 *a*.

The question whether freemen were put to the torture is reserved for fuller discussion under TORMENTUM. We may here briefly say that (1) the torture of citizens was forbidden by a decree in the archonship of Scamandrius, of unknown date; that (2) the "omnipotent" people claimed a power of suspending this law by psephisma on extraordinary occasions [ECCLESIA, p. 702 *b*]; that (3) this suspension of the law, though demanded in times of excitement, seems never to have been really acted upon. The leading case which proves all these points is that of the mutilation of the Hermae (Andoc. *de Myst.* § 43 f., and Grote's remarks thereon, ch. 58, v. 175; see also the speech περὶ συντάξεως, p. 170, § 14, and Plut. *Phoc.* 35).

It is not too much to say, with Thalheim (*Rechtsalterth.* p. 29, n. 2) and Lipsius (*Att. Process*, p. 896, n. 372), that we have *no* example of the torture of an Athenian citizen. About aliens they were less scrupulous; but (as a general rule) it is certain that freemen could not be tortured in courts of justice, and even an emancipated slave, Demosthenes says, it would be an act of impiety (οὐδ' ὅσιον) to give up for such a purpose (Dem. *c. Aphob.* iii.

p. 856, § 39; *c. Timoth.* p. 1200, § 55). The recorded exceptions are mostly in the cases of foreign spies, especially when the Athenians were alarmed for the safety of their dockyards (Dem. *de Cor.* p. 271, § 133; Lys. *c. Ajorat.* § 59).

The above remarks apply equally to causes which came before the dicasteries in the ordinary way, and those which were decided by the public arbitrators. The διαιτητὴς discharged the duties of the magistrate at the ἀνάκρισις as well as those of the δικασταὶ at the trial. He heard the witnesses and received the depositions from day to day as long as he sat, and kept the ἐχῖνος open until the last day (κυρίαν ἡμέραν). (Cf. Dem. *c. Mid.* p. 541, § 84; *c. Timoth.* p. 1199, § 50; *Att. Process*, p. 886 Lips.; DIAETETAE.)

If the witness in a cause gave false evidence, the injured party was at liberty to bring an action against him (δίκη ψευδομαρτυριῶν) to recover compensation. The proceeding was sometimes called ἐπίσκηψις, and the plaintiff was said ἐπισκήπτεσθαι τῇ μαρτυρίᾳ or τῷ μάρτυρι (Isae. *Or.* 3 [*Pyrrh.*], § 11; *Or.* 5 [*Dicaeog.*], § 17; Dem. *c. Aphob.* iii. p. 846, § 7, p. 856, § 41; Harpocrat. *s. v.* ἐπεσκήψατο). This cause was probably tried before the same presiding magistrate as the one in which the evidence was given (*Att. Process*, p. 59 Lips.). The form of the plaintiff's bill, and of the defendant's plea in denial, will be found in Demosthenes (*c. Steph.* i. p. 1115, § 46). From the same passage we also learn that the action for false testimony was a τιμητὸς ἀγών, in which the plaintiff laid his own damages in the bill; and from Demosthenes (*c. Aphob.* p. 849, § 16; p. 859, § 50), it appears that the dicasts had power not only to give damages to the plaintiff, but also to inflict the penalty of ἀτιμία by a προστίμησις (Isae. *Or.* 5 [*Dicaeog.*], § 19; Dem. *c. Aphob.* iii. p. 849, § 16; [Aristot.] *Rhet. ad Alex.* p. 1431 *b*, 30). A witness who had been a third time convicted of giving false testimony was *ipso jure* disfranchised (Andoc. *de Myst.* § 74; cf. *Att. Process*, p. 485 ff. Lips.; Thalheim, *Rechtsalterth.* p. 119 n.). The main question to be tried in the cause against the witness was, whether his evidence was true or false; but another question commonly raised was, whether his evidence was material to the decision of the previous cause (Dem. *c. Everg. et Mnes.* p. 1139, § 1, p. 1161, § 74; *c. Aphob.* pp. 853–856; *c. Steph.* i. p. 1117, § 51; Platner, *Process u. Klagen*, vol. i. p. 400, &c.).

When a witness, by giving false evidence against a man upon a criminal trial, had procured his conviction, and the convict was sentenced to such a punishment (for instance, death or banishment) as rendered it impossible for him to bring an action, any other person was allowed to institute a public prosecution against the witness, either by a γραφή, or perhaps by an εἰσαγγελία or προβολή. (Andoc. *de Myst.* § 7; Platner, *op. cit.* p. 411; *Att. Process*, p. 488 Lips.)

After the conviction of the witness, an action might be maintained against the party who suborned him to give false evidence, called δίκη κακοτεχνιῶν (Dem. *c. Timoth.* p. 1201, § 56; *c. Everg. et Mnes.* l. c.). And it is not improbable that a similar action might be brought against a person who had procured false evidence to be given of a defendant having been summoned, after the conviction of the witness in a γραφὴ ψευδοκλητείας (Meier, *Att. Process*, p. 977 Lips.).

It appears that in certain cases a man who had lost a cause was enabled to obtain a reversal of the judgment (δίκη ἀνάδικος), by convicting a certain number of the adverse witnesses of false testimony. Thus in inheritance causes the law enacted ἐὰν ἁλῷ τις τῶν ψευδομαρτυριῶν, πάλιν ἐξ ἀρχῆς εἶναι περὶ αὐτῶν τὰς λήξεις (Isae. *Or.* 11 [*Hagn.*], § 46; *Or.* 5 [*Dicaeog.*], §§ 8, 14; see, however, some doubts of Lipsius, *Att. Process*, p. 982 n.). This was the more necessary, on account of the facility afforded to the parties to stop the progress of these causes by affidavits, and also because no money could compensate an Athenian for the loss of an inheritance. The same remedy was given by the law to those who had been convicted in a δίκη ψευδομαρτυριῶν or in a γραφὴ ξενίας. In the last case the convicted person, who proceeded against the witness, was compelled to remain in prison until the determination of his suit (Dem. *c. Timocr.* p. 741, § 131). We are informed that these are the only cases in which a judgment was allowed to be reversed in this way; the Scholiast on Plato (*Legg.* xi. p. 937 C) adds a third, cases of inheritance (κλήρων); but see *Att. Process*, p. 612 n. 350, p. 979 n. 609, Lips. From the words of Isaeus quoted above, ἐὰν ἁλῷ τις τῶν ψευδομαρτυριῶν, it has been inferred that the conviction of a single witness sufficed for the granting of a new trial; this is surely making too much of the indefinite τις, and the Scholiast on Plato says expressly that it was necessary to convict more than half the number of witnesses. The Athenians, as we know, were very chary of granting an ἀναδικία (*Att. Process*, p. 982 n.; APPELLATIO).

We conclude by noticing a few expressions. Μαρτυρεῖν τινι is to testify in favour of a man, καταμαρτυρεῖν τινος to testify against. Μαρτύρεσθαι to call to witness (a word used poetically); διαμαρτύρεσθαι and sometimes ἐπιμαρτύρεσθαι τοὺς παρόντας, to call upon those who are present to take notice of what passes, with a view to give evidence. (Dem. *c. Everg. et Mnes.* p. 1150, § 38.) Ψευδομαρτυρεῖν and ἐπιορκεῖν are never used indifferently, which affords some proof that testimony was not necessarily on oath. The μάρτυς (witness in the cause) is to be distinguished from the κλητὴρ or κλήτωρ, who merely gave evidence of the summons to appear. [C. R. K.] [W. W.]

MASTE'RES (μαστῆρες). [ZETETAE.]

MASTI'GIA. [FLAGRUM.]

MASTIGO'PHORI or MASTIGO'NOMI (μαστιγοφόροι or μαστιγονόμοι), the name of the lower police-officers in the Greek states, who carried into execution the corporal punishments inflicted by the higher magistrates. Thus Lycurgus assigned mastigophori to the Paedonomus at Sparta, who had the general superintendence of the education of the boys (Xen. *Rep. Lac.* ii. 2, iv. 6; *Hellen.* iii. 11; Plut. *Lyc.* 17). In the theatre the mastigophori preserved order, and were stationed for this purpose in the orchestra, near the thymele (Schol. *ad* Plat. p. 99, Ruhnken; Lucian, *Pisc.* 33). In the Olympic games the ῥαβδοῦχοι performed the

same duties. At Athens they were discharged by the public slaves, called bowmen (τοξόται), or Scythians (Σκύθαι). [DEMOSII.] [W. S.]

MA'TARA. [HASTA.]

MATERFAMI'LIAS. [MATRIMONIUM.]

MATHEMA'TICI. [ASTROLOGIA.]

MATRA'LIA, a festival celebrated at Rome every year on the 11th of June, in honour of the goddess Mater Matuta, whose temple stood in the Forum Boarium from the time of Servius Tullius (Liv. v. 19; xxxiii. 27). It was celebrated only by Roman matrons, and the sacrifices offered to the goddess consisted of cakes baked in pots of earthenware (Varro, *L. L.* v. 106; Ovid. *Fast.* vi. 475, &c.). Slaves were not allowed to take part in the solemnities, or to enter the temple of the goddess. One slave, however, was admitted by the matrons, but only to be exposed to a humiliating treatment, for one of the matrons gave her a blow on the cheek and then sent her away from the temple. The matrons on this occasion took with them the children of their sisters, but not their own, held them in their arms, and prayed for their welfare (Plut. *Camil.* 5; *Quaest. Rom.* p. 267). The statue of the goddess was then crowned with a garland, by one of the matrons who had not yet lost a husband (Tertull. *Monogam.* c. 17). There can be little doubt that the peculiar ordinances in this festival arose from an identification of Mater Matuta with Leucothea, also a goddess of the Dawn. The story of Ino will explain the sisters' children, the punishment of the slaves and the honour of the once-married, and it is difficult to find any other satisfactory explanation. At the same time it is not improbable that the rites connected with the Greek myth are mingled with a simpler Roman festival of *Mothers*, in which the goddess of lawful marriage and of the birth of children (as of the birth of light) was honoured. (Compare Preller, *Röm. Myth.* p. 286, and *Dict. of Greek and Roman Biography*, arts. Ino and Matuta.) [L. S.] [G. E. M.]

MATRIMO'NIUM, NU'PTIAE (γάμος), marriage. I. GREEK. The history of the marriage relation among the Greeks takes us back to some of the very earliest forms of the connexion between the sexes. In many of the wild tribes that surrounded the Greek world we are told that the sexes mingled promiscuously—*e.g.* the Massagetae (Herod. i. 126), the Nasamones (Herod. iv. 172), the Ausenses (Herod. iv. 180, &c.); and legends recount the same of the earliest times in Athens itself. "At Athens, Cecrops was the first person who married a man to one wife only, whereas before his time connexions had taken place at random, and men had had their wives in common" (Clearchus of Soli, *ap.* Athen. xiii. 2). Absurd as it would be to treat such a tradition as authentic history, it is possible that it embodies a true reminiscence of an early development; and it is curious to find that according to a quite separate legend (quoted from Varro by St. Augustine, *de Civit. Dei*, xviii. 9) the exclusion of women from public assemblies at Athens, and therewith their definite political subordination, is placed in the time of Cecrops. And indeed there are other reasons which lead us to believe that the institutions of Athens were, from the first, singularly averse to feminine predominance. Athenian mythology has no Antigone, not even a Helen; Athenian history has no Sappho, no Corinna. Aspasia herself was a Milesian.

In the rest of Greece, the marital tie developed more slowly, and with somewhat different results. The fierce stories of the Lemnian women, the Danaides, the Amazons, indicate that in the primeval times, amidst the frail organisations that then constituted society, women were occasionally capable of successfully contending against the stronger sex. Taking a step downwards in history, we come to the Homeric period; but before speaking of this, it will be expedient to notice a form of society which, though we meet with it at a later date, bears the mark of an earlier stage in the process of growth. This is the custom, which Herodotus (i. 173) and other authorities attribute to the Lycians, of reckoning families according to descent on the mother's side, and of giving to the wife and daughter much of that predominance (especially as to the inheritance of property) which is generally given to the father and son. It is clear that this custom was a survival from those times when paternity was uncertain, and when the only known relationships were through the mother; but it continued, in some few instances, among peoples who, we have every reason to believe, were monogamists, according to the ordinary Greek acceptation of that term. Besides the Lycians, the Epizephyrian Locrians are stated by Polybius (xii. 5) to have reckoned descent through the mothers; and Nicolaus Damascenus (p. 160) says of the Sarmatians (to whom Herodotus in bk. iv. 110–114 attributes a descent on the mother's side from the Amazons) that they obeyed their wives in everything (ταῖς δὲ γυναιξὶ πάντα πείθονται ὡς δεσποίναις). Those who wish to know more on this curious development of the conjugal bond may consult the learned and eloquent work of Bachofen (*Das Mutterrecht*), whose enthusiasm on behalf of the "government by women" transcends sober bounds; or the more moderate theories of McLennan (*Studies in Ancient History*, 1876).

It will be worth while remarking, in passing, that polygamy just touches the confines of Greece, in Thrace (Herod. v. 5, 16; Eurip. *Androm.* 215); as indeed the court of Priam, though Hecuba alone appears to have enjoyed the title of his wife, bore much resemblance to that of a polygamous monarch. We now come to the Greek society described in Homer.

The Iliad and Odyssey describe a society in which monogamy, and on the whole a pure monogamy, is the rule. No doubt "concubines" are mentioned, as well as "wedded wives" (e.g. *Odyss.* xiv. 203); yet Laertes is said to have abstained from the bed of his favourite maid-servant, "fearing the anger of his wife" (χόλον δ' ἀλέεινε γυναικός, *Odyss.* i. 433): Agamemnon refrains from Briseis, even though he had taken her from Achilles (*Il.* ix. 133); and the beautiful lines 340–343 of the same book assume monogamy as the natural condition. The strict ideas of modern times would not permit us to describe Ulysses as wholly faithful to Penelope; but he would seem to have had little choice in the hands of Circe and Calypso, and he was clearly faithful at heart. No queen could have more royal offices assigned to her than Arete, the queen of king Alcinous (*Odyss.* vi. 310; vii.

69–74, 142). Moreover, though women as well as men suffered from the roughness of the times, women were under no peculiar disadvantages; they were not forbidden to appear in the open streets. McLennan (*op. cit.*) gives reason to think that the relationship through mothers, already noticed as of predominant importance in Lycia in a later age, was in the Homeric period esteemed as superior to the relationship through fathers over the whole of Greece; and this would account for the comparatively high position attributed to women in Homer. (See *Il.* xxi. 95, where the epithet ὁμογάστριος is pointedly used to express a closer tie than brotherhood on the father's side.) In itself, the fact that the Homeric chiefs bought their wives, instead of receiving a dowry with them, might suggest a lower state of society. But the absence of any mention of divorce in Homer is in favour of the view here taken. [Dos.]

In reference to these early states of society, two remarks of Aristotle, interesting in their connexion, should be borne in mind: first, that "among the barbarians, the female element and the servile element are in the same rank" (*Pol.* i. 2); secondly, that "the greater number of military and warlike races are governed by their women" (*Pol.* ii. 9). In the Homeric society the latter or chivalrous condition is predominant; but it is difficult to be sure that the "barbarian" estimate of women was nowhere prevalent in early times in Greece; and it may be a part explanation of the decline in the position of women which took place over so large a portion of Greece afterwards.

In the main, however, this decline was due to other causes. In treating of it, the topic of the "wife" must for a short space be merged in the broader topic of the "woman." The great distinction between the Homeric age and the historic period of Greece is the importance to which the "city" had attained in the latter period; the city being a community governed by laws (even though it might sometimes fall under the sway of a tyrant), self-centred, and priding itself on its independent existence. It seems certain that this city life, with its public deliberations, its collections of laws, and the large intellectual element which these demanded, was one to which women in that stage of the world's history were unequal. They fell still more behind than they had done in the merely warlike Homeric society. And other causes co-operated. Athens was from the first the type of this city life; now it was from Athens that the Ionian cities in Asia (and in many of the Aegean islands) were founded; and we are told (Herod. i. 146) that these colonists did not take their wives with them, but married Carian women, so that from the first their wives started as on an inferior footing, and with antagonistic feelings to their husbands, which Herodotus implies continued more or less in subsequent generations. Further, these Ionian colonies were in direct contact with the Asiatic monarchies, in which women occupied a very inferior position. And as a final point, it must be noted that both in Athens and Ionia (as elsewhere) the city life, implying as it did a body of citizens, required a clear means of discrimination as to who was and who was not a citizen; and as citizenship was mainly handed on from father to son, purity of race assumed an importance unknown before. Achilles might marry his Phrygian captive Briseis with no complaint on the part of his Myrmidons; but the son of Pericles by the Milesian Aspasia could not be accounted a citizen of Athens without a special vote of the people. If then in a large city, such as Athens or Miletus, swarming with traders from all parts of Greece, an accurate distinction was to be kept up between citizens and aliens, it was necessary that the matrons of the city should be clearly severed off from all others, and also that they should be preserved from temptation; both of which ends were crudely but to a certain extent effectively secured by their comparative seclusion. From all these causes (and probably from other deep veins of character hard to trace), across that middle belt of the Greek world which extended from Athens to Ionia,—a belt containing the most advanced and cultivated cities of Greece,—the female sex was lowered from the position which it held in the time of Homer, and regulated by customs approximating to those which have always existed in the East.

It was impossible that other parts of Greece should be uninfluenced by such a result; and besides, some of the causes which acted in Attica and Ionia would be forcible elsewhere. Thus, though about 500 B.C. Corinna and other poetesses enjoyed an honourable publicity at Thebes, yet in 379 B.C. we find it a breach of etiquette for Theban women to walk freely about the streets (Plut. *de Genio Socr.* 32). The Aeolian colonies of Lesbos and the adjacent coast of Asia Minor resisted the tendency for a time; and Sappho and her brilliant compeers, about the beginning of the 6th century B.C., raised the female sex to the highest glory in respect of imaginative power, and perhaps attempted social changes as well. But the phenomenon was a transitory one; perhaps, even, not a favourable one for steady development: the Mytilenaeans had an honourable history after this, but we hear no more of their women. Argos, half-way between Athens and Sparta, shows also an intermediate character as regards its female population. We can hardly wholly reject the story of its heroic defence by Telesilla the poetess and the other women against the Spartans, about 510 B.C., after the slaughter of the Argive army by Cleomenes (Plut. *de Mulierum Virtutibus;* Paus. ii. 20, § 7); but in the succeeding century the city lost to a great degree its Dorian character, and of its women too we scarcely hear anything more.

We may assume then that, by the middle of the 5th century B.C., the restriction of the liberty of free-born citizen women, which had begun some centuries earlier, attained its full development in Northern Greece. The most celebrated of the Greek colonies in Asia, most of the islands of the Aegean, and the northern part of the Peloponnesus itself, were subject to the same influence.

But there were parts of Greece that never in the smallest degree succumbed to this influence. In Sparta, from the first moment of its history down to the death of king Cleomenes in B.C. 220 (if not later), women enjoyed an authority, a distinction, rarely accorded to them even in modern times. With Sparta, Crete and Cyrene may, though in a minor degree, be reckoned;

and here, too, the population was Dorian. But Cyrene and Crete will only enter into a small portion of the following observations.

As to the original cause of this lofty position of women among the Dorian race—and the observation is true of Argos also, down to about 500 B.C.—Müller conjectures (*Dorians*, i. 4, § 9) that it arose from the fact that the Dorians took their wives and children with them in their original emigration from the north to the south of the Corinthian gulf. Such a cause is certainly adequate, implying, as it does, association in perilous adventure; and it is difficult to conjecture another equally strong. The causes, moreover, which depressed the position of women elsewhere, existed very sparingly at Sparta. There was not there, as at Athens, any great influx of strangers; Sparta was not a commercial city; and those who came were at any time liable to be expelled by the authorities. [XENELASIA.] Hence the strain of citizenship was easily kept pure at Sparta, without the seclusion of the wives. And Spartan husbands were the reverse of jealous; of which more presently. And since Spartan men were unable under the institutions of Lycurgus to make free use of wealth, the dowries of wives were large, and there were many heiresses. Aristotle tells us (*Pol.* ii. 9) that two-fifths of the soil of Laconia was possessed by women. Hence ensued a condition of which the concise answer of Gorgo, wife of Leonidas, is the proud expression: "Why," she was asked by a foreign lady, "do you Lacedaemonian wives, unlike all others, govern the men?" "Because we alone are the mothers of men." (Plut. *Lac. Apophtheg.*)

Exaggeration, however, must be avoided, both as to the extent of liberty allowed to wives at Sparta, and as to the goodness of the result. The laws of Sparta bound women as well as men: perhaps, because they bound men more than elsewhere, they bound women less; but with the detailed accounts of Xenophon and Plutarch before us, we cannot believe, with Aristotle (*l. c.*), that Lycurgus tried to legislate for women, and failed. Undoubtedly, however, there was much singularity in the legislation. Before marriage, the Spartan girl passed an open-air life of continuous exercise; she wrestled, she raced with her equals (Xen. *de Rep. Lac.* i. 4); intercourse with young men was not forbidden to her, and she was present at the public games. All this was allowed with a view to marriage; the girl would as a matter of course be given in marriage by her parent or κύριος (guardian); the youth who did not marry was liable to severe penalties (Pollux, viii. 40; Plut. *Lycurg.* 15). The form of marriage was a mock capture, a reminiscence of the time when wives were really captured with the strong hand; after marriage the bridegroom did not at once take his bride home, lest they should be soon tired of each other, but visited her in her parents' house clandestinely, and this secret intercourse sometimes continued till children were born to them (Plut. *l. c.*). When at last the husband took his wife home, he often took her mother with her (cf. Müller's *Dorians*, iv. 4, § 2). The married woman was forbidden to attend gymnastic contests (Paus. v. 6, § 5); and when she went out of doors, wore a veil (Plut. *Lac. Apophthegm., anecdote of Charillus*). The custom of the newly-wedded wife remaining in her parents' house prevailed in Crete also (Strabo, x. p. 482); and the object there is stated to have been that she might learn housekeeping. Müller (*l. c.*) after Hesychius explains the word παρθένιος as meaning a son born during this period of quasi-secret marriage (cf. Hom. *Il.* xvi. 180).

More singular than the method of wooing among the Spartans was the regulation that permitted polyandry. The production of children was so far regarded by the legislator as the main end of marriage, that if a woman had no children by her husband, it was common for her, with full consent of her husband, to admit another man to her bed; and this might take place even if she had children by her husband, so that a wife might be the mother of two separate families (Plut. *Lycurg.*; Xen. *Rep. Lac.* i. 9). It would appear, too, that several brothers might share one wife (Polyb. xii. 6). Yet we know no specific case of this last; and as far as our information goes, the husband was always recognised as such, whatever intercourse with his wife he permitted on the part of others. Once, and only once in the history of Sparta, was bigamy permitted on the part of the man: this is the case of king Anaxandridas (Herod. vi. 39, 40), who for love of his first wife refused to put her away, but was obliged by the ephors to take a second for the sake of posterity. (One other case of bigamy is recorded among genuine Greeks, that of Dionysius of Syracuse, according to Aelian, *V. H.* xiii. 10.) It may be inferred from the case of Anaxandridas, and from the narrative in Herod. vi. 61, that the divorce of a wife on the ground of barrenness was sanctioned by Spartan law.

While connexions which we consider irregular were thus legalised at Sparta, illicit vice was very rare, and affection between husband and wife was often very tender. (See the lives of Agis and Cleomenes in Plutarch, especially the beautiful story of Chelonis, the wife of Cleombrotus.) The Spartan women were by far the finest and handsomest in Greece (Aristoph. *Lys.* 78–84); and their sayings and deeds recorded in Plutarch (especially in the *Apophthegmata*), though sometimes stern, are always striking. (One of them anticipated the celebrated speech of Cornelia, mother of the Gracchi.) The Athenians, as was natural, criticised their freedom (*e.g.* Eurip. *Androm.* 595 ff.); and we can hardly refuse to admit, on the joint authority of Plato (*Legg.* i. p. 637) and Aristotle (*Pol.* ii. 9), that after the great successes of Sparta in the Peloponnesian wars, they, as well as the Spartan men, lost some of their virtue. But noble women are found among them even then: it is harsh to blame them severely for the single occasion on which they lost their nerve and showed timidity, when Epaminondas with his great army of 40,000 or 70,000 men was threatening the unwalled city of Sparta; and when Aristotle alleges (*Pol.* ii. 9) that they caused the depopulation of Laconia by keeping the extensive tracts, of which they were the mistresses, uninhabited, we cannot but remember that the incessant military exercise of the Spartans and the practice of infanticide (which all the Greeks sanctioned) were much more probable causes of diminution of the population than that which

Aristotle suggests. (He says that Sparta fell through her ὀλιγανθρωπία: an interesting, and in itself doubtless a true, observation.)

But it is necessary to hasten to that Greek state of which, after all, we know very far the most; the antipodes of Sparta—Athens. At Athens, as has been stated, both the unmarried girl and the wife lay under restrictions greater than anywhere else in Greece. It must be admitted, that even as regards Athens, there is a great deal which we do not know; and one of the problems of the case is to reconcile the recurring statements of the obscurity and weakness of women, as well as the unfeeling tone in which they are treated by the orators (but see, for an exception, and in a very unlikely place, [Dem.] *c. Neaer.* p. 1364, § 56), with the striking and elevated female characters that so often appear in the pages of the Greek tragedians. Some experience, one would think, Sophocles must have had of a free and noble maiden, when he drew Antigone; and Euripides of a noble wife, when he drew Alcestis. Even in Aristophanes, Lysistrata, in spite of the indecency of the play named after her, acts an essentially honourable part. Haemon, in Sophocles, is a lover of the high chivalrous type. And it is justly remarked by Becker, that we do know of one actual case in which a wealthy Athenian married for love—Callias, who married Elpinice, Cimon's sister (Plut. *Cimon*, 4). But the balance of evidence is on the unfavourable side. Perhaps the *Andria* of Terence will give us the best idea of the possibilities and actualities of Athenian marriage. The plot of that play is romantic: each of the lovers marries his beloved. But the êthos of the play is totally against such a successful result, which happens by pure accident. Evidently, the father's will, and not the lover's passion, is the real animating cause which produces marriage in any ordinary case. "All lovers," says Simo, one of the fathers, "feel it a sad grievance that a wife should be assigned to them" (Act i. scene 2). The wife, then, was not generally the beloved. And the unlimited obedience professed by Pamphilus, Simo's son (v. 3), leaves him wholly in his father's power, at the risk of unspeakable misery to the object of his affections. Not less absolute is the obedience promised by the profligate son in the *Trinummus* of Plautus (v. 3, 8): "Ego ducam, pater, etiam si quam aliam jubebis." Evidently these are meant to be moral sentiments; but to us it is repellent, that a man's individuality should have no rights assigned to it in such a matter, and that duty should be held to consist in mere external obedience to another. The plain prose of the matter is expressed by the author of the speech against Neaera (p. 1386, § 122): "We have female companions (ἑταίρας) for our pleasure, concubines for daily attendance on our persons, but wives in order that we may beget legitimate children and that we may have a faithful guardian of our households." The low morality of such a remark is the more palpable when we remember that it is in part intended to be the acknowledgment of a certain duty to the state.

Strictly speaking, the Athenians did not think meanly of marriage; but they did think meanly of the wife. The most honourable side of their conception of it was that which concerned the family; the necessity that a man should prevent his "heritage being desolate, and his name being cut off" (ὅπως μὴ ἐξερημώσουσι τοὺς σφετέρων αὐτῶν οἴκους); that some one should make offerings at his grave (ἀλλ' ἔσται τις καὶ ὁ ἐναγιῶν, Isaeus, *de Apoll. Hered.* § 30): a feeling which is eloquently expressed by Plato in the Laws (vi. p. 773 B), "We must take hold of the eternal nature by providing to God ministers to stand before him in our stead, the descendants whom we leave behind us." Even this very praiseworthy sentiment was sometimes abused through the practice of unlimited adoption (for instances of which, see the speech of Demosthenes against Leochares).

Of the three most celebrated Greek writers who have treated of the subject of marriage—Plato, Aristotle, and Xenophon—Plato is the one who comes nearest to touching the real error of Athenian sentiment respecting marriage. In the beginning of the speech in the Laws just referred to, he clearly shows that reciprocation of vital influences is the root of the beneficent effects of marriage. Had he seen that this reciprocation lies in the interchange of noble thought and feeling between husband and wife personally, he would have penetrated to the secret of the whole. And he cannot have been far from seeing it: for he thought better of the capacities of women than any of his contemporaries. But he falls short, partly because the reciprocation which he commends is contemplated by him in too physical a manner, and partly because, when he does regard it spiritually, it is the wife's family in its entirety that he looks upon as influencing the husband. His faith in womanhood is imperfect: hence there is a vagueness in his conception, though it is a noble one. A similar defect appears in his lofty sentiment that marriage should be entered into for the good of the community, and not for the pleasure of the individual; he is not aware that there are moments when personal sentiment has supreme rights. Aristotle (*Eth. Nic.* viii. 14) gives a picture of marriage, beautiful of its kind; he insists on the elements of affection, and of a common interest, which it involves: but the idea of a reciprocal influence in it is not present to him in any considerable degree. He is aware indeed that there is a sphere in which the wife ought to rule the husband (*Pol.* i. 12); but he clearly regards that sphere as a superficial one. Xenophon, in the quaintly tender narrative of the *Oeconomicus*, shows a somewhat similar appreciation of the wife; she comes to her husband's house as an untamed creature, who has to be made pliable and taught the duties of housekeeping; beyond the household her sphere does not extend; she is recommended, though not absolutely enjoined, to keep indoors. Yet he assigns to her a share in the education of the children (vii. 12); she is to be a friend to the whole household; and what is still more valuable, Xenophon has a deep sense that the husband should esteem her, nay possibly look up to her. Akin to this is the reverence for a mother inculcated by Socrates in the *Memorabilia* (ii. 2). It is the universal assumption that the husband will be considerably older than the wife: Plato puts the age of marriage for the

man at from 25 or 30 to 35, for the wife at from 16 to 20 (*Legg.* iv. p. 721; vi. pp. 772, 785), and he affixes penalties for the man who does not marry before the highest age mentioned; Aristotle recommends 35 as the best age of marriage for the husband, 18 for the wife (*Pol.* vii. 16).

Let us now consider what is laid down in the Athenian law concerning marriage. Monogamy is, of course, assumed. Marriage, we are told, was made compulsory by Solon (Plut. *de Amore Prol.* 2); but if so, the law fell into disuse; and in later days bachelors were subject to no disadvantages in Athenian territory (cf., *e.g.*, Demosth. *c. Leoch.* p. 1083, § 10). A youthful citizen was not allowed to marry until his name was entered in the tribal register (*ληξιαρχικὸν γραμματεῖον*). The restrictions as to whom he might marry differed from those imposed in modern times, being in part looser, in part more severe. Prohibitions on the ground of consanguinity were less numerous than with us. A man might not marry a direct ancestor or descendant; nor might he marry stepmother or stepdaughter, mother-in-law or daughter-in-law; nor, with an exception to be noticed, his sister. It may be difficult to prove the existence of these prohibitions in every single case; but compare Eurip. *Androm.* 174–177, Lysias *in Alcib.* i. § 28; also the list of *allowed* relationships in Plato, *Legg.* xi. p. 925 C; and with respect to the mother-in-law, Andocid. *de Myst.* § 124, may be referred to, though not absolutely demonstrative. It is worth also referring to the well-known passage in St. Paul (1 Cor. v. 1), though of so late a date. The marriage of Oedipus was looked on with horror, and the fact that it was accidental was not regarded as an alleviation. On the other hand, the marriage of a brother with a half-sister on the father's side did sometimes occur (Dem. *c. Eubul.* p. 1304, § 20; Plut. *Themist.* 32). Marriage with a niece was common; with an aunt naturally less so, but there was nothing to forbid it.

The prohibition of marriage between a citizen and an alien belongs to a different class from the prohibition by reason of relationship. It would hardly seem to have existed in the early period of Athenian history; Megacles (Herod. vi. 130) and Miltiades (Herod. vi. 39) both married foreigners; the mother of Themistocles was a foreigner (Plut. *Themist.* 1). The influx of foreigners into Athens in the time of Pericles was doubtless the cause that necessitated a more stringent law; namely, that both the parents of a citizen must be citizens; whence it resulted that marriage with an alien was forbidden (Plut. *Pericl.* 37; Schol. *ad* Arist. *Vesp.* 717). Infringement of this law took place; hence it was re-enacted in the archonship of Eucleides (B.C. 403), with the reserve that the re-enacted law was not to be retrospective (Dem. *c. Eubul.* 1307, § 34). Timotheus, son of Conon, whose mother is said to have been a Thracian woman (Athen. xiii. p. 577 b), may probably have owed his citizenship to this saving clause. According to the Scholiast to Aeschines (*c. Timarch.* § 39), the law had to be re-enacted yet a third time. Clearly then the application of it was irregular; and we may infer this on other grounds. The speech against Neaera shows that it was not a dead letter; and the penalties for the breach of it there stated ([Dem.] *c. Neaer.* pp. 1350, 1363) are very severe. So, too, the plot of the *Andria* of Terence largely turns upon this law. Yet on the other hand we find such a singular case as that of Phormion, the freedman and afterwards the successor of the banker Pasion, who while still an alien married Pasion's widow, a female citizen; and though Apollodorus, Pasion's son, was vehemently incensed at the marriage, and brought divers actions at law to prove that Pasion's will, under which the marriage was sanctioned, was a forgery, yet he did not, until more than ten years had elapsed, allege this ground, which would so greatly have helped his case, that the marriage was intrinsically illegal. At last he did put forward this ground (Dem. *c. Steph.* ii. p. 1132, § 13), but by that time Phormion had received the citizenship by a vote of the people. By way of important exception to the law, it should be noted that the right of intermarriage was granted by the Athenians at various times to other peoples: to the Thebans shortly before the battle of Chaeronea (Dem. *de Cor.* p. 291, § 187), to the Plataeans (Isocrates, *Plat.* § 51), to the Euboeans (Lysias, *ὑπὲρ τῆς πολιτείας*, § 3).

Marriage at Athens took place in two ways; either by *ἐγγύησις* or by *ἐπιδικασία*. *Ἐγγύησις* was the ordinary method, and meant the act of the father or guardian (*κύριος*) of a maiden in giving her in betrothal to her future husband. The act was a solemn one, the relatives of either side being witnesses. Whenever any woman had a *κύριος*, marriage could take place by no other method than this. If, however, a woman were left an heiress (*ἐπίκληρος*) without having a *κύριος* (and according to the law given in Dem. *c. Steph.* p. 1134, § 18, only the father, the brother born of the same father, and the grandfather on the father's side, could discharge this office by virtue of natural relationship), then the next of kin might claim her in marriage (Isaeus, *de Pyrrh. hered.* § 78), preference being given to kindred on the father's side; such a claim was called *ἐπιδικασία*, and was brought in the first instance before the archon. [EPICLERUS.] The public interest in such a claim being allowed lay in the danger of dissensions being caused by rival suitors, of which Aristotle (*Pol.* v. 4) gives instances. If the heiress were poor (*θῆσσα*), it was likely that no claimant would come forward; in this case the archon was bound to compel the next of kin either himself to marry the heiress or to portion her and give her in marriage (Dem. *c. Macart.* p. 1067, § 51). It is to be inferred that the next of kin was regarded as *κύριος* of the heiress in such a case as this. Legitimate children at Athens were invariably the offspring of a marriage ratified according to one of these forms.

At the time of the betrothal the dowry of the bride was settled; and this indeed was a most important point for her future welfare. For—and, among the many points which show that Athenian law looked upon the wife as a sort of foreigner in the family, this is one of the most remarkable—the wife was reckoned to have no claim at all on her husband's property. Supposing her husband died, even the most distant cousin might inherit from him; but the

wife, never. Nay, she might not even continue to reside in his house after his death, unless she pleaded pregnancy; in that case she would come under the protection of the archon, and would remain undisturbed until the child was born (Dem. *c. Macart.* p. 1076, § 75). Thus in Dem. *c. Boeot.* p. 1010, § 6, the wife of Cleomedon leaves her husband's house, and is portioned out again by her brothers. If in Dem. *c. Phaenipp.* p. 1047, § 27, this does not happen, the reason is that the two women there mentioned are the wards of their own sons, who maintained them out of their dowries. Neither could a mother inherit from her own children (Isaeus, *de Hagn. hered.* § 12). Hence the dowry was the only security to the wife against extreme poverty, in the event of her husband's death, or if she were divorced; the husband therefore had to give a guarantee for its return in the shape of some piece of landed property. [Dos.] We find that wealthy men would sometimes portion the daughters of their poorer neighbours (Lysias, *de bonis Aristoph.* § 17). It would, however, be incorrect to suppose that the dowry would ever become the wife's absolute property; it would in the case supposed revert to her κύριος, who would either support her from it, or give her in marriage again. But as against her husband or his creditors, it was absolutely hers. The dowry, as has been said, did not exist in Homer's time, and was a gradual growth; Plato disapproved of it (*Legg.* vi. 774 A) as tending to produce avarice; in early times it was small. The law which Plutarch attributes to Solon (Plut. *Solon*, c. 20) restricting the amount of dowry to three garments and some household utensils (for dowry is what Plutarch clearly means, though he uses the word φερνὴ and not the more usual προῖξ) is a highly probable one; and highly probable also is it that it should have fallen into desuetude. Attempts to legislate against the unavoidable tendencies of society are a very familiar feature of history; and there seems no reason for depriving Plutarch's statement of all its meaning by supposing the φερνὴ to mean simply wedding presents. Even in later times the dowry was not an absolute necessity (Plaut. *Trinummus*, ii. 2, 97–102): though the want of it might entail difficulty and discredit.

It is again very notable that, in spite of the formal betrothal and marriage, the husband was no more κύριος over his own wife than before. The father, or whoever had been the previous protector, retained his office. Thus in Dem. *c. Spud.* p. 1029, we find the father taking away his daughter from the husband to whom he had given her in marriage, and marrying her to another husband. This would not have been sanctioned by Roman law. Nay, even if the father died, the husband did not become κύριος, unless he had been adopted by the father: as we see from the case of the daughter of Aristarchus (Isaeus, *de Arist. her.* § 27), whose husband dared not claim the property which was due to his wife, because the next of kin threatened to take away his wife if he raised difficulties. Isaeus (*de Pyrrh. hered.* § 78) tells us that many husbands had been deprived of their wives in this way. If, however, the father had left his daughter by will in marriage to anyone, the husband so constituted became κύριος over his wife. In default of any special provision either in this way or by the husband being adopted into the house of his father-in-law, the protectorship over the wife, after her father's death, would belong to her brother, or perhaps grandfather; and whoever was κύριος, had the entire disposal of the wife, just as if she had been unmarried. (Cf. Dem. *c. Eubul.* p. 1311, § 40.) Supposing, however, the husband was κύριος over his wife, he had then rights as anomalous, to our thinking, as his want of rights was in the other case; in his office of κύριος he could give her in marriage to another person just as if he had not been her husband (Dem. *pro Phorm.* p. 953, § 28; Isaeus, *de Menecl. hered.* §§ 7, 8). And, as a matter of course, he could direct by his will that she should be married to another person. In short, a woman, whether maiden, wife, or widow, was always under guardianship, always at the disposal of another. Her own sons, if two years past the age of manhood, would be her guardians, supposing she were left a widow without any other κύριος.

Those who regard the catalogue of wrongs (if it is fair to say that the absence of rights constitutes a wrong) suffered by women at Athens, as recapitulated in the last two paragraphs, will not think that the Athenians had any reason for pluming themselves over the Spartans as respects their treatment of the weaker sex. The plaintive lament in the *Tereus* of Sophocles, "We women are nothing: happy indeed in our childhood, for then we are thoughtless; but when we arrive at maidenhood, driven away from our homes, sold as merchandise, compelled to marry and to say, 'All's well': " and the more vigorous invective of Medea against the oppression of her sex (Eurip. *Med.* 230–266), doubtless had their prototypes in some, at any rate, of the suffering Athenian women. It is curious, however, to find that Medea complains of the dowry as a wrong. "We have to buy ourselves a husband," she says. With much more reason does she complain of the terrible risk to which women are subjected, without any choice when a husband is forced upon them; of the tedium of the life indoors, debarred from that general society which the husband enjoyed; and still more of the worst possible injury, if that happened, when the husband left her and sought the bed of another. The poets, like the philosophers, had sympathies in which the legislators and orators of Athens were wanting; and Euripides (who was very unjustly, as far as we can tell, termed a woman-hater) seems even to have thought that a woman should not marry a second time (*Troad.* 656–671), and therefore of course that she should not be compelled so to marry. If it cannot be inferred from *Alcestis*, 328–331, that he disapproved of a man marrying a second time, the lines are at any rate remarkable.

The provision for heiresses marrying their next of kin, mentioned above, was a single example of a customary practice; to marry within the family was common; whether it was equally salutary may be doubted. It had its points of convenience, of course. (Compare the Hebrew law, Numbers xxvii. 1–11, and the example of it in Ruth iv.) But there were professional matchmakers called προμνηστρίδες

or προμνηστρίαι (Xen. *Mem.* ii. 6, 36; Pollux, iii. 31), who, however, did not stand in high esteem (Plato, *Theaet.* p. 150 B).

The marriage ceremonial at Athens, among the higher classes, was more elaborate than with us. The consecration of all girls to Artemis, when they were ten years old, at the festival Brauronia, stood in intimate relation with it. [BRAURONIA.] When the marriage itself drew near, the sacrifice to the tutelar gods of marriage (θεοὶ γαμήλιοι) took place. This was performed by the father, and might take place some days before the marriage (Eur. *Iph. in Aul.* 718), or on the day itself (Achill. Tat. ii. 12). As to who the tutelary deities were, custom appears to have varied. Diodorus Siculus (v. 73) names Zeus and Hera; but Pollux names Hera, Artemis, and the Fates (iii. 38): Artemis is also mentioned in relation to Boeotia and Locris in Plut. *Aristid.* 20; and the Nymphs are mentioned in Plut. *Amat. Narr.* 1. The sacrifice itself was called προτέλεια γάμων, or προγάμεια, and it was regarded as a dedication of the bride to the deities named, some locks of the bride's hair (ἀπαρχαί) being offered as a symbol of the dedication (Pollux, *l. c.*). On the wedding day itself, bride and bridegroom bathed in water drawn from a particular fountain of running water: at Athens this was the fountain Callirrhoë, also called ἐννεάκρουνος (Thucyd. ii. 15). The water from this fountain was carried either by a boy (Harpocration) or a girl (Pollux, iii. 43); from which custom was probably derived that other custom of placing over the tombs of those who died unmarried the image of a girl carrying water (Dem. *c. Leoch.* pp. 1086, 1089). Sometimes the pitcher of water alone was carved (Eustath. *ad Iliad.* xxiii. 141). Late in the evening of the wedding day, the bridegroom fetched his bride from her parents' house, on a car (ἅμαξα) drawn by horses, mules, or oxen; on either side of her sat the bridegroom and his "best man" (παράνυμφος or πάροχος, Arist. *Av.* 1735). In front of the car went the torch-bearing procession (δᾷδες νυμφικαί), the nuptial torch having been lit by the mother of the bride (Eurip. *Iph. in Aul.* 732) or of the bridegroom (Eurip. *Med.* 1027; *Phoeniss.* 344); bride and bridegroom were crowned with chaplets, and clothed in festal attire, as also were the attendants, the bride being covered with a long veil; congratulations were poured out by relations, friends, and well-wishers, and the cry 'Υμὴν 'Υμέναι' ὦ resounded to the sweet playing of flutes (Aristoph. *Pax*, 1316–1356; Hom. *Il.* xviii. 490, *Odyss.* vi. 27; Plut. *Amat.* 26; Harpocration). On their reaching the bridegroom's house, a peculiar custom prevailed in Boeotia: the axle of the car was burnt, to symbolise the irreversible step taken. Yet be it observed, that the bridegroom who had been married before could not bring his bride home in this exultant way; a friend (νυμφαγωγός) in that case brought the bride to him from her house. At the entrance to the bridegroom's house, sweetmeats (καταχύσματα) were poured upon the wedded pair (Schol. *ad* Arist. *Plut.* 768): the doors of the house were covered with garlands, as were those of the bride's house. Then followed the wedding-feast (θοίνη γαμική), usually in the house of the bridegroom,—one of the most important parts of the entire ceremonial; for the guests were in fact witnesses to the marriage, and their testimony was the final and single proof that it had taken place, since documentary evidence was not looked for or provided (Dem. *c. Onet.* p. 869, § 20; Athen. v. p. 185 a). At the wedding-feast women were allowed to be present, though at different tables from the men (Lucian, *Conviv.* 8; Athen. xiv. p. 644 a; Eurip. *Iph. in Aul.* 722). Sesame-cakes, symbolical of a fertile marriage, formed a part of the feast (Schol. *ad* Arist. *Pax*, 869). At the conclusion of the feast, the bride was conducted veiled into the bridal chamber; the bridegroom closed the door; and a law of Solon enjoined that the bride and bridegroom should eat a quince together, to symbolise the sweetness of their conversation (Plut. *Solon.* 20). The epithalamium was then sung before the door of the bridal chamber by a chorus of maidens, and the song was accompanied with dancing (Theocr. *Idyll.* xviii.). But the Scholiast on this passage tells us that some epithalamia were sung in the early morning to wake the wedded pair, the two kinds being called κατακοιμητικὰ and διηγερτικὰ respectively.

On the day after the marriage (according to Harpocration) the bride for the first time showed herself without a veil, and the gifts which she on that day received from her relatives were thence called ἀνακαλυπτήρια or ὀπτήρια. Hesychius, however, says that these presents were made not on the second but on the third day; and this may be correct: for Pollux (iii. 39) mentions that the gifts made on the day after the marriage were called ἀπαύλια, and that among them was a garment (ἀπαυλιστηρία) presented by the bride to the bridegroom, who on the succeeding night did not sleep with his bride, but in his father-in-law's house, the bride being unveiled, and the ἀνακαλυπτήρια presented the day after.

An offering to Aphrodite was made by the wedded pair, either on the wedding-day (Plut. *Amator.* 26) or on the day after (Aeschin. *Ep.* 10, p. 681). Another ceremony observed after marriage was the sacrifice which the husband offered up on the occasion of his bride being registered among his own phrateres (Dem. *c. Eubul.* pp. 1312, § 54, 1320, § 84; Isaeus, *de Pyrrh. hered.* § 45).

Marriages generally took place in the winter (Arist. *Polit.* vii. 16); and the month Gamelion (our January) derived its name from the favour in which it was held for this purpose. The fourth day of the month, according to Hesiod (*Op.* 800), was the most favourable day; and as in a lunar month this would be the day on which the first crescent of the new moon appeared, the interpretation of Proclus seems correct, that the day when sun and moon met in the same quarter of the heavens was the day when man and woman might best meet in wedlock. Pindar, however (*Isthm.* vii. 44), and Euripides (*Iph. in Aul.* 717) prefer the full moon.

After marriage the wife lived with the other female inmates of the house in the γυναικωνῖτις, or women's apartments: in a large house these would be a separate building, connected by a passage with the men's rooms; but in the little house mentioned in Lysias (*de caed. Erastosth.*

p. 92) the women's rooms were on the upper floor, the men's rooms below: for the convenience and safety of the wife, however, the two sets were changed, and the husband lived upstairs. The wife then had the superintendence of the entire household: she had charge of the education of the boys till they were put under a master, of the girls till they were married; she tended the sick, whether free or slave; the kitchen, the furniture, the stores, came under her; and last, not least, the ταλάσια ἔργα (Xen. *Oecon.* vii. 6), all that related to the spinning and weaving of wool, and the making of clothes —for it must be remembered that the clothes of an ancient household were mostly made within the house itself. If the establishment were a large one, the wife would have a housekeeper (ταμία) to assist her. If the husband were alone, the wife would dine with him, and familiar jesting would pass between them (Lysias, *l. c.*), or perhaps even serious conversation on the doings of the Assembly (Dem. *c. Neaera*, p. 1382, § 142); but if the husband had other male friends with him, it was thought indecorous for the wife to appear.

It will be seen that the wife had no lack of duties, but they were duties that would naturally be felt to be monotonous; and it is curious to find that religious exercises were then, as in later times, one of the chief resources to which she betook herself. Thus the husband in Menander's *Misogynist* (fragm. 3 and 4) complains:

ἐπιτρίβουσιν ἡμᾶς οἱ θεοὶ
μάλιστα τοὺς γήμαντας· ἀεὶ γάρ τινα
ἄγειν ἑορτὴν ἐστ' ἀνάγκη·

What amount of liberty had the wife? The young maiden had practically none; ὀχυροῖσι παρθενῶσι φρουροῦνται καλῶς, says Euripides of them (*Iph. in Aul.* 738). But the wives were on a somewhat different footing; and the question divides itself into two parts: Whom might they converse with? and, Where might they go? The clearest answer to the first of these questions is supplied by Euripides, *Iph. in Aul.* 819–852. In that scene Clytemnestra meets Achilles, having been informed that her daughter, Iphigenia, was about to be married to that hero; and though she had never met him before, treats him familiarly on the ground of that supposed connexion, and offers to greet him by clasping his hand. Achilles, however, knowing nothing of any such alliance (which was a fiction imposed on Clytemnestra by Agamemnon), declares that he is ashamed to converse with a woman, tries to get away, and rejects her proffered hand. An explanation then takes place, and Clytemnestra, quite overcome, declares that now for her part she is ashamed to look at him. This passage proves clearly, that a woman might in the time and country of Euripides hold familiar conversation with any near male relative, but not with any other male person. A similar conclusion on the positive side appears to be deducible from Dem. *c. Spud.* p. 1033, § 17, where we find Spudias commissioning his wife to represent him on the occasion of her father making his will, when clearly other male relatives were present; a commission which, it may be remarked in passing, shows that an Athenian woman might and probably would be able to read and write, and was sometimes by no means incapable in business matters.

But how far had an Athenian matron freedom of locomotion—how far might she go out of doors? This is by no means so simple a question as the former. Nevertheless, as far as the latter period of the Athenian commonwealth, and as far as the city of Athens, are concerned, a very clear and exact answer seems to be given by Hypereides (*ap.* Stob. lxxiv. 33): "The woman who goes out of her own house ought to be in that time of life when the men who meet her will ask, not, Whose wife is she? but, Whose mother is she?" We may fairly suppose then that a woman of fifty (or perhaps one still younger) might without censure walk about Athens in the middle of the 4th century B.C., provided she were accompanied by an attendant. This would apply to women in the highest rank (though these, it is likely, would not wish to leave their homes much); in lower ranks there would be greater freedom, and really poor women, as Aristotle expressly tells us (*Pol.* iv. 15, vi. 8), were obliged to go out to purchase necessaries. Thus, too, we find citizen women selling in the market (*e.g.* Aristoph. *Thesmoph.* 448), and in Dem. *c. Eubul.* p. 1308, § 30, a law is referred to which made it an offence to reproach them for so doing. There is, however, some reason to think that this law was annulled or forgotten afterwards; for in [Dem.] *c. Neaera*, p. 1367, § 67, another law is quoted which certainly casts a slur on such occupation. On the whole, the passages bearing on the question do not favour the idea that Athenian wives acquired greater liberty as time went on. Solon, it should be observed, laid down a law that a woman must not go out at night except in a vehicle and with a lantern in front of her (Plut. *Solon*, 21), from which we gather that a woman might go out at night under these conditions, and might sometimes go out in the day-time without complying with these conditions. This gives a very different idea of the liberty of women from that implied in the well-known passage of the orator Lycurgus (*c. Leocrat.* § 40), in which, after the defeat at Chaeronea, the Athenian women are described as cowering in a panic at their house-doors, inquiring after the safety of those dear to them, "being gazed upon in a manner unworthy of themselves and of the city." It is true, however, that the comparative smallness of Athens in the time of Solon may have made it less dangerous for a woman to be seen in the public ways then. It may be inferred from some expressions in Xenophon's *Oeconomicus*, that women enjoyed more liberty in the country than in the town, as would indeed be expected. When in Athens, they would leave their houses to join in processions at the festivals, and also to witness the tragedies at the theatres (see the evidence on this point in the excursus on theatre-going in Becker's *Charikles*); on other occasions seldom, except for causes of real necessity. And in a similar way, for a man to intrude into the γυναικωνῖτις was a very unseemly act (Lysias, *c. Simon.* § 6); nay, a friend of the family might not enter the house in the absence of its master, even for the sake of helping the family against assailants (Dem. *c. Euerg.* p. 1157, § 60). Numerous other passages might be

quoted bearing on this question, but these will be sufficient. [See also GYNAECONOMI.] The subjects of divorce and adultery are treated under the articles DIVORTIUM, ADULTERIUM.

Athenian law did not concern itself, as far as we know, about the marriage of the *μέτοικοι* (resident aliens). Slaves, of course, were incapable of marriage; but we find the author of the *Oeconomicus*, attributed to Aristotle (i. 5), recommending that they should be allowed to beget children, as they will thus be more faithful to their masters. It is then to be inferred that they would be allowed generally to retain their children as their own.

Besides the works of Bachofen and McLennan, referred to in an early part of this article, the following works may be referred to on the subject treated of: — Müller's *Dorians*, for the Spartan customs. Becker-Göll, *Charikles*, iii. pp. 308 ff. (the excursus on the Women contains more general information on the subject than any other modern work). Van den Es (*de Jure Familiarum apud Athenienses*, 1864); the fullest book on the law of the subject. For the philosophy, Newman's *Aristotle*, vol. i. pp. 168–198 (Oxford, 1887). For the Homeric period, Lenz's *Geschichte der Weiber im heroischen Zeitalter*, may be consulted. Mahaffy (*Social Life in Greece*, pp. 170–194) has some interesting remarks on the relation of the poets to the question, especially as regards Euripides. [J. R. M.]

II. ROMAN. Marriage, an institution regulated by law, but to a great extent beyond the domain of law, was among the Romans a complete union for life between a man and one woman, an intercommunion of sacred and human law (Dig. 23, 2, 1), which had for its main object the procreation of children (*liberum quaesundum gratia*). To marry and beget children, who could keep up the *sacra familiaria*, was a religious duty of a Roman (Fustel de Coulanges, *La Cité Antique*, pp. 41–54), and also a duty to the commonwealth. [LEX JULIA ET PAPIA POPPAEA.]

On account of its religious and social importance, marriage was attended with many rites and observances, which were not necessary for its legal formation. In the first part of this article it is proposed to confine the reader's attention for the most part to the legal aspect of marriage as regards its formation and consequences, and in the latter part to describe the nature of marriage rites and observances.

The only marriage recognised in early Roman law was that which was conformable to the Jus Civile, and which was called Justae Nuptiae, in later times also Justum Matrimonium. (Ulpian, v. 1, 2.) To this marriage of Jus Civile the *matrimonium juris gentium*, or marriage according to gentile law, came to be opposed (Gaius, i. 87). The word *matrimonium* seems to have been used originally to signify a marriage which was not a civil marriage, the child of such marriage following the condition of his mother instead of that of his father, as would have been the case if he had been born from *justae nuptiae*.

A Roman civil marriage was either *cum conventione uxoris in manum viri*, or it was *sine in manum conventione* (Ulpian, xxvi. 7). The marriage *cum conventione in manum* differed from that *sine conventione*, in the effect which it had on the condition of the wife.

By the marriage *cum conventione*, the wife came into the power (*manus*) of her husband, or, if he were a filiusfamilias, of his paterfamilias; leaving her own *familia*, she passed into the *familia* of her husband, and was to him in the relation of a filiafamilias (Cic. *Top.* 3, 14; "filiae loco est," Gaius, ii. 159). In marriage *sine conventione* the wife did not pass into the power of her husband; she was, as it were, a stranger (*extranea*) in his household, her relation to her own family remaining as before the marriage; she did not share in the *familiaria sacra* of her husband, and was no civil relation to her own children.

A marriage *cum conventione* was a necessary condition to make a woman a materfamilias in the strict sense of the word. In the marriage *sine conventione* the wife was merely *uxor;* that is, a wife and nothing more. Thus Cicero (*l. c.*) says: "Uxor is a genus of which there are two species ('duae formae,' Quintil. x. 62): one is materfamilias, 'quae in manum convenit;' the other is uxor only."

The term "materfamilias" would only be applicable to a woman "quae in manum convenit," when her husband was *sui juris*, not if he were a filiusfamilias. Gellius (xviii. 6) also states that the above was the old meaning of materfamilias. *Matrona* was properly a wife not *in manu*, and equivalent to Cicero's *tantummodo uxor* (Gellius, xviii. 6, 8). But these words are not always used in their original and proper meanings (cf. Voigt, *XII. Tafeln*, ii. § 158, n. 4). As an *uxor sine conventione* was not a member of a patriarchal family, but a stranger in her husband's household, it seems probable that in the most ancient Roman family law such a wife was not recognised, and that *manus* was a necessary consequence of marriage; from an early time, however, *justae nuptiae* could exist without *manus* being attached to them, and this freer kind of marriage being preferred by women and their families gradually supplanted marriage with *manus*, and came into general use. In the time of Gaius marital *manus*, which had long ceased to be common, was almost obsolete, and soon afterwards it altogether disappeared from the law.

A Roman civil marriage may be viewed, first, with reference to the capacity for entering into it; secondly, with reference to the mode in which it was contracted; thirdly, with reference to its legal consequences.

The right of entering into a valid civil marriage, *uxoris jure ducendae facultas* (Ulp. *Frag.* 5, 3), is called the Jus Conubii. The Jus Conubii belonged only to Roman citizens; the cases in which it at any time existed between parties not both Roman citizens, were exceptions to the general rule. "Roman men citizens," says Ulpian (*Fragm.* 5, 4, 11), "have *conubium* with Roman women citizens (Romanae cives), but with Latinae and Peregrinae only in those cases where it has been permitted. With slaves there is no *conubium*."

Originally there was no *conubium* between the patricians and plebeians, and it is a question whether previous to the Servian reforms plebeians could enter into *justae nuptiae* among themselves, since they first became *cives* under the Servian constitution (cf. Liv. iv. 2), and *civitas* was a condition of *justae nuptiae*. But though

before this change patricians may not have recognised plebeian marriage by purchase as being on the same footing with their own marriage by confarreation, marriage had long been established by the plebeians, and had been a means of acquiring *patria potestas*.

By the Lex Canuleia, *conubium* between the patricians and plebeians was declared. A female gentilis could not, as a rule, marry anyone outside her gens—*ecnuptio gentis*—by which the number of gentiles would be diminished, unless with the consent of the gens. (Mommsen, *Röm. Forsch.* i. p. 10: see Muirhead, *Roman Law*, iii. 26, n. 3.)

The division of the inhabitants of the Roman empire into Cives, Latini, and Peregrini, which existed in the time of the classical jurists, though without any ethnological significance, and the rule, which was subject to various exceptions, that *justae nuptiae* could only be contracted between cives, made the law of status, as it is described by Gaius and Ulpian, extremely complicated. We may see by a comparison of the first book of Gaius with Justinian's Institutes how much the liberal extension of *civitas* in the interval between these works simplified the law.

The Lex Julia et Papia Poppaea placed certain restrictions on marriage as to the parties between whom it could take place. [Lex Julia et Papia Poppaea; Infamia.] Thus certain marriages were prohibited on account of disparagement, as marriages between a senator and freedwomen (Dig. 23, 2, 31). The lex allowed freeborn persons (*ingenui*) to marry freedwomen (*libertinae*) (Dig. 23, 2, 23). Persons within certain prohibited degrees of relationship could not intermarry. A union of persons within the prohibited degrees was an incestuous one. Relations who had the *jus osculi*, or right of kiss with one another, could not marry one another. (Klenze, *Das Familienricht der Cognaten und Affinen nach Röm. u. verwandten Rechten*, p. 16. See Muirhead, *Roman Law*, iii. p. 26.)

In early times there could be no marriage between cognates within the seventh degree, but subsequently the prohibited circle was made less wide. There could be no marriage between ascendants and descendants, whether the relation was natural or by adoption; and a man could not marry an adopted daughter or granddaughter, even after he had emancipated her. Brothers and sisters, whether of the whole or half blood, could not marry, but a man might marry a sister by adoption after her emancipation, or after his own emancipation. It became legal to marry a brother's daughter after Claudius had set the example by marrying Agrippina; but the rule was not carried further than the example, and in the time of Gaius it remained unlawful for a man to marry his sister's daughter (Gaius, i. 62; Tac. *Ann.* xii. 5; Sueton. *Claud.* 26). Constantine prohibited a marriage between a man and his brother's daughter. Marriages between first cousins were recognised, but Ulpian (v. 6) says that at one time the impediment to marriage between collaterals reached the fourth degree—that is, first cousins—but it had receded to the third.

The marriage of Domitius, afterwards the Emperor Nero, with Octavia, the daughter of Claudius, seems at first sight somewhat irregular. Nero was adopted by Claudius by a Lex Curiata (Tac. *Ann.* xii. 26), but he was already his son-in-law; at least the fact of his being so is mentioned before the adoption (Tac. *Ann.* xii. 9). There seems to be no rule of law which would prevent a man from adopting his son-in-law; though if the adoption took place before and existed at the time of marriage, the marriage would be illegal, as stated by Gaius. There was also no right of intermarriage between persons within certain relations of affinity, as between a man and his *socrus*, *nurus*, *privigna*, and *noverca*. [Affinitas.]

When marriage was dissolved, the parties to it might marry again, but public opinion made it improper for a woman to marry again, a second marriage being regarded as showing a want of *pudicitia*. (Fest. 242, 31; Liv. x. 23, 5, 9; Val. Max. ii. 1, 3; Quint. *Decl.* 306.) A woman was required by religious usage to wait ten months, and subsequently a year, which was her period of mourning, before she contracted a second marriage; otherwise she incurred a religious penalty and also infamia.

There were some absolute impediments to marriage. Thus, as the procreation of children was a main object of marriage, physical incapacity prevented a person from contracting a valid marriage. Hence *impuberes* and persons who had certain bodily imperfections, as eunuchs and others, who from any cause could never attain to puberty, could not marry. But the law did not inquire whether persons were past the age of begetting or bearing children: persons of any age above puberty might marry, though if they had reached a certain age they did not by their marriage escape the disabilities of the Lex Julia et Papia Poppaea. (Ulp. *Fragm.* xvi. 4.) Insanity was a bar to marriage.

Betrothal (*sponsalia*) was the proper and usual preliminary of marriage, though it was not legally necessary. "Sponsalia," according to Florentinus (Dig. 23, 1, 1) "sunt mentio et repromissio nuptiarum futurarum." In *sponsalia* a maiden was promised in solemn form to a man as his bride. Such promise was not made by the maiden herself, but by her paterfamilias, or if she was not under *patrias potestas* by her tutor, who were said *spondere*, the betrothed becoming *sponsa* (Plaut. *Aul.* ii. 2, 79 f.; *Poen.* v. 3, 38; Ter. *And.* i. 1, 72 f.; Liv. xxxviii. 57, 6: cf. Voigt, *XII. Tafeln*, ii. 682); the promise was accepted by the man, or by his paterfamilias if he were under *potestas*, who in so doing were said *despondere*, according to the strict sense of this word. (Donat. in Ter. *And.* v. 6, 16; Serv. *in Aen.* x. 79: cf. Voigt *sup.*) It is to be noticed that there was no reciprocal promise on the part of the man to the person who promised the bride, as there seems to have been according to Latin custom. Gellius has preserved (iv. 4) an extract from the work of Servius Sulpicius Rufus *de Dotibus*, which defines the Latin as distinguished from the Roman custom on this subject. (Compare Varro, *L. L.* vi. 70.) In that part of Italy called Latium *sponsalia*, according to Servius, was a contract by *stipulationes* and *sponsiones*, the former on the part of the future husband, the latter on the part of him who gave the woman in marriage. The woman who was

promised in marriage was accordingly called *sponsa*, which is equivalent to *promissa*; the man who engaged to marry was called *sponsus*. The *sponsalia* then was an agreement to marry, made in such form as to give each party a right of action in case of non-performance, and the offending party was condemned in such damages as to the judex seemed just. This was the law (*jus*) of *sponsalia*, adds Servius, to the time when the Lex Julia gave the *civitas* to all Latium.

But according to Roman usage, corresponding in this respect to Greek, the *sponsalia* consisted simply in a unilateral promise on the side of the woman, and did not create any legal obligation, neither party to the *sponsalia* having a right of action in the event of a refusal to marry. It was always possible for the person who had entered into the *sponsio* on account of the maiden to renounce it—*repudium renuntiare, renuntiare* (Plaut. *Aul.* iv. 10, 53, 69; Ter. *Phorm.* iv. 3, 72; Dig. 23, 1, 10). The renunciation was generally made by means of a *nuntius* (Brisson, *de v. s. nuntius*). If a man made a gift to his betrothed with a view to future marriage (*propter nuptias donatio*), and he broke off the match, he lost the right of recovering what he had given (Cod. 5, 3, 15). If a person entered into double *sponsalia* at the same time, he was liable to infamia. [INFAMIA.] Persons might be betrothed who were below the age of puberty, if they were not under seven years of age. By a regulation of Augustus, comprised in the Lex Julia et Papia, it was declared that no *sponsalia* should be valid if the marriage did not follow within two years, but this rule was subject to various exceptions. (Sueton. *Aug.* 34; Dio Cass. liv. 16, and the note of Reimarus; Gaius, Dig. 23, 1, 17.)

Voigt suggests the following as the form of the *sponsalia*:—"Spondesne Gaiam tuam filiam (or, if she were pupilla), Gaii, Lucii filiam filio meo, (or) mihi, uxorem dari?

"Dii bene vortant! Spondeo.

"Dii bene vortant."

Marriage carried into effect the object of betrothal. The essence of marriage was consent, and the consent, says Ulpian, "both of those who come together and of those in whose power they are"; and "marriage is not effected by sexual union, but by consent." The consent of the man and woman was necessary, and was commonly shown at the time of the marriage by the acts of the parties, as by *dextrarum junctio*, and in later times by the *subsignatio tabularum*, but the subject members of a family were bound to marry at the bidding (*jussus*) of their paterfamilias (Gell. ii. 7, 18), and without his consent they could not marry. Thus a filiusfamilias was given a wife by his paterfamilias (*aliquam filio uxorem dare*: cf. Ter. *Phorm.* v. 8, 32 f.; Liv. xlii. 24, 3), and a bride was given in marriage by her paterfamilias, or if not *in patria potestate* she may possibly have been given away at one time by her agnatic tutor, but in later times persons *sui juris*, women as well as men, married of their own accord. If a paterfamilias refused his consent to the marriage of those subject to him without proper ground, he might be compelled to allow their marriage by order of a magistrate.

The marriage *cum conventione in manum* differed from that *sine conventione*, in that the ordinary mode of entering into it was formal, whereas marriage without *manus* only required consent, however informally expressed.

A marriage *cum conventione* might be effected by *confarreatio, coemptio*, or *usus*. *Confarreatio* was a form of marriage peculiar to the patricians, while *coemptio* seems to have been originally confined to the plebeians; but when *conubium* was extended to the plebeians, *coemptio* became a common form of intermarriage between the two orders. *Confarreatio* or *farreum* was a religious form of marriage, which principally consisted in an offering, with solemn words, of *panis farreus* to Jupiter Farreus, in the presence of ten witnesses, the Pontifex Maximus and Flamen Dialis taking part in the ceremony. Its formalities are described in the latter part of this article. (Gaius, i. 112; Ulp. ix. 1.) The form seems to have been in use among other Latin races.

Patrician women were unwilling to marry in this way, because its effect was to give their husbands *manus* over them, and hence this form of marriage fell into disuse. It was necessary, however, to maintain it to some extent, because certain priestly offices, viz. those of flamines majores and reges sacrorum, could only be held by those who were born of parents who had been married by this ceremony (*confarreati parentes*), and the holders of these offices had themselves to be married by *confarreatio* (Gaius, i. 112). In order to induce persons to enter into confarreate marriages, so that these priestly offices might be filled up, a change in the law was instituted by Augustus, and fully carried out by Tiberius, to the effect that *manus* should no longer be a consequence of *confarreatio* except *quoad sacra*. (Gaius, i. 136; see note in Muirhead's ed. Tac. *Ann.* iv. 16; Suet. *Aug.* 31.) Gaius informs us that this form of marriage was in use in his time, as required for the above religious offices.

Coemptio was a form of mancipation (*mancipium*) or conveyance by fictitious sale; and was probably a survival of the early form of marriage by sale or purchase (McLennan, *Primitive Marriage*; Rossbach, *Ehe*, p. 198). The woman was mancipated in marriage to the man by her paterfamilias, or, if she were a filiafamilias, possibly by her tutor. According to some ancient authorities, there was not only a mancipation of the woman to the man in a *coemptio*, but also a mancipation of the man to the woman (Servius *in Aen.* iv. 103, *in Georg.* i. 31; Boethius, *in* Cic. *Top.* ii. 3, 14; Isid. *Or.* v. 24, 26: cf. Muirhead, *Roman Law*, Appendix B); and accordingly several modern writers of repute maintain that there must have been such a double mancipation. It is objected to this view of the nature of *coemptio*, that it supposes a person could mancipate himself to another, whereas it is clear from the nature of *mancipium*, and especially from the description given of it by Gaius, that besides the object of sale a vendor (*coemptionator*) and a purchaser were necessary as parties to the conveyance. Gaius in i. 113 says, "emit is mulierem, cujus in manum convenit," but there is no direct legal authority in support of the view that there was a purchase of the man, though Boethius cites Ulpian as having asserted it. It is also to be

noticed that the authorities for a double mancipation wrote long after *coemptio* had become obsolete. The *coemptio* seems to have comprised, besides the mancipation, a reciprocal form of question and answer, in which the consent of the parties to the marriage was expressed. (Boeth. *in* Cic. *Top.* 3, 14; Serv. *in Aen.* iv. 214; Isid. *Or.* v. 24, 26: cf. Voigt, *XII. Tafeln*, § 159, n. 24.) The *coemptio* was the only surviving way of acquiring *manus* over a wife when Gaius wrote; but it had probably become obsolete in practice. *Coemptio* was either *matrimonii causa* or *fiduciae causa*. This latter kind of *coemptio*, which was the mancipation of a woman to a man not her husband, is considered under TESTAMENTUM and TUTELA. *Manus* could also be acquired according to the law of the Twelve Tables by *usus*. If a woman lived with a man continuously for a whole year as his wife, she came *in manum viri* by virtue of this matrimonial cohabitation, just as ownership of a movable thing was acquired by a year's possession [USUCAPIO]. The law of the Twelve Tables provided that a woman should not come into the *manus* of her husband in this manner, if she absented herself from him annually for three nights (*trinoctium*), and so interrupted the period of *usus* (Gellius, iii. 2; Gaius, i. 111). Married women generally availed themselves of this means of escaping *manus*, and after a time *usus* fell into desuetude (Gaius, i. 111). It was obsolete when Gaius wrote.

It is probable that in the time of Cicero marriage without the *manus* had become the usual marriage of Roman law. No forms were requisite in marriage: the consent of two persons capable of marrying to live together *matrimonii causa*, i.e. as husband and wife, being alone sufficient to constitute marriage, cohabitation was not necessary to complete it, but the best evidence of marriage was cohabitation *matrimonii causa*. The fact that the parties had cohabited with *affectio maritalis*, or as husband and wife, and not with the intention of living in *concubinatus*, which was a union recognised to some extent by the law, might be proved by various kinds of evidence, *e.g.* by production of the dotal instruments, commonly executed at the time of marriage [DOS]. But though consent was the only condition required for marriage, some act of personal union between the parties was necessary for the expression of such consent, or, in other words, marriage could not be entered into simply by letter or by means of a messenger (*nuntius*).

The bringing of the bride (*uxorem ducere*, γυναῖκα ἄγειν) from her father's house to her husband's house (*in domum deductio*) was customary among the Romans, as among the Greeks and others: if this was done, it was sufficient to constitute marriage, although the bridegroom might be absent. Thus, according to Pomponius in Dig. 23, 2, 5, a woman might marry a man, who was absent, by letter or through a messenger, if she was brought to his house (*in domum ejus deduceretur*), but a man could not marry an absent woman in a corresponding way, because it was not required by custom to bring the man to the house of the woman—"*deductione* enim opus esse in mariti, non in *uxoris domum*, quasi in domicilium matrimonii." A marriage required consent for its continuance as well as for its formation, and so might be put an end to at any time by the renunciation (*repudium*) of either party. [DIVORTIUM.]

As regards the consequences of marriage, the position of a wife married *cum conventione* differed materially from that of one married *sine conventione*. In the first kind of marriage, as already observed, the wife ceased to belong to her family [CAPUT, Vol. I. p. 360 *b*], and became a subject member of her husband's family, being in the position of a daughter to her husband; or if her husband was in the power of his father, she became to her husband's father in the relation of a granddaughter. All her property passed to her husband or to his father by a universal succession (Gaius, ii. 96, 98); and whatever she acquired during the marriage, she acquired for the person into whose *manus* she had come. The succession did not carry with it any liability for the antenuptial debts of the wife, and the wife herself could not be sued on them, according to civil law, but the praetor gave the creditors rights of action against her, and ordered execution against the property acquired by the succession, putting the creditors into possession of it (Gaius, iii. 84; iv. 38, 80).

Manus, though a consequence of certain modes of marriage, belonged to its acquirer as paterfamilias and not as husband. But though the conceptions of *manus* and of marriage are distinct, *manus* could not, it seems, be put an end to during marriage by emancipation. A husband might, however, put an end to his *manus* by a fiduciary coemption of his wife to some third person, in which case their marriage would continue as if it had been entered into *sine conventione*. If a woman was married *cum conventione* to a filiusfamilias, and he was emancipated or given in adoption, she would remain subject to the *manus* of his father as before, and would not on the death of the latter come into the *manus* of her husband, since he would belong to a different *familia*. A woman married by *confarreatio* could only be divorced by *diffarreatio*, and this put an end to *manus* as well as to marriage. A woman married by *coemptio* might be divorced by simple renunciation, but the *manus* over her could only be put an end to by a remancipation, which required the same formalities as the original coemption. Thus *manus* might continue after marriage had come to an end. In the time of Gaius a woman was entitled to a remancipation and manumission if there had been a renunciation of the marriage (Gaius, i. 137). When marriage was without *manus*, as it came to be in all cases, a married woman enjoyed a remarkable degree of independence in respect of her husband. The woman remained a member of her own family, her legal status continuing as it was before; if she was not in the power of her father, she was capable of acquiring and holding property, and of bringing actions as if she were a single woman; she had for all purposes a legal personal existence independently of her husband, and consequently her property was distinct from his; between husband and wife there was no community of property in Roman law. The husband acquired no right by marriage to the property of his wife: the *dos* which his wife

usually brought to him he acquired not by act of law, but under the dotal instrument, and during the marriage he was sole owner of the *dos*. Under the edict of the praetor and imperial legislation husbands and wives had certain rights of inheritance to each other's property. The relations of husband and wife with respect to property belong to the heads of DOS, DONATIO PROPTER NUPTIAS, DONATIO INTER VIRUM ET UXOREM, HERES.

A husband was bound to provide a maintenance for his wife. The husband might inflict slight chastisement on the wife for violating the respect (*reverentia*) which she owed him. Each party to a marriage had a right to the society of the other while the marriage continued. For the liabilities of either of the parties to the punishments affixed to the violation of the marriage union, see ADULTERIUM and DIVORTIUM. *Justae nuptiae* had an important effect on the position of the children of the marriage, since only those who were born from such marriage were *cives*, and subject to the *patria potestas*. [CIVITAS; PATRIA POTESTAS.] At Rome, the *justae nuptiae* was originally the only marriage. But under the influence of the Jus Gentium, a cohabitation between Peregrini, or between Latini, or between Peregrini and Latini and Romani, which in its essentials was a marriage, a *consortium omnis vitae* with the *affectio maritalis*, was recognised as such; and, though such marriage had not all the effects of *justae nuptiae*, it had its general effect in this, that the children of such marriage had a father, and so were legitimate. The wife of such a marriage could bring an action for the recovery of her *dos* (Cic. *Top.* 4, 20; Muirhead, *Roman Law*, § 42); and she was liable on account of adultery. In the system of Justinian, the distinction between a civil and gentile marriage ceased to have any importance, on account of the division of free persons into Cives, Latini, and Peregrini having been abolished [CIVITAS]. (Dig. 23, 1, *de Sponsalibus;* 23, 2, *de Ritu Nuptiarum;*—Gaius, i. 56–65; Inst. Just. 1, 10, *de Nuptiis;* Cod. 5, 4; Fr. Hotman, *de Ritu Nupt. et Jure Matrimon.* i. 490 ff.; A. Rossbach, *Untersuch. über die römische Ehe;* O. Karlowa, *Die Formen der röm. Ehe und Manus;* E. Hölder, *Die röm. Ehe;* Voigt, *XII. Tafeln*, ii. 321 ff., 680 ff.) [E. A. W.]

It remains to describe the actual ceremonies of Roman marriage: and it must be premised (1) that there was some difference according to the precise form of marriage adopted, though this distinction gradually disappeared (see above); (2) that, as was said above, the greater part of marriage formality was voluntary, and that then, as in our own day, there might be weddings of a far simpler character. When therefore the complete ceremony of the most elaborate kind is described, it must be understood that a great deal of it was often omitted, and the marriage rites narrowed to little beyond the *deductio in domum*. In the choice the wedding-day superstition played a large part. May (as by many even now) and the first half of June were unlucky for marriages (Ov. *Fast.* v. 487; vi. 225). The reason was that the month of May took its general character from the festivals of the Lemuria [LEMURIA], and also from the Argean offering: in the early part of June came *dies religiosi* connected with the worship of Vesta. Besides these periods, it was necessary to avoid the *dies parentales*, Feb. 13–21 (Ov. *Fast.* ii. 555); the first half of March (Ov. *Fast.* iii. 393); the three days of the opening of the lower world (*mundus patet*), viz. Aug. 24, Oct. 5, Nov. 8; and also the days of Kalends, Ides, and Nones.

At the *sponsalia* (see above), besides the formal words of the parent or guardian, "Spondesne? spondeo" (Plaut. *Aul.* ii. 2, 78), the bridegroom gave the bride a present, as an earnest or pledge (*arra, pignus*, Capitol. *Maxim. jun.* i.; Juv. vi. 27), which was often a ring (Plin. *H. N.* xxxiii. § 12; Tertull. *Apol.* 6), placed on the fourth finger of the left hand (our "ring finger"), which Gellius (x. 10) states to be connected by a nerve with the heart.

On the day before the marriage the bride put aside her *toga praetexta* (Propert. v. 11, 33), which, with other belongings of childhood, was laid before the Lares (Varro, *ap.* Non. p. 538), and put on the *tunica recta*, or *regilla* (Fest. p. 286), which was woven in one piece in the old-fashioned way at the upright loom [TELA]. (See also Blümner, *Technologie*, i. p. 122.) The bride wore this dress also at the marriage, and a flame-coloured veil (*flammeum*, Lucan. ii. 361; Plin. *H. N.* xxi. § 46), with which she was said *nubere caput*. The dress was fastened by a woollen girdle (*cingulum*) in the *nodus Herculeus*, as to the significance of which there is some difference of opinion. It has been explained by some as intended to secure a fruitful marriage, because Hercules had many children (Fest. *Ep.* p. 63): Marquardt (*Privatleben*, p. 44) and Göll take it to be an amulet against the evil eye (*fascinum*). But may we not be nearer the truth in taking it to be the symbol of a stable marriage, and perhaps the original of the "true lovers' knot"? Hercules (in his own name the god of the enclosed homestead) was undoubtedly identified with the Sabine deity Semo Sancus (=Dius Fidius), the protector of matrons in their married life, as well as the deity of good faith and stable treaties (see Preller, *Röm. Myth.* pp. 655 ff.). Pliny, on Varro's authority, tells us (*H. N.* viii. § 194) that the spindle and distaff of Tanaquil (or Gaia Caecilia), who was regarded as the ideal of a Roman wife, were kept in the temple of Semo Sancus, and the bridal dress (*tunica recta*) is in the same passage traced back to her. From these considerations we may be justified in taking the "Herculean knot" to have been so called because of an ancient belief that Hercules (or Semo) was the guardian of the married life. The hair was arranged in six locks (*sex crines*) parted by the point of a spear (*hasta caelibaris*), and held in place by *vittae* or bands (Fest. p. 62; Ov. *Fast.* ii. 558). Hence the words *crines* and *vitta* are used by poets as a synonym for marriage. (Plaut. *Mostell.* i. 3, 69; *Mil. Glor.* iii. 1, 195; Ov. *Trist.* ii. 252; Propert. v. 3, 15.) The custom of parting it with a spear is perhaps a relic of the old marriage by capture, and may convey the idea of the word *δορίληπτος*. The bride had also a wreath of flowers and sacred herbs (*verbenae*) gathered by herself, and the bridegroom wore a similar wreath (Plut. *Pomp.* 55). As an account of the dressing of the bride, the passage in Claudian, *VI. Cons. Hon.* 523–

528, is worth reading, as well as for its own merit.

In the house of the bride, which was decked with garlands (Juv. vi. 227; Stat. *Silv.* i. 2, 230), were assembled the relations, friends, and clients, as an *officium* (Juv. ii. 132). Then the omens were taken and announced by the *auspices* (Cic. *pro Cluent.* 4, 14; Juv. x. 336), with the sacrifice of a sheep (cf. Verg. *Aen.* iv. 56). It had always been the custom to begin the sacred ceremony of *confarreatio* by consulting the omens, and the practice probably was as a rule extended to all marriages (Cic. *de Div.* i. 16, 28; Plaut. *Cas. Prol.* 85; Plin. *H. N.* x. § 21). Valerius Maximus (ii. 1, 1) says that in his time the *auspices* formed in name part of the attendance, though no *auspicia* for marriage were taken any longer. After these preliminaries, the omens being favourable, the marriage ceremonies began. They were in four main parts: (1) the contract; (2) the giving away of the bride, with whatever sacred rites were used; (3) the conducting (*deductio*) to her husband's house (the only *invariable* part); (4) her reception there. First the marriage tablets (*tabulae nuptiales* or *dotales*) were signed before witnesses (*signatores*), though the marriage was valid without this formality (see above; and Quintil. v. 11, 32). When the form of marriage called *coemptio* was adopted (when either or both were plebeians), the formalities of an imaginary sale were gone through before not less than five witnesses, and a *libripens* (who held the scales at a sale): questions and answers as to the willingness on both sides followed, and with that ended this distinctive part of the *nuptiae per coemptionem*; the other ceremonies followed which were usual in all marriages. On the legal significance and origin of the marriage by *coemptio* and its gradual disuse, see above. After the *coemptio*, or, where that was not used, after the signing of the *tabulae nuptiales*, a married woman (who must have been married only once, Serv. *ad Aen.* iv. 166) acting as *pronuba* led the bride up to the bridegroom and joined their right hands. It seems probable that there was always some formal expression of willingness to marry; in the old patrician rite of *confarreatio* the set form of response from the bride was "quando tu Gaius, ego Gaia," which form of words was used also in the *coemptio* (Cic. *pro Muren.* 12, 27). When the rite of *confarreatio* was followed, the bloodless offering was made: a cake of spelt (*farreum* libum) was offered by the Pontifex Maximus and the Flamen Dialis to Jupiter: ten witnesses were present (Gaius, i. 109–112; Serv. *ad Georg.* i. 31). Marquardt thinks that this form of marriage was originally performed not in the house of the bride's father, but in the sacellum of the Curia, and that the ten witnesses originally represented the ten gentes of the Curia. This is a probable explanation of the number ten, but as regards the place we lack evidence that the marriage was ever anywhere but in the bride's home. There is no mention of any passing from the house before the *deductio* to her new home. With the offering to Jupiter, a prayer was recited by the Flamen, to Juno as the goddess of marriage, and the deities of the country and its fruits,—Tellus, Picumnus, and Pilumnus (cf. Verg. *Aen.* iv. 166, and Serv. *ad loc.*; Non. p. 528). During this ceremony the bride and bridegroom sat together upon two seats which were placed side by side and covered with the skin of the sheep sacrificed before for the auspices (Serv. *ad Aen.* iv. 374): they sat to the left of the altar in the Atrium and looked towards it: meanwhile a *camillus*, i.e. an attendant boy who was *patrimus et matrimus* [CAMILLUS], held (perhaps) all that was required by the priest for the offering in a covered basket called *cumerus* (Varr. *L. L.* vii. 31; Fest. *Ep.* p. 63). The latter authority has rather complicated the question by saying that the *cumerus* contained "nubentis utensilia," and what that means it is impossible to say: that the basket held materials for spinning, as Becker thinks, seems improbable. We may leave the matter with Varro, who says that he does not know what the contents were. In Ovid, *Fast.* ii. 650, the boy in an ordinary sacrifice holds a canistra with *fruges* for the *mola salsa* [CAMILLUS]. The legal aspect of the *confarreatio* and its history is given in the first part of this article. Sir John Lubbock suggests that the wedding-cake cut by the bride is a survival of the *farreum* in this rite; but the original for that will be found, if anywhere in the Roman matrimonium, in the *mustaceum*. The rite of *confarreatio* suggests rather the sacramental view of marriage.

In all that follows, marriages in general of all forms are described. The prayer where there was no *confarreatio* (and therefore no Flamen Dialis) was pronounced by the auspex, and, according to Plutarch (*Q. R.* 2), was addressed to five deities,—Jupiter, Juno, Venus, Suadela, and Diana. It would seem that, sometimes at least, a victim was here offered (besides that offered for the auspicia); for Varro (*R. R.* ii. 4, 9) speaks of a pig offered *by the newly married pair*, and Tac. *Ann.* xi. 27 seems to point the same way (cf. Sen. *Oct.* 700). There was next a formal congratulation from the wedding-guests in the word "feliciter" (which, if there was no sacred rite, came directly after the contract; so Juv. ii. 119, "Signatae tabulae, dictum *feliciter*"). Then (as in Juv. *l. c.*) came the *cena nuptialis*, which was certainly, as a rule, given by the bride's father, and therefore *before* the procession (Catull. 62, 3; Dio Cass. xlviii. 44; Capitol. *Ant. Pius*, 10; and, by implication, Plaut. *Aul.* ii. 4, 15). But, as in modern weddings, the place of the wedding-feast might be altered from considerations of space, economy, &c., and it seems sometimes to have been in the bridegroom's house (Cic. *ad Q. Fr.* ii. 3, 7; Juv. vi. 200). The wedding-cake (*mustaceum*), which was made of meal steeped in *must* and placed on bay-leaves (Plin. xv. § 127), was cut up and distributed to the guests (Juv. *l. c.*). Afterwards came the procession (*deductio*), the invariable part of the matrimonium (see above, page 141). This took place usually at dusk, whence arose the custom of having torches (Catull. 62, 1; Serv. *ad Ecl.* 8, 29). The bride was taken with simulated force from her mother's arms (Fest. p. 289; Catull. 61, 3; Macrob. i 15, 21): clearly a survival of the marriage by capture; or, as the Romans themselves put it, a reminiscence of the Sabine marriage (cf. Lubbock, *Origin of Civilization*, pp. 82 ff.; and, for the similar Greek usage, *supr.* p. 132). Flute-players and torch-bearers went in front

(Ter. *Adelph.* v. 7, 5; Fest. p. 245). The bride was conducted by three boys *patrimi et matrimi*, two leading her by the hand, the third carrying a torch of whitethorn for luck (Plin. *H. N.* xvi. § 75; cf. Ov. *Fast.* vi. 129). In the procession, besides the general crowd, there came also the camillus with his cumerus; and the bride's spindle and distaff were carried after her (Plin. *H. N.* viii. § 194). Plutarch (*Q. R.* 31) makes her carry them herself. Fescennine songs were sung during the procession (Catull. 61, 126), with interjections of *Talasse* (Mart. xii. 42; Catull. 61, 134, &c.). As to this deity of the marriage day, reference may be made to Marquardt, *Privatl.* p. 54; Preller, *Röm. Myth.* p. 584 ff. He appears as Talasius, Talasio, Talassus, Thalassius, Thalassio. Livy (i. 9) gives us as bearing that name a companion of Romulus prominent in the rape of the Sabines, and derives the cry *Talasse* from him: but Talus (Fest. p. 359) is an old Sabine name, and Talassius may have been a Sabine deity of marriage: Varro connects him with *τάλαρος*, a work-basket: *θαλάσσιος* as equivalent to Consus is suggested, which at first sight has something plausible about it; but it seems doubtful if Consus had really any connexion with Neptune or the sea, and moreover it is unlikely that the word should be borrowed from Greek. On the whole a Sabine origin is most probable. The part of the bridegroom in the procession was to scatter nuts for the boys in the crowd (Verg. *Ecl.* 8, 30; Catull. 61, 131). Though Catullus says that it shows the putting away of childhood, it is much more likely that the nuts symbolised fruitfulness of marriage and plenty (cf. Plin. *N. H.* xv. § 86). The custom, which may be compared with the Greek *καταχύσματα* (*supra*, p. 136 *a*), has its representative in the throwing of rice at the present day. When the bridal train reached the bridegroom's house, the bride bound the doorposts with wool, probably as dedicating her work to it; and anointed them with oil or fat to signify health and plenty (Pliny, xxviii. § 148, says wolf's fat, which in the Roman nation has a totem appearance). All these actions were, so to speak, personified in a Dea Iterduca, Domiduca, and Unxia (Martian. 2, 149). The bride was lifted over the threshold (Plaut. *Cas.* iv. 4, 1; Catull. 61, 166; Lucan. ii. 359 f.), which, according to some, symbolises the marriage by capture: others (as Preller) suppose the object to be the prevention of the bad omen which would be caused by her stumbling on it. Sir John Lubbock (*op. cit.* p. 97) adopts the former view, and finds a similar custom among such widely divided races as the American Indians, the Chinese, and the Abyssinians. At the entrance she repeated the formula "ubi tu Gaius, ego Gaia;" and the husband met her bearing fire and water, to signify that he admitted her to a share in the family hearth and the family lustral rites (Varro, *ap.* Serv. *ad Aen.* iv. 104; Dionys. ii. 30): the bride on her part brought three coins; one she gave as symbol of the *dos* to her husband, another to the Lares of the house, a third was dropped in the neighbouring street as an offering for the Lares compitales. The torch of whitethorn seems to have been scrambled for by the guests as a lucky possession (Serv. *ad Ecl.* viii. 29), and the ceremonies were over. The *lectis genialis* had been prepared by the pronuba in the atrium [LECTUS, p. 19 *a*.] On the following day the second wedding-feast called *repotia* was given to the friends and relations in the new home (Hor. *Sat.* ii. 2, 60; Gell. ii. 24, 14, where it is said that Augustus tried to limit the expense), and the bride as a *matrona* offered at the family shrine (Macrob. i. 15, 22). See further Marquardt, *Privatleben*, pp. 42–57; Becker-Göll, *Gallus*, ii. pp. 25–49; Preller, *l. c.*; Rossbach, *Röm. Hochzeits- u. Ehedenk.*, Leip. 1871. [G. E. M.]

MATRONA'LIA, also called **MATRONA'LES FE'RIAE**, a festival celebrated by the Roman matrons on the 1st of March, originally the beginning of the year, in honour of Juno Lucina. It represented the purity of old Roman life and the sanctity of the marriage tie: hence it is celebrated only by married women and maidens, and by a law of Numa, "pellex aram Junonis ne tangito" (Gell. iv. 3). It commemorated the dedication of the temple to Juno Lucina on the Esquiline, B.C. 375, soon after the Gallic occupation (Plin. *H. N.* xvi. § 236). It kept in memory, too, the first Roman marriages with the Sabine women and the peace which they brought about (Ov. *Fast.* iii. 229). An offering was made in the houses of married people with prayers that the married life might prosper, in which the *caelebs* could have no part (Hor. *Od.* iii. 8, 1). At this festival wives received presents from their husbands (Suet. *Vesp.* 19; cf. Plaut. *Mil. Glor.* iii. 1, 97), and they gave a feast to female slaves, as their husbands did to male slaves on the Saturnalia (Macrob. i. 12, 7). Hence it is called the Saturnalia of women (Mart. v. 84), and *feminae kalendae* (Juv. 9, 53). Girls also received, at least in later times, presents from their lovers (Tibull. iii. 1, 1; Mart. *l. c.*), which is perhaps the reason why Martial (ix. 90, 13) speaks of the day as though it were sacred to Venus. (Compare Marquardt, *Staatsver waltung*, iii. p. 571; Preller, *Röm. Myth.* p. 244.) [W. S.] [G. E. M.]

MAUSOLE'UM. The tomb of Mausolus or Maussolus, ruler of Caria under the Persian king, is usually known to us as the Mausoleum, and this name was in later times applied to other tombs remarkable for greatness of scale, beauty of design, or exceeding sumptuousness. Greek writers sometimes call Mausolus prince or dynast of Caria, but he was in reality a satrap under the King of Persia, and ruled in Caria from B.C. 377 to B.C. 353, succeeding his father Hecatomnus in a dominion which under the feeble rule of the Great King became hereditary in his family, till the victories of Alexander put an end to the dynasty. The seat of government of these princes had up to the time of Mausolus been at Mylasa, in the interior of Caria, but was transferred by him to Halicarnassus (now Budrum), on the coast. This city, the birthplace of Herodotus, was greatly enlarged and embellished by Mausolus, who rebuilt it on a plan the symmetry and beauty of which is described by Vitruvius. The successor of Mausolus in his dominions was his sister and consort, Artemisia, who during her short reign (B.C. 353–351) erected the magnificent tomb which commemorated for all time the fame of her husband and her own sorrow. For the construction and decoration of this tomb

the most renowned architects and sculptors of her time were employed by Artemisia. The architects, as we learn from Vitruvius, were Satyrus and Pythius; the sculptures which adorned the sides of the monument were the work of four artists of the later Athenian School—Scopas, Leochares, Bryaxis, and Timotheus. The sculptor of the chariot group which crowned the pyramid of the Mausoleum is called Pythis by Pliny, but this name is probably a mistake for Pythius, one of the two architects mentioned by Vitruvius. The sculpture and architecture were executed in Parian marble of the finest quality, and the exceeding costliness of the material employed and the perfection of the execution contributed not a little to the world-wide fame of the monument. (Paus. viii. 16, 4; Lucian, *Infer. Dialog.* xxiv.; Vitruv. ii. 8.)

In searching for the site of the Mausoleum, our first guide is the following well-known passage in Vitruvius (ii. 8): "Mausolus perceiving that Halicarnassus was a place naturally fortified, favourable for trade and with a convenient harbour, made it the seat of his government. As the form of the site was curved, like that of a theatre, on the shore near the port was placed the forum. Along the curve, about half-way up its height, was made a broad street, —as it were, a *praecinctio*. In the centre of this street stood the Mausoleum, constructed with such wonderful works, that it is considered one of the seven wonders of the world." Vitruvius goes on to notice the temple of Mars in the centre of the fortified heights above, and the temple of Venus and Mercury on the extremity of the right-hand curve, and on the left the palace of Mausolus himself.

On turning to the plan (Plate 1 of Newton's *History of Discoveries*), it will be seen that the shore of the harbour at Budrum bends round in a curve, terminating in two horns, on one of which, the ancient Salmacis, stands the Turkish arsenal, on the other the Castle of St. Peter. On the site of this castle the foundations of an ancient citadel may still be traced. On examining the ground overlooking the harbour, many fragments of shafts of columns, volutes, and other ornaments of an Ionic edifice in white marble, rivalling in beauty and finish the finest examples of Athenian architecture, were remarked by Professor T. L. Donaldson many years ago; and in a memoir on the Mausoleum (*Classical Museum*, v. pp. 170–201) Mr. (now Sir C. T.) Newton stated that these fragments were probably those of the Mausoleum lying *in situ*, as the position of this spot corresponded with the description in Vitruvius already mentioned. In 1856 an expedition to Budrum was dispatched from England under the auspices of the British Government, the direction of which was entrusted to Sir C. T. Newton, who has embodied the results in his *History of Discoveries at Budrum, Cnidus, and Branchidae.*

The exploration of the site already referred to presented peculiar difficulties, because it was encumbered with Turkish houses and gardens, the owners of which had to be separately dealt with before possession of the ground could be obtained. Fragments of the architecture and sculpture found, some in the soil, others in the rubble walls of the houses and gardens, soon enabled the explorers to identify the ground as the site of the Mausoleum, though of the ancient structure not a single stone remained above ground in its original position. The whole of the edifice had been removed except a few courses of the lowest foundations: these were laid in a rectangular cutting sunk in the native rock, and varying in depth from 15 feet on the west to 4 feet on the east. (Newton, *Hist. Disc.* pll. ii.–iv.) In this sunken area and in the soil above and around it were found drums and capitals of columns, pieces of cornice and architrave, stones from lacunaria, and steps of a pyramid. The sculpture comprised fragments of a colossal chariot group, of an equestrian group, of statues of colossal or heroic dimensions, and of many lions and other animals; there were four pieces of a frieze suitable in dimensions for the Ionic order, and many fragments of at least two other friezes. (See Newton, *Guide to Mausoleum Room in British Museum.*) All the remains of sculpture and the more important of the architectural marbles were sent to the British Museum in 1858–9, and after their arrival in England were carefully examined and arranged, with a view to the restoration of the original design. Many restorations had been attempted before the discovery of the remains *in situ*; but as the only data for these were the scanty notices in Pliny and other ancient authors, they may be put aside now. Since the arrival of the marbles in the British Museum three restorations have been published: that by the late Mr. R. P. Pullan, the architect sent to Budrum to assist Sir C. T. Newton in the expedition (see *History of Discoveries*); that by the late Mr. James Fergusson, and a more recent one by Mr. Petersen (*Das Mausoleum*, Hamburg, 1867. See also the memoir on Scopas by Urlichs).

What we know of the original design of the Mausoleum is derived in the first instance from certain scanty notices in Pliny, Vitruvius, and other ancient authors. With these have to be combined the remains discovered *in situ*. According to a much-discussed statement in Pliny, *H. N.* xxxvi. § 30, the tomb itself measured 63 feet from north to south, being shorter on the fronts; its entire circuit was 411 feet, or, according to the Codex Bambergensis, 440; its height 25 cubits, equal to 37½ feet. Round it were 36 columns. This peristyle was called the *Pteron*. Above this Pteron a pyramid equalled the lower part, contracting by 24 steps to an apex like that of a *meta*. On the summit was a marble chariot with four horses, the work of Pythis. The addition of this made the height of the entire structure 140 feet. From this description we may assume that there was a Pteron or peristyle edifice surmounted by a pyramid, which in turn was crowned by a marble chariot group.

When we confront Pliny's statement with the architectural marbles found *in situ*, we obtain an order 37½ feet in height, equivalent to Pliny's 25 cubits for the height of the Pteron, and the remains of a chariot group of which the height may be calculated at from 13 to 14 feet. Again, from the measurement of the steps of the pyramid found *in situ*, we obtain for its whole height 24 ft. 6 in. if we assume that all the 24 steps were exactly of the same height. The pyramid,

according to Pliny, equalled in height the lower elevation. As the text stands, the words are *altitudine inferiorem aequabat*, so that the substantive with which *inferiorem* should agree is wanting. According to ordinary rules, the word to be supplied would be *pyramidem*, but that is inadmissible, as there is no evidence to show that there was a lower pyramid. If we leave the text as it stands, we must either supply *altitudinem* or *partem* after *inferiorem*: "Above the Pteron was a pyramid equalling in height the lower height, *i.e.* the Pteron;" or read *altitudinem*, "equalling in height the lower *altitudo*."

By this lower *altitudo* Pliny can hardly have meant any other part of the elevation than the Pteron. But this, as has been already stated, was 37½ feet in height; the pyramid, according to actual measurement of the steps, was only 24½ feet. To make it equal to the Pteron, we must add 13 feet either to its base or to its apex, or partly to the one and partly to the other. Mr. Fergusson, in his restoration, brings the height of the pyramid to 37½ feet by adding 11 feet 9 inches for a pedestal under the chariot group (Pliny's *meta*), and 2 feet for a plinth intervening between the lowest step and the cornice. In Mr. Pullan's arrangement the entire chariot group is reckoned in with the pyramid as 37 feet 9½ inches. The main objection to this was pointed out by Mr. Fergusson: the group itself would not be sufficiently raised above the pyramid to be properly visible from below except at some distance. Further, it would be necessary, in order to complete Pliny's sum of 140 feet, to allow 65 feet for the basement under the Pteron, which in Mr. Pullan's restoration seems out of all proportion to the rest of the design. Moreover, the words of Pliny do not justify us in reckoning the 37½ feet of the pyramid as *inclusive* of the chariot group. Pliny's words, *haec adjecta*, show clearly that this was to be added in order to make up the whole height of the monument to 140 feet. Mr. Fergusson allows 11 feet 9 inches for the height of the *meta*, and 14 feet for that of the *quadriga*.

The next question is, what was the spread of the pyramid laterally. On examining the steps of the pyramid, of which from 40 to 50 were found *in situ*, we find that with the exception of a few blocks (A 17–23 of the Guide), they have a tread of either 1 foot 9 inches or 1 foot 5 inches; or, in the case of corner stones, a tread of 1 foot 9 inches on one side and 1 foot 5 inches on the other. The number of these steps, according to Pliny, was 24. If we assume with Mr. Pullan that 22 of these had a tread of the dimension already stated, and add a step of 10½ inches and one of 9 inches below the platform on which the chariot group stood, we obtain 39 feet 11½ inches for the spread of the pyramid on one side and 32 feet 6 inches for its spread on the other. But it is not proved that all Pliny's steps had exactly the same tread, or that the two stones with the exceptional treads of 10½ and 9 inches formed the uppermost course of the pyramid, as Mr. Pullan assumed, though they may have belonged to the upper part which Pliny describes as "in metae cacumen se contrahens," tapering like a *meta*.

The dimensions of the platform on which the chariot group stood are still more uncertain. Mr. Pullan calculates it at 25 ft. 6 in. by 20 ft. 5 in., but Mr. Fergusson is probably nearer the mark in reckoning it as 20 by 16 Greek feet. It follows that Mr. Pullan's calculation of 105 ft. 5 in. for the length of the base of the pyramid and 85 ft. 5 in. for its breadth cannot be relied on. Mr. Fergusson makes the lowest step of the pyramid 100 by 80 Greek feet.

If we turn from the pyramid to the Order below it, we get on surer grounds. Mr. Pullan gives 100 feet English for the length of the peristyle from centre to centre of the columns, and 80 feet for its breadth. He arranges nine columns on the front and eleven on the flank, and allows an intercolumniation of 10 feet from centre to centre of the columns. But to this arrangement there is a grave objection. The lions' heads of the cornice cannot be so disposed that one may range over each column, according to the usual rule in Ionic architecture.

Mr. Fergusson calculates the measurement of the lower step of the pyramid 100 by 80 Greek feet. He arranges the 36 columns of the peristyle so as to have eleven columns on the longer sides and nine at the ends, counting the angle columns twice. He reckons the intercolumniation at 10 ft. 6 in. except at the angles, where he supposes the columns coupled, so as to have half an intercolumniation, viz. 5 ft. 3 in. The longer sides of the peristyle would thus measure 94 ft. 6 in. Greek; the shorter sides, 73 ft. 6 in. if we add 2 ft. 9 in. for the projection of the cornice. In order to make this arrangement fit in with the general scheme of his restoration, he is obliged to allow only half an intercolumniation (5 ft. 3 in.) for the distance of the angle column from the one next it on either side. But for such a coupling of the columns in an Ionic edifice he can adduce no other example.

Petersen concurs with Fergusson in allowing 10½ feet for the intercolumniation, which, with eight columns on the front and eleven on the flank, yields ten intercolumniations on the longer and eight on the shorter side. If we add to this half the thickness of the base of the two angle columns, we may calculate the dimensions of the stylobate as 109 × 88. He thus obtains for the circumference of the building 394 feet, and there is room for two lions' heads between each pair of columns.

Pliny says that the tomb itself—meaning, it is to be presumed, the *cella* within the peristyle—was 63 Greek feet in length, but shorter in width. How much shorter he does not state. According to Mr. Pullan's scheme, the space between the cella wall and the peristyle would on the fronts be 17 feet. In his Plate XXI. figs. 1 and 2, he shows how by the use of through stones this space can be corbelled out, the beams acting as ties, and in the lowest course of the corbelling the stones being of sufficient length to extend from beam to beam.

Mr. Fergusson, having diminished the length of the Pteron by the expedient of coupling the angle columns, reduces the space between the cella wall and the Pteron to 14 feet in the fronts; 2 ft. 8 in. less Mr. Pullan makes it.

Petersen supposes that the Pteron had an inner row of columns, and that Pliny's *cingitur* only applies to the outer row. This no doubt would solve several difficulties, but the text of Pliny will not bear such a forced interpretation.

The size and plan of the basement or *podium* have lastly to be considered. According to the Codex Bambergensis, which ranks as the most reliable MS. of Pliny, the whole circuit of the tomb was not 411 but 440 feet: other MSS. read 411. Messrs. Pullan and Fergusson adopt the lower dimension, but Mr. Petersen follows the Codex Bambergensis.

Mr. Pullan makes the measurement of the podium 119 ft. by 88 ft. 6 in., which gives 415 feet for the circumference. Mr. Fergusson, measuring it on its lowest step, makes the podium 126 Greek feet by 105 Greek feet; so that it would extend on each side as far as the sides of the quadrangular cutting, and its total circumference would be 462 feet, in which dimension he includes piers projecting all round the basement at the height of 17 feet from the ground. In the recesses formed by these piers he places statues: above these piers a cornice and frieze connect the podium with the stylobate of the Pteron, and below it is a wall of plain masonry.

Mr. Petersen substitutes for recesses between the piers arched niches for statues, which give the podium a very Roman look, and neither his designs for the podium nor Mr. Fergusson's have been generally accepted by architectural authorities. On the other hand, Mr. Pullan's basement, besides being too tall, is too bald, and its mouldings are deficient in boldness. The one thing that we may assume is that the basement was crowned with a cornice, below which may have been one or more friezes. The remains in relief, of which a description is given (*Guide to Mausoleum Room*, Nos. 26, 28), and which represent a centauromachia, are probably from the podium. The height of this frieze is 2 feet 10½ inches. It probably ornamented the podium.

Mr. Fergusson reduces the height of the basement to 51 feet 6 inches, in which dimension he includes an entablature of 14 feet. Mr. Petersen assigns 44 feet as the height of the basement.

Whatever the height of the basement may have been, we may assume that it was not less than 40 feet above ground. It has been already stated that the quadrangular cutting below the natural level of the ground, in which the foundations of the Mausoleum had been laid, was cut in the native rock, in various depths, the lowest part of the area being on the west side, where the cutting was 15 feet below the natural level of the rock, while on the east side the bed rises within 4 feet of it. The whole of this area had been originally filled up with the courses of the foundation stones, consisting of blocks of a green ragstone strongly bound together with iron clamps, and generally measuring about 4 feet square by 1 foot thick. In some places all the foundation courses had been removed, and the original bed of the rock laid bare. On the west side of the quadrangle was discovered a staircase of twelve steps, 29 feet wide and cut in the solid rock. On the north this staircase was flanked by a wall of good isodomous masonry, built of large blocks of native rock. A few feet to the east of the stair were found some alabaster jars, such as were used by the ancients for precious ointments. On one of these jars were two inscriptions, one in hieroglyphics, the other in the cuneiform character. These inscriptions contained the name of the Persian king Xerxes, written in four languages. Immediately to the east of the spot where these jars were found was a block of green ragstone, 7 ft. high by 4½ ft. square, and weighing about 10 tons. It rested on two slabs of white marble, in which were bronze sockets, adjusted to receive dowels, fixed at the bottom of the stone, but by some accident in the original process of fixing the stone these dowels had never descended from their collars into their sockets.

It may be inferred from the position of the remnant of marble pavement under the great stone, that a passage paved with marble led from it into the royal sepulchral chamber, which may have been nearly in the centre of the basement, where the cutting in the rock is deepest. After the body of the personage interred had been carried down the steps to its final resting-place in the heart of the basement, the great stone was let down into its place, like a portcullis, and wedged in on either side by smaller stones. The alabaster vases, found between the great stone and the foot of the staircase, must have been deposited there shortly after the interment, as an offering to the dead.

There, too, were found bones of oxen from a sacrifice, and small terra-cotta figures. The staircase must have been then filled in with earth to the level of the upper surface, and the soil to the east of the stair was supported by a wall running from flank to flank, which was more than a yard broad, and constructed of massive blocks of native rock carelessly thrown together without bond. The great stone, the remnant of marble pavement under it, and the alabastra and other sepulchral offerings found between the great stone and the foot of the stair, are all that the exploration of the site yielded to indicate the arrangement of the interior of the basement. Mr. Pullan, adopting a suggestion previously made by Sir Robert M. Smith, R.E., the engineer officer attached to the Budrum expedition, supposes that in the interior of the basement there was a circular chamber, covered with a vault similar in structure to that of the lion tomb at Cnidus, the so-called Treasury of Atreus at Mycenae, and many other ancient tombs. Mr. Fergusson, rejecting this arrangement, proposes an elaborate plan of the basement which is mainly grounded upon a narrative in Guichard (*Funerailles des Grecs et Romains*, Lyon, 1581, pp. 378–81). That author states that in 1522 some of the Knights of St. John were sent from Rhodes to Budrum to repair the castle there, then threatened by the Sultan Solyman. These knights, on their arrival at Budrum, at once began to strengthen the fortifications of the castle, which had been built rather more than a century before by a German knight, called Henry Schlegelholt, who, as we are told by his contemporary Fontana, used as materials the ruins of the Mausoleum then lying above ground. The materials first used would naturally be the marbles from the upper part of the edifice, which were lying *in situ* detached by their fall, such as the steps of the pyramid, the architrave, the fragments of the frieze of the Order and cornice, the drums, capitals, and bases of the columns. As the ruins were thus gradually cleared away, the stylobate and marble facing of

the basement would be stripped off till nothing was left but the inner core of the masonry, composed of large blocks of green rag, such as were found in position in the quadrangular cutting. Between 1402 and 1522 the fortifications of the castle were repaired by the Knights at intervals; through all this time the ruins of the Mausoleum must have supplied both stone and lime to the building.

The Knights employed in 1522 found still in position certain steps of white marble, which Guichard compares to a *perron*. "These they made into lime, and, having cleared them away above ground, proceeded to search by excavation for more marbles of the same quality. As they proceeded deeper, the base of the structure was enlarged, and they found not only marble for the limekiln, but good building stone. After working downwards for four or five days, they came upon an opening like that of a cellar. Descending through this, they found themselves in a large square apartment, ornamented all round with columns of marble, with their bases, capitals, architrave, frieze, and cornices engraved and sculptured in half relief. The space between the columns was lined with slabs and bands of marble, ornamented with mouldings and sculptures in harmony with the rest of the work, and inserted in the white ground of the wall, where battle-scenes were represented sculptured in relief."

All this sculpture, according to Guichard, was broken up and destroyed by the Knights. He goes on to narrate how, "besides this apartment, they found afterwards a very low door, which led into another apartment serving as an antechamber, where was a sepulchre with its vase and helmet (*tymbre*) of white marble, very beautiful, of marvellous lustre." They deferred opening this till the next day, retiring to the castle for the night. On returning the next morning, they found the tomb opened and the earth all round strewn with fragments of cloth of gold and spangles of the same metal. It was supposed that pirates had plundered the tomb in the night. Guichard had this story from Dalechamps, a learned contemporary, who, we may presume, was the editor of Pliny, and to whom it was narrated by the Commander La Tourette, a Lyonnese knight, who was sent to Budrum with other Knights and was present at the siege of Rhodes in the same year.

There seems to be no reasonable ground for rejecting this story in its general outline, but it must be borne in mind that it is based on hearsay evidence, and we are hardly justified in insisting on the accuracy of its details as strongly as more than one recent writer has done.

It may be assumed that the *perron* mentioned by Guichard was the remnant of the steps on which the stylobate of the Pteron had rested, the ruins above which had been gradually cleared away by the Knights in the course of the fifteenth century. If we accept the narrative of Guichard literally, we must suppose a square apartment ornamented all round with a frieze and other sculptures. It is not likely, however, that marbles of different colours would have been used, but the frieze may have been painted, as was certainly the case with the fragments of the frieze of the Order, found in the excavations above ground. Mr. Fergusson supposes in his restoration a sepulchral chamber 52 feet 6 inches by 42 feet. It would thus have been identical in dimensions with the interior of the *cella* in his restoration.

In the walls of the castle were formerly to be seen a number of lions broken off behind the shoulder, and pieces of frieze from the Mausoleum, which the knights had inserted at intervals in the walls, and which attracted the notice of travellers from Thevenot down to our own time. All these sculptures are now in the British Museum, having been presented by successive Sultans. Other forehands, heads, and fragments of lions were found on the site of the Mausoleum. From the evidence of these fragments, it is clear that they stood on detached rocky bases, which average in thickness 6 inches. These bases appear to have been inserted in a lower plinth at an average depth of 2 inches from the upper surface. The proportions of the lions are adjusted to three different scales. The largest measure 4 ft. 6 in. from the point of the shoulder to the hind quarter, and the second in scale about 3 inches less. Their height probably did not exceed 5 ft. One head measured across the forehead in a line with the eyes was 2 inches less in width than the largest head. A paw was found smaller than any of the others, which seemed to correspond in scale with this head.

On the north of the quadrangular cutting was a wall of white marble blocks, beautifully jointed with isodomous masonry. Behind this wall on the north was a mass of white marble blocks, which on examination were recognised to be steps from the pyramids. From forty to fifty of these steps were found. Intermixed with these steps were fragments of the chariot group, of which the most important were the anterior half of a colossal horse (the harness of which showed that it was from a chariot, the bronze bit and bridle still remaining attached to the head) and the hinder half of a horse, similar in style and scale: this extended from the middle of the body to the root of the tail, and measured in length rather more than 6 feet. There were various fragments of feet and legs of horses; also pieces of one of the wheels of the chariot, from which its diameter has been ascertained, and the remains of a colossal male figure, which has been made up of seventy-four fragments collected *in situ*. This figure is generally held to be the portrait of Mausolus himself (Guide, No. 34). There was a draped female figure of colossal size, probably representing a goddess acting as charioteer in the quadriga (Guide, No. 35). Both these statues are remarkable for the breadth and grandeur of effect in the drapery, and the refined delicacy in the execution.

For further details of the sculptures which were found, see Sir C. Newton's *Guide to the Mausoleum Room*, especially Nos. 8–11, 17, 26, 29, 38–49.

Mr. Pullan and the others who have attempted restorations of the Mausoleum differ widely in their disposition of the sculptures in the round. It is generally accepted that the two colossal figures found among the ruins of the pyramid steps belong to the chariot group, and represent Mausolus and the Goddess who acted as his charioteer. The lions must have been arranged

round the tomb as its watchful guardians, some stationed at its doors, others perhaps at the base of the pyramid: the equestrian torso was probably one of four groups from the angles, but beyond this we are left entirely to conjecture. Statues were probably placed between the columns, as in the Xanthian monument, but of the torsoes preserved most are on a scale too small to stand by the side of the columns for support of the roof of both apartments.

Where the remaining statues were placed is at present a matter on which we have no more evidence than we have as to the arrangement of the columns, the area of the basement or of the platform on the top of the pyramid, or the circumference of the building as expressed by Pliny's *totus circuitus*. As the author of the Guide remarks, "The problem of the restoration of the Mausoleum will probably remain unsolved, unless some unexpected discovery at Budrum or elsewhere in the Hellenic world contributes fresh evidence. As we know that the Castle of St. Peter was built by the Knights out of the ruins of the Mausoleum, it may be assumed that many fragments of architecture and sculptures are still imbedded in its walls."

The native rock of the platform is pierced at two different levels by subterranean galleries, with which shafts communicate at intervals. The lower of these galleries runs all round the quadrangle, and must have served for the drainage of the Mausoleum. It is cut throughout in the solid rock to a height ranging from 6 to 8 feet, except in front of the stair on the west side, where it passes between the stair and the big stone, where it is only 2 ft. 10 in. in height. It is evident that, before the foundations of the Mausoleum had been laid in the quadrangle, the rock had been quarried out to various depths, and had also been used as a place of interment in early times, before the city had been enlarged and embellished by Mausolus. The centre of his new city was probably selected as the most appropriate site for his tomb, because he considered himself the new founder of Halicarnassus.

Hyginus, a Latin writer of uncertain date under the Roman Empire, states (in the *Fabulae*) that the Mausoleum was surrounded by a peribolos 1340 ft. in circumference. Supposing Greek feet to have been used in this measurement, one-fourth of the peribolos would be 335 Greek feet (equal to 339 English). On the north side of the Mausoleum a wall constructed of marble blocks of fine masonry (*Hist. Disc.* pl. vi.) was traced east and west for a distance of 337 English feet. A similar wall was traced under the soil for 260 English feet on the east side. We may assume that the four sides of the peribolos formed a rectangle. No trace was found of the western wall, but on the southern side Mr. Biliotti, exploring the ground in 1865, traced a cutting in the rock running east and west, which he believed to be the bed prepared to receive the foundation of the southern wall. It is probable that the platform on which the Mausoleum stood was connected with the Agora on the shore by a series of terraces, with intervening flights of steps, so disposed as to set off the elevation to advantage when viewed from below. [C. T. N.]

Though none of the proposed restorations of the Mausoleum can be accepted with certainty, as the preceding writer has remarked, still the ingenious restoration by the late Mr. Fergusson is not without value. (See cut on following page.) The principles on which he constructed it, and the objections that may be taken to it, have been already fully stated.

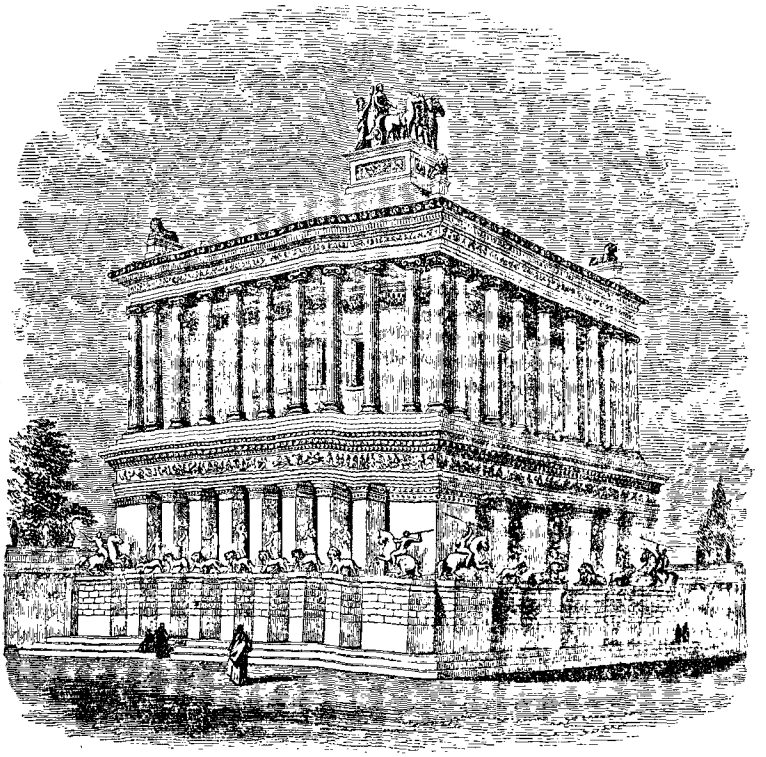
Of the other magnificent sepulchral edifices to which the name of Mausoleum was given the two most important are:—

1. The MAUSOLEUM OF AUGUSTUS, which was erected by Augustus, during his lifetime and in his sixth consulship (B.C. 28), in the northern part of the Campus Martius, between the Via Flaminia and the Tiber (Suet. *Aug.* 100). It was a magnificent circular building (called by Dio Cass. lviii. 22, *βασιλικὸν μνημεῖον*), erected on foundations of white marble, covered to the summit with plantations of evergreen, and surmounted with a bronze statue of Augustus: in the interior were sepulchral chambers, containing his ashes and those of his family. The ground round the Mausoleum was laid out in groves and public walks. (Strab. v. p. 236.) Several members of the family of Augustus were entombed in the Mausoleum before the ashes of the emperor were deposited in it, as Marcellus, Agrippa, Octavia, and Drusus, the brother of Tiberius (Verg. *Aen.* vi. 873 *seq.*; Dio Cass. liii. 30, liv. 28, lv. 2; Ov. *Cons. ad Liv.* 37; Pedo, *Eleg.* i. 69: for the burial of Augustus himself, see Dio Cass. lvi. 43; Suet. *Aug.* 101). The ashes of Livia, the mother of Tiberius, were also deposited there (Dio Cass. lviii. 2), and it was the regular tomb of the imperial family, whence it is called by Tacitus (*Ann.* iii. 9) *tumulus Caesarum*. Caligula had the ashes of his mother Agrippina and his brother Nero interred here with great pomp (Suet. *Cal.* 15; Dio Cass. lix. 3). By the time of Hadrian this Mausoleum was completely filled, which caused him to build a new one on the opposite side of the river (Dio Cass. lxix. 23: see below). Martial alludes to the Mausoleum of Augustus under the name of *Mausolea* (v. 64, 3), as the *deos* in the following line clearly refer to the Caesars. (See Friedländer's note.) There are still considerable remains of this Mausoleum; but "it is now so completely ruined," remarks Mr. Fergusson, "that it is extremely difficult to make out its plan; it appears however to have consisted of a circular basement about 300 feet in diameter, and about 60 feet in height, adorned with twelve large niches. Above this rose a cone of earth as in the Etruscan tombs, not smooth like those, but divided into terraces, which were planted with trees." (Fergusson, *Hist. of Arch.* i. p. 343.) It was converted into an amphitheatre for bull-fights till the time of Pius VI., and is now used as a theatre for the display of fireworks and other spectacles of the lowest description.

2. The MAUSOLEUM OF HADRIAN, also called the *Moles Hadriani*, now the *Castle of S. Angelo*, a much more splendid building than the Mausoleum of Augustus, was erected, as we have already seen, by the Emperor Hadrian on the right bank of the Tiber, near the Aelian bridge in the gardens of Domitia (Dio Cass.

lxix. 23; Spart. *Hadr.* 19). Hadrian died at Baiae, and his remains were first deposited in a temporary tomb at Puteoli, from which they were removed to the Mausoleum at Rome by Antoninus Pius, who probably completed the building (Spart. *Hadr.* 25; Capitol. *Ant. Pius*, 5, 8). This Mausoleum was the sepulchre of the subsequent emperors and their families down to Commodus and perhaps to Caracalla, but not beyond. It is expressly mentioned as the sepulchre of Antoninus Pius (Capit. *Ant. Phil.* 7), of Lucius Verus (Capit. *Ver.* 11), of Commodus (Lamprid. *Commod.* 17). As to the other emperors, see Becker, *Röm. Alterth.* vol. i. p. 661, where the subject is fully discussed.

The Mausoleum is described by Procopius (*B. G.* i. 22) on the occasion of the siege of Rome by the Goths, A.D. 537. He says that it had been converted into a fortress considerably before his time ("by the men of old," *οἱ παλαιοὶ ἄνθρωποι*), and was joined to the line of fortifications by two walls. This was probably done when the walls were repaired by Honorius about A.D. 423. Procopius (*l. c.*) describes it as a memorable sight (*θέαμα λόγου πολλοῦ ἄξιον*), outside the Porta Aurelia, distant from the walls about a bow-shot. "It is made," he says,



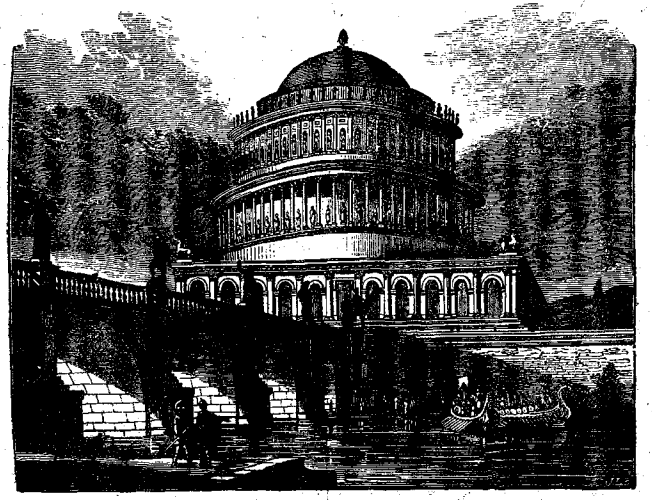
The Mausoleum of Artemisia restored by Mr. Fergusson.

"of Parian marble, and the stones fit closely into one another with no other fastening. It has four equal sides, each about a stone's throw in length, and in height rising above the walls of the city. Above are statues of men and horses made of the same Parian marble and wonderful to behold." Many of these precious works of art were hurled down from the Tomb on the Gothic besiegers. The Barberini Faun at Munich and the Dancing Faun at Florence were found in the ditch below the Tomb. The subsequent history of the Mausoleum will be found in all the guide-books. (See Murray's *Handbook of Rome*, p. 73 *seq.*)

From the existing remains, and the description of writers in the Middle Ages, the Mausoleum has been restored by modern archaeologists. "A quadrangular structure of dazzling white marble, each side 300 Roman feet long and 85 feet high, it had upon its sides inscriptions to the various emperors from Trajan to Severus who were buried within its walls. At the corners of this structure were equestrian statues of four emperors. Above, two circular buildings, one over the other, were surrounded with colonnades and peopled with marble statues. Over all rose a conical cupola whose summit was 300 feet above the ground. Visitors to the gardens of the Vatican may still see there a bronze fir-cone, 8 feet high, which according to tradition once surmounted the cupola of Hadrian's tomb." (Hodgkin, *Italy and her Invaders*, iv. p. 202; Dante, *Inf.* xxxi. 59; cf. Fergusson, *Hist. of Arch.* i. p. 344.) [W. S.]

MAZONOMUS (*μαζονόμος, dim. μαζονόμιον*, Athen. v. 149 a), from *μάζα*, a loaf, or a cake; properly a dish for distributing bread: but the term is applied also to any large dish used for bringing meat to table (Varro, *de Re Rust.* iii. 4). These dishes were made either of wood (Pollux, vii. 87), of bronze (Athen. iv. 136 c), or of gold (Athen. v. 197 f). In the most familiar passage (Hor. *Sat.* ii. 8, 86) we have the mazonomus as a large dish, on which portions of meat sprinkled with meal and salt are brought to table (the theory of *pastry* is unfounded). There is no ground for assigning the word a special significance as a sacred vessel, though, no doubt, like *lanx*, &c., it might be used to express a large dish used for sacred as well as for profane purposes.

[J. Y.] [G.E.M.]



Mausoleum of Hadrian restored.

MEDDIX TUTICUS (= "community manager") was the chief magistrate among Oscan or Sabellian communities. Hence we find the title at Capua after the Samnites wrested the dominion of that city from the Greeks. The word appears as Medix in the MSS. of Liv. xxiii. 35, varied by Maedix xxiv. 19 and Media xxvi. 6. The double consonant, however, appears in Festus and in most inscriptions, as meddies, *μεδδειξ*, metdiss. Mommsen (*Unterit. Dial.* p. 278) considers that the first syllable is naturally short (as evidenced by the Greek *ε*), and derives it from the same root as *mederi*: Curtius suggests, but on the whole rejects, *μέδω*, to which however there would be no objection if there is merely a doubled *d*. It was clearly the Oscan name for a *magistrate* who might be alone in office or one of many. So Ennius gives us "Summus ibi capitur meddix occiditur alter," but that does not prove that the title Meddix belongs only or specially to a dual magistracy. The inscriptions give us two meddices at Messana (Mommsen, *l. c.*), but in most Sabellian communities, as far as we can gather, there was only one: possibly, as Mommsen (*Staatsrecht*, iii. 581) suggests, the dual constitution at Messana was owing to Roman influence. We have the qualifying word *Tuticus* added at Capua (Livy), at Pompeii, Herculaneum, and Bovianum (see the inscriptions cited by Mommsen), and this word is probably connected with Umbrian and Oscan words for town, *tauta, tota, touta* (Curtius, *Gr. Etym.* p. 225): so that the title means chief magistrate of the town, and seems to imply that the word meddix alone might be used of other magistrates. We have no means of ascertaining the precise limits of his jurisdiction, which, moreover, may have varied in different towns, but a good deal may be gathered from the accounts of Capua preserved in Livy. This town became subject to Rome B.C. 329 with *caerite* rights, i.e. *civitas sine suffragio* (Liv. viii 14), and consequently had not autonomy, but kept its own senate and magistrates (see Mommsen *Hist. of Rome*, i. 369; *Staatsrecht*, iii. 581), perhaps with some coordinate jurisdiction of Roman officials. We learn from Livy that the meddix was annually elected, as *summus magistratus Campanis*, and, like sole periodical magistrates in more modern and larger states, had the reproach of seeking by all means the popular vote; he summoned the senate, presided at religious rites and (during the revolt) appointed commanders of troops and acted himself as general (probably one of his original functions): the office ceased with the Second Punic War. (Liv. xxiii. 4 xxiv. 19; xxvi. 6. See also Mommsen, *Hist. of Rome*, i. 255; *Staatsrecht*, iii. 581, and index *Unterital. Dialecte*, p. 277 f.; Marquardt, *Staatsverwalt.* i. 30 ff.) [W. S.] [G. E. M.]

MEDIASTI'NI, the name given to slaves of all work either in town or country, who are said by the Scholiast on Horace, *Ep.* i. 14, 14, to be those "qui in medio stant ad quaevis imperata parati." They would therefore be those whom Cicero speaks (*Par.* v. 2, 37), "qui tergent, qui ungunt, qui verrunt, qui spargunt," &c. Ulpian they are spoken of as equivalent to *vulgares servi*. In Pliny (*H. N.* xxxiii. 5) the slaves of an apothecary used for general purposes are so called to distinguish them from skilled slaves employed as rubbers, &c.

But although Horace (*l. c.*) seems to distinguish the *mediastinus* from the country slave, the distinction is only found in the context, not in the word itself; for Columella (ii. 13) gives the allowance of field labour for 200 jugera as two yoke of oxen, two *bubulci* and six *mediastini*: he separates them from the special labourers, *vinitores* and *aratores* (i. 9), saying that, while the *arator* should be tall, the *mediastinus* might be any height provided he was industrious. To be precise therefore, the low class general slaves would be distinguished as *mediastini urbani* and *mediastini rustici* (which is a disputed reading in Cic. *Cat.* ii. 3, 5). [W. S.] [G. E. M.]

MEDICI'NA (*ἰατρική*), the name of that science which, as Celsus says (*de Medic.* lib. i. Praef.), promises health to the sick, and whose object is defined in one of the Hippocratic treatises (*de Arte*, vol. i. p. 7, ed. Kühn) to be "the delivering sick persons from their sufferings, and the diminishing the violence of diseases, and the not undertaking the treatment of those who are quite overcome by sickness, as we know that medicine is here of no avail." This and other definitions of the art and science of Medicine are critically examined in Pseudo-Galen (*Introduct.* c. 6, vol. xiv. pp. 686–8, ed. Kühn). The invention of medicine was almost universally attributed by the ancients to the gods. (Hippoc. *de Prisca Medic.* vol. i. p. 39; Pseudo-Galen, *Introd.* c. i. p. 674; Cic. *Tusc. Dis.* iii. 1; Plin. *H. N.* xxix. § 2.) So also in Aeschylus (*Pr.* 478) we have the claim advanced for Prometheus, that he first taught men the art of medicine both externally applied and as potions, and there is a remarkable passage in Pindar (*Nem.* iii. 45) where Aesculapius is taught by Chiron the triple art of healing by drugs, incantations, and surgical operations. Another source of information too was observing the means resorted to by animals when labouring under disease. Pliny (*H. N.* viii. § 97) gives many instances in which these instinctive efforts taught mankind the properties of various plants, and the more simple surgical operations. The wild goats of Crete pointed out the use of the dictamnus and vulnerary herbs; dogs when indisposed sought the *triticum repens*, and the same animal taught the Egyptians the use of purgatives, constituting the treatment called syrmaïsm. The hippopotamus introduced the practice of bleeding, and it is affirmed that the employment of clysters was shown by the ibis. (Compare Pseudo-Galen, *Introd.* c. i. p. 675.) Sheep with worms in their liver were seen seeking saline substances, and cattle affected with dropsy anxiously looked for chalybeate waters. We are told (Herod. i. 197; Strabo, xvi. p. 348) that the Babylonians and Chaldaeans had no physicians, and that in cases of sickness the patient was carried out and exposed on the highway, in order that any of the passers-by, who had been affected in a similar manner, might give some information respecting the means that had afforded them relief. (Comp. Plut. *de occulte vivendo*, § 21.) Shortly afterwards, these observations of cures were suspended in the temples of the gods, and we find that in Egypt the walls of their sanctuaries were covered with records of this description. The priests of Greece adopted the same practice, and some of the curious tablets suspended in their temples will illustrate the custom. The following votive memorials are given by Hieron. Mercurialis (*de Arte Gymnast.* Amstel. 4to. 1672, pp. 2, 3):—"Some days back a certain Caius, who was blind, was ordered by an oracle that he should repair to the sacred altar and kneel in prayer, then cross from right to left, place his five fingers on the altar, then raise his hand and cover his eyes. [He obeyed,] and his sight was restored in the presence of the multitude, who congratulated each other that such signs [of the omnipotence of the gods] were shown in the reign of our emperor Antoninus." "A blind soldier named Valerius Aper was ordered by the oracle to mix the blood of a white cock with honey, to make up an ointment to be applied to his eyes, for three consecutive days: he received his sight, and came and returned public thanks to the god." "Julian appeared lost beyond all hope from a spitting of blood. The god ordered him to take from the altar some seeds of the pine, and to mix them with honey, of which mixture he was to eat for three days. He was saved, and gave thanks in presence of the people."

With regard to the medical literature of the ancients: "When" (says Littré, *Œuvres complètes d'Hippocrate*, tome i. Introd. p. 3) "we search into the history of medicine and the commencement of science, the first body of doctrine that we meet with is the collection of writings known under the name of the works of Hippocrates. Science mounts up directly to that origin, and there stops. Not that it had not been cultivated earlier, and had not given rise to even numerous productions; but everything that had been made before the physician of Cos has perished. We have only scattered and unconnected fragments remaining of them; the works of Hippocrates have alone escaped destruction; and by a singular circumstance there exists a great gap after them, as well as before them. The medical works from Hippocrates to the establishment of the school of Alexandria, and those of that school itself, are completely lost, except some quotations and passages preserved in the later writers; so that the writings of Hippocrates remain isolated amongst the ruins of ancient medical literature." The Asclepiadae, to which family Hippocrates belonged, were the supposed descendants of Aesculapius (*Ἀσκληπιός*), and were in a manner the hereditary physicians of Greece. They professed to have among them certain secrets of the medical art, which had been handed down to them from their great progenitor, and founded several medical schools in different parts of the world. Galen mentions (*de Meth. Med.* i. 1, vol. x. pp. 5, 6) three, viz. Rhodes, Cnidos, and Cos. The first of these appears soon to have become extinct, and has left no traces of its existence behind. From the second proceeded a collection of observations called *Κνίδιαι Γνῶμαι*, "Cnidian Sentences," a work of much reputation in early times, which is mentioned by Hippocrates (*de Rat. Vict. in Morb. Acut.* vol. ii. p. 25), and which appears to have existed in the time of Galen (*Comment. in Hippocr.* lib. cit. vol. xv. p. 427). The school of Cos, however, is by far the most celebrated, on account of the greater number of eminent physicians that sprang from it, among whom was the great Hippocrates. We learn from Herodotus (iii.

131) that there were also two celebrated medical schools at Crotona in Magna Graecia, and at Cyrene in Africa, of which he says that the former was in his time more esteemed in Greece than any other, and in the next place came that of Cyrene. In subsequent times the medical profession was divided into different sects; but a detailed account of their opinions would be out of place in the present work. The oldest and perhaps the most influential of these sects was that of the *Dogmatici*, founded about B.C. 400 by Thessalus, the son, and Polybus, the son-in-law of Hippocrates, and thence called also the *Hippocratici*. These retained their influence till the rise of the *Empirici*, founded by Serapion of Alexandria and Philinus of Cos, in the third century B.C., and so called because they professed to derive their knowledge from experience only. After this time every member of the medical profession during a long period ranged himself under one of these two sects. In the first century B.C., Themison founded the sect of the *Methodici*, who held doctrines nearly intermediate between those of the two sects already mentioned; and who, about two centuries later, were subdivided into numerous sects, as the doctrines of particular physicians became more generally received. The chief of these sects were the *Pneumatici* and the *Eclectici*; the former founded by Athenaeus about the middle or end of the first century A.D.; the latter about the same time, either by Agathinus of Sparta or his pupil Archigenes.

It only remains to mention the principal medical authors after Hippocrates whose works are still extant, referring for more particulars respecting their writings to the articles in the *Dictionary of Biography*. Celsus is supposed to have lived in the Augustan age, and deserves to be mentioned more for the elegance of his style, and the neatness and judiciousness of his compilation, than for any original contributions to the science of Medicine. Dioscorides of Anazarba, who lived in the first century after Christ, was for many centuries the greatest authority in Materia Medica, and was almost as much esteemed as Galen in Medicine and Physiology, or Aristotle in Philosophy. Aretaeus, who probably lived in the time of Nero, is an interesting and striking writer, both from the elegance of his language and the originality of his opinions. Caelius Aurelianus, whose matter is excellent, but the style quite barbarous. The next in chronological order, and perhaps the most valuable, as he is certainly by far the most voluminous, of all the medical writers of antiquity, is Galen, who reigned supreme in all matters relating to medical science from the third century till the commencement of modern times. After him the only writers deserving particular notice are Oribasius of Pergamus, physician to the Emperor Julian in the fourth century; Aëtius of Amida, who lived probably in the sixth century; Alexander Trallianus, who lived something later; and Paulus Aegineta, who belongs to the end of the seventh. [W. A. G.]

ME'DICUS (*ἰατρός*), the name given by the ancients to every professor of the healing art, whether physician or surgeon, and accordingly both divisions of the medical profession will here be included under that term. In Greece and Asia Minor physicians seem to have been held in high esteem; far more so than at Rome. This was at least to some extent due to the religious sense, *ἰατρικὴ* and *μαντικὴ* being regarded as akin (Eustath. *ad Il.* i. 63), and to the apotheosis of Aesculapius, of whom physicians speak as *ὁ ἡμέτερος πρόγονος* (Plat. *Symp.* p. 186 A). When we meet such expressions as that in Athen. xv. p. 666 b, *εἰ μὴ ἰατροὶ ἦσαν οὐδὲν ἂν ἦν τῶν γραμματικῶν μωρότερον*, the allusion is to the pedantry of physicians after the type ridiculed by Molière, and does not show a general depreciation of their class. Aelian mentions one of the laws of Zaleucus among the Epizephyrian Locrians, by which it was ordered that if any one during his illness should drink wine contrary to the orders of his physician, even if he should recover, he should be put to death for his disobedience (*Var. Hist.* ii. 37); and, according to Mead, there are extant several medals struck by the people of Smyrna in honour of different persons belonging to the medical profession (*Dissert. de Nummis quibusdam a Smyrnaeis in Medicor. Honor. percussis*, 4to. Lond. 1724). According to the Decree of the Athenians and the Life of Hippocrates by Soranus (Hippocr. *Opera*, vol. iii. pp. 829, 853, ed. Kühn), the same honours were conferred upon that physician as had before been given to Hercules; he was voted a golden crown, publicly initiated into the Eleusinian mysteries, and maintained in the Prytaneum at the state's expense. Both these pieces, however, are more legendary than historical. (Compare Plin. *H. N.* vii. § 123.) The physician made up his medicines himself, and either sat in his *ἰατρεῖον*, which was both a consulting-room and a dispensary (called also *ἐργαστήριον*, Aeschin. *in Timarch.* § 124), or went a round of visits (Plat. *Legg.* iv. 720 C. For these *ἰατρεῖα* cf. Poll. x. 46; Plat. *Legg.* i. p. 646 C). Here he had also assistants and apprentices or pupils (Plat. *Legg.* iv. *l. c.*; Aeschin. *in Timarch.* § 40). In the former passage the assistant doctors are slaves, on which point cf. Diog. Laert. vi. 30. No doubt slaves only as a rule were attended by slave doctors, and free men by free, but it is noticeable that Plato, when he says this, qualifies by *ὡς ἐπὶ τὸ πλεῖστον*. When Hyginus, *Fab.* 274, says that there was a law at Athens against any slave practising, he must allude, if his assertion is true at all, to the state physicians.

Though hospitals are mentioned in Roman writers (Cels. *de Medic.* i. *praef. sub fin.*; Colum. *de Re Rust.* xi. 1, 18; Sen. *Epist.* 27, § 1) after the time of Augustus [see VALETUDINARIA], they are never, with one single exception in

Aesculapius and a Sick Man. (Millin, *Gal. Myth.*, tav. 32, No. 105.)

Crates, mentioned by Greek writers before the Roman period. The function, so far as it was

performed at all, was discharged by the temples of Aesculapius, and accordingly the chief places of study for medical pupils were the Ἀσκληπιεῖα, or temples of Aesculapius, where the votive tablets furnished them with a collection of cases. Hence we find in ancient works of art Aesculapius represented as visiting the sick. The Asclepiadae [MEDICINA] were very strict in examining into and overlooking the character and conduct of their pupils, and the famous Hippocratic oath (which, if not drawn up by Hippocrates himself, is certainly very ancient) requires to be inserted here as being the most curious medical monument of antiquity. "I swear by Apollo the physician, and Aesculapius, and Hygeia (*Health*), and Panaceia (*All-heal*), and all the gods and goddesses, calling them to witness that I will fulfil, according to the best of my power and judgment, this oath and written bond:—to honour as my parents the master who has taught me this art, and to share my substance with him, and to minister to all his necessities; to consider his children as my own brothers, and to teach them this art should they desire to follow it, without remuneration or written bond; to admit to my lessons, my discourses, and all my other teaching, my own sons, and those of my tutor, and those who have been inscribed as pupils and have taken the medical oath; but no one else. I will prescribe such regimen as may be for the benefit of my patients, according to the best of my power and judgment, and preserve them from anything hurtful and mischievous. I will never, if asked, administer poison, nor be the author of such advice; neither will I give to a woman a pessary to produce abortion. I will maintain the purity and integrity both of my conduct and of my art. I will not cut any one for the stone, but will leave the operation to those who cultivate it. Into whatever dwellings I may go, I will enter them for the benefit of the sick, abstaining from all mischief and corruption, especially from any immodest action, towards women or men, freemen or slaves. If during my attendance, or even unprofessionally in common life, I happen to see or hear of anything which should not be revealed, I will consider it a secret not to be divulged. May I, if I observe this oath, and do not break it, enjoy good success in life, and in [the practice of] my art, and be esteemed for ever; should I transgress and become a perjurer, may the reverse be my lot."

Some idea of the income of a physician in those times may be formed from the fact mentioned by Herodotus (iii. 131) that the Aeginetans (about the year B.C. 532) paid Democedes from the public treasury one talent per annum for his services, *i.e.* (if we reckon the Aeginetan drachma to be worth 1*s.*) not quite 304*l.*; he afterwards received from the Athenians one hundred minae, *i.e.* (reckoning the Attic drachma to be worth 9¾*d.*) rather more than 406*l.*, and he was finally attracted to Samos by being offered by Polycrates a salary of two talents, *i.e.* (if the Attic standard be meant) about 422*l.* Valckenaer doubts the accuracy of this statement of Herodotus with respect to the Aeginetans and Athenians, but we have no right to reject it, and it is accepted as true by Boeckh (*Staatshaush.* i.[3] 153). A physician, called by Pliny both Erasistratus (*H. N.* xxix. § 5) and Cleombrotus (*H. N.* vii. § 123), is said by him to have received one hundred talents, *i.e.* considerably over 20,000*l.*, for curing king Antiochus.

State physicians were employed in Greece (from Democedes downwards). They were selected on the ground of knowledge evidenced in their private practice (Xen. *Mem.* iv. 2, 5; Plat. *Gorg.* 455 B, 514 D). In Plat. *Polit.* p. 259 A we see them distinguished from those who practised privately: their practice and official status are described by the word δημοσιεύειν specially applied to them, and in their public capacity they received salary but took no fees (Aristoph. *Av.* 587; *Acharn.* 994); their expenses, however, were paid besides their salary, and they received public honours for distinguished service (*C. I. A.* ii. 256, p. 424). It appears from Diod. xii. 13 that they attended gratis any one who applied to them, and it is at least probable that they were bound to give their services on military expeditions. From Aristoph. *Plut.* 407 it appears that in that period of depression at Athens the office was discontinued from motives of economy. [W. A. G.]

As regards the rise and progress of the medical profession at Rome, we must distinguish between the slaves skilled in medicine, who were kept in the larger households, and the physician in general practice. The former, no doubt, came earlier in date, and those who could afford skilled slaves for medical treatment already employed them, when for the masses there was no practising physician: but in the yet earlier times for all alike, and for the general public to a comparatively late period, the treatment of sickness was by traditional family recipes, partly founded on experience, partly on superstition, the Romans being for the most part, as late as the 600th year of the city (according to Pliny, *H. N.* xix. § 11), "sine medicis nec tamen sine medicina." A little earlier however than this (B.C. 219), says Pliny on the authority of Cassius Hemina, the first professed physician, the Greek Archagathus, came to Rome. He was made a citizen and started in a shop at the public expense (Plin. xxix. § 12): but his treatment was unpopular from its heroic method, "a saevitia secandi urendique." There was much opposition, for the Romans regarded with suspicion the skill of the foreigners, and shunned the calling themselves as a degradation. Cato, who still held to the old custom, and used a family manual of medicine (*commentarium*), "quo mederetur filio, servis et familiaribus," strongly opposed the whole class of medici, against whom he warns his son, as banded together to kill Roman citizens. In Plautus (*Menaechm.* v. 1) we have perhaps evidence of the same mistrust and contempt; but it is never possible to assume that the customs and sentiments described in Plautus are Roman rather than Greek.

Gradually however, after the time of Archagathus, the number of foreign physicians in Rome increased, alike those in private houses, who were either slaves (cf. Suet. *Ner.* 2) or freedmen, and those who had general practice. As a household physician of this kind we may instance Strato from the *Cluentius* of Cicero (63, 176). We have the price of a slave physician fixed at 60 *solidi* (Just. *Cod.* vii. 7, 1, 5). The

practising physicians at Rome were nearly all of the freedman class (see the inscriptions cited by Marquardt, *Privatleben*, p. 772). They had booths (*tabernae*), where they practised with slaves or freedmen as their assistants and pupils, whom they took about with them in their visits (Mart. v. 9). Few Romans took up the profession (though we hear of Vettius Valens, a man of equestrian rank in the reign of Claudius); and Julius Caesar, avowedly to encourage their residence, gave the citizenship to foreign physicians (Suet. *Jul.* 42), with the result which he desired.

Among physicians who seem to have risen to greater repute we have Asclepiades of Prusa (Cic. *de Or.* i. 14, 62; cf. Plin. *H. N.* vii. § 124); Asclapo of Patrae, whom Cicero treated as a friend (Cic. *ad Fam.* xiii. 20); Alexio, for whom he seems to have had even greater regard (*ad Att.* xv. 1); Antonius Musa, the freedman and trusted physician of Augustus (Suet. *Aug.* 59; cf. Hor. *Ep.* i. 15, 3); M. Artorius (Vell. Pat. ii. 70, 1; Plut. *Brut.* 41); A. Cornelius Celsus, who wrote a medical treatise under Tiberius; Eudemus (Tac. *Ann.* iv. 3), &c.

The professional gains of physicians under the Empire seem often to have been large: we are told of Stertinius by private practice making more than 5,000*l.* a year, and the surgeon Alcon amassing a fortune of nearly 100,000*l.* by a few years' practice in Gaul (Plin. *H. N.* xxix. §§ 7, 22; cf. Mart. xi. 84). Regular medical posts were instituted with large appointments: as court physicians with salaries varying from 250,000 to 500,000 H.S. (Plin. *l. c.*); as doctors for the army, for gladiatorial schools (*C. I. L.* vi. 10171), and for the poorer public [ARCHIATER]. Apart from these state appointments the practice was entirely free from control or training: as a rule probably the training was gained by the sort of apprenticeship to some *medicus* described above, but anyone was at liberty to practise, and, in the words of Pliny, "experimenta per mortes facere"; ignorance was not, as in our country, penal, and hence "medico hominem occidisse summa impunitas" (Plin. xxix. § 18).

Besides the archiatri at Rome itself (one for each region), there were by order of Antoninus Pius in each city of Asia Minor state physicians (paid by the state, with immunity from taxes), in numbers varying from five to ten according to the size of the town (Dig. 27, 1, 6, § 2; 59, 9, 1; see Friedländer, iii. ch. 4). We can trace specialist physicians also, such as the oculist (*ocularius* or *ab oculis*), the aurist (*aurarius*). (Orelli, 4228, 2983; *C. I. L.* vi. 6192; 8908.) The profession of dentist is implied at a very early date by the remarkable extract from the XII. Tables in Cic. *de Leg.* ii. 24, 60, relating to teeth stopped with gold. (See further Mart. x. 56.) We may also notice that female doctors (*medicae*) for attendance on women, apparently distinct from midwives (*obstetrices*), are found in many inscriptions (see Marquardt, *op. cit.* 779).

As regards army doctors among the Greeks, we find them in the heroic age when the *ἰητρὸς ἀνὴρ* is *πολλῶν ἀντάξιος ἄλλων*. It would appear from Homer, *Il.* xvi. 28, that there were several; perhaps, as some suggest, each contingent had an *ἰητρός*. In historical times we may learn something of their presence from Xenophon, *Anab.* iii. 4, 30; *Cyrop.* i. 6, 16, iii. 2, 12, v. 4, 17. Perhaps, as Dr. Hager suggests (*Journ. of Philology*, vol. viii. No. 15), the *δημόσιοι ἰατροὶ* had to accompany the army, as was the case in Egyptian armies (Diod. i. 82). [For Roman army doctors, see EXERCITUS, Vol. I. p. 802 *b*; for quack doctors, PHARMACOPOLA; for hospitals, VALETUDINARIA; for surgeons, CHIRURGIA; and see also the articles ARCHIATER, IATROSOPHISTA.]

(For this article and the preceding, reference may be made, besides the ancient authorities, to Becker-Göll, *Charikles*, iii. 48 ff.; *Gallus*, ii. 139 ff.; Marquardt, *Privatleben*, 772 ff.; Mahaffy, *Social Life in Greece*, 290; Daremberg, *Hist. de la Médecine*, ch. i.; Vercoutre, *La Médecine dans l'antiq., Revue Archéol.*, 1880; Friedländer, *Sittengeschichte*, i.[5] 298 ff.) [G. E. M.]

MEDIMNUS (*μέδιμος* or *μέδιμνος σιτηρός*), the principal dry measure of the Greeks. It was used especially for measuring coin. It contained 6 *hectes*, 12 *hemiecta*, 48 *choenices*, 96 *xestae* (*sextarii*), 192 *cotylae*, and 1152 *cyathi*. The Attic medimnus was equal to six Roman modii, or two amphorae (Nepos, *Att.* 2; Cic. *in Verr.* iii. 42, 110; 49, 116) = 52·53 litres, and therefore the Attic medimnus contained nearly 12 imperial gallons (11·556 gallons) or 1½ bushel. The Aeginetan and Ptolemaic were about half as much again, or in the ratio of 3:2 to the Attic; the Aeginetan being = 72·7 litres, the Ptolemaic = 78·8 (Hultsch, p. 505). The Sicilian was equal to the Attic. For the values of the subdivisions of the medimnus, see the Tables. (Hultsch, *Metrologie*, pp. 104, 503; MENSURA.) The symbol in Greek MSS. for medimnus was M[e]. (Hultsch, *Metrol. Script.* i. 170). [P. S.] [G. E. M.]

MEDITRINA'LIA, a festival on October 11th in honour of Meditrina, the old Roman goddess of healing (cp. Varro, *L. L.* vi. 21; *Fest. s. v.*). On this day, when the new wine (*mustum*) was tasted, it was the custom to pour a libation with the prayer that the wine might have health-giving powers, "novum vetus vinum bibo, novo veteri vino morbo medeor." According to the Calendar of Amiternum it was "feriae Jovi," and perhaps a *libation* was poured to him as the god of the prosperity (*salus*) of the state, as well as to Meditrina, with whose healing power the festival was identified. We may compare the prayer used at the *πιθοίγια*, "*ἀβλαβῆ καὶ σωτήριον τοῦ φαρμάκου χρῆσιν γενέσθαι*;" and also the *primitiae pomorum*, Plin. *H. N.* xxviii. § 23. (Preller, *Rom. Myth.* pp. 175, 594; Marquardt, *Staatsverw.* iii. 584.) [L. S.] [G. E. M.]

MEGALE'SIA, MEGALENSIA, or **MEGALENSES LUDI.** It is important to mark the distinction between the celebration of this festival under the Republic, and its later development under the Empire. We find it early in the 2nd century B.C. celebrated at Rome in the month of April and in honour of the great mother of the gods (Cybele, *μεγάλη θεός*, whence the festival derived its name; Cic. *de Harusp. Resp.* 12, 24). The sacred stone representing the goddess was brought to Rome from Pessinus in the year 204 B.C., and the day of its arrival was solemnised with a magnificent procession, lectisternia, and games, and great numbers of

people carried presents to the goddess, whose temporary resting-place was the temple of Victory on the Palatine. (Varro, *L. L.* vi. 15; Liv. xxix. 14.) The celebration of the Megalesia, however, did not begin till ten years later (194 B.C.), and the temple which had been vowed and ordered to be built in 204 B.C. was completed and dedicated by M. Junius Brutus (Liv. xxxvi. 36) on April 10, B.C. 191, after which time the celebration was annual. The temple (*Matris Magnae Idaeae*) was on the Palatine, a position within the pomoerium, which, as Marquardt points out, shows that she was not regarded as a foreign deity: she came from Ida, the home of their race. The rites were originally under the charge of a Phrygian priest and priestess (Dionys. ii. 19); but the numbers were afterwards greatly increased, and we find an *archigallus* at their head, as chief priest, and a *sacerdos maxima matris*, as chief priestess, mentioned in numerous inscriptions. (See Marquardt, *Staatsverw.* iii. 368, note 6.) These archigalli bear Roman names; but the ordinary galli were foreigners. The priestly dress is a *mitra* (Propert. v. 7, 61), a veil, a necklace (*occabus*), and a purple dress: a small image of the goddess or of Attis in an *aedicula* was suspended at his breast: in his hand he bore a basket of fruit, cymbals, and flutes. The festival lasted for six days, beginning on the 4th of April (reading *Prid. Non.* in Liv. xxix. 14, according to the Cal. Praen.). The season of this festival, like that of the whole month in which it took place, was full of general rejoicings and feasting. It was customary for the Patricians on this occasion to invite one another to their repasts (*mutitare*), and the extravagance was such, that a senatusconsultum was issued in 161 B.C., prescribing that no one should go beyond a certain extent of expenditure. (Gellius, ii. 24; compare xviii. 2.)

The games which were held at the Megalesia were scenic, but there is some indication that they were also *circenses* (Mommsen, *C. I. L.* i. 391). They were at first held on the Palatine in front of the temple of the goddess, but afterwards also in the theatres. (Cic. *de Harusp. Resp.* 11, &c.) The day which was especially set apart for the performance of scenic plays was the third of the festival. (Ovid. *Fast.* iv. 377; Ael. Spartian. *Antonin. Carac.* c. 6.) We know that four of the extant plays of Terence were performed at the Megalesia. Cicero (*de Harusp. Resp.* 12, 24), probably contrasting the games of the Megalesia with the more rude and barbarous games and exhibitions of the circus, calls them *maxime casti, solemnes, religiosi:* they were under the superintendence of the curule aediles (Liv. xxxiv. 54), till in B.C. 22 Augustus took the cura ludorum from the aediles and gave it to the praetor. The procession of galli, which began the festival (Ovid. *Fast.* iv. 179 ff.), bore the sacred image in a chariot through the city. The priests sang *Greek* hymns and collected coins from the people as they went (Cic. *de Leg.* ii. 16, 40): the passage in Lucret. ii. 618 ff. describes the procession.

Under the Empire there was a great increase in the ceremonial, which took a new character, more Eastern, and more elaborately symbolical. In its first observance it was a thanksgiving for the aid granted in the Second Punic War, and a time of feasting and theatrical shows for the patrician houses. In its later form Cybele represents the earth and fruitfulness, and it is recollected that the year of her entry was marked by great plenty (Plin. *N. H.* xviii. § 16). Attis represents the sun, and in this sun-myth it is observed by Macrobius (i. 21, 7) that the day of rejoicing (*Hilaria*) is that day when the sun begins to make the day longer than the night. The tendency to adopt the full Phrygian rites instead of the simpler rites first introduced may perhaps be beginning when Lucretius (*l. c.*) and Catullus take up the subject, and it appears from inscriptions that the Phrygian rites existed earlier in South Italy (see Preller, *Röm. Myth.* p. 736): but they were not fully celebrated under the Republic, and perhaps not before the time of Claudius. Preller notes that the first mention of the March ceremonies is in Lucan, i. 599 (cf. Suet. *Oth.* 8). The festival so developed began on March 15, which day stands in the Calendar as *canna intrat*, because there was then a procession of men and women bearing reeds, which were sacred to Attis. There is some allusion to Attis hiding himself among reeds, and being there discovered by Cybele. There were colleges of *Cannophori* or *Cannofori* in several places, the heads of which are called *pater* and *mater*. Inscriptions about them have been found at Locri, Ostia, Milan, &c. (*C. I. L.* x. 24; v. 5850). They have sometimes been confused with *καννηφόροι*. On March 22 was the day of *Arbor intrat*, when the sacred pine of Attis (Ovid. *Met.* x. 103) was borne to the temple of Cybele on the Palatine. The pine was hung with wool and with violet crowns (Arnob. v. 16). For this service there was a *collegium dendrophororum Matris Magnae* (*C. I. L.* vi. 641). March 24 was *Dies sanguinis*, on which, to commemorate the wounds of Attis, the *archigallus* cut his arm with a knife; it was a fast and a day of mourning (Mart. xi. 84; Arnob. *l. c.*): on March 25 was the day of rejoicing (*Hilaria*), a great festival (Lamprid. *Alex. Sev.* 37; Macrob. *l. c.*); and, finally, on March 27 a procession of priests bore the sacred image on a chariot down to the Almo (Mart. iii. 47; Sil. Ital. viii. 365), to wash it in the place where the Almo joins the Tiber near the Ostian road, half a mile from the walls (Burn's *Rome and Campagna*, p. 329). The image was the sacred black stone (Preller suggests a meteorite), to which a female head of silver was added. The ceremonies ended with a general carnival. The Ludi Megalenses of the original Megalesia, ludi scenici and ludi circenses, were as before for seven days, from April 4 to April 10. It should be noted that the bathing of the goddess was not an entirely new ceremony, since Ovid mentions it as belonging to her first entry, and we hear also of the image being bathed in the sea by order of the Sibylline books in the year B.C. 38 (Dio Cass. xlviii. 43); but this was an exceptional case, and there is no trace of the annual March ceremonies under the Republic. The ceremonies lasted till a late period in various places. Marquardt cites a passage from Gregory of Tours, who says that Simplicius (in the 5th century) saw the procession of the image at Autun, with the attendants singing and playing before it *pro salvatione agrorum ac vinearum.* (See further on this subject Preller, *Röm. Myth.* pp. 448 ff. and

735 ff., and Marquardt, *Staatsverwaltung*, pp. 367–374, where a mass of authorities from ancient writers and inscriptions is given in the notes.) [L. S.] [G. E. M.]

MELITENSIS VESTIS, a specially fine and soft material for dresses and the covering of couches made at Malta, a relic probably of the Phoenicians, who colonised it. Diodorus (v. 12, 2) says that the inhabitants were good in all industries, and particularly in manufacturing ὀθόνια λεπτότητι καὶ μαλακότητι διαπρεπῆ (cf. Hesych. *s. v.* Μελιταῖα). Isidore (*Orig.* xix. 22, 21) speaks of a *textrinum ad muliebrem vestem conficiendam*, and the same material is spoken of as a luxury in Cic. *Verr.* ii. 72, 176; 74, 183. This gives probability to the reading *Melitensia* in Lucret. iv. 1129. [G. E. M.]

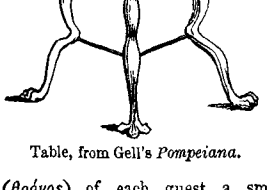
MELLEIREN (μελλείρην). [EIREN.]

MEMBRA'NA. [LIBER, p. 58.]

MENELAEIA (μενελάεια, Hesych. *s. v.*), a festival celebrated at Therapnae in Laconia, in honour of Menelaus and Helen, who were believed to be buried there. (Paus. iii. 19, 9; Isocr. *Helen. Encom.* § 61.)

Though, however, Menelaus was associated in this worship, and the festival connected with the place as stated above sometimes bears his name, it is a question whether the Ἑλένεια is not the name under which the great festival of Therapnae should be known. In divine honours Helen was certainly the prominent figure, regarded as a goddess of dawn; and, further, as the bestower of grace and beauty on children (Herod. vi. 61). We have no description of the separate rites for Menelaus; but there is mention of a procession of Spartan maidens to Therapnae in honour of Helen. They drove in the carriages with wicker tilts called κάνναθρα or κάναθρα (Hesych. *s. v.*). [CANATHRON.] See also Preller, *Griechische Myth.* ii. p. 109. [L. S.] [G. E. M.]

MENSA (τράπεζα), a table. The simplest kind of table was one with three legs, round, called *cilliba* (Festus, *s. v.*; Varro, *L. L.* v. 118: cf. Hor. *Sat.* i. 3, 13; Ovid. *Met.* viii. 662; Xen. *Anab.* vii. 3, § 10). It is shown in the drinking-scene painted on the wall of a wine-shop at Pompeii. (Gell's *Pompeiana*, 1832, vol. ii. p. 11.) (See woodcut.) It often had legs carved to represent the feet of animals (see woodcut in Vol. I. p. 395). In Homeric times, beside the seat (θρόνος) of each guest a small table was placed to receive his portion of food, which was cut up on the large dresser (ἔλεος). The table was probably then, as in later times when the same custom of small tables prevailed, lower than the seat, as is seen in the vase-painting below. (See also CENA, Vol. I. p. 394.) The term τράπεζα, though commonly used in Greek for a table of any kind, must, according to its etymology, have denoted originally a four-legged table. Accordingly, in paintings on vases, the tables are usually represented with four legs, of which an example is given in the cut below. (Millin, *Peintures de Vases Antiques*, vol. i. pl. 59.) Horace used at Rome a dining-table of white marble, thus combining neatness with economy (*Sat.* i. 6, 16). For the houses of the opulent, tables were made of the most valuable and beautiful kinds of wood, especially of maple (σφενδαμνίνη, Athen. ii. p. 47 d; *acerna*, Hor. *Sat.* ii. 8, 10; Mart. xiv. 90), or of the citrus of Africa, which was a species of cypress, the *Thuja articulata* of the Atlas range. (*Citrea*, Cic. *Verr.* iv. 17, 37; Mart. ii. 43, xiv. 89; Plin. *H. N.* xiii. §§ 91–99.) For this purpose the Romans made use of the roots and tubers of the tree, which, when cut, displayed the greatest variety of spots, beautiful waves, and curling veins. These were called *tigrinae* or *pantherinae*, according to the marks on them, or are compared to a peacock's tail (cf. *lectus pavoninus*, Mart. xiv. 85). The finest specimens of tables so adorned were sold for many thousand pounds. Pliny (*l. c.*) mentions such prices as a table bought by Cicero for 500,000 sesterces, by Asinius Pollio for a million (= about 8,500*l.*).



Table, from Gell's *Pompeiana*.

Table beside a dining-couch. (From an ancient vase.)

One of the principal improvements was the invention of the *monopodium*, a round table (*orbis*) supported by a single foot; this with other kinds of expensive and elaborate furniture was introduced into Rome from Asia Minor by Cn. Manlius after the war with Antiochus, B.C. 187 (Plin. *H. N.* xxxiv. § 14; cf. Liv. xxxix. 6). The value of these *orbes*, which were sections of the trunk of the tree, depended on their size. Pliny (xiii. § 93) mentions as remarkable the table of Ptolemy, king of Mauretania, 4½ feet in diameter, but of two joined pieces; that of Nomius, a freedman of Tiberius, 3 ft. 11¼ in.; and that of Tiberius, 4 ft. 2 in. in diameter. These *orbes* were often supported on ivory feet (Juv. xi. 122; Mart. ii. 43, ix. 22). Sometimes the citrus or maple was only a veneering (Plin. xxxiii. § 146). Tables were also made of metal, bronze, silver (Petron. 73) or gold (Mart. iii. 31; perhaps overlaid with plates of gold). From the fashion of round tables came that of arranging the lecti so as to form a continuous crescent-shaped couch called *sigma*, from the form *c* of that letter (*sigma* was the couch, *not* the table), also called *stibadium* and *accubitum* (Mart. x. 48; xiv. 87). (For further description of the arrangement of table and couches, see TRICLINIUM; for *mensae Delphicae*, see ABACUS.) The tables among the Greeks, and until later times among the Romans, were not covered by cloths, which only came into use about Domitian's time [MANTELE]. They were cleansed by wet sponges (Hom. *Od.* i.

111, xx. 151; cf. Mart. xiv. 144), for which purpose the Romans also used a thick cloth with a woolly nap (*gausape*, Hor. *Sat.* ii. 8, 11).

Among the Greeks the small tables described above were removed bodily with their course of dishes on them (Athen. ii. p. 60 b, v. p. 150 a), whence the phrase πρῶται, δεύτεραι τράπεζαι, which answer to the Latin *cena prima*, &c. As the board of the Greek table is sometimes called by a distinct name, ἐπίθημα (Athen. ii. p. 49 a; Pollux, x. 81), it appears that it was sometimes separate from the tripod or other stand (κιλλίβας) on which it was set. The Roman practice, however, was to bring in the courses (*fercula* or *missus*) on trays (*repositoria*), which were set down on the *mensa*. Such phrases as *mensas removere*, &c. (Verg. *Aen.* i. 216, &c.) mean the conclusion of the meal; and the phrase *mensae secundae* means not "second course," but dessert, which was regarded as a break in the entertainment, and came after the offering to the Lares, which was the Roman grace after meat. [See CENA, Vol. I. p. 396 *b*; LARARIUM.]

The name of τράπεζα or *mensa* was also given to a flat tombstone (Cic. *de Leg.* ii. 26, 66). Of *mensae sacrae* in the temples there were two sorts: (i.) a sort of subsidiary altar set before the image in the cella, to receive offerings of fruit, flowers, coins, &c., so that in inscriptions we find dedication of "ara et mensa" (*C. I. L.* x. 205); and (ii.) *mensae anclabres*, tables about the temple upon which vessels, &c., required in the sacred rites might be placed, like credence tables (Marquardt, *Staatsverw.* iii. 165). Like the former kind were the *mensae curiales*, for the offerings (to Juno Curitis especially) by the Flamen curialis in each curia. (For the mercantile sense, see ARGENTARII; and, for further description of *mensae* and τράπεζαι, Becker-Göll, *Charikles*, iii. p. 81; *Gallus*, ii. 350; Marquardt, *Privatleben*, p. 723; Mayor's notes on Juv. i. 137.) [J. Y.] [G. E. M.]

MENSA'RII. [ARGENTARII.]

MENSIS. [CALENDARIUM.]

MENSO'RES, measurers or surveyors. This name was applied to various classes of persons whose occupation was the measurement of things.

1. To land-surveyors who measured and defined the extent of fields, apparently the same as the *agrimensores* (Colum. v. 1, 2; Ov. *Met.* i. 136; AGRIMENSORES).

2. To military officers, who had a twofold duty, as measurers of the ground for a camp, and measurers of corn for the troops, unless indeed they were two distinct classes of officers. (i.) As measurers of the ground for the camp (Veget. *R. Mil.* ii. 7) they were usually called *metatores* (Cic. *Phil.* xi. 5, 12; xiv. 4, 10). [CASTRA, Vol. I. p. 372 *b*.] They were a kind of quartermaster-general, and thus provided quarters for the soldiers in the towns through which they passed, and where they made a temporary stay (Cod. Theod. 6, 34, 1; 7, 8, 4.) (ii.) In military inscriptions we find *mensor frumenti* (Orelli, *Inscr.* No. 3523), and sometimes simply *mensor* (Orelli, 3473; Henzen, 6820; Marquardt, *Röm. Staatsverw.* ii. p. 536; Walter, *Gesch. d. Röm. Rechts*, § 343).

3. *Mensores frumentarii* was the name of officers who had to measure the corn which was conveyed up the Tiber for the public granaries (Dig. 27, 1, 26; *mensores Portuenses*, Cod. Theod. 14, 4, 9; 14, 15, 1). They were stationed in the port of Ostia, and were employed under the *praefectus annonae*. Their title is mentioned in several ancient inscriptions (*Corpus mensorum frumentariorum Ostiensium*, Henzen, 7194; *mensores frumentarii Cereris Augustae*, Orelli, 4190).

4. *Mensores aedificiorum*, sometimes applied to architects, or more especially to such architects as conducted the erection of public buildings, the plans of which had been drawn up by other architects (Plin. *Ep.* x. 19 (28), 5; x. 20 (29), 3). [L. S.] [W. S.]

ME'NSTRUUM. [SERVUS.]

MENSU'RA (μέτρον). The simplest and probably most primitive measures are those derived from the various parts of the human body. Such was the view of the ancients themselves (cf. Heron Alexandr. *Tab.*, τὰ μέτρα ἐξεύρηνται ἐξ ἀνθρωπίνων μελῶν ἤγουν δακτύλου κονδύλου παλαιστοῦ σπιθαμῆς πήχεως βήματος ὀργυιᾶς καὶ λοιπῶν; Vitruv. iii. 1, 5, "mensurarum rationes... ex corporis membris collegerunt, uti digitum palmum pedem cubitum"). Among primitive and unmixed races, where all live under the same conditions, idiosyncrasies of stature are rare, and consequently the average sized foot will give a standard sufficiently accurate for all their purposes. When, however, peoples of different stocks come into contact, and different modes of life may cause differences in stature among the various classes of a single community, many variations of the foot or cubit will naturally be found.

The growth of the arts of civilisation will require greater accuracy in measurements of various kinds: accordingly the interrelations of various standards will be carefully ascertained by the use of some small natural object of uniform size, such as the barleycorn of the English system. Finally, with the advance of science, efforts will be made to get some more general units fixed with great accuracy, and probably to bring those into relation with the measures of capacity and standards of weight.

Measures of capacity are probably first obtained from natural products of a uniform size. The Hebrews and ancient Irish employed the hen's egg as their unit; at Zanzibar a small gourd is now employed as a general unit; and the Chinese use the joints of the bamboo in a similar fashion. The Roman cochlear (from *cochlea*, "a mussel"), their smallest measure of capacity, and possibly the κύαθος of the Greeks (which perhaps originally meant "a gourd"), indicate a like origin for standards of capacity. It is natural to expect many local variations in such measures, and it is only a strong centralised government which can introduce some universal standards, such as those established in this country by the Act of 1824. Of such regulation of standards in ancient times we have examples in the case of Pheidon of Argos, who, according to Herodotus, fixed the standard measures used by the Peloponnesians (τοῦ τὰ μέτρα ποιήσαντος Πελοποννησίοισι, vi. 127); in Solon, who fixed the standards of weights and measures at Athens (*Decret. ap.* Andocid. 11, 25, νόμοις χρῆσθαι τοῖς Σόλωνος καὶ μέτροις καὶ σταθμοῖς), and in Augustus at Rome. It is possible that at such a time an effort may be made to fix certain

relations between the standards of length, capacity, and weight.

The Tables at the end of the volume give a general view of the various systems of measures of the ancients, setting forth as accurately as possible their value, according to modern standards. The following pages give a more detailed account of the different systems. A large mass of valuable information has reached us from the ancient metrologists, whose fragments have been collected by Hultsch (*Metrologicorum Scriptorum reliquiae*, Leipzig, 1864–6). The tables named after Heron, an Alexandrine mathematician, are of especial value, although they are probably of various dates; whilst the excerpts from the ancient lexicographers, such as Pollux, afford much important information.

The German metrologists have assumed that the Greeks and Romans, who derived theirs from the Greeks, borrowed their standards from the East: one school, that of Brandis and Hultsch, deriving them from the Chaldaeans, whilst that of Lepsius derives not merely the Greek, but also the Chaldaean from Egypt, although both alike admit the ultimate origin to be the parts of the human body. It is therefore a question worth considering how far like conditions of development may not have produced the close general approximation between the various systems.

Whilst admitting that measures of length were based on the parts of the human body, the German metrologists have sought outside Greece for the standards there in use. One school—that of Brandis and Hultsch — consider the standards of measures and weights to have been invented by the Chaldaeans: the other school—that of Lepsius (*Längenmasse der Alten*)—makes the Greeks to have borrowed their systems from the Egyptians. The latter had two cubits, one based on the average length of the fore-arm of a full-grown man, from the point of the elbow to the tip of the middle finger. This was fixed at 0·450 metre. Beside it was another cubit, evidently of later construction, which was about one-sixth larger than the natural cubit. The fact that it varies so much from nature shows that it is later in point of time. It may be fixed at 0·525 metre. This cubit is found not only in Egypt and in Palestine, but also in the regions of the Euphrates and Persia, although in the latter cases somewhat raised, as it may be fixed at about 0·532 metre. In both Egypt and Mesopotamia it is called the *royal* cubit, as we learn in the one case from the inscriptions on the measuring-rods, which have survived; in the other from the testimony of Herodotus (i. 178). Whilst the natural cubit was used for the general purposes of life, according to Lepsius the *royal* cubit was exclusively used in building. It would seem, however, that our data are not yet sufficient to enable us to decide whether the Egyptians borrowed the royal cubit from the peoples of the Euphrates, or whether the latter borrowed it from the Egyptians. If the Egyptians came from Asia into the Nile Valley (as supposed by the best modern authorities), there is no reason why they should not have brought the *royal* ell with them from their early home. The Egyptian cubit was subdivided into six *palms*, each containing four *fingers*. But at Babylon the sexagesimal system influenced the subdivision of the cubit. The Chaldaeans made the cubit consist of six *hands*, each of which contained five *fingers*. The *royal* cubit thus contained *thirty fingers*, according to Lepsius. But there can be little doubt that Lepsius is wrong. Dörpfeld (*Mittheil.* 1883, p. 36) has shown from Herod. i. 178, vii. 117, that the μέτριος πῆχυς there mentioned is the common Greek cubit: but, as Herodotus says that the royal cubit is three fingers longer than the μέτριος (ὁ δὲ βασιλήϊος πῆχυς τοῦ μετρίου ἐστι πήχεος μείζων τρισὶ δακτύλοισι), the royal cubit therefore = 27 δάκτυλοι.

In Greece proper at least three different foot-standards were employed,—*Attic*, *Olympic*, and *Aeginetan*. Dörpfeld has shown from the measurements of the cella of the Parthenon, called the Ἑκατόμποδον, that the Attic foot was 295·7 mill. The measurement of the stadion at Olympia has proved the Olympic foot to be 320·5 mill. Tradition said that this was the size of Hercules' foot. (Aul. Gell. i. 1.) The mythical connexion of Hercules with Olympia may indicate Oriental influence. The Aeginetan foot, according to the temple measurements, = 333 mill. Other measures mentioned by the ancient writers are the Philetaerean foot (ποῦς Φιλεταίρειος), which was probably so called from Philetaerus, king of Pergamus, shown by Dörpfeld to = 330 mill.; the Samian cubit, which Herodotus (ii. 168) regarded as the same size as the Egyptian.

In Western Europe we find three foot-standards: the *Italian*, proved from the writings of the Gromatici (Surveyors) and from buildings to be about 275 mill.; the *Roman*, known to us from actual measures to be 296 mill.; and the *pes Drusianus*, used by the Surveyors in Gaul and Germany = 333 mill.

It will be seen that the Attic and Roman standards are practically identical; that so also the *pes Drusianus*, the ποῦς Φιλεταίρειος, the Aeginetan foot, and Ionian foot are almost identical; whilst the Italian foot is almost identical with the Phrygian foot of 277·5 mill.

Method. — It is of course of the greatest importance that in metrological investigations a strictly scientific method should be followed. From the nature of the case it is necessary that we should obtain by means of actual measures, if they still survive, at least one of the units of measure mentioned by the ancient writers. As the tables of Heron and other writings give the comparative values of various units and standards, it follows that if we can obtain with accuracy one such unit, we can deduce from it all the rest. Linear units are of course the most important, as from them we can deduce the itinerary and superficial measures, and the most important of these is the Roman foot.

The Roman Foot.—There are five different ways of determining the length of the Roman foot. These are: (1) from ancient measures still in existence, including feet laid down on sepulchral monuments, and foot-rules found in the ruins of various cities of the Roman empire; (2) from measurements of known distances along roads, both between milestones and between places; (3) from measurements of buildings and obelisks; (4) from contents of certain measures of capacity; and (5) from measurements of a degree on the earth's surface.

(1) It might appear at first thought that

ancient measures in actual existence would at once give the required information. But these measures are found to differ among themselves. They are of two kinds,—foot measures cut upon grave-stones, and brass or iron measures intended in all probability for actual use. From the nature of the case the latter would probably be more exact than the former, and in fact the measures on the gravestones are rudely cut, and their subdivisions are of unequal length, so that they have no pretensions to perfect accuracy, but on the other hand it would be absurd to suppose that they would have been made very far wrong. We may safely conclude that they would have about as much accuracy as a measure hastily cut on a stone by a mason from a foot-rule used by him in working. Three such measures are preserved in the Capitol at Rome, and one in the Capponi collection. They are called the Statilian, the Cossutian, the Aebutian, the Capponian feet. They have been repeatedly measured, but unfortunately the different measurements gave different results. Besides these, we have two models of feet cut on the rocks at Terracina. The bronze and iron foot-rules, of which several have been found at Pompeii, do not precisely agree in length. There was anciently a standard foot measure kept in the Capitol, called the *pes monetalis*, which was probably lost at the burning of the Capitol under Vitellius or Titus.

(2) The itinerary measurements are of two kinds, according as they are obtained by measuring the distance from one place to another, or the distance from one milestone to another on a Roman road. Both methods have the advantage of the diminution of error which always results from determining a lesser magnitude from a greater, but both are subject to uncertainties from turnings in the road, and from the improbability of the milestones being laid down with minute accuracy; and two other serious objections apply to the former mode, namely, the difficulty of determining the points where the measurement began and ended, and the changes which may have taken place in the direction of the road. Both methods have been tried: the former by Cassini, who measured the distance from Nîmes to Narbonne, and Riccioli and Grimaldi, who measured that between Modena and Bologna; and the latter by Cassini, between Aix and Arles.

(3) The measurement of buildings is rather a verification of the value of the foot as obtained from other sources than an independent evidence. (The method was first employed by Raper in his *Enquiry into the Measure of the Roman Foot*, Philosoph. Transact. 1760, who obtained a foot = 295·7 mill.) It is very seldom that we know the number of ancient feet contained in the building measured. We have one such example in the Parthenon, the *cella* of which was called the Hecatompodon, *the hundred-footed* (Plut. *Pericl.* 13; *Cato*, 5), but even in this case we could not have told exactly, till we knew something of the length of the Greek foot, to what part of the edifice this measurement applied. Furthermore, the measurement of the stadion at Olympia laid bare by the German excavations has enabled us to ascertain with accuracy the length of the Olympian foot; but in this case likewise, it would have been impossible to arrive at an accurate result had we not known already that this stadion was 600 feet long. Again, there are the obelisk in the Piazza del Popolo at Rome, and the Flaminian obelisk, the heights of which are given by Pliny (*H. N.* xxxvi. § 71). But the actual heights of these obelisks as compared with Pliny would give a value for the foot altogether different from that obtained from other sources. Indeed, the numbers in Pliny are undoubtedly corrupt, and as they stand it is only the difference of height between the two that can be of any service, and even this gives a result by no means satisfactory. An ingenious emendation from Stuart would remove the difficulty, but it is obvious that a passage which requires a conjectural emendation cannot be taken as an independent authority. There is another mode of deducing the value of the foot from buildings of the dimensions of which we have no information. The building is measured, and the lengths thus obtained are divided by the supposed value of the ancient foot (as derived from other evidence), and if a remainder be left the value of the foot is corrected so that there may be no remainder. It is assumed in this process that no fractions were allowed in the dimensions of the building, and also that the plans were worked out with minute exactness, both of which assumptions are not very probable. In fact these measurements have given different values for the foot. Thus some metrologists have found by this method that two separate foot standards were employed in the temple at Aegina, a supposition which can scarcely be credited. Modern architects do not allow that such calculations could be depended on in modern buildings for determining the true length of the measures by which they were planned. Nor are the dimensions of the parts of mediaeval buildings in our own country, as churches and cathedrals, found to agree exactly, so as to give whole numbers of the standard measure. On the other hand these measurements, like those on roads, have the advantage of involving in all probability very small errors, and of the diminution of the error by division. It must however be borne in mind that buildings, like temples, were liable to have their dimensions conditioned by the nature of the site, and also that those which remain to us have been built on the foundations of older and smaller ones.

The results of these various methods are as follows: (1) The Roman foot as obtained from the measures varies between 295·6 and 296 mill. (2) The foot obtained from itinerary measures is 295·85 mill.; and (3) that obtained from the measurements of buildings at Pompeii by Nissen is 296 mill.

From these results we cannot be far from the truth in setting the Roman foot at 296 mill., or a little less than the English foot (301 mill.).

(4) Some have attempted to deduce the length of the Roman foot from the solid content of the congius of Vespasian. Since the *congius* was $\frac{1}{8}$ *amphora*, and the content of the *amphora* was a cubic foot [QUADRANTAL], the process is to multiply the content of the congius by 8, and to extract the cube root of the product. But this method is very uncertain. Hultsch, for instance, will not allow that the measures of capacity were obtained from the linear unit, but rather

from a certain weight of water or wine. Further, there is a doubt about the actual content of the congius; and even granting that the congius had been adapted to the foot with tolerable accuracy, there is a risk of error in reversing the process.

(5) Some French geographers have supposed that the ancient astronomers were acquainted with the dimensions of a great circle of the earth, and that they founded their whole system of measures on the subdivisions of such a circle. But we have no evidence of any sort to show that the ancients were acquainted with any such method.

The Greek Foot.—We have no ancient foot-rules surviving, so therefore we fix the Greek (Attic) foot from the testimony of ancient writers that it was about the same as the Roman, confirming this by the measurements of buildings, such as the Parthenon, from which Dörpfeld has shown the foot to be 295·7 mill. The Olympian foot is derived similarly from the testimony of ancient writers comparing it with other feet, and from the actual measurement of the *stadium*.

Greek Measures of Length.—In Homer the following measures are mentioned: δῶρον (=the later παλαιστή), ποῦς (in compound ἑκατόμποδος), πυγών (in adjective πυγούσιος), ὄργυια, πλέθρον (in form πέλεθρον). The πυγὼν is a short cubit, being the distance from the point of the elbow to the knuckles (εἰ συγκάμψειας τοὺς δακτύλους, ἀπ' ἀγκῶνος ἐπ' αὐτοὺς πυγὼν τὸ μέτρον, εἰ δὲ συγκλείσειας, πυγμή). It is to be noted that the πῆχυς does not occur as the name of a measure in the poems. Homer makes mention also of a long measure, called simply μέτρον (ὥστ' ἀμφ' οὔροισι δυ' ἄνερε διῃριάσθον μέτρ' ἐν χερσὶν ἔχοντες, *Il.* xii. 422). It is impossible for us to say what was the length of this measuring-rod—whether it was the length of an ὄργυια, or of the ἄκαινα or κάλαμος of later date. Of course there are no data for fixing the length of the Homeric ποῦς, ὄργυια, and πέλεθρον.

Superficial Measure.—The unit of superficial measure in Homer is the γύης (found only in the compounds πεντηκοντόγυος and τετράγυος), which probably meant the space traversed by the plough in one day's work. It probably derived its name from the ancient form of the plough (called αὐτόγυον by Hesiod), and was thus somewhat analogous to the English *ploughgate*. The term was applied to the patches of ground in the common field (ἐπιξύνῳ ἐν ἀρούρῃ, *Il.* xii. 422), which were separated from each other by land-marks (οὖρα) made of stones (*Il.* xii. 421; xxi. 405), corresponding to Latin *limes*, "balk." In such common fields or early communities the *furrow* was always of a customary length, hence our fur-long (*furrow*-long), which doubtless depended on the distance which a yoke of oxen could drag, and a man could steer, the plough without a rest. The breadth of the γύης was the distance between the οὖρα, which bounded each side. The Scholiast sets it at about 10 fathoms = 60 feet. But we know from Homer (*Il.* x. 351; *Od.* viii. 124) that the distance between the οὖρα of mules—that is, the breadth of the patch ploughed by mules—was greater than that between those of oxen. Consequently the breadth (πλέθρον) varied. Now the old name for the στάδιον was αὖλος, and its double was called δίαυλος, from which it is probable that the stadion represented the furrow-long (αὖλος being an old form of αὖλαξ). The stadion being 600 feet, is therefore ten times the breadth of the γύης, a ratio found to exist in similar land systems elsewhere.

Measures of Capacity.—Homer has but the word μέτρον to express the unit of both *Dry* and *Liquid* measure. Telemachus (*Od.* ii. 355) takes 20 μέτρα of barley-meal as provision for his crew. Some have identified the μέτρον both in liquid and dry measure with the Hebrew *saton*, but it is more probable that in the μέτρον of barley-meal we have the μέδιμνος of later times. It is almost certain that the μέτρον used for liquids differed from that used for dry measure. The μέτρον of barley-meal is evidently a considerable amount, from the passage quoted above. But as the capacity of the various vessels offered as prizes by Achilles is given in μέτρα, it is not probable that the μέτρον by which their capacity is expressed is the same as that used for the barley-meal. On the other hand, it seems not improbable that the μέτρον used for wine was the same as the δέπας or cup of *Od.* ix. 208–10:

> τὸν δ' ὅτε πίνοιεν μελιηδέα οἶνον ἐρυθρόν,
> ἓν δέπας ἐμπλήσας, ὕδατος ἀνὰ εἴκοσι μέτρα
> χεῦε.

To suppose that the proportion was one cup of wine to twenty μέδιμνοι of water is absurd; whereas the proportion of one cup of wine to twenty cups of water is sufficiently marvellous to show the strength of the wine without falling into grotesque exaggeration. The word κοτύλη occurs occasionally in Homer (only in the Odyssey) in the sense of cup. It probably is the same as δέπας, and thus connects the Homeric δέπας with the κοτύλη of later times.

Greek and Roman Linear Measure. — The *finger-breadth* (δάκτυλος, *digitus*) was the smallest measure employed in both systems, and was regarded as the unit (μονάς). Later writers, *e.g.* Isidorus, mention the use of the *barleycorn* as the unit, 5 barleycorns making a *finger*, 7 making a *thumb* (*pollex*).

The κόνδυλος, the middle joint of the finger, = 2 fingers.

The παλαιστή (later παλαιστής, in strict Attic παλαστή), δῶρον (Homer and Hesiod), or δοχμή (according to some writers), *palmus*, handbreadth = 4 fingers. This measure was in very common use with both Greeks and Romans.

The διχάς = 2 hands = 8 fingers, usually called ἡμιπόδιον.

The λιχάς, the space between the thumb (ἀντίχειρ) and forefinger (λίχανος), = 10 fingers.

Ὀρθόδωρον, space from the base of the hand to the finger-tips, = 11 fingers.

Σπιθαμή, span = 3 handbreadths = 12 fingers = ½ cubit. This measure, much used by the Greeks, was not employed by the Romans, who used instead the *dodrans* = ¾ *pes*.

Ποῦς, *pes*, foot = 16 fingers. The Romans also used their national uncial system in dividing the *pes*, thus giving it 12 parts, which in later times passed into general use.

Πυγών (Homer, Herod. ii. 175, and some other isolated passages), the distance from the elbow

to the first joint of the fingers, = 20 fingers. The Romans employed as its equivalent the *palmipes* = *palmus* + *pes*.

Πῆχυς, *cubitus*, cubit or ell, distance from the point of elbow to the point of the middle finger, = 24 fingers. Roman writers employ *cubitus* when following Greek sources; the native Roman term is *sesquipes*.

Βῆμα, *gradus*, pace, = 2½ feet.

Passus, double pace or stride, = 5 feet. The later Greeks employed the ἄμπελος as its equivalent.

Ὄργυια (Heraclean Tables) = 4 feet (or, according to others, 5 feet).

Ὀργυιά, fathom, the space which a man can stretch with both arms, = 6 feet. The Romans had no corresponding term (although *tensum* is used in Low Latin), but occasionally used *ulna* to express it, although usually employing this term for the cubit.

Ἄκαινα (in late writers ἄκενα) = 10 feet. It probably means the goad used in driving the plough oxen, which was finally fixed at 10 feet and employed as the special *land measure*. To it corresponds the Roman *pertica*, or *decempeda* (ten-foot rod), the square of which formed the basis of all land measures. Hence the Roman *agrimensores* were sometimes called *decempedatores*.

Πλέθρον (πέλεθρον, Homer) probably was originally the breadth of the γύης or acre-strip, the space lying between the οὖρα or boundary stones, which form the longer sides of the patch. It = 100 feet; and its square became the regular limit of land measure with the Greeks of historical times. To it corresponds in size the *vorsus*, used by the Oscans and Umbrians, which properly means the "turning place" or headland (cf. *aî στροφαὶ* sc. *τῶν βοῶν*, Hesych.).

The Roman *actus*, = 120 feet, properly meant the "headland" (called *actus minimus*, 4 feet broad). It then came in later times to mean the distance which oxen can draw the plough at a single draught ("sulcum autem ducere longiorem quam pedum centum viginti contrarium pecori est, quoniam plus aequo fatigatur ubi hunc modum excessit," Colum. ii. 2, 27).

Itinerary Measures.—For the higher measures of length, although the continuity of the system was preserved by making them exact multiples of a foot, it is obvious that convenience would demand higher denominations, one of which would be regarded as a new unit. Nay, these higher measures may be viewed with respect to their origin, as in a certain sense independent of those smaller measures with which they were afterwards made to agree. For just as we have seen that the smaller measures of length are taken from natural objects, so we shall find that at an early period the larger measures were not derived artificially from the smaller, but from distances which occur in nature and in ordinary life. Thus Homer expresses distances by the cast of a stone (*Il.* iii. 12, *ὅσσον τ' ἐπὶ λᾶαν ἧησι*), and so even too in later times (Thuc. v. 65; Polybius, v. 6); of a quoit (*Il.* xxiii. 431, *ὅσσα τε δίσκου οὖρα... πέλονται*); of a spear (*Il.* xv. 358, *δουρὸς ἐρωή*); by the distance which a man can reach with a spear (*Il.* x. 357, *δουρηνεκές*); and by the still more indefinite expression, "as far as a man makes himself heard distinctly when he shouts" (*Od.* v. 400, vi. 294 *et alib.*, *ὅσσον τε γέγωνε βοήσας*); and again by standards derived from agriculture (*Il.* x. 352, *ὅσσον τ' ἐπὶ οὖρα πέλονται ἡμιόνων*), which from what we have seen above represents the breadth of the acre piece or γύης, the amount ploughed in one day: as mules are superior to oxen, the *breadth* ploughed in one day of a piece of ground of a fixed length would be greater than the *breadth* (πλέθρον) ploughed in the same time by a yoke oxen. (See Ridgeway's article in *Journal of Hellenic Studies*, 1885.) Of the longest distances time was made the measure, as in the case of the German *Stunden*: the journey of a day by an active traveller (*εὔζωνος ἀνήρ*), or of a day and a night, or on horseback, or with a merchant ship (*ναῦς στρογγυλή, ὁλκάς*), a method too frequently employed now as well as in ancient times to need illustration. (Comp. Ukert, *Geograp. d. Griech. u. Röm.* vol. i. pt. 2, pp. 54–5.) The system of measuring by *stations* or *posts* [MANSIO] should probably be referred to this head, as it is most likely that such distances would be fixed with reference to the powers of endurance of man and horse, before the trouble was taken actually to measure them out. Another plan was that which Herodotus several times adopts, and which is also familiar to all ages, the description of one distance by comparing it with another which is well known. It is true that in many cases the method is only general and indefinite, as when Herodotus describes the length of the Nile as equal to that of the Danube, but there are other cases in which the method was definite, and especially one case, in which it actually formed the foundation of the common system of itinerary measures in use among the Greeks. We refer of course to the *stadion*.

Στάδιον (σπάδιον, Doric), *stadium* = 600 feet. The Doric σπάδιον (from σπάω) indicates that it was the distance traversed in a single draught by the plough. It thus was probably the *length* of the γύης strip, just as the πλέθρον was its breadth. It always contained 100 *orgyiae* or 600 feet, no matter what the size of the foot might be. The Homeric γύης (*vide supra*) was in breadth 10 *orgyiae*: the stadion is thus ten times the breadth of the γύης. A similar proportion is found between the length (*furlong*) and breadth of English and Irish acre strips. The Germans regard the stadion as of Babylonian origin. Brandis (*Münz-, Mass-, und Gewichtswesen*, p. 20) holds that the Babylonians determined the length of an hour of equinoctial time by the water-clock: in one hour the sun traversed a portion of the sky thirty times his own diameter; therefore every two minutes a portion equal to his apparent diameter. With this they equated the distance which an active walker can traverse on the earth in the same time: the stadion therefore is the distance traversed by an active walker in two minutes. As the Greeks had provided themselves with all the other measures by purely empirical means, it is not likely that they went to the East to borrow the stadion, but derived it from their own system of agriculture, which was not borrowed from the East. The Romans only employed the *stadium* in later times, and that only for distances by sea, where they simply followed the Greeks. The στάδιον in historical times was the distance of the race-course, and was the regular unit of *road measure*,

and was in later times the unit used by the astronomers and geographers.

Δίαυλος (or διστάδιον), so named from αὖλος, the old name of the στάδιον, probably meant originally "double furrow," and then came to mean a course up and down the stadion.

Ἱππικόν, the course for the horse-race, = 4 stades, as they ran twice up and down the στάδιον.

Μίλιον, *miliarum*. The Romans measured all long distances by *milia passuum*, or shortly *milia*. Strabo is the first Greek to use the borrowed μίλιον, and that only when speaking of distances which he had derived from the chorography of Agrippa. *Miliarium* is only a late word, as the good writers use *lapis* or *lapis miliarius*.

Παρασάγγης, a Persian *road measure*, used by Greek authors writing about Asia Minor, as Herodotus and Xenophon. It contained 30 stades, or 4 Roman miles. Modern metrologists assign it an origin similar to that of the στάδιον given above, regarding it as the distance traversed by an active walker in an hour of equinoctial time. It may have been so adjusted in a later and scientific age, but it is more probable that it had its origin long before the beginnings of scientific metrology.

Land Measures.—We have seen that a distinct source of some of the greater measures of length (*e.g.* the πλέθρον and στάδιον) arose out of the measures of surface, which must of necessity be employed from a very early period in every civilized community for determining the boundaries of land. Herodotus (ii. 109) mentions a tradition which assigns the invention of geometry to such a necessity which arose in Egypt in the reign of Sesostris. This tradition is of course now only referred to as an illustration, not as an expression of an historical fact. As in the other cases, the origin of the system lies far back beyond the reach of history, and all that can be done is to trace with some probability its successive steps as indicated by the names of the measures and by the statements of ancient writers. Here too, as in the itinerary distance, the original unit of the system was probably not a specific number of feet, but some natural quantity which was afterwards brought into accordance with the standard of the smaller measures. Also it is to be observed that these measures are from the nature of the case measures of surface, although in practice often used (as the *stadium* and *plethrum*) as measures of length. The precise fact seems to be that the first natural measure of the sort was a strip of ground of considerable length and moderate breadth, being the amount which could be ploughed in one day's work by a yoke of oxen. (See Homeric γύης, *supra*.) This is borne out by what we know of the Roman system. The Roman settlers in Further Spain called the *actus quadratus* by the name *acnua*, an old Latin term; the same people gave the name *porca* to a strip of land = 180 × 30 feet. They had evidently brought this customary unit from Italy, which was 60 feet longer than the *actus* as finally fixed by the land-surveyors. Now we know that the *actus* was originally the headland, where the plough was turned, and along which the cattle were driven; this was called by Varro (*L. L.* v. 3, 10, § 22) *actus minimus*, being only 4 feet wide. It is not then unreasonable to suppose that the length of the original furrow, that is, of the patch ploughed in one day, was shortened until the furrow became equal to the breadth of the strip, that is, to the *headland* or *actus* of 120 feet. This patch, the square of the headland, became the basis of the Roman land measure. The Gallic *arepennis* (French *arpent*), which according to Columella corresponded in size to the Roman *actus*, certainly meant originally the *headland*. We may not unreasonably assume a similar development for the Greek unit of 100 feet square, the *plethrum*, and also for the Oscan *versus;* namely, that it arose from a land unit of larger extent and oblong in shape, the breadth of which may have been originally about 60 feet, corresponding to the measure called *clima* (half of an *actus*) mentioned by Columella, and the breadth of the Homeric γύης.

The unit employed by the Greeks was the square of the πλέθρον, which = 10,000 square feet. The Italians used similarly the square of the *versus*, which was of like size.

The γύης (or γύη) was the unit employed in Homer (*supra*).

On the Heraclean Tables (found at Heraclea in Lucania) the γύης probably represents a piece of land 100 feet broad and 5000 feet long; that is, 50 *plethra*.

The σχοῖνος is another Heraclean measure = 120 feet square, corresponding to the *actus*. Each σχοῖνος was divided into 30 ὀρέγματα of 4 feet each.

Μέδιμνος: in two parts of Hellas we find a system which was common in many parts of the ancient and mediaeval world. The μέδιμνος at Cyrene and in Sicily means as much land as can be sown by a *medimnus* of seed. In Sicily this was equal to the Roman *jugerum* (Cic. *Verr.* ii. 3, 112).

The Roman system of the *agrimensores* represents a later stage of development. The square foot (*pes constratus* or *quadratus*) was the unit of the system ("modus omnis areae pedali mensura comprehenditur," Colum. v. 1). The system is partly decimal, partly duodecimal.

The *scripulum* = 1 *decempeda quadrata* (square rod) = 100 sq. feet.

The *clima* = 36 sq. rods.

The *actus quadratus* = 144 sq. rods.

The *jugerum* = 288 sq. rods, being an oblong piece of ground, consisting of two *actus*. It means the amount ploughed by a yoke of oxen in one day ("jugerum vocabatur quod uno jugo boum in uno die exarari posset," Plin. xviii. 9).

The *heredium* = 2 *jugera*. So called (according to Varro) from two *jugera* being the birthright of every Roman citizen.

The *centuria* = 200 *jugera* generally, but varied, at times containing 50, 210, 240, or 400 *jugera*. From its name it is not improbable that it originally contained 100 *jugera* ("centuria primo a centum jugeribus dicta est, post duplicata retinuit nomen," Varro, *R. R.* v. 34).

The *saltus* = 800 *jugera*.

The term *jugum* was used in Spain to denote a day's work of a yoke of oxen (Varro, *R. R.* i. 10).

Acnua was the Latin name for the Roman *actus quadratus* (Varro, *R. R.* i. 10), likewise used by the farmers of the province of Baetica in Spain (Colum. v. 1, 5).

Porca was the name given in Baetica to a piece of ground 180 × 30 feet.

Arepennis was a Gaulish unit of land measure, corresponding in size, according to Columella (v. 1), to the Roman *actus quadratus*. Hence French *arpent*.

The Romans likewise applied the system of the as to land measure; regarding the *jugerum* as the as or unit, they carried out its subdivision on the rigid duodecimal system (*vide* Tables at the end of the volume).

Measures of Capacity.—The most important products of ancient agriculture are, on the one hand, wine and oil, on the other various kinds of corn. Hence naturally arose two kinds of measures, *liquid* and *dry*. The smaller units are common to both systems (*vide* Tables).

Liquid and Dry. — The *κύαθος*, *cyathus* (according to some connected with *κύλιξ*, and possibly originally meaning a kind of gourd), was the unit in common use. It contained about 4 centilitres = 0·08 English pint. A smaller measure = ¼ *cyathus*, called *ligula* (spoon) or *cochlear* (mussel-shell), was sometimes employed.

Ὀξύβαφον, *acetabulum*, vinegar bottle, = 1½ *cyathi*.

Quartarius, so called from being ¼ *sextarius*, = 3 *cyathi*, has no Greek equivalent.

Κοτύλη, at Athens, was a kind of bowl, called *τρύβλιον* in other parts of Greece, and the same as the Sicilian *ἡμίνα* (the *half mina* = *ἡμιμναῖον*), which, borrowed by the Romans, = ½ *sextarius* = 6 *cyathi*.

Ξέστης, *sextarius* = 12 *cyathi*. *Ξέστης* is a loan word from the Roman *sextarius*, so named as the ⅙ of *congius*.

So far the measures are common to both systems, but they now diverge as follows:—

Liquid.—*Χοῦς*, *congius* (derived from *κόγχη*) = 12 *κοτύλαι*. Its half, the *ἡμίχους* (plur. *ἡμίχοα*), also is found: *ἡμιάμφορον* (or *ἡμικάδιον*), *urna*.

Ἀμφορεύς, *amphora* (*ἀμφιφορεύς*, Homer), the large wine jar with handles on both sides, as it was used for the storing of wine, was used as the chief unit of liquid measure. It was also called *κάδος*, *cadus*. The Roman *amphora* = 8 *congii* = 48 *sextarii* = 576 *cyathi*.

Μετρητής is commonly used as equivalent of *ἀμφορεύς*, but strictly was larger.

Culleus, tun, = 20 *amphorae*.

Dry.—The Greek (distinctively) *dry* measure starts from the *κοτύλη*, the Roman from the *sextarius*.

Χοῖνιξ (mentioned in Homer, *Od.* xix. 28), a day's allowance for a man at Athens, = 4 *κοτύλαι*.

Ἡμίεκτον, *semodius*, the half of the following, = 4 *χοίνικες*.

Ἕκτεύς, or *μόδιος*, *modius*. The first name is the Old Attic, but the second is already used by Deinarchus. The former indicates that it is ⅙ of the chief unit, the *medimnus*.

Μέδιμνος at Athens = 8 *modii*. The Romans did not employ this measure, but only *modius* or its compounds, such as *trimodium*.

Ptolemaic.—To above we may add certain measures in use in Egypt under Ptolemaic and Roman rule, for which see also Tables.

Ξύλον = 3 royal cubits = 72 fingers.

Σχοῖνος, an itinerary measure, usually counted equal to the Persian Parasang (= 30 stades), but actually containing 32 stades of the common Greek standard. It was probably also in use among the Hebrews.

Ὄμμα = 10 fathoms = 60 feet. Its square was used as a land measure.

Σχοινίον was another name (probably the Greek one) of the (Egyptian) *ἄμμα just described.*

Σωκάριον, with the addition of *δεκαόργυιον*, was another name applied to the square *ἄμμα*, being a name derived from the amount of seed required to sow that amount of land.

Ἄρουρα was a piece of ground 100 cubits square, and which formed the regular Egyptian land unit from early times. (Herod. ii. 168, *ἡ δὲ ἄρουρα ἑκατὸν πηχέων ἐστὶ Αἰγυπτίων πάντη*).

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ME'NUSIS (*μήνυσις*). [ECCLESIA, Vol. I., p. 702 *a*.]

MERCENA'RII (*μισθωτοί*, *μισθοφόροι*, more commonly *ξένοι* or *τὸ ξενικόν*), mercenary troops. At an early period there was no such thing as a standing army, or mercenary force, in the Greek republics. The former would have excited jealousy, lest it should oppress the people, as the chosen band did at Argos (Pausan. ii. 20, § 2; Thuc. v. 81); and for the latter there was rarely any occasion. The citizens of every state formed a national militia for the defence of their country, and were bound to serve for a certain period at their own expense, the higher classes usually serving in the cavalry or heavy-armed infantry, the lower classes as light-armed troops. Foreigners were rarely employed; the Carians, Cretans, and Arcadians, who served as mercenaries (Herod. i. 171; Pausan. iv. 8, § 3; 10, § 1; 19, § 4; Wachsmuth, *Hell. Alterth.* vol. i. pt. i. p. 30; Schömann, *Ant. jur. pub. Gr.* p. 159), are an exception to the general rule. In the Persian war we find a small number of Arcadians offering to serve under Xerxes (Herod. viii. 26); and they seemed to have used themselves to such employment down to a much latter period, much as the somewhat similarly situated people of Switzerland did in the 16th century. (Xenoph. *Hellen.* vii. 1, § 23; Schömann, *op. cit.* p. 409.) The practice of maintaining a standing force was introduced by the tyrants, who kept guards and soldiers in their pay (*δορυφόροι*, *μισθοφόροι*) to prevent insurrections of the people, and preserve their influence abroad. As it was unsafe to trust arms in the hands of their own subjects, they usually employed foreigners. (Thuc. vi. 55; Diod. xi. 67, 72; Ar. *Pol.* iii. 14, 7.) It will be sufficient on this topic to refer to Jason of Pherae and his successors, and the Sicilian tyrants of Gela and Syracuse, as instances. From their history the dangers of the system as

well as its use can be traced out (see Grote, *Hist. of Greece*, x. 613 ff.; xi. 286 ff.; xii. 540 ff.). Hence, and because citizen soldiers used to fight without pay, ξένοι came to signify *mercenaries*. (Harpoc. *s. v.* Ξενιτευομένους.) We must distinguish, however, between those who fought as auxiliaries, whether for pay or otherwise, under commission from their own country, and those who did not. The former were ἐπίκουροι, not ξένοι. (Herod. i. 64, iii. 45, v. 63; Thucyd. i. 60, 115, iii. 34, iv. 80.) The terms ξένοι and ξενικὸν implied that the troops were independent of, or severed from, their own country.

The first Grecian people who commenced the employment of mercenaries on a large scale were the Athenians. While the tribute which they received from the allies placed a considerable revenue at their disposal, the wars which their ambition led them into compelled them to maintain a large force, naval and military, which their own population was unable to supply. Hence they swelled their armies with foreigners. Thucydides makes the Corinthian ambassador at Sparta say, ὠνητῇ ἡ Ἀθηναίων δύναμις (i. 121). They perceived also the advantage of employing men of different nations in that service for which from habit they were best qualified; as, for instance, Cretan archers and slingers, Thracian peltastae. (Thuc. vi. 25, vii. 27; Aristoph. *Acharn.* 159.) At the same time the practice of paying the citizens was introduced; a measure of Pericles, which was indeed both just and unavoidable (for no man was bound by law, or could be expected, to maintain himself *for a long campaign*); but which tended to efface the distinction between the native soldier and the foreigner. Other Greek nations soon imitated the Athenians (Thuc. iv. 76), and the appetite for pay was greatly promoted by the distribution of Persian money among the belligerents. (Thuc. viii. 5, 29, 45; Xenoph. *Hellen.* i. 5, § 3.) At the close of the Peloponnesian war, large numbers of men who had been accustomed to live by war were thrown out of employment; many were in exile or discontented with the state of things at home (Isocr. *Archid.* § 68); all such persons were eager to engage in a foreign service. Hence there arose in Greece a body of men who made arms their profession, and cared little on which side they fought, provided there were a suitable prospect of gaining distinction or emolument. Conon engaged mercenaries with Persian money. Agesilaus encouraged the practice, and the Spartans allowed the members of their confederacy to furnish money instead of men for the same purpose. (Xenoph. *Hell.* iii. 4, § 15; iv. 3, § 15; v. 2, § 21.) The Greeks who followed Cyrus in his expedition against Artaxerxes, were mercenaries. (Xenoph. *Anab.* i. 3, § 21.) So were the famous peltastae of Chabrias and Iphicrates (Harpocr. *s. v.* Ξενικὸν ἐν Κορίνθῳ: Aristoph. *Plut.* 173.) The Phocians, under Philomelus, Onomarchus, and Phayllus, carried on the sacred war by the aid of mercenaries, paid out of the treasures of the Delphian temple. (Diod. xvi. 30, &c.) But higher pay and richer plunder were in general to be found in Asia, where the disturbed state of the empire created continued occasions for the services of Greek auxiliaries, whose superior discipline and courage were felt and acknowledged by the Barbarians. Even the Spartans sent their king Agesilaus into Egypt, for the sake of obtaining Persian gold. Afterwards we find a large body of Greeks serving under Darius against Alexander. It is proper here to notice the evil consequences that resulted from this employment of mercenaries, especially to Athens, which employed them more than any other Greek state. It might be expected that the facility of hiring trained soldiers, whose experience gave them great advantages, would lead to the disuse of military service by the citizens. Such was the case. The Athenian citizens stayed at home and became enervated and corrupted by the love of ease and pleasure; while the conduct of wars, carried on for their benefit, was entrusted to men over whom they had little control. Even the general, though commonly an Athenian, was compelled frequently to comply with the humours, or follow the example of his troops. To conciliate them, or to pay them their arrears, he might be driven to commit acts of plunder and outrage upon the friends and allies of Athens, which thus found enemies where she least expected. It was not unusual for the generals to engage in enterprises foreign to the purposes for which they were sent out, and unconnected with the interests of their country, whose resources they wasted, while they sought their own advantage, like the *condottieri* of the 14th and 15th centuries. The expeditions of Chabrias and Iphicrates to Egypt are examples of this. But the most signal example is the conduct of the adventurer Charidemus. Upon all these matters we may refer the reader more particularly to Demosthenes, whose comments upon the disastrous policy pursued by his countrymen were no less just than they were wise and statesmanlike. (Demosth. *Philip.* i. p. 46, § 27; *c. Aristocr.* pp. 666, §§ 163–166; περὶ τοῦ στεφ. τῆς τριηρ. p. 1232, &c.; Isocr. *Paneg.* § 195, *ad Philipp.* § 112; Grote, *Hist. of Greece*, vol. xi. pp. 390 ff.)

Among the Romans before the Empire the non-Roman part of the army was composed of auxiliary troops from states allied or subject, which cannot strictly be called mercenaries. (See however EXERCITUS, Vol. I. p. 785.) To this it is true there is some exception in the employment, even in the Punic and Jugurthine wars, of mercenary light troops, as archers and slingers, from Africa, Crete, Syria, &c. (Liv. xxii. 37, xxiv. 20; Appian, *Hisp.* 89, &c.) But this was very different from such a case as that of Carthage, who was conspicuously and unfortunately prominent as the example of a state depending for her protection on mercenary troops. As the Roman empire grew, the fact that legions were levied in various countries out of Italy did not make them mercenaries in the proper sense: but the system of donatives, especially to the praetorian guards, gradually gave to Roman troops the character and the danger of a mercenary force. Moreover, whereas the armies at first consisted of Roman citizens, and the conquered provinces supplied tribute for their support, when the provincials received the civitas it followed that the poor became soldiers and the rich supplied money. This tendency was strengthened by the law that those who paid the land tax should not bear arms (on which point Gibbon iii. 65 seems to be in error),

and accordingly under Constantine we find the army recruited by slaves and barbarians, and in great measure of a mercenary character. In the wars of Justinian we find a twofold army: (1) levied by conscription of citizens in various provinces, and of barbarians who were allowed to occupy certain lands on condition of military service; and (2) another kind, and that too the best and strongest portion, provided by princes dwelling on the borders of the empire, such as the Heruli and Gepidae, who received subsidies and provided troops under their own leaders. Instances of wholesale desertion by such alien contingents (which may remind us of the Swiss mercenaries of the age of Charles V.) occur even under so great a general as Belisarius. It would be out of place here to pursue the question into greater detail: reference may be made to Finlay, *Hist. of Greece*, i. 144, 204, ii. 27, &c. [C. R. K.] [G. E. M.]

MERENDA. [CENA, Vol. I. p. 395 *a*.]

MERGA. [AGRICULTURA, Vol. I. p. 64.]

MERIDIA'NI. [GLADIATORES.]

METAE. [CIRCUS, Vol. I. p. 435 *a*.]

METAGEI'TNIA (*μεταγείτνια*,), a festival celebrated by the Attic demos Melite, in honour of Apollo Metageitnios. The chief solemnities consisted in offering sacrifices, and the festival was believed to commemorate the emigration (*γειτνίασις πρὸς ἑτέρους*) of the inhabitants of Melite to Diomis. (Plut. *de Exil.* § 6; comp. Suidas and Harpocrat. *s. v.* Μεταγειτνιών.) But it seems not improbable that the institution of this festival is connected with the extension of the worship of Apollo so as to embrace all classes, under the influence of Epimenides (cf. Curtius, *Hist. of Greece*, i. 323). The idea of migration in the worship of Apollo is indicated in the story of Ion, and from that idea may come the title Metageitnios given to Apollo and thence to the Attic month. [L. S.] [G. E. M.]

METALLUM (*μέταλλον*). The Greek word bears only the meaning of *mine*; the Latin means either a mine or its product, mineral or metal.

I. *Metals in Antiquity.* — Of the precious metals—gold, silver, electrum, and copper—we have spoken under AURUM, ARGENTUM, ELECTRUM, and AES. It remains to speak briefly of the commoner metals.

(*α*) Iron (*ferrum*, *σίδηρος*). Although iron ore is common in all countries, yet the difficulty of smelting and manufacturing iron is so great that it is one of the latest of metals to come into use in the course of history. Of this fact the Greeks were aware, and the knowledge moulded the traditions recorded in Hesiod's *Works and Days*, in which the heroic age is represented as an age of bronze: *τοῖς δ' ἦν χάλκεα μὲν τεύχεα, χάλκεοι δέ τε οἶκοι, χαλκῷ δ' εἰργάζοντο, μέλας δ' οὐκ ἔσκε σίδηρος* (l. 150). The transition from this age of bronze to an age when iron was commonly employed was very gradual, and took place in various countries at different times. In Greece it was in progress in the Homeric age. In the *Iliad* swords are often made of iron (xviii. 34, *μὴ λαιμὸν ἀποτμήξειε σιδήρῳ*), but it is specially in use for ploughshares and other agricultural implements (*Il.* xxiii. 826): the axle too of Hera's chariot is of iron (*Il.* v. 722). But defensive armour, as well as the heads of axes and points of spears and arrows, were in the Homeric age still made of bronze; and the epithet *πολύκμητος* which is applied to iron shows that it was still worked with difficulty. Many writers have supposed that the word *κύανος* in Homer stands for steel; but it has been proved by Lepsius that this is incorrect, and that it really means either lapis-lazuli or an artificial imitation of that mineral, and the view of Lepsius has been confirmed by the discovery of a frieze of alabaster and glass (*θριγκὸς κυάνοιο*) in one of the rooms of the very early palace at Tiryns (Schliemann, *Tiryns*, p. 287).

From this time the use of iron gradually spreads. In one passage of the *Odyssey* (ix. 391) knowledge is shown of the process of hardening iron by repeated plunging when hot in water [LACUS]; in Hesiod's *Shield of Herakles*, that hero is represented as arming himself with a helmet of steel, *κυνέῃ ἀδάμαντος*. In the age of Croesus, Glaucus of Chios is said to have discovered how to solder iron (*σιδήρου κόλλησις*). After that, iron was used in Greece not only for arms and utensils, but also for works of art. But we must beware of supposing that the use was at this time universal. Herodotus says that the Massagetae in his time used no iron, and that the Aethiopians in the army of Xerxes used arrows with points of stone, and lances with points of horn. The general use of iron passed slowly westward and northward, and took several centuries to reach the Gauls, Britons, and Germans, as is proved by the long-continued prevalence of bronze as a material for weapons in cemeteries, such as that of Hallstadt.

The nature of the process by which an iron age succeeded in various countries an age of bronze is well discussed by Mr. John Evans in the Introduction to his work on *Ancient Bronze Implements*.

Herodotus and Pausanias give us a clear record of this process as regards Greece. In the time of Croesus, during a war with Tegea the Spartans found bones supposed to belong to Orestes under a smithy used for the manufacture of iron weapons (Hdt. i. 67). Commenting on this story, Pausanias (iii. 3, 6) remarks that the arms of the heroic age preserved in Greek temples, such as the spear of Achilles and the sword of Memnon, were of bronze, but that by the time of Croesus iron was generally used for weapons.

We are told by Pliny (*H. N.* xiv. § 139) that when Porsena had conquered the Romans, he forbade them to use iron except for agricultural purposes; which would indicate that they were already accustomed to use arms of iron. In their earlier encounters with the Gauls the Romans are said to have had the advantage of using swords of a superior quality to those of their enemies, which bent at every stroke, and had to be straightened by the foot. Mr. Evans, however, considers that these inferior weapons were made, not of bronze, but of soft iron. The Cimbri who invaded Italy in the time of Marius had, according to Plutarch, not only swords and javelins, but even breastplates of iron. In Caesar's time the Gauls were expert in working iron, and even made chains of it for their ships (*B. G.* iii. 13).

In Greece the cities of Chalcis and Lacedaemon were celebrated for their iron goods. The sword-blades of Chalcis were praised in Aeschy-

lus (Plut. *de Def. Orac.*, 43): weapons and agricultural implements of steel were largely made at Lacedaemon (Steph. Byzant. *s. v.*). Not unfrequently iron was used as a material for works of art: Alcon made an iron statue of Herakles, and iron vessels were dedicated in the temple of Mars Ultor at Rome (Plin. *H. N.* xxxiv. § 141). But as a rule the Greeks did not excel in the working of iron, but imported goods in this metal from nations at a lower level of civilisation. Most noted were the Chalybes of Pontus, known to Aeschylus (*Prom. V.* 714) as *σιδηροτέκτονες Χάλυβες*: Xenophon (*Anab.* v. 5, 1) says they lived entirely by iron-work. The manufacture of arms and armour was carried to a high point of perfection by the people of Cyprus, who furnished Alexander the Great with a sword, and Demetrius Poliorcetes with a cuirass of wonderful power of resistance. In the time of Pliny (*H. N.* xxxiv. § 145) the best iron came from China, the second best from Parthia. Iron was found in large quantities in the island of Elba (Aethalia), and thence exported to the neighbouring Populonia, where it was worked. Toletum in Spain was celebrated even in Roman times for sword-blades, and the toreutic art was applied to iron at Cibyra.

We are told that a currency of iron was in use at Sparta in antiquity, and this story has become more credible since the discovery of iron coins of Argos and other Peloponnesian cities. The people of Byzantium also used iron coins (Pollux, ix. 78).

The extreme variation from place to place in the value of metals may be shown from the statement of the author of the *Periplus R. M.* (p. 59), that on the Arabian shore of the Red Sea gold passed as equivalent to three times its weight of copper, half its weight in iron, and one-tenth its weight in silver.

(*β*) Lead (*Plumbum nigrum; μόλυβδος*). An account of the sources and uses of lead in antiquity will be found in Pliny (*H. N.* xxxiv. §§ 156 ff.). Its easiness to work and its imperishable nature made it useful for certain purposes, as for coffins and pipes. Its great value in medicine as a cooling remedy was also fully recognised. But it was scarcely used for purposes of art.

(*γ*) Tin (*Plumbum album*). Few metals were in antiquity more widely used or more indispensable than tin. The implements and arms of the bronze age, the chief means of living during many centuries, contain almost invariably a proportion of tin. Tin (*κασσίτερος*) was in the Homeric age largely used for the decoration of arms. Yet tin is a rare metal, and not found in the Levant. Herodotus (iii. 115) gives as its source islands of the Western Sea, the Cassiterides, generally identified with the Scilly Isles, where tin is abundant. Diodorus derives the metal from the British coast. But Pliny (xxxiv. § 156) rejects these accounts as fabulous, and says that it came from Gallaecia and Lusitania in Spain. The likeness of the Greek word *κασσίτερος* to the Sanskrit *kastîra* has induced some moderns to think that the chief source of tin was the coast of India. In any case it is probable that the purveying of it to the peoples of South Europe was an employment of the Phoenicians, and one of the chief sources of their wealth.

(*δ*) Stannum. Pliny (xxxiv. § 159) says that when mixed ores of silver and lead are melted together, the first liquid product is stannum, the second silver. Stannum was used for plating bronze vessels, for mirrors, horse-trappings and other purposes.

(*ε*) Quicksilver (*argentum vivum; ὑδράργυρος, ἄργυρος χυτός*). The use of quicksilver in gold mining was known to the ancients (Pliny, *H. N.* xxxiii. § 99). It was commonly produced artificially out of cinnabar (Dioscor. *de M. M.* v. 110).

(*ζ*) Zinc. The metal zinc does not seem to be mentioned by ancient writers, the word *σποδός* (Diosc. *de M. M.* v. 85) meaning only oxide of zinc. But in the analysis of Roman coins zinc is found in considerable proportions. It is present in some of the pieces of *aes grave* found at Vicarello; and in the large coins of yellow brass, sestertii and dupondii, issued by Augustus and his successors, the proportion of zinc to copper is sometimes more than 1 to 3 (Mommsen, *Röm. Münzwesen*, p. 763).

(*η*) Nickel. This metal was used for coins by some of the Greek kings in India in the 3rd century B.C. (*Numismatic Chronicle*, 1868, p. 305)

The passages in ancient writers bearing on the subject of metals and minerals are collected and translated into German by Lenz in his *Mineralog d. alten Griechen und Römer*, 1861. [P. G.]

II. *Working of Mines in Antiquity.*—The subject of the working of mines in ancient times is obscure and difficult. It is only with reference to the silver and lead mines of Laurion in Attica, and the gold and silver mines in Spain, that we have any considerable data. Boeckh in his *Dissertation on the Silver Mines of Laurion* (printed as an appendix in the English translation of his *Public Economy*) discusses fully all that is known about the former. Xenephon, *de Vectigalibus*, 4, 2 (a chief source of information on the subject), says that the mines had been worked from time immemorial. The mines were worked by means of shafts and adits, and by the removal of whole masses, so that supports alone (*μεσοκρινεῖς*) were left standing. The processes of fusion carried on in furnaces on the spot seem on the whole to have been of the same imperfect kind as those carried on in other ancient mines. This is proved by the fact that at the present time a very handsome revenue is obtained by a French company from the working of the *scoriae* of the mines of Laurion by modern processes. The ores were smelted by means of charcoal (*ἄνθρακες*), the chief supply of which came from Acharnae. The state was sole proprietor of the mines; but they were never worked directly by the state, nor did the state ever let them for a term of years, like other landed property. Portions of them were sold or demised to individuals, with the reservation of a perpetual rent, and these leases were transferred from one person to another by inheritance, sale, and every kind of legal conveyance. The sale of the mines (that is, of the right of working them) was managed by the Poletae (POLETAE); this right was purchased at an appointed price, in addition to which the possessor paid the twenty-fourth part of the net produce as a perpetual tax. The purchase-money was paid direct to the state; the metal-rents were, in all probability, let to a farmer-general. The income derived from the

mines of course depended on a variety of circumstances, and consequently the revenue fluctuated. In the time of Socrates it was less than at the time when Themistocles persuaded the Athenians to build a fleet with the proceeds of the mines instead of dividing them. Boeckh estimates the annual revenue at that time as 33⅓ talents. Citizens and isoteleis could alone possess mines. The number of owners was considerable. The common price of a share in a mine was a talent, or a little more. The labour was performed by slaves either belonging to the mine-owners or hired: great capitalists, such as Nicias, who owned 1000, bought slaves and let them out to the mine-owners at a drachm *per diem*. There was a special mining law (*μεταλλικὸς νόμος*) and a peculiar course of legal procedure in cases relating to mines (*δίκαι μεταλλικαί*), which in the time of Demosthenes were annexed to the monthly suits. [EMMENOI DIKAI.]

Herodotus (vi. 46) tells us that the gold mines of Scapte Hyle brought the Thasians an annual income of 80 talents, and the mines on Thasos itself a sum not so great.

Diodorus Siculus (v. 36), Strabo (iii. p. 146 ff.), and Pliny (*H. N.* xxxiii.) are our chief sources of information for the working of mines in Roman times. Diodorus (v. 36) describes the elaborate system of shafts and galleries in the mines in Spain, the methods of draining them by cross drains and the use of the pump invented by Archimedes, and the miseries of the workmen, who were slaves and criminals (*metallum* was one of the regular penalties for lesser offences). Much gold was obtained in Lusitania and Gallicia by washing the river-sands in wicker baskets or cradles, just as placer gold is worked in modern times. Strabo (iii. p. 146) describes the process of refining the gold found in nuggets (*πάλαι, βοῦλοι*). The nuggets were first refined by means of an astringent clay containing vitrol (*στυπτηριώδης γῆ*): the metal thus obtained was called *electrum*, a mixture of silver and gold. This was again subjected to a refining process, the silver was burnt away (*ἀποκαίεσθαι*) and the gold remained. On account of its soft nature gold was melted by means of a fire of chaff (*ἄχυρος*), the heat of coal (*ἄνθραξ*) being considered too strong and wasteful. Gold dust was obtained by washing in pits dug in the beds of the streams (*ἐν δὲ ῥείθροις σύρεται καὶ πλύνεται ἐν σκάφαις, ἢ ὀρύττεται φρέαρ, ἡ δὲ ἀνενεχθεῖσα γῆ πλύνεται*). They built tall furnaces for smelting the silver, that the fumes, which were considered baleful, might be carried high into the air.

Pliny (*H. N.* xxxiii. § 66) describes three methods of gold mining, and the elaborate method by which water for the washings was brought in a series of pipes or troughs along the precipitous sides of the mountains in Gallicia. By this method of washing some authors said that 20,000 lbs. of gold were obtained annually in Asturia and Gallicia.

Under the Roman Empire, the mines and quarries of all kinds, whether in the imperial or senatorial provinces, were worked for the emperor, and formed part of the revenue for the Fiscus, and also for the emperor's private purse, although under the Republic mines of all kinds belonged to private persons. Sometimes even under the Empire private persons owned saltworks and quarries. Thus Herodes Atticus worked the quarries of Pentelic marble. Quarries in some cases belonged not to the Fiscus, but to the emperor's private purse (*patrimonium*).

There was no central organisation for working the mines, but each mine or mining district was worked separately under an overseer (*procurator*, e.g. *procurator aurariorum*), probably himself a slave; sometimes the emperor let out the mines to a company of *publicani*. The revenue was managed by departments, consisting of a *commentariensis*, a *dispensator*, a *tabularius*, and an *arcarius*. Officers such as a *tribunus militum*, a *centurion*, or *decurion*, were detailed to superintend the carrying on of the operations. Under the Empire the workmen were slaves, free labourers, soldiers, or criminals. In the latter case there was a military station always near the mines. (Marquardt, *Staatsverwaltung*, ii. 252 *seqq.*) [VECTIGALIA.] [W. RI.]

METATO'RES. [CASTRA, Vol. I. p. 372.]

METOECUS (*μέτοικος*), a resident foreigner, a permanent settler in an alien state. Resident aliens were common in nearly all Greek cities, especially centres of commerce, the sole known exceptions being Sparta, whose *ξενηλασίαι* were notorious (Thuc. i. 144, ii. 39; Xen. *Resp. Lac.* xiv. 4), and possibly Apollonia (Ael. *Var. Hist.* xiii. 16). A list of thirty-one towns which are known to have harboured *μέτοικοι* is given by Schenkl (*Wiener Studien*, 1880, ii. p. 163 f.), the authorities being chiefly inscriptional. The name appears with the variants *πάροικοι, πεδάοικοι* (Argos, *C. I. G.* 14, 19), and *ἔνοικοι*.

The μέτοικοι at Athens. 1. *Institution of the class.*—Mention of resident foreigners at Athens is made by Plutarch, *Solon* 24 (*γενέσθαι πολίταις οὐ δίδωσι [Σόλων] πλὴν τοῖς . . . πανεστίοις Ἀθήναζε μετοικιζομένοις ἐπὶ τέχνῃ*). Yet this can hardly be taken to imply that all craftsmen who migrated to Athens in Solon's time received citizen rights, nor do we find in the fragments of Solon's laws any mention of a class intermediate between the *πολῖται* and *ξένοι*, between whom a sharp line appears to have been drawn. It seems more probable that Cleisthenes first created the *ordo*. A very possible interpretation of the well-known passage Arist. *Pol.* iii. p. 1275 (*πολλοὺς γὰρ ἐφυλέτευσε [Κλεισθένης] ξένους καὶ δούλους μετοίκους*) is to take *μετοίκους* in a non-technical sense, either with both substantives or with the latter only (see however DEMUS, Vol. I. p. 616 *b*). Now the most ancient inscription in which the word occurs as the designation of an *ordo* is in *C. I. A.* i. 2, the date of which is not much after Cleisthenes. A large admission to citizenship, such as Cleisthenes had carried, would necessitate the definite regulation of what constituted non-citizenship, in the case of those who did not now become enfranchised, and of new arrivals at Athens. Hence the "order" *μέτοικοι*, intermediate between the fully enfranchised *πολῖται* and the non-enfranchised *ξένοι*.

2. *Numbers.*—Thuc. ii. 13, after mentioning 13,000 as the full hoplite citizen force, gives 16,000 as the number of those who manned the battlements, consisting of *πρεσβύτατοι καὶ νεώτατοι καὶ μέτοικοι*. In ii. 31 he distinctly tells us that the full metoec hoplite force amounted to 3,000. Thus the whole number of *πολῖται* liable to military service between the ages of 18

and 60 (taking the πρεσβύτατοι as from 50 to 60, and the νεώτατοι as from 18 to 20) was, at that time, 13,000+(16,000−3000), *i.e.* 26,000. This would give, taking 1:4½ as the proportion of grown males to the rest of the citizen body, nearly 120,000. It would be rash to infer from this the number of the μέτοικοι as a whole, for we do not know that the hoplite status was the same for μέτοικοι as for πολῖται: and as they, as a rule, only manned the walls, they must have been less exposed to loss. The number of μέτοικοι is obscured by the fact that special draftings of μέτοικοι into the ranks of πολῖται are known to have taken place, when the numbers of πολῖται had been thinned by a serious disaster. Such cases are related by Diodorus Siculus, xiii. 97 (later years of Peloponnesian war), and the pseudo-Plutarchian author of the life of Hyperides, p. 9 (after Chaeronea, B.C. 338, at which 1000 πολῖται fell). There is distinct testimony that in the time of Demetrius of Phalerum there were 21,000 πολῖται, 10,000 μέτοικοι, and 400,000 δοῦλοι in Attica (Athen. *Deipn.* vi. 272 b). Some regard these numbers in the case of πολῖται and μέτοικοι as referring only to able-bodied men. The μέτοικοι consisted of Lydians, Phrygians, Syrians, and other barbarians (Xen. *Vect.* ii. 3), Syracusans, *e.g.* Lysias the speech-writer, Corinthians, *e.g.* Deinarchus, the orator.

3. *Position.*—Any stranger not a slave who remained more than a certain time at Athens was compelled to register himself as μέτοικος. During the days of grace he was termed παρεπίδημος (μέτοικός ἐστιν, ὁπόταν τις ἀπὸ ξένης ἐλθὼν ἐνοικῇ τῇ πόλει, τέλος τελῶν εἰς ἀποτεταγμένας τινὰς χρείας τῆς πόλεως· ἕως μὲν οὖν ποσῶν ἡμερῶν παρεπίδημος καλεῖται καὶ ἀτελής ἐστιν, ἐὰν δὲ ὑπερβῇ τὸν ὡρισμένον χρόνον, μέτοικος ἤδη γίνεται καὶ ὑποτελής. Aristoph. Byz. *in Herodian. Epimer.* ed. Boisson. p. 287). The civic disabilities of μέτοικοι were almost proverbial. Xenophon speaks of the Corinthians after their fusion with Argos as ἐν τῇ πόλει μετοίκων ἔλαττον δυνάμενοι (*Hell.* iv. 4, 6). Demosthenes (*Callip.* p. 1243, § 29) expresses the same idea by the phrase μέτοικος καὶ οὐδὲν δυνάμενος.

Aristotle (*Pol.* iii. p. 1275 a) defines the μέτοικος as ὁ τῶν τιμῶν μὴ μετέχων. These τιμαὶ were (*a*) ἀρχαί, *i.e.* the right of serving as magistrate and dicast, and of voting in elections. (*b*) ἐπιγαμία, marriage with πολῖται. (*c*) γῆς καὶ οἰκίας ἔγκτησις, acquisition of land or house property. (*d*) ἱερωσύνη, right of performing public sacrifice.

Each μέτοικος was obliged to enrol himself (ἀπογράφεσθαι, ἐπιγράφεσθαι) under a patron (προστάτης). This custom was no doubt originally due to the fact that in the eye of Greek law and religion the stranger was of the same status as a woman or a minor. Thus the προστάτης was at once a security for the good behaviour of the μέτοικος, and his representative to the δῆμος. (See Aristoph. *Pax*, 683; Harpocrat. *s. v.* προστάτης; Suidas, *s. v.* νέμειν προστάτην.) A μέτοικος who failed to register himself under a προστάτης incurred ἀπροστασίου δίκη: one who deserted his προστάτης incurred ἀποστασίου δίκη (Bekk. *Anecd.* p. 435; Dem. *Lacr.* p. 940, § 61, 48). The character of the μέτοικος might be inferred from that of his προστάτης (Isocr. *de Pace*, § 53). Yet it seems that a μέτοικος could plead a case in person. The speech of Demosthenes against Eubulides is spoken by a man presumed to be a μέτοικος, and no mention is made of a προστάτης in Lysias v. and xxiii., both of which speeches are made on behalf of μέτοικοι.

His civic disabilities left the μέτοικος free to engage in pursuits for which the ordinary citizen had little leisure. He was devoted to trade and could undertake long journeys on business. Hence μέτοικοι were distinctly valuable to the state and were encouraged to settle there. (See Aristoph. *Lys.* 579; Isocr. *de Pace*, § 21; [Lys.] *Andoc.* § 49; Xen. *Vect.* iv. 40; Grote, *Greece*, Part II. ch. xi. p. 336, large ed.) Their close connexion with the πολῖται is compared by Aristophanes to the relation of bran to flour, while ξένοι are but the chaff, which is winnowed away (*Ach.* 508). Their wealth often made them an object of envy and oppression, especially in matters of taxation (Dem. *Androt.* p. 609, § 66; *Timocr.* 166). A special instance of this is seen in their treatment under the Thirty (Xen. *Hell.* ii. 3, 30; *Lys.* xii. § 6).

Each μέτοικος paid an annual tax (μετοίκιον) of twelve drachmae, widows paying six drachmae, mothers whose sons paid already being exempt (Harpocr. *s. v.* μετοίκιον). This tax, like all others at Athens, was farmed out ([Dem.] *Aristog.* i. p. 787, § 68; Harpocr. *s. v.* πωληταί).

4. *Duties.*—Of the public λειτουργίαι the χορηγία alone is certainly known to have been open to μέτοικοι. (See Dem. *Lept.* pp. 462, § 18, 476, § 70; Lys. xii. § 20; *C. I. A.* ii. 86.) Μέτοικοι were liable to εἰσφοραί, which they paid on a rating of one-sixth of their property, a rating high in comparison to the πολῖται (Dem. *Androt.* p. 612, § 75). For this purpose they were formed into μετοικικαὶ συμμορίαι (Hyperid. *ap.* Poll. viii. 144; see also Boeckh, *Staatshaus.* ed. 3, vol. i. p. 624 ff.). With regard to military service, Pericles (Thuc. ii. 13) appears to speak of the μέτοικοι as only manning the walls. Yet they seem to have taken part in some distant expeditions, both as hoplites and oarsmen, *e.g.* to Megara (Thuc. ii. 31), coasts of Peloponnesus (id. iii. 16), Boeotia (id. iv. 90). See also Thuc. i. 143, Dem. *Phil.* A. 36, from which it would seem that the employment of the μέτοικοι was usually regarded as a last resource. They were not allowed to serve as ἱππεῖς in any case (Xen. *Vect.* ii. 5; Hipparch. ix. 6).

The difference between μέτοικοι and πολῖται is naturally most marked in religious matters. Yet, as being an integral part of the state, they had a claim to some share in the state's religion. They took part in the Panathenaea, ἵνα ὡς εὖνοι ἀριθμῶνται μετέχοντες τῶν θυσιῶν, the men (σκαφηφόροι) carrying skiff-shaped bowls, the matrons (ὑδριαφόροι) pitchers, the maidens (σκιαδηφόροι) parasols (Hesych. *s. v.* σκάφαι: Ael. *Var. Hist.* vi. 1; Poll. iii. 55; Harpocr. *s. v.* μετοίκιον; Bekker, *Anecd.* pp. 214, 242). Others, however, think that the males alone took part in this σκαφηφορία, and that the σκιαδηφορία, ὑδριαφορία, and διφροφορία were quite distinct ceremonies.

5. *Special privileges.*—Individual μέτοικοι, as a reward for distinguished state services, might receive by vote of the ἐκκλησία special privi-

leges, such as προξενία (Dem. *Lept.* p. 475, § 68; *C. I. A.* ii. 91), ἀτέλεια (*C. I. A.* ii. 27, 42, 91; Dem. *ll. citt.*), ἔγκτησις γῆς καὶ οἰκίας (*C. I. A.* ii. 41, 70, 186, 380), πρόσοδος πρὸς τὴν βουλὴν καὶ τὸν δῆμον (*C. I. A.* ii. 41, 91). A special class of μέτοικοι were termed ἰσοτελεῖς. These had no προστάτης, paid no μετοίκιον, enjoyed (this is disputed) ἔγκτησις γῆς καὶ οἰκίας, and were, as far as payment of taxes and service as hoplites were concerned, on an equality with πολῖται. They were excluded from office, ἐκκλησία, and δικαστήριον (Poll. iii. 56; Harpocr. *s. v.* ἰσοτελεῖς: *C. I. A.* ii. 54, 176).

Actions at law in which μέτοικοι were concerned, either as plaintiff or defendant, were heard before the ἄρχων πολέμαρχος δίκαι δὲ πρὸς αὐτὸν λαγχάνονται μετοίκων ἰσοτελῶν προξένων (Poll. viii. 91). While liable διδόναι δίκην in all cases to which πολῖται were subject, they were only able λαμβάνειν δίκην in actions arising out of matters in which μέτοικοι were specially concerned. Thus a μέτοικος could indict a πολίτης for non-fulfilment of contract, but not for ἀσέβεια. See Aristotle in Harpocr. *s. v.* πολέμαρχος: Dem. *Lacr.* 48; Isocr. *Trapez.* (where Pasion the banker institutes a δίκη βλάβης before the polemarch against a nameless μέτοικος); Lys. xxiii. 2, 3. [A. H. C.]

ME'TOPA (μετόπη) is the name given to the interval between the *triglyphi* in the frieze of the Doric order [TRIGLYPHI], and also, according to Vitruvius (iv. 2, 4), to the interval between the denticuli in the Ionic order. The word is derived from μετὰ and ὄπη, but it is doubtful whether we should interpret it with Vitruvius as "space between holes" (*i.e.* between the sockets made in the architrave to hold the beams ending in triglyphs) or with most modern authorities as "hole between" triglyphs (Zwischenöffnung).

It is probable that the metopes were originally open, as we hear of the possibility of passing between the triglyphs (Eur. *Iph. T.* 113 c); but this may be only a story invented to suit the name. No trace of such an arrangement survives, the space being invariably filled with plain or sculptured slabs. It is probable that the use of painting, first in a plain colour, red to contrast with the blue triglyphs, and afterwards with figures, preceded the sculptural ornamentation, and survived in conjunction with it.

Metopes are of particular importance from the use of sculpture to ornament them; for of this sculpture numerous examples have survived, illustrating the various periods of Greek art. From Selinus in Sicily there survive (in the Museum at Palermo) sets of metopes from three temples, belonging to the beginning of the sixth and the beginning of the fifth century B.C. respectively. The earlier are most important examples of uncouth but powerful archaic art; the later have white marble insertions for the nude parts of female figures. From Athens we have metopes of the finest period, those of the Theseum and the Parthenon. The Parthenon had sculptures in all its metopes; the Theseum only upon the east front and the four eastern metopes of the north and south sides. At Olympia, the great temple of Zeus, which is of a somewhat earlier period, has all its external metopes plain, the sculpture being confined to the Doric frieze above the second row of columns upon the east and west fronts. For examples, see the woodcuts under COLUMNA.

As in the case of all architectural sculpture, the subjects and treatment are alike prescribed by the conditions of the surroundings. A series of square spaces with massive architectural frames require high and massive relief, and are especially adapted for scenes of violent action; hence we find most commonly various contests or battles, those of the Gods and Giants or the Lapithi and Centaurs, or the labours of Heracles or Theseus. Such subjects also must be chosen as may readily be represented in a connected series of small and concentrated groups; thus while the whole set of metopes should have a similarity or unity of subject, each ought also to be complete in itself. This principle is, however, violated in one or two instances: *e.g.* The fight of Heracles and Geryon is spread over two metopes on the Theseum. A contemporary description of the metopes of the temple at Delphi may be found in Euripides, *Ion*, 184 *sqq.* (Vitruv. iv. 2, 4; Benndorff, *Die Metopen von Selinunt*; Feuger, *Dorische Polychromie*, p. 41; Overbeck, *Gesch. d. gr. Plastik*, pp. 283–4, &c.) [E. A. G.]

METRE'TES (μετρητής), or AMPHORA METRETES (ἀμφορεὺς μετρητής, *the standard amphora*; it appears also as ἀμφορεύς, the shorter form of the old Homeric ἀμφιφορεύς, and as κάδος [Herod. i. 51, iii. 20]), was the principal Greek liquid measure. It contained 12 *choes*, 72 *xestae* (*sextarii*), 144 *cotylae*, 576 ὀξύβαφα, and 864 *cyathi*. It was 3-4ths of the *medimnus*, the chief dry measure. The Attic metretes was half as large again as the Roman *amphora quadrantal*, and contained 39·39 *litres* = 69·33 pints, or slightly over 8½ gallons = a water-weight of 1½ talents. (See Tables.) The Aeginetan metretes contained 54·56 *lit.* or a little over 12 gallons, about the same content as the Persian *artabe* (Herod. i. 192).

The Macedonian metretes is estimated by Hultsch (p. 563) as equal to the Attic. (Hultsch, *Metrologie*; MENSURA; PONDERA.) [P. S.] [G. E. M.]

METRO'NOMI (μετρονόμοι) were officers in the Athenian police appointed by lot, whose special duty was to see that proper weights and measures were used in the market and to proceed against those who used false measure (cf. Aristoph. *Thesm.* 348, εἴ τις τοῦ χοὸς ἢ τῶν κοτυλῶν τὸ νόμισμα διαλυμαίνεται). It is probable that they also had charge of the standard weights and measures, which were kept in the shrine (ἡρῷον) of the hero Stephanephoros (whom some take to be Theseus), just as those at Rome were kept in the temple of Juno Moneta (Boeckh, *Staatshaush.* ii.[3] p. 324 f.), and hence we may conjecture that the metronomi also supervised the coinage. They had as subordinates in the market *Prometretae* (Boeckh, i. p. 62). As to their number, there is a conflict between Harpocr., Suid., Phot. and *Lex. Seg.* s.v., as the texts now stand, but Fränkel in his note on Boeckh (vol. ii. p. 14*) gives plausible reasons for taking as the true reading a total number of ten; five for the city and five for Peiraeus. According to this view, one was chosen by lot from each tribe. (Schömann,

Antiq. of Greece, pp. 416, 420; Boeckh, *op. cit.*) [L. S.] [G. E. M.]

METRO'ON (*μητρῷον*). [ARCHEION.]

METROPOLIS. [COLONIA, Vol. I. p. 474 *b*.]

MICA'RE DI'GITIS, a favourite game in ancient Italy, as the precisely similar *morra* is among Italians of the present day. Though not so common in Greece, it was known to the Greeks, and Aristotle seems to speak of it as *ἡ ἐπάλλαξις τῶν δακτύλων* (*de Insomn.* 2). The game was played by two persons, who simultaneously held up their right hands, of which some fingers, or all or none, were extended. At the same moment each calls out a number which he guesses to be the sum of the fingers extended by himself and his opponent. If he is right, he wins; or, according to one form of the game now played, he opens one finger of the left hand for each correct guess, and the winner is he who first guesses right five times and so opens all the fingers of the left hand. We get a fairly clear description in Nonnus, xxxiii. 77:

> *λαχνὸς ἔην μεθέπων ἑτερότροπα δάκτυλα χειρῶν·*
> *καὶ τὰ μὲν ὀρθώσαντες ἀνέσχεθον ἄλλα δὲ καρπῷ*
> *χειρὸς ἐπεσφήκωτο συνήορα σύζυγι δεσμῷ.*

It was sometimes the custom to play holding each one end of a staff with the left hand, as a security against that hand being used dishonestly, or in the excitement of the game. (See woodcut below.) The modern Italians often play with the left hand behind the back for the same reason.

Game of Morra, from a vase-painting. (Baumeister, *Denkmäler*, 997.)

The cut shows two women playing the game as described, and Victory hovering above them. As a proverbial expression for honesty, they spoke of a man with whom it would be safe to play morra in the dark (*quicum in tenebris mices*, Cic. *de Off.* iii. 19, 77; cf. Petron. 44). It was used also instead of casting lots for a chance decision. So in Calpurnius, *Ecl.* ii. 20, it is decided which singer shall begin by three turns of morra. Probably in such a case the *nearest* guess won, since it was possible that no correct guess might be made. Similarly in Cic. *de Off.* iii. 23, 90, we find *micando* joined with *sorte* (cp. also Cic. *de Div.* ii. 41, 85); and Suetonius (*Aug.* 13) mentions to the discredit of Octavianus, that after the battle of Philippi he made a father and son decide in this way which should be spared. Modern Italians use it to decide which shall pay the wine-bill. It was even used by tradesmen to decide a bargain; a practice which was condemned by an edict of the praefectus urbi, A.D. 372, "consuetudine micandi summota sub exagio [*i.e.* by scales] potius pecora vendere quam digitis concludentibus tradere" (*C. I. L.* vi. 1770). It is clear that this form of barter was not merely the habit which modern Italians have of holding up so many fingers when they bargain for anything, and was at best gambling, at worst sheer dishonesty. (See also Varro, *ap.* Non. 347, 30; Marquardt, *Privatleben*, 836; Becker-Göll, *Gallus*, ii. 479; *Charikles*, iii. 377.) [G. E. M.]

MILLIA'RE, MILLIA'RIUM, or MILLE PASSUUM (in Greek writers *μίλιον*), the Roman mile, consisted of 1000 paces (*passus*) of 5 ft. each, and was therefore = 5000 *ft.* Taking (with Hultsch) the Roman foot at ·2957 *met.* = ·3234 yards, the Roman mile would be 1617 English yards, or 143 yards less than the English statute mile. This = ·1996 German geographical mile. [MENSURA.] The Roman mile contained 8 Attic stadia. The most common term for the mile is *mille passuum*, or only the initials M. P.; sometimes the word *passuum* is omitted (Cic. *ad Att.* iii. 4; Sallust, *Jug.* c. 114): less frequently *mille passus*.

The mile-stones along the Roman roads were called *milliaria*. They were also called *lapides*; thus we have *ad tertium lapidem* (or without the word *lapidem*) for 3 miles from Rome, for Rome is to be understood as the starting-point when no other place is mentioned. Sometimes we have in full *ab Urbe*, or *a Roma*. (Plin. *H. N.* xxxiii. § 159; Varro, *R. R.* iii. 2.) The laying down of the mile-stones along the Roman roads is commonly ascribed to C. Gracchus, on the authority of a passage in Plutarch (*Gracch.* 6, 7). It is true that this only proves that Gracchus erected mile-stones on the roads which he made or repaired, without necessarily implying that the system had never been used before, and there are passages in the historians where mile-stones are spoken of as if they had existed much earlier; but such passages are not decisive; they may be anachronisms, in which *lapis* simply expresses the distance. (Liv. v. 4; Flor. ii. 6; comp. Justin. xxii. 6, § 9.) The passage of Polybius (iii. 39), which states that, in his time, that part of the high road from Spain to Italy, which lay in Gaul, was provided with mile-stones, is probably an interpolation.

The system was brought to perfection by Augustus, probably in connexion with that measurement of the roads of the Empire which was set on foot by Julius Caesar, and the results of which are recorded in the so-called *Antonine Itinerary* (of the 4th century A.D., according to Teuffel, *Rom. Lit.* § 406). Augustus set up a marble pillar with a gilt tablet in the forum, close to the flight of steps which lead up to the temple of Saturn, to mark the central point from which the great roads diverged to the several gates of Rome (Dio Cass. liv. 8; Plut. *Galb.* 24). It was called the *Milliarium Aureum*; and its position is defined as being *in capite Romani Fori* (Plin. *H. N.* iii. § 66), *sub aedem Saturni* (Tac. *Hist.* i. 97; Suet. *Otho*, 6). Some remains still exist, close to the Arch of Septimius Severus, consisting of a round brickwork

pedestal, which is by many assumed to have been the base of the Milliarium Aureum: a cylindrical piece of marble, found near it, may have been part of the mile-stone. (Burn, *Rome and Campagna*, p. 124.) Professor Middleton, however (*Rome*, p. 167), takes these remains (a cylinder of concrete faced with brick and lined with slabs of marble) to be work of the third century A.D., and believes them to be the base of the *Umbilicus Romae*, a gilt column marking the centre of Rome, which is mentioned in the *Notitia* and also in the anonymous author of the Einsiedeln Itinerary. This stands at the north end of the supposed Graecostasis, and Professor Middleton places the Milliarium Aureum at the opposite end. Mr. Burn and others make the Milliarium and the Umbilicus different names for the same thing, but against that is the evidence of the *Notitia*, which mentions both. It seems that the marble pillar was covered, on each of its faces, with tablets of gilt bronze. These tablets recorded the numbers of miles covered by the various trunk roads from Rome and the names of the chief stations. The stone is called *Umbilicus Romae* in the anonymous Einsiedeln Itinerary.

It must be observed that the miles on the Roman roads were measured, not from the Milliarium Aureum in the forum (which was set up long *after* the regular mile-stones were placed), but from the gates of the city. (Burn, *op. cit.* p. 49.)

The *Milliarium Aureum* at Byzantium, erected by Constantine in imitation of that of Augustus, was a large building in the forum Augusteum, near the Church of S. Sophia. (See Buchholz, in the *Zeitschrift für Alterthumswissenschaft*, 1845, No. 100, &c.)

London also had its *Milliarium Aureum*, a fragment of which still remains; namely, the celebrated London Stone, which may be seen affixed to the wall of St. Swithin's Church in Cannon Street.

From this example it may be inferred that the chief city of each province of the Empire had its *Milliarium Aureum*.

The ordinary *milliaria* along the roads were short marble columns inscribed with some or all of the following points of information:—(1) the distance, which was expressed by a number, with or without M. P. prefixed; (2) the places between which the road extended; (3) the name of the constructor of the road, and of the emperor to whose honour the work was dedicated. Several of these inscriptions remain, and are collected in the following works:—Gruter, *C. I.* pp. cli. &c.; Muratori, *Thes.* vol. i. pp. 447, &c.; Orelli, *Inscr. Lat. Sel.* Nos. 1067, 3330, 4877; and especially Bergier, *Hist. des grands Chemins des Rom.* vol. ii. pp. 757, &c., Bruxelles, 1728, 4to. An example may be seen in the first mile-stone of the Appian road, which has been placed in the Piazza of the Capitol, having been found one Roman mile from the Porta Capena.

On some of these mile-stones, which have been found in Gaul, the distances are marked, not only in Roman miles, but also in Gallic *leugae*, a measure of 1500 *passus*. [P. S.] [G. E. M.]

MIMUS (*μῖμος*) properly signifies an imitation or imitator of a situation or person. **1.** GREEK. In Greek literature the word *mime* is associated with the name of Sophron of Syracuse (fifth century B.C.) and his son Xenarchus (Suid. *s. v. ῥηγίνους*). What we know about Sophron is mainly derived from Suidas (*s. v. Σώφρων*) and the other lexicographers, the Scholiasts on Nicander and Theocritus, and Athenaeus (see Gaisford's Suidas). We are told that he wrote *μίμους ἀνδρείους* and *μίμους γυναικείους* in the Doric dialect, that they were in prose and imitated by Plato, who used to keep a copy of Sophron under his pillow. The names of some of the mimes are *ἄγγελος*, *θυννοθήρας*, *γέροντες ἁλιεῖς*, and *ἀκεστρίαι*, *νυμφοπόνος*, *πενθερα*, *Ἰσθμιάζουσαι*. The Second Idyll of Theocritus is borrowed from the *Ἀκεστρίαι* ("The Women Quacks"), and the Fifteenth from the *Ἰσθμιάζουσαι*. Mahaffy (*Hist. of Greek Literature*, § 240) supposes that Sophron's compositions were, like the so-called poems of Walt Whitman, written in a rhythmical prose (*οὗτος γὰρ μόνος*, says an old Scholiast, *τῶν ποιητῶν ῥυθμοῖς τισι καὶ κώλοις ἐχρήσατο ποιητικῆς ἀναλογίας καταφρονήσας*), and were clever delineations of ordinary character, full of patois, wise saws and outspokenness. He further considers that they may have been performed in private society, like the marriage of Dionysius and Ariadne at the end of Xenophon's *Symposium*. Besides Plato, Persius was also said to have imitated Sophron (Lyd. *de Magistr.* i. 41). Botzon has collected the fragments of Sophron in a Programm, 1867. For further, see Fuhr, *De Mimis Graecorum*, 1860.

2. ROMAN. The Roman *mimus* (a term applied to the piece as well as to the actor) was, like the Atellan farce, an improvised character play of ordinary life, but without the stock character-masks and buskins; and it was more concerned with the humorous side of the low life of the town than of the country. It was indigenous in Latium, and developed out of the dances in character to the flute which were performed in the pit of the theatre during the intervals between the acts, and sometimes in private circles to amuse the guests during dinner (Mommsen, *Rom. Hist.* iv. 579). Later it assumed a certain amount of stage wisdom and wise saws from the works of the Greek New Comedy, which are known chiefly from the great number of Sententiae in Iambic verse of Publilius Syrus. (See the list of over 500 certain instances in Ribbeck, *Com. Lat. Reliquiae*, 261 ff.) But the chief function of the mime was to raise a laugh, and so the language was that of the lower orders, coarse and vulgar. *Mimi* and *mimae* first appear about the time of Sulla (Auct. *ad Herenn.* i. 14, 24, ii. 13, 19; Plin. *H. N.* vii. § 158; Plut. *Sulla*, 2, 36), and in Cicero's time the mime was often given as an afterpiece instead of the Atellana (Cic. *Fam.* ix. 16, 7); hence a *mimus* may fairly be called an *exodium* (cf. Suet. *Dom.* 10), though that term is generally applied only to the Atellanae (Liv. vii. 2, 11). They were played in front of the stage before the *siparium* (Juv. viii. 185, and Schol.; Senec. *de Tranquill. An.* 11). The actor had no buskins (*planipes*, Juv. viii. 181; Gell. i. 11, 12; *excalceatus*, Senec. *Ep.* 8, 8), and no mask: he wore a sort of harlequin costume (*centunculus*, Apul. *Apol.* 13), with the *ricinium* (Festus, *s. v.*; Marquardt, *Privatl.* p. 558) [RICINIUM], and the phallus (Schol. on Juv.

vi. 66; Arnob. vii. 33). Along with the principal character (*mimus* or *archimimus*) was a sort of pantaloon called *parasitus* or *stupidus* (Wilmanns, 2635), got up with puffed cheeks and shaved head, who used to have to stand a great deal of noisy slapping (*alapae*) and abuse from the principal actor (Mart. ii. 72, 4; Tert. *Spect.* 23; Arnob. *l. c.*). This *stupidus*, as well as the other actors of the secondary parts, had as his *rôle* to imitate the chief actor (Hor. *Epist.* i. 18, 14; cf. Suet. *Cal.* 57). The female parts were played by women: for example, Thymele in Juv. i. 36, vi. 66; Arbuscula (Cic. *Att.* iv. 15, 6), Dionysia (ib. *Rosc. Com.* 8, 23), Cytheris (ib. *Phil.* ii. 8, 20), Claudia Hermione (Orelli, 4760), *Luria privata mima vixit annis xix.* (Wilm. 2634; cf. *C. I. G.* 6335, 6750), a burial-ground *sociarum mimarum* in Wilm. 326. Their performances, originally at the Floralia, later at all the exhibitions, were decidedly loose (*ut mimae nudarentur postulare*, Val. Max. ii. 10, 8). The dancing in the mimus was of a grotesque nature, accompanied by extravagant grimaces and obscene gestures and jokes (Ov. *Trist.* ii. 497 ff., 515), with plenty of ribald abuse and blows (Mart. *l. c.*; Juv. viii. 192, and see especially Mayor on Juv. v. 171).

The subjects were of the most varied kinds (see the long list, with the fragments which are preserved, in Ribbeck, *Com. Lat. Reliquiae*, 237 ff.), but they nearly always involved some incident of an amorous nature in which ordinary morality was set at defiance (Ov. *l. c.*; Juv. vi. 44; Val. Max. ii. 6, 7). There were often sudden changes of fortune introduced, beggars becoming millionaires (Cic. *Phil.* ii. 27, 65) and *vice versâ* (Senec. *Ep.* 114, 6), mimicking and parodies of people of the day, such as lawyers for example (Wilm. 2627), general character pieces (*e.g.* Augur, Colax, Ephebus, Hetaera, Virgo), scenes from the life of tradesmen (*e.g.* Restio, Fullo) or of foreigners (*e.g.* the Etruscan Women, the Gauls), subjects with ghosts in them (Descensus ad Inferos by Laberius, Phasma by Catullus), description of popular festivals (Compitalia, Parilia, Saturnalia, reminding one of Sophron's mimes), representation of careers that attracted the imagination of the people (*e.g.* that of Laureolus, the Dick Turpin of the ancients, Juv. viii. 187), mythological caricatures (*moechum Anubim et masculam Lunam, Dianam flagellatam et Jovis mortui testamentum recitatum et tres Hercules famelicos*, Tert. *Apol.* 25). In Imperial times they were sometimes intricate enough (Quint. iv. 2, 53): Plutarch (*de sollert. Anim.* 19 = 973, 46) tells us of a mime in which a dog took a prominent part. There was always a great deal of political criticism allowed in the mimes (Macrob. [illegible] 7, 5; Cic. *Att.* xiv. 3, 2; Suet. *Aug.* [illegible] 45; Friedländer, ii.[3] 420 ff.).

[illegible]ipal writers of mime under the late Re[illegible]e Laberius and Publilius Syrus. The[illegible]i under the Empire are numerous: Catu[illegible] viii. 186), Lentulus and Hostilius (Tert. [illegible]5), Aemilius Severianus (*C. I. L.* 4092), Pr[illegible]ion (Suet. ed. Roth, p. 299, 3). As the mimes were not so fashionable as the pantomimes, we hear less about their performers. Still we occasionally hear of them, *e.g.* Latinus and Panniculus (*Mart. l. c.*), Alytyros (Joseph. *Vita*, 3), &c.; and at times they were advanced to great honours, *e.g.* a mimus Eutyches was made a decurio at Bovillae, and he was so rich as to be able to give a distribution of money to the citizens (Wilm. 2624, cf. 2625). The epitaph of the actor Vitalis says of his profession as mime, *Hinc mihi larga domus hinc mihi census erat* (*Anthol. Lat.* ii. p. 89, ed. Meyer).

For further, see Friedländer, *Sittengeschichte Roms*, ii.[3] 416–422; Teuffel, *Röm. Litteraturgeschichte*, § 8 (who however confuses mimes and pantomimes); Patin, *Études sur la Poésie latine*, ii. 346–365. [L. C. P.]

MINA. [TALENTUM.]

MINOR. [CURATOR; INFANS.]

MINU'TIO CA'PITIS. [CAPUT.]

MI'SSIO. [EXERCITUS, Vol. I. p. 809 *b*.]

MI'SSIO. [GLADIATORES.]

MISTHO'PHORI (*μισθοφόροι*). [MERCENARII.]

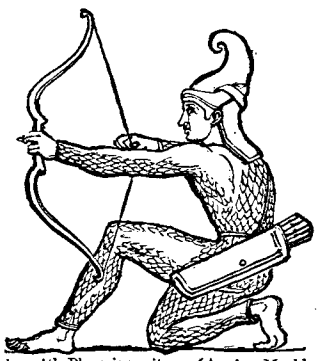
MISTHO'SEOS PHASIS (*μισθώσεως φάσις*), also called *μισθώσεως οἴκου φάσις*, is the action brought against a guardian for either having neglected to make profitable use of the property of his ward, or for having made no use of it at all. Use might be made of such property either by letting it, if it consisted of lands or houses, or by putting it out to interest, if it consisted of capital. Like the kindred action *κακώσεως τῶν ὀρφανῶν*, it might be brought against the guardian, during the minority of his ward, by any person who took an interest in the welfare of the orphan. After the orphan came of age, the remedy lay in his own hands by a *δίκη ἐπιτροπῆς*: in the confused notices of the grammarians we find also a *γραφὴ ἐπιτροπῆς* (Poll. viii. 35), but this is almost certainly a mistake (*Att. Process*, p. 360 Lips.). The question whether the action *μισθώσεως* was public or private, a *γραφὴ* or a *δίκη*, has been discussed by Boeckh (*P. E.* p. 355 f. = *Sthh.*[3] i. 425 f.) and the authors of the *Attische Process* (p. 294 f.) without coming to any very definite conclusion. In reality, as the recent editors of these two works have pointed out, the only word used by good authorities is *φάσις*, a particular kind of public prosecution by way of information (Fränkel on Boeckh, n. 566; Lipsius, *A. P.* p. 361; cf. Thalheim, *Rechtsaiterth.* pp. 14, n. 4, 84, n. 2; PHASIS). There is a further doubt whether the *φάσις* lay only against a guardian who had not let the property at all, or also against one who had not let it to the best advantage. Most grammarians include the latter case (*κατὰ τῶν οὐ δεόντως μεμισθωκότων*, Harpocrat., Suid., *s. v.*; *Lex. Rhet.* p. 667, 7; *Etym. M.* p. 788, 50); the *Lex. Seguer.* mentions only the non-letting (pp. 312, 24; 315, 18). Complaints of this kind were brought before the first archon. In cases where the guardian would not or could not occupy himself with the administration of the property of his ward, he might request the archon to let the whole substance of his ward's property to the highest bidder, provided the testator had not expressly forbidden this mode of acting in his will. (Demosth. *c. Aphob.* ii. p. 837, § 5; compare iii. p. 853, § 29, 857, § 42; Lys. *c. Diogeit.* § 23.) The letting of such property took place by auction, and probably in the presence of a court of justice, for we read that the court decided in cases where objections were made against the terms of letting the property.

(Isae. *Or.* 6 [*Philoct.*], § 36 ff.) The person who took the property had to pay an annual percentage for the right of using it, and this percentage frequently amounted to more than 12 per cent. per annum. If one man alone was unwilling to take the whole property on such conditions, it might be divided and let to several persons separately. (Isae. *Or.* 2 [*Menecl.*], § 28 ff.) The tenant or tenants of the property of an orphan had to give security (*ἀποτίμημα*) for it, and to mortgage (*ἀποτιμᾶν*) his own estate, and the archon sent especial persons, *ἀποτιμηταί*, to value his property, and to ascertain whether it was equivalent to that of the orphan. (Suidas, *s. v.* *Ἀποτιμηταί.*) The technical term for letting the property of an orphan, whether it was done by the guardian himself or by the archon, was *μισθοῦν*, and those who took it were said *μισθοῦσθαι τὸν οἶκον* (*οἶκος* here signifies the whole substance of the property, Dem. *c. Aph.* i. p. 818, § 15; 826, § 40; 827, § 43; 831, § 58). The tenants of the estate of an orphan had the right and perhaps the obligation to protect it against any other person. (Isae. *Or.* 7 [*Hagn.*], § 16.) It is not clear what resource was open to an orphan against a tenant who did not fulfil his obligations, but it is probable, that if any disputes arose, the guardian or the archon alone were answerable and had to procure justice to the orphan.

(Boeckh, *P. E.* pp. 142, 355 = *Sthh.*[3] i. 179, 425; *Att. Process*, pp. 294, 532 = 361, 726 f. Lips.; Thalheim, *ubi supra*; cf. EPITROPUS, p. 752 *a*.) [L. S.] [W. W.]

MITRA (*μίτρα*) means in its first sense a band of any kind, and accordingly it was (1) the Homeric *μίτρη*, a band beneath the *θώρηξ* over the lower part of the abdomen [LORICA, p. 78 *a*], and (2) is equivalent to the *ζώνη παρθενική*, the maiden's girdle [CINGULUM, Vol. I. p. 427), so that the word *ἄμιτρος* (Callim. *Diom.* 14) means a young girl, not old enough for a girdle, not yet of a marriageable age.

The word is then used for a band fastening the hair; thence developing into a regular headdress for women, with lappets hanging over the ears, apparently something like a *κρήδεμνον* or the CALAUTICA (Serv. *ad Aen.* ix. 616; see



Paris, with Phrygian mitre. (Aegina Marbles.)

COMA, Vol. I. p. 449, and the woodcuts on that page): but it does not seem to have been worn either in Greece or at Rome by women of a respectable class. (See Serv. *l. c.* and the passages cited by Professor Mayor on Juv. iii. 66.) Cicero speaks indignantly of the *mitella* being worn by effeminate young men (*pro Rabir. Post.* 10, 26).

As an Asiatic head-dress it was sometimes shaped like a turban, as in the mosaic of the battle of Issus, sometimes in a peaked form, as in the woodcut from the Aeginetan sculptures representing Paris; also with lappets (the *redimicula* of Verg. *l. c.*), as is well shown in a vase-painting *ap.* Baumeister, *Denkm.* fig. 1318: from this Asiatic head-dress the episcopal mitre was a very late development. In the LXX. in Ex. xxviii. 33 and some other passages the word *μίτρα* renders the priestly cap which is commonly called *κίδαρις*. It is noticeable that the ecclesiastical mitre of the Middle Ages is by some ecclesiastical writers called a *Phrygium*. (Marriott, *Vestiarium Christ.* p. 220.) [TIARA.] [W. S.] [G. E. M.]

MIXTA ACTIO. [ACTIO.]

MNA (*μνᾶ*). [TALENTUM.]

MNE'MATA, MNEMEIA (*μνήματα, μνημεῖα*). [SEPULCRUM.]

MNOIA, MNOTAE (*μνοῖα, μνῶται*). [COSMI, Vol. I. p. 555.]

MOCHLUS (*μοχλός*). [JANUA.]

MODI'OLUS, the diminutive of MODIUS, is used for various kinds of small vessels: for a drinking-cup, Dig. 34, 2, 36; for the buckets on the edge of the *tympanum*, by which water was raised (Vitruv. x. 10), and generally for any kind of bucket or small cistern in hydraulic machinery (*ib.* 12, 13); and hence, from its shape, it is also used for the box or nave (*πλήμνη*) of a wheel (Plin. *H. N.* ix. § 8; Vitruv. x. 14), for the nave or socket into which the axle of the crusher in an oil press fits (TRAPETUM), and for other kinds of sockets (Vitruv. x. 18). [P. S.] [G. E. M.]

MO'DIUS, the principal dry measure of the Romans, was equal to one-third of the amphora (Volusius Maecianus, Festus, Priscian, *ap.* Wurm, § 67), and was therefore equal to nearly two gallons English. It contained 16 *sextarii*, 32 *heminae*, 64 *quartarii*, 128 *acetabula*, and 192 *cyathi*. Compared with the Greek dry measure, it was 1-6th of the MEDIMNUS. Its contents weighed, according to Pliny, 20 pounds of Gallic wheat, which was the lightest known at Rome. Farmers made use of vessels holding 3 and 10 modii (Colum. xii. 18, § 5). As a land-measure the third part of the jugerum was called *σπόριμος μόδιος* = *Castrensis Modius*. The symbol in Latin MSS. is M°, in Greek Mδ. *μο.* (Hultsch, *Metr. Script.* i. 70.) [P. S.]

MO'DULUS (*ἐμβάτης*), the standard measure used in determining the parts of an architectural order. It was originally the lowe[illegible] of the column; but Vitruvius takes [illegible] order the lower semi-diameter fo[illegible], retaining the whole diameter [illegible] orders. Modern architects use [illegible] diameter in all the orders. The syst[illegible] iding the module into minutes was not [illegible] by the ancient architects, who merely us[illegible] such fractional parts of it as were convenient. The absolute length of the module depends of course on the dimensions of the edifice: thus Vitruvius directs that, in a Doric tetrastyle portico, $\frac{1}{28}$, and in a hexastyle portico $\frac{1}{44}$ of the whole width should

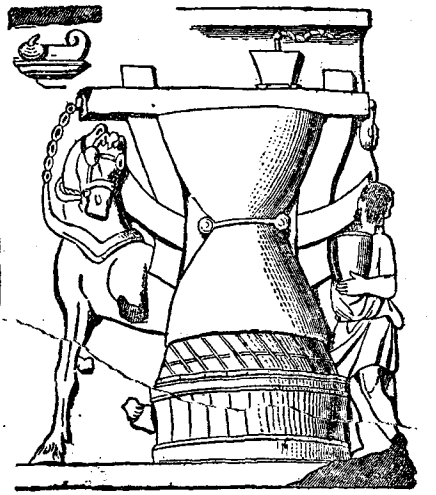
worked by hand or by an animal attached to them, were called *κῶπαι*, in Latin *molilia*. The uppermost of the two hollow cones served the purpose of a hopper. The corn with which it was filled gradually fell through the neck of the upper stone upon the summit of the lower, and, as it proceeded down the cone, was ground into flour by the friction of the two rough surfaces, and fell on all sides of the base of the cone into a channel formed for its reception. The mill here represented is five or six feet high.

The hand-mills were worked among the Greeks and Romans by slaves. Their pistrinum was consequently proverbial as a place of punishment for refractory town slaves (see Ramsay's excursus on the *Mostellaria*): smaller hand-mills were however worked, especially in the Homeric age, by women. (Hom. *Od.* vii. 104; Exod. xi. 5; Matt. xxiv. 41.)

In every large establishment the hand-mills were numerous in proportion to the extent of the family. Thus in the palace of Ulysses there were twelve, each turned by a separate female slave, who was obliged to grind every day the fixed quantity of corn before she was permitted to cease from her labour. (*Od.* xx. 105–119; compare Cato, *de Re Rust.* 56.) We have special mention of the *ἐπιμύλιοι ᾠδαί*, sung as they worked in time. (Poll. iv. 53; Athen. xiv. 618 d.) It seems also to have been called *ἱμαῖον μέλος* (Hesych. *s. v.*; Phot. *s. v. ἱμαιοδός*). An instance is given in Plut. *Conviv. vii. Sap.* p. 157 d: *ἅλει μύλα, ἅλει καὶ γὰρ Πίτταkος ἅλει, μεγάλας Μιτυλάνας βασιλεύων.*

II. The mill worked by animals (*mola jumentaria, mola asinaria:* Lucian, *Asin.* 28; Ov. *Fast.* xi. 318, &c.). The horses so used were old and worn out (Juv. viii. 67; Apul. *Met.* ix. 11), such as the worn-out racehorse of the fabulists (Babr. 29; Phaedr. 19). The woodcut below shows the horse attached under the cross-beam, as in Babrius, *l. c.*: *ζευχθεὶς ὑπὸ μύλην.* The animal was blinded by a bandage (*ὀθόνη*) over the eyes, by way of blinkers. The woodcut gives an instance of something more like ordinary blinkers. It was common also to prevent the animals from eating the corn by a contrivance called *παυσικάπη*, which was a *τροχοειδὲς μηχάνημα* round the neck, which made it impossible for an animal to lower its mouth to the corn or for a man to bring his hands up to his mouth, for slaves also were sometimes so muzzled. (Poll. vii. 20; Eustath. *ad Il.* xxii. 467; Phot. *s. v. παυσικάπη.*) It was also called *καρδοπεῖον* (Poll. x. 112, who quotes from Aristoph. *Heroes;* cf. Schol. *ad* Aristoph. *Pax*, 14). These mills were larger but of exactly the same construction as the hand-mill described above, except so far as the apparatus for attaching the animal was concerned. In the woodcut, from a relief in the Museo Chiaramonti, there is a cross-beam above the *catillus* connected by two curved vertical beams with another lower cross-beam. The hopper for filling the mill appears above the beam. It may be remarked that the lamp on the bracket in the corner exactly illustrates Verg. *Moret.* 19: "tabella quam fixam paries illos servabat in usus lumina fida locat." The mill-driving animals had a holiday at the festival of Vesta. (Cf. the *coronati aselli*, Ov. *Fast.* vi. 311; Prop. v. 1, 21.)

III. The water-mill (*mola aquaria, ὑδραλέτης, ὑδρόμυλος*). The first water-mill of which any record is preserved, was connected with the



Mill, from an ancient relief. (Blümner.)

palace of Mithridates in Pontus. (Strabo, xii. p. 556; Pompon. *ad* Verg. *Moret.*) That water-mills were used at Rome is manifest from the description of them by Vitruvius (x. 10). A cogged wheel, attached to the axis of the water-wheel, turned another which was attached to the axis of the upper mill-stone: the corn to be ground fell between the stones out of a hopper (*infundibulum*), which was fixed above them. (See also Brunck, *Anal.* ii. 119; Pallad. *de Re Rust.* i. 42.) Ausonius, as cited below, mentions their existence on the Ruwer near Treves; and Venantius Fortunatus, describing a castle built in the sixth century on the banks of the Moselle, makes distinct mention of a tail-race, by which "the tortuous stream is conducted in a straight channel." (*Poem.* iii. 10.) The following epigram of the time of Augustus describes them as in use to save labour:—

ἴσχετε χεῖρα μυλαῖον, ἀλετρίδες, εὕδετε μακρά,
κῆν ὄρθρον προλέγῃ γῆρυς ἀλεκτρυόνων·
Δήω γὰρ Νύμφαισι χερῶν ἐπετείλατο μόχθους·
αἱ δὲ κατ' ἀκροτάτην ἀλλόμεναι τροχιὴν
ἄξονα δινεύουσιν· ὁ δ' ἀκτίνεσσιν ἐλικταῖς
στρωφᾶται πισύρων κοῖλα βάρη μυλάκων.

IV. The floating-mill. When Rome was besieged by the Goths, A.D. 536, and when the stoppage of the aqueducts rendered it impossible to use the public corn-mills (*οἱ τῆς πόλεως μύλωνες*) in the Janiculum, so that the citizens were in danger of starvation, Belisarius supplied their place by erecting floating-mills upon the Tiber. Two boats being moored at the distance of two feet from each other, a water-wheel, suspended on its axis between them, was turned by the force of the stream, and put in motion the stones for grinding the corn. The invention being found useful was retained, according to Procopius, in later times. (Procop. *de Bello Gothico*, i. 15.)

V. The saw-mill. Ausonius mentions mills situated on some of the streams falling into the

be taken as the module, if diastyle, or $\frac{1}{23}$ and $\frac{1}{33}$ respectively, if systyle (Vitruv. i. 2; iv. 3; v. 9). Instead of the accepted view, that the bottom diameter of the column was taken as the modulus, M. Aurés, in his *Nouvelle Théorie du Module* (Nîmes, 1862), has tried to prove from Vitruvius and extant examples, that both for the column and for the intercolumnia the measurement was taken at the middle height. This seems improbable, as such a measurement could not be obtained till the building was complete; and the passages quoted hardly bear such an interpretation. (See Reber, *Philologus*, xxvii. pp. 185–191.) [P. S.] [E. A. G.]

MOE'NIA. [MURUS.]

MOICHEIAS GRAPHE' (μοιχείας γραφή). [ADULTERIUM.]

MOLA (μύλη or μύλος), a mill. Curtius (*Gr. Etym.* p. 339) remarks that all European languages have the same word for these contrivances—a sufficient proof of their antiquity. The Greeks and Romans of course identified the process with certain deities or heroic beings, such as Myles of Aiesiae (Pausan. iii. 20), Μυλαντεῖοι Θεοί (Hesych.): in Pliny, vii. § 191, the invention is ascribed to Ceres: Varro (*ap.* Plin. xxxvi. § 135) more practically derives the Roman mills from Volsinii in Etruria.

All mills no doubt started from a simple process of grinding between two stones, and it is impossible to say when the machines, properly so called, for grinding began. The mention of stones "like millstones" in Hom. *Il.* vii. 270, xii. 161, proves that corn was ground between stones of some particular size and shape, but does not tell us more. The same may be said of the passages in *Od.* vii. 104, xx. 105, though perhaps in the latter passage the number of mills in the palace (presumably six with two female slaves at each) implies that they were small and rude. Dr. Schliemann (*Ilios*, p. 234) shows "saddle querns" of trachyte, found at Hissarlik, flat on one side and convex on the other, between which the corn was ground or bruised. It is not quite clear why we need, with him, assume that corn could not be ground by such a method. The process may have been such as Livingstone describes in Africa, where the upper stone is moved round and round over the lower by the hand. The process would be more troublesome than the rudest quern worked by a handle, but, given sufficient time, the result would be the same.

All mills were anciently made of stone, the kind used being a volcanic trachyte or porous lava (*pyrites*, Plin. *H. N.* xxxvi. § 30; *silices*, Verg. *Moret.* 23–27; *pumiceas*, Ovid. *Fast.* vi. 318), such as that which is now obtained for the same purpose at Mayen and other parts of the Eifel in Rhenish Prussia. They were obtained especially from the volcanic island Nisyros (Strabo, x. p. 488). Hence the complaint of the horse in *Anth. Pal.* ix. 21, 5:

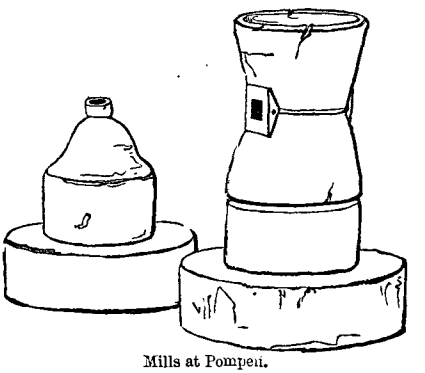
νῦν δὲ βάρος τέτρης Νισυριτίδος ἔγκυκλον ἕλκω
λεπτύνων Δηοῦς καρπὸν ἀπ' ἀσταχύων.

Hence also the epithet *mola scabra* in Ovid. This species of stone is admirably adapted for the purpose, because it is both hard and cavernous, so that, as it gradually wears away, it still presents an infinity of cutting surfaces.

Every mill consisted of two essential parts, —the upper mill-stone, which was movable (*catillus*, ὄνος, τὸ ἐπιμύλιον, Deut. xxiv. 6), and the lower (*meta*, μύλη), which was fixed and by much the larger of the two. Hence a mill is sometimes called *molae* in the plural. The stones were kept rough by cutting or scratching them when they wore smooth, which is the sense of νεόκοπτος in Aristoph. *Vesp.* 648, and *lapis incusus* in Verg. *Georg.* i. 274. There are three kinds of mills mentioned by ancient authors,—the hand-mill, the mill worked by animals, and the water-mill. Windmills are an invention of the Middle Ages.

I. The hand-mill, or quern, called *mola manuaria, versatilis*, or *trusatilis*. (Plin. *H. N.* xxxvi. § 135; Gell. iii. 3; Cato, *de Re Rust.* 10.)

The islanders of the Archipelago use in the present day a mill, which consists of two flat round stones about two feet in diameter. The upper stone is turned by a handle (κώπη) inserted at one side, and has a hole in the middle into which the corn is poured. By the process of grinding the corn makes its way from the centre, and is poured out in the state of flour at the rim. (Tournefort, *Voyage*, Lett. 9.) The description of this machine exactly agrees with that of the Scottish quern, formerly an indispensable part of domestic furniture. (Pennant, *Tour in Scotland*, 1769, p. 231; and 1772, p. 328.) There can be no doubt that this is the flour-mill in its most ancient form. In a very improved state it has been discovered at Pompeii. The annexed woodcut shows two which were found standing in the ruins of a bakehouse. In the left-hand figure the lower



Mills at Pompeii.

millstone only is shown. The most essential part of it is the cone, which is surmounted by a projection containing originally a strong iron pivot. The upper millstone, seen in its place on the right hand of the woodcut, approaches the form of an hour-glass, consisting of two hollow cones, jointed together at the apex, and provided at this point with a socket, by which the upper stone was suspended upon the iron pivot, at the same time touching on all sides the lower stone, and with which it was intended to revolve. The pivot could be made slightly longer if coarser meal was desired. The upper stone was surrounded at its narrowest part with a strong band of iron; and two bars of wood were inserted into square holes, one of which appears in the figure, and were used to turn the upper stone. These bars or levers, whether

Moselle, and used for cutting marble into slabs. (*Idyll.* x. 362, 363.)

VI. The pepper-mill. A mill for grinding pepper, made of boxwood, is mentioned by Petronius (*molea buxea piper trivit, Sat.* 74). For the olive-mill (*mola olearia*), see TRAPETUM. (Blümner, *Technologie*, i. pp. 23–49; Marquardt, *Privatleben*, p. 421.) [J. Y.] [G. E. M.]

MONA'RCHIA (*μοναρχία*), a general name for any form of government in which the supreme functions of political administration are in the hands of a single person. The term *μοναρχία* is applied to such governments, whether they are hereditary or elective, legal or usurped. If all the officials and ministers of the ruler are merely his deputies, appointed and removable by him, then the term *μοναρχία* strictly applies. Aristotle (*Pol.* iii. 15, 2, = p. 1287) calls this *παμβασιλεία*. This form of monarchy did not belong to Greek states except as a consequence of revolution, when some citizen usurped this power for himself, and sometimes transmitted it. Monarchy of the more constitutional kind, as described in Homer, probably existed throughout Greece at the time of the Dorian conquest, and gradually disappeared, as in each state the weak or violent rule stirred up successful opposition of the people. In Argos, however, it lasted to the time of the invasion of Xerxes (Herod. vii. 149), but disappeared before the Peloponnesian War. In Sparta it remained in a peculiar form. In its commonest application, it is equivalent to *βασιλεία*, whether absolute or limited. But the rule of an *aesymnetes* or a *tyrant* would equally be called a *μοναρχία*. (Arist. *Pol.* iii. 16, iv. 8 = pp. 1286, 1294; — Plato, *Polit.* p. 291, C, E; p. 302, D, E.) Hence Plutarch uses it to express the Latin *dictatura*. Aristotle defines four sorts of *βασιλεία*: "firstly, the kingship of the heroic period, when the obedience was voluntary, but the power of the kings strictly defined, the king being general, judge, and supreme religious functionary; secondly, the non-Greek, which was a hereditary despotic rule of a constitutional character; thirdly, the Asymneteia, as it is called, an elective tyranny; and, fourthly, the Laconian, which may be broadly defined as a hereditary generalship for life." (Arist. *Pol.* iii. 14, Welldon's translation.) It is by a somewhat rhetorical use of the word that it is applied now and then to the *δῆμος*. (Eurip. *Suppl.* 352; Arist. *Pol.* iv. 4.) For a more detailed examination of the subject, the reader is referred to the articles REX, ARCHON, TYRANNUS, PRYTANIS, AESYMNETES, TAGUS. [C. P. M.] [G. E. M.]

MONE'TA (*ἀργυροκοπεῖον*), a mint. The mint of Rome was a building on the Capitoline hill, attached to the temple of Juno Moneta, which was dedicated, in consequence of a vow, by L. Furius Camillus when dictator. (Liv. vii. 28; Ovid. *Fasti*, vi. 183.) Under this head should come an account of the *law* in ancient coinage, of rights of coinage, monetary magistrates, and the organisation of mints. The fullest treatment of these subjects will be found in the second and third volumes of Lenormant's *La Monnaie dans l'Antiquité*; but as regards Roman coinage, Mommsen's *Röm. Münzwesen* is the soundest authority. In this place a brief summary must suffice.

(1) *Rights of Coinage.*—No privilege of power was in antiquity more highly regarded or more jealously preserved than that of issuing money. In Asia the king of Persia appears from the first to have claimed and reserved the sole right of issuing gold money. The royal Darics or *τοξόται* thus constituted a sort of royal standard coin: they circulated in vast quantities, and thus controlled and kept within limits the issues of Asiatic mints. But the Greek cities of the coast seem to have enjoyed the privilege of issuing silver and copper money at pleasure. Even the issue of electrum coins by trading cities, such as Phocaea and Cyzicus, does not seem to have been regarded as a breach of the monopoly of the Great King. Satraps also, at least in the western provinces of Asia, were allowed to issue silver money bearing their own names: we possess many specimens bearing the names of Pharnabazus, Tiribazus, Datames, and other Persian satraps; though some numismatists suppose that this privilege was exercised only on occasion of military expeditions. Herodotus states (iv. 166) that Darius put to death Aryandes, governor of Egypt, for issuing silver coins of a finer quality than his own, but his narrative clearly shows that the issue of silver coins by satraps was usual; it was only the innovation in the quality, and the ambitious motives which prompted it, which amounted to an act of rebellion. In Greece proper and in the Greek colonies in Italy, Sicily, and Africa, and the shores of the Euxine Sea, each separate state or *πόλις* claimed and exercised the full right of issuing such money as it chose, but in the exercise of that right did not of course lose sight of the reasons of commercial expediency. As a result of perfectly free competition the money circulating in each region acquired a certain general character, and to this character all the coins issued in that region tended to conform, as regards material and weight. Subject to such general control as this, the mint-cities of Greece exercised the freest choice in all their successive issues. Hence the condition of the Hellenic world, while it was a congeries of small independent states, is exactly reflected in the great abundance and unlimited variety of the issues of Greek coins, large numbers of which enrich the museums of the present day, every specimen evidencing civic independence, complete political organisation, and local religious cults. Already we know of some 2,000 mints which issued coin of their own before the fall of the Roman Empire, and fresh mints are discovered every year. We have money of more than fifty Greek cities of Sicily; and the little island of Ceos, not ten miles across, had three active mints. Colonies sent forth by the great commercial cities had no sooner settled in their new abodes than they began to issue coin, commonly of quite a different character from that of the mother-city. There are of course certain exceptions to this rule. Athenian cleruchies appear to have used the coins of Athens; and when the towns of any district in Greece formed among themselves a close alliance for any political or commercial purpose, greater uniformity at once appeared in their monetary issues. Thus the cities of Magna Graecia which were united in the sixth century for mutual defence against the semi-barbarous Italic races issued coins in which a common character clearly appears: and

the cities which belonged to the Aetolian and Achaean Leagues used uniform weights and types for their coins. In late Greek times those cities of Greece which had lost their civic autonomy and become dependent upon the Hellenistic kings of Pergamon, Macedon, and Syria, appear still to have preserved to a considerable extent their right of issuing money: even when it became necessary to place on it the effigy of their regal protector, they retained the control of the mint. In the Roman age the issues of Greek silver money came to an end, except in the case of a few favoured cities, like Antioch, Tarsus, and Caesareia in Cappadocia; but the issue of copper money was still permitted to hundreds of towns, great and small, in Greece and the Asiatic mainland.

Turning to Italy, we have to observe the process by which the Roman state, acting without pause or change in one direction, reduced the number of mints and gradually introduced uniformity in the place of wide diversity. In the fourth century B.C. the Italian, Greek, Etruscan and Oscan coinages present the same variety and autonomy as those of Greece. At that time Rome issued only the heavy libral asses of copper. But as soon as denarii in silver were coined at Rome, in B.C. 269 [see As, Vol. I. p. 205], the Senate awoke to the desirability of putting down rival issues in cities which came under Roman dominion; and from this policy the rulers of Rome never swerved until in the reign of Diocletian coinage was uniform through the length and breadth of the Empire. Within the Roman organisation, however, the right of coinage did not always belong to the same functionaries. In consular times it was exercised within the city by regularly appointed officials, usually three in number, *iiiviri monetales*, though their number, as well as the conditions attached to their duties, appears to have fluctuated. Abroad, Roman Imperators exercised the right of issuing such coins as suited their military necessities, and placing upon it their name or even their image. This accounts for the existence of money, especially in gold, belonging to the last century of the Roman Republic, and bearing the names and portraits of Sulla, Pompeius, and other generals. Augustus, on his accession to power, having such precedents to allege, took into his own hands the issue of all Roman gold and silver money, leaving to the Senate only the issues in copper, each specimen of which bears thereafter the letters S. C. to show that it was minted by senatorial authority.

(2) *Organisation of Mints.*—On this subject our information is very insufficient; and we are confined in the main to the testimony of the coins themselves, which is not exact or conclusive. Of the Athenian coin issued after Alexander the Great, the type is an owl standing on an amphora: there are in the field three names of magistrates, and detached letters, some on the amphora and some below it. The first two names are those of annual magistrates, no doubt high officials and treasurers: these names change but once a year. The third name changes twelve times a year, and with it changes the letter on the amphora (A to M),—facts which show that the third magistrate, probably the man actually responsible for the goodness of the coin, was elected in rotation for one month from one of the twelve tribes. The letters indicate the division of the year, first to twelfth, during which the tribe represented by this official prytanised. The letters below the amphora are supposed to indicate the particular workshop of the mint where each of the coins was manufactured. Thus every piece could be traced back with certainty to those who were actually responsible for its production, and the possibility of forgery was almost destroyed. At Rome we find no such elaborate scheme for fixing responsibility, but on the other hand great care in stating the authority by which the coin was issued. The name of the person who ordered the coin to be made, whether imperator or monetalis, is after a certain time never wanting. We meet on coins such inscriptions as IIIVIR·AAAFF, *i.e.* "triumvir auro argento aere flando feriundo" (Cic. *ad Fam.* vii. 18; *de Leg.* iii. 3, 7); AED·CVR·EXSC, "aedilis curulis ex senatus consulto," and the like. Some of the Roman denarii also bear, in addition to the name of the issuer, some device, letter or numeral which seems to have reference to the particular officina whence they issued. See also As, Vol. I. pp. 206, 207.

The processes used in minting were of course very simple compared with those of modern times. One engraved die was let into an anvil, another into the end of a metal bar. Between the two was placed a blank, roughly cast in the required shape and size and heated to redness. A single blow from a heavy hammer on the upper end of the metal bar would probably usually suffice to finish the coin, which would then be removed by the tongs and a fresh blank substituted. Collars and milling were unknown. Such a process would very soon wear out any die; and as a consequence, the continual engraving of new dies was one of the chief occupations of the workmen of the mint. The rapidity with which they could be prepared is shown by the fact that the most ephemeral pretenders to the throne of the Caesars seldom failed to leave us coins bearing their name and effigy. On this subject, see Gardner's *Types of Greek Coins*, chap. iii. [P. G.]

MONI'LE (*ὅρμος*), a necklace. In Homer the words *ὅρμος* and *ἱσθμιον* are both employed for ornaments worn round the neck. It seems probable that the meanings of the two words are to be distinguished in the following manner: — The *ἱσθμιον* was an ornament fitting close round the neck in the manner of a torc, and without any pendants: the *ὅρμος*, on the other hand, was sometimes of great length (*ἐννεάπηχυς*, *Hymn. in Apoll.* 105), and hung loosely down, so as to be seen on the breast (*Hymn. in Venerem*, 90). This distinction is stated by the Scholiast on Hom. *Od.* xviii. 300, *ἱσθμιον οὖν περιτραχήλιον κόσμον περιπεπλεγμένον, οὐ μέντοι κοσμήματά τινα, καὶ ἄλλως . . . . διαφέρει τοῦ ὅρμου. τὸ μὲν γὰρ προσέχεται τῷ τραχήλῳ, ὁ δὲ ὅρμος πεχάλασται.*

The Homeric *ὅρμος* is described as made of gold and amber (*Od.* xv. 460; xviii. 295); of golden threads (*Hymn. in Apoll.* 104), and (apparently) of gold inlaid work (*καλοὶ χρύσειοι παμποίκιλοι*, *Hymn. in Ven.* 88). Specimens of work in gold and amber are quoted by Helbig (*Das homerische Epos aus den Denkmälern erläutert*, p. 183), who should be consulted on the

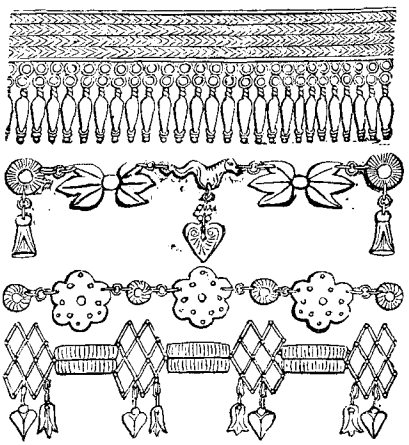
whole question of the Homeric ornament. The British Museum possesses necklaces from Praeneste of gold and amber, or silver and amber.

The necklace was worn by both sexes, among the most polished of those nations which the Greeks called barbarous, especially the Indians, the Egyptians, the Persians, and the Etruscans. [ARMILLA.] Among the Greeks and Romans, it was worn by women, boys, and effeminate persons (Anacreon, *apud* Athen. xii. p. 534; Quintil. ii. 1; Ovid. *Met.* v. 52; *Heroid.* 9, 57). It is particularly mentioned among the bridal ornaments of Roman females (Lucan, ii. 361; Claud. *de VI. Cons. Honor.* 527).

The simplest kind of necklace was the *monile baccatum*, or bead necklace (Verg. *Aen.* i. 654; Lamprid. *Alex. Sev.* 41), which consisted of berries, small spheres of glass, gold, amber, crystal, &c., strung together. This is very commonly shown in ancient frescoes and vase-paintings. (See cut under ARMILLA.) The head of Athene under GALEA exhibits a frequent modification of the bead necklace, a row of drops hanging below the beads. These drops, when worn, arrange themselves upon the neck like rays proceeding from a centre (*monilia radiata*).

The first figure in the cut on the next column exhibits the central portion of an exquisitely wrought necklace which was found at S. Agata dei Goti (Saticola) near Naples, in the sepulchre of a Greek lady. The necklace has seventy-one pendants. Above them is a band consisting of several rows of the close chain-work which we now call Venetian. [CATENA.] The clasps, on each of which is a frog in relief, were set with rubies (see *Mus. Borbonico*, ii. pl. xiv.; Overbeck, *Pompej*, p. 623).

We also give here the central portions, exhibiting the patterns, of three gold necklaces purchased from the Prince of Canino for the

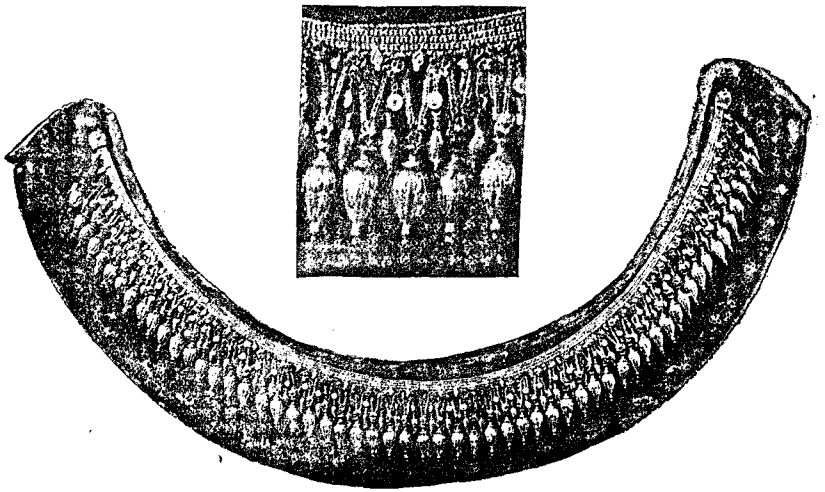


Ancient Necklaces.

British Museum. These were found in Etruscan tombs. The ornaments consist of disks, lozenges, rosettes, ivy-leaves, lotus buds, and hippocampi.

Among the most masterly productions of the Greek goldsmith, are certain necklaces from the Castellani Collection, now in the British Museum. (Consult also *Compte-rendu de la Comm. Arch. Imp.* 1865, pl. ii., 1869, pl. i.; *Antiquités du Bosphore Cimmérien*, pl. ix.–xii.; Fontenay, *Les Bijoux anciens et modernes*, p. 129.)

The necklace appears sometimes to have been



Necklace from Melos. (British Museum.)

made in the form of a serpent coiled round the neck of the wearer, a form not uncommon for bracelets. This at least was the case with the necklace which was given by Venus or by Cadmus to Harmonia as a nuptial present, and which is described by Nonnus (*Dionysiaca*, v. 135–189) at a length of fifty lines. The same necklace afterwards appears as the bribe with which Polyneices induced Eriphyle to betray her husband. (Apollod. iii. 4, 2; 6, 2–6;—Diod. Sic. iv. 65; v. 49;—Serv. *in Aen.* vi. 445.)

The beauty and splendour as well as the value of necklaces were enhanced by the addition of pearls and precious stones. These were either set in the gold necklace ("monilia, in quibus

gemmae et margaritae insunt," Dig. 34, 2, 32, § 7; cf. *ibidem*, § 1) or suspended freely from it (cf. Pollux, v. 98). For this purpose emeralds ("smaragdi," *C. I. L.* ii. 3386) or other stones of a greenish hue ("virides gemmae," Juv. vi. 363) were often employed. The necklace of Harmonia, quoted above, was elaborately set with precious stones. As stated above, the necklace from Saticola was set with rubies. The hooks or clasps for fastening the necklace behind the neck (*clusurae*) were also various, and sometimes neatly and ingeniously contrived. Some account of the different kinds of links employed is given in the article CATENA.

Besides a band encircling the neck, there was sometimes a second or even a third row of ornaments, which hung lower down, passing over the breast. Such objects on the vase-paintings are usually worn by *hetaerae*. (Hom. *Hymn. in Ven.* ii.; "longa monilia," Ovid. *Met.* x. 264; Böttiger, *Sabina*, ii. p. 129.)

Valuable necklaces were sometimes placed as dedicated offerings upon the statues of Minerva, Venus, and other goddesses. (Sueton. *Galba*, 18.) Necklaces and other ornaments were also occasionally placed on the statues of deceased women. For inventories of such dedications, see *C. I. L.* ii. 2060, 3386, and Henzen, 6141, discussed by Hübner, in *Hermes*, i. (1866), p. 345.

Horses and other favourite animals, such as deer, were also adorned with splendid necklaces ("aurea pectoribus demissa monilia," Verg. *Aen.* vii. 278; "gemmata monilia," Ovid. *Met.* x. 113; Claudian. *Epig.* xxxvi. 9; A. Gell. v. 5). [TORQUES.] [J. Y.] [A. H. S.]

MONOPO'DIUM. [MENSA.]

MONO'PTEROS. [TEMPLUM.]

MONO'XYLUM. [NAVIS.]

MONUMENTUM. [SEPULCRUM.]

MORA. The mere fact of a legal duty not being discharged at the time when it is due can give rise to important legal consequences, which either may depend on the terms of the contract giving rise to the duty, or on rules of positive law. After such delay the creditor is entitled to use all legal means to obtain satisfaction for his demand: thus he may be able to bring his action against his debtor or against those who have become sureties for him, and, in the case of pledge, he may sell the thing and pay himself out of the proceeds of the sale. For particular cases there are particular provisions; for instance, the purchaser of a thing after receiving it must pay interest on the purchase-money, if there is delay in paying it after the time fixed for payment (Dig. 29, 1, 13, § 20). The rule is the same as to debts due to the fiscus, if they are not paid, when they are due. An emphyteutic tenant could be ejected if he delayed the payment of his rent for three years.

A stipulation, similar in principle to our bond, was frequently entered into, by which a party was made subject to a penalty, if he did not perform some act within the time agreed on. The delay of which we have been speaking was simply a non-fulfilment of a duty at the proper time; and the term *mora* is sometimes applied to such cases. But that which is properly Mora is when the delay on the part of him who owes a duty can be attributed to his fault (*culpa*).

Mora in this its technical sense presupposes the existence of an obligation enforceable by action and also knowledge of liability on the part of the debtor. As a general rule a debtor was not *in mora*, until he had received an *interpellatio* or notice from his creditor demanding satisfaction of his claim ("si interpellatus opportuno loco non solverit, quod apud judicem examinabitur"). In delictal obligations, however, and in case of the absence of the debtor, *interpellatio* was not required. Where, too, a person was bound to make some payment or performance by a fixed date, he was understood to have sufficient notice of the wish of the creditor to receive payment at this date without any special *interpellatio* being necessary. (For references to the modern literature relating to the maxim of the glossators, *dies adjectus interpellat pro homine*, see Windscheid, *Pandekten*, iii. § 278, n. 4.)

A debtor was not *in mora* who failed to perform his obligation, if there was a good excuse for his non-performance. Some modern writers are of opinion that all delay in a person discharging an *obligatio* is Mora, unless there be some impediment which is created by causes altogether external to the debtor himself (*impedimenta naturalia*), but there are many reasons for the opinion that Mora in its proper sense always implied some *culpa* on the part of the debtor (Vangerow, *Pandekten*, § 588). In fact, the special rules about *excusationes a mora* only have a meaning on this supposition.

When Mora could be legally imputed to a man, he was bound to make good to his creditor all loss which was a consequence of it. Thus, in cases where a man did not pay money or deliver property of another when he ought, he was liable after Mora had taken place, if not previously liable, for interest and mesne profits: this rule, however, owing to technicalities of procedure, only applied to *obligationes bonae fidei*, not to *obligationes stricti juris*. Again, it was a rule that a bailee of property was not liable on account of its accidental loss or deterioration (*casum nemo praestat*); but after Mora, if a man was bound to deliver a thing to another, and it was accidentally destroyed or injured, he was to bear the loss (Dig. 12, 1, 5). So, too, if a thing to be delivered declined in value, the creditor could claim its highest value since the date of Mora.

There might be Mora on the side of the creditor (*mora accipiendi*) as well as on the side of the debtor (*mora solvendi*).

A creditor was *in mora* if he refused to accept performance of what was due to him. The debt was not extinguished by such refusal, but the debtor was subsequently only liable for *culpa lata*, and the creditor was bound to indemnify him for any loss which was a consequence of the *mora accipiendi*. (Dig. 22, 1, *de Usuris et Fructibus*; Madai, *Die Lehre von der Mora*; Wolff, *Zur Lehre von der Mora*; Fr. Mommsen, *Beiträge zum Obligationenrecht*, 3 Abth.; Vangerow, *Pandekten*, iii. § 588; Windscheid, *Pandekten*, §§ 276, 281, 345, 346; Id. *im Rhein. Arch.* xliv. 2; Knich, *Die Mora des Schuldners.*) [G. L.] [E. A. W.]

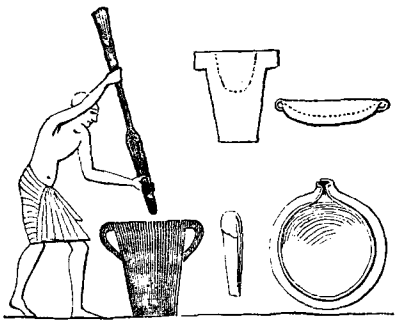
MORA. [EXERCITUS, Vol. I. p. 769.]

MO'RIO. [NANUS.]

MORTA'RIUM, also called PILA, a mortar: the Greek words to express it are ὅλμος, θυεία, and in old Attic ὕγδις. (See Rutherford, *New Phryn.* p. 252.)

Before the invention of mills [MOLA] corn

was pounded and rubbed in mortars (*pistum*), and hence the place for making bread, or the bakehouse, was called *pistrinum*. (Serv. *in* Verg. *Aen.* i. 179.) The ancient process, as usual, is identified with a special deity in the name *Pilumnus*. Also long after the introduction of mills this was an indispensable article of domestic furniture. (Plaut. *Aul.* i. 2, 17; Cato, *de Re Rust.* 74–76; Colum. *de Re Rust.* xii. 55.) Pliny (*H. N.* xviii. § 97) says that it was still in the imperial times used in many parts of Italy for corn instead of a mill. The material was sometimes wood, sometimes stone. (Hesiod. *Op.* 421), enumerating the wooden utensils necessary to a farmer, directs him to cut a mortar three feet, and a pestle (*ὕπερος, δολίδυξ, pilum, pistillum*) three cubits long. Both of these were evidently to be made from straight portions of the trunks or branches of trees, and the thicker and shorter of them was to be hollowed (Hes. *l. c.*). They might then be used in the manner represented in a painting on the tomb of Rameses III. at Thebes (see woodcut, left-hand figure taken from Wilkinson, vol. ii. p. 383); for there is no reason to doubt that the Egyptians and the Greeks fashioned and used their mortars in the same manner. (See also Wilkinson, vol. iii. p. 181, showing three stone mortars with metal pestles.) In these paintings we may observe the thickening of the pestle at both ends, and that two men pound in one mortar, raising their pestles alternately as is still the practice in Egypt. The expression "*ruidum* pilum" (Plin. *H. N.* xviii. § 97) merely implies the perpendicular downward stroke (*ruere*) of the pestle. Pliny (*H. N.* xxxvi. § 43) mentions the various kinds of stone selected for making mortars, according to the purposes to which they were intended to serve. Those used in pharmacy were sometimes made, as he says, "of Egyptian alabaster." The annexed woodcut shows the



Egyptian Mortars.

forms of two preserved in the Egyptian Collection of the British Museum, which exactly answer to this description, being made of that material. They do not exceed three inches in height: the dotted lines mark the cavity within each. The woodcut also shows a mortar and pestle, make of baked white clay, which were discovered, A.D. 1831, among numerous specimens of Roman pottery in making the northern approaches to London Bridge. (*Archaeologia*, vol. xxiv. p. 199, plate 44.)

Schliemann's *Ilios*, p. 235, figures an ancient stone mortar and pestle found at Hissarlik.

Besides the old-fashioned use instead of corn-mills, they were retained for all purposes for which the mortar and pestle are now employed in the kitchen or the laboratory. (For drugs, Pausan. v. 18, 1; Plin. *H. N.* xxxiii. § 123, xxxvi. § 176, for making mortar or plaster.)

Another sort of *pila* or *mortarium* is described (rather obscurely) by Pliny (xviii. § 97) as used in Etruria, where, instead of the ordinary shape, there seems to have been a sort of tube of iron notched inside and with star-shaped points or teeth, through which the grain was forced by the iron pestle, working probably inside with a circular motion. It is perhaps a similar kind of mortar that Polybius is thinking of in his description of the battle of Mylae (i. 22, 7) when he speaks of the *corvus*, with the *στῦλος στρόγγυλος* and the *σιδηροῦν οἷον ὕπερον* attached to it, as in outward appearance resembling *μηχαναὶ σιτοποικαί*. (See also Blümner, *Technologie*, i. 15.) For the *mortarium* of the oil-press, see TRAPETUM. [J. Y.] [G. E. M.]

MOS. [JUS.]

MO'THACES, MOTHO'NES (*μόθακες, μόθωνες*). [CIVITAS, *Vol. I. p. 446 b.*]

MUCIA'NA CAUTIO. [CAUTIO.]

MU'LLEUS. [CALCEUS.]

MULSUM. [VINUM.]

MULTA. [POENA.]

MUNERA'TOR. [GLADIATORES.]

MU'NICEPS, MUNICI'PIUM. [COLONIA; FOEDERATAE CIVITATES.]

MUNUS. [HONORES; GLADIATORES.]

MUNY'CHIA (*μουνύχια*), a festival celebrated in April in honour of Artemis Munychia, as the goddess of the full moon shining alone by night (*μουνυχία* for *μονονυχία*). Plutarch (*de Glor. Ath.* p. 349 F) says that it was instituted to commemorate the victory over the Persians at Salamis, and that it was held every year on the sixteenth of Munychion, near the port which was named after the goddess. (Cf. *πότνια Μουνυχίη λιμενοσκόπε*, Callim. *Dian.* 259.) It was believed that the goddess had helped the Greeks with her light on the night before the battle. (Compare Suidas and Harpocrat. *s. v.* Μουνυχιών.) The sacrifices which were offered to the goddess on this day consisted of cakes called *ἀμφιφῶντες*, because these cakes were adorned all round with burning candles. (Athen. xiv. p. 645; Suidas, *s. v.* Ἀνάστατοι: Hesych. and *Etym. M.* s. v. Ἀμφιφῶν.) Lysander added insult to injury by ordering the long walls to be demolished on the day of the Munychia. (Plut. *Lys.* 15; Preller, *Gr. Myth.* i. p. 236.) [L. S.] [G. E. M.]

MURA'LIS CORONA. [CORONA.]

MUREX. [TRIBULUS.]

MU'RIES. [VESTALES.]

MU'RRHINA or MU'RREA VASA were first brought to Rome in 61 B.C. by Pompey, who, after his triumph, dedicated cups of this material to Jupiter Capitolinus (Plin. *H. N.* xxxvii. § 18). Pliny (*ibidem*) states that the price of these vases was continually increasing, and that 70,000 sesterces were paid for a cup holding three *sextarii*. He also speaks of a *trulla* which cost 300,000 sesterces, and of a drinking cup for which Nero paid a million sesterces. The costliness of these objects may also be inferred from Seneca, *de Ben.* vii. 9; Martial, iii. 82, 25; Plin. *H. N.* xxxvii. § 20.

According to Pliny's account (*H. N.* xxxvii. § 8), the material came from various little-known regions in Parthia, the best specimens being obtained from Carmania. He states that it was supposed to be a moist substance (*humor*), solidified by subterranean heat; that the pieces never exceeded the size of small tablets (*abaci*) in breadth, and were rarely as thick as the drinking cups above quoted. They were also fragile, and the chief value lay in the variety of the colours, which were purple and milky-white, with subtle gradations and interchanges between the two. Some connoisseurs chiefly admired an effect of iridescence; others admired opaque fatty spots (*pingues*), crystalline deposits (*sales*), and warts (*verrucae non eminentes, sed ... plerumque sessiles*). The smell was also approved.

There has been much discussion as to the nature of the material thus described by Pliny, and it has frequently been held that the murrhina vasa were true Chinese porcelain. Confirmation is sought for this view in the words of Propertius (iv. 5, 26), "Murreaque in Parthis pocula cocta focis."

It is also argued that the importation of porcelain from the far East is proved by the discovery of Chinese vases in Egypt. But probably all such vases belong to a very late date. One specimen, for example, which is now in the Egyptian Collection of the British Museum, is inscribed with a line from a Chinese poet of the 11th century A.D. Moreover, the ancient witnesses to the fact that the material is a natural mineral are too numerous and too clear in their testimony, to let this theory be admissible. In addition to Pliny's account above quoted, the following authorities may be cited:—Plin. *H. N.* xxxiii. § 5, xxxvii. § 204; Sidon. Apoll. *Carm.* 11, 20; *Peripl. M. Erythr.* p. 27, c. 48; cf. also Dig. 34, 2, 19, § 19.

No mineral, however, has been suggested which answers very exactly to Pliny's description. The onyx has been proposed, but our authorities plainly imply that the onyx was a material akin to but yet distinct from that here in question. (Cf. Lamprid. *Heliogab.* 32, and *Peripl. M. Erythr.* p. 27, c. 48.) Jade, fluor-spar, and a special kind of agate, the "Chinese agate," have also been advocated, but at present the problem is unsolved. (King, *Precious Stones, Gems, and precious Metals*, p. 237; Marquardt, *Privatleben d. Römer*, p. 743; Blümner, *Technologie*, iii. p. 276.) [A. H. S.]

MURUS, MOE'NIA (τεῖχος), a wall surrounding an unroofed enclosure, in contradistinction to PARIES (τοῖχος), the wall of a roofed building, such as a temple or a house. This distinction appears to be the true *differentia* of the words: the fact that the *murus* usually was a wall of more massive construction is rather an accidental than an essential difference. As far as concerns construction, there is no difference between them, and so the following remarks on this point may be taken to refer equally to *Murus* and *Paries*.

A third word, *maceria*, is often used by Latin authors to denote a fence wall of a less massive kind than the *murus* (see Cato, *R. R.* 15; and Caes. *B. G.* vii. 69); and hence it is also used, like the Greek μάκελον or μάκελος, to denote the space enclosed.

Pre-Roman Methods of Construction.

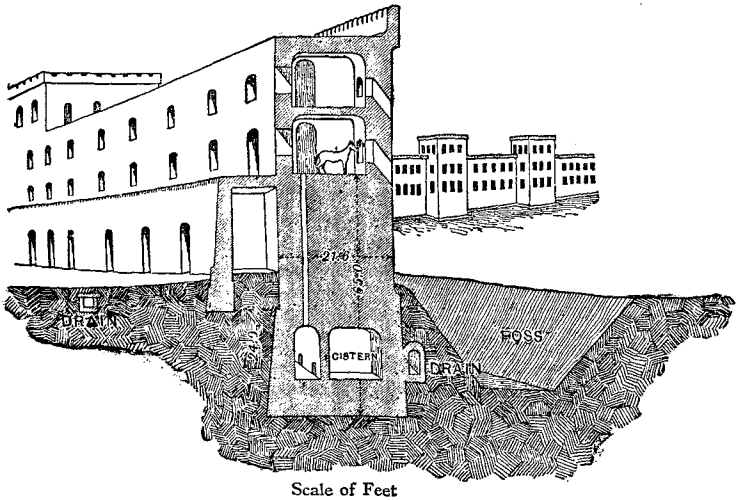
I. *Bricks.*—It is only within recent years that archaeologists have realised how very important and extensive the use of sun-dried bricks was, not only in Egypt and the plains of the Euphrates, but also in Greece and Rome, even as late as the Christian era. The fact is that, as long as a wall of unburnt bricks is protected from the weather, either by a facing of stone or even by a coating of fine stucco, it is almost as durable as stone or kiln-fired bricks. When, however, it once begins to fall into ruin, the process of decay is very rapid and complete, and it is only in exceptional circumstances that remains of this kind of wall have lasted to the present day.

In Egypt, although carefully dressed blocks of stone were used for the main walls of the principal temples, yet unburnt brick was by far the most common method of construction, not only for ordinary domestic buildings, but also very largely for the outer precinct walls of the temples, and for such magnificent royal palaces as that of Rameses the Great, which was discovered a few years ago at Tel-el-Yahoudeh in the Delta. In the Greek city of Naucratis, also in the Egyptian Delta, unburnt clay was not only used for all the houses of the colony [DOMUS, Vol. I. p. 659 *a*], but was also employed for the walls of the various temples, and for the great Pan-hellenicon or commercial Guildhall of the associated Greek states. In the account of the pre-historic palace at Tiryns [DOMUS, Vol. I. p. 655], a common early method of construction is described; the lower part of the wall being of stone to a height of about 3 feet, and the upper part of sun-dried bricks covered with painted stucco.

The most remarkable examples of the use of sun-dried bricks for the most massively built and lofty structures of every kind were to be found in ancient Assyria and Chaldaea, where stone was scarce, and large quantities of the finest clay had been deposited by the Tigris and Euphrates. Great care was taken in the preparation of these bricks: the clay was tempered by long beating and turning over for complete exposure to the weather, then mixed with straw or rushes, and firmly pressed by hand into wooden moulds; lastly, the bricks were thoroughly dried in the summer sun. The outer faces of the more important walls, those of the temples, palaces, and circuit walls of the cities, were defended by casings of stone or of burnt brick, built "battering" with offsets, so as to be much thicker at the base than at the top. An excellent natural cement was supplied by the numerous springs of hot bitumen, applicable both to fired and sun-dried bricks (see Herod. i. 179). Bond-courses, consisting of layers of reeds, were built in at regular intervals: this is mentioned by Herodotus (*loc. cit.*), and examples of the practice have been found by recent excavators. Great care was taken to keep the masses of crude brick from suffering from damp: ventilating pipes were arranged so as to expose the inner parts of the walls to the drying power of the wind, and also to allow the escape of any enclosed moisture. This was specially necessary, as in some cases no bitumen or other mortar was used; instead of which the

bricks were set while still moist, so that each adhered to the next course, and thus the whole wall became one homogeneous mass of clay. Kiln-fired bricks were also used from very early times, not only as facings, but for vaults, domes, arches, and other important constructional purposes. The Tower of Babel, mentioned in Gen. xi. 3, was of burnt bricks set in bitumen; and the most magnificent kind of mural decoration was produced by the use of bricks coated with brilliant coloured enamels. (See Vitruv. i. 5. For further information, see Layard, *Nineveh;* Loftus, *Travels in Assyria;* Place, *Ninive;* and Perrot and Chipiez, *Chaldaea and Assyria*, vol. i.; and, by the same authors, *Egypt.*) [LATER.]

Among early examples of skilfully constructed walls for purposes of defence, some of those erected by people of the Phoenician race, in various parts of the world, are perhaps the most striking. Recent excavations at Thapsus, near Carthage, have brought to light the elaborate and massive character of the city wall, which was about 21 feet thick, with square towers projecting outwards at regular intervals, so as



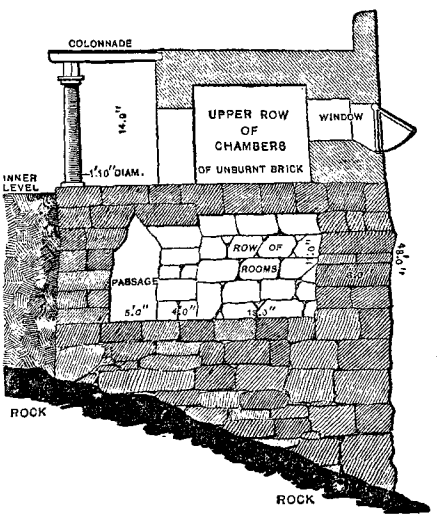
Section of Wall of Thapsus.

to command the flank of an attacking army. The lower part of this wall, above the ground-level, was built of solid stone, roughly dressed, so as to resist battering-rams. The upper part was of sun-dried bricks coated with stucco, and contained two tiers or stories of guard-chambers, sufficient to give accommodation for a large garrison of both men and horses. Access was given to the lower story of chambers by inclined planes for the use of the horses. Cisterns for the storage of rain-water in case of siege were constructed below the ground-level in the thickness of the wall—a common arrangement in early systems of fortification. (See Perrot and Chipiez, *Phoenicia*, i. p. 354.)

In other places the Phoenicians appear to have built wholly of stone. According to Appian (*Anabasis*, ii. 21, 3), the walls of Tyre were built of large stones set in lime (mortar). Only scanty traces now exist of this once almost impregnable city; but another Phoenician wall near Banias (Syria) still exists in places to a height of 35 feet, varying from 16 to 30 feet in thickness. It is built of roughly-dressed blocks of limestone, set on horizontal beds, but with irregular butt joints filled up by the insertion of small stones. The remains of the Punic citadel at Eryx in N. Sicily are of similar character, with massive stones roughly shaped and coursed in an irregular manner.

It is interesting to compare with these Phoenician walls the famous citadel of Tiryns, sur-

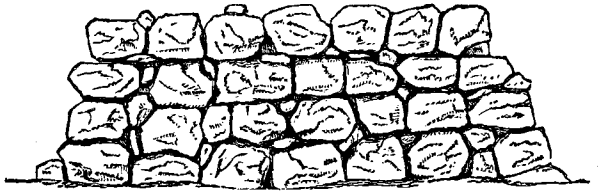
rounded with a most massive wall, constructed of blocks of such immense size that the Greeks



Tiryns. Section of outer Wall.

of the historic period attributed their erection to the fabled Cyclops, working for god-like

heroes (see Paus. ii. 25). The above cut shows a probable restoration of the Tirynthian wall, as discovered by Dr. Dörpfeld (see Schliemann and Dörpfeld, *Tiryns*, p. 318 *seq.*). The base of the wall rests on a levelled surface cut for it in the rock: its lower part is built of those immense blocks which aroused the wonder of Herodotus and other Greeks down to Pausanias. Some are as much as 10 feet long, roughly shaped, with smaller stones to fill up the interstices, and the whole bedded carefully in clay, used instead of mortar: another common early method of construction. As in the walls of the Punic Thapsus and Byrsa, the lower part is solid, but above that rows of chambers are formed, together with a covered passage into which each room opens. The roofing is formed by large blocks, set like corbels, each projecting over the course below, a very usual primitive method of obtaining the arch shape without the *principle* of the arch. Above this, along part of the circuit, was a second story of chambers, built of sun-dried bricks; and above the passage was an open colonnade, with wooden pillars resting on stone blocks, and supporting (probably) a flat wooden roof covered with clay.



Pre-historic Wall in Greece.

A very interesting inscription (*Cor. Insc. Att.* ii. 167), relating to a restoration in the 4th century of the walls of Athens, shows that a very similar arrangement existed there. It mentions the upper portion of the Athenian wall as being of brick, with, at the top, a covered gallery supported on columns, and rows of windows closed by wooden flap-shutters. The roofing consisted of wooden beams or joists, on which were burnt clay tiles bedded in moist clay. This wall was destroyed by Sulla, and a large number of fine tomb-reliefs were discovered a few years ago safely buried in the decomposed crude clay bricks of which the upper part of the walls of Athens had been constructed. As appears to have been the general custom, the walls of Tiryns, and those of Athens nearly a thousand years later in date, were strengthened by square towers set at intervals along the circuit.

Another interesting example of this use of crude brick and stone is still to be traced at Mantineia, where almost the whole circuit of the city wall still exists up to where the brick began. The stone base, which is nearly 4 feet high, is formed with a level bed at the top to receive the upper clay part. Its thickness is 10 feet, made up thus—first an outer facing of dressed stone 4 feet thick, a similar inner facing 2 feet thick, and an intermediate filling in 4 feet thick. The facing is of closely-jointed blocks, set without mortar: the inner portion is a sort of concrete made of small stones, lime and gravel. The wall had ten gates and closely-set towers, with a moat on the outside.

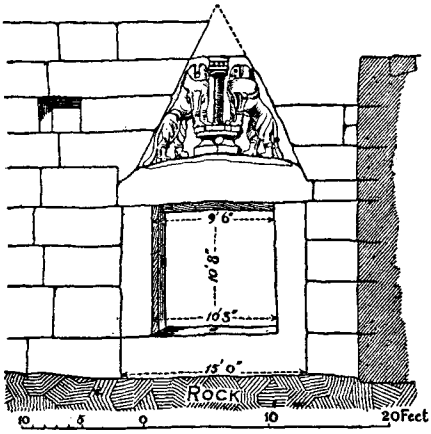
The use of crude brick for city walls led to a curious system of attack being sometimes adopted. Thus, when Agesipolis, king of Sparta, besieged Mantineia, he directed the stream Ophis along its walls, and so washed away the brick at one place sufficiently to make a breach. The same method of attack was employed by Cimon, the son of Miltiades, against the walls of Eion on the Strymon.

Though kiln-fired bricks were largely used in ancient Egypt and still more in Assyria, the Greeks appear to have employed them very sparingly, and no Roman examples are known of earlier date than the 1st century B.C. According to Pausanias (v. 20), the circular Philippeion at Olympia was built of baked brick, but the existing remains were found to be of stone ashlar.

II. Stone Construction.—The most primitive type of stone masonry is that in which large blocks are used, very roughly dressed with an axe or hammer; small stones being used to fill up the open joints, and, as a rule, a bedding of clay instead of a lime mortar. The above-mentioned walls of Tiryns, dating probably not less than 11 or 12 centuries before Christ, are the most remarkable existing examples. This method of building was not, however, employed, even at so early a date as the construction of the Tirynthian Acropolis, on account of want of sufficient skill to work stone neatly; but simply because such rough and massive masonry was practically as good as the finest ashlar for the outer walls of a fortification. Within the palace Dr. Dörpfeld found ample evidence to show that the Tirynthian builders possessed tools of the most varied kinds, fit for the most elaborately finished stone-work. Not only chisels were used, but even jewel-tipped drills, both solid and tubular, and saws set with corundum, or other hard crystals, such as were used as early as 4000 B.C. in Egypt to work the refractory granites and basalts of the ancient dynasties.

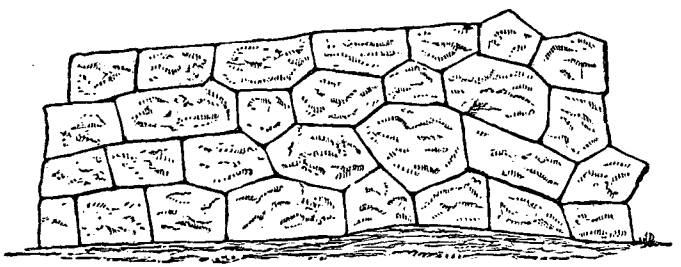
Any chronological arrangement of the various kinds of masonry would be misleading. One of the oldest existing buildings in the world, the so-called "Temple of the Sphinx," near the Great Pyramid in Egypt, is built of the most perfectly regular and neatly-fitted blocks of stone; its inner walls being lined with great slabs of beautiful translucent alabaster, 5 or 6 inches thick, so perfectly fitted that the joints are hardly visible: this beautiful lining is now rapidly being stolen. The walls of Mycenae, certainly earlier than 1000 B.C., consist in most places of large blocks very accurately squared, with perfectly fitting beds and joints: enormous monoliths are used for the jambs, lintel, and threshold of the principal gate, over which still exists the well-known relief of the pillar between the guardian lions. This is shown in the annexed cut. The slab itself fills up the "relieving" opening, which was of triangular shape, as was usual at that date. The missing heads

of the lions appear to have been of bronze: holes for their attachment still exist, with blue stains of copper oxide.



Lion Gate of Mycenae.

The name Cyclopean or Pelasgic has been popularly given to masonry constructed of polygonal blocks, which in many cases are fitted together with great care and skill. Examples of this exist at Signia (Segni), Norba, and many other ancient sites in Etruria, Central Italy, and in Greece itself. This style of building appears really to belong to no special race or date. (See Bunbury, *Cyclopean Remains*, in *Museum of Class. Arch.* ii. p. 147; and Dodwell, *Tour in Greece*.) The latest dated example of this polygonal masonry is the cella of the small Temple of Themis *in antis* at Rhamnus, not earlier than the 5th century B.C.: in this case the blocks are smaller than those used in the primitive fortifications of Central Italy. Though more economical of material, the polygonal method of construction would not require less, but rather more skill on the part of its masons; it being no easy matter to fit together such irregular forms with the perfect accuracy that in many cases had been attained: and it should not therefore be taken as a proof of very early date.



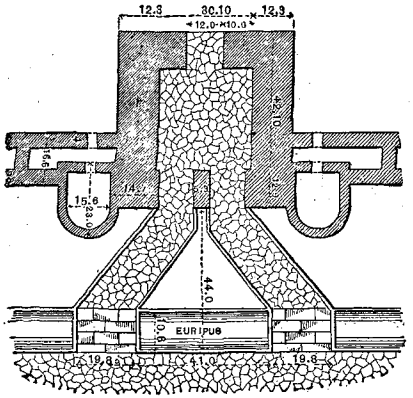
Polygonal Masonry.

During the historic period of Greece, the more important buildings, such as the temples, were usually built of quadrangular blocks of stone, each course having a level bed running from end to end of the wall. The beds and joints were worked to a much more accurately smooth surface than the visible faces of the wall, because whenever stone was used by the Greeks it appears to have been the custom to cover it with a thin skin of very fine white stucco, made of lime and powdered marble or limestone, mixed with some kind of size. (See Vitruv. vii. 6.) This mixture set to the hardness and durability of the best quality of stone; it received, by working over while soft, a pleasant ivory-like texture, and its slightly absorbent surface formed an excellent ground for the application of the coloured ornament which seems to have been always used on Greek buildings. The modern word "stucco" gives a very erroneous notion of this beautiful material. The chief existing examples of this fine stone masonry are those at Selinus and Agrigentum in Sicily, and Paestum in Magna Graecia. (See Serradifalco, *Antichità di Sicilia*, and Wilkins, *Magna Graecia*.)

After the Persian war, in the first half of the 5th century B.C., the Athenians began to use marble for their finest buildings. The walls, for example, of the Athenian Propylaea and the Parthenon are marvels of perfect masonry. The blocks of marble are cut in courses of regular depth; and, no cement being used, each block was made to fit with absolute precision to the adjacent blocks by being moved backwards and forwards over its bed, till its surfaces were rubbed perfectly smooth. So absolutely air-tight were these surfaces that in many cases age and pressure have made adjacent surfaces actually, as it were, grow together: this is shown in a very striking way by the fact, that in certain places, where the wall is broken, the fracture has gone through the solid block rather than cause a separation of two blocks at the joint or bed. Great labour was also spent in clamping horizontally with iron or bronze each block to the next one on the same course; and vertical dowels were used to fix each block to the next courses above and below. In most cases the metal clamps were fixed by pouring in fluid lead, the cavity in the marble being cut a little larger than the actual clamp required at its turned down ends. Even during the 5th century the use of marble was as a rule limited to places which, like Athens, had marble quarries at hand; and such important buildings as the Temple of Zeus at Olympia, and that of Apollo at Bassae, had their walls constructed of local stone. It was not till the 4th century, when many of the great temples of Western Asia Minor were reconstructed on so magnificent a scale—as *e.g.* those at Didyme, Ephesus, Teos, Magnesia, and the Smintheum in the Troad—that the use of marble was considered necessary for the construction of a magnificent building. The fact is that, as long as they were not ruined, the general effect of the stone temples coated

with their fine skin of marble dust *gesso*, enriched by brilliant coloured decoration, must have been as beautiful as that of a building of solid marble, and not distinguishable from it except by the closest examination.

During the 5th to the 3rd century B.C. stone masonry of almost equal beauty to that of the temples was often used for the fortification walls of Greek cities. The usual scheme of defence was to have, on the outside, a deep foss, either filled with water or, where that was not possible, merely an empty trench. The wall was from 10 to 15 feet in thickness, with, on the top, a walk for sentinels and a parapet with battlements all along. At regular intervals were towers, usually square, but sometimes rounded in plan, projecting on the outside like those of the Phoenicians, two being placed to flank each gateway. This general scheme was



Wall and Gateway of Posidonia.

adopted in the walls of the Greek city of Posidonia (Paestum) in Magna Graecia, which, like Tiryns, had chambers for the garrison: they are well illustrated in the *Museum of Classical Antiquities*, vol. i. p. 35. The walls of Messene, on the slopes of Mt. Ithome, are among the most perfect remains of Greek building in the Peloponnese, and are a beautiful example of Hellenic masonry during the best period. They are wholly built of neatly-dressed blocks, regularly bedded without mortar in horizontal courses. Along the top of the wall is a levelled walk defended by a battlemented parapet: in each of the many projecting square towers is a chamber with its floor at the level of the top of the curtain wall, on to which access is given from the towers by doorways with flat lintels, so that the towers do not interrupt the passage round the wall. Square battlements crowned the summit of each tower, as a defence to the soldiers posted on the roof of the tower chamber.

In the finest sorts of masonry, both among the Greeks and Romans, metal clamps instead of cement were used, each block fitting with absolute closeness to the next; but in the rougher sort of walling the blocks were less carefully dressed, and a fine lime mortar was used to bed each course. The famous "Long Walls" from Athens to Peiraeus were of this latter sort, as Plutarch describes (*Cim.* 13), χάλικι πολλῇ καὶ λίθοις βαρέσι τῶν ἐλῶν πιεσθέντων. Other parts, perhaps the facing, of this wall described by Thucydides (i. 93) appear to have been of the finer kind of masonry, with blocks so large that each was a cart-load (ἀμαξιαῖοι), closely fitted (ἐν τομῇ ἐγγώνιοι) and secured by metal clamps run with lead, like those used in the Parthenon.

Though as a rule the joints in fine masonry must have been practically invisible, owing either to the coating of stucco or to the perfect grinding together of the surfaces, yet we read of one case (Plin. *H. N.* xxxvi. § 98) in which the joints were treated in a conspicuously decorative way. This was a temple at Cyzicus, in which the interior walls of the cella had a fine thread of gold inserted in the joints of every course. That this statement is probably true is borne witness to by the discovery, among the ruins of the Artemision at Ephesus, of certain bases of the great Ionic columns, in which the quirks between the astragals still contained bits of a strip of pure gold fixed with lead into its place: thus forming two or more rings of gold ornament all round each of the main bases of the order.

Pre-Roman Methods of Mural Decoration.

The earliest example of a decorated wall-surface is the Temple of the Sphinx, *c.* 4000 B.C., mentioned above as being lined with slabs of alabaster. Sculpture, in low relief, was used in the most lavish way, during a space of between three and four thousand years, to decorate the tombs and temples of Egypt. This sculpture is, as a rule, not cut on slabs affixed to the wall, but on the coursed blocks of which the wall consists: the joints, which, in the present ruined state of the building, cut through and disfigure the reliefs, were originally concealed by a thin skin of fine stucco, like that used by the Greeks, on which the colouring was applied. In ancient Assyria and Chaldaea wall reliefs were used in no less lavish a way; but, as a rule, with this difference, that the sculpture was carved on thin slabs, which were fixed to the surface of the wall, not, as in Egypt, cut on the solid wall itself.

Painting on stucco is perhaps the most widely used method of wall decoration among all classical races and at all periods [see PICTURA]. Another very costly and magnificent method of wall decoration, largely used in early times, was to cover the surface with plates of bronze, beaten into relief, and usually gilt. Traces of this method of enriching wall-surfaces have been found in the palaces of Persepolis, the so-called treasuries of Mycenae and Orchomenos, and in the palace of the Tirynthian Acropolis. The splendour of these delicately enriched metal surfaces, gleaming with gold and broken into points of light, varied with the half-shadows of the reliefs, must have been of the most dazzling kind. We know now that such descriptions as Homer's golden house of Alcinous need not be considered wholly the offspring of a poet's fancy. The Treasury of Myron and the Shrine of Athene Chalcioecus, mentioned by Pausanias (vi. 19 and iii. 17), were probably examples of the same method of decoration by bronze *repoussé* plates.

Reliefs moulded in clay, and then coloured with brilliant enamel pigments, were used

for wall-decoration in Egypt, Assyria, and Persia. Friezes, with lines of kings, soldiers, and processions of captives, in enamelled relief, formed on tiles or plaques, were found in Rameses the Great's palace at Tel-el-Yahoudeh. Their execution is a marvel of technical skill, in the minute use of the most delicate relief, and the most varied enamels of jewel-like brilliancy. Recent excavations at Susa have brought to light examples of this kind of decoration on the most magnificent scale. The walls of one room were lined with life-sized figures, moulded, not on slabs but on the ordinary coursed brickwork, so that each figure is built up of about 20 courses of bricks, all fitting together with great accuracy. The whole of this magnificent procession is covered with enamels of various colours—a combination of the plastic and pictorial arts which gives an effect of unrivalled splendour, and from its vitreous surface has the advantage of being almost imperishable. Some of these wonderful reliefs were brought in 1887 to the Museum of the Louvre, and give one a most vivid notion of the skill and decorative taste of the Persian craftsmen.

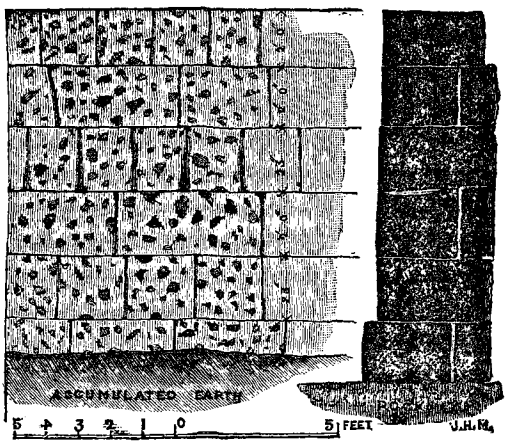
The decoration of wall-surfaces by thin marble linings does not appear to have been much used by the Greeks. According to Pliny (*H. N.* xxxvi. § 47), thin slabs (*crustae*) of Proconnesian marble were used to decorate the Palace of Maussolus at Halicarnassus, c. 360 B.C.; and when the remains of Queen Artemisia's mausoleum were used by the Knights of St. John, in the 15th and 16th centuries, to build the castle of St. Peter at Halicarnassus (Budrum), they are said to have found the interior of the Heroon lined with slabs of various coloured marbles. (See Newton, quoting Guichard, *Travels in the Levant*, vol. ii. p. 126.) As a rule, however, the use of coloured marbles for wall-linings was not introduced till later times, and would have been rather displeasing to the severe taste of the best period of Hellenic art, though it was the favourite method of mural decoration in the artistically inferior period of the Roman empire. [See DOMUS.]

The Roman Period.

A great deal that is wholly misleading has been written about the methods of building used in the walls of ancient Rome, partly because the real methods of construction are frequently hidden behind very deceptive modes of surface decoration. The systems of wall-building in Rome may be classified thus:—I. Sun-dried bricks (*lateres crudi*), of which no example now exists. II. *Opus quadratum*, solid walls of squared stone. III. Concrete, *opus coementitium*. (*a*) unfaced concrete; (*b*) faced with *opus incertum*; (*c*) faced with *opus reticulatum*; (*d*) faced with burnt brick (*lateres cocti*); (*e*) faced with the so-called *opus mixtum*. The usual error has been to class *opus incertum*, *opus reticulatum*, &c., as separate constructional categories; whereas, in reality, they are merely different methods of facing concrete walls.

I. *Sun-dried bricks* in Rome, as in Greece, appear to have been largely used for all except the more important public buildings, till about the 1st century B.C. The remarks of Vitruvius (ii. 3) about the names and the sizes of bricks appear to refer wholly to crude bricks; the kiln-baked bricks used for wall-facing in Rome being always triangular in shape, not rectangular, like those described by Vitruvius. Care was taken to dig out the clay at the right season, and also to keep the bricks for a long time before being used—a precaution that would have been useless in the case of kiln-fired bricks. Careful directions are given in the same chapter (Vitruv. ii. 3) as to the formation of good "bond," by alternate courses of "headers" and "stretchers." This, again, does not apply to the burnt bricks of Rome, which are never used to build a wall, but merely as facing.

II. *Opus quadratum*, masonry of solid ashlar. The earliest existing example of this in Rome is the pre-historic fortification wall of *Roma Quadrata* on the Palatine, popularly called the "wall of Romulus." This consists of blocks of the local tufa, with very even beds, but less careful vertical joints. The blocks run in fairly even courses of nearly 2 Roman feet in depth, but vary in length. The bond is imperfect: joints are often allowed to come one over another; and no mortar is used. The cut shows a piece of the best preserved part at the west angle of the Palatine. The Servian wall shows the next stage; harder stone is used, the courses



Existing piece of the "Wall of Romulus."

are more regular, the surfaces more truly dressed, and the bond more workmanlike. Under the later republic the harder *peperino* was usually employed for external work, the soft tufa being reserved in many cases for internal walls. The most perfectly developed *opus quadratum* is to be seen in the walls of the Capitoline *Tabularium*, which, on the exterior, are built of perfectly regular blocks of *lapis Albanus* (peperino), each exactly 2 Roman feet × 2 ft. × 4 ft. long, arranged in alternating courses of "headers" and "stretchers," such as in modern language is called technically "English bond." So accurately are the blocks worked and set, that each series of joints comes exactly over those

below, up the whole height of the wall. These blocks are bedded in a very thin layer of pure lime, used, not as a binding cement, but as a method of obtaining absolutely perfect contact in all the adjacent surfaces—a very early practice in Rome, which is to be seen even in the primitive *Tullianum* or lower chamber of the "Mamertine prison."

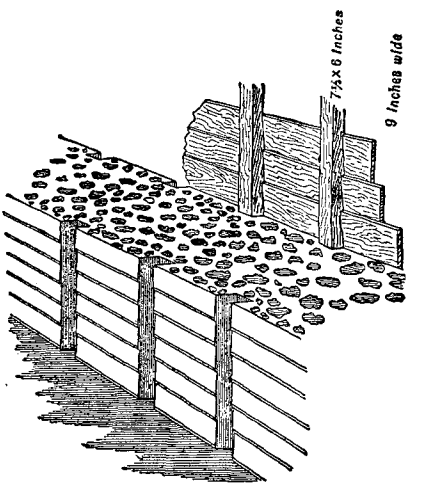
In the 1st century B.C. the hard, cream-coloured limestone, *lapis Tiburtinus* (Travertino), came into use for the more costly buildings, but the principal examples of its use date from the 1st and 2nd centuries A.D., as in the lower part of the cella walls of the temples of Concord, Vespasian, and Faustina. In these the blocks are worked with courses of varying thickness, and the beds and joints are rubbed to such a perfect surface that absolutely close contact is obtained without the use of the thin skin of lime mortar. As among the Greeks, the blocks of the finest masonry are fixed by iron clamps run with lead ("ansis ferreis et plumbo," Vitruv. ii. 7), or, in some cases, by wooden "dovetail dowels." In the same chapter Vitruvius describes the methods of bonding derived, as he says, from the Greeks. The best class of masonry (ἔμπλεκτον) was formed by alternating "headers" and "stretchers," *i.e.* blocks laid cross-wise or lengthways; and, in some cases, "through stones" (διατόνοι) were introduced, *i.e.* blocks set as "headers," of sufficient length to reach through the whole thickness of a wall —a needless precaution, unless the wall were rather thin.

Existing specimens of domestic architecture in Rome, built with *opus quadratum*, are very rare. One of the chief examples is the older part of the *Regia*, or official house of the Pontifex Maximus, in which remains still exist of early tufa masonry, with accurately squared blocks. Similar tufa blocks are also used for the walls of the oldest houses in Pompeii,—those, that is, which survived the earthquake by which the town was mostly destroyed, a few years before its final destruction in 79 A.D. Some of these probably date from the 1st century B.C., or even earlier.

In all cases in ancient Roman buildings, whether tufa or peperino were used, it appears to have been the custom to coat the stone with the fine marble or limestone stucco (*opus marmoreum*), such as was used in Greece, and is described in great detail by Vitruvius (vii. 2, 3 and 6). Thin coatings of this beautiful hard substance were used in some cases to cover travertine, and even marble walls. With tufa, as with unburnt brick, it was a constructional necessity, the soft tufa being the worst possible "weather stone;" but in other cases it appears to have been applied for decorative purposes.

III. *Concrete.*—The use of concrete, both among the Greeks and Romans, is really much older than has usually been supposed. It was largely used in the palace of Tiryns, especially for floors; and in Rome still exists as backing to part of the Servian wall on the Aventine. Concrete in Rome was made of broken stones, together with lime and *pulvis Puteolanus* (pozzolana); or else, during the Imperial period, broken pieces of burnt brick frequently replaced the stone. The *pozzolana*, great beds of which, showered down from long extinct volcanoes, exist over most of the Roman Campagna, forms, when mixed with lime, a very strong hydraulic cement, applicable to a great variety of purposes, such as concrete walls, mortar, and stucco. In the older concrete *tufa* is the stone usually employed, but under the Empire other harder stones were used, especially for foundations of walls which had to carry a heavy weight. The best and most durable kind of concrete was made with pieces of lava, the *silex* of Pliny and Vitruvius, with which the Roman roads were generally paved.

The method of forming concrete walls is shown in the annexed cut. Upright posts,



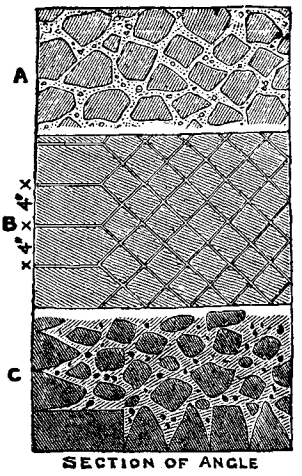
Method of casting concrete Walls.

about 6 × 5 inches thick and 10 to 15 feet high, were stuck at intervals of about 3 feet in the ground along the line of both faces of the future wall; and against these posts wooden planks, 10 to 12 inches wide, were nailed horizontally, overlapping one another. Into the intermediate space the semi-fluid concrete was poured, receiving on its surface the imprint of the posts and boards. When the first layer of concrete had set hard, the wooden framing was removed and refixed on the top of the concrete wall. The process was then repeated till the wall was raised to the required height. Walls thus formed, especially if the hard lava or travertine were used, were stronger and more durable than even the most solid masonry. Blocks of stone could be removed, one by one, by the same force that set them in place; but a concrete wall was one perfectly solid and coherent mass, which could only be destroyed by a laborious process, like that of quarrying hard stone from its native bed.

As a rule, except when used for foundations, the Roman concrete was not left without some facing. During the Republican period, the method of facing was *opus incertum*, but it was nearly obsolete in the reign of Augustus, as Vitruvius (ii. 8) writes: "*reticulatum*, quo nunc omnes utuntur, et antiquum quod *incertum* dicitur." In this method irregularly shaped bits of tufa, 3 to 5 inches across, were cut smooth on one face, and roughly pointed behind. The whole

face of the concrete wall was studded with these stones, like a magnified mosaic, the points sticking into the wall, and the smooth ends appearing on the surface.

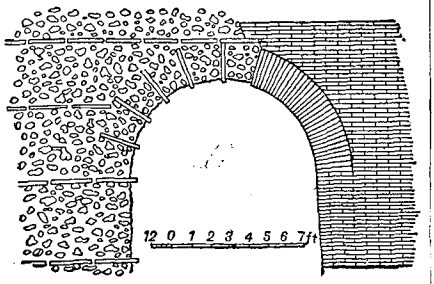
Opus reticulatum, universally used (as Vitruvius says) in his time, is very like *opus incertum*, except that each little block of tufa is cut to a true square at one end, and all are arranged to run in regular diagonal lines, like a piece of network, whence came its name. Though of no



Concrete Wall faced with (A) Opus incertum and (B) Opus reticulatum. C shows the section, similar in both.

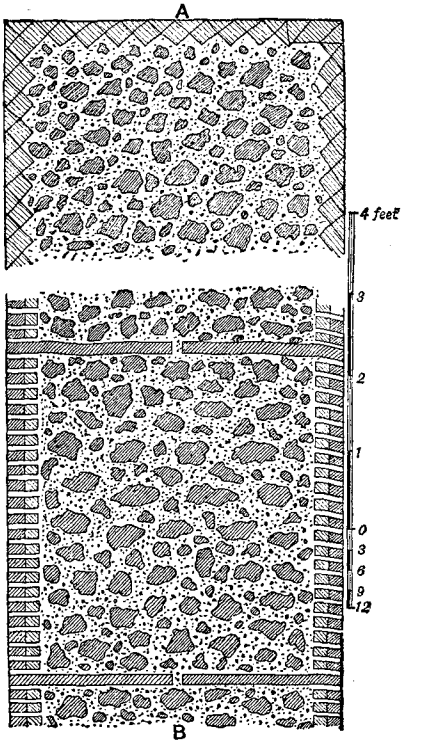
real constructional importance, it is very neat in appearance, and it is rather strange to find that, like the *incertum*, it was usually, if not always, covered with stucco. It appears to have come into use about the beginning of the 1st century B.C., and continued in use, though becoming less common, till the reign of Hadrian. Facing with kiln-fired brick appears not to have been used in Rome before the 1st century B.C. In fact, no examples are known to exist earlier than the wall of J. Caesar's *Rostra*, rebuilt on a new site in 44 B.C.

It is an important thing to observe that in ancient Rome burnt brick was never used to build walls, but merely as a thin facing. In the true sense of the word, there is no such thing as a brick wall among all the ruins of



Concrete Arch: half with its brick facing removed.

Rome; the actual wall being of concrete, with merely a thin facing of triangular bricks, arranged as is shown in the woodcut. Even party-walls of small houses, sometimes only 7 inches thick, are not built of solid brick, but



Concrete Wall faced with brick.

have an inner core of concrete faced with small brick triangles. Thus, for example, such a building as the Pantheon of Agrippa, which appears to be built of brick, is found on examination to consist of walls with about 18 feet in thickness of concrete, and a facing of brick averaging only 3 or 4 inches in depth.

The advantages of this concrete construction, both for walls and vaults, were very great: each wall was like one solid slab of stone, any part of which might be cut away without destroying the rest. A striking example of this is to be seen in the Thermae of Caracalla: in one place the concrete wall originally rested on two marble columns. The columns were stolen some centuries ago, and the wall above still remains hanging like a curtain from the concrete vault.

It is not easy to explain why the Romans were so fond of using this brick facing over their concrete. It was not a constructional necessity, as the many walls of unfaced concrete which still exist clearly show. It was not for the sake of its appearance, as, except in a very few cases, such as the great aqueducts, the brick facing was concealed by stucco or by marble linings. The very smoothness of the brick was practically a disadvantage, being unsuited to the reception of stucco; and great cost and labour were expended in studding the brick facing with metal nails or plugs of marble in

order to form a "key" for the coating of stucco, which adhered firmly, without any such help, to the bare concrete of unfaced walls.

The character of brick facing, the thickness of the bricks and the mortar joints, is often a very valuable indication of the date of a building; the general tendency being for the bricks to get thinner and the mortar joints thicker. Thus the Pantheon, dated 27 B.C., has bricks $1\frac{1}{2}$ inches thick, with joints averaging $\frac{3}{8}$ inch. In the palace of Sept. Severus, 200 A.D., the bricks are 1 inch and the joints $\frac{3}{4}$ inch in thickness. In the Aurelian walls of Rome, *c.* 270 A.D., bricks and joints average the same thickness, both measuring about $1\frac{1}{4}$ inches.

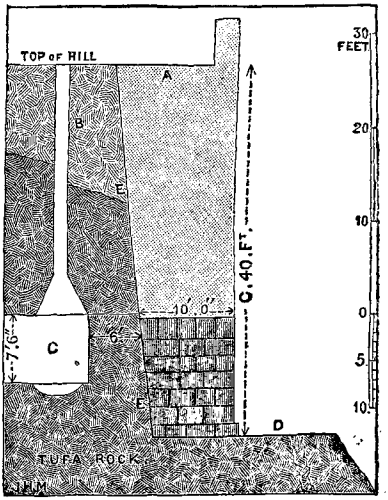
The term *opus mixtum*, though not a classical one, is now used to denote wall-facings of a late period, with alternating courses of brick and small rectangular blocks of tufa. The earliest dated example is the Circus of Maxentius, *c.* 310 A.D.; it continued in use till the time of Theodoric, *c.* 500 A.D.; after which destruction, not construction, went on in the unhappy city of Rome.

The above methods of Roman construction are those which were employed in the greater part of Italy; but in their distant provinces, such as Britain or Gaul, the systems of building were often modified to suit the nature of the materials which the country supplied. Thus, outside of Italy, owing to the lack of pozzolana to make a strong hydraulic cement, concrete was less extensively used for walls. In Britain one of the favourite Roman methods was to build the wall with more or less carefully dressed stone for the facing, and an internal filling in of rubble. At regular intervals "lacing courses" of brick were built, extending through the whole thickness of the wall; large rectangular bricks (*tegulae*) being used instead of the triangles of Rome itself. The Roman fortification walls of London, Richborough, and many other places are examples of this mixed construction.

In all cases the mortar used in Roman walls is of a very hard and durable character, owing to the great care taken in preparing and mixing the materials. Much of the Roman mortar owes its strength to the lime being mixed with finely-pounded brick or pottery, the *opus e testis tunsis* of Vitruvius; a much better substance for the purpose than such sand as is now commonly used. Vitruvius' chapters on sand (*arena*, ii. 4), on lime (*calx*, ii. 5), and the preparation of concrete, mortar, cements, and stucco of all kinds, are of the highest practical value; and modern builders would produce much better work if they would follow Vitruvius' injunctions. It is, however, useless to hope for that: the chief secret of the immense superiority of the Roman work to that of the 19th century is due to the fact that in the old days the builder's first object was to produce a strong and lasting piece of work, not to erect his building at the lowest possible cost, as is the case now.

Fortification Walls of the Romans.

Many different systems of fortification were adopted, according to the varying natures of the sites. The pre-historic defence of *Roma Quadrata*, on the summit of the Palatine hill, was arranged thus. The base of the circuit was set neither at the foot of the cliff nor at its summit, but on an artificially cut shelf, at an average distance (along the *Velabrum* side) of



Section of the Wall of Roma Quadrata.

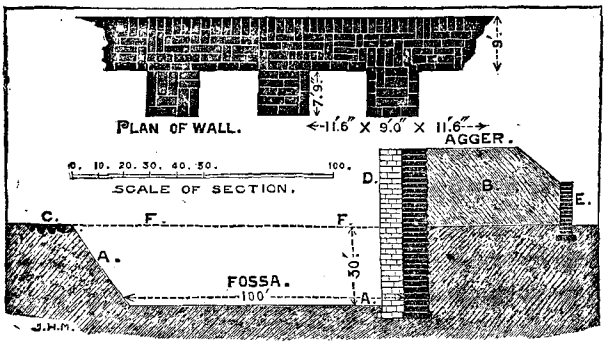
A. Original height of wall.
B. Upper part of cliff, now crumbled away.
C. Cistern cut in tufa rock.
D. Levelled platform to receive base of wall.
E E. Cliff made steeper by cutting.

about 40 feet from the top. The face of the cliff above this shelf was cut back into an almost perpendicular precipice, slightly sloping back or "battering" inwards, as is shown in the cut. Against this the wall was built, rising to the top of the hill, and probably a little above it, to shelter the garrison. The native *tufa* at this point is very soft, and so it was thought advisable to line the cliff with a wall of harder tufa, which would not give foothold to an enemy. In other places, as on the Capitoline hill, the native rock is harder; and so the place was made secure simply by scarping the rock to a perpendicular surface, and then only a low wall of defence was required at its summit. The above cut shows also one of the cisterns for storing rain-water, which were cut in the rock for use in time of siege.

Along one space of about 1400 yards, in the circuit of the early or "Servian city," the wall had to cross a level piece of ground, and so the defence got no help from the natural contour of the rock, as it did in most other parts of the circuit (see Dionys. ix. 68). For this reason a more elaborate system of fortification was adopted: a great *fossa*, 30 feet deep and 100 wide, was dug, and its earth heaped up on the inside to form an *agger*, which was kept up by a massive stone retaining wall, 9 feet thick and about 30 feet or more in height. This wall, in some places, is strengthened by great square buttresses. A lava-paved road ran along the outer edge of the *fossa*. (See Middleton, *Ancient Rome*, pp. 69–74.)

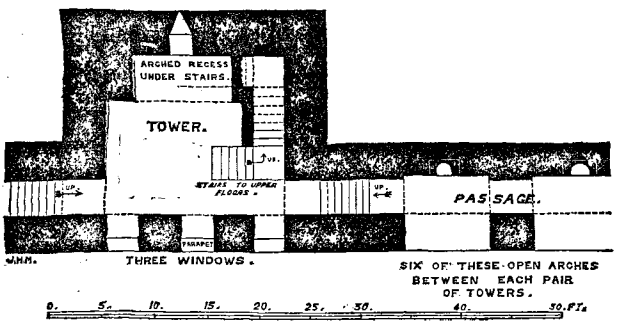
The later fortification wall of Rome, which encloses a very much larger area than the *Regiones* of Servius, was planned and in great

part built by Aurelianus, in 270–5 A.D. It is built of concrete faced with brick, and extends along a circuit of about 12 miles. Like the early Greek walls, its lower part is solid, to resist battering-rams, and the upper part contains in its thickness a passage for the garrison, extending all along its circuit. This passage



Section of Wall and Agger of Servius. The plan is double the scale of the section.

AA. Undisturbed earth of fossa.
B. Earth excavated from fossa.
C. Road at brink of fossa.
D. Wall and buttress.
E. Back retaining wall of agger.
F. Level to which the fossa was filled up and built upon under the Empire.



Aurelian's Wall. Plan showing one of the towers and the passage in the thickness of the wall.

opens on the interior with a series of tall arches, something like those of an aqueduct, and is vaulted overhead, forming a wide platform at the top, guarded by battlements, for the soldiers. At close intervals, only 45 feet apart, tall and massive square towers were set, 383 in all, with a guard-room below, and a sleeping-room for the garrison above. The plan of one of these towers and a bit of the sentinels' passage is shown in the woodcut. The passage, which continued through the towers, formed a covered walk along the whole 12 miles of the circuit. The height of the wall varied according to the contour of the ground: it probably averaged nearly 50 feet; the towers rising about 20 feet above the top of the intermediate wall. Except where the wall skirted the river along the Campus Martius, its circuit still exists, more or less perfectly preserved. In some places, as *e.g.* in the now destroyed Ludovisi gardens, it is still in a very perfect state, with the exception of its battlements, almost all of which have perished.

The walls of Pompeii, which are in parts very perfect, are an interesting example of the defences of a smaller city. They, too, have towers, square in plan, set at close intervals, and near the top a broad platform for the defenders of the town.

In other cases—as, for example, in the Roman fort at Old Cairo (the mediaeval Babylon) — towers of circular plan are used. (See A. J. Butler, *Coptic Churches*, i. p. 155.) This system is recommended by Vitruvius, on the very reasonable ground that the angles of square towers form weak points when attacked by the battering-ram. (See the whole of Vitruv. i. 5.)

Respecting the gates, see PORTA.

Literature. — Perrot and Chipiez's various works on *Egypt*, *Assyria*, *Phoenicia*; Schliemann's works on *Troy*, *Mycenae*, and *Tiryns*; Blümner, *Technologie bei Griechen und Römern*; Winckler, *Die Wohnhäuser der Hellenen*; Helbig, *Das Homerische Epos*; Adamy, *Architectonik der Hellenen*; Middleton, *Ancient Rome in* 1885, and an article on "Roman Construction" in *Archaeologia*, vol. 51, for 1888; Nissen, *Pompeianische Studien*; Overbeck, *Pompej*, re-edited by Mau. See also DOMUS. [J. H. M.]

MU'SCULUS was a shelter for soldiers engaged in undermining the enemy's walls or towers (Caes. *B. C.* ii. 10; Isid. *Orig.* xviii. 11, 4), or in filling up the ditch so as to bring the battering-rams, &c. up to the wall (Veget. iv. 16). As described by Caesar (*l. c.*), in the siege of Marseilles it was strongly made of wood, 60 feet long, 4 feet wide, and 5 feet high, with a sloping roof. The construction is as follows:—Two beams, 60 feet long, were placed at the base, 4 feet apart: in these were fixed upright posts (*columellae*), 5 feet high and joined by gable beams (*capreoli*) meeting in an angle, across which thick planks or beams are laid lengthways, so as to form a roof sloping both ways. These beams (*bipedalia*, 2 feet thick) are nailed and clamped together; at the bottom of the slope each side rises a ledge (*regulae*), 4 digits high, so as to support the layers of bricks, &c. The layers over the wooden roof are bricks and earth; over these, hides to prevent the bricks being displaced by water; and over the hides are cushions or mattresses (*centones*) kept wet, so as at once to prevent fire and to break the force of stones hurled from above. The machine is constructed beneath the tower of the besiegers, and then is moved on rollers up to

the wall. The besiegers throw down huge stones and blazing tar barrels, which roll harmlessly off the sloping roof. The difference between the musculus and the vinea was that in the vinea one of the long sides was open for working, while the musculus was open at the ends, hence giving a long sheltered gallery, the end of which was against the city wall. It was, of course, rolled lengthways to the wall. The vinea was rolled broadside up to the wall. The musculus also was more solidly built than the vinea, and not so high. The *testudo* was something like the musculus, but squarer. (Lipsius, *Poliorcet.* i. 9; Marquardt, *Staatsverwalt.* ii. 531.) [L. S.] [G. E. M.]

MUSE'A (Μούσεια), a festival with contests celebrated in a grove on the lower slopes of Mount Helicon in Boeotia, not far from the spring of Aganippe, in honour of the Muses. It was held every fifth year and with great splendour. (Plut. *Amator.* p. 748 F.) It was first under the charge of the Ascraeans, having been instituted according to tradition by the Aloidae: afterwards it was superintended by the inhabitants of Thespiae. (Paus. ix. 29, § 1; 31, § 3; *C. I.* 1585, 1586.) There was also a festival called *Museia*, which was celebrated in schools, with sacrifices, to which the pupils contributed. (Aeschin. *in Timarch.* § 10; Theophrast. 25, 11; LUDUS, p. 95 *a*.) [L. S.] [G. E. M.]

MUSE'UM (Μουσεῖον) signified in general a place dedicated to the Muses, but was specially the name given to an institution at Alexandria founded by Ptolemy Philadelphus, about B.C. 280, or perhaps by his father and predecessor Ptolemy Soter, for the promotion of learning and the support of learned men. (Athen. v. p. 203.) We learn from Strabo (xviii. p. 794) that the museum formed part of the palace, and that it contained cloisters or porticoes (περίπατος), a public theatre or lecture-room (ἐξέδρα), and a large hall (οἶκος μέγας), where the learned men dined together. The museum was supported by a common fund, supplied apparently from the public treasury; and the whole institution was under the superintendence of a priest, who was appointed by the king, and, after Egypt became a province of the Roman empire, by the emperor (Strabo, *l. c.*). Botanical and zoological gardens appear to have been attached to the museum (Philostr. *Apollon.* vi. 24; Athen. xiv. p. 654). The Emperor Claudius added another museum to this institution (Suet. *Claud.* 42, with Casaubon's note). The studies at the Alexandrian Museum had been arranged by Ptolemy Philadelphus in four faculties, — literature, mathematics, astronomy, and medicine,—and it is said to have received at one time as many as 14,000 students.

It should be observed that in all probability the original of this institution was the museum at Athens (similar in its object of encouraging learning and art and like in form, though on a smaller scale), which was founded or enlarged in pursuance of the will of Theophrastus to receive the statue of his great master Aristotle, and to become a school of Aristotelian philosophy (Diog. Laert. v. 51). The name was the more appropriate because there was a Μουσεῖον at Stagira (Plin. *H. N.* xvi. § 133). Baumstark (*ap.* Pauly, *Real Encycl.*) argues for the foundation of the Alexandrian Museum by Ptolemy I. (Soter) from the well-known favour which Ptolemy Soter showed to men of learning, and especially his regard for Theophrastus (Diog. Laert. v. 37), who founded or enlarged the Museum at Athens, and for Demetrius Phalereus, and from the fact that the manner in which Athenaeus (*l. c.*) speaks of the Museum at the beginning of Ptolemy II.'s reign we should imagine that it had been developing for some time. It is easy to understand how the word μουσεῖον, losing religious significance, came to imply solely places of learning and art, so that we find Athens itself called τὸ τῆς Ἑλλάδος Μουσεῖον (Athen. iv. 187 d), and Longinus himself spoken of as "a walking museum" (ἔμψυχον καὶ περιπατοῦν μουσεῖον, Porphyr. 16). [W. S.] [G. E. M.]

MU'SICA. The term μουσικὴ signified the art or circle of arts over which the Muses presided, viz. poetry in its various kinds, with the music, whether of voice or instrument, required for its worthy presentation. The word which most nearly denotes what we call the *science* of Music is ἁρμονική, but that word does not include the subject of rhythm or "time" (ῥυθμική). "Harmonic," therefore, deals only with sounds and their relations in respect of tune: Ἁρμονική ἐστιν ἐπιστήμη θεωρητικὴ καὶ πρακτικὴ τῆς τοῦ ἡρμοσμένου φύσεως· ἡρμοσμένον δέ ἐστι τὸ ἐκ φθόγγων καὶ διαστημάτων ποιὰν τάξιν ἐχόντων συγκείμενον (Pseudo-Euclid. *Introd. Harm.* p. 1). The ancient science of rhythm dealt not only with musical sounds, but with everything susceptible of rhythmical division, including (in particular) spoken language, and the movement of the dance. Accordingly it has been made the subject of a separate article [RHYTHMICA].

The Greek technical writers on "Harmonic" usually treat the subject under seven heads:— I. Of Sounds (περὶ φθόγγων). II. Of Intervals (περὶ διαστημάτων). III. Of Genera (περὶ γενῶν). IV. Of Systems or Scales (περὶ συστημάτων). V. Of Keys (περὶ τόνων*). VI. Of Transition (περὶ μεταβολῆς). VII. Of Composition (περὶ μελοποιίας). This division will be generally made use of in the present article.

A Sound is musical when it has a determinate pitch (τάσις); that is to say, when it is produced by vibrations in which waves of a particular length sensibly predominate. The pitch must also, of course, be maintained sufficiently long to make a distinct impression on the memory. When two musical sounds differ in pitch, one is said to be more *acute* (ὀξύς), the other more *grave* (βαρύς): in common language, one is called higher, the other lower. The term ἐμμελής, applied to a sound, signifies that it is capable of being used in the same melody with other sounds.

An Interval is the difference or distance in respect of pitch between two musical sounds. The interval between any pair of sounds can be compared in point of magnitude with that between any other pair, and the magnitude of an interval can be measured with more or less

* The word τόνος, lit. "tension," "pitch," has two distinct special senses. It is applied to the *keys*, as being scales which differed in pitch. It is also the name of an interval, a *tone*; perhaps as being the interval through which the voice is most naturally raised at one effort.

accuracy by the ear. Further, certain intervals —the Octave, the Fifth, &c.—are recognised as possessing a definite pleasing character; and thus become the foundation of systems of music.

If two strings, similar in material, thickness and tension, be made to vibrate, the rate of vibration is inversely proportional to their length: and the interval between the sounds produced depends only on the ratio of the lengths, *i.e.* of the numbers of vibrations. Thus:

If the ratio be	2 : 1,	the interval is an	Octave.
,, ,,	3 : 2,	,, ,,	Fifth.
,, ,,	4 : 3,	,, ,,	Fourth.
,, ,,	9 : 8,	,, ,,	Major Tone.

The discovery of these ratios is attributed to Pythagoras, and probably with truth, although the details with which it is told by later writers (Nicomachus, p. 10; Diog. Laert. viii. 12) are plainly false. According to these writers, Pythagoras happened to be passing a blacksmith's workshop, and noticed that the musical intervals were produced by four hammers, whose weights he found to be in the proportion of 12, 9, 8, and 6. He then stretched four similar strings by weights which were in the same proportion, and found that they gave the Octave (12 : 6), the Fifth (12 : 8 or 9 : 6), the Fourth (12 : 9 or 8 : 6), and the Tone (9 : 8). But under these conditions the vibrations would have been as the *square roots* of these numbers. The discovery of Pythagoras strongly impressed the imagination of Greek thinkers, and had a great effect upon the general course of speculation, but did not lead at once to progress in musical theory. His followers busied themselves with *à priori* combinations of numbers, but neglected the observation of new facts. This led to a reaction, and the rise of a school which left the physical basis of music out of sight, and adopted (in principle at least) the method of "equal temperament." Thus Greek writers are divided, in their general treatment of intervals, into (1) the Pythagorean or mathematical (called by themselves *κανονικοί*, or *ἁρμονικοί*), who identified each interval with a ratio, and (2) the "musical" (*μουσικοί*), who measured all intervals as multiples or fractions of the Tone. Of the former school were Archytas (400 B.C.), Euclid the geometer, Eratosthenes, and the later writers Thrasyllus, Didymus, and Ptolemy: of the latter were Aristoxenus (pupil of Aristotle) and his followers, the chief of whom were Aristides Quinctilianus and the author of the *εἰσαγωγὴ ἁρμονική* which bears (quite wrongly) the name of Euclid.

Intervals were distinguished as *consonant* (*σύμφωνα*) or dissonant (*διάφωνα*), according as the two sounds could or could not be heard together without offending the ear (Ps.-Eucl. p. 8). The intervals reckoned as consonant were the Octave (*διὰ πασῶν*), the Fifth (*διὰ πέντε*), the Fourth (*διὰ τεσσάρων*), and any interval produced by adding an octave to one of these.* All other intervals (as the Third, Sixth, Tenth) were considered as dissonant. It is curious that this class should have included the double tone (*δίτονον*) and the tone and half (*τριημιτόνιον*), even after these intervals had been identified with the natural Major Third (5 : 4) and Minor Third (6 : 5). But the distinction between consonant and dissonant is a matter of degree, and doubtless the Pythagorean tradition tended to keep up the notion of a special character for the Octave, Fifth, and Fourth.

Aristotle and other writers use the term *ὁμοφωνία* of unison, *ἀντιφωνία* of the consonance of the Octave. Later writers (as Gaudentius) distinguish a third relation, intermediate between consonance and dissonance, to which they apply the term *παραφωνία*. The instances given are the ditone and the tritone.

An aggregate of intervals, or rather of sounds separated from one another by a particular series of intervals, constituted a System, of scale.

Every system capable of use in music (*σύστημα ἐμμελές*) could be analysed as a combination of Tetrachords or systems of four notes, either *conjunct* or *disjunct*. Tetrachords are "conjunct" (*συνημμένα*) when the highest note of one is the same as the lowest note of the other (as with the octaves of a modern scale). They are "disjunct" (*διεζευγμένα*) when the highest note of one is separated by a Major Tone from the lowest note of the other. This Tone is called *τόνος διαζευκτικός*. In reality the Octave scale had much the same place in ancient as in modern music: but the tetrachord was taken as the theoretical unit. Thus the scale *a b c d e f g a* would be regarded as composed of the conjunct tetrachords *b c d e* and *e f g a*, plus the tone *a*—*b*: and the scale *e f g a b c d e* as composed of the disjunct tetrachords *e f g a* and *b c d e*.

The Genus of a system depended upon the relation of the three intervals into which the tetrachord composing it was divided. The Greeks made use of three Genera,—the Diatonic, the Chromatic, and the Enharmonic: and of the two former of these there were certain varieties called Colours (*χρόαι*). It was allowed, moreover, under certain restrictions, to combine the intervals of one Genus or Colour with those of another, so as to produce "mixed" divisions of the tetrachord. The different forms of the Chromatic and Enharmonic genera were broadly distinguished from the Diatonic by the use of two small intervals in succession—so small that taken together they were less than the third. Two such intervals were said to form a *πυκνόν*, or "crowding" of notes, and the three notes were sometimes called, from their position in the group, *βαρύπυκνος*, *μεσόπυκνος*, and *ὀξύπυκνος*. The Enharmonic again is distinguished from every Colour of the Chromatic by the *δίεσις* or quarter-tone, the smallest interval known to Greek music.

It is not easy to harmonise the different accounts of the Genera and Colours, especially as it is impossible to say how far these accounts rest upon actual observation. The following list includes the chief varieties mentioned or recognised by writers of both schools:—

1. The "highly strung" Diatonic (*διάτονον σύντονον*). According to Aristoxenus, the in-

* Euclid considers no intervals consonant but such as correspond to super-particular (*ἐπιμόριοι*) or multiple (*πολλαπλάσιοι*) ratios: the former being such as 3 : 2, 4 : 3, &c., the latter such as 2 : 1, 3 : 1, &c. On this theory the Octave and Fourth (8 : 3) would be dissonant, but the Octave and Fifth (3 : 1) consonant.

tervals (in the ascending order) were semitone, tone, tone (*e f g a*). The ratios given by the Pythagoreans, such as Euclid and Eratosthenes, are $\frac{256}{243} \times \frac{9}{8} \times \frac{9}{8}$ (λεῖμμα, τόνος, τόνος). Didymus (a contemporary of Nero) proposed the ratios $\frac{16}{15} \times \frac{10}{9} \times \frac{9}{8}$, thus introducing the Minor Tone (10 : 9), and with it the true Major Third ($\frac{10}{9} \times \frac{9}{8} = \frac{5}{4}$). Ptolemy inverted the order of the tones, making the division $\frac{16}{15} \times \frac{9}{8} \times \frac{10}{9}$, thus obtaining also the true Minor Third ($\frac{15}{12} \times \frac{9}{8} = \frac{6}{5}$).

2. The Diatonic, called by Ptolemy "middle soft" (διάτονον μέσον μαλακόν), or "Tonic" (δ. τονιαῖον), formed by the ratios $\frac{28}{27} \times \frac{8}{7} \times \frac{9}{8}$. These ratios were given for the ordinary Diatonic by Archytas—apparently as a simplification of the Pythagorean scheme. No corresponding division appears among the Colours of the Aristoxeneans: but Aristoxenus himself says (p. 27, 9 Meib.; cp. p. 52, 15) that a musically correct system (σύστημα ἐμμελές) may be formed by combining the Diatonic λιχανὸς (second highest note) with the παρυπάτη (second lowest note) of a Soft Chromatic. Such a tetrachord would correspond to the "middle soft Diatonic" of Ptolemy and Diatonic of Archytas. In the system of Ptolemy it is taken as the standard division of the octave. We shall see that its existence is confirmed by the notation.

3. The Soft Diatonic (διάτονον μαλακόν), formed, according to Aristoxenus, of the intervals semitone, three-quarters of a tone, tone and a quarter. The ratios given by Ptolemy are $\frac{21}{20} \times \frac{10}{9} \times \frac{8}{7}$.

4. The standard or tonic Chromatic (χρῶμα σύντονον or τονιαῖον). Aristoxenus gives the intervals semitone, semitone, tone and a half: Ptolemy the ratios $\frac{22}{21} \times \frac{12}{11} \times \frac{7}{6}$. In this, and also in the preceding Colour, if Ptolemy is right, the highest interval is slightly over-estimated by Aristoxenus.

5. The Soft Chromatic (χρῶμα μαλακόν), for which Ptolemy gives the ratios $\frac{28}{27} \times \frac{15}{14} \times \frac{6}{5}$. It answers to two Colours in the scheme of Aristoxenus, the χρῶμα μαλακόν, in which the two small intervals are each a third of a tone, and the χ. ἡμιόλιον, in which they are each three-eighths of a tone. The distinction between these two Colours is rejected by Ptolemy; but as he mentions that they were both obsolete in his time, his opinion can only rest upon *à priori* considerations.

The earliest analyses of the Chromatic scale agree partly with the standard kind, partly with this "soft" variety. The following schemes are mentioned:—

Chromatic of Archytas,	$\frac{28}{27} \times \frac{243}{224} \times \frac{32}{27}$;
„ „ Eratosthenes,	$\frac{20}{19} \times \frac{19}{18} \times \frac{6}{5}$;
„ „ Didymus,	$\frac{16}{15} \times \frac{25}{24} \times \frac{6}{5}$.

It will be seen that Eratosthenes was the first to recognise the natural Minor Third, and (by consequence) the Minor Tone.

6. The Enharmonic, in which the intervals, according to Aristoxenus, were diesis, diesis, ditone. The schemes proposed by Pythagorean writers were:—

Enharmonic of Archytas,	$\frac{28}{27} \times \frac{36}{35} \times \frac{5}{4}$;
„ „ Eratosthenes,	$\frac{40}{39} \times \frac{39}{38} \times \frac{19}{15}$;
„ „ Ptolemy,	$\frac{46}{45} \times \frac{24}{23} \times \frac{5}{4}$.

The scheme of Archytas is interesting as the earliest recognition of the natural Major Third. The 19 : 15 of Eratosthenes is almost exactly the Pythagorean ditone 81 : 64, and is doubtless meant as a simplification of it. It is to be observed that the true Major and Minor Thirds were admitted in the Enharmonic and Chromatic genera long before they replaced the Pythagorean division in the Diatonic.

All these scales, except the first, are so unlike anything now known, at least in European music, that modern writers have great difficulty in forming any idea of their real character and effect. The most plausible view of the Enharmonic, and of the Chromatic "colours," is that the pair of small intervals which gives them their peculiar character was due in each case to the insertion of a note that stood in no harmonic relation to the rest of the scale, and consequently was not essential to the melody, but might be used as a "passing" or ornamental note (*appoggiatura*). At the same time, or more probably as an earlier step, the large interval which belongs to the Chromatic and Enharmonic scales was created by the omission of a note from the Diatonic scale. Thus the tetrachord *e f g a*, by the omission of *g*, and the insertion of a dividing note between *e* and *f*, would give the Enharmonic *e e* f a*. Similarly, from the trichord *e f a*, by inserting a passing *f*♯, we obtain the Chromatic *e f f*♯ *a*. In the case of the Enharmonic there is direct evidence that this was the actual process by which it was formed. Aristoxenus (quoted by Plut. *de Mus.* p. 11) says that this genus was discovered by the musician Olympus, who observed that a peculiarly beautiful character (ἦθος) was given to a melody by the omission of the second highest note of the Diatonic tetrachord. Hence certain of his compositions, in particular those called σπονδεῖα, employ only the notes common to all three genera, viz. *e f*—*a b c*—*e* (omitting *g* and *d* as peculiar to the Diatonic). The Enharmonic πυκνόν (Aristoxenus goes on to say) does not appear to be due to Olympus. Further, in the archaic style of flute-playing the semitone is undivided: afterwards it was divided (into quarter-tones), both in the Lydian and the Phrygian music. On this view the distinctive character of the Enharmonic is given by the largeness of the highest interval in the tetrachord rather than the smallness of the two others.

This method of explanation evidently fails in the case of genera in which the large interval cannot have been obtained by the omission of a note in a Diatonic scale. Such are the "Soft" Diatonic, in which the large interval is founded on the ratio 8 : 7, and the standard Chromatic, in which (according to Ptolemy) it is founded on 7 : 6. These intervals, however, may have been obtained by direct observation. They exist in the natural scales of the horn and trumpet, and are in fact used instead of the Minor Third and Tone ($\frac{8}{7} \times \frac{10}{9}$) in the harmony of the dominant Seventh, both by stringed instruments and voices when unaccompanied by *tempered* instruments. (See the instances quoted by Gevaert, vol. i. p. 315.)

All that we know of the history of the non-Diatonic scales tends to show that they were used in combination with the Diatonic rather than as an independent form of music. In the time of Ptolemy only one division, that of the "middle soft" Diatonic, could be used for the

whole of a scale. The four others that were still in ordinary use — the Pythagorean, the *διάτονον σύντονον*, the *δ. μαλακόν*, and the standard Chromatic—could only be used in combination with the "middle soft." Thus there were five varieties of the octave, one in which the standard genus only was used, and four in which it was "mixed" with a tetrachord of a different kind. The curious rule is given that the "highly strung" genera, the Pythagorean and the *διάτονον σύντονον*, must be in the upper tetrachord of the octave; the relaxed genera, the "soft" Diatonic and the Chromatic, in the lower one. We cannot indeed extend such rules to the earlier periods of Greek music; but it would seem from the stress which all writers lay on the subject of "mixture" (*μίγμα*) of genera—viz. the combination of the intervals of different genera either within the same tetrachord, or in different tetrachords of the same system—that this was the way in which some at least of these strange varieties found their way into practice.

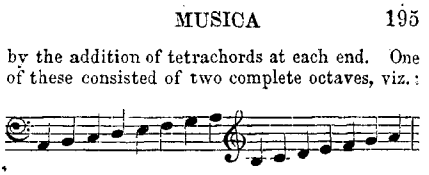
All writers recognise the natural priority of the Diatonic genus. Next to it Aristoxenus places the Chromatic, the most difficult being the Enharmonic: *πρῶτον μὲν οὖν καὶ πρεσβύτατον αὐτῶν θετέον τὸ διάτονον, πρῶτον γὰρ αὐτοῦ ἡ τοῦ ἀνθρώπου φύσις προστυγχάνει, δεύτερον δὲ τὸ χρωματικόν, τρίτον δὲ καὶ ἀνώτατον* (v. l. *νεώτατον*) *τὸ ἐναρμόνιον· τελευταίῳ γὰρ αὐτῷ καὶ μόλις μετὰ πολλοῦ πόνου συνεθίζεται ἡ αἴσθησις* (p. 19). Elsewhere he complains of the tendency to depart from the severity of the Enharmonic, and pass into the "sweeter" and more emotional Chromatic. In the second century A.D. (as we learn from Ptolemy) the Enharmonic and the "Colours" of the Chromatic had gone out of use.

Regarding the systems actually employed in Greek music, something has already been said in connexion with the instruments. [See LYRA, p. 105 *b*.] At an early period we find evidence of an octachord system or octave scale of eight notes, named as follows:—

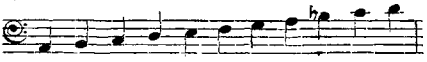
ὑπάτη, lit. "highest," in our terminology the lowest (sc. *χορδή*).
παρυπάτη, "next to *ὑπάτη*."
λιχανός, the "forefinger" note.
μέση, the "middle" note.
παραμέση.
τρίτη, the "third finger" note.
παρανήτη.
νεάτη or *νήτη*, the "lowest," our highest.

The octave consisted of two disjunct tetrachords, (1) from *ὑπάτη* to *μέση*, and (2) from *παραμέση* to *νήτη*. The names were the same for all the genera; but the genus was specified if necessary in the case of the "movable" notes (*e.g.* *λιχανὸς διάτονος*, *λ. χρωματική*, *λ. ἐναρμόνιος*, and so on). In the Diatonic genus it may be represented in our notation by the octave *e f g a b c d,e*.

This scale was in ordinary use in the time of Plato and Aristotle: see Plat. *Rep.* p. 443 D (*ξυναρμόσαντα τρία ὄντα ὥσπερ ὅρους τρεῖς ἁρμονίας ἀτεχνῶς, νεάτης τε καὶ ὑπάτης καὶ μέσης, καὶ εἰ ἄλλα ἅττα μεταξὺ τυγχάνει ὄντα*), and Arist. *Probl.* xix. (especially §§ 3, 4, where he discusses the difficulty of singing the *παρυπάτη*, though it is only separated by a *δίεσις* from the *ὑπάτη*). The technical writers describe two systems, obtained from this octave by the addition of tetrachords at each end. One of these consisted of two complete octaves, viz.:



This was called the *greater perfect system*. Another system, called the *smaller perfect system*, was composed of three conjunct tetrachords, called *ὑπατῶν*, *μέσων*, and *συνημμένων*, with *προσλαμβανόμενος*, thus—



and these two together constituted the *immutable system*, i.e. system without "transition" or modulation (*σύστημα ἀμετάβολον*), described by all the writers later than Aristoxenus.

The sounds in these systems were named in the way before described, the names of the tetrachord only being added, except in the case of *μέση* and *παραμέση*. Thus, taking the sounds in the ascending order—

A	*προσλαμβανόμενος*.	
B	*ὑπάτη ὑπατῶν*.	
C	*παρυπάτη ὑπατῶν*	*τετράχορδον ὑπατῶν*.
D	*λιχανὸς ὑπατῶν*	
E	*ὑπάτη μέσων*	
F	*παρυπάτη μέσων*	
G	*λιχανὸς μέσων*	*τ. μέσων*.
A	*μέση*	

So far the sounds are common to the greater and smaller systems. Then follow, in the greater,

B	*παραμέση*	
C	*τρίτη διεζευγμένων*	*τ. διεζευγμένων*.
D	*παρανήτη διεζευγμένων*	
E	*νήτη διεζευγμένων*	
F	*τρίτη ὑπερβολαίων*	*τ. ὑπερβολαίων*.
G	*παρανήτη ὑπερβολαίων*	
A	*νήτη ὑπερβολαίων*	

The interval between *μέση* and *παραμέση* is a tone. But in the smaller system *μέση* serves also for the lowest sound of the tetrachord *συνημμένων*, which terminates the scale, thus—

A *μέση*.
B♭ *τρίτη συνημμένων*.
C *παρανήτη συνημμένων*.
D *νήτη σμνημμένων*.

This system is "perfect" and "unmodulating," in the sense that any particular musical scale, provided that modulation is excluded, must be similar to some part of it. Let us now suppose that a partial scale, of a certain number of notes, is to be taken on the Perfect System. By taking different notes as limits, the order of the intervals in any such partial scale may be varied, while the genus remains the same. The varieties obtained in this way are called Species. It is evident, further, that the number of species of a scale of a given compass is the same as the number of its intervals. Thus the Diatonic tetrachord has three species, as the semitone is first, second, or third:

1st. ½ 1 1, 2nd. 1 ½ 1, 3rd. 1 1 ½

The Octachord has seven species, viz. in the Diatonic genus—

1st.	½	1	1	½	1	1	1	(*b*—*b*)
2nd.	1	1	½	1	1	1	½	(*c*—*c*)
3rd.	1	½	1	1	1	½	1	(*d*—*d*)

and so on, the semitones changing their place by successive steps. Similarly in the Enharmonic genus there were seven species, to which, according to the statement of one writer (Ps.-Eucl. p. 15), names were anciently given as follows:—

1. Mixolydian .	¼	¼	2	½	¼	2	1
2. Lydian .	¼	2	¼	½	2	1	¼
3. Phrygian .	2	¼	¼	2	1	¼	¼
4. Dorian .	¼	¼	2	1	¼	¼	2
5. Hypolydian .	¼	2	1	¼	¼	2	¼
6. Hypophrygian	2	1	¼	¼	2	¼	¼
7. Hypodorian .	1	¼	¼	2	¼	¼	2

A late writer, Aristides Quinctilianus (p. 21), describes six very ancient divisions of the scale (*διαιρέσεις αἷς καὶ οἱ πάνυ παλαιότατοι πρὸς τὰς ἁρμονίας κέχρηνται*), which he tells us are the six "Modes" (*ἁρμονίαι*) characterised by Plato in the well-known passage of the *Republic* (p. 398). He gives the order of the intervals as follows (assuming that *δίεσις* may be represented by a quarter-tone):—

Lydian .	¼	2	1	¼	¼	2	¼
Dorian .	1	¼	¼	2	1	¼	¼	2
Phrygian .	1	¼	¼	2	1	¼	¼	1
Ionian .	¼	¼	2	1½	1			
Mixolydian .	¼	¼	1	1	¼	¼	3	
Syntonolydian	¼	¼	2	1½				

No satisfactory attempt has been made to conciliate this scheme with the Species of the Octachord, but traces of a connexion may be pointed out. The *Lydian* of Aristides agrees with the Hypolydian species; and as Plato opposes his *λυδιστί*, as a "slack" or low-pitched scale, to the *συντονολυδιστί*, we may regard it as the "mode" elsewhere called Hypolydian. The *Mixolydian* of Aristides is derived from the corresponding species (*b*—*b*) by combining the Diatonic with the Enharmonic in the lower tetrachord, and omitting the second highest note. The *Dorian* exhibits the central octave, which is of the Dorian species, with an additional tone at the lower end. The *Phrygian* is unlike the Enharmonic Phrygian species, but may be derived from the Diatonic by dividing the semitones and omitting the diatonic *λιχανός*: thus *d e e* f (g) a b b* c d*. The upper tetrachord is a "mixture" of Diatonic and Enharmonic. The *Ionian* (*ἰαστί*) and *Syntonolydian* present the greatest difficulties, since so many notes are wanting. Westphal makes it probable that the names have been interchanged; if so, the Ionian may be regarded as an octave of the Diatonic *g*-species, with four notes omitted, and the semitone divided enharmonically: *(g a) b b* c (d) e (f) g*; and the Syntonolydian becomes a Diatonic *a*-species, with like omissions and subdivision: *(a) b b* c (d) e (f) g a*. These results, however, are of very doubtful value. In particular, they are open to the serious objection that they are partly obtained by connecting the Enharmonic scales of Aristides with the species of the Diatonic genus: whereas the writer who is our authority for the list of the Species (Pseudo-Euclid) connects their names only with the Enharmonic.* Nevertheless the scales of Aristides are of interest, as confirming the view that the Enharmonic divisions were formed upon the basis of Diatonic or other natural scales, and that the two genera were practically employed in combination. It has been noticed that the upper tetrachord of his Phrygian, and the lower tetrachord of his Mixolydian, are in fact Diatonic scales with the Enharmonic notes added.

The fifth head of Greek musical science is that which treats of the Keys or "pitch" of the various scales (*περὶ τοὺς τόνους ἐφ' ὧν τιθέμενα τὰ συστήματα μελωδεῖται*, Aristox. p. 37 Meib.). The distinction of keys was of high antiquity; but the arrangement and completion of the system was first carried out by Aristoxenus, who thus did for Greek music what was done for that of the modern world by the *Wohltemperiertes Clavier* of John Sebastian Bach. In the important passage already quoted (p. 37) he goes on to tell us that in his time there was a great want of agreement as to the names and relative pitch of the keys. Each part of Greece had its own, as each had a different calendar, with different names for the months. The most generally recognised keys were:—

Mixolydian †	interval of a semitone.
Lydian	„ „ tone.
Phrygian	„ „ tone.
Dorian	„ „ semitone.
Hypodorian	

Some added a Hypophrygian below the Hypodorian. Others, again, made an interval of three quarters of a tone between the successive keys, except between the Dorian and Phrygian, which seem to have been always separated by a tone.

To these six keys Aristoxenus, or some one in his time, added a new Hypodorian, a tone lower than the Hypophrygian: the old Hypodorian was then called Hypolydian. Thus the convention was arrived at by which the prefix hypo- always denoted a key a Fourth lower than the key to whose name it was prefixed. The next step, expressly attributed to Aristoxenus himself (Ps.-Eucl. p. 19), was the addition of six new keys, thus giving one for every semitone of a complete octave. At a later time two more were invented, obviously for the sake of symmetry, and the whole list was as follows:—

Hypolydian	Lydian	[Hyperlydian]
Hypo-aeolian	Aeolian	[Hyper-aeolian]
Hypophrygian	Phrygian	Hyperphrygian
Hypo-ionian	Ionian	Hyper-ionian
Hypodorian	Dorian	Mixolydian

Each of these keys was a transposition of the *σύστημα ἀμετάβολον*: but we are told that

* It will be evident that a species of the Diatonic genus and the similarly named species of the Enharmonic are two utterly different scales. Compare (*e.g.*) the Diatonic and Enharmonic Lydian, which can never have belonged to the same "mode." This is a difficulty which the writers who maintain the practical importance of the Species have not recognised.

† The passage is unfortunately corrupt. It seems clear from the context that Westphal is right in placing the Mixolydian highest in pitch and in condemning the word *αὐλὸν* after *τὸν ὑποφρύγιον*.

only that part of each was used which was within the compass of the human voice.

It will be seen that the order in pitch of the seven oldest keys—Hypodorian, Hypophrygian, Hypolydian, Dorian, Phrygian, Lydian, Mixolydian—is exactly the reverse of that of the seven species of the same names on the Perfect System. This is the chief fact which a theory of the Greek "modes" has to explain.

The fifteen keys kept their ground, at least in theory, until the time of Ptolemy, in whose *Harmonics* a new scheme is set forth at great length. In this scheme the keys are again reduced to seven, and are brought into direct relation to the species of the Octachord. The use of different keys, according to Ptolemy, is not that the pitch of a melody may be higher or lower. That can be done by raising or lowering the pitch of the whole instrument. The object is that different successions of intervals may be brought within the ordinary compass of the voice: and that object will be fully attained if every octave contains as many different scales (successions of intervals) as possible. But the number of possible scales is not greater, in any one genus, than the number of species, viz. seven. Let us take, then, as the part of the scale most completely within the reach of all voices, the old central octave, from *ὑπάτη μέσων* to *νήτη διεζευγμένων*, in the Dorian key. It is also of the Dorian species (*e*—*e*). If now we take an octave a tone *lower* on the scale (*d*—*d*), we have the Phrygian species. But if we at the same time raise the scale into the Phrygian key, we obtain the Phrygian species in an octave of the same pitch as the Dorian, viz. *e f♯ g a b c♯ d e*. Similarly the Lydian species, taken on a scale in the Lydian key, is *c f♯ g♯ a b c♯ d♯ e*. Proceeding thus, we obtain what Ptolemy aims at—an octave of fixed absolute pitch, furnishing every possible succession of intervals or species.

The octave scales obtained by this process are of the same absolute pitch, but are relatively different parts of the Perfect System. The notes which compose them have therefore a double character. They have a place in the Perfect System, and a place in the new octave. Hence a double nomenclature. The notes are called *ὑπάτη, παρυπάτη*, &c., from their place in the new octave (*τῇ θέσει*); the old names which belong to them as part of the Perfect System are said to be *κατὰ δύναμιν*.

These octaves, again, may be varied by the use of different genera. Here Ptolemy aids us very much by giving the scales actually used in his time on the lyre and the cithara. Their limited number is in curious contrast to the immense theoretical variety which he sets forth. The scales of the lyre were of two kinds, called *στερεὰ* and *μαλακά*. The former or "hard" scale was an octave of the standard or Middle Soft Diatonic genus. In the latter or "soft" variety the lower tetrachord was Chromatic. Apparently there was no limitation in respect of key or species.

The scales of the cithara were of at least six kinds:—

(1) *τρίται*, Middle Soft Diatonic, and of the Hypodorian species: *a b b♯ d e e♯ g a*.

(2) *ὑπέρτροπα*, the same genus, Phrygian species (*d*—*d*).

(3) *παρυπάται*, "mixture" of Soft and Middle Soft Diatonic, of the Dorian species:

$$e\ \tfrac{21}{20}\ f\ \tfrac{10}{9}\ g\ \tfrac{8}{7}\ a\ \tfrac{8}{8}\ b\ \tfrac{28}{27}\ b\sharp\ \tfrac{8}{7}\ d\ \tfrac{8}{8}\ e.$$

(4) *τρόποι*, mixture of Chromatic and Middle Soft Diatonic, of the Hypodorian species:

$$a\ \tfrac{9}{8}\ b\ \tfrac{22}{21}\ \sharp c\ \tfrac{12}{11}\ c\sharp\ \tfrac{7}{6}\ e\ \tfrac{28}{24}\ e\sharp\ \tfrac{8}{7}\ g\ \tfrac{9}{8}\ a.$$

(5) *ἰαστιαιολιαῖα*, mixture of Pythagorean and Middle Soft Diatonic, of the Hypophrygian species:

$$g\ \tfrac{9}{8}\ a\ \tfrac{9}{8}\ b\ \tfrac{256}{243}\ c\ \tfrac{9}{8}\ d\ \tfrac{9}{8}\ e\ \tfrac{28}{27}\ e\sharp\ \tfrac{9}{7}\ g.$$

(6) *λύδια*, probably a mixture of *διάτονον σύντονον* with Middle Soft Diatonic: but the text of Ptolemy at this point (ii. 16) is defective. In another place (i. 16) Ptolemy speaks of the mixture in question as found "in the *λύδια* and *ἰάστια*." Owing to the break in the text, it is uncertain whether there were not more than these six varieties.

From an incidental notice in Athenaeus (xiv. p. 625) we learn that there was an ancient *Locrian* key, with a distinct character. The Locrian and *Aeolian* species are identified by the Pseudo-Euclid with the Hypodorian. The ancient *Ionian* (*ἰαστί*) is generally identified with the Hypophrygian (Boeckh, p. 225). According to Aristotle (*Pol.* iv. 3), there are two chief keys, Dorian and Phrygian, of which the others may be regarded as varieties. Plato opposes the Dorian as the true Hellenic key to the Ionian, Phrygian, and Lydian (Lach. p. 188 E). In the *Republic* he makes a threefold division: the "slack" keys, as Lydian and Ionian, are soft and voluptuous (fit for drinking-songs, &c.); the Mixolydian and "tense" Lydian are plaintive and exciting; the Dorian and Phrygian hold the middle place, and represent the two aspects of a good *ethos*, the Dorian being the key of calm endurance (*ἀνδρεία*), the Phrygian of sober enjoyment (*σωφροσύνη*).

The nature of the Greek "modes" has been investigated by Westphal with characteristic ingenuity and learning; and his conclusions, which leave no part of the subject unexplained, have been generally adopted by Gevaert. According to the view supported by this high authority, there are three groups of "modes" (*modalités fondamentales*, Gev.): the Dorian, based on the octave *a*—*a*, the modern Minor scale (descending); the Phrygian, based on *g*—*g* (the Major with a flat seventh); and the Lydian, based on *f*—*f* (the Major with a sharp fourth). Each of these, again, has three possible varieties, distinguished by the melody ending on the tonic, the dominant, or the third. Thus we have—

Keynote *a*,		ending on *a*,	Hypodorian or Aeolian.
,,		,,	*e*, Dorian.
,,	*g*,	,,	*g*, Hypophrygian.
,,		,,	*b*, Mixolydian.
,,		,,	*d*, Phrygian.
,,	*f*,	,,	*f*, Hypolydian.
,,		,,	*a*, Syntonolydian.
,,		,,	*c*, Lydian.

To discuss the combination of inferences upon which this theory rests would take more space than we can afford. It will be enough to indicate the nature of the doubts that may be felt on the subject. The chief difficulty is the want of any direct statement regarding the tonality of the ancient modes, or the note on

which the melody ended. The *locus classicus* on the first point is the passage of the Aristotelian *Problems*, xix. 20, *πάντα γὰρ τὰ χρηστὰ μέλη πολλάκις τῇ μέσῃ χρῆται, καὶ πάντες οἱ ἀγαθοὶ ποιηταὶ πυκνὰ πρὸς τὴν μέσην ἀπαντῶσι, κἂν ἀπέλθωσι ταχὺ ἐπανέρχονται, πρὸς δὲ ἄλλην οὕτως οὐδεμίαν.* The note here called *μέση*, Westphal maintains, can only be the *μέση τῇ θέσει*, or fourth note of the octave actually used; for if it were the *μέση* of the Perfect System (*μέση κατὰ δύναμιν*), the keynote would have the same *relative* pitch in all the modes, and they would therefore be mere *transpositions* of the same system. But (1) there is no trace in the *Problems* of any octave except the old one of the Dorian species (*e*—*e*), or of any notes being named in more than one way. And (2) Westphal's argument only applies to those "modes" in which, according to him, the *μέση* "by position" is the keynote, viz. the Dorian, Phrygian, and Lydian. Still less evidence can be shown for Westphal's assumption that in each mode the species of octave used is determined by the ending of the melody. There is no certain trace in the ancient musical writers of a rule about the end of the melody.

Other difficulties are suggested by the early history of the keys. We are asked to believe that the *τόνοι* of Aristoxenus were wholly distinct from the *ἁρμονίαι* of the same names of which we read so much in Plato and Aristotle. Now up to the time of Aristoxenus, as he himself tells us (*l. c.*), the names of the keys, with their relative pitch, were still unsettled. But the names of the seven Species, as we have seen, are directly dependent on the Aristoxenean scheme of keys. Consequently these names cannot have been given till the time of Aristoxenus. It is true that Aristoxenus recognises the difference of species, and indeed devotes much pains to ascertaining the number of admissible species of the Octachord (p. 6 and p. 36 Meib.). But he never connects them with his scheme of keys, or with any names such as Dorian, Phrygian, and the rest. It surely follows that the perplexing double application of these ancient names is the work of a later theorist.*

It may be said that the ethical character of a scale is more likely to have depended upon its "mode"—*i.e.* upon a difference such as distinguishes our Major and Minor scales—than upon its pitch. But the writers who dwell most on the ethical value of the *ἁρμονίαι* connect it expressly with the element of pitch. Plato rejects one group of *ἁρμονίαι* as too low-pitched (*χαλαραί*), another as too "highly strung" (*σύντονοι*), and therefore emotional. If we adopt the scheme of Ptolemy, in which transposition is only used to obtain different species, the arguments of Plato have no meaning.

It should be considered, further, that along with difference of Key the ancients had an important source of variety in the Genera, which (as well as the Keys) were regarded as possessing a distinct ethical or emotional character. It is surely in the Genera, rather than in the Species of Ptolemy and Aristides, that we find the true artistic analogue of the modern Modes. Perhaps we may go further, and connect the loss of the Chromatic and Enharmonic with the practical importance of the Species in the time of Ptolemy. Thus the system of the second century A.D. would be midway between the classical Greek music, with its Keys and Genera, and the Tones of the mediaeval Church.

On the last two of the heads enumerated at the beginning of the article, very little real information can be obtained. In fact they could not be intelligibly discussed without *examples*, a method of illustration which unfortunately is never employed by the ancient writers. Μεταβολὴ was the transition from one genus to another, from one system to another (as from disjunct to conjunct or *vice versâ*), from one key to another, or from one style of melody to another (Ps.-Euclid. 20), and the change was made in the same way as in modern *modulation* (to which *μεταβολὴ* partly corresponds), viz. by passing through an intermediate stage, or using an element common to the two extremes between which the transition was to take place. (See Ps.-Euclid. 21.)

Μελοποιΐα, or composition, was the application or use of all that has been described under the preceding heads. This subject, which ought to have been the most interesting of all, is treated of in such a very unsatisfactory way that one is almost forced to suspect that only an *exoteric* doctrine is contained in the works which have come down to us. On composition *properly* so called, there is nothing but an enumeration of different kinds of *sequence* of notes, viz.:— 1. *ἀγωγή*, in which the sounds followed one another in a regular ascending or descending order; 2. *πλοκή*, in which intervals were taken alternately ascending and descending; 3. *πεττεία*, or the repetition of the same sound several times successively; 4. *τονή*, in which the same sound was sustained continuously for a considerable time. (Ps.-Eucl. 22.) Besides this division, there are several classifications of melodies, made on different principles. Thus they are divided, according to *genus*, into Diatonic, &c.; according to *key*, into Dorian, Phrygian, &c.; according to *system*, into grave, acute, and intermediate (*ὑπατοειδής*, *νητοειδής*, *μεσοειδής*). This last division seems to refer to the general pitch of the melody; each of the three classes is said to have a distinct *turn* (*τρόπος*), the grave being *tragic*, the acute *nomic* (*νομικός*), and the intermediate *dithyrambic*. Again, melody is distinguished by its *character* (*ἦθος*), of which three principal kinds are mentioned, *διασταλτικόν*, *συσταλτικόν*, and *ἡσυχαστικόν*, and these terms are respectively explained to mean aptitude for expressing a magnanimous and heroic, or low and effeminate, or calm and refined character of mind. Other subordinate classes are named, as the erotic, epithalamian, comic, and encomiastic. (Ps.-Euclid. 21; Aristid. 29.) No account is given of the *formal* peculiarities of the melodies distinguished by these different characters, so that what is said of them merely excites our curiosity without tending in the least to satisfy it.

It has long been a matter of dispute whether the ancients practised *harmony*, or music in parts. The following are the facts usually

* It is true that according to the Pseudo-Euclid (p. 15) these names were given to the species "by the ancients" (*ὑπὸ τῶν ἀρχαίων*). But the Romans and Byzantines used this term of Greeks of the Alexandrian period.

appealed to on each side of the question. In the first place, the writers who professedly treat of music make no mention whatever of such a practice: this omission constitutes such a very strong *primâ facie* evidence against it, that it must have settled the question at once but for supposed positive evidence from other sources on the other side. It is true that μελοποιΐα, which might have been expected to hold a prominent place in a theoretical work, is dismissed very summarily; but still, when the subjects which *ought* to be explained are enumerated, μελοποιΐα is mentioned with as much respect as any other, whilst *harmony* is entirely omitted. In fact there seems to be no Greek word to express it; for ἁρμονία signifies a well-ordered *scale* of sounds, and συμφωνία only implies the concord between a single pair of sounds, without reference to succession. There is, however, a passage in the Aristotelic *Problems* (xix. 18) where succession of consonances is mentioned: διὰ τί ἡ διὰ πασῶν συμφωνία ἄδεται μόνη; μαγαδίζουσι γὰρ ταύτην, ἄλλην δὲ οὐδεμίαν. The word μαγαδίζειν signifies the singing or playing in two parts at the interval of an octave—a practice which would arise as soon as men and women or boys attempted to sing the same melody at once. The obvious meaning of the passage is that since no interval except the octave was *magadised* (the effect of a similar use of any other is known to be intolerable), *therefore* no other was employed at all in singing: implying that nothing of the nature of counterpoint was thought of. And this interpretation is borne out by the absence of any other reference to singing in parts, or to harmony in purely instrumental music.

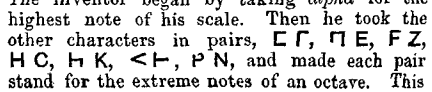
On the other hand, there are several indications of the use of harmony in the κροῦσις or instrumental accompaniment. The most decisive is a passage in the *Laws* of Plato (vii. p. 712). Speaking of the musical education which is to be common to all citizens, he says that the pupils are to learn to sing to the accompaniment of the lyre, and that this is to be note for note the same as the melody, eschewing all divergence and variation in the instrumental part, by which the strings are made to yield a different melody from that which the poet composed, combining "close" with "open" intervals, quick time with slow, high with low notes, consonant and in octaves. In the rhythm, too, they are to abstain from intricacy in the accompaniment, because the effort to attend to opposites at the same time produces only confusion and perplexity. It appears, therefore, that a note of the air might be accompanied by a different note, or by two or more successive notes, of the instrument; and that an accompaniment with variations and ornaments of this kind, though not a matter of course, was familiar at least to professional musicians. In the *Problems* of Aristotle (xix. 12) the question is asked, "Why the lower of two strings always takes the melody?" implying that the accompaniment, in instrumental music at least, was always higher than the air. In another passage (xix. 39) Aristotle speaks of the effect of an accompaniment which ends in unison with the air, after having been different from it: τὰ ἄλλα οὐ προσανλοῦντες ἐὰν εἰς ταὐτὸν καταστρέφωσιν εὐφραίνουσι μᾶλλον τῷ τέλει ἡ λυποῦσι ταῖς πρὸ τοῦ τέλους διαφοραῖς. His language is exactly what we should use to describe the pleasure given by the resolution of a discord. The use of dissonant as well as consonant intervals in ancient harmony is shown by a passage in Plutarch's dialogue *de Musica* (c. 19). Speaking of the use in the accompaniment (πρὸς τὴν κροῦσιν) of notes which do not occur in the air,—a peculiarity of certain ancient styles,—he instances the τρίτη which was found as accompaniment to the παρυπάτη (the interval being a fifth), and the νήτη συνημμένων, found with the παρανήτη and the μέση. The interval between νήτη and παρανήτη depends on the genus, but in any case is reckoned by the ancients as dissonant. The late writers Gaudentius and Bacchius apply a special term, παραφωνία, to intervals which they say "are intermediate between consonant and dissonant, but appear consonant in the accompaniment" (ἐν τῇ κρούσει).

These notices make it clear that the Greeks were acquainted with some at least of the effects out of which systems of harmony are formed. That their harmonies were of a simple kind, and had a very subordinate place in their music, is no less evident. There is no certain trace of the use of *chords* or groups of more than two notes. The art of harmony has no history; it is nowhere connected with national forms of music, or with the names of eminent musicians. It never emerges from the stage of the singer with the lyre in his hand.

The musical notation (σημασία) of the Greeks consisted of two distinct systems of signs,—one for the voice, the other for the instrument. The vocal signs are taken from the common or Ionic alphabet. The notes of the middle part of the scale are denoted by the letters in their usual order; those of the lower part by an alphabet of inverted or otherwise altered letters; the upper notes are distinguished by accents—an accent signifying that the note is an octave higher than that of the unaccented letter. The nature of the instrumental notation was first explained by Westphal, whose admirable investigation has thrown much light on the early periods of Greek music, and even on the history of the alphabet. The following is a brief summary of his discoveries:—

1. The instrumental notation was derived from the first fourteen letters of a Peloponnesian alphabet, possessing *digamma*, *F*, the old form of *iota*, , and two forms of *lambda*, < and ⊢. In a few cases the forms of the letters have been modified: thus *alpha* (originally) appears as , *beta* as , *delta* as , *theta* as , *my* (originally) as , *iota* as . By treating the two forms of *lambda* as distinct characters the number is raised to fifteen.

2. These characters are applied to denote a scale of two octaves, as follows:—



The arrangement of the letters is worth notice. The inventor began by taking *alpha* for the highest note of his scale. Then he took the other characters in pairs, , , , , , and made each pair stand for the extreme notes of an octave. This

scale may be regarded as the framework of the system of notation.

3. A character may be varied by being reversed, *i.e.* written from right to left (*ἀπεστραμμένον*), or by being turned half round backwards (*ἀνεστραμμένον, ὕπτιον*). When reversed, it denotes a note half a tone higher: when half reversed, it denotes a note a quarter of a tone higher. The combination of the two varieties evidently gives an Enharmonic *πυκνόν*, or group obtained by dividing a semitone: *e.g.* if we take the four "stable" notes of the central octave, Γ C K ⊏, we complete the scale in the Enharmonic genus by inserting the varieties of Γ and K, thus obtaining Γ ⊾ ⅂ C K ⋌ ⋊ ⊏.

In some cases this method of varying the letters is impracticable; *e.g.* H reversed does not change, N half-reversed becomes Z, and *vice versâ*. Other modifications are accordingly employed, and we have the groups Ⅵ ⅄ Ⅵ, Z ⅄ ⅄, N ⁄ ⧹, ⅂ ◁ Δ, and H ⊟ ⊟.

4. In the Diatonic genus the second lowest note of a tetrachord is not represented, as we should expect, by the reversed letter, but by the half-reversed one, the same character as the second lowest Enharmonic note. Westphal infers that the Diatonic for which the notation was originally devised was a scale such as the Middle Soft Diatonic of Ptolemy, or the Diatonic of Archytas, in which the lowest interval was less than a semitone.

5. In the Chromatic genus the characters used are the same as in the Enharmonic, but the reversed letter is distinguished by an accent. Thus the Chromatic tetrachord *e f f♯ a* is written Γ ⊾ ⅂ 'C or (in the upper octave) ⊏ ⊔ ⊐ 'Ⅵ. Here again the notation does not answer to the standard form of the genus, but is exactly suited to the Chromatic of Archytas, in which the lowest interval is the same as in the Enharmonic.

6. The system was enlarged by the addition of two tones, each with the corresponding *πυκνόν*, at the lower end of the scale, and an octave, except the highest note, at the upper end. The two groups were denoted by the characters ⏄ ⋐ T and Є Ω Ǝ, which are evidently invented on the analogy of the letters already in use. The new upper notes were denoted by accented letters, K′ to Z′, repeating the scale from K to Z an octave higher. In this shape the system contained the notes of the Greater Perfect System in all the fifteen Keys, and in the three Genera.

It is remarkable that we find no trace of a distinction between Greek and Roman music. The Latin writers—the chief of whom are Martianus Capella and Boethius — derive their material from Greek sources.

The extant fragments of Greek music are as follows (see Gevaert, i. pp. 141 ff.):—

Hymn to Calliope, by a certain Dionysius, of unknown date.

Hymn to Apollo, ascribed to the same.

Hymn to Nemesis, probably by Mesomedes, a musician of the second century A.D.

These three hymns are edited with a commentary by Bellermann (Berlin, 1840).

The Anonymus, edited by the same scholar (Berlin, 1841), contains some fragments in the instrumental notation, given to illustrate the technical terms of *μελοποιΐα*.

A melody for the first eight verses of the first Pythian ode of Pindar was published by Kircher in his *Musurgia Vniversalis*. He professed to have taken it from a MS. of the monastery of S. Salvatore at Messina; but the MS. has never been found. It is given by Boeckh (*De Metr. Pind.* iii. 12), who accepts it as genuine. It is also admitted, though with grave doubt, by Gevaert (i. p. 6).

A Hymn to Demeter, given in Greek notation by the Venetian composer Marcello, is of still more doubtful authenticity (Gevaert, *ibid.*).

The chief ancient authorities on the subject of this article are, the "Antiquae Musicae Auctores Septem"—viz. Aristoxenus, Euclid (including the *εἰσαγωγὴ ἁρμονική* which bears his name), Nicomachus, Alypius, Gaudentius, Bacchius, Aristides Quintilianus—and Martianus Capella, edited by Meibomius, in two vols. (Amsterdam, 1652); the *Harmonics* of Ptolemy (in vol. iii. of Wallis, *Op. Mathemat.* Oxford, 1699); Theon Smyrnaeus, *De Musica* (ed. Bullialdus, Paris, 1644); the Anonymus edited by Bellermann (Berlin, 1841); the Dialogue of Plutarch *De Musica*; Aristotle, *Probl.* xix.; and several chapters of Athenaeus, book xiv. The *Harmonic* of Aristoxenus has also been edited by P. Marquardt (Berlin, 1868), and translated with commentary by Ruelle (Paris, 1870) and by Westphal (Leipzig, 1883). There is a new edition of Aristides Quintilianus by Alb. Jahn (Berlin, 1882).

The chief modern sources of information are, Boeckh, *De Metris Pindari*; Fortlage, *Das musikalische System der Griechen* (Leipzig, 1847); the various writings of Westphal, of which his book *Die Musik des griechischen Alterthums* (Leipzig, 1883) may be mentioned as an excellent introduction to the subject in a comparatively small compass; Gevaert, *Histoire et Théorie de la Musique dans l'Antiquité* (Gand, 1875, 1881); Helmholtz, *Die Lehre von den Tonempfindungen*, §§ 13, 14. [W. F. D.] [D. B. M.]

MUSI'VUM OPUS. [PICTURA.]

MUSTAX (*μύσταξ*), moustaches. The different parts of the beard [BARBA] had different names, which also varied with its age and appearance. The young beard, first appearing on the upper lip, was called *ὑπήνη* or *ὑπήνη πρώτη* (Diod. v. 28; Philostr. Sen. *Imag.* i. 30, ii. 7, 9), and the youth just arrived at puberty, who was graced with it, was *πρῶτον ὑπηνήτης*. (Hom. *Il.* xxiv. 348, *Od.* x. 279; Schol. *in loc.*; Brunck, *Anal.* iii. 44; Aelian, *V. H.* x. 18.) By its growth and development it produced the moustaches, which the Greeks generally cherished as a manly ornament. (Theocrit. xiv. 4; Antiphanes, *ap.* Athen. iv. 21; Pollux, ii. 80, x. 120; Aristoph. *Lys.* 1072; *Vesp.* 476.) To this practice, however, there seems to have been one exception. The Spartan EPHORI, when they were inducted, made a proclamation requiring the people "to shave their moustaches and obey the laws." (Plut. *Cleom.* 9.) For what reason they gave the former command does not appear, nor how it is to be reconciled with the passages cited from Aristophanes and Antiphanes, unless we understand it to refer to the young only, which the succeeding sentence seems to imply. (Proclus *in* Hes. *Op. et Dies*, 722; Müller, *Dor.* iii. 7, § 7, iv. 2, § 5; Becker-Göll, *Charikles*, iii. p. 296.) [J. Y.] [G. E. M.]

MUSTUM. [VINUM.]

MUTATIO'NES. [MANSIO.]

MU'TULUS. [COLUMNA, Vol. I. p. 491.]

MUTUUM. A *mutui datio* exists when things "quae pondere, numero, mensurave constant,"—as coined money, wine, oil, corn, bronze, silver, gold,—are conveyed by one man to another, so as to become his property, but on the understanding that an equal quantity of things of the same kind shall be returned. The *obligatio* thus arising belongs to the class of those things "quae re contrahuntur," since, besides informal agreement, delivery of the *res mutua* was required in order to establish it. A *mutui datio* was not contracted unless the ownership of the thing delivered passed to the borrower; hence it was necessary that the lender should have a good title to the thing and the power of alienating it. The contract would also be void, if the borrower was incapable of legally binding himself by his act. When, however, a *mutui datio* was invalid, as not complying with these conditions, the borrower was not entitled to retain the benefit of the loan, but on grounds apart from contract might be compelled to restore the thing or its value to the lender.

In the *mutui datio*, inasmuch as the thing became the property of the receiver, the Roman jurists were led to the absurdity of saying that mutuum was so called for this reason, "quod ex meo tuum fit." (Curtius, *Gr. Etym.* 301, derives mutuum from *movere, moviturus.*) The only obligation created by mutuum was the undertaking of the borrower to return a thing of exactly the same kind and quantity, though not the same specific thing, as in the contract of loan called *commodatum.* He was not excused if the things were lost by any accident, as by fire or shipwreck, since he had become owner of them, and it was always possible to return an equivalent. This contract was confined by its nature to exchangeable things (*res fungibiles*), and most commonly had for its object a loan of money. The borrower could not be obliged to pay interest on the debt except by means of an independent stipulation. The action which the lender could maintain for the enforcement of his claim was called *condictio*, and was the same action as that of the formal contracts *verbis* and *litteris.* It was a *stricti juris actio*, not *bonae fidei*, and hence the borrower could only be condemned to pay what he had received without interest. It is a peculiarity of *mutui datio* that although it originated in the Jus Gentium, the action belonging to it was *stricti juris.* The fact that it belonged to the Jus Gentium shows that it was not legally recognised till some time subsequent to the Twelve Tables. Voigt suggests 525–544 A.U.C. as the probable date of its first establishment. (Cf. the following passages cited by him:—Plaut. *Trin.* iii. 2, 101, iv. 3, 44; *Bacch.* ii. 3, 16; Liv. xxxii. 2, 1; Cic. *pro Rosc. Com.* 4, 13; Gell. xvii. 6, 1.) It was certainly older than the other *contractus re.* The borrowing by way of mutuum and at interest are sometimes opposed, as by Plautus (*Asin.* i. 3, 95). The S. C. Macedonianum did not allow a right of action to a lender against a filiusfamilias to whom he had given money. [SENATUSCONSULTUM MACEDONIANUM.]

(Dig. 12, 1; Cod. 4, 1; Heimbach, *Die Lehre vom Creditum*, p. 131, &c.; Bekker, *Aktionen*, i. 27–29; Demelius, *Zeitschrift für Rechtsgesch.* ii. 217; Ubbelohde, *Zur Geschichte d. benannter Realcontracte;* Huschke, *Die Lehre vom Darlehn.*) [G. L.] [E. A. W.]

MYINDA (*μυΐνδα*) was a game in which one was blindfold, or was obliged to keep his eyes shut (*μύειν*). As may be seen from the description in Pollux, there were other varieties of the game besides our "blind-man's buff" included under this name. Pollux (ix. 113) says, "Either one who is blinded (*καταμύων*) cries *φυλάττου* and compels any one whom he catches to be blinded in his place, or searches for the others, who hid themselves while he had his eyes covered (*μύσαντος κρυφθέντας*), till he finds them; or lastly, still blindfold, when any one touches him, or if any one gives a sign (*προσδείξῃ*), guesses who it is until he gives a right name." There seems no need for any alteration in the last clause such as Grasberger's *μύσας τοὺς κρυφθέντας* (where the force of the concise genitive absolute appears to be misunderstood), or *προσθρέξῃ* for *προσδείξῃ*, which means, probably, giving some clue to identity by laughing or speaking. Clearly the second variety is our "hide and seek" (much the same as *ἀποδιδρασκίνδα*); the first and third are two forms of blind-man's buff, differing in the point that the third requires the "blind-man" to guess the name of any one who touches him or speaks. (Becq de Fouquières seems to change the nominatives *τις* into the objective case.) The guessing by the blindfold occurs also in the game which Pollux calls *κολλαβισμός* (*i.e.* buffeting=*κολαφισμός*), to which, rather than to *μυΐνδα*, we must refer Luke xxii. 64. It is a more difficult question to decide the origin of the name *χαλκῆ μυῖα* for another kind of blindman's buff (Poll. ix. 123; Eustath. *ad Il.* xxi. 394). We are told that the players blindfolded one of their number (*ταινίᾳ τὼ ὀφθαλμὼ προσφίγξαντες*), who cried *χαλκῆν μυῖαν θηράσω*, to which the others answered *θηράσεις ἀλλ' οὐ λήψει*, and struck him with whips of papyrus till he caught one of them. It is clear that the warning cry before the pursuit is like the *φυλάττου* in *μυΐνδα*, and also that the pursued are the "bronze flies." From Eustathius we gather that the *χαλκῆ μυῖα* was a sort of bronze-coloured cockchafer, which boys let go in the dark after they had tied a small lighted wax taper to it (compare the *μηλολόνθη* attached to a thread, Poll. ix. 124; and Schol. *ad* Aristoph. *Vesp.* 1322). It is said that the same, not very creditable, amusement is known to Cretan boys of the present day, and Grasberger (p. 75) adopts this explanation of the difficult passage in Aristoph. *Acharn.* 920–924, *τίφη* being an insect treated in this manner. It is possible that we may also find in this practice the explanation of the name *χαλκῆ μυῖα* in the above game, as derived from the general idea of chasing something in the dark. (Becq de Fouquières, *Jeux des Anciens*, p. 84; Grasberger, *Erziehung*, pp. 42 ff.) [G. E. M.]

MY'RII (*μυρίοι*), the name given to the popular assembly of the Arcadians, which was established after the overthrow of the Spartan supremacy by the battle of Leuctra, and which used to meet at Megalopolis in order to determine upon matters affecting the whole people,

The name "Ten Thousand" indicates merely a large indefinite number, and it is probable that every citizen of the confederate Arcadian cities (*i.e.* all Arcadia except Orchomenus and Heraea) had a right to attend. A body of troops called *Epariti* were at their disposal, under a Panarcadian general. They received envoys, concluded war and peace, and held state trials of public offenders. We hear of Callistratus, Demosthenes, and Aeschines arguing before them (Corn. Nep. *Epam.* 6; Dem. *de Fals. Leg.* p. 344, § 11; Aeschin. *de Fals. Leg.* § 49). Pausanias saw the ruins of their house of assembly. (Xen. *Hell.* vi. 5, § 6; vii. 1, § 38; vii. 4, § 2;—Diod. xv. 59; Paus. viii. 32, § 1; Harpocrat., Suid., Phot. *s. v.*; Grote, *Hist. of Greece*, x. p. 318.) [W. S.] [G. E. M.]

MYRMILLONES. [GLADIATORES.]

MY'SIA (*μύσια*), a festival celebrated by the inhabitants of Pellene in Achaia, in honour of Demeter Mysia. The worship of this goddess was introduced at Pellene from a place called Mysia in the neighbourhood of Argos. (Paus. ii. 18, § 3.) The festival of the Mysia near Pellene lasted for seven days, and the religious solemnities took place in a temple, called *τὸ μύσαιον*, surrounded by a grove. The first two days men and women took part in the celebration together; on the third day the men left the sanctuary, and the women remaining in it performed during the night certain mysterious rites, during which not even male dogs were allowed to remain within the sacred precincts. On the fourth day the men returned to the temple, and men and women now received each other with shouts of laughter and assailed each other with various railleries. (Paus. vii. 27, § 9; Cornutus, *de Nat. Deor.* 28.) [L. S.]

MYSTAE, MYSTAGO'GUS (*μύσται, μυσταγωγός*). [ELEUSINIA.]

MYSTE'RIA (*μυστήρια*). Though the term *μυστήρια* is that which has survived, still it was only one and that a late one, and perhaps the least common of the terms used by the Greeks to express their mystic rites. The word *ὄργια* is found in the Homeric Hymn to Demeter, ll. 274, 476, derived from *ἔυργα* (cf. Lat. *operari*), which signifies "to perform" ritual, and it was only in later times that it came to connote ecstatic worship. The term *μυστήρια* is derived from *μύειν*, used of closing the lips or eyes; *μύστης*, according to Petersen (in Ersch and Gruber, lxxxii. 228, note), means "with eyes shut," as opposed to *ἐπόπτης*. *Μυστήρια* is applied both to the objects of secret worship (Themist. *Or.* iv. 55) and also the secret ritual; *ἀπόρρητα* is similarly used. According to Lobeck (*Aglaophamus*, 85 ff.) *μυστικὸν* is anything recondite, enigmatical, indirect, allegorical; in fact, what is purposely not simple, plain, and straightforward. Again there is the term *τελετή*. It is used of an ordinary festival (Pind. *Nem.* x. 34); as applied to sacred worship, it signifies the consummation of the votary's progress in his religion. (Cf. such phrases as *τέλος γάμοιο*, *τέλη* used for the magistrates of the state, and *τελετὴ* taken by the philosophers to express complete knowledge of the subject.) "Diutius initiant quam consignant," says Tertullian (*contra Valentin.* 1), translating *πλείονα χρόνον μυοῦσιν ἢ τελοῦσιν*: compare *σφραγὶς* and *τελείωσις*, used for baptism (Lobeck, 33). The Latins used *initia*, which signified an ideal beginning ("initia ut appellantur ita re vera principia vitae cognovimus," Cic. *de Leg.* ii. 14, 36),—a sort of new birth, as Preller says. Thus then we have terms signifying both the objective secret nature of the ritual and the subjective condition of the votary.

1. *The Kinds of Mysteries.*—We can hardly consider under the head of mysteries those mystic usages which occur here and there in certain festivals, such as the marriage of the *βασιλεὺς* and *βασίλισσα* at the DIONYSIA; nor the multitude of purifications and sin-offerings found in most religions, all with more or less of a mystic meaning. Again the mystic worships performed by private families are hardly to be reckoned either, and do not come under our notice except in some few cases, such as the Orphic rites of the Lycomidae [ELEUSINIA]. But the mysteries properly so called, viz. those which were recognised by the state and required a regular initiation, may be divided into (1) those performed by a special sex, *e.g.* the THESMOPHORIA, celebrated by women only, as was also the worship of Dionysus in Laconia (Paus. ii. 20, 3), of Cora in Megalopolis (*ib.* viii. 31, 8), Rhea in Thaumasion (*ib.* 36, 3), Dionysus on Parnassus (*ib.* x. 4, 3). Special mystic ceremonies for men only are rarely found, such as that to Demeter, Cora, and Dionysus at Sicyon (*ib.* ii. 11, 3). (2) Those open to all Greeks, such as the Eleusinian and Samothracian mysteries. It is often stated that the only gods who had a mystic worship were the Chthonian ones; but this statement is not quite true, though the Chthonian gods are the gods principally worshipped in mysteries, as might be inferred even *à priori* from their very nature. But there are some Olympian gods to whom mystic worship was performed, *e.g.* Zeus Idaeus (Eur. *Cretes*, Frag. 2), a mixture of Phrygian Cybele-worship and Cretan or Thracian Zagreus-worship, in honour of Zeus, celebrated *φανερῶς*, according to Diod. v. 77, *i.e.* during the day, not at night; the Argive Hera (Paus. ii. 38, 2), even the Graces (*ib.* ix. 35, 3). For further discussion, see Hermann, *Die Gottesdienstlichen Alterthümer*, § 32, 6. Foreign mystic worships are those of Cybele, which were wild and enthusiastic, with flutes, drums, and cymbals (Herod. iv. 76); the trieteric worship of Dionysus [DIONYSIA]; of Hecate at Aegina (Paus. ii. 30, 2) and in the Zerynthian cave in Samothrace (Schol. on Lycophr. 77). This goddess was especially worshipped in the Roman Empire just before it became Christian; during which period too, and indeed earlier also, the mysteries of Isis, Sabazius, and Mithras were much in vogue. For these the reader must be referred to the articles RHEA, HECATE, ISIS, SABAZIUS in *Dict. of Mythology*. There is a good article on MITHRAS in the *Dict. of Christian Biography*. A remarkable Roman mystery confined to women was that of the celebrated Bona Dea, which Cicero (*Att.* vi. 1, 26) calls *Romana mysteria*. See *Dict. of Myth.* s. v. BONA DEA.

As to the *general* character of the gods of the mysteries, we cannot do better than quote Lenormant (*Contemp. Review*, xxxvii. 414): "Like all the worships of antiquity, the Eleusinian mysteries were founded on the adoration of Nature, its forces and its phenomena, con-

ceived rather than observed, interpreted by the imagination rather than by the reason, transferred into divine figures and histories by a kind of theological poetry, which went off into pantheism on the one side and into anthropomorphism on the other. The nature and concatenation of their rites and plays were connected with precise beliefs; which tended to efface the distinction between the divine personages of the poetical and popular mythology, in such a manner as to lead to what has been called *μυστικὴ θεοκρασία*, and to reduce these gods who were exoterically individuals to mere general abstractions. But the form under which these beliefs were presented was such that, among the ancients themselves, some have been able to find in it a kind of philosophy of nature or *physiologia*, and others bring out of it euhemerism and with it atheism." So far we will go, emphasising the fact, that this *physiologia* was of late growth in the mysteries; but no further. However, to such students as do not easily get dizzy and who may wish to pursue the subject into its details, we recommend Lenormant's articles on *Bacchus*, *Ceres*, and the *Cabiri*, in Daremberg and Saglio; also chapter vi. of his *Voie Sacrée*, where his views issue in the purest pantheism, which he supposes to be the doctrine taught by the Hierophant at Eleusis and to be the primitive Aryan dogma that lay at the base of the mysteries.

2. *The Origin of the Mysteries.*—That they were mostly old Pelasgian worships, which were driven into the background by the conquering races, and accordingly carried on as mysteries, is a very reasonable view, and is supported by what Herodotus says of the Thesmophoria (ii. 171) and the Cabiri (ii. 51). By the Pelasgians we mean what Curtius means (*Hist. of Greece*, i. 35 ff.), viz. the first great body of emigrants westward from among the Phrygians, that tribe which forms the link by which the Aryans of the West were connected with the Asiatics proper. They are the primitive indigenous race of Hellas, "the dark background of history, children of the black earth (as the poets called Pelasgus), who amidst all the changes of the ruling generations calmly clave to the soil, leading their life unobserved under unchanging conditions, as husbandmen and herdsmen." They brought with them their Phrygian forms of worship, as they passed through Thrace into Hellas. Curtius (*ib.* p. 52) represents their religion to have been of the purest and noblest type—the worship of the Pelasgian Zeus upon the mountain-tops, a god without images or temples, a god unnamed except as the pure, the great, the merciful, &c.—and that Greek polytheism was a development in decadence as far as spirituality went. When the fascination of Curtius's eloquence is passed, we are unable to feel that the religion which the Pelasgians brought from Phrygia was much better than that of ordinary savages. Mr. Andrew Lang (*Myth, Ritual and Religion*, i. 282 ff.) mentions several points in which the Greek mysteries are in harmony with Australian, American, and African practice: the mystic dances (cf. *τοὺς ἐξαγορεύοντας τὰ μυστήρια ἐξορχεῖσθαι λέγουσιν οἱ πολλοί*, Lucian, *de Salt.* 15), the fastings, the elaborate and anxious purifications; the use of the *κῶνος* described by Lobeck (p. 700) as *ξυλάριον οὗ ἐξῆπται τὸ σπαρτίον καὶ ἐν ταῖς τελεταῖς ἐδονεῖτο ἵνα ῥοιζῇ*, similar to the *turndun* of the Australians, to call the votaries together; the plastering of initiates with clay or dirt of some kind and washing it off to symbolise purification (cf. Dem. *de Cor.* 313, § 259, and Soph. *Frag.* 32, *στρατοῦ καθαρτὴς κἀπομαγμάτων ὕδρις*), and the purifications by blood of swine mentioned in Aesch. *Eum.* 273—an undoubted savage custom, though not immediately connected with the mysteries—the use of serpents in the mysteries (Dem. *l. c.*), and so forth. Mr. Lang goes on to repeat again and again in his gentle vein of satire how easy it is to think anything as a symbol of anything, and wonders why the allegory should choose the practices of early savage tribes. Nor is it any disgrace to the Greek race to allow this; rather that the list of savage survivals is not many times as large and very much more apparent. Most of the savage elements disappeared soon, and what remained became blended with purer and later speculations.

This old religion was thrust into the background by the conquering tribes, the gods of the latter becoming predominant and the state-gods of the nation, while the old religion for the most part gradually disappeared. But by some families and tribes its ritual was in a large measure retained, and they probably formed themselves into brotherhoods, like those of the Roman Church, and preserved their rites doubtless with great strictness. Surely they were sodalities or confraternities that lived the "Orphic life." Now, the Greeks never persecuted doctrine, unless indeed any doctrine was much blazed abroad and seemed likely to involve danger to the state-worship; and no danger seemed to arise from the remnants of this primitive worship. Indeed, they were sometimes adopted into the state-religion on occasions of religious terror, when a feeling of sin and need for purification laid hold of the people. Thus it was that the mysteries of Eleusis and Samothrace were adopted. The gradual development of the Eleusinian worship (that mystic ritual with which we are best acquainted), from its original Phrygian-Pelasgian beginnings to its adoption into the Athenian religion, we have attempted to sketch in outline in ELEUSINIA, § 1.

3. *Silence enjoined on the Votaries.*—This is an important feature in the mysteries; the votaries could not divulge the mysteries to non-initiates. Its original reason doubtless lies in the separatism of early worships, a fear lest any outsider should learn how to get the favour of the god; and the reason why it was retained in later and more enlightened periods was to enhance the solemnity of the ritual. Strabo says x. 717, *ἡ κρύψις ἡ μυστικὴ τῶν ἱερῶν σεμνοποιεῖ τὸ θεῖον μιμουμένη τὴν φύσιν αὐτοῦ ἐκφεύγουσαν τὴν αἴσθησιν.* "Every expression," says Renan (*Études d'Histoire religieuse*, 70), "is a limit, and the only language not unworthy of things divine is silence." It prevented familiarity breeding contempt, as in the ordinary religion. Chrysippus, *Etym. Mag.* 751, thinks it was intended for an ethical purpose, viz. to teach the government of the tongue, *τῆς ψυχῆς ἐχούσης ἔρμα καὶ πρὸς τοὺς ἀμυήτους σιωπᾶν δυναμένης.*

4. *The Ceremony.*—Whatever is to be said specially about the initiated, the priests, and the ceremony, we have endeavoured to set forth in the particular articles, especially ELEUSINIA. There will be found some description of the "mystic drama," such as it was in later times when it was part of the state-religion and full of foreign accretions. It was of a splendid, solemn, vague nature, such as fettered the imagination of the votary; and, if it only put the worshipper in a certain state and did not teach anything (*τοὺς τετελεσμένους οὐ μαθεῖν τι δεῖν ἀλλὰ παθεῖν καὶ διατεθῆναι*, as Aristotle says, *ap.* Synes. *Orat.* p. 48), yet it made a man here and there think of things spiritual and proceed on the task of working out his own salvation. To such a man further progress was possible and a higher and deeper knowledge open, imparted by gradual stages, after due time being given to allow the awakened thought and imparted knowledge to germinate and fructify. All this is very Eastern, but it is none the less very rational. "Among the peasants who attend a midnight mass, how many are there who think of the mystery of the Incarnation?" asks M. Renan (*op. cit.*, p. 56). Yet, if a man here and there does think about it, he can learn more about it from his teachers. But to the majority of the worshippers (and everyone who spoke the Greek language and was not stained with gross crime was welcome, no previous *κατήχησις* being required) the impression of the whole, not the perception of each particular, was the important part. We may allow that the whole drama of Eleusis would appear a miserable travesty to us, even its "fireworks" (Lobeck, p. 107); but we answer in the bold words of Renan, "You are not to ask for *reason* from the religious *feeling*. The spirit bloweth where it listeth; and if it chooses to attach the ideal to this or to that, what have you to say?"

But was there any reality at the back of it all; any doctrine like the Incarnation, symbolised by the midnight ceremonies? There certainly was in later times. The reality which the priests then appear to have taught was some kind of system of cosmogony: cf. Cic. *de Nat. Deorum*, i. 42, 119 (of the Samothracian mysteries), "quibus explicatis ad rationemque revocatis rerum magis natura cognoscitur quam deorum;" Clem. Alex. *Stromat.* v. 689, *τὰ δὲ μέγαλα [μυστήρια] περὶ τῶν συμπάντων οὐ μανθάνειν ἔτι ὑπολείπεται, ἐποπτεύειν δὲ καὶ περινοεῖν τήν τε φύσιν καὶ τὰ πράγματα.* But the true value of the mysteries did not lie here, in this kind of dogmatic teaching, but in the moral improvement apparent in the votaries (Diod. v. 48), in the comfort they gave in the present life and the glad hopes for the world to come (Isocr. *Panegyr.* § 28).

5. *Monotheism and Immortality.*—It is generally supposed that the mysteries were the fountain from which Greek philosophy derived the two great ideas of monotheism and immortality. The mystic school of theological teaching is the Orphic; to it we must look for these ideas. Now, as regards *monotheism*, we have attempted to show in ORPHICA that the passages which refer to monotheism in the Jewish or Christian sense date from Alexandrine times, and in the pantheistic sense are hardly much earlier: even the celebrated *Ζεὺς κεφαλή, Ζεὺς μέσσα, Διὸς δ' ἐκ πάντα τέτυκται*, supposed to be alluded to by Plato (*Legg.* iv. 715 E), as Zeller (*Philosophie der Griechen*, i. 53 = i. 65 Eng. trans.) shows, does not imply more than Homer's line that Zeus is the father of gods and men, or Terpander's (650 B.C.) address, *Ζεῦ πάντων ἀρχὰ πάντων ἀγήτωρ.* The Greeks with their personifying of everything in nature came to have a feeling of the Divine pervading all nature,—"one and the same Nature-power," as Petersen puts it. "This unity of the Divine element which polytheism presupposes was made concrete in Zeus as king of the gods; and so far all that exists and all that happens is ultimately referred to Zeus, but it does not imply that Zeus is the ideal complex (*Inbegriff*) of all things" (Zeller, *l. c.*). Zeller goes on to contrast the polemic of Xenophanes against polytheism, with the syncretism of the Stoics and Alexandrines, showing how the Greeks arrived at the idea of the Divine unity less by way of syncretism than of criticism. But if the idea of monotheism was naturally developed into a distinct form by Greek thought, and that only in comparatively late times, it was thereafter adopted into the mysteries, and especially some of the Orphic ones, and doubtless taught in them to those who had gone through the various stages and shown themselves naturally fitted to receive and understand it.

As to *immortality*, the case is different. Mr. Tylor has shown that the doctrine of Transmigration was universal among savage and barbarian races (*Primitive Culture*, ii. *init.*). This doctrine the Aryans probably brought with them into Europe. Herodotus thinks it came from Egypt (ii. 123); but when we find similar notions among the Indians from the earliest times even to the present day, and among the ancient Druids in Gaul (Caes. *B. G.* vi. 14; Diod. v. 28; Amm. Marc. xv. 9 *fin.*), we may infer that it was an original idea of the Aryan race, which gradually developed into the purer doctrine of what we call a Future Life; we find a strange example of this latter doctrine among the Thracians (Herod. iv. 94, 95). For the further discussion of immortality in the Orphic doctrine, see ORPHICA.

6. *The modern Critics of the Mysteries.*—Passing over such treatises as Warburton, *On the divine Legation of Moses* (ii. 133–234), and Sainte-Croix, *Recherches sur les Mystères du Paganisme* (1784), the first really great work on the mysteries was that by Creuzer, *Symbolik und Mythologie der alten Völker*, 1810–1812, written by a genuinely religious Doctor in Theology of the Roman Church. The title is certainly not a misnomer, for he finds symbolism everywhere. He is in fact too symbolical. He does not distinguish the ideas of different epochs, does not weigh evidence nor take sufficient thought of development in religious ideas. After him followed J. H. Voss, a zealous Protestant, who attacked Creuzer with unpardonable virulence and little success, especially in his *Anti-Symbolik* (1824). Abuse of priests occupies a large portion of the work. In 1829 Lobeck's great work, *Aglaophamus*, was published with the view of crushing the symbolical school. Its learning is portentous, its satire grim and savage. But with all his great gifts Lobeck had one thing

wanting, the sense of things religious. Everything is judged from the level of the intellect, but religion is of another order. The whole book bears the character of a violent reaction, and so far is necessarily unfair; and Lobeck sometimes quite forgets himself, as for example when he says (p. 119) that the spectacles at Eleusis were seen with the eyes of the mind, not with those of the body. K. O. Müller (art. *Eleusinia* in Ersch and Gruber), and after him Preller (*Demeter und Persephone*, 1837; art. *Mysteria* in Pauly), make accurate distinctions of times, places, and races. They allow a mystic character to the worship of the Pelasgi, who adored Nature regarded as living and divine, especially in their worship of the Chthonian divinities, the naturalism of the Pelasgi being contrasted with the anthropomorphism of the Hellenes, as exemplified in the Homeric Age; but hold that, when this warrior age passed away at the time of Solon, there was a reaction in favour of the ancient cults. François Lenormant, in his *Voie Sacrée Éleusinienne* (1864) and in the articles in Daremberg and Saglio mentioned above, is a strong symbolist; cf. also his articles in the *Contemporary Review* for May, July, September 1881. Other works to be consulted with advantage are Hermann, *Die Gottesdienstlichen Alterthümer*, §§ 32, 55; Maury, *Histoire des Religions de la Grèce antique*, ii. chap. xi.; Renan, *Les Religions de l'Antiquité*, No. 1 of his *Études d'Histoire religieuse*; Ramsay, s. v. *Mysteries*, in the *Encyclopaedia Britannica*. [L. C. P.]

MYSTILE (*μυστίλη*). [CENA, Vol. I. p. 394.]

MYSTRUM (*μύστρον*), *a spoon* (cf. *μυστίλη*), a Greek liquid measure, strictly *a spoonful, of which there were two sizes*, called the large and small mystrum, and these again also of various dimensions. The small, which was the more common of the two, was $\frac{1}{24}$ of the cotyla, and $\frac{1}{4}$ of the cyathus, and therefore contained about 1·50th of an English pint. [CYATHUS.] (Galen, *Frag.* c. 15.) Galen adds that the smaller mystrum contained $2\frac{1}{3}$ drachms, that the larger was $\frac{1}{18}$ of the cotyla, and contained $3\frac{1}{3}$ drachms; but that the most exact mystrum (*τὸ δικαιότατον μύστρον*) held 8 scruples, that is, $2\frac{2}{3}$ drachms. According to this, the small mystrum would be $\frac{3}{4}$ of the larger. But in the 13th chapter of the same fragment he makes the large mystrum $=\frac{1}{3}$ of the cotyla, and the small mystrum $\frac{1}{4}$ of the large. In c. 4 he makes the large mystrum $=3$ oxybapha, and the small $=1\frac{1}{3}$. Cleopatra makes the large $=\frac{1}{16}$ of the cotyla, the small $=\frac{1}{32}$. (Hultsch, *Metrologie*, p. 636 ff.) [P. S.]

N.

NABLA. [LYRA, p. 106 *b*.]

NAE'NIA. [FUNUS.]

NANI, dwarfs, kept as an amusement in rich Roman houses. According to Gellius, xvi. 7, xix. 13, the word *nanus* was an introduction of Laberius, and the older word for dwarf was *pumilio*: both words afterwards existed together and in the same writers. The fashion of keeping dwarfs may have come from Syria and Egypt (cf. Stat. *Silv.* v. 5, 66); for they do not seem to have been a feature in households of Greece proper before the Roman conquest (cf. Plut. *de Curios.* 10, *ἐν Ῥώμῃ τινές...*), or it may have started in Italy: they are mentioned as kept at Sybaris (Athen. xii. p. 518 e), where they were called *σκωπαῖοι* and *στίλπωνες*. It is probable that the former name is not, as Liddell and Scott say, from *σκώπτω*, but rather from *σκώψ*, because of the misshapen head and short neck, and the latter name from their baldness, since their heads were shaven (see Lucian, *Conviv.* 18, and Mayor's note on Juv. v. 171). As to their appearance in later Greek banquets, see Lucian, *l. c.* At Rome great ladies especially delighted in them, as Livia (Dio Cass. xlviii. 44), Seneca's wife (Sen. *Ep.* 50); and the prevalence of the fashion at Rome is marked by Suetonius, when he mentions particularly (*Aug.* 83) that Augustus did not care for them.

There is no clear distinction between *nanus* or *pumilio* or *pumilus*, "the dwarf," and *morio* (*γελωτοποιός*), "the jester," since the jesters seem to have been selected for their absurd appearance as well as for that power, often found in the half-witted, of making comical remarks, for which the mediaeval jesters were in demand. So the *morio* in Mart. vi. 39 is "acuto capite et auribus longis;" and in xiv. 212, "si solum spectes hominis caput, Hectora credas, si stantem videas Astyanacta putes." The *nanus* at Tiberius's banquet is a privileged jester (Suet. *Tib.* 61; cf. *Dom.* 4): that they were half-witted if not absolute *cretins* is shown by Mart. viii. 13, which passage also gives a notion of their price, "morio dictus erat, viginti milibus emi: redde mihi numos, Gargiliane, sapit." Misshapen limbs as well as small stature added to their price (Plut. *l. c.*; Quintil. *Inst.* ii. 5, 11; *Decl.* 298); and the most revolting part of the fashion was that the deformity was sometimes caused by artificial means, the children being kept in a case or frame (*γλωττόκομον*) which would stunt and distort their growth (Longin. *de Sublim.* 44, 5). The Romans kept female as well as male dwarfs and jesters (*nanae*, *fatuae*, Lamprid. *Alex. Sev.* 34; Sen. *Ep.* 50). For more authorities, see Becker-Göll, *Gallus*, ii. 148 ff.; Marquardt, *Privatleben*, 152; Mayor on Juv. viii. 32. [G. E. M.]

NAOS. [TEMPLUM.]

NASSITERNA was some sort of vessel for carrying water. From the description in Festus (*s. v.*), that it is wide (*patens*), with a handle (*ansata*), and is a vessel "quo equi perfundi solent," we may imagine something like a stable bucket or pail, especially as no spout is mentioned. Vessels of this shape are figured by Guhl and Koner (448) as kitchen utensils. In Plaut. *Stich.* ii. 2, 28, the nassiterna is used like a housemaid's pail. There seems no good reason for saying, with Rich, that the first part of the word implies a vessel with a *spout*: still less can we argue from the end of the word that it had three spouts. The first syllable (*nass.* in Festus; *nasc.* in the MSS. of Plautus, but corrected by Ritschl to *nass.*) is from the root of words meaning "to flow" (*νάω*, *νᾶμα*, *νασμός*, &c.; German *nass*?), and has nothing to do with *nasus*, though that word very likely comes

from the same root: the termination may be compared with *lanterna*, *hesterna*. Its etymology therefore merely proves that it is something from which water is poured. [G. E. M.]

NATA'LIBUS RESTITUTIO. [INGENUI.]

NATALI'CII LUDI. [LUDI, p. 85 *a*.]

NATA'TIO, NATATO'RIUM. [BALNEAE, Vol. I. p. 275 *b*.]

NATU'RA, NATURA'LIS RA'TIO. [JUS.]

NAVA'LES DUO VIRI. [DUO VIRI.]

NAVA'LES SO'CII. [EXERCITUS, Vol. I. p. 786; SOCII.]

NAVA'LIA were dry docks where ships were built, or drawn up (*subductae*) to be repaired or laid up till they were again needed. Those at Rome were opposite the Prata Quinctia in the upper bend of the Tiber (Liv. iii. 26, viii. 15; Burn, *Rome and Campagna*, p. 51), and so described as above the Aventine (Plut. *Cat. Min.* 39). In Liv. xlv. 42 we are told of *navalia* in the Campus Martius, where the ships taken from Perseus were laid up. The use of these Roman navalia for large ships was generally lessened under the Empire when the mouth of the Tiber was much more silted up, and Puteoli became the harbour where vessels trading to Rome discharged their cargo and were docked: others, however, still ran up to Rome after they had been lightened by discharging part of their cargo at Ostia, to be taken up in smaller boats (*naves codicariae*). (Strabo, v. p. 231; Sen. *de brev. Vit.* 13; cf. Marquardt, *Privatleben*, p. 408.) The docks (*νεώσοικοι* or *νεώρια*: see below) at Piraeus were constructed by Pericles (Pausan. i. 29, 16) at a cost of 1000 talents, according to Isocrates (*Areopag.* § 66), and, having been destroyed after the Peloponnesian War, were restored in the administration of Lycurgus. For their management, see EPIMELETAE (6), Vol. I. p. 749 *b*. As to the distinction between *νεώσοικοι* and *νεώρια*, Arnold rightly points out in his note on Thuc. vii. 25 that *νεώρια* are strictly the dockyards, *νεώσοικοι* the large covered sheds for the reception of ships laid up, on the roofs of which the Syracusans stand (cf. Demosth. *de Symm.* p. 184, § 26). But there can be no doubt that in Thuc. i. 108, when Tolmides burns *τὸ νεώριον* at Gytheum, we are to understand especially the *νεώσοικοι*, and conversely Isocrates (*l. c.*) uses *νεώσοικοι* for dockyard, sheds and all. [W. S.] [G. E. M.]

NAVA'LIS CORO'NA. [CORONA, Vol. I. p. 548 *b*.]

NAVARCHUS (*ναύαρχος*) was a naval commander whose rank varied in different states. It cannot, for instance, be correctly used as equivalent to our admiral in speaking of the Athenian fleet, though it is rightly so used by historians speaking of other states of Greece or of the Persian fleet. As an official title in Greece, it belongs particularly to the Spartan head of naval affairs. How early this office (*ναυαρχία*) existed at Sparta (as distinct from the mere admiral of a fleet in commission) is not quite certain. In Herod. vii. 42 Eurybiades bears the title, but it means no more than that he commanded the fleet there mentioned. It is probable that the office did not begin until Sparta had greater naval operations than in the Persian War. Her naval force at Artemisium consisted of only 10 ships, at Salamis of 16. But something more like an admiralty was needed when the new phase of the Peloponnesian War, after the campaigns at Syracuse, extended the sphere of Spartan naval enterprise. The expression in Thuc. viii. 20 regarding Astyochus, *ὥπερ ἐγίγνετο ἤδη πᾶσα ἡ ναυαρχία*, perhaps indicates, by the use of the imperfect tense, that the office grew out of circumstances at that time. Henceforth the Spartan army and navy were rarely (as happened in the case of Agesilaus) subordinated to the same commander. Hence Aristotle (*Pol.* ii. 9, 33) finds fault with the *ναυαρχία* as a cause of disunion, "being a sort of second kingship set up as a counterpoise to the kings, who are generals for life." The Spartan navarchus had the supreme direction of all naval affairs, whether he was actually commanding in the fleet at sea or not, and had under him an *ἐπιστολεύς*. There seems no ground for Schömann's statement that the *ναύαρχος* had *ἐπιβάται* "to advise him." No such meaning can be given to Thuc. viii. 61. The marines of the fleet were taken from the Perioeci; the rowers were Helots or *ξένοι*. Some limitation of this power of the navarchus, of which Aristotle complains, seems to be intended by the rule that no one could hold the office more than once (probably for a year); but this could practically be evaded by appointing the ex-navarchus as epistoleus with power only nominally subordinate (cf. Xen. *Hell.* i. 2, 23; ii. 1, 7; iv. 8, 11; v. 1, 5).

At Athens the word *ναύαρχος* was applied as an official title only to the commanders of the sacred triremes [THEORIS], the naval administration and command of fleets being under the strategi [STRATEGI].

At Rome the title navarchus is not used of supreme naval command or naval administration [for which see DUO VIRI NAVALES and PRAEFECTUS CLASSIS]. The navarchus was the captain of a ship. So far as the distinction between navarchus and trierarchus in the Roman fleet can be made out, it appears that the title trierarchus was applied strictly to the captains of triremes, the title navarchus to the captains of ships with more banks of oars, quadriremes, quinqueremes, &c. (*C. I. L.* x. 3361; Tac. *Hist.* ii. 16); but it is not unlikely that the distinction was loosely kept, or at any rate that the title navarchus might be applied to the captain of any sort of ship (cf. Veget. iv. 32, 43). The liburnae being ships with various numbers of banks were sometimes under navarchi, sometimes under trierarchi, as may be seen from the passages cited above. Marquardt (*Staatsverwaltung*, ii. 512) cites Polybius as using *ναύαρχος* in i. 53 and 54 for an admiral, and i. 21 for a captain of a ship; but it should be observed that in the former case he is speaking of the Carthaginians, in the latter of the Romans. When Livy (xlv. 25) speaks of the admiral of Rhodes (called *ναύαρχος* in Polyb. xvii. 1), he calls him *praefectus classis*; and though it would be too much to assert that a Greek historian might not conversely translate *praefectus classis* by *ναύαρχος* (the commoner equivalent is *ἔπαρχος στόλου*), that is no argument as to the significance of navarchus in the Roman fleet. For *correct* expression it is sufficient to compare *Πόπλιος ὁ τῶν Ῥωμαίων*

στρατηγός (Polyb. i. 50) with ὁ τῶν Καρχηδονίων ναύαρχος (Polyb. i. 53). It is true that the navarchus in Cic. *Verr.* v. 24, 60 seems to command a fleet, but this is explained by the fact that he was the admiral of a Siciliot town whose admiral would rightly be called ναύαρχος, and Cicero does not translate the title into its Latin equivalent. The word has probably the same meaning in *Verr.* v. 32, 84. It is necessary, however, also to notice the title *navarchus princeps* (*C. I. L.* x. 3440, 3448, 8215), who seems to be the commander of a part of the fleet or of a squadron of ships detached from the main fleet, and is taken by Mommsen as = *archigybernes* (*C. I. L.* x. 3349); with which compare Diod. xx. 50, 4. [L. S.] [G. E. M.]

NAUCRA'RIA (ναυκραρία), a subdivision of the inhabitants of Attica in early times, for purposes of taxation as applied to military equipment.

The institution of ναυκραρίαι and ναύκραροι has been for a long time a much-debated point: see Schol. in Aristoph. *Nub.* 37, οἱ πρότερον ναύκραροι εἴτε ὑπὸ Σόλωνος κατασταθέντες εἴτε καὶ πρότερον. That their establishment was due to Solon is the view of Gilbert (*Jahrb. Class. Phil.* cxi. 1875, p. 9 ff.) and of Stein (on Herod. v. 71). We have the testimony of a fragment of Aristotle to this effect; see Photius, *s. v.* ναυκραρία: τὸ πρότερον οὕτως ἐκάλουν ναυκραρία καὶ ναύκραρος· ναυκραρία μὲν ὁποῖόν τι ἡ συμμορία καὶ ὁ δῆμος, ναύκραρος δὲ ὁποῖόν τι ὁ δήμαρχος, Σόλωνος οὕτως ὀνομάσαντος, ὡς καὶ Ἀριστοτέλης φησί· καὶ ἐν τοῖς νόμοις λέγει, ἐάν τις ναυκραρίας ἀμφισβητῇ καὶ τοὺς ναυκράρους τοὺς κατὰ ναυκραρίαν· ὕστερον δὲ ἀπὸ Κλεισθένους δῆμοί εἰσιν καὶ δήμαρχοι ἐκλήθησαν· ἐκ τῆς Ἀριστοτέλους πολιτείας ὃν τρόπον διέταξε τὴν πόλιν ὁ Σόλων· φυλαὶ δὲ ἦσαν τέσσαρες κάθαπερ πρότερον καὶ φυλοβασιλεῖς τέσσαρες· ἐκ δὲ τῆς φυλῆς ἑκάστης ἦσαν νενεμημέναι τριττύες μὲν τρεῖς, ναυκραρίαι δὲ δώδεκα καθ' ἑκάστην. From this passage it has been held that Solon constituted, out of the members of each of the four old Ionic tribes, three large divisions, called τριττύες, subdividing each τριττὺς into four ναυκραρίαι. Thus there were in all (4 × 3 =) 12 τριττύες and (12 × 4 =) 48 ναυκραρίαι. So also Pollux, viii. 108: ναυκραρία δ' ἦν τέως φυλῆς δωδέκατον μέρος· καὶ ναύκραροι ἦσαν δώδεκα, τέτταρες κατὰ τριττὺν ἑκάστην:—and Hesychius, *s. v.* ναύκλαροι: τινὲς δὲ ἀφ' ἑκάστης φυλῆς δώδεκα. In the formation of the ναυκραρίαι, neighbouring members of the same tribe would seem to have been grouped together in such a way that a ναυκραρία was practically a local district or parish, and came to be so regarded: this follows from its comparison above to the Cleisthenean demos, and from the fact that the single surviving name of a ναυκραρία (Phot. *s. v.* Κωλιάς, Bekker, *Anecd.* 275, 20) is clearly a local designation.

Schömann, however (*Jahrb. Class. Phil.* cxi. 1875, p. 454 ff.), and Duncker (*Gesch. Alt.* v. p. 120, ed. 5) contest the correctness of this view, so far as the institution of ναυκραρίαι *by Solon* is concerned. They hold that the words of Aristotle quoted by Photius (see above) by no means amount to an assertion that Solon established the ναυκραρίαι, and they hold that what he did was perhaps to re-organise a previously existing method of subdivision, and modify it to suit his new constitution. The well-known passage in Herod. v. 71 is of cardinal importance in this question. In relating the abortive attempt of Cylon to make himself tyrant of Athens, Herodotus, referring to the defeated revolutionists who had taken refuge at the shrine of Athena, uses the words τούτους ἀνιστᾶσι μὲν οἱ πρυτάνεις τῶν ναυκράρων, οἵπερ ἔνεμον τότε τὰς Ἀθήνας. (Stein, *in loc.*, very reasonably suggests the emendation ναυκραριέων, "representatives of the ναυκραρίαι," *i.e.* the ναύκραροι.) Unless Herodotus is mistaken in his use of the words, this passage is proof positive that the ναυκραρίαι existed some time before Solon, and probably some time before Cylon also. It is not, however, easy to see in what sense the ναύκραροι could be said, at that period of time, νέμειν, *i.e.* to govern, τὰς Ἀθήνας. Stein and others therefore maintain that Herodotus, perhaps following an account which sought to lessen the responsibility of the Alcmaeonidae for the murder, has erroneously attributed to the ναύκραροι what was really done by the nine ἄρχοντες, and that the account given by Thucydides of the Cylonian revolution is specially intended to correct Herodotus on this point. See Thuc. i. 126: χρόνου δὲ ἐπιγιγνομένου οἱ Ἀθηναῖοι τρυχόμενοι τῇ προσεδρείᾳ ἀπῆλθον οἱ πολλοί, ἐπιτρέψαντες τοῖς ἐννέα ἄρχουσι τὴν φυλακὴν καὶ τὸ πᾶν αὐτοκράτορσι διαθεῖναι ᾗ ἂν ἄριστα διαγιγνώσκωσι· τότε δὲ τὰ πολλὰ τῶν πολιτικῶν οἱ ἐννέα ἄρχοντες ἔπρασσον.

The derivation of the word (ναῦς and the root καρ, by metathesis κρα, as seen in κραίνω; see G. Meyer, *Curtius' Stud.* vii. p. 175 f., in opposition to Wecklein, *Bayr. Ak.* 1873, p. 42 f., who connects ναυ- with ναίω, "to dwell") suggests the object of the institution, which was to provide Athens with a fleet. The ναυκραρίαι were thus the predecessors of the συμμορίαι (Bekk. *Anecd.* 283, 20: ναύκραροι· οἱ τὰς ναῦς παρασκευάζοντες καὶ τριηραρχοῦντες:—Aristot. in Phot. *s. v.* ναυκραρία· ναυκραρία μὲν ὁποῖόν τι ἡ συμμορία).

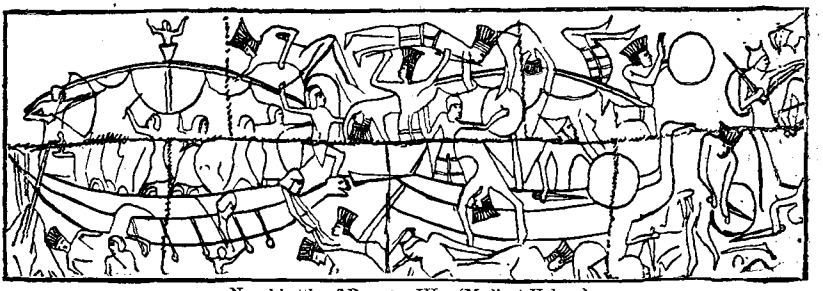
Besides superintending the building of the ships and acting as captains when built, the ναύκραροι assessed the amount of taxation annually due from each ναυκραρία, and dealt with the money thus collected (Poll. viii. 108, τὰς δὲ εἰσφορὰς τὰς κατὰ δήμους διεχειροτόνουν οὗτοι καὶ τὰ ἐξ αὐτῶν ἀναλώματα).

Each ναυκραρία provided two horsemen and one ship (Pollux, *l. c.*: ναυκραρία δὲ ἑκάστη δύο ἱππέας παρεῖχε καὶ ναῦν μίαν, ἀφ' ἧς ἴσως ὠνόμαστο). The whole organisation, as part of the military force of Attica, was subject to the πολέμαρχος (Bekk. *Anecd.* l. c.: ναύκραροι ... τῷ πολεμάρχῳ ὑποτεταγμένοι).

With the institution of δῆμοι by Cleisthenes the ναυκραρίαι probably ceased to exist, at all events as a working part of the state organisation. One authority indeed (Cleidemus in Phot. *s. v.* ναυκραρία) tells us that they continued, being raised from 48 to 50, five from each of the new tribes, furnishing in all 100 ἵπποι and 50 ships. Boeckh (*Staatshaush. Ath.* ed. 3, i. pp. 323, 636, note c) sees a confirmation of this in the fact that, according to Herodotus vi. 89, the Athenians in the war against Aegina before the Persian invasion could only muster 50 ships of their own. [A. H. C.]

NAVIS (*ναῦς*). Though the earliest efforts of mankind in navigation are pre-historic, yet the characteristics of these efforts, and many stages in their development, are sufficiently evident from the methods in vogue among savage races in various parts of the globe at the present day. (See article "Ship," *Encycl. Britan.* 1888.) There is sufficient evidence to show that a point far in advance of the primitive types of navigation and ship construction had been reached by peoples inhabiting the littoral of the Mediterranean at a very early period. (Chabas, *L'Antiquité historique*, p. 120.)

Dardanians, Mysians, Lycians, and Maeonians figure on the wall-paintings of Egypt, as combined against Pharaoh in the 13th century B.C., and in the 12th century a still more powerful league of Pelasgians, Teucrians, Etruscans, Daunians, and Oscans appears to have invaded Egypt and to have suffered a crushing defeat at the hands of Rameses III. The bas-relief of Medinet Habou, which represents the great victory of this Pharaoh over the marauding "Northmen" of the Mediterranean, is the earliest known representation of a naval battle. In this bas-relief two distinct types of vessels



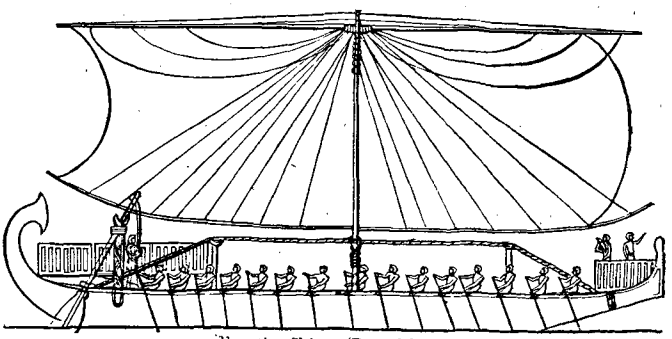
Naval battle of Rameses III. (Medinet Habou.)

are apparent: first, the Egyptian, which have stem and stern following the curved line of the keel, the stem ornamented with a lion's head or some other device, the stern sharp-pointed and rising somewhat higher than the stem. At the bows is shown a kind of platform or forecastle, and the bodies of the rowers, whose heads are visible, are protected by a side-planking, from under which the oars, the ports of which are hidden, project. At the stern there is a raised platform, from which archers are discharging their arms, and the steersman is there also seated, with his hand on the broad-bladed steering paddle. A mast with a crow's-nest and a look-out man, and a yard with the sail brailed up, are also shown. The number of rowers indicated is usually ten on one side; but, owing to want of space, the artist, limited in this respect, has probably contented himself with depicting a conventional number.

The vessels of the allies, which presumably have crossed the Mediterranean, present a striking difference in type. They show much less camber of keel, with stem and stern post rising abruptly, and at a considerable height above the water curving outwards, and finishing (though without any such ornamentation as is apparent in the Egyptian ships) in a rudely-shaped swan- or goose-head. The bow is in fact very similar to the *στόλος* of the old Greek type, seen on the coins of Chios, Megara, and Sinope. Their vessels have also raised fighting decks fore and aft, and side planking as a protection for the rowers. These details, slight as they may appear to be, are valuable as giving indications of maritime enterprise and naval construction in the Mediterranean some centuries before the Trojan War, of which the ordinary date given is 1184 B.C.

(For the whole subject of Egyptian boats and shipping, the student should consult the works of Rosellini and Lepsius, in which he will find numerous representations of ships and boats, ranging from the time of the Fourth Dynasty, or more than 3,000 years before Christ: and besides these, Duemichen's *Historische Inschriften* and *Die Flotte einer Aegyptischen Königin*, and especially an essay by Bernhard Graser, *Das Seewesen der alten Aegypter*, in Duemichen's *Resultate der auf Befehl S. R. Majestat des Königs Wilhelm I. von Preussen in Sommer* 1868 *nach Aegypten entrendeten*, &c., Berlin, 1869.)

In the fleet of an Egyptian queen, her Red Sea fleet, several vessels exhibit apertures as if



Egyptian Ship. (Duemichen.)

for a second tier of oars, though no oars are shown in them. If this be so, the invention of the bireme must be referred to a very early date (B.C. 1700). It is probable, however, that

the Red Sea fleet differed in many particulars from the Mediterranean fleet, and of this latter unfortunately we have no similar record. It is, however, not unlikely that the fleets of the Pharaohs, at different times, swept the northern sea and penetrated as far as Sardinia.

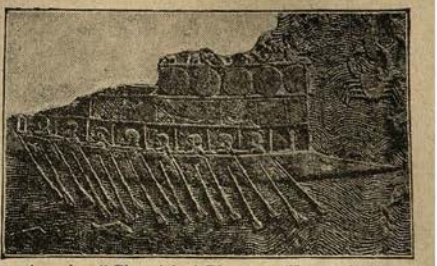
It is clear from the legend of Danaus that intercourse between Egypt and Greece was frequent at a very early period, and it is noticeable that the marauding expeditions, such as may have led to battles similar to that depicted at Medinet Habou, find an echo in the Homeric poems. In the feigned narrative of Ulysses, a raid upon Egypt is described as undertaken and carried out, quite in the ordinary course of things (*Od.* xiv. 245 *sqq.*; xvii. 425):

> Αἴγυπτόν δέ με θυμὸς ἀνώγει ναυτίλλεσθαι
> νῆας εὖ στείλαντα σὺν ἀντιθέοις ἑτάροισι,
> ἔννέα νῆας στεῖλα θοὰς δ' ἐσαγείρατο λαός.

Five days bring them from Crete to one of the mouths of the Nile, and the feigned tale presents the typical behaviour of the buccaneers, with a typical disaster to follow. It is worthy of remark that the same story, a fictitious story, is twice repeated, from which we may infer that the narrative was such as would be readily accepted as true in the Homeric age, and founded on an ultimate basis of fact.

A list with dates is given by Eusebius, "ex Diodori libris breviter de temporibus maria imperio tenentium," in which Lydians, Pelasgians, Thracians, Rhodians, Phrygians, Cyprians, Phoenicians, Egyptians, Milesians, Carians, are named in order, extending from the date 1186 B.C. to 731 B.C., or for a period of about 450 years, as exercising thalassocracy or mastery of the seas. The names that follow—Lesbians, Phocaeans, Samians, Lacedaemonians, Naxians, Eretrians, Aeginetans—bring the list down to the year 485 B.C. But in these cases hardly more than a local superiority can be intended. The earlier names, however—Lydians, Pelasgians, Thracians—corroborate the evidence of the Egyptian monuments, and point at any rate to the maritime activity and seafaring habits of these peoples at a very early period. (For Lydians, cf. Herod. i. 94; Strabo, v. p. 219; Dionys. i. 28, 27;—Pelasgians, Dionys. i. 22; Strabo, ix. p. 401, xiii. p. 582; Herod. iv. 145, vi. 137, 138; Apoll. Rhod. *Arg.* iv. 1760;—confused with Tyrrhenians, Soph. *Inach. Fr.* Τυρσηνοῖσι Πελασγοῖς; Thuc. iv. 109; Aesch. *Suppl.* 237–246;—Thracians, Herod. vii. 75; Strabo, xii. p. 541; Diod. v. 50;—Rhodians, Strabo, xiv. pp. 652–654; Colonies, Diod. v. 53, 54.)

It is surprising, considering the fame and activity of the Phoenicians, that we have so little evidence regarding their vessels in early time. Herodotus in his opening chapter speaks of them as migrating from the Indian Ocean to the Mediterranean coast, and at once venturing on long voyages, carrying Egyptian and Assyrian wares to Argos and elsewhere. To their kidnapping propensities was ascribed the beginning of troubles between Europe and Asia by the Persian historians; and this statement may be illustrated by the jealousy and dislike with which they are mentioned in Homer (*Od.* xv. 415 *sq.*: cf. Ezek. xxvii. 13). Their vessels seem to have been only half-decked, if we may judge from *Od.* xv. 479: these were probably traders, φορτίδες εὐρεῖαι. And yet to the Phoenicians in all probability, if not to the

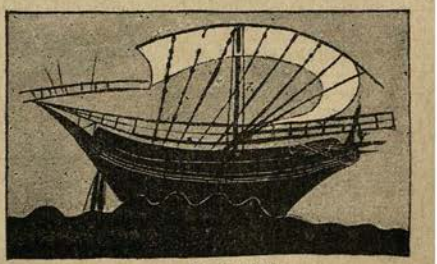


Assyrian (? Phoenician) Bireme. (From relief in British Museum.)

Egyptians, must be ascribed the invention of the bireme, and consequently of the system of banked vessels. To them also probably belongs the invention of the Ram. The representation of the war-galley in motion (copied from a bas-relief in the British Museum from Kouyunjik (?)) cannot be much earlier than 700 B.C. It is a bireme, aphract, with fighting deck and fish-like snout for ram, similar in construction to those which are depicted upon the Graeco-Etruscan vases of the following century, but plain and without the ornamentation exhibited in these latter. Some few representations of Phoenician vessels are also given in Layard and Rawlinson. These all have this drawback, that the Assyrian conquerors, for whose glory the representations were made, were not a maritime people, and that therefore details and proportion were not likely to be criticised, or accuracy to be studied in their sea-pieces. Hence we can learn but little from them as to any distinctive features of the Phoenician marine.

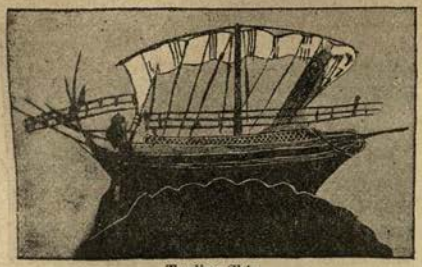
Piracy, as Thucydides points out in the opening chapters of his history, was the curse of the Archipelago from very early times, the antagonistic force opposed to all progress in civilisation. Piracy implies the possession of sea-going craft and familiarity with maritime enterprise. It implies also, to a certain extent, a contemporaneous commerce upon which it may prey. And again, being antagonistic to commerce, which strong rulers and organised states are anxious to develop and protect for their own use and benefit, it is naturally followed by efforts on the part of such rulers and states to put it down. Thus we have from early times, corresponding to these influences, three types of vessels:—

1. The trader, wide and roomy, trusting



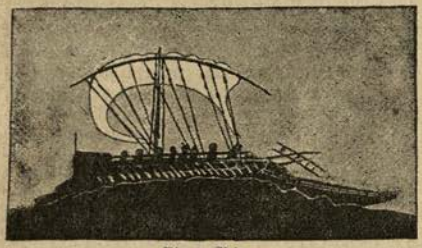
Trading Ship.

mainly to sail for movement. 2. The pirate vessel, sharper but still capable of stowing



Trading Ship.

plunder, and of using sail as well as oars. 3. The long ship, the ship of war (*ναῦς μακρά*), the business of which was not plundering, but



Pirate Ship.
(The above are from vases in the British Museum.)

fighting. The development of the latter, which was slow, finds its highest expression in the swift and handy Attic trireme, and terminates in the huge many-banked vessels of Demetrius Poliorcetes. The trader, of which illustrations from the early Graeco-Etruscan vases are sufficiently clear, varied but little in type, and the same type survives in the coasting vessels of the Levant to this day.

The chief points noticeable are the height of the hull above water as compared with the pirate vessels of the same date, and the form of the bow, which curves upwards and outwards, terminating in a point, which, though not fashioned into a figure-head, has immediately behind it the eye of the vessel, serving probably for a hawse-hole. Strong bulwarks run the whole length of the ship, which has two broad-bladed paddles for steering purposes, and a landing ladder fastened to a high prolongation of the stern-post. The sail is attached to a yard, which is secured by a number of braces; the mast, which for the size of the vessel is shorter than that of the pirate, is kept in its place by two stays.

The figures on the vases, to which we shall revert hereafter, may possibly give us the representations of vessels of the 6th or 7th century B.C. But for the description of the early Greek vessel of the pirate type we must turn to Homer, whose familiarity with the sea and with ships is everywhere apparent in his poems. Thucydides (i. 10), in his reflections upon the relative magnitude of the Greek fleet that went to Troy and the fleets employed in the Peloponnesian War, touches the salient points: "1200 ships, the largest holding 120, the smallest 50 men[illegible] oarsmen; no room [illegible] *ρίνεω*) except the ki[illegible] pecially as they were[illegible] with arms, &c. for th[illegible] fenced (not *κατάφρακτ*[illegible] fitted out more like pir[illegible]

And further he observ[illegible] centuries later the trir[illegible] naval powers were few in [illegible] part of the vessels in use [illegible] long ships (? biremes), [illegible] way as in Homer's time. [illegible] and the Corcyraeans were t[illegible] who possessed any large n[illegible]er of trire[illegible] Even the vessels built by t[illegible] Athenians under the advice of Themistocles, which ultimately fought at Salamis, were not decked throughout. Thus, if we take the Homeric ship to give the type of the ancient Greek sea-going vessel of the pirate class, as distinct from the trader (*φορτίς*), we shall not go astray.

In two points only are developments to be traced, which will be mentioned in their place, viz. in the form of the bow and in the arrangement of the oars.

We shall best obtain an idea of the Homeric vessel by comparing Homer with himself, and afterwards with what we are able to ascertain of the epochs that followed. If it be a question how far the ship-lore of Apollonius Rhodius, and of the so-called Orphic *Argonautica*, is drawn from early and trustworthy sources, yet in many instances it is useful as throwing light upon details.

In the Iliad and Odyssey we find certain epithets of ships common to both, which may be classified as follows:—

1. Epithets of Colour.

	Iliad.	Odyssey.	Total.
μέλαινα	35	41	76
κυανόπρῳρος	2		11
μιλτοπάρῃος	1	1	2

2. Epithets of Shape and Quality.

θοός	41	48	89
ὠκεῖα	1	2	3
ὠκύαλος	1	2	3
ὠκύπορος	7	3	10
ποντόπορος	13	5	18
γλαφυρός	36	18	54
κοῖλος	19	19	38
κορωνίς	14	2	16
ἀμφιέλισσα	7	12	19
ἴσῃ	7	10	17
εὔσσελμος	12	12	24
εὐεργής	1	9	10
πολυκλῖς	5	4	9

Epithets peculiar to the Iliad.

καλός	1	πολύζυγος	1
μεγακήτης	2	ἑκατόζυγος	1
ὀρθόκραιρος	2	εὔπρυμνος	1

Epithets peculiar to the Odyssey.

περικαλλής	2	πρωτόπλοος	1
κυανοπρώρειος	1	ἐεικόσορος	1
δολιχήρετμος	2	φοινικοπάρῃος	2
ἐπήρετμος	5	εὔζυγος	2

Of these epithets we may observe that the two which concern colour and shape as seen from the outside preponderate, viz. *μέλας* and *θοός* (black and sharp); and next in frequency

are two which, as it were, regard the vessel from within (*κοῖλος*, *γλαφυρός*), hollow, hollowed out, and so roomy. There can be no doubt that the first two epithets give the main characteristics seen from without. The black sharp hull (like those of the Northmen in later times) inspired thoughts of terror and swiftness; seen from within, it satisfied the mind of the Greek buccaneer that the vessel was roomy, one in which much plunder could be stowed. (Cf. *Od.* iv. 81; xiii. 20.)

Of the other epithets *ἀμφιέλισσα* (which cannot mean "rowed on both sides," but might possibly mean "rocking from side to side") presents probably the curvature of the ship's side when seen either stem or stern on, from in front or from behind; *κορωνίς*, on the other hand, is of the curvature upwards of bow and stern, such as we have seen in the bas-relief of Medinet Habou (p. 208), and such as appears on many of the early coins—that upward lift and prolongation of stem or stern post (the highly ornamented *ἀκροστόλιον* and the *ἄφλαστον* of later time) which makes apt the epithet *ὀρθόκραιρος*, strictly applicable to the horns of oxen. (Cf. *Il.* xviii. 3, 573, xix. 344; *Od.* xii. 348.)

In *ἑΐση* and *ἐὔσσελμος* we have probably epithets that refer to material,—gallant, good, well-timbered (not well-benched). The cross-pieces, thwarts, that tied the vessel's sides together and fitted on them like yokes, were too important, both structurally and as serving as benches for the rowers, not to furnish descriptive epithets (such as *πολυκλήις*, *πολύζυγος*, *εὔζυγος*, *ἑκατόζυγος*), and yet they are not frequent. Commonplace epithets are absent; *καλὸς* is only once used. It may also be noticed that the epithets *μιλτοπάρῃος* (*Il.* ii. 638; *Od.* ix. 125) and *φοινικοπάρῃος* (*Od.* xxiii. 271, xi. 124) belong apparently to vessels of or from the western isles of Greece. In the Catalogue of the Ships it is the distinctive epithet of the vessels of Ulysses.

With regard to the construction and parts of the vessel, we have mention of the keel, *τρόπις* (*Od.* xii. 420), which probably was first laid upon the *δρύοχοι*, short upright baulks of timber laid level at intervals, of sufficient height to enable a man to work at the keel and its fittings (*Od.* xix. 574), and the *τοῖχοι* or walls of the vessel attached to it (cf. *ὀφρ' ἀπὸ τοίχους λύσε κλύδων τρόπιος*). The ribs are not mentioned, unless *δούρατα*, *δόρυ νήϊον* cover them. Cf. also *πίνακες* (*Od.* xii. 67) for planking. From the keel sprung the *στεῖρα* or stem-post, carried upwards and finishing high in the *ἀκρὰ κόρυμβα*. Similarly, the stern-post must have run up into the *ἄφλαστον* (*Il.* xv. 716) or stern ornament. As yet no spur or ram seems to have been attached to the bows of the vessel:

ἀμφὶ δὲ κῦμα
στείρῃ πορφύρεον μεγάλ' ἴαχε νηὸς ἰούσης.—*Il.* i. 483.

The sides (*τοῖχοι*) were tied together by the thwarts (*ζύγα*, *κληῖδες*), which served as seats for the rowers, and lengthways amidships there must have been a gangway: for Ulysses (*Od.* xii. 228), while his crew are rowing to pass the dreaded Scylla, arms himself and passes from the stern to the forecastle. (Cf. Apoll. Rhod. iv. 1661, where Jason gives his hand to Medea, as she passes through the vessel, *διὰ κληῖδος ἰοῦσαν*.) At the bows there was a raised platform, or deck, the *ἴκρια πρώρης*, upon which armed men could stand and fight; and similarly there was a deck at the stern, upon which the chiefs had their place, and laid their weapons (*Od.* xiii. 72; xv. 282, 557), and under which was room for stowage (*Od.* xv. 206).

In a remarkable passage (*Il.* xv. 680) we have the description of a warrior (Ajax) passing from vessel to vessel:

Ἐπὶ πολλὰ θοάων ἴκρια νηῶν
φοίτα μακρὰ βιβάς·

the ships evidently being hauled up quite close to each other, and the height is in a measure indicated, for the attacking warrior (Hector) seizes hold of the stern of the ship (*Il.* xv. 716):

πρύμνηθεν ἐπεὶ λάβεν οὐχὶ μεθίει
ἄφλαστον μετὰ χερσὶν ἔχων·

while Ajax, forced to give way, being in an exposed position,

ἀνεχάζετο τυτθὸν οἰόμενος θανέεσθαι
θρῆνυν ἐφ' ἑπταπόδην λίπε δ' ἴκρια νηὸς ἐΐσης.

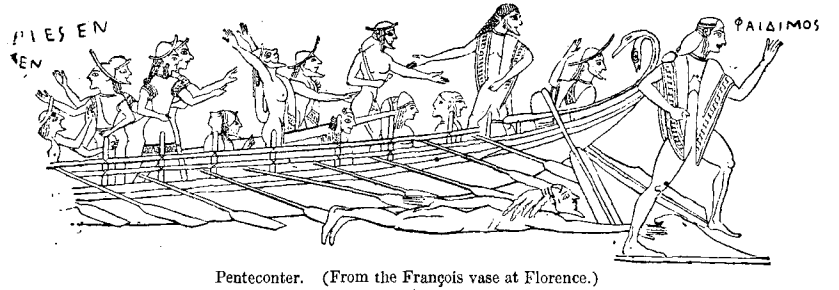
This *θρῆνυς*, in all probability, was the stretcher, as we should call it, of the stroke oar. Some interpret it of the steersman's seat, but less well, as *θρῆνυς* in Homer is in all other passages *ὑποπόδιον*, something to rest the feet upon. This would give us the normal beam of the Homeric ship, nearly at the point where the stern deck began; while, allowing to Hector heroic stature, the height of the *ἄφλαστον* would, we may fairly conjecture, be from 7 to 9 feet, and the *ἴκρια* themselves some 5 feet from the ground, when the vessel was drawn up on land. Taking the normal interspace for the rowers (*σχῆμα διπηχαΐκον*) at 2 cubits, the rowing space of the penteconter gives a length of 75 feet, to which must be added some 6 feet for the bows and 9 or 10 for the stern, with their respective decks. We should have thus a long low galley, about 90 feet from stem to stern, and from 10 to 12 feet broad amidships. The length would of course be reduced if the interspace between the rowers was less.

The Homeric galley was propelled by sail as well as by oars. The mast could be raised and lowered. It had a step (? *ἱστοπέδη*: cf. Alcaeus, *Frag.*) above the keel (cf. *ἐκ δὲ οἱ ἱστὸν ἄραξε ποτὶ τρόπιν*), and was raised so as to rest in and against a "tabernacle" (*μεσόδμη*), fitted as the name implies amidships. It was kept in its place by fore-stays (*πρότονοι*), by which also it was lowered, and rested on a crutch (*ἱστοδόκη*, *Il.* i. 434). A back-stay (*ἐπίτονος*) is also mentioned as attached to it (*βοὸς ῥινοῖο τετευχώς*, *Od.* xii. 423).

The sail was hoisted upon a yard (*ἐπίκριον*, *Od.* v. 254), which had braces (*ὑπέραι*) and halyards (*κάλοι*) attached to it. The sails were white, and square in shape. To the ends (*πόδες*) sheets were attached, which were either fastened or held in the hand. The ropes with which the sail was hoisted and the stays appear to have been of plaited or twisted thong (*εὐστρέπτοισι βοείοισι*). Larger cables (*ὅπλα*, *πείσματα*) were made of byblus (*Od.* xxii. 391). "The twisted teaching of Egypt" (Eurip. *Troad.* 129, *πλεκτὰν Αἰγύπτου παιδείαν*) seems to have

come in later for smaller tackle. The *σπάρτα* mentioned in *Il.* ii. 135 may have been of hemp or rushes.

Large poles for pushing the ship (*περιμήκεα κοντόν*) were also in use; and the weight and bulk of the vessel receive illustration from the



Penteconter. (From the François vase at Florence.)

passage in which Ulysses single-handed pushes her off the shore with a pole (*Od.* ix. 487). There were also long poles or spears used for fighting. Cf. *Il.* xv. 388, 677:

μακροῖσι ξυστοῖσι τὰ ῥά σφ' ἐπὶ νηυσὶν ἐκεῖτο
ναύμαχα κολλήεντα κατὰ στόμα εἰμένα χαλκῷ.

The ship was steered by paddles (*πηδάλια*), which, as the representations on the early vases indicate, were of various patterns. They were generally two in number, fastened to either side of the vessel. Some are merely broad-bladed oars; others approach more nearly in form to the modern rudder. They differed as a rule from the oar in having the blade unequally divided, the front part being narrow, the hinder part broad, so as to have more power. When at rest, the steering paddles were kept parallel to the longer axis of the vessel. At the upper end of the loom was a projecting handle, *οἰήιον* (*Od.* xii. 218), by which the steersman could turn the blade of one or both at an angle to the vessel's course.

The oars, *ἐρετμά*—of which the parts were *κώπη*, the handle, and *πηδόν*, the blade—were made of fir (cf. Apoll. Rhod. *Arg.* i. 1188; *ξεστῆς ἐλάτῃσι*, *Od.* xii. 172). The breadth of the blade is illustrated by its comparison on the part of a landsman ignorant of the sea to a winnowing shovel (*Od.* xi. 128). The oars amidship were probably the largest, to allow for the curvature of the vessel's sides (cf. Apoll. Rhod. i. 395, where the midship oars are reserved for Hercules and Ancaeus as being the strongest of the heroes). The result of breaking an oar while rowing hard seems to have been similar to that of later times. Cf. Apoll. Rhod. *Arg.* i. 1167, where Hercules

μεσσόθεν ἄξεν ἐρετμόν, ἅταρ τρύφος ἄλλο μὲν αὐτὸς
ἄμφω χερσὶν ἔχων, πέσε δόχμιος.

The oars were fastened to thowls (*σκαλμοί*) by thongs (*τροποὶ δερμάτινοι*), and, when not in use, drawn in and fastened with the blade projecting (Apoll. Rhod. *Arg.* i. 378; *Od.* viii. 34). The rowers are described as taking their places, with their arms laid (Apoll. Rhod. i. 527) in order by them, which flash in the sunlight (*l. c.* 540 ff.) as the vessel speeds onward. (Compare the shields hung at the side of the Vikings' vessels.) The *κυβερνήτης* had his place on the *ἴκρια πρύμνης*, where he could handle both steering paddles and see over the heads of the crew. Hence there was nothing to intercept the falling mast (*Od.* xii. 409) when the forestays snapped:—

ἱστὸς δ' ὀπίσω πέσεν, ὅπλα δὲ πάντα
εἰς ἄντλον κατέχυνθ'· ὁ δ' ἄρα πρύμνῃ ἐνὶ νηὶ
πλῆξε κυβερνήτεω κεφαλήν,
ὁ δ' ἀρ' ἀρνευτῆρι ἐοικὼς
κάππεσ' ἀπ' ἰκρίοφιν.

From the foregoing and similar passages we learn that the bilge was open (*ἄντλος*). The place for stowage was under the thwarts against the sides of the vessel. (Cf. Theognis, 513: *νηός τοι πλευρῇσιν ὑπὸ ζύγα θήσομεν ἡμεῖς οἷ' ἔχομεν.*) The *ξεστὸν ἐφόλκαιον* (*Od.* xiv. 350) may have been the landing ladder (*κλῖμαξ*), which is so conspicuous upon the vases (Grashoff, *Schiff.* 22). The vessel was moored by means of stones (*εὐναί*, *Il.* i. 436; *Od.* xiv. 498), which served both as ballast and as anchors.

The following passages illustrate the seafaring life as depicted in Homer:—Preparation for starting, *Od.* iv. 780, viii. 51, xv. 282. Setting sail, *Il.* i. 480, vii. 44; *Od.* ii. 412. Storm, *Il.* xv. 625; *Od.* ix. 70, v. 313, xii. 405, xiv. 295. Coming into harbour, *Il.* i. 433; *Od.* iii. 10, xv. 496. A safe harbour, *Od.* ix. 125. Crew grumble at not being allowed to land, *Od.* xii. 281. Arsenal, *Od.* vi. 263. Housing ship for winter, Hes. *Op.* 622.

The post-Homeric period receives its best illustration from the early Greek or Graeco-Etruscan vases that remain. In these the space is necessarily restricted, so that accuracy as regards details is hardly to be expected, yet the evidence they afford is extremely valuable, and without them the information drawn from the poets would, in many cases, be much more obscure than it is at present. Between Homer and Herodotus there is but little information to be gathered. Hesiod disclaims all knowledge of seafaring life (*Op.* 647), though his father had been a merchant venturer. The Homeric Hymn to Apollo and the story of Dionysus and the Pirates (if rightly ascribed to this period) contain a few interesting details (42, *πάντες δὲ σκαλμοὶ στεφάνους φέρον*). One valuable fragment of Alcaeus preserves the vivid picture of a storm-tossed vessel, and a much-disputed line (*παρ' μὲν γὰρ ἄντλος ἰστοπέδαν ἔχει*). If *ἰστοπέδη* be the mast step,—a solid block of wood placed above the keel,—with a shallow socket cut in it, wherein the foot of the mast rested, then the progress of the water increasing in the hold of the vessel would be marked

by its rising to the level of the top of the mast step.

Dionysus Vessel. (Gerhardt, *Vasenbilde.*)

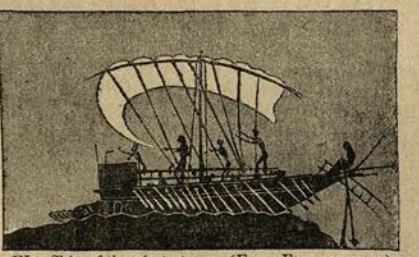
The unseaworthy character of the early Greek vessel is amply testified by the use and application of the word ἄντλος, ἀντλεῖν. Baling, if the weather was at all rough, was the constant and toilsome duty of the sailor, and the term became expressive of labour and sorrow. Sometimes the crew, from weariness or fright, refused to persevere (ἀντλεῖν δ' οὐκ ἐθέλουσιν, ὑπερβάλλει δὲ θάλασσα ἀμφοτέρων τοίχων, Theog. 673). The point is important, as illustrating one of the chief necessities of construction in the early Greek vessel. It had to be built as light as possible, because it was necessary to draw it up on shore. It was frequently subjected to the rack and strain which this process implies. Hence it is not surprising that it was liable to leak. There ensued naturally the desire to run ashore as soon as possible out of a seaway, an operation which the numerous creeks and bays on the coastline of the tideless sea facilitated. This lightness

Stern of Bireme, with κλῖμαξ. (From Figaroni Cista.)

of construction, and the necessity (for so it appeared to the Greek sailor) of drawing up the vessel on shore, must not be lost sight of when we come to consider the trireme. It is one which apparently has been entirely overlooked by those who wish to identify the problem involved in the construction of ancient ships with those of the mediaeval galley and of ocean-going wooden ships of comparatively modern date, which were not subject to this requirement.

The epoch of the vases introduces us to the Bireme, and it is possible that in this department of archaeology fresh discoveries await us, which may contribute largely, after their kind, to the knowledge of the subject. The bireme of Phoenician type represented on the walls of Kouyunjik (Rawlinson, *Ancient Monarchies*, vol. ii. 176) is possibly of an earlier date than the vase-paintings. At any rate, we must, in all probability, refer the invention of the bireme to the shipwrights of Tyre and Sidon, if not to Egypt (see above). And here it is necessary to inquire into the character of this invention, which gave a new power to early navigation and led the way to the trireme, and so on to the *Polyeres* (πολυήρεις), the many-banked vessels, of later date.

It is clear that the penteconter was the typical vessel of the pirate type. The ζυγά (benches, thwarts), twenty-five in number, seated two men on either side. The longest



War Ship of the pirate type. (From Etruscan vase.)

oars were wielded by those who sat amidships (Apoll. Rhod. i. 395 ff.). We may take the normal *interscalmium*, or measure of interval, between thowl and thowl, to have been 2 cubits (Vitruv. i. 2, "in navibus ex interscalmio quod διπηχαϊκὴ dicitur"). Efforts had been made to increase speed by adding to the number of rowers, but the increased number of benches involved also an addition to the length and weight of the vessel. The term ἑκατόζυγος seems to point to the limit which this effort had reached. Such a galley, even if we take the epithet to mean simply 100 rowers, and therefore really only 50 benches, would have upwards of 150 feet for its length, and presents difficulties at once as to hauling on shore and turning which can easily be imagined. Some clever shipwright, when construction was thus confronted with the difficulty of the additional length and weight exceeding in disadvantage the advantage gained by increase of man-power, conceived the design whereby the motive power might be almost doubled without increasing the length or beam of the vessel. Dividing the 3-foot space between the zyga, and perhaps raising these a little, he placed a rower with a shorter oar, to work nearer the water-line, on a lower level than the men on the zyga.

In fact, he seated these lower oarsmen more in the hold of the vessel (*θάλαμος*), whence they got their name of *thalamitæ*. It would be necessary to keep them in the same line vertically, parallel to the axis of the vessel, as there was no room to spare, and so the thalamite sat immediately behind his zygite, with his head just a little above the level of the latter's seat (cf. Aristoph. *Ran.* 1074). The experiment was tried and found feasible, and the thing was done.*

Once approved and known, the principle was sure to be widely adopted. The representations of biremes are sufficiently numerous to indicate that in the early vase period they were the typical vessel. It is remarkable that on some coasts they were never superseded. Of the famous galleys that turned the scale at Actium we read, "Ordine contentae gemino crevisse Liburnae;" and it is also to be observed that they outlived the larger rates far into the Byzantine period, as is seen in the *Tactica* of Emperor Leo. The invention of the bireme was really a much greater step in the art of naval construction than any of the subsequent improvements, which increased the numbers of banks, till the *Polyeres* in their turn became "inhabilis prope magnitudinis." The motive power was doubled; the length and bulk of the vessel hardly increased.

From the bireme to the trireme was but a small step in advance. Where this was made is not at all certain; probably in the dockyards of Tyre or Sidon. But the Greeks were quick to adopt the inventions of their Oriental rivals. Wealthy Corinth was naturally the first place in Greece to exhibit the new model, and to use its superior powers for the purpose of clearing out pirates and protecting its growing commerce (Thuc. i. 13). The Corinthian shipbuilder Ameinocles made a name and fame for himself, and marked an epoch in the maritime history of Greece, when, about the year 700 B.C., he constructed four of the new sea-going three-banked type of galleys for the Samians.

Coin of Cydonia. 450 B.C.

Coin of Pharnabazus. 400 B.C.

Before proceeding to the description of the trireme, it is necessary to insist on the fact that, according to the evidence to be gathered from ancient authorities, the principle of *one man to each oar* was always observed. The question of the arrangement of the rowers has been complicated by the neglect of this principle on the part of authors, who have sought for a solution of difficulties by reference to the mediaeval galley with its long sweeps worked by three or more oarsmen apiece. The ancients knew nothing of such a system, nor has any sufficient evidence been brought forward to support it. When we reflect that to the early shipwright sharpness and length (cf. epithets *θοή, μακρά*) were the essential ideas in the construction of the fighting galley, and that increase of beam involved increase of bulk, it is not surprising that the narrowness of the vessels should *ab initio* have restricted the length of the oar, and have, so to speak, prevented the idea of double-banking the oars from entering into their heads.

When in early mediaeval times the *Parodus* was superseded by the *Apostis*, then the system of long heavy oars, worked by two or more men, came into vogue, but not before.

It should here also be observed that the terms *Aphract* and *Cataphract* are of importance as denoting a difference and an improvement in the construction both of biremes and triremes,—a difference which has not to do with the deck (*κατάστρωμα*), but with the sides of the vessel. In the Aphract vessel the upper tier of rowers were unprotected and exposed to view, and consequently to the enemy's missiles, though in some of the earliest vessels we do see some attempt at protection in the way of planking, or (as commonly in the Vikings' ships) shields set up round the bulwarks to afford a covering to the crew. But in the Cataphract class, the rowers of the upper tier were entirely under cover, behind the wall of the Parodus, a projecting gangway, which screened them both from the sight and from the missiles of the enemy. The speciality of the construction was sufficiently important to differentiate the two classes, as Aphract and Cataphract.

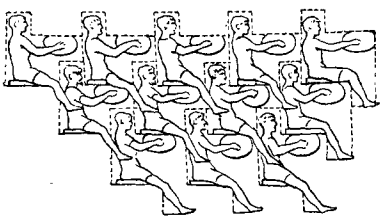
In the detailed description of the trireme which follows, amid a multitude of conflicting opinions we have in the main followed Graser and Cartault as the most trustworthy authorities. The subject, as is well known, has a vast and still accumulating literature of its own. Since the discovery in 1834 of a number of inscriptions which proved to be inventories of galleys and their gear, belonging to the dockyard at the Piraeus, dating from a period possibly not more than fifty years after the Peloponnesian war, the whole question has been placed upon a new basis by the labours of Boeckh and Graser, and after them of Cartault and Breusing. The evidence that we have to rely upon as regards ancient ships of war consists—(1) of passages from ancient authors, and (2) of explanations of terms in the scholiasts and lexicographers. Besides these, there are (for penteconters and biremes, but not for triremes) the representations on vases. The representations on coins, though numerous, are useful only as regards types, the scale being too small to give certainty as to details. But very few bas-reliefs or marbles or frescoes have survived which throw any light upon naval construction. As a rule, in the representations the artist, anxious to glorify the human figure, has treated all the accessories in a conventional manner, dwarfing the rest out of all proportion. We are therefore chiefly dependent for our information upon ancient texts, and must accept with caution any

* The writer had a section of a trireme upon Graser's measurements constructed, and placed in it six oarsmen, two sets of three, to row, and the movements were not only easy, but it was practically shown that the space allowed was too much rather than too little.

theories, however plausible, which cannot find support in these, or in any way contradict their evidence.

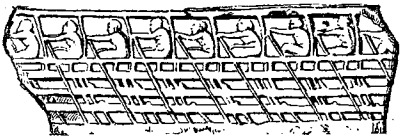
In the classification of ancient vessels we find the termination *-opos* referring to number of oars —*e.g.* *τριακόντορος*, *πεντηκόντορος*: whereas the termination *-ήρης* or *-κροτος* refers to banks of oars—*e.g.* *μονήρης*, *διήρης*, *τριήρης*, up to the *ἑκκαιδεκήρης* of Demetrius Poliorcetes and *τεσσερακοντήρης* of Ptolemy Philopator; *μονόκροτος*, *δίκροτος*, *τρίκροτος*, *κ.τ.λ.* It is this question of the superposition of the banks of oars which is the main problem to be solved. These banks or ranks of oars were called *στίχοι* or *ταρσώματα* (Poll. i. 93). In the trireme there were three, called respectively *θρανῖται*, *ζύγιοι* or *ζυγῖται*, and *θαλάμιοι*, *θαλαμῖται* or *θαλάμακες*. Of these the thranites rowed with the longest oars, and were the highest; the zygites occupied the middle stage; the thalamite the lowest, and these used the shortest oars, and earned least pay because they rowed with short oars (*διὰ τὸ κολοβαῖς χρῆσθαι κώπαις*, Schol. *ad* Thuc. vi. 31). That the rowers in three ranks in the trireme cannot have been separated by decks, as some authors have held, is sufficiently proved by the passage in Aristophanes (*Ran.* 1074). The thranite sat nearest the stern, the zygite next behind him, and the thalamite nearest the prow in each set of three, which was thus arranged obliquely, probably, though not certainly, in the same vertical plane.

In the trireme the number of thranites was 62; of zygites, 58; thalamites, 54. This gives on each side the series of 31, 29, 27; the reduced number in the lower ranks being necessitated by the contraction of the space nearer the water-line, owing to the curvature of the vessel's sides. Hence at each end of the vessel we find in the *ἔγκωπον*, or rowing space, one zygite and two thalamites less than the thranites. The whole ordinary rowing strength of the triremes was 174. Sometimes the supernumeraries (*περίνεω*) had to help with oars, the length of which is given in the Attic tables: these are supposed to have rowed from the Parodus, and to have struck the water beyond the thranite oars. Their length is given as $14\frac{1}{2}$ feet. We have said that the oarsmen sat probably in the same vertical plane, disposed obliquely one behind the other, the thranite of each set of three being nearest the stern. It is probable that the thranite oars were a little shorter than those of the *περίνεω*, mentioned above. They would in fact be not very much longer than the oars ordinarily in use in our University eights.



Complexus Remigum. (From Cartault.)

The horizontal space between two men of the same bank was 3 feet. The zygite seat was 1 ft. behind the thranite; the thalamite the same distance behind the zygite. The zygite seats were 2 feet below the level of the thranite, and the thalamite the same below the zygite. This disposition of the rowers as illustrated by the figure seems at first sight to be crowded, but the practical experiment, tried as above mentioned, showed that the oarsmen had plenty of room for the movement of their oars, and that there was no danger of clashing with the oars of separate banks. The motion of rowing was, as shown in the bas-relief of the trireme figured below, with very little forward inclination of the body. The arms were well extended, and then the weight of the body thrown on the oar, the course of the stroke following the *ὠὸπ ὄπ*, or the *ῥυππαπαί*, with the incidence of the blade in the water at the last sound (*e.g.* *ὠὸπ* marking the recovery, *ὄπ* the stroke).



Acropolis Trireme. (From Baumeister.)

In rowing the zygites fell back between the knees of the thranites, and the thalamites between those of the zygites; the two upper banks having an *appui* for their feet on either side of the man in front of them in the next bank below. The port-holes for the thalamite oars are placed by Graser at 3 feet above the water-line (Cartault reduces this distance to 1 ft. 6 inches); and if we allow 1 foot above the heads of the thranites (including the thickness of the deck and the cross timbers supporting it), we have the deck of the trireme 11 feet above the water-line. The zygite port-holes were vertically 2 feet above the thalamite, and the thranite the same distance above the zygite; the zygite port-hole was horizontally 1 foot nearer the bows than that of the thranite of the set of three to which he belonged, and the thalamite port-hole 1 foot nearer the bows than that of the zygite of his set. Taking the Vitruvian interscalmium of 2 cubits as the normal scale, we shall thus have 94 feet for the *ἔγκωπον* or rowing space of the trireme.

Viewed from within, if we adopt Graser's hypothesis, the trireme must have had, when ready for sea, and before the crew had come on board, the appearance of a long cloister, a central space of 7 feet, and on either side uprights corresponding to the vessel's ribs 3 feet apart and forming the support of the deck. From the foot of each of these uprights a strong piece of timber, probably cut plank-wise, inclined at an angle of about 62°, reached to the head of the upright next to it nearer the stern. Between these and the vessel's sides were attached the zyga or rowers' seats. These seats were part of the ship's furniture, and removable, as is seen from the Attic tables. A vessel fitted with them was said to be *διάζυξ*: not fitted, *ἄζυξ*. To the system of upright and inclined timbers thus constituting the rowing quarters of the crew, Graser attaches the term *διαφράγματα*. (Boeckh, xiv. 6, 145; *Inscr.* 3144, 3271, 3124.)

The crew was so densely packed that, as we learn from a passage in Cicero, there was not room for one man more. They entered in a regular order and took their places in accordance with the strictest discipline, and similarly disembarked. Each man had a cushion (*ὑπηρέσιον*) to put upon his bench. The oars appear to have been graduated as regards length inboard, so that those amidships were longer inboard, though striking the water in the same line parallel to the axis of the vessel with those of the same bank. (Hence the comparison of Aristotle and Galen to the fingers.) This confirms the opinion that the oarsmen in the trireme sat all in the same vertical plane, or nearly so; the thranite seat in the trireme being about 7 ft., the zygite 5 ft., and the thalamite 3 ft. above the water-line. This would give us 13 ft. 6 in., 10 ft. 6 in., 7 ft. 6 in. respectively for the average length of the three banks; the midship oars having somewhat more inboard, and possibly a heavier blade than those fore and aft. The Virgilian "triplici pubes quam Dardana versu Impellit, terno consurgunt ordine remi" (*Aen.* v. 120), gives an exact picture of the stroke (*versus*), i.e. the work of the oar in the water, and the recovery (*consurgunt*). In the trireme the triple *versus* were 2 ft. 6 in. apart, on a line at right angles to the vessel's side. The recovery would exhibit the oars rising in three banks. The rowing port-holes were protected by leathern bags (*ἀσκώματα*), through which the looms of the oars passed. These, if the sea was at all rough, prevented the wash from coming through the oarports. The oars were apparently, if we may judge from the representation from above (p. 215 *b*), rowed with the lower hand over and the upper hand under the oar. This implies a considerable angle to the water. Perhaps the thalamite had both hands over. It is a moot point whether they rowed against the *σκαλμός*, the wooden pin or thowl, or against the thong (*τροπωτήρ*) by which the oar was fastened to it. Looking at the weight to be moved, it seems not improbable that the latter was the case. At any rate, it is very frequently so in the Levant at the present day. They would certainly have been less liable to breakages at starting. The position of the oars, as shown in the woodcut above (p. 212), would seem to indicate that this was the case in the pentekonter.

According to Graser, the floor of the vessel (*ἔδαφος*) was 1 foot above the water in the Cataphract class. Below this was the hold, and through the floor a hole through which the buckets used in baling were passed. The keel (*τρόπις*) had considerable camber. Under it was a strong false keel (*χέλυσμα*), very necessary for vessels which were frequently drawn up on shore. Above the keel was the kelson (*δρύοχον*, *columba*), under which the lower ends of the ribs, probably 3 feet apart, were fastened. Above the kelson lay an upper false keel (*δευτέρα τρόπις*), into which the masts were stepped.

The stem-post (*στεῖρα*) rose at an angle of 69° to the water from the keel; within was an apron (*φάλκης*), giving solidity to the bows, which had to bear the weight of the beak and of concussion. The stem was carried upwards and curved sometimes forwards, but generally back, terminating in an ornament called the *acrostolium* (*ἀκροστόλιον*). Of this every variety is to be seen upon the coins.

The stern-post was carried up at about the same angle as the stem, curving upwards and forwards, and terminating in an ornament called *ἄφλαστον*, *aplustre*. Sometimes, as shown chiefly in later instances, the stern-post was ornamented by a swan or goose head (*χηνίσκος*), curving downwards behind the prolongation of the stern-post, symbolising no doubt the floating powers of the vessel.

Round the hull of the vessel, horizontally at about the level of the feet of each bank of rowers, stretched waling-pieces (according to Graser, *νομεῖς*: Cartault, *ζωστῆρες*), and in the case of the Attic triremes the sides of the vessel were again strengthened by long cables (*ὑποζώματα*), which were bound round the ship from stem to stern. These tightened by shrinking when wet, and gave additional security to the vessel, which from her length and narrow beam and lightness of build was apt to strain in bad weather.

On either side of the vessel, about the level of the thranitic bench, projected the gangway (*πάροδος*, *fori*), giving probably a passage of about 3 ft. wide. The Parodus was supported by brackets, the lower ends of which found a footing in the waling-piece below, and probably an attachment to the ribs. It was also fenced in by an upright bulwark extending the whole length of space occupied by the rowers. The ribs from a point below the Parodus curved upwards and inwards to a level 10 inches above the heads of the thranites. Upon them at this height were placed the cross-beams (*στρωτῆρες*) which supported the deck (*κατάστρωμα*). This was a clear 3 feet above the *πάροδος*, thus allowing the marines (*ἐπιβάται*) in action free play for their weapons over the heads of the supernumeraries (*περίνεω*) and seamen whose place was in the *πάροδος*.

On either side the main deck rose an open lattice-work (*cancelli*), seen as such in Aphract vessels, but in the Cataphracts usually covered with hides, or with goat's-hair curtains (*cilicium*), such as St. Paul may have worked at with his hands.

Beyond the space occupied by the rowers there was the *παρεξειρεσία* of 11 feet at the bows and 14 feet at the stern, which took the place of the *ἴκρια*, noticed in the Homeric vessels. In the bows there was an elevated forecastle, serving to protect the vessel in a seaway from the waves, and as a station for fighting men in combat. On either side of the bows was a hawse hole which figured as the eye (*ὀφθαλμός*) of the vessel. Here also was the *παράσημον* or badge of the vessel. Behind this projected the catheads (*ἐπωτίδες*) on either side, which in the case of the earlier Attic triremes seem to have been merely sufficient to hold the anchor. They afforded, however, a natural protection to the parodus. In the Corinthian build these were greatly strengthened and backed with stays (*ἀντηρίδες*, Thuc. vii. 36) within and without, so as to receive the impact of the light Athenian trireme, and to inflict the damage they were intended to suffer.

In front of the stem the prolongation of the two upper waling-pieces, meeting from either

side, projected one above the other and were called προεμβολίς, προεμβόλιον, respectively. The purpose of these seems to have been to give a vessel when pressed by the beak a racking

Prow of Trireme. (From Greek terra-cotta vase in British Museum.)

blow above, thus making her heel over and easing her off, so that the attacking vessel might more readily disentangle herself by backing water. Underneath the prolongation of the lower waling-pieces, and probably of the keel itself, met and formed the ἔμβολον, *rostrum*, or beak, at about the water-level (in the early times a little above, later below): this was generally cased with metal. In the earlier Attic vessel it projected about 10 feet. The success of the Corinthian build seems to have led to a shorter form, and a division into three teeth, which took the place of the long sharp spur. The elevation of the spur was necessary in the lighter vessels, which were frequently beached and drawn up on the shore. In the larger rates, with which this was no longer feasible, the spur came to be depressed, and, when thus shown in artistic representations, indicates a later date.

Quarter-decks.—At the stern was a raised quarter-deck on which the helmsman (κυβερνήτης) and the trierarch or captain had their place. The quarter-deck was the sacred part of the ship. Here was the image of the patron god or goddess (Eur. *Iph. A.* 209). Here also near the stern rose the flagstaff, on which was hoisted the pennant, and from which, in the case of the admiral's ship, the red flag gave the signal for action, and such other signals for manœuvring as were from time to time required.

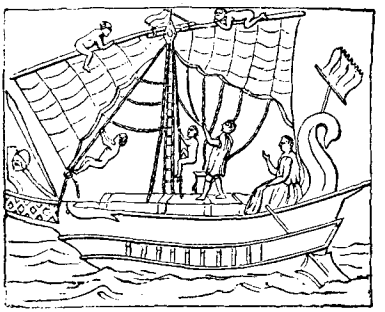
Steering gear.—The trireme was steered by two paddles, which worked in sockets attached to either side of the vessel. These had tillers (οἴακες) in the upper part of the loom (αὐχήν), by which the helmsman could turn the blades at an angle to the vessel's course. In the larger ships, quinqueremes and upwards, it is probable that the steering was effected by means of a rope (χαλινὸς) attached to the tillers, and passing over wheels (τροχιλίαι), which gave the helmsman the power to turn both rudders by a single effort simultaneously.

The trireme had at least two masts (ἱστὸς μέγας, ἱστὸς ἀκατεῖος), but it is to be remembered that the use of sails was auxiliary, and not its normal mode of propulsion. When any fighting had to be done, it was relieved, if possible, of the weight of large mast and sails, which were left ashore. Hence it is difficult to agree with Graser in his restoration of a full-rigged trireme with three masts, and enough canvas spread for a modern man-of-war.

The μεσόδμη of the Homeric vessel had its place taken by παραστάται, uprights, which had their footing on either side of the λῆνὸς or mast-hole, into which the heel or foot of the mast (πτέρνα) was stepped. The παραστάται were attached to the mast by a collar (κλοιός). The aperture in the deck through which the mast passed was sometimes called ἱστοδόκη. Wedges (σφῆνες) were driven in round the mast so as to keep it tight (Ap. Rhod. i. 1204). The mast when lowered rested upon a crutch aft (ἱστοδόκη, κάπηξ). At the top of the mast was the ἠλακάτη, which was encircled at its base by the top (καρχήσιον), itself surrounded by a breastwork (θωράκιον). Above was a small mast (ἄτρακτος), which carried the pennant (ἐπισείων). The sail was carried on a yard (ἐπίκριον, κεραία), sometimes made of two pieces (Athen. xi. p. 475). It does not appear anywhere that more than one yard was carried by any mast, though spare yards were supplied to the Athenian navy. The yard was attached to the mast by a collar (ἄγκοινα, ἀγκοινα διπλῆ); and if we can take Servius (*ad Aen.* v. 489) as an authority, the ancients were not unacquainted with "parrels," wooden balls, which enabled the collar to be run up and down the mast without sticking ("malus quibusdam malis ligneis cingitur quorum volubilitate vela facilius elevantur"). The yard was hoisted by halyards (ἱμάντες), which passed over τροχιλίαι in the καρχήσιον. The terms κάλοι, κάλωες, were generally applied to all the cordage of the rigging, and specially in larger vessels to the shrouds which served to keep the mast in its place.

The sail (ἵστιον) was often made up of pieces made separately and stitched together (whence the plural ἵστια often means only a single sail). The only kind of sail known by the Greeks, according to Boeckh (*Urk.* 141), was the square sail. The *velum triangulare* of the Alexandrian corn ships was of later date. The sails were often strengthened, when made of separate pieces, by strips of leather sewn over the stitching. (Cf. bas-relief from Pompeii, Smith, *Voyage and Shipwreck of St. Paul*; Joseph. *Ant.* iv. 8, 37, παρὰ τὸν ἱστὸν ἐπὶ πολὺ ἔστημεν ἀναβλέποντες ἀριθμοῦντες τῶν βυρσῶν τὰς ἐπιβολάς.) The sail was fastened to the yard by the περιτόνιον, which passed through eyelets (κρίκοι) made in the border of the sail (cf. παρακρούειν). At the lower extremities of the sail were the sheets (πόδες) and tacks (πρόποδες).

The ancients, instead of reefing, appear to have brailed up their sails (*στέλλειν, παραιρεῖν, συστέλλειν*), so as to reduce the area exposed to the wind; and thus either from the side, or from underneath along its whole length (Arist.



Brailing the sails of a *moneris*. The *ἐπισείων* is shown at the stern. (Mazois, *Pomp.* i. 22.)

Prob. 7; Ar. *Eq.* 434, Schol.). (See Graser, *Gemme*, for numerous instances.) The word *ἀναστέλλειν* seems to have been used for unbrailing the sail, where we should "shake out a reef" (cf. *ἐξιέναι*, Pind. *Pyth.* i. 176).

The yard in good weather was hoisted to the top of the mast (Ar. *Ran.* 999), but, if the wind freshened, was lowered. Braces (*ὑπέραι*) were in use in order to give the yard a position oblique to the keel (cf. Verg. *Aen.* v. 16, "Obliquatque sinus in ventum"). The representations show also "lifts," but the proper term is doubtful. *Κερουλκός* (Lat. *ceruchus*, Luc. *Phars.* viii. 177) is perhaps right.

The trireme carried two masts, the main mast (*ἱστὸς μέγας* or *γνήσιος*) and a small foremast, placed near the forecastle, and more nearly related to the modern bowsprit than to the modern foremast. Later the *ἴστιον ἀκατεῖον*, spritsail, was called *ὁ δόλων*, and later still *ὁ ἀρτέμων* (Acts xxvii.). In all probability the Greeks never used sails for combat. The manœuvres depended on the oars for motive power. The attempt to combine the use of the sail, where great agility in turning and much backing water (*πρύμνην ἀνακρούειν*) were constantly required, could only have complicated matters unnecessarily, and led to disaster (Xen. *Hell.* vi. 2, 27; Liv. xxvi. 39). Ramming tactics would hardly have been pursued with mainmast and its gear standing. It is probable, however, that the *ἱστὸς ἀκατεῖος* was used with its yard for the employment of the *δελφίς*, a heavy weight, which, on coming alongside of the enemy's vessel, could be dropped on his deck (cf. Thuc. vii. 25, where the bowsprits are used to draw the piles in the port of Syracuse).

The sprit-sail might be used to ease the rowers, but would be furled on approaching the enemy. In the same way it might be set for the purposes of flight, whence the expression in Plutarch, *τὸ ἀκάτιον αἴρεσθαι*, "to slip out of danger." (Cf. Suid. *s. v. δόλων*: Diod. xx. 61; Liv. xxxvi. 44; Eur. *I. T.* 1132.)

Anchors.—For anchors, the Homeric vessels used stones (*εὐναί*), perforated so that a cord could be passed through them. Anchors properly so-called are said to have been invented by Anacharsis (Strabo, vii. p. 303; Schol. *ad* Ap. Rhod. i. 1277). The anchors were furnished with flukes (*ἄγκιστρα*), and from the representations it is clear that in most cases they had stocks and crowns. By the ring fastened to the latter they were buoyed. (Cf. Hesych. *s. v. σαργάναι*: Paus. viii. 12.) The anchor was carried in the bows, sometimes over the spur (Pind. *Pyth.* iv. 342:

ἐπεὶ δ' ἐμβόλου
κρέμασαν ἀγκύρας ὕπερθεν):

though Breusing thinks that the *ἐπωτὶς* is here intended by the word *ἔμβολον*. Vessels of war carried more than one anchor. Boeckh (*Urkund.* p. 166) gives four to the Attic trireme. The

Ancient Anchors. (Baumeister, *Denkm.*)

heaviest was called *ἱερά* (Lucian, *Jup. Trag.* 51) and used in the last resort. We find chain cables for anchors mentioned as used by the Veneti (Caes. *Bell. Gall.* iii. 13).

We have now mentioned the principal details of equipment in the Greek man-of-war. For other nautical terms and their meaning, the reader is referred to the Glossary appended to this article.

The dimensions of the trireme were, according to Graser:—

	Feet.
Length of *ἔγκωπον*	124
Bows	11
Stern	14
Total length	149
Breadth at water-line	14
At Parodus	18
With Parodus	21
Space between diaphragmata	7
Deck in Cataphract class above water	11
Draught	8½
Depth of hold	10½
*Capacity of trireme	232½ tons.

Measurements, &c., according to Cartault:—

	Feet.
Length of *ἔγκωπον*	94
Bows	9
Stern	10
Total length	113
Breadth at water-line	12
Breadth at Parodus	15·31
Deck above water	10
Draught	6

M. Cartault reduces the height of the thalamite port-holes above the water to 1½ ft., so as to diminish the instability which forms the obvious objection to Graser's dimensions given above.

Taking the proportions in the Acropolis trireme to be exact, and the distance from seat to seat

* Graser's calculation of the capacity of the trireme at 232½ tons seems excessive.

and hand to hand to be the normal 3 feet, and applying the scale thus obtained, the height of the Aphract trireme would appear to be even less than that assumed by M. Cartault; that is to say, apparently not more than 8 feet, if so much, from the under-side of the deck to the water-line.

As all the Attic triremes seem to have been made on the same model, their gear was interchangeable, an arrangement which, in a fleet of from 300 to 400 vessels, was of the utmost importance for refitting.

The regular crew of the Attic trireme consisted probably of 220 persons. Of these 174 were rowers, viz.: 62 thranites, 58 zeugites, 54 thalamites. To these must be added 10 epibatae, 17 sailors, 1 trierarch, 1 *κυβερνήτης*, 1 *πεντηκόνταρχος*, 2 *τοίχαρχοι*, 1 *πρωρεύς*, 1 *κελευστής*, 1 *τριηραύλης*, 1 *ἐσχαρεύς*, making the total number 220.

The number of epibatae varied greatly, and depended on the style of fighting preferred. The Athenians held to speed and dexterity in the use of the ram, and so carried but few fighting men. Xerxes' great fleet carried 30 marines to each trireme. Each Chian vessel at the battle of Lade had 40 picked men as marines on board. The Corinthians and Corcyreans had their decks crowded at the battle of Sybota; and in the great harbour of Syracuse, where there was no space for their favourite manœuvres (*Diecplus* and *Periplus*), the unfortunate Athenians found themselves obliged to imitate their enemy's tactics with disastrous results to themselves (Thuc. vii. 70).

The bulk of the rest of the ship's company consisted of the sailors, who were under the orders of the *κυβερνήτης*, and whose duties were connected with the mast and sails and tackle of the ship, and who are supposed sometimes to have manned the oars called *περίνεω* in the Attic Tables.

Besides these were the officers, five of superior rank, viz.: 1. The Trierarch or captain was supreme on board his own vessel, though under the orders of the *στρατηγὸς* when in company with the fleet (Dem. *c. Polycl.* p. 1212, § 19). Many Athenian trierarchs were no doubt practised seamen, but the state burden of trierarchy must constantly have fallen upon men less competent to command a vessel. Hence the great need of having as second in command a professional seaman. This was (2) the *κυβερνήτης*, originally the actual helmsman, but in later times the master of the vessel, under whose orders were the seamen and the whole crew. He had probably risen from the ranks, and passed through all the various stages of promotion, so as to have intimate and special acquaintance with his professional duties (Ar. *Eq.* 541). It is probable that the trierarch had to find the officers, though he might have the crew furnished by the state *ἐκ καταλόγου*. Naturally it would be of the greatest importance to him to obtain the services of a first-rate *κυβερνήτης*, on whose skill depended the navigation of the vessel and its safety at sea. The references to his art (*κυβερνητική*) in the philosophers are sufficient to show the high estimation in which it was held (Plat. *Rep.* vi. p. 448 E; *Gorg.* p. 511 D; Arist. *Rhet.* 2, 21). The inferior officers were immediately under his command, and through them the crew, especially that part which was towards the stern of the vessel. (Xen. *Anab.* v. 8, 20; *Econ.* 8, 14.)

Next under the *κυβερνήτης* of the navigating officers was the *πρωρεύς* (Plut. *Agis*, 101), who had charge of the crew in the forepart of the vessel, and was also responsible for the look-out. Under him two *τοίχαρχοι* superintended the two lines of rowers, one on each side; the discipline of the motive power of the vessel being thus provided for, while the voice of the *κελευστὴς* and the flute of the *τριηραύλης* provided the harmony to which the pulsation of the stroke and the throb of the recovery against the thowl-pin responded in unison.

Besides these an important personage on the staff of the trireme was the *πεντηκόνταρχος*, who was immediately under the trierarch. (Dem. *c. Polycl.* pp. 1212, 1214, §§ 19, 24; Plato, *Leges*, iv. p. 507 A.) His function was to buy all the necessary stores, and to feed and pay the crew, and, in a word, to attend to the general economy of the vessel. Under his orders for these administrative purposes the *κελευστὴς* seems to have been placed.

An interesting question arises after the consideration of the construction and the motive power of the trireme; viz. what rate of speed could be obtained? Unfortunately the instances from which any deduction could be drawn with certainty as to this matter, are rare and inconclusive. The pace of sailing vessels has indeed numerous illustrations (Ap. Rhod. i. 602; Lycurgus, *Leocr.* 17 and 70; Thuc. ii. 97). The conclusion drawn as to these may be stated as giving them from six to eight miles an hour, under favourable circumstances. Now the trireme must have been able to overhaul the sailing vessel. It was a cause of terror to its enemies and admiration to its friends by reason of its speed (Xen. *Oecon.* 8, 8). Yet measuring the man-power as compared with horse-power even at the ratio of 8–1, which would give, with Graser, about 24 horse-power for the propulsion of the trireme, it is difficult to obtain a very high rate of speed as a result. Graser cites an instance (Xen. *Anab.* vi. 42) in which it is stated that from Byzantium to Heraclea in Bithynia (a distance of about 150 nautical miles) could be rowed in a day by a trireme, and was a very long day's work. From this he deduces a pace of from 9 to 10 miles an hour. But the passage does not absolutely exclude the use of sails as an auxiliary motive power. Given a long vessel with fine lines, strongly built in its lower parts, with all the lines of resistance converging to the beak, which would receive the shock in ramming, while the upper works were built as lightly as would be consistent with carrying the weight of the crew and the mast and sails and their gear, we may conceive a pace of 8 or 9 knots to have been possible with a strong and well-trained crew. Such speed, if at any time, was attained by the *καλαὶ τριήρεις* of Athens in the days of her glory, when her maritime superiority was acknowledged by friends and foes alike.

At this point, before quitting the trireme, we may touch on the development of the ram or beak, and its effect upon naval tactics. Pliny refers the invention of the ram to Piseus, a

Tuscan pirate, but there is not much to support his statement. The indications given in the Egyptian wall representations (cf. p. 208) incline us to infer that the East and not the West was the parent of the invention. As we have seen, there is no indication of its existence in Homer. The Assyrian bireme given above is perhaps the earliest actual representation of the beak. In Diodorus, Semiramis is credited with the construction in Bactria of vessels of war with brazen beaks, the crews of which were furnished from Phoenicia and Syria. The early Greek

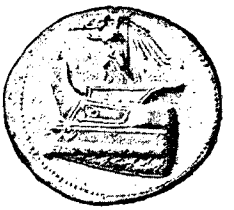
Coins of Phaselis. B.C. 480.

types as shown on the vases present a projecting beam for a beak often fashioned into the likeness of some sea-monster's head. Behind this the line of the forecastle ascends sharply at almost a right angle. We trace in the coin of Phaselis and in the coin of Samos figured here, a tendency to fill up the angle thus formed, and the fore-part of the vessel thus assumes the look of the boar's head (cf. Herod. iii. 59), which became typical of the Samian navy. Hence the *Samaena* with which the Samian prisoners were branded by the Athenians (440 B.C.), which Plutarch explains to be the image of a kind of vessel invented by Polycrates, low in the fore-part, wide and hollow in the sides, light and expeditious for sailing, and with a curvature of prow like a boar's head (*ὑόπρωρος τὸ σίμωμα*).

Coin of Samos. B.C. 494.

The Attic trireme was on finer lines, the lowest waling-pieces on either side prolonged to meet a strong timber projecting from the end of the keel, which still had considerable camber, met so as to form a strong beak just above the water-level. The shock of ramming would thus be received along the line of greatest resistance. But with this exception the lightness necessary to the speed of the Athenian trireme forbade any accumulation of heavy timbers elsewhere. Hence when the Corinthians, cutting down the bows of their vessels, shortening the beaks, and greatly strengthening the two catheads on either side, determined to meet the Athenians stem-on (*προσβολή*), which was thought by the latter a clumsy and unseamanlike manœuvre, the solid work of the Dorian vessels was sufficient to receive the blow of the Athenian beak and to break up the light work behind it, while the great catheads served to tear away the *παρεξειρεσία* and parodus, and exposed the *ἔγκωπον*.

From this time, whatever might remain for skill and speed to do by way of manœuvring the trireme in the open sea, yet the increase of weight naturally led to the attempt to increase the motive power; and first, quadriremes, then quinqueremes, and then in quick succession hexeremes, octeremes, and from ten up to sixteen banks of oars ("inhabilis prope magnitudinis") came into vogue, culminating in the gigantic toy of Ptolemy, the TESSERACONTERES.



Demetrius. B.C. 294–287.

The manœuvring of a fleet can only be glanced at briefly here. Sailing in "column line ahead" (*ἐπὶ κέρως*), in as many lines as the admiral (*στρατηγός*) ordered, the fleet came when in view of the enemy into "column line abreast" by the manœuvre called *παράταξις*. The formation of a circle, especially by those who wished to stand on the defensive, is not without instances; but this formation had manifold disadvantages, as the Peloponnesians discovered to their cost in the battles against Phormio in the Corinthian Gulf (Thuc. ii. 83). The formation of a semicircle (*lunata classe*, *μηνοειδεῖ στόλῳ*) was also common (Herod. viii. 16; Lucan, iv. 45; Prop. iv. 380; Veg. iv. 45). The common manœuvres of attack were: first the *diecplus* (Herod. vi. 12, 15; Thuc. i. 49, vii. 36), rowing through the enemy's line, doing what damage was possible with missiles in passing, and then turning suddenly and ramming him before he could get round. To effect this successfully was regarded as the acme of skill. Second, the *periplus* (Xen. *Hell.* i. 6, 31; Thuc. ii. 84; Ar. *Ran.* 535), in which, while the front line attacked as usual, a portion of the squadron wheeled round (as in cavalry tactics) and took the enemy's fleet in flank.

Antigonus. B.C. 292.

Leucas. B.C. 200.

Ships lightened before naval action.—Polyb. i. 61; Liv. xxii. 14, xxxvi. 43.

Action only in calm weather.—Veget. iv. 43; Lucan, iii. 522; Liv. xxv. 27, xxvi. 39.

Action avoided in narrows by superior fleet.—Veget. iv. 46; Thuc. ii. 83 ff. (Phormio); Appian. *B. C.* v. 96 (Calvisius); Polyb. i. 49 (action of Romans with Adherbal); Liv. xxviii. 40; Diod. Sic. xiii. 49 (Athenians and Mindarus); Polyaen. iv. 6 (Nicanor).

Sails taken in before fighting and masts lowered.—Liv. xxxvi. 44; Polyb. i, 61; Xen. *Hell.* vi. 2 (Iphicrates).

Small sails used in flight.—Liv. xxxvi. 45 ("sublatis dolonibus effuse fugere"); Herod. vi. 14 (Samians, from Lade); Polyb. xvi. 15.

Orders of battle.—Liv. xxxvi. 44, xxxvii. 23; Polyb. i. 49, 61; Diod. Sic. xiii. 97.

Semicircle.—Lucian, iv. 45; Silius, xiv. 367; Polyaen. iii. 10 (Timotheus); Propert. iv. 380; Herod. viii. 16; Veget. iv. 45.

The defeat of the Athenians at Syracuse, and the success of the Peloponnesian shipwrights in their improvements in the build of their vessels, led to further innovations. The quadrireme (Plin. *H. N.* vii. § 57; Diod. xiv. 41, 42, probably invented by Carthaginians and adopted by Dionysius of Syracuse, about 400 B.C.) added the motive power of 66 more oars to a length and breadth but slightly increased. The quinquereme, which practically superseded the trireme as the typical *man-of-war* in the 3rd and 2nd centuries, had a complement of 300 oarsmen, according to Polybius (i. 26, 7), while the increase in height and general dimensions was not very great. The Athenians appear to have had a certain number of quadriremes in their navy by 330 B.C.; the first quinqueremes mentioned in the Attic Tables (Boeckh, *Urk.* xiv.) belong to 325 B.C.

The following table gives the relative proportions, according to Graser:—

	Trireme.	Quadri-reme.	Quinque-reme.
Length	149	158½	168
Breadth at water-line .	14	16	18
Greatest breadth . .	18	22	26
Height of deck above water-line. . . .	11	13	15
Draught	8½	10	11½
Total height. . . .	19½	23	26

These figures in all probability admit of some reduction, but the proportion may be regarded as correct.

Graser gives the number of rowers thus:—Trireme, 174; quadrireme, 240; quinquereme, 310; hexeres, 384; hepteres, 462; octeres, 514; enneres, 630; deceres, 720.

The quinquereme was soon exceeded, though not superseded, by larger rates. It plays the most important part in naval history up to the time of Actium, when with the victory of the Liburnians the larger rates fell into disrepute, and the art of constructing them gradually decayed. (The student will find interesting descriptions of naval actions and manœuvres in Xen. *Hell.* i. 6, ii. 1, vi. 2; Polyb. xvi. 2–9.)

The Romans, though not a seafaring people, appear from the treaty with Carthage to have been familiar with the sea, and to have had maritime interests as early as the time of the Kings. The existence of duumviri navales, officers charged with repairing the fleet, the right of electing whom was transferred to the people in 311 B.C., proves that the state had, at that time and previously, some naval force. And coins of a date as early as 350 bear the representation of the bows of a ship, of a type more rude and bluff than the Greek, but still very possibly borrowed from the Greek cities in Magna Graecia. In the instances exhibited by the coins, which belong to the half-century preceding the First Punic War, there are apparently two varieties of construction. In one the depression of the beak is remarkable, and the timbers which support it appear to be compacted with cross-pieces. These vessels were probably triremes. In the year 303 B.C. a treaty was made with the Tarentines, by which the Lacinian Promontory was made the boundary beyond which the Roman war-ships were not to pass. L. Cornelius in 282 B.C. violated that treaty, and was defeated by the Tarentines with the loss of half his fleet. The Samnite wars seem to have diverted the attention of the Romans entirely from maritime affairs, and at the beginning of the Punic wars they were practically without a fleet. They then first seem to have realised the fact that in the conflict which was before them, the mastery of the Mediterranean was an absolute necessity, not only for the protection of their own coasts, which already had suffered from the descents of the Carthaginian fleets, but also as the first step towards empire (Polyb. i. 20, 21). Hence in the year 260 B.C., when a Carthaginian quinquereme which had been driven on shore fell into their hands, they determined to construct a fleet of similar vessels. No less than 100 were built in six weeks, while their future crews were practised rowing in frame-work set up on land. Cn. Cornelius with seventeen of these vessels sailed in advance to attack the Carthaginians. He was himself attacked and taken with all his vessels. Duilius, who then took the command of the fleet, by the invention of the *corvus* (Polyb. i. 22, 23)—a swinging bridge with a heavy iron spike, which, when let fall on the enemy's deck, not only grappled his

Roman coin. B.C. 350.

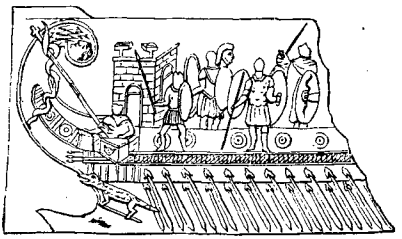
Roman coin. B.C. 320–270.

Roman coin. B.C. 216–199.

Roman coin. B.C. 91.

Roman coin. B.C. 38.

vessel, but gave the boarders access to it—was enabled to neutralise the ramming tactics of the Carthaginians and their superior naval skill. The battles of Mylae and of Ecnomus, in which the Carthaginians were defeated with great loss, were the prelude of maritime dominion to Rome. The importance of the ram was thus much diminished, and in the coins of the century following we see the ram much less projecting and apparently less strongly supported. On the other hand, the δελφίς, great beams and great grappling hooks, iron hands, and *falces* with curved steel heads, such as those with which the sailing vessels of the Veneti were crippled by Caesar off the coast of Gaul (Caes. *B. G.* iii. 14), came into use and favour. Great towers—*turres* ("alta navium propugnacula")—were placed in the bows,—whence our term "forecastle,"—from which missiles could be showered on the enemy's deck. Vipsanius Agrippa is



Bireme. (From Winckelmann, *Mon. Ined.* 207.)

credited by Servius with an invention by which these could suddenly be raised when coming into action, so as to take the enemy by surprise. In all the naval battles in which the Roman fleets engage, the main object of their tactics seems to be to leave as little as possible to seamanship and skill, and to come to close quarters and a hand-to-hand fight as soon as possible. In a word, boarding-tactics superseded ramming tactics.

(The student will find interesting accounts of Roman naval actions in Polyb. i. 61;—Liv. xxxvi. 44, 45; xxxvii. 24, 30.)

As early as 190 B.C. the use of fire (Liv. xxxvii. 30) in a naval action is mentioned. Later, Siphons, the precursors of artillery, launched Greek fire rocket-fashion against the enemy.

The Liburnian galleys were biremes (Lucan, iii. 534: "ordine contentae gemino crevisse Liburnae"). According to Suidas, Λιβυρνικαὶ ἦσαν οὐ κατὰ τὸν τριηραρχικὸν (lege τριηρικὸν) ἐσχηματισμέναι τύπον, ἀλλὰ ληστρικώτεραι χαλκέμβολοί τε καὶ ἰσχυραὶ καὶ κατάφρακτοι καὶ τάχος αὐτῶν ἄπιστον. The name seems to have been taken from the vessels of the Liburnians, an Illyrian race, inhabiting the islands of that coast and much given to piracy. The name Liburnian, in the same way as the name trireme, came afterwards to be used for any ship of war. (Appian, *Mithr. proem.*; Vegetius, iv. 57.)

Coin of Hadrian.

In the time of Trajan, some attempt was made to build larger rates than biremes, and Valentinian had quinqueremes constructed. But in the Byzantine period no vessels with more banks than two appear; and the tendency is to return to single banks, which, according to the Emperor Leo (*Tactica*), are called γαλαῖαι, "galleys."

Under the Emperors two great naval stations were established for the fleets that were intended to keep the peace of the Mediterranean: (1) at Ravenna, for the east; and (2) at Misenum, on the Campanian coast, for the west. There were also guard-ships regularly stationed on the coast of Gaul at Forum Julii (Fréjus) and Portus Herculis Monoeci (Monaco). But after Actium there is little to interest us in naval affairs, with the exception perhaps of Germanicus's operations in the North Sea, and at a later date the war with the Vandals, for which Procopius is our authority, until the time of the Byzantine Emperor Leo (800 A.D.). No student of naval history should omit to read the chapters of the *Tactica* which refer to the construction and equipment of a fleet. In the following centuries came the invention of the "Apostis" (a projecting framework, upon the edge of which were set the thowlpins, thus enabling oars of greater length to be used) and the birth of the mediaeval galley, which, with its construction "alla Scaloccio" and its long sweeps worked by several men, was a vessel quite distinct from the ancient men-of-war.

One point remains yet for consideration, viz. the manning of ancient navies. In the fleet of Agamemnon, as we have seen, they were αὐτερέται καὶ μάχιμοι πάντες. The Athenian fleet was manned in its best days by freemen. Xenophon (*de Republ. Athen.*) tells us that the seafaring habits of the Athenians were such that every one knew how to handle an oar, and that the crew of a trireme could be got together at once. At the time of the Peloponnesian War, the pay of an ordinary oarsman was three obols a day, increased towards the end of the war to four obols. The pay of the thranites was higher, their services being valued at a drachma. Raising the pay of seamen during hostilities was a favourite expedient with a view to induce the enemy's crews to desert. There were, however, many causes that led to the employment of forced labour, and with it to the deterioration and unpopularity of sea-service. The absolute discomfort in a cataphract ship must have been extreme. In a hot climate, with little ventilation, the participation with 200 or 300 human beings, all stark naked, packed so closely that there was not room for one man more (Cic. *Verr.* v. 51, 133, "Ea est enim ratio instructarum ornatarumque navium ut non modo plures sed ne singuli quidem possint accedere"), in a laborious mechanical toil, could only have been voluntarily endured under the pressure of some great necessity or sense of duty. The heat, the smells, the drudgery, must have been terrible; and we can understand the desire of the Ionians at Lade to be free from the severe discipline of Dionysius. Besides the discomfort, the actual danger was very great. The crews

might at any time be drowned or burnt, or as at Sybota (Thuc. i. 50) butchered perhaps in cold blood. We have only to think of the moment of conflict,—the crash of the beak through the timbers, and the mangled mass of humanity hurled into the bilge, while the water swiftly followed the blow, the thranites perhaps escaping, but the lower ranks almost certainly drowned—and it is easy to understand how the service was avoided by the free and left to the slave.

The Romans manned their fleet by levies from the lowest orders and forced service of the allies. The greater proportion of the crews were slaves contributed as substitutes, and it is this fact perhaps which explains the equanimity with which such wholesale loss of life at sea as is recorded by Polybius (bk. i.) was endured. Among the Romans themselves, service on board ship was most unpopular; and it is not surprising to find discontented classiarii wishing to be transferred to the legions, "in spem honoratioris militiae" (Tacitus).

[Citizens: "In classem scripti," Liv. xxii. 56; Polyb. vi. 17. Allies: Liv. xxxii. 8; xxxvi. 4. Libertini, Liv. xl. 16; xlii. 27. Servi: Liv. xxiv. 11; xxvi. 35. Criminals: Val. Max. ix. *ult.*; Appian, bk. v.]

Smaller vessels.—Ἄκατος, ἀκάτιον, cutter, (?) yacht: Schol. Ar. *Lys.* 64, εἶδος πλοίου ἁλιευτικοῦ; Thuc. iv. 67; *Etym. Magn.* s. v.; Pind. *Nem.* v. 5. Sometimes carried on board ship: Agathias, iii. 21, 97, *νῆες φορτίδες μεγάλαι μετεώρους εἶχον τὰς ἀκάτους*; Plin. *H. N.* ix. § 94, "acatii modo carinatam, inflexa puppe, prora, rostrata;" Strabo, λεπτά, στενὰ καὶ *κοῦφα ὅσον ἀνθρώπους πέντε καὶ εἴκοσι δεχόμενα, σπάνιον δὲ τριάκοντα τοὺς πάντας δέξασθαι δυνάμενα.*

Κέρκουρος, cercurus, cutter: Plin. vii. § 56, invented by Cyprians. Not small: Diod. l. 61; with a long stern, Schol. Ar. *Pax*, 142; smaller than penteconter, Herod. vii. 97.

Καράβια, κάραβοι, shallop; the name origin of mediaeval caravel, and our carvel-built (Hesych.; *Etym. Mag.* s. v.).

Λέμβος, lembus: Liv. xxxiii. 33. Next in size to *cercurus*, used as scouts: Polyb. i. 53, 9; Thuc. ii. 83, Schol. Swift, with fine bows and light draught: Ar. *de anim. incess.* 10; Polyb. xx. 85; Liv. xxxiv. 25. Sixteen oars, generally more. [LEMBUS.]

Κέλητες, *celoces*, avisos: Xen. *Hell.* i. 6, 26; Thuc. iv. 9. Pirate craft: Thuc. iv. 9; Polyb. v. 62, δίκροτα καὶ κέλητες, "narrow and swift."

Ἐπακτροκέλητες, a modification of the former: *Etym. Mag.*, ἐπακτροκέλης συνετέθη ἔκ τε κέλητος, καὶ ἐπακτρίδος. Πλοῖα δὲ ληστρικὰ βραχέα ἡ μὲν ἐπακτρὶς ἐκ τοῦ κατάγειν τὰ συλώμενα ὁ δὲ κέλης εἰς τὸ διώκειν καὶ φεύγειν κουφότατος.

Μυοπάρωνες, myoparones, small pinnaces chiefly used by pirates: Cic. *in Verr.* passim. Sails and oars, generally more than six.

Actuariae.—All the above-mentioned vessels belong to this class, μονήρεις μονόκροτοι. Hence used as a general term opposed both to the πολυήρεις and to *onerariae*: Caes. *B. G.* v. 1. Number of oars varied: Liv. xxxviii. 38, "naves actuarias, nulla quarum plus quam triginta remis agatur, habeto;" Cic. *Ep. ad Att.* xvi. 3, "tribus actuariolis decem scalmis."

Phaselus = bark; name used also poetically (Catull. 4, &c.); might be large or small (Sall. *Jug.* 3, "cohors una grandi phaselo vecta"): not a ship of war.

Γαῦλοι, *onerariae*: Ar. *Av.* 592. Phoenician originally: Callim. *Fr.* 217; Herod. iii. 136. viii. 97.

Ἡμιόλιαι. Furnished with 1½ banks of oars.

Τριηρημιολία, with only half the thranitic bank. Cp. Pol. xvi. 2, where a vessel of this class is pierced under the θρανιτικὸς σκαλμός, not decked throughout (Hesych.): so more room obtained for the ἴκρια, by the reduction of the upper bank, which rowed only amidships.

Glossary of certain Naval Terms, not explained above.

Ἄγκοινα, *anquina*: Isid. xix. 47, "Anquina funis quo ad malum antenna constringitur;" *Attic. Tab.* 3122, ἄγκοινα[ν] διπλῆν.

Ἀκροστόλιον: used of ornament both at bow and stern (cf. ἀκροκόρυμβα); but more properly of the bow ornament: ἄφλαστον and κορώνη of the stern.

Ἄσκωμα. Leather bags fitting over the oar at the oar ports, to prevent the wash of the sea from entering. Zonar. *s. v.*; Suidas; Schol. *Ran.* 367; *Acharn.* 97.

Δρύοχοι. *Etym. Mag.* gives the true interpretation: ξύλα ὀρθὰ ἐφ' ὧν ἡ τρόπις ἐρείδεται τῆς πηγνυμένης νεώς, ἤγουν στηρίγματα. Eustath. p. 1878, 63; p. 1879, 4, πάσσαλοι ἐφ' ὧν στοιχηδὸν διατεθεμένων ἡ τρόπις ἵσταται τῶν καινουργουμένων νεῶν διὰ ἰσότητα. Plat. *Tim.* p. 81 B. στηρίγματα τῆς πηγνυμένης νεώς. Hesych., δρύακες τῶν ξύλων τῶν βασταζόντων τὴν τρόπιν τοῦ πλοίου. It is clear that they were the pieces of timber which supported the keel of a vessel while building. They had to be carefully adjusted in a line, and on a level or slight incline. Hence the use of the term as regards the setting of the axe-heads in the Odyssey (xix. 574).

Ἔδαφος, floor, either actual of the vessel (Dem. *Zenoth.* 883) or the lowest deck above the bilge—our orlop deck.

Ἐπίσειον, according to Cartault, the piece between the stern-post and the aphrasta, just as the στόλος is between the stem-post and the acrostolium. (Pollux, i. 90, MS. ὑπηρτημένον.)

Ἡλακάτη, the stem part of the mast, above the καρχήσιον. (Ap. Rhod. i. 565, Schol.)

Κατάβλημα. Probably an awning, possibly of skin, to keep off missiles from deck. (Cf. Athenian preparation against grappling irons at Syracuse.)

Κρίκοι. Rings set in eyelet-holes for ropes to pass through, either on the borders or at the corners of sails. Herod. ii. 36: τῶν ἱστιὼν τοὺς κρίκους καὶ τοὺς κάλους οἱ μὲν ἄλλοι ἔξωθεν προσδέουσι, Αἰγύπτιοι δὲ ἔσωθεν.

Νομεῖς. Graser, "waling-pieces;" Cartault, "couples." Phot., ἐγκοίλια πλοίου: Hesych., ξύλα περιφερῆ· ἐγκοίλια πλοίου: Herod. i. 194, ii. 96. The passages seem to leave it doubtful as to whether "waling-pieces," *i.e.* longitudinal pieces from stem to stern, or "ribs" from keel to gunwale, are intended.

Παραβλήματα: Xen. *Hell.* i. 6, 19; *vid. seq.*

Παραρρύματα. Suid. δέρρεις, σκεπάσματα. Two kinds appear in the Attic Tables, τρίχινα

and λευκά. The former probably were of skin, the latter of felt (*cilicium*). The former used probably along the πάροδος, and the latter along the τράφηξ or deck-rail, as a protection against missiles. (Boeckh, *Urkun.* p. 159.) [PLUTEI.]

Siparum, Supparum. Isid. *Orig.* xix. 32: "Siparum genus veli unum pedem habens quo navigia juvari solent in navigatione quoties vis venti languescit." Sen. *Ep.* 77: "Subito hodie nobis Alexandrinae naves apparuerunt . . . omnis in pilis Puteolorum turba consistit et ex ipso velorum genere Alexandrinas intelligit solis enim licet supparum intendere." A triangular topsail, which all merchant vessels except the Alexandrian corn-ships were obliged to strike on coming into harbour. (Cf. Senec. *Med.* 327; Lucan, *Phars.* v. 429; Schol. "vela minora in modum Δ litterae."

Ταρρός, ταρρὸς ἐντελής. Of the whole equipment of oars for a trireme, Attic Tables; properly of the blade of the oar, Ar. *Nub.* 226, Schol. So τάρρωμα.

Τέρθριοι. Kinds of κάλοι used for brailing the sails. Clue lines, or leech lines, or brunt lines. Hesych.: οἱ εἰς τὸ κέρας τοῦ ἱστίου ἑκατέρωθεν δεδεμένοι ἐν οἷς τὸ ἄρμενον ἕλκουσι.

Τέρθρον. Galen. ii. p. 645: κυρίως μὲν οὕτως ὀνομάζεται τὸ ἄκρον τῆς κεραίας.

Τράφηξ. Hesych.: τὸ τῆς νεὼς χεῖλος. So *Etym. Mag.* and Tzetzes, *ad Lyc.* 641. The gunwale, in which in small vessels the thowls were fixed. In larger vessels the balustrade or lattice-work, through parts of which oars were used sometimes. See figures of vessels on Col. Traj.

Τροπός, τροπωτήρ. The thong which fastened the oar to the thowl (τροποῦσθαι). (Hesych. *s. v.*; Aesch. *Pers.* 376; Hom. *Od.* iv. 728; Thuc. ii. 93.)

Ὑπηρέσιον. The oarsman's cushion. (Cf. Ar. *Eq.* 785, Schol.)

Ὑπόβλημα. (?) A tarpaulin used to cover the oar-ports when sailing. (Graser, *R. N.* 82.)

Ὑποζώματα. Strong cables stretched lengthwise from stem to stern, which, shrinking when wetted, helped to tighten the vessel, and relieve the strain upon her from the motion of the stroke when rowing. Frequently mentioned in Attic Tables. Two apparently furnished to each trireme. In Egyptian vessels, one apparently from stem to stern over crutches to prevent vessel hogging (see cut 2 on p. 208). Cf. Ap. Rhod. i. 367. Plato (*Rep.* x. p. 616 C) compares the Milky Way to the ὑποζώματα of a trireme.

List of articles of equipment for one trireme from Attic Tables.—1 ἱστὸς μέγας, 1 ἱστὸς ἀκάτειος, 2 κεραῖαι μεγάλαι, 2 κεραῖαι ἀκατεῖοι, 1 ἱστίον, ταρρὸς ἐντελής, 2 πηδάλια, 2 κλιμακίδες, 3 κοντοί, 2 παραστάται, 2 ὑποζώματα, 1 ἄγκοινα, 2 ἱμάντες, 2 πόδες, 2 ὑπέραι, 1 χαλινός, 2 παραρρύματα τρίχινα, 2 παραρρύματα λευκά, 1 κατάβλημα, 1 ὑπόβλημα, 4 σχοίνια ἀγκυρεῖα, 4 σχοίνια ἐπίγυα, 2 ἄγκυραι, μηρύματα καλφδίων, 30 κῶπαι περίνεφ.

Literature.—Scheffer, *de Militiâ Navali Veterum*, Upsala, 1654; Boeckh, *Urkunden über das Seewesen des Attischen Staates*; B. Graser, *De Re Navali Veterum*, Berlin, 1864; Id. *Die Gemmen des Königlichen Museums zu Berlin*, 1867; Id. *Die ältesten Schiffsdarstellungen auf antiken Münzen*, Berlin, 1870; Id. *Das Modell eines Alt-griechischen Kriegsschiffes*, Berlin, 1873; Cartault, *La Trière Athénienne*, Paris, 1881; Breusing, *Die Nautik der Alten*, Bremen, 1866; Jules Vars, *L'Art Nautique dans l'Antiquité*, Paris, 1887; Serre, *Études sur l'Histoire Militaire et Maritime*, Paris, 1888; Duemichen, *Fleet of an Egyptian Queen*; Smith, *Voyage and Shipwreck of St. Paul.* [E. W.]

NAUMACHIA was the name given to the representation of a naval battle among the Romans, and also to the places where such exhibitions took place. These sham fights were sometimes arranged in the Amphitheatre, sufficient water being introduced to float the ships [AMPHITHEATRUM, Vol. I. p. 113]; but more frequently in places specially constructed for the purpose, that is, vast basins faced with stone and surrounded by stone seats, like an amphitheatre.

The first representation of a sea-fight was given B.C. 46 by Julius Caesar, who caused a basin to be dug for the purpose in a district called Codeta Minor (Suet. *Jul.* 39; Dio Cass. xliii. 23), which, according to Friedländer and Marquardt, was in the Campus Martius. According to Burn (*Rome and Campagna*, p. 268), the Codeta Major was in the Campus, the Codeta Minor in the Transtiberine region: both derived their name from the abundance of marestail (*equisetum*) which grew there. The second was given by Augustus, B.C. 2, at the dedication of the temple of Mars Ultor, and for this purpose a basin was dug, 1800 feet by 1200, probably in the gardens of Caesar in the Transtiberine region. It is pretty clear from the wording of the inscription of Ancyra, "Navalis praelii spectaculum dedi trans Tiberim in quo loco nunc nemus est Caesarum, cavato solo," &c., that the construction was in a new place, and not, as Burn says, an enlargement of Julius Caesar's basin. Even about the site of this naumachia there is some question, since Dio Cass. lv. 10 places it in the Circus Flaminius, and in Tacitus there are various readings, *cis* and *trans* Tiberim. We may, however, best conclude that (as stated in the *Mon. Ancyr.* and in Suetonius) the naumachia of Augustus was in the *horti Caesaris*, on the further side of the river, and that its site is marked by remains recently found. (See Middleton's *Rome*, p. 291; Burn's *Rome and Campagna*, p. 268.) This naumachia continued in use after others had been made (the *Notitia* speaks of five), and was subsequently called *vetus naumachia* (Suet. *Tit.* 7). Dio Cass. lxi. 9 speaks of it as the place where Nero gave a public banquet. The most remarkable naumachia was that given by Claudius, A.D. 52, on Lake Fucinus, to celebrate the draining of the lake (but before the completion of the work), where 19,000 men dressed as Rhodians and Sicilians manœuvred in the fight with fifty ships on each side, the spectators being grouped on the shore and the surrounding hills, as on the tiers of seats in an amphitheatre: the signal for battle was given by a trumpet, sounded by a silver image of a Triton. (Suet. *Claud.* 21; Tac. *Ann.* xii. 56.) Nero's naumachiae are mentioned by Dio Cass. lxi. 9, lxii. 15; but they seem to have been sometimes in the amphitheatre, sometimes in the *stagna Neronis*, a great basin in Nero's Golden House, on the site where the Flavian Amphitheatre or

Colosseum was afterwards built (Mart. *Spect.* 2). Titus used the *vetus naumachia* of Augustus, but Domitian had a new and larger lake dug below the Vatican ("in a new place," Dio Cass. lxvii. 8). He afterwards pulled it to pieces and used the stone to replace the wooden seats of the Circus Maximus which had been burnt (Suet. *Dom.* 4, 5). Naumachiae were not confined to Rome: on the contrary we can have no doubt that they took place in many provincial amphitheatres. In the amphitheatres at Capua and Nîmes, for instance, the arrangements for flooding the amphitheatre have been traced.

The combatants in these sea-fights, called *naumachiarii* (Suet. *Claud.* 21), were captives (Dio Cass. xlviii. 19), or criminals condemned to death (Dio Cass. lx. 33), who fought as in gladiatorial contests till one party was killed, unless preserved by the clemency of the emperor (cf. Suet. *Claud.* 21). The ships were divided into two parties (cf. the domestic imitation mentioned in Hor. *Ep.* i. 18, 61), and the crews were dressed to represent different maritime nations, as Tyrians and Egyptians (Suet. *Jul.* 31), Rhodians and Sicilians (Suet. *Claud.* 21; Dio Cass. lx. 33), Persians and Athenians (Dio Cass. lxi. 9), Corcyraeans and Corinthians (Id. lxvi. 25). These sea-fights were exhibited with the same magnificence and the same lavish expenditure of human life which characterised the gladiatorial combats. In Nero's naumachia there were sea-monsters swimming in the lake (Suet. *Ner.* 12); the magnificence of the naumachia given by Claudius is mentioned above: in the games exhibited by Titus in the vetus naumachia of Augustus, we find on the first day the basin covered with planks supported on piles forming an arena for gladiators and a *venatio*, on the second day a chariot-race, on the third a naval combat of 3000 Athenians and Syracusans, in the course of which the Athenians landed on an island in the basin and took a fort there. Martial, however (*Spect.* 24), vaunts the naumachia of Domitian as superior to all that went before. (See also Friedländer, *Sittengeschichte*, ii. 367 ff.; Marquardt, *Staatsverwaltung*, iii. 558 f.) [W. S.] [G. E. M.]

NAUTA. [NAVIS.]

NAUTICON (*ναυτικόν*). [FENUS.]

NAUTO'DICAE (*ναυτοδίκαι*) were judicial authorities in disputes between merchants (*ἔμποροι*) who carried on traffic by sea, and in suits against foreigners who usurped the rights of citizenship; in other words, in the *δίκαι ἐμπορικαὶ* and *δίκαι ξενίας*. The connexion of the two classes of cases may be explained by the fact that the trading metoecs were just the most likely men to get themselves wrongly enrolled as citizens (Schömann, *Antiq.* i. 474, E. T.). The nautodicae were appointed every year by lot in the month of Gamelion (Lys. *Or.* 17, *περὶ δημοσ. ἀδίκ.*, § 5), and probably attended to the *δίκαι ἐμπορικαὶ* only during the winter, when navigation ceased, whereas the *δίκαι ξενίας* might be brought before them all the year round. There can be no doubt that they dated from an early period of Athenian history, when it was sufficient for a man to be a citizen if only his father was a citizen, whatever his mother might be; that is, previous to the time of Pericles (Plut. *Pericl.* 37; compare CIVITAS, p. 444 *b*).

In what precise capacity they administered these suits was formerly a matter of dispute, some grammarians calling them *δικασταὶ* or jurymen (Hesych. *s. v.*; *Lex Seguer.* p. 283, 3), others *ἀρχαὶ* or *εἰσαγωγεῖς*, presiding magistrates (Poll. viii. 126; Harpocrat., Suid., *Lex. Rhet.* s. v.). The weight of authority was in favour of the latter view; but a difficulty was found in the fact that, in the time of Demosthenes and the orators contemporary with Philip of Macedon, the suits in question are shown to have been tried before the Thesmothetae. The only orator who mentions the nautodicae belongs to an earlier period (Lys. *l. c.* §§ 5, 8), and is clearly in favour of their having been an *ἀρχή*. But in all the speeches of Demosthenes no trace occurs of them, and in that against Lacritus (p. 940, § 47 ff.), where all the courts are mentioned before whom such a case as that of Lacritus might be brought, the orator could scarcely have failed to include the nautodicae if they had still existed in his time. Hence Boeckh (*P. E.* p. 49, and with slight modification in his later view, *Sthh.*[3] i. 64) thought that the thesmothetae had the *ἡγεμονία δικαστηρίου*, while the nautodicae sat as a jury under them. The better attested opinion that they were a magistracy is now shown to be correct by an inscription (*C. I. A.* i. 29, *οἱ ναυτοδ[ίκαι . . . τ]ὸ δικαστήριον παρεχόντων, i.e.* shall be the *εἰσαγωγεῖς* of the case; Lips. *Att. Process*, p. 96; Fränkel, n. 92 on Boeckh). The difficulty vanishes if we suppose that the *δίκαι ἐμπορικαὶ* in the middle of the 4th century, when they became *δίκαι ἐμμηνοι* [EMMENOI DIKAI], were taken from the nautodicae and transferred to the thesmothetae; and that as the principal occupation of the former was gone, the *δίκαι ξενίας* were likewise transferred to the thesmothetae, and the office of the nautodicae was abolished. If Lucian mentions them in a dialogue supposed to have taken place after the death of Alexander, this is not the only similar anachronism in his writings (Lucian, *Dial. Meretr.* 2, § 2 = p. 282 R.; Lipsius, *Att. Proc.* p. 97 n.). The notion of Schömann (*Antiq.* l. c.) that the nautodicae judged the *ἐμπορικαὶ δίκαι* themselves, while they prepared *δίκαι ξενίας* for trial and brought them before the Heliastic courts, is an unnecessary attempt to reconcile the grammarians; for we find *δικάζειν* and *δικαστὴς* occasionally used of magistrates in their capacity of *εἰσαγωγεῖς* (cf. *Att. Process*, p. 43 Lips.). (Baumstark, *de Curatoribus Emporii et Nautodicis apud Athenienses*, Freiburg in Breisgau, 1828, pp. 65–78; *Att. Process*, pp. 95–98 Lips.; the old edition pp. 83–86 is much less satisfactory.) [L. S.] [W. W.]

NEBRIS, a fawn's skin (from *νεβρός*, a fawn; see AEGIS), worn originally by hunters and others as an appropriate part of their dress, and afterwards attributed to Dionysus (Eurip. *Bacch.* 111, 126, 176; Aristoph. *Ranae*, 1211, &c.), and consequently assumed by his votaries in the processions and ceremonies which they observed in honour of him. [DIONYSIA.] The annexed woodcut, taken from Sir W. Hamilton's *Vases* (i. 37), shows a priestess of Bacchus in the attitude of offering a nebris to him or to one of his ministers. The works of ancient art often show it as worn not only by male and female bacchanals, but also by Pans and Satyrs.

It was commonly put on in the same manner as the aegis, or goat-skin, by tying the two fore-

Nebris, fawn's skin. (From Greek vase.)

legs over the right shoulder so as to allow the body of the skin to cover the left side of the wearer. (Ovid. *Met.* vi. 593.) [J. Y.]

NECRODEIPNON (*νεκρόδειπνον*). [FUNUS.]

NECY'SIA (*νεκύσια*). [FUNUS.]

NEFASTI DIES. [DIES.]

NEGATI'VA, NEGATO'RIA ACTIO. [CONFESSORIA ACTIO.]

NEGLIGE'NTIA. [CULPA.]

NEGOTIATO'RES (*οἱ πραγματευόμενοι* or *ἐργαζόμενοι*, *C. I. G.* 2053) signified specially during the later times of the Republic Roman citizens settled in the provinces, who lent money upon interest or bought up corn on speculation (Caes. *B. G.* vii. 3), which they sent to Rome as well as to other places. Their chief business, however, was lending money upon interest as usurers; and hence we find the words *negotia*, *negotiatio*, and *negotiari* used in this sense. The *negotiatores* are distinguished from the *publicani* (Cic. *ad Att.* ii. 16, "malo *negotiatoribus* satisfacere, quam *publicanis*:" comp. Cic. *Verr.* ii. 3, 7; *pro Flacc.* 16, 38; *pro Leg. Manil.* 7, 18), and from the *mercatores* (Cic. *pro Planc.* 26, 64, "*negotiatoribus* comis, *mercatoribus* justus"). That the word *negotiatores* was, during the later times of the Republic, always used in the signification above given, is amply proved by Ernesti in the treatise quoted below, and is also sufficiently clear from the following passages:—Cic. *pro Flacc.* 29, 71; 37, 92;—*Verr.* 60, 137; *ad Q. Fr.* i. 1;—Hirt. *B. Afr.* 36. Hence the *negotiatores* in the provinces corresponded to the *argentarii* and *feneratores* at Rome; and accordingly we find Cicero giving the name of *feneratores* to certain persons at Rome, and afterwards calling the very same persons *negotiatores* when they are in the provinces (Cic. *ad Att.* v. 21, vi. 1–3). The negotiatores, like the publicani, belonged to the Equestrian order, but men of senatorial rank, though forbidden so to trade themselves, indirectly shared the gains, in return for their countenance and support. Cato the elder was a creditable exception to this, and exerted himself to protect the provincials (Liv. xxxii. 27; Plut. *Cat.* 6); but to show the extent of the evil we need only cite the instance of M. Junius Brutus, who (acting of course through another, the negotiator Scaptius) lent money to the state of Salamis in Cyprus at 48 per cent.: Scaptius demanded 200 talents for 106 received, and, having obtained troops from Appius Claudius, proconsul of Cilicia, so maltreated the senate of Salamis that five senators died. Cicero, the next proconsul, had honesty enough to desire a moderate and just settlement of the debt, but lacked the resolution to enforce it. (Compare Ernesti, *De Negotiatoribus*, in his *Opuscula Philologica;* Marquardt, *Staatsverwaltung*, i.² 542.) [W. S.] [G. E. M.]

NEGOTIORUM GESTORUM ACTIO. *Negotiorum gestio* is the intentional management of another person's affairs or business without instructions (*mandatum*) or any official obligation to do so, and was first recognised as ground for an action (*quasi ex contractu*, Inst. iii. 27, 1, and, in character, *bonae fidei*) between the principal and the would-be agent by the praetorian edict *utilitatis causa* (Dig. 3, 5, 1, 3).

The intention of the *negotiorum gestor* must be to act on behalf of *another* person, even though his motive may also be self-seeking (Dig. 3, 5, 20): his duties practically coincide with those of a duly commissioned agent [MANDATUM]; the chief of them being to bestow the care and attention of a "bonus paterfamilias" [CULPA] on the business he has taken in hand, so that he was responsible for *exacta diligentia*, and in some cases he was liable even for *casus* or accident (Dig. 3, 5, 3, 9; *ib.* 10). Naturally, too, he was bound to deliver up to his principal all property or profit which came to him from the transactions he undertook (Dig. *ib.* 2). These duties were enforced by *actio negotiorum gestorum directa*.

The gestor may have a converse remedy (*actio negotiorum gestorum contraria*) against his principal for all reasonable costs and expenses incurred on the latter's behalf, with interest, and for indemnity against all liabilities undertaken in his interest (Dig. *ib.* 10), provided (1) the principal had not prohibited his interference (Cod. 2, 19, 24); (2) his intention was to lay the principal under a legal obligation (Dig. 10, 3, 14, 1), and not one of Liberalitas or Pietas: if his object was his own sole advantage, he could sue the principal only so far as the latter had derived material benefit from his action (Dig. 3, 5, 6, 3); (3) the state of the principal's affairs was such that, except for the gestor's intervention, he would be seriously prejudiced (Dig. 44, 7, 5, pr.). If this was the case, the gestor could recover, even though the anticipated benefit was as a fact not realised; or, as it is sometimes put, the negotia need not have been "utiliter gesta," it is enough if they were "utiliter coepta" (Dig. 15, 3, 10, 1; *ib.* 12, 2); *e.g.* if he paid for medical attendance on a sick slave, who died notwithstanding all his care. Where the interference was not warranted by genuine necessity, but the gestor's object

was merely to secure a great advantage for the principal, he could recover only so far as the advantage actually went (Dig. 15, 3, 11; *ib.* 43). To the rule as to prohibition by the principal there was an exception in the case of burying a dead body, if the gestor had good reasons for disregarding the injunction (Dig. 11, 7, 14, 3).

It seems to have been a question among the classical jurists whether ratification of the gestor's proceedings by the principal converted the relation from *negotiorum gestio* into *mandatum* or not: Ulpian (Dig. 42, 1, 60) decides it in the affirmative, while Scaevola (Dig. 3, 5, 9) maintains the opposite. Perhaps the solution of this conflict in the authorities is that after ratification the gestor could treat his principal as mandator, though the latter, ratification being merely a unilateral act, was not entitled to treat the former as mandatarius: though it is maintained by some writers, on the authority of Cod. 5, 16, 25; 4, 28, 7, pr., that Justinian confirmed the view of Ulpian.

See the article on Negotiorum Gestio in Holtzendorff's *Rechtslexicon*, where monographs on this topic by Chambon, Dankwart, Köllner, and others are referred to. [J. B. M.]

NE'MEA (Νεμέα) was a valley in Argolis, between Kleonae and Phlius. It was the reputed scene of many famous mythical events. Here (it was said) Argos had watched Io: and here Heraklês slew the lion. Pausanias (ii. 15, 2) relates that in his time the den of the Nemean lion was pointed out in a mountain range, a little less than two miles from Nemea. And here too, in historic times, stood a splendid temple of Nemean Zeus, with a sacred enclosure (ἄλσος, not to be rendered "grove"), in which the Nemean games (Νέμεα or Νέμεια) were held (Strab. viii. p. 377). Pindar describes the locality of these games by a variety of imaginative expressions: *e.g.* Νεμεαίου ἐν πολυυμήτῳ Διὸς ἄλσει (*Nem.* ii. 4, 5); ἀσκίοις Φλιοῦντος ὑπ' ὠγυγίοις ὄρεσιν (*Nem.* vi. 45, 46); χόρτοις ἐν λέοντος (*Olymp.* xiii. 44). The valley of Nemea from its situation belonged naturally to the people of Kleonae, who for a long time were presidents of the games (ἀγωνοθέται). But, before Olymp. 53, 1, the Argives obtained possession of the temple and the presidency at the games. At a later time the Kleonaeans recovered the right of presiding, but did not retain it (Pind. *Nem.* x.; Pausan. ii. 15, 3).

In *prehistoric* times we find the institution of the Nemean festival connected with the expedition of the Seven against Thebes (Apollodor. iii. 6, 4), or with the slaying of the Nemean lion by Heraklês (Schol. Pind. *Nem.*). Writers who held the former opinion uniformly describe the festival as an ἀγὼν ἐπιτάφιος, established to commemorate the youth Archemoros, who was killed by a serpent (Apollodor. *l. c.*), but differ as to the particular Archemoros whose death was thus honoured. Some represented him to have been the son of Lycurgus, king of Nemea, while others (among whom was Aeschylus) related that he was the son of Nemea, daughter of Asopus (Schol. Pind. *Nem.*). Apollodorus in the passage referred to gives the names of the victors, together with the contests in which they were victorious at the first Nemean games. The second celebration of these games is attributed by Pausanias (x. 25, 2, 3) to the Epigoni.

As regards the first *historic* occurrence of the festival, we have but scanty evidence. In its local character it had no doubt been in existence from immemorial antiquity; but not until long after the Olympic games had become famous did those of Nemea rise to the rank of a Pan-Hellenic festival. Eusebius dates the first Nemead from Olymp. 53, 2: but it is probable from the dissertation of G. Hermann, whose conclusions are supported by Boeckh, that the series of historical Nemeads began in the winter of Olymp. 51 (Boeckh, *C. I.* i. n. 34, p. 53). The Nemean games, like the Isthmian, in this respect were biennial (ἀγὼν τριετηρικός), *i.e.* two complete years elapsed between each festival. Accordingly they fell twice within the Olympic period, occurring alternately in winter and summer in the second and fourth years respectively of each Olympic πεντετηρίς. We read in the Schol. to Pindar's Nemean odes that they took place on the 12th of the month Panĕmos (μηνὶ πανέμῳ δωδεκάτῃ), but such authority helps us but little in settling the matter.

The games comprised musical, gymnic, and equestrian contests (ἀγὼν μουσικός, γυμνικός, ἱππικός). (Plut. *Philop.* 11; Pausan. viii. 50, 3; Schol. Pind. *Nem.*) The *gymnic* contests at Nemea, as regards the subjects of competition, corresponded closely with those at Olympia. The following are expressly mentioned:—The simple foot-race (γυμνὸν στάδιον) for men and boys; the wrestling bout (πάλη) for men and boys; the πένταθλον for men and boys; the παγκράτιον for men and boys (Pind. *Nem.* passim; Herod. vi. 92, ix. 75). That boxing (πυγμαχία) was a subject of competition may be inferred from Pausan. viii. 40, 3. We learn further from Pausanias (ii. 15, 2) and Pindar that, besides the simple foot-race, the Nemean games included the armour-race (ὁπλίτης δρόμος) and the long race (ὁ δόλιχος—*notice accent*). In the *equestrian* contests we know that Alcibiades, Chromios of Aetna, and Polyklês of Sparta (Pausan. i. 22, 6) were victorious.

That the games occupied more than one day may be inferred from Liv. xxvii. 31, where he uses the words *per dies festos* in reference to them.

The Argives, as has been said above, ultimately supplanted the Kleonaeans as presidents of the Nemean festival, but they occasionally delegated this function to military chieftains, like Philip of Macedon or Titus Quintius Flamininus (Liv. xxvii. 30, xxxiv. 41). In a late inscription the officers who actually presided are referred to as Hellanodikae (Ἑλλανοδίκαι). Boeckh conjectured that these were twelve in number, while those who discharged the like duty at Olympia, and bore the same title, numbered only ten (Boeckh, *C. I.* 1126, p. 581).

Like the other great Pan-Hellenic festivals, the Nemean was an ἀγὼν στεφανίτης, *i.e.* one in which the victor obtained a wreath in token of his victory. The Nemean wreath was, according to some accounts, at first woven of olive-sprays (ἐλαία), the garland of green parsley (χλωρὰ σέλινα) having replaced it afterwards; according to others, the parsley wreath was the original prize (as it continued to be throughout his-

torical times) on account of its special fitness, as an emblem of mourning, to be associated with the memory of Archemoros. But a different myth, already alluded to, represents Heraklês, when he instituted the games after overcoming the lion, as having also appointed the parsley-wreath to be the victor's reward. And this latter account seems to have been present to the mind of Pindar, for he speaks of the wreath as *βοτάνα λέοντος* (*Nem.* vi. 71, 72).

During the celebration of each Nemean festival a cessation of hostilities (*ἐκεχειρία, σπονδαί*) between belligerents was an imperative duty (cf. *ἐν ἱερομηνίᾳ Νεμεάδι*, Pind. *Nem.* iii. 2, with *schol.*). A sacred embassy, too, was on these occasions sent by each of the several Hellenic states to Nemea, with offerings to Nemean Zeus (Demosth. *Meid.* p. 552, § 115).

Historians, as well as late coins and inscriptions, testify that the (still so called) Nemean games came to be regularly held in Argos (Polyb. v. 101, 5; Diod. xix. 64; Liv. xxx. 1; Boeckh, *C. I.* 234, p. 356). On a comparatively early occasion, indeed, Argos had been the scene of the festival. For the circumstances, *vid.* Plut. *Arat.* 28. Local festivals, named after the great Nemean, were established in many places, *e.g.* at Aetna in Sicily (Schol. Pind. *Olymp.* xiii. 158) and at Megara (Schol. Pind. *Olymp.* vii. 157). That Nemea were also instituted at Anchialos in Thrace may be inferred from a medal stamped under Caracalla, bearing the name NEMAIA (instead of the usual NEMEIA); and, from the fact of its bearing also the word CEOYHPIA, the further inference has been drawn that the Thracian Nemea were founded in honour of Sept. Severus. (For more detailed information respecting Nemea, see Krause, *Pythien, Nemeen, u. Isthmien*, whose guidance has been mainly followed in the present article.) [J. I. B.]

NEMESEIA (*νεμέσεια*), undoubtedly the same as the Genesia (*γενέσια*), was a public festival celebrated at Athens on the 5th of the month of Boedromion (Bekker, *Anecd.* pp. 86, 231, and 282). As to the rites and ceremonies observed on the occasion, nothing is known. The name Nemeseia or Nemesia was given to the solemnity, because *ἡ Νέμεσις ἐπὶ τῶν ἀποθανόντων τέτακται*. It would seem that the name was sometimes applied to certain funeral rites performed by private persons in honour of a deceased member of a family. (Demosth. *πρὸς Σπουδ.* p. 1031; comp. Harpocrat. p. 206, and A. Mommsen, *Heortol.* p. 209.) [L. S.]

NE'NIA. [FUNUS.]

NEO'CORI (*νεωκόροι*) signified originally a temple-attendant; perhaps a temple-*sweeper* (Hesych. *s. v.*), which may well be illustrated by Ion's description of his office (Eur. *Ion*, 121): others, however, prefer to connect the termination with the root of *βούκολος, αἰγικορεῖς, colo* in the sense of *tending* (cf. Suid. *s. v.*; Curtius, *Gr. Etym.* 463). However that may be, the word was applied, even in early times, to priestly officers of high rank, who had the superintendence of temples and their treasures (Plat. *Legg.* vi. p. 759 A; Xen. *Anab.* v. 3, § 6). Under the Empire the word was especially applied to those cities in Asia which erected temples to the Roman emperors, since the whole city in such a case was regarded as the guardian of the worship. These sanctuaries for the cult of the emperor began in the lifetime of Augustus, at Cyzicus (Tac. *Ann.* iv. 36) and elsewhere. Not only the cities which possessed a temple of this kind (distinct from the worship of Rome and Augustus by the entire province), but also those which contributed (Dio Chrysost. ii. p. 70) to its support, were called *νεωκόροι* of the emperor: the name belonged to the city, not to any religious official. Accordingly we frequently find on the coins of Ephesus, Smyrna, and other cities the epithet NEΩ-KOPOΣ, which also occurs in the inscriptions of those cities (see Conybeare and Howson, *St. Paul*, ch. xvi. *fin.*). No city was allowed to assume this office without the permission of the Roman senate, as is clear both from inscriptions and from Tac. *Ann.* iv. 55, 56, from whom we learn also that Cyzicus was punished for neglecting the duties. The name belonged to the city, not to any religious official. These local cults were directed by a sacerdos or *ἀρχιερεύς*, who must be distinguished from the *ἀρχιερεὺς Ἀσίας* (=*Ἀσιάρχης*), or priest of the *Koinon*, i.e. the union of the whole province of Asia for the worship of Rome and Augustus [ASIARCHAE]. The neocorate (as was said above) was distinct from this, and belonged to separate cities, a single neocorate implying a single temple maintained to an emperor or imperial family: a city might be *δὶς* or *τρὶς νεωκόρος*, if it had two or three temples to two or three different emperors or imperial families. (See Ramsay in *Class. Review*, iii. 175 [1889]; Marquardt, *Staatsv.* i. 504, iii. 464.) [AEDITUI.] [W. S.] [G. E. M.]

NEODAMO'DEIS (*νεοδαμώδεις*). [HELOTES.]

NEPTUNA'LIA, a festival of Neptune, celebrated at Rome (Varr. *L. L.* vi. 19). The day on which it was held was the 23rd of July. In the ancient calendaria this day is marked as *Nept. ludi et feriae*, or *Nept. ludi*, from which we see that the festival was celebrated with games. Respecting the ceremonies of this festival, nothing is known, except that the people used to build huts of branches and foliage (*umbrae*, Fest. s. v. *Umbrae*), in which they probably feasted, drank, and amused themselves. (Hor. *Carm.* iii. 28, 1, &c.; Tertull. *de Spect.* 6.) The lines of Ausonius (*Ecl. de Feriis*, 19 ff.) may perhaps imply that *navigia* took part in the festival of Neptune, while *quadrigae* belonged to the *Consualia*. [L. S.]

NERO'NIA. [QUINQUENNALIA.]

NERVUS, a sort of stocks (*ξύλον*, also *ποδοκάκκη, χοῖνιξ*), in which criminals were confined, used frequently as a punishment for slaves. The original meaning was probably a thong or a strap (corresponding to the other uses of the word), and with this strap the feet were tied to a post: so Festus defines it as "ferreum vinculum quo pedes impediuntur," but adds that it also confined the neck sometimes; hence it may be said to have combined the pillory and the stocks. This will explain the expression *nervum brachialem* (Plaut. *Poen.* v. 4, 99), which means embracing by throwing the arms about the neck. The words *numella* and *boiae* had the same sense, and both of these (though not *nervus*) were used to express the ordinary method, still in use, of fastening up cattle by the neck (Colum. *R. R.* vi. 19). It is clear that

the nervus was not merely bonds, like *compedes*, but, more like modern stocks and pillory, had a wooden framework with holes for hands, feet, and neck, which were kept in their places by iron bands and collars: hence Aristophanes, *Equit.* 1049, calls the ξύλον πεντεσύριγγον, *i.e.* having five holes, for feet, hands, and neck. (The κλοιὸς seems to have confined the neck and hands only: Lucian. *Toxarch.* 29; the κύφων held the neck.) This "support" of the neck is probably indicated by Plautus in the expression *os columnatum*, when he speaks of the punishment of Naevius for libel: probably also by the *porrectum jugulum* of the *captivus* (Hor. *Sat.* i. 3, 88). The stocks were used for the imprisonment of freeborn malefactors as well as for slaves, both among Greeks and Romans. The κύφων is used for state-prisoners at Thebes (Arist. *Pol.* viii. 6, 15 = p. 1306): we find the *nervus* for thieves (Plaut. *Aul.* iv. 10, 13); for debtors, by Law of Twelve Tables (*ap.* Gell. xx. 1), "vincito aut nervo aut compedibus" [NEXUM]: compare Liv. vi. 15. So as a common part of imprisonment (cf. *Act. Apost.* xvi. 24) it is often used as equivalent to *carcer* (Ter. *Phorm.* iv. 4, 15, &c.). [G. E. M.]

NEUROSPASTA. [PUPA.]

NEXUM. The most general meaning of this obscure and much-debated term seems to be any legal transaction entered into with the well-known form of the Balance and Bronze. Festus says, "Nexum est, ut ait Gallus Aelius, quodcunque per aes et libram geritur, idque necti dicitur: quo in genere sunt haec: testamenti factio, nexi datio, nexi liberatio:" similarly Varro (*L. L.* vii. 105), "Nexum Manilius scribit omne quod per aes et libram geritur, in quo sunt mancipia:" the similarity of the expression suggesting strongly that both writers were transcribing somewhat unintelligently from an older author. But some writers (among whom Varro mentions Mucius Scaevola) seem to have restricted the signification of nexum to transactions effected *per aes et libram* with the object of creating an obligation—in other words, to contract as opposed to mere conveyance: and there is a large consensus, if not complete unanimity, among those learned in the antiquities of Roman law, in favour of the view that there was a very old contract-form among the Romans called *nexum*, in which the obligation or *juris vinculum* was established by the use of the *aes et libra*, and which, so long as it subsisted, possessed at least one very peculiar characteristic, which made it extremely popular among the wealthy patrician lending class at Rome.

It is supposed that the form was originally employed for creating money loans. The ceremonial was the same in substance as that in every mancipation, and included the presence, besides the parties themselves, of the five witnesses and a libripens. But to the conveyance of the money, which alone an ordinary mancipation would have contained, there seems to have been superadded a *damnatio* by the lender, analogous to that in one of the four old forms of bequest [LEGATUM], which Huschke conjectures to have run somewhat as follows: "Quod ego tibi mille asses hoc aere aeneaque libra nexos dedi, eos tu mihi post annum cum fenore unciario dare damnas esto." According to this view, the obligation arose, as it were, from an act of legislation, the five witnesses representing the whole populus, as in other transactions in which the same form was observed. By others (especially Niebuhr, following Salmasius) the obligation is held to originate in a second mancipation: the lender conveyed the money to the borrower, and then the latter sold or pledged himself to the former as a security for repayment, it being provided that no action was to be taken on this sale or mortgage of the person until default had been made in performance of the obligation: but since Savigny's essay referred to at the conclusion of this article, the hypothesis of a sale or pledge of himself by the borrower seems to find few supporters. So much as to the divergent views as to the precise mode in which the obligation to repay the money loan originated. Subsequently it is believed that by the *fiction* of a money loan other contracts (*e.g.* sales) came to be represented as made by nexum, which thus became an abstract form in which any transaction which left an outstanding money debt could be expressed (Liv. viii. 28). The debt was termed *nexum aes* ("nexum aes apud antiquos dicebatur pecunia, quae per nexum obligatur," *Festus:* so, too, *Varro* observes, "Quod obligatur per libram, nec suum sit, inde Nexum dictum"), and sometimes, too, perhaps *nuncupata pecunia;* for, according to Festus, "nuncupata pecunia est, ut ait Cincius in lib. ii. de officio jurisconsulti, nomina certa nominibus certis pronuntiata: CUM NEXUM FACIET MANCIPIUMQUE, UTI LINGUA NUNCUPASSIT, ita ut nominavit locutusve erit, ITA IUS ESTO." The making of a contract in this form was known as *nexi datio*, and the debtor was said *nexum inire*" (Liv. vii. 19).

The peculiarity of this form of incurring obligation, to which it owed its popularity among the lending class, was that, if the day fixed for payment passed without such payment being made, the creditor was under no necessity of bringing an action at law to prove the existence of the debt: the debtor stood on the same footing with a defendant against whom a judgment had been given (*judicatus*), or who had admitted his liability in court (*in jure confessus*): he became *nexus* himself, and liable forthwith to the severe execution procedure by *manus injectio*, or, as Hölder expresses it, "Nexum ist die Begründung einer Executionsreifen Geldschuld per aes et libram." "Liber" (says Varro) "qui suas operas in servitutem pro pecunia quadam debebat, dum solveret, nexus vocatur, ut ab aere obaeratus;" a definition clearly referring to the nexus' liability to be sold into foreign slavery at one time, and later to work out his debt as quasi-slave of his creditor. As soon as the day fixed for repayment had passed, the latter could arrest him at once, take him before the praetor, and after statement of the contract (supported, it may be presumed, by the evidence of the five witnesses) have him, along with the children in his power (Liv. ii. 24; Dionys. vi. 29, 37), *addictus* in the usual way to himself by the magistrate. After such *addictio*, the debtor was in the unenviable position described under MANUS INJECTIO, of which a full account is given by Gellius (xx. 1). Unless he paid the debt, or got a vindex to undertake his defence at the risk of being con-

demned in double damages, the creditor led him away and kept him chained and fettered in one of the private prisons so familiar to readers of early Roman history, in which he had the privilege of being supported on his own means, in default of which the creditor was bound to provide him daily with at least a pound of meal. His detention here lasted for sixty days, during the first half of which he could still procure his release by payment or compromise: during the second half the creditor had to take him before the praetor on three successive market-days, and publicly proclaim the amount of the debt, to give anyone else an opportunity of saving him from the final severities prescribed by the Twelve Tables. At the conclusion of the sixty days, if the money were still unpaid, the creditor had the choice of two alternatives: either to set him free, or to remove him from the list of Roman citizens by selling him into foreign slavery or killing him. If there were more than one creditor, the statute permitted them to cut each from his body a portion proportionate to their claims: "tertiis nundinis partes secanto: si plus minusve secuerunt, se fraude esto." The advantages of nexum, as a form of contract, thus consisted in the creditor's being dispensed from the necessity of proving his debt by the ordinary legal process; over the ordinary creditor he had a superiority analogous to that of the landlord who can distrain for rent. But this was seriously curtailed by a Lex Vallia (Gaius, iv. 25, Studemund), which limited the operation of *manus injectio* in its original form to the cases of judgment debtors and defendants condemned in an *actio depensi* [INTERCESSIO]: the nexum-debtor, on being arrested for non-payment, was allowed "sibi manum depellere et pro se agere;" he was no longer obliged to submit to imprisonment until the debt was proved against him by ordinary legal process, and against this he could defend himself in person, instead of through a vindex, though still he would have to pay double damages if cast in the suit. Subsequently a statute usually called Poetelia or Poetelia Papiria, the relation of which to the Lex Vallia is very obscure, is believed to have practically put an end to nexum as a form of contract altogether. The passages on which this inference is based are the following:—Liv. viii. 28, "Eo anno plebei Romanae velut aliud initium libertatis factum est, quod necti desierunt: mutatum autem jus ob unius feneratoris simul libidinem simul crudelitatem insignem. L. Papirius is fuit, cui cum se T. Publilius ob aes alienum paternum nexum dedisset, quae aetas formaque miserieordiam elicere poterat, ad libidinem et contumeliam animum accenderunt. Victum eo die ob impotentem injuriam unius ingens vinculum fidei: jussique consules ferre ad populum, ne quis, nisi qui noxam meruisset, donec poenam lueret, in compedibus aut in nervo teneretur, pecuniae creditae bona debitoris non corpus obnoxium esset. Ita nexi soluti cautumque in posterum ne necterentur;"—Cic. *de Republ.* ii. 34, 59, "Cum sunt propter unius libidinem omnia nexa civium liberata, nectierque postea desitum;"—Varr. *L. L.* vii. 105, "ut omnes, qui bonam copiam jurarunt, ne essent nexi sed soluti" (cf. Dionys. xvi. 5). The general result of the statute seems to have been to release all those who at the time of its enactment were in private imprisonment under a nexum, because they had not chosen to dispute their liability, and to prohibit for the future the employment of *manus injectio* in any form against debtors who had incurred an obligation in this manner; nexum lost the last of its old advantages for the creditor which the Lex Vallia had left it, and so went out of use: "Nectier postea desitum." It is not improbable that the Lex Silia, which introduced a new *legis actio* for the recovery of money debts, was occasioned by this legislation.

It would seem that even before the Lex Poetilia the rule of the Twelve Tables, which compelled the creditor, after the lapse of sixty days, to either release, kill, or sell the *debitor addictus* into foreign slavery, had been repealed or gone into desuetude. The Lex Poetilia sanctioned the retention of the debtor as a quasi-slave of the creditor, but prohibited the use of bonds or fetters unless the action in which he had been condemned was *ex delicto:* he could be kept at work by the creditor, the value of his labour being deducted from the sum of his debt, and returned to his former status as soon as it had been discharged in full.

Corresponding to the creation of an obligation by nexum was a similar method of discharge, called *nexi liberatio.* The form of this, though no longer used for this particular purpose after nexum had ceased to exist, survived for the discharge of other obligations held to be incurred *per aes et libram* or in a similar manner: its application in the payment of judgment debts and of legacies given *per damnationem* is described by Gaius (iii. 173–175).

Though this general theory of nexum as a contract-form is accepted (with more or less of divergence and modification) by most writers on Roman law, it should be remarked that the passages in the Latin authors in which the words *nectere, nexum, nexus* occur, contain in themselves very little to support it. The writer of this article has been favoured by Professor Nettleship of Oxford with an exhaustive examination of these passages, the general conclusion to which he was led being that the terms express only obligation in general, especially obligation in the way of pledging, and that the hypothesis of a special contract called *nexum,* coordinate with stipulatio and expensilatio, is really untenable. If the writer understands him correctly, he takes the passages dealing with the so-called Lex Poetelia to chronicle only the abolition of the private prisons of the Roman usurers, or at any rate the prohibition of the older severities on the part of the gaoler, whatever the nature of the action in which the defendant had been condemned.

Among earlier writers there appears to have been considerable confusion between *nexum* and *addictio.* "Addicere" apparently expresses the magisterial award of one person to another—under the older and more severe procedure, for private execution or sale into foreign slavery: under the later system, to work out by his labour the sum due to his unsatisfied creditor. A man might be *addictus* either because he was *judicatus* or *confessus,* because he had failed to perform a contract into which he had entered by nexum, or under the Twelve Tables because he

had been convicted of *furtum manifestum* (Gaius, iii. 189); but the relation between the two terms seems sufficiently clear, though Niebuhr was the first writer who placed it in clear light. He himself found the leading characteristic of *nexum* in the sale or pledging of his own person by the debtor; but this idea, as has been observed above, was strongly combated by Savigny, who propounded the theory that the personal execution known as *manus injectio* was allowed only on money loans and other debts fictitiously represented as money loans by means of nexum; the execution upon all other judgments was against the property, not against the person, of the debtor. This, however, has found little favour with Savigny's successors, and seems to be sufficiently disproved by Gaius (iv. 21), who says that *manus injectio* was prescribed as the proper procedure on all judgment debts whatsoever by the Twelve Tables. A divergent view expounded with great fulness by Huschke, and adopted by Mr. Long in the earlier editions of this work, is that nexum entitled the creditor to seize the debtor, and to treat him in the manner described by Gellius, without resorting to the magistrate for formal *addictio* at all. Van Heusde represents nexum as the condition from which *addictio* proceeded, and thinks that the Lex Poetelia abolished both by permitting in the future only execution against the property; but the survival of *addictio* in consequence of *manus injectio* resorted to upon a judgment to far later times is proved clearly by Liv. xxxiii. 14; Sallust. *Cat.* 33; Cic. *pro Flacco*, 20–22, 48–53.

(The best discussions on the subject are Niebuhr, *Röm. Geschichte*, i. 637–644, ii. 667–673, iii. 178–181; Savigny, *Ueber das altrömische Schuldrecht, vermischte Schriften*, ii. 396–470; Scheurl, *Vom Nexum*, Erlangen, 1839; C. Sell, *de juris Romani nexo et mancipio*, Brunswick, 1840; C. Van Heusde, *de lege Poetelia Papiria*, 1842; Bachofen, *Das Nexum*, 1843; Danz, *Geschichte des röm. Rechts*, 1846, Theil ii. 85–106; Huschke, *Ueber das Recht des Nexum*, Leipzig, 1846; Giraud, *Des Nexi ou de la condition des débiteurs chez les Romains*, Paris, 1847; Muirhead, *Roman Law;* Puchta, *Institutionen*, §§ 162, 269, 277, 321.) [J. B. M.]

NO'BILES, NOBI'LITAS. In the earliest period of Roman history the Patricians or Patres, who belonged to the older organisation of the populus in curiae, gentes, and familiae, were the nobles as opposed to the Plebs: they practically monopolised political power and the distinction which such power brings. Livy, who wrote in the age of Augustus, and is not very careful in the use of terms, often designates the Patricians by the term *nobilis* (vi. 42); and yet *nobilis*, in its proper historic sense, has a different meaning.

In B.C. 366 the plebeians obtained the right of being eligible to the consulship, and finally were admitted to all the curule magistracies. Thus the two classes were put on the same footing as to political capacity. Those plebeians who had obtained a curule magistracy were thus elevated above their own body, and the personal distinction of a father would confer distinction on his descendants. It is in the nature of aristocratic institutions to perish if they are exclusive: but they perpetuate themselves by giving a plebeian class the power of acquiring a share in the lustre they bestow. Those who are received within the body of nobles are pleased at being separated from their former companions, and are at least as exclusive in their notions as the original members of the class which they have joined.

This was the history of Nobilitas at Rome. The sharp distinction between plebeians and the old patricians became blurred no less by their political equalisation than by the greater frequency of marriages between them after the enactment of the Lex Canuleia; but the descendants of plebeians who had filled curule magistracies formed a class called Nobiles or men "known," in contrast with Ignobiles or people who were not known. The Nobiles had no legal privileges as such: but they were bound together by a common distinction derived from a legal title and by a common interest; and their common interest was to endeavour to confine the election to all the high magistracies to the members of their own body, to the Nobilitas. Thus the descendants of those plebeians who had won their way to distinction combined to exclude other plebeians from the distinction which their own ancestors had transmitted to them.

The external distinction of the Nobiles was the Jus Imaginum, a right or privilege which apparently was established on usage only, and not on any positive enactment. These Imagines were figures with painted masks of wax, made to resemble the person whom they represented (Pliny, *H. N.* xxxv. § 2, "expressi cera vultus"); and they were placed in the atrium of the house, apparently in small wooden receptacles or cases somewhat in the form of temples (ξύλινα ναΐδια, Polyb. vi. 53). The Imagines were accompanied with the *tituli* or names of distinction which the deceased had acquired; and the *tituli* were connected in some way by lines or branches so as to exhibit the pedigree (*stemma*) of the family: cf. the passages quoted in Becker, *Handbuch der römischen Alterthümer*, ii. p. 222, note 53. These Imagines were generally enclosed in their cases, but were brought out on festival days and other great ceremonials, and crowned with bay (*laureatae*): they also formed part of a solemn funeral procession. The most complete account of them is in the passage of Polybius already referred to; but there is frequent mention of them in the Roman writers.

These were the external marks or signs of a Nobilis Familia: a kind of heraldic distinction in substance. The origin of this use of Imagines, from which the notion of Roman Nobilitas must not be separated, is uncertain. The term Nobilitas, as already observed, is applied by Livy to a period of Roman history before the consulship was opened to the plebeians; and it is not improbable that the patricians had the use of Imagines, which those plebeians afterwards adopted, when the curule magistracies were made accessible to them. The patricians carried back their pedigrees (*stemmata*) to the remotest historical period, and even beyond it (Tac. *Ann.* iv. 9); and the practice of having Imagines, clearly connected with the ancestor worship of primitive races which Sir Henry Maine has so fully discussed in his *Early Law*

and Custom, probably existed before the notion of the Jus Imaginum was established, though it is equally likely that that notion, as well as the technical conception of Roman Nobilitas, originated in the admission of the plebeians to the consulship. Indeed, as the object of the patricians, who were all of equal rank so far as their class was concerned, would be to attach to themselves such plebeians as were elected to curule magistracies, it seems conformable to the nature of the thing that the family of such plebeians should be allowed or invited to adopt some existing distinction which should separate them from the body to which they properly belonged. Usage would soon give to such a practice the notion of legality; and thus the Jus Imaginum would be established, as many Roman institutions were, by some general conviction of utility or upon some prevailing notion, and it would be perpetuated by custom.

A plebeian who first attained a curule office was the founder of his family's Nobilitas (*princeps nobilitatis—auctor generis*). Such a person could have no Imagines of his ancestors; and he could have none of his own, for such Imagines of a man were not made till after he was dead (Polyb. *l. c.*). Such a person then was not *nobilis* in the full sense of the term, nor yet was he *ignobilis*. He was called by the Romans a *novus homo* or a new man, and his condition was known as Novitas: see the speech which is put in the mouth of C. Marius in Sallust, *Jug.* 85. The term *novus homo* was never applied to a patrician. The first *novus homo* of Rome was the first plebeian Consul, L. Sextius, and the two most distinguished *novi homines* were C. Marius and M. Tullius Cicero, both natives of an Italian municipium.

The patricians would of course be jealous of the new nobility, which however, when once formed, would easily unite with the old aristocracy to monopolise political power, and to prevent more *novi homines* from polluting this exclusive class (Sallust. *Jug.* 63). Their efforts, in particular, to exclude the poorer citizens from rising to their own order is attested by the rule established from the time of the First Punic War, that the cost of the public games should be no longer defrayed by the treasury, but by the aediles (Dionys. vii. 71), and the aedileship was the first step to the higher magistracies. As early as the Second Punic War, the new class, composed of patricians or original aristocrats, and Nobiles or newly engrafted aristocrats, was able to exclude *novi homines* from the consulship (Liv. xxii. 34). They maintained this power to the end of the Republican period, and the consulship continued almost in the exclusive possession of the Nobilitas. The testimony of Cicero, himself a *novus homo*, on this point is full and distinct.

As to the persons who would be included in the stemma of a noble family, it appears that all the ascendants of a man up to the ancestor who first attained a curule office would be comprehended, and also the ascendants on the mother's side who had been *nobiles*. Adoption would also increase the number of persons who would be comprised in a stemma: and if Affines were occasionally included, as they appear to have been, the stemma would become an enormous pedigree.

The term Optimates, as explained by Cicero (*pro Sest.* 45), is opposed to Populares: he describes the Optimates to be all those "qui neque nocentes sunt nec natura improbi nec furiosi nec malis domesticis impediti." This is no political definition: it is nothing more than such a name as Conservative or any other. The use of it by Livy (iii. 39) shows how he understood it; but it is only confusing to employ it in relation to the early times of which he is speaking. Velleius (ii. 3) describes the Optimates as the Senatus, the better and larger part of the Equestris ordo, and such part of the Plebs as were unaffected by pernicious counsels: all these joined in the attack on Gracchus. This opens our eyes to the real meaning of Optimates: they were the Nobilitas and the chief part of the Equites, a rich middle class, and also all others whose support the Nobilitas and Equites could command: in fact all who were opposed to change that might affect the power of the Nobilitas and the interests of those whom the Nobilitas allied with themselves. Optimates in this sense are opposed to Plebs, the mass of the people: and Optimates is a wider term than Nobilitas, inasmuch as it would comprehend the Nobilitas and all who adhered to them.

The term Populares is vague. It could be used to signify the opponents of the Nobilitas, whether the motives of these opponents were pure and honest, or whether their aim was self-aggrandisement through popular favour. Of Caesar, who sought to gain the popular favour, it was truly said, that it was not so much what he gave to the people which made him formidable, as what he would expect to get from them in return. A *popularis* might be of the class of the Nobilitas, and very often was. He might even be a patrician, like Caesar: his object might be either to humble the nobles, to promote the interests of the people, or to promote his own: or he might have all these objects, as Caesar had.

The chief passages in classical writers bearing on the contrast of *nobiles*, *ignobiles*, and *novi homines* are Cicero, *in Rull.* ii. 1, 2; *pro Cluentio*, 40, 111; Appian, *de Bell. Civ.* ii. 2; Plutarch, *Cato Maj.* i.; Vell. Pat. ii. 128, and Asconius in *Argum. Orat. in toga candida*, p. 82 (Orelli). The subject of Nobilitas is handled by Becker, in the work already referred to, and there are also some remarks on the Roman Nobiles in Zachariae, *Sulla* (i. 5). He observes of Sulla that though his family was patrician, he could hardly be considered as belonging to the Nobiles in the strict sense, as the term Nobilitas implied that some one of a man's ancestors had filled a curule magistracy, and also implied the possession of wealth. But this is a confused view of the matter. Sulla's ancestors had filled curule magistracies; and though his family was poor, it was still Nobilis. A Nobilis, though poor, as Sulla was, was Nobilis still: want of wealth might deprive a man of influence, but not of the Jus Imaginum. If there was any patrician whose ancestors had never filled a curule office, he would not be nobilis in the technical later sense. But when the Nobilitas had been formed into a powerful body, which was long before the reforms of the Gracchi, the distinction of patrician was of secondary importance. It would seem unlikely that there was any patri-

cian gens existing in the year 133 B.C., or indeed long before that time, the families of which had not enjoyed the highest honours of the state many times. The exceptions, if any, would be few.

In reading the Greek writers on Roman history, it is useful to attend to the meaning of the political terms which they employ. The δυνατοὶ of Plutarch (*Tib. Gracch.* 13, 20) and the πλούσιοι are the Nobilitas and their partisans; or, as Cicero would call them after he was made consul, the Optimates. In such passages as Dio Cass. xxxviii. 2 the meaning of δυνατοὶ may be collected from the context. [G. L.] [J. B. M.]

NODUS, *in* a special sense, was applied to the following parts of dress:—1. The knot used in tying on the scarf [CHLAMYS] or other article constituting the AMICTUS. This was often effected by the aid of a brooch [FIBULA], a ring, or some jewel (Verg. *Aen.* i. 320, vi. 301, xi. 776; Claud. *de Rapt. Pros.* ii. 40); but frequently in the method shown in the woodcut of Diana, Vol. I. p. 416. 2. The knot of hair (κόρυμβος, κρωβύλος), either at the top or at the back of the head, adopted by both sexes in fastening their long hair, which was turned upwards or backwards for the purpose ("crine rursus adducto revocare nodo," Sen. *Oedip.* ii.; Verg. *Aen.* iv. 138; Hor. *Epod.* xi. 28). Examples may be seen in the woodcuts under COMA. 3. The knot of leather worn by boys of the poorer classes at Rome instead of the golden BULLA. [J. Y.]

NOMEN (ὄνομα), name. **1.** GREEK. The Greeks, as is well known, bore only one name (Paus. vii. 7, § 4), and it was one of the especial rights of a father to choose the names for his children, and to alter them if he pleased. (Dem. *c. Boeot.* i. p. 1006, § 39; *c. Macart.* p. 1075, § 74.) It was customary to give to the eldest son the name of the grandfather on his father's side. The history of Greece contains many instances of this custom, and Sositheus (*ap.* Dem. *c. Macart.* l. c. says, "I gave to my eldest son, as is just (ὥσπερ καὶ δίκαιόν ἐστι), the name of my father." (Compare Eustath. *ad Il.* v. 546; Dem. *c. Boeot.* i. p. 1002, § 27.) Similarly girls were called after the grandmother (Isae. *de Pyrrh. hered.* § 30). What custom was generally followed in regard to the other children may be inferred from the same passage, for Sositheus goes on to say, that he called his second son after the name of his wife's father, the third after a relation of his wife, and the fourth son after his own grandfather on his mother's side. Mothers seem also sometimes to have assumed the right of giving the names to their children (Eurip. *Phoen.* 58), and it may be that, as in the case described by Aristophanes (*Nub.* 60, &c.), sometimes a quarrel arose between the parents, if they could not agree upon the name to be given to a child. A boy also sometimes received the name of his father, as in the cases of Demosthenes and Demades, or one similar to that of his father. Nausinicus thus called his son Nausiphilus, and Callicrates called his son Callistratus. (Boeckh, *ad* Pind. *Pyth.* iv. p. 265.) A similar method was sometimes adopted in the names of several brothers; thus two brothers in the speech of Lysias against Diagiton are called Diodotus and Diogiton. In some cases lastly, the name of a son was a patronymic, formed from the name of the father, as Phocion, the son of Phocos.

The day on which children received their names was the tenth after their birth (Aristoph. *Av.* 922, &c.). According to some accounts, a child received its name as early as the seventh or even fifth day after its birth. [AMPHIDROMIA.] The tenth day, called δεκάτη, however, was a festive day, and friends and relations were invited to take part in a sacrifice and a repast, whence the expressions δεκάτην θύειν and δεκάτην ἑστιᾶν. If in a court of justice proofs could be adduced that a father had held the δεκάτη, it was sufficient evidence that he had recognised the child as his own. (Dem. *c. Boeot.* ii. p. 1017, § 28.)

The fact that every Greek had only one name rendered it necessary to have an innumerable variety of names. But, however great the number of names might be, ambiguity and confusion could not be avoided; and in reading the works of the Greeks we are not always certain whether the same name in different passages or writers belongs to one or to several persons. The Greeks themselves were aware of this, and where accuracy was of importance they used various means to prevent mistakes. Sometimes they added the name of the father in the genitive case, as Ἀλκιβιάδης ὁ Κλεινίου, Πλειστοάναξ ὁ Παυσανίου: sometimes they added the name of the place or country in which a person was born, in the form of an adjective, as Θουκυδίδης ὁ Ἀθηναῖος, Ἡρόδοτος Ἁλικαρνασσεύς, Χαρμαντίδης Παιανιεύς, Δικαίαρχος ὁ Μεσσήνιος, &c.; sometimes they added an epithet to the name, expressing either the occupation or profession which a person followed, or indicating the school to which he belonged. Instances are of such frequent occurrence that it is superfluous to quote any. The custom of adding the father's name was called πατρόθεν ὀνομάζεσθαι (Paus. vii. 7, § 4; Xenoph. *Oeconom.* 7, § 3).

In common life the Greeks had yet another means of avoiding ambiguity, and this was the frequent use of nicknames, expressive of mental or bodily peculiarities and defects. Thus Demosthenes was from his childhood called Βάταλος. (Aeschin. *c. Timarch.* §§ 126, 141; Dem. *de Cor.* p. 288, § 180.) Aristophanes (*Av.* 1291, &c.) mentions several names of birds which were used as nicknames; other nicknames are preserved in Athenaeus (vi. p. 242). [Cf. Xen. *Hell.* ii. 2, 31; Lucian, *Symp.* 6; Athen. x. p. 436.]

(Compare Becker-Göll, *Charikles*, vol. ii. p. 26.)

2. ROMAN. It has been said that the Romans originally had only one name ("simplicia nomina," Varro, *ap.* Auct. *de Praenom.* 1), but Mommsen justly remarks that the instances given—*Romulus, Remus, Faustulus*—are all of the mythical age, and that even then we hear of *Numa Pompilius*, &c. (*R. Forsch.* i. 5). Though there can be no doubt that there was greater simplicity of nomenclature in the earliest times, and though the prevalence of single names is not impossible, the view taken by Mommsen is most probable that the early Roman custom was to have two names; the second in the genitive, representing the father or head of the household, as *Marcus Marci, Caecilia Metelli.* In process of time we find

for freeborn men a triple name, the *nomen* or name *par excellence* to designate the gens, the *cognomen* the family, and the *praenomen* the individual. The order properly (and so used in good prose) was *praenomen, nomen, cognomen;* but in metrical writing this is not preserved: *e.g.* "Cornelius Lucius Scipio Barbatus," as an epitaph in Saturnian verse (*C. I. L.* vi. 1285). For formal description the name of the father, grandfather, and even great grandfather was added, and sometimes the tribe also, as *M. Tullius M. f. M. n. M. pr. Cor(nelia tribu) Cicero* (Momm. *I. R. N.* 4320). When the praenomen (for ordinary speech) was omitted, the order does not appear consistent in all writers. In older times the cognomen, in this case, stands first, as Pulcher Claudius, Balbus Cornelius, and this is followed by Cicero: whereas Caesar preserves the order belonging to the triple name and keeps the cognomen after the praenomen, Livy and Tacitus vary their practice (see Marquardt, *Privatl.* 9, note). For every-day use the praenomen alone was used for relations or intimate friends (and those who wished to appear as such) addressing each other; the cognomen alone in ordinary intercourse, with the praenomen added sometimes in emphatic address: the nomen being used only for formal purposes. As, however, the triple name grew out of something simpler, so as time went on it spread into a much longer and more complex system of names, and finally ended in what cannot be called a system at all. It is necessary to examine the names more in detail.

1. *Nomen.*—This, the gentile name, in patrician families always ended in *ius*, which probably marks an original patronymic: the terminations *eius, aius, aeus, eus* are merely variations of it. Other terminations of the nomen mark a different origin, and are thus classed by Mommsen,—*acus* (e.g. Avidiacus) as Gallic; *enus* as Umbrian; *na* (*Caecina*, &c.) as Etruscan: some others are formed from the names of towns, whence the family sprung, as Norbanus, &c.: *Verres* stands apart, and was perhaps an original cognomen turned into a nomen (Mommsen, *R. Forsch.* i. 51).

2. *Praenomen.*—This individual name was given to boys on the ninth day after their birth on the *dies lustricus* [LUSTRATIO, p. 102]: when it is said (Auct. *de Praen.* 3) that this name was not given till the assumption of the toga virilis, it can only be meant that the official entry was then made: for we have inscriptions speaking of young children under their praenomina (*C. I. L.* x. 2221). The number of recognised praenomina was originally larger, and Varro (as cited by the above author) mentions as ancient praenomina disused in his time *Agrippa, Ancus, Caesar, Faustus, Hostus, Lar, Opiter, Postumus, Proculus, Sertor, Statius, Tullus, Volero, Vopiscus.*

There survived 18 for patrician families, represented in an abbreviated form: *Aulus* (*A.*), *Decimus* (*D.*), *Gaius* (*C.*), *Gnaeus* (*Cn.*), *Kaeso* (*K.*), *Lucius* (*L.*), *Manius* (*M.'*), *Marcus* (*M.*), *Publius* (*P.*), *Quintus* (*Q.*), *Servius* (*Ser.*), *Sextus* (*Sex.*), *Spurius* (*Sp.*), *Tiberius* (*Ti.*), *Titus* (*T.*), *Mamercus* (*Mam.*), *Appius* (*Ap.*), *Numerius* (*N.*). The number, no doubt, decreased from the custom of different families using only a few praenomina, usually only five or six (the Cornelii used only Cn., L. and P.). Of the above some were used by particular families and by no other; *K.*, for instance, by the Fabii and Quinctilii alone, Mam. only by the Aemilii. (See Mommsen, *op. cit.* 15.) In plebeian families there was not the same restriction, and a greater variety appears (*Novius, Vibius*, &c.); yet those who became *nobiles* followed the patrician rule, so that the Domitii have only the praenomina *Gnaeus* and *Lucius* (Suet. *Ner.* 1). The reaction under Sulla revived some old praenomina or introduced others, as *Faustus, Iulus, Cossus:* but it is difficult to say how far all such should be regarded as genuine praenomina. Mau is probably right in his note on Marquardt, *Privatl.* 13, when he demurs to the view that *Paullus, Agrippa, Nero, Drusus, Germanicus*, &c., became praenomina, and holds them rather to be cognomina which by a later fashion for various reasons in some distinguished families displaced the proper praenomen, as when we find *Africanus Aemilius Regillus* a consul in B.C. 9, and so described on a coin.

3. *Cognomen.*—Every Roman citizen, besides belonging to a gens, was also a member of a familia, contained in the gens, and as such he might have a cognomen or third name, which marked off that familia from others of the same gens. This was in the Republic probably universal, or nearly so, in patrician families (Plutarch, however, *Cor.* 11, says that C. Marcius had no cognomen till he took Corioli). In plebeian families it was not the rule: for instance, the Marii, Sertorii, and Mummii had none (Plut. *Mar.* 1); but many afterwards gained them, as Pompeius, when he took the cognomen *Magnus.* Some from mere assumption took cognomina to which they were considered to have no right: witness the case of Staienus calling himself *Paetus* (Cic. *pro Cluent.* 26, 72). Marquardt, from the fact that the cognomen stands after the tribe, when the tribe also is given, conjectures that the use of cognomina does not date further back in ordinary usage than Servius Tullius: as a *legal* form in laws and decrees, it is enjoined only in Sulla's time (see the citations in Marquardt, *op. cit.* 14). As to their origin we can have little doubt that they were *personal* names, originally given for some reason (often a bodily peculiarity) to some man, and then transmitted to all his family: sometimes they are descriptive, as *Pulcher, Calvus, Naso;* sometimes they mark an origin, as *Sabinus, Maluginensis.* (As regards the representative of the cognomen in family emblems, the *apex* of the Flaminii, the *torques* of the Manlii, &c., see INSIGNE.) It is probable that under the Republic the third name implied *nobilitas*, but it came later to be the mark merely of *freedom* (Cod. Just. vii. 16, 9); and in Juv. v. 127, "tanquam habeas tria nomina" means rather, as Professor Mayor says, "as though you were free," than, as Marquardt puts it, "tanquam nobilis sis."

The nobiles, however, proceeded further to multiply their cognomina: such fourth or fifth names were still, like the third, called *cognomen* in classical Latin (Cic. *pro Mur.* 14, 31): the practice of calling them *agnomina* did not begin till the grammarians of the 4th cent. A.D. Under this head we have (i.) the adoptive names, for which see ADOPTIO, Vol. I. p. 26. It may

be observed that the termination *anus* was not usual after Sulla, when the original cognomen was added instead of the altered nomen: *e.g.* M. Terentius Varro *Lucullus*. It is a peculiarity that Brutus adopted by Q. Servilius Caepio is called simply Q. Caepio Brutus (Mommsen, *R. Forsch.* 51). (ii.) The *cognomen ex virtute:* Africanus, Asiaticus, &c. (iii.) Those added more like nicknames, as Q. Caecilius Metellus *Celer* (cf. Plin. *H. N.* vii. § 54). The *cognomina ex virtute* were passed on to children (Cic. *de Rep.* vi. 11), though how far is uncertain: Mommsen thinks, only to the eldest son.

The name-system became altered or altogether lost under the Empire. The emperors, as Gaius and Titus, used sometimes the praenomen alone with the imperial title, sometimes the cognomen only, as Imp. Caesar Vespasianus (see Mommsen, *R. Forsch.* 741): for the citizens, as mentioned above, we find sometimes the use of cognomen in place of praenomen, sometimes the multiplication of gentile names by adding the names of the mother's family or other relations; sometimes again a second praenomen is put in, often quite out of its place: *e.g.* C. Antius *Aulus* Julius Quadratus, P. Aelius Aelianus Archelaus *Marcus*. As a climax we have a string of thirty names. (Orell. 2761.)

In later times we find a pure nickname, which is termed *signum* (Capitol. *Gord.* iv. 8) or *vocabulum* (Tac. *Ann.* i. 41), coupled by the words *sive* or *qui et*, as "Eustatius sive Lampadius" (*C. I. L.* v. 4410), "M. Datellius Trophimus qui et Fortunatus," but sometimes as Lucilius Metrobius *signo* Sapricus (*C. I. L.* x. 3796). Remarkable instances of these *signa* or *vocabula* are "Caligula," "Cedo alteram" (Tac. *Ann.* i. 23, 41), "Manus ad ferrum" (Lamprid. *Aurelian.* 6).

Names of Women.—Wives and daughters added originally the name of the man in whose *manus* they were, the wife her husband's, the daughter her father's, as Metella Crassi, Caecilia Metelli; but later it became usual for the daughter to express the relationship by adding *f.* after the father's name. The praenomen might be used also before the gentile name, as Secunda Valeria M. f., but without the limitation of praenomina observed in the sons of the family. In the later Republic the single gentile name is more common; but under the Empire we find two names usual, formed from the nomen and cognomen of the father, or the combined gentile names of father and mother (Caecilia Metella, Valeria Attia): three names are exceptional (Suet. *Claud.* 56).

Slaves originally bore the affix *por* = *puer* to the master's praenomen, as *Marcipor* or *Marpor*, *Quintipor*, &c., which Pliny (*H. N.* xxxiii. § 26) thinks pointed to the simplicity of life when a man had usually only one slave: it must be observed, however, that the termination is found comparatively late (Sall. *Hist.* iii. *fr.* 69), and also that we find it for freedmen, "Aulus Caecilius, Auli libertus, Olipor." When slaves were multiplied and *servus* legally replaced *puer*, we find slaves in republican times distinguished by their own names with the master's in inverted order: thus the slave of P. Egnatius is "Pharnaces Egnatii Publii servus"; under the Empire more naturally as "Eleutherus C. Julii Florentini servus." A curious practice was the tacking on the name of a previous master with the suffix *anus*, as "Secundus Caesaris servus Crescentianus," "Anna Liviae serva Maecenatiana," when the slaves had been formerly in the household of Crescens or Maecenas.

Freedmen originally took before their own names the gentile name of their master and any praenomen, as L. Livius Andronicus, the freedman of M. Livius Salinator. The *condition* is also expressed in inscriptions: *e.g.* "M. Ramnius P. l. Diopantus" means that Diopantus was a freedman of P. Ramnius, and took for himself the praenomen M. Later it became customary to take the master's praenomen also. Freedmen of a woman took the names of the father of their mistress, as "M. Livius, Augustae l., Ismarus." Cicero however, while Tiro becomes M. Tullius Tiro, gives Dionysius the nomen of Atticus and his own praenomen (Cic. *ad Att.* iv. 15, 1). The names indicating servile origin disappeared in the second generation. (Marquardt, *Privatleben*, 6–28; Mommsen, *Röm. Forschungen*, 1–68: a mass of literature on the subject is cited by Marquardt on page 6.) [L. S.] [G. E. M.]

NOMEN. [FENUS; OBLIGATIONES.]

NOMENCLA'TOR. For the ordinary nomenclator, see AMBITUS, Vol. I. p. 100 *a*. There was also a *nomenclator censorius* to attend upon the censor (who had no lictors): he was a freedman of the censor and held the same place as the *accensus* of other magistrates [ACCENSUS]. The use of a nomenclator in the duties of the censorial office, especially in the *equitum census* or *recognitio*, is obvious. [See CENSUS; EQUITES.] Inscriptions mentioning the *nomenclator censorius* may be found in Mommsen's *Staatsrecht*, i. p. 359. As the censorial power passed to the emperor, it is natural that we find these attendants reappearing as *nomenclatores a censibus* attached to the imperial bureau which received petitions for admission to the Equites (*C. I. L.* xiv. 3553). [See also MAGISTER A CENSIBUS.] [G. E. M.]

NOMINATIO and NOMINO are the technical words used to denote the first stage in the appointment to the augurship and other priestly colleges, under the law of Labienus, B.C. 63. On a vacancy in their college, each of the augurs "nominated" a candidate for the post, and the choice between those so nominated was decided by a popular vote of seventeen tribes chosen by lot. In order that the assembly might exercise an effective choice, a sufficient number of candidates was secured by a rule that not more than two augurs might give their nomination to any one candidate. (Cic. *Phil.* ii. 2, 4.)

The term *nominare* is likewise used of a function of the emperors in the election of magistrates from the time that these elections were transferred (Tac. *Ann.* i. 15) to the senate. This "nomination" is different from the right of recommending candidates which the emperor possessed; for Tacitus (*l. c.*) tells of Tiberius that he limited himself "ne plures quam quattuor candidatos commenderet, sine repulsa et ambitu designandos;" while in the previous chapter he says, "candidatos praeturae duodecim nominavit, numerum ab Augusto traditum, et hortante senatu ut augeret, jure jurando obstrinxit se non excessurum." In the same way when Asinius Gallus proposed (Tac. *Ann.* ii. 36)

that appointments for five years on should be made at once, he added, "princeps duodecim candidatos in annos singulos nominaret." This passage however, as it merely repeats the words of *Ann.* i. 14, and extends the system there described to suit a quinquennial arrangement, may be left out of account. The description (*Ann.* i. 81) of the consular elections, on the other hand, cannot be passed over: "plerumque eos tantum apud se professos disseruit, quorum nomina consulibus edidisset: posse et alios profiteri, si gratiae aut meritis confiderent." Lastly, we have an electioneering letter of the younger Pliny (ii. 9): "Anxium me et inquietum habet petitio Sexti Eruci mei . . . ego Sexto latum clavum a Caesare nostro, ego quaesturam impetravi, meo suffragio pervenit ad jus tribunatum petendi, quem nisi obtinet in senatu vereor ne decepisse Caesarem videar."

The last passage would naturally be taken to mean (see Nipperdey *ad* Tac. *Ann.* i. 81) that the emperor's leave was necessary before a candidate could offer himself for election, and it would be further natural to identify such leave with the "nomination" mentioned by Tacitus. In that case we should expect to find the emperor "nominating" a long list of candidates (beside those specially recommended) and the senate choosing out of this list. When, however, we find that the senate begs Tiberius to increase the number of his nominees, it becomes clear that "nomination" can have no such meaning as has been suggested. Twelve was the ordinary number of annual vacancies for the praetorship; so that if the emperor gave leave only to twelve candidates, these twelve persons must necessarily be elected; the distinction between those of them who were and those who were not recommended would vanish; *nominatio* and *commendatio* (which are always contrasted by our authorities) would have precisely the same effect. The value of such a nomination would manifestly be diminished by every addition to the number nominated. It is quite impossible, considering the relations between Tiberius and the senators, that they should at the beginning of his reign have urged him to lessen his own powers by giving them greater freedom of choice, and that he should have positively refused to do so. We have indeed a somewhat similar question of appointment in *Ann.* iii. 32 and 35, but there the senate wish the emperor to give them one name, and he insists on giving two for them to choose from.

It is clear from Pliny's letter that there were contested elections in the senate to the office of tribune. As regards the praetorship, we may draw the same conclusion from the account in Tacitus (*Ann.* ii. 51) of the election of a "praetor suffectus," and still more clearly from an incident in Nero's time (*Ann.* xiv. 28): "Comitia praetorum arbitrio senatus haberi solita, quoniam acriore ambitu exarserant, princeps composuit, tres, qui supra numerum petebant, legioni praeficiendo." On the other hand, we never hear of contested elections to the consulship.

Mommsen (*Staatsrecht*, ii.[3] pp. 917 ff.) has an explanation which lessens though it does not remove the difficulty of reconciling these passages. He first gets rid of Pliny's canvassing letter by the supposition that "meo suffragio pervenit ad jus tribunatum petendi" does not refer to any fresh privilege obtained by him for Erucius, but merely sums up what he had got for him before, namely the latus clavus and the quaestorship, these being the qualifications which now enabled him to be a candidate for the office of tribune. This interpretation would seem very forced if we were dealing with a simple and straightforward letter-writer, but it is not inadmissible in the case of the artificial epistles of the younger Pliny. Mommsen proceeds to point out that under the Republic the msgistrate conducting an election had the duty of examining the legal qualifications of the candidate, and was bound to accept only those votes which were given to persons legally eligible ("rationem alicujus in comitiis habere"). Under the principate this ministerial duty would belong jointly to the emperor and to the consuls. Either of the two co-ordinate powers might examine the qualifications of a candidate, and declare him capable or incapable of standing. Manifestly the emperor's certificate would be the more prized; all candidates would press to have their claims vouched for by him, and (if this tendency were not checked) on the emperor alone would fall the responsibility of deciding who was, and who was not, to be on the list of candidates. This responsibility the senate press Tiberius to assume, but he insists on the consuls taking some part of it, and will only certify in a limited number of cases. Such is Mommsen's explanation of "candidatos praeturae duodecim nominavit."

It may be objected to this that we should expect that the candidates who were sent to the consuls would be at a disadvantage compared with the eight candidates who, though not "commended," were selected by the emperor for the honour of his certificate. The senators, we might suppose, would be as unlikely to vote against the eight "nominated" as against the four avowedly "commended." The system seems to have led to precisely this result in the elections to the consulship. Tiberius (*Ann.* i. 81) does not commend anyone for this office; he merely announces that two qualified candidates have sent in their names to him; any others may send in their names to the consuls. The effect naturally is that no one does so; the emperor's certificate to the consular candidate, by driving all others from the field, has the same result as commendation. Mommsen (*op. cit.* p. 923) quotes an inscription where such a one actually describes himself as commended by Tiberius for the consulship.

How then are we to account for the practical difference between the consular and the praetorian elections? There must have been some understanding, by which candidates more numerous than the vacancies were encouraged to stand in the one case and discouraged from standing in the other. We may suppose that all candidates laid their names, formally or informally, before the emperor. If he announced (as Tacitus says he did in the case of the consulship) that only two properly qualified candidates had come to his official knowledge, this would be a sufficient hint to the rest of the competitors that they were to efface themselves. If, on the other hand, he brought forward the names of all, and ordered the consuls to examine the

qualifications of some of them while he himself undertook that duty in the case of others, this may have been done in such a way as to imply that he wished them all to be voted for indifferently. This would be especially the case, if we may conjecture that the emperor did not arbitrarily pick and choose the candidates he was to "nominate," as he undoubtedly did those whom he was to "commend." A passage of Dio Cassius (lviii. 20), relating to Tiberius, may perhaps throw some light on this. After saying that Tiberius commended certain candidates, who were elected at once by all voices, he proceeds to describe his practice in the case of those not commended—*τοὺς δὲ ἐπί τε τοῖς δικαιώμασι καὶ ἐπὶ τῇ ὁμολογίᾳ τῷ τε κλήρῳ ποιούμενος*. It may perhaps be allowable to interpret this as meaning that certain ancestry or certain services (*δικαιώματα*) gave a man a claim by custom to have his certificate from the emperor, and that in some other cases persons were marked out for the honour by general acclamation of the senate or by consent of their competitors (*ὁμολογίᾳ*); but that for the rest Tiberius in the case of the praetorship decided by lot which names he should examine for himself and which he should refer for examination to the consuls. In the latter case, as chance alone would decide, it can have been no indication of disfavour that a man should not come armed with the imperial certificate. [J. L. S. D.]

NOMI'SMATOS DIA'PHORAS GRAPHE (*νομίσματος διαφορᾶς γραφή*) is the name of the public action which might, at Athens, be brought against anyone who coined money either too light in weight or not consisting of the pure metal prescribed by the law. The lawful punishment inflicted upon a person in case he was convicted was death. (Demosth. *c. Lept.* p. 508, § 67; *c. Timocrat.* p. 765, § 212.) What action might be brought against those who coined money without the sanction of the republic, and how such persons were punished, is not known (*Att. Process*, ed. Lipsius, p. 437). Xenophon (*de Vect.* iii. 2) remarks that the Athenian silver coins were actually worth their nominal value. [L. S.] [H. H.]

NOMOPHY'LACES (*νομοφύλακες*) were certain magistrates or official persons of high authority, whose duty it was to see that nothing unconstitutional was proposed, and to punish those who acted unconstitutionally (Xen. *Oec.* 9, 14; Cic. *de Leg.* iii. 20, 46): they had also to provide for the safe custody of written laws and records (*C. I. G.* 3794). Generally speaking, they were intended to uphold the established order of things against hasty innovators (cf. Plat. *Leg.* vi. p. 755 A). We find them at Abdera, Mylasa, Chalcedon, Corcyra (see the inscr. cited by Gilbert, *Staatsalt.* ii. p. 337): but the office sometimes has a different title, *νομοδεῖκται* at Andania (Dittenberg, 388, 114) and *θεσμοφύλακες* at Elis (Thuc. v. 47). At Sparta there were five *νομοφύλακες* and a *γραμματοφύλαξ* or keeper of records, who in some inscriptions is ranked with his superiors, so that the number appears to be six. (See Gilbert, i. p. 27.)

At Athens this supervision had originally belonged to the Areiopagus, and, when Ephialtes deprived that body of its power [AREIOPAGUS, Vol. I. p. 177], it seemed necessary to have some "guardians of the law" who should be a check upon too rapid legislation, by protesting against propositions which were detrimental to the state or subversive of the constitution. (*Lex. Cantab.* s. v.; Phot. *s. v.*; Schömann, *Antiq.* p. 342; Grote, *Hist.* v. 503, ch. xlvi.; E. Curtius, *Hist.* ii. p. 385.) These were a board of seven Nomophylaces, chosen annually by lot, who sat beside the Proedri in the senate and in the assembly. They were abolished in the archonship of Eucleides, when the Areiopagus regained some of its supervising powers, but were instituted again by Demetrius of Phalerum. Some writers hold this to have been the first institution of nomophylaces at Athens (see Gilbert, *Staatsalt.* i. p. 153). It may be observed that the importance of the board was really small, since the control which belonged to them was in practice superseded by the GRAPHE PARANOMON; and this may account for our hearing nothing of their activity. [C. R. K.] [G. E. M.]

NOMOS (*νόμος*). The definition of *νόμος* in [Dem.] *c. Aristog.* i. p. 774, § 16—a definition which has passed into the Digests, l. 2, *de legibus*—contains all the points which must be touched upon in discussing law and legislation amongst the Greeks: *πᾶς ἐστὶ νόμος εὕρημα μὲν καὶ δῶρον θεῶν, δόγμα δ' ἀνθρώπων φρονίμων, ἐπανόρθωμα δὲ τῶν ἑκουσίων καὶ ἀκουσίων ἁμαρτημάτων, πόλεως δὲ συνθήκη κοινή, καθ' ἣν πᾶσι προσήκει ζῆν τοῖς ἐν τῇ πόλει.* In the heroic ages the king's authority, which the family derived from the favour of Zeus (*τιμὴ δ' ἐκ Διός ἐστι, Il.* ii. 197) and which passed by descent, as a general rule, to the eldest son, was not absolute, but limited *ἐπὶ ῥητοῖς γέρασι* (Thuc. i. 13: cf. Dion. Halic. *A. R.* v. 74). As Aristotle says (*Pol.* iii. 10 [14 B.] 1), "he commands the army, administers justice" (chiefly, though not exclusively), "and conducts the rites of religion." The king received from Zeus the sceptre, the symbol of the judicial authority, and with it the *θέμιστες* (*Il.* ii. 206; ix. 98 f.), which belong properly to Zeus (*Od.* xvi. 403): so that "when he decided a dispute by a sentence the judgment was assumed to be the result of direct inspiration;" when he called in the assistance of the *γέροντες*, "they sat on polished stones in the holy circle and held in their hands the heralds' sceptres; with these they rose up and gave sentence in turn" (*Il.* xviii. 504 ff., *δικασπόλοι, οἵτε θέμιστας πρὸς Διὸς εἰρύαται, Il.* i. 238 f.), and he himself occupied probably the same position among them which is ascribed to Minos when judging the dead (*Od.* xi. 568 ff.). [REX.] The same idea which caused these judgments of the king to be attributed to divine inspiration shows itself here and there at a later period in the claim of a divine origin for entire systems of laws. "Do you believe, as Homer says," asks the Athenian of the Cretan Cleinias, "that Minos went every ninth year to converse with Zeus and made laws for your cities in accordance with his sacred words?" "Yes, that is our tradition" (Plat. *Legg.* i. *init.*). According to the tradition of the Spartans preserved by Herodotus (i. 69), Lycurgus introduced the laws of Crete into Sparta: "Some, however," he adds, "said that the Pythia gave him the constitution which still exists in Sparta;" and the latter belief gained general acceptance (Xen.

de Rep. Lac. 8, πυθόχρηστοι νόμοι), so that Lycurgus came to be looked upon as φύσις τις ἀνθρωπίνη μεμιγμένη θείᾳ τινὶ δυνάμει (Plat. *Legg.* iii. p. 691 E). Zaleucus, too, is made to say that Athene had appeared to him in a dream and given him laws (Plut. *de se ips. laud.* p. 534 A: cf. Arist. Λοκρῶν πολιτ. *fr.* 230). The great fundamental conceptions of morality, common alike to all mankind, the ἄγραφοι νόμοι, were also believed to have come from the gods (Soph. *Oed. R.* 864 ff.; Eurip. *Antiop.* fr. 219; Xen. *Memor.* iv. 4, 19); and being derived and having their sanction from heaven, they were considered superior to the enactments of human societies (Soph. *Antig.* 454 ff.; Eurip. *Suppl.* 19, 526, 537; Thuc. iv. 97, etc.). This is the κοινὸς νόμος—ὅσα ἄγραφα παρὰ πᾶσιν ὁμολογεῖσθαι δοκεῖ—as opposed to the ἴδιος νόμος, καθ' ὃν γεγραμμένον πολιτεύονται, which applies only to the citizens of each individual state (Arist. *Rhet.* i. 10, 3). The ἴδιος νόμος did not protect the foreigner (ἀτίμητος μεταναστής, *Il.* ix. 648); there never was at Athens a state law τοὺς ξένους μὴ ἀδικεῖσθαι, as Petit supposes (*Legg. Attic.* viii. tit. iv. p. 678), but there, as everywhere, ξένοι were looked upon as protected by Ζεὺς Ξένιος (οὔ μοι θέμις ἐστ' . . . ξεῖνον ἀτιμῆσαι, *Od.* xiv. 56, ix. 270; Plat. *Legg.* v. p. 729 E, etc.; κατὰ τὸν κοινὸν ἁπάντων ἀνθρώπων νόμον ὃς κεῖται τὸν φεύγοντα δέχεσθαι, Dem. *c. Aristocr.* p. 648, § 85). When aliens became residents (μέτοικοι) in Athens, they were admitted to the protection of the law under certain conditions, but were never placed on the same footing as the Athenians, and the special jurisdiction over them was entrusted to the polemarch. (As to the κόσμος ξένιος in Gortyn, see *Bull. de Corr. Hellén.* xi. p. 243.) [METOECI.]

The θέμιστες of the king were not laws, but single, isolated judgments. Zeus, as Grote says, or the human king on earth, was not a law-maker, but a judge (the word νόμος does not occur in Homer); but, owing to parities of circumstances in the simple conditions of ancient society, awards were likely to follow and resemble each other in the succession of similar cases. Thus a beginning was made of customary law which was fully developed in the era of aristocracies following upon the period of kingly rule. The regal power, though limited, was liable to be abused, and Hesiod complains bitterly of the crooked and corrupt judgments of which the kings were habitually guilty. The nobles, who had originally served as council to the king, superseded him (except in Sparta, where however his power was greatly reduced), and alternated the functions of administration among themselves; and at Athens, as we are told (Pausan. iv. 5, 10, ἀντὶ βασιλείας μετέστησαν ἐς ἀρχὴν ὑπεύθυνον: cf. Herod. iii. 80), the archons were made responsible (to the Eupatrids, Schömann, *Jahrb. f. kl. Philol.* 1872, p. 105 ff.). These aristocracies did not claim direct inspiration for every sentence, as the kings had done, but they claimed that they alone possessed the knowledge of the law: this, then, is the epoch of Customary Law, of the unwritten law known exclusively to one class. The Spartans never went beyond this stage. Their νόμιμα were held to be as old as their race: "The descendants of Pamphylus and of the Heracleidae who dwell under the brow of Taygetus wish always to retain the τεθμοὶ of Aegimius," *i.e.* the son of Dorus and their mythical ancestor (Pind. *P.* vi. 64 f.); and Hellanicus, the most ancient writer on the constitution of Sparta, makes no mention of Lycurgus (for which he is censured by Ephorus, Strab. viii. p. 366), and attributes what are called the institutions of Lycurgus to the first kings, Procles and Eurysthenes. When Herodotus (i. 65) describes the Spartans before the time of Lycurgus as being κακονομώτατοι, he can only mean that these τεθμοὶ of Aegimius had been overthrown, and that Lycurgus restored them. Lycurgus' laws were not written (the Spartans were forbidden by a rhetra to have written laws); Lycurgus connected the problem of legislation chiefly with education (Plut. *Lyc.* 13, τὸ γὰρ ὅλον καὶ πᾶν τῆς νομοθεσίας ἔργον εἰς τὴν παιδείαν ἀνῆψε). Hence we find that the γέροντες in Sparta could punish with death and exile (Arist. *Pol.* vi. 7 [iv. 9[b] B.], 5; τὰς φονικὰς δικάζουσιν, iii. 1, 7) without being responsible (ii. 6 [9 B.], 17) or being bound by a written code. The kings decided disputes about heiresses, and all adoptions were made in their presence (Herod. vi. 57); the ephors decided civil suits (τὰς τῶν συμβολαίων δίκας, Arist. *Pol.* ii. 7 [10 B.], 6), and for these Lycurgus did "not prescribe any positive rule or inviolable usage, willing that their manner and form should be altered according to the circumstances of time, and determination of men of sound judgment" (Plut. *Lyc.* 13).—In Crete the position of the γέροντες (called there βουλή, Arist. *Pol.* ii. 7 [10 B.], 3) was exactly the same as in Sparta: they were not bound in their sentences by a written code; but private law was reduced to writing. In 1884 near Gortyn an inscription was discovered (on part of an inside wall of what was probably the δικαστήριον), in twelve columns, written βουστροφηδόν, dating from between 450 to 350 (cf. Svoronos in *Bull. de Corr. Hellén.* xii. p. 404 ff. against Comparetti's earlier date), containing an elaborate code of private laws, in which reference is made several times to previous written laws, partly still in force, partly amended by this code, *e.g.* xii. 16 f., ᾗ ἔγραπτο πρὸ τῶνδε τῶν γραμμάτων. [COSMI; add to the literature there given Merriam, *Amer. Journ. of Archaeol.* i. 4 and ii. 1.] This brings us to a new epoch: to the era of Codes. The aristocracies seem to have abused their monopoly of legal knowledge, and at all events their exclusive possession of the law was a formidable impediment to the success of the popular movements beginning to be universal. Laws written on tablets and published to the people took the place of usages deposited with the recollection of a privileged class. The first written code, we are told, was that of Zaleucus (Strab. vi. p. 259); it is specially mentioned of him, that whilst it had hitherto been left to the discretion of the judge to settle the punishment for every offence, he fixed the penalty by law (Strab. vi. p. 260), and also gave simple regulations for private suits (Diod. xi. 21, 3: cf. Polyb. xii. 16). In B.C. 621 the archon Draco (Pausan. ix. 36, 8) was appointed to draw up a written code of laws for Athens (Arist. *Pol.* ii. 9 [12 B.], 9); these are usually called θεσμοί, and by that name distinguished from the νόμοι of Solon, *e.g.* Andoc. *de Myst.* §§ 81, 83; yet Solon uses the term θεσμὸς of his amnesty law on the 13th ἄξων

(Plut. *Sol.* 19, 3; cf. Dem. *c. Leoch.* p. 1094, § 46); and [Dem.] *c. Euerg. et Mnes.* p. 1161, § 71, speaks of Draco's *νόμοι*. We know very little about Draco's laws with the exception of those on homicide, which Solon retained (Plut. *Sol.* 17), and which were always considered excellent (Antiph. *de caed. Herod.* § 14). They were probably no more than such ancient ordinances reduced to writing as the ephetae had been accustomed to enforce ever since the community had, step by step, put an end to the blood-feud and reduced the pursuit of the murderer and the atonement for murder to legal forms, making the *νόμος* instead of the prosecutor *κύριος* of the murderer (Dem. *c. Aristocr.* p. 642, § 69, *φόνος ἑκούσιος*; p. 643, § 71, *φόνος ἀκούσιος*, etc.). The extreme severity of Draco's punishments, on which Aristotle remarks, was not due to any cruel disposition on his part, but to the spirit of the age: moreover their severity has been somewhat exaggerated (Pollux, ix. 61; viii. 42). At all events the people gained little by the written code except a more perfect knowledge of its severity. In B.C. 594* Solon was chosen archon and *διαλλακτὴς καὶ νομοθέτης* (Plut. *Sol.* 14, cf. 16; Herod. i. 29, *Ἀθηναίοισι κελεύσασι νόμους ἐποίησε*). Unfortunately so small are the fragments which have come down to us of Solon's laws (collected by Duncker, *Gesch. d. Alterth.* vi.[5] p. 198 ff.), and so much has been ascribed to him by the orators which belongs really to subsequent times, that it is scarcely possible to form a clear opinion respecting his legislation in all its details. Certain it is that it shows a remarkable progress in the Greek mind respecting legislation. No special divine inspiration was claimed for Solon's laws, nothing beyond that divine influence which the Greeks felt to underlie and support every social institution; they were looked upon as the laws of a just and practically wise man (*οὐκ ἔφυγον ἕνα τὸν δικαιότατον καὶ φρονιμώτατον ἐπιστῆσαι τοῖς πράγμασιν*, Plut. *Sol.* 14), who fitted his laws to the existing state of things rather than made things suit his laws (*l. c.* 22), and who, when asked whether he had given the Athenians the best laws, could truly answer, "The best of those which they would accept" (*l. c.* 15),—of a man who, believing in human progress, did not endeavour to secure fixity or finality for his laws (*τοὺς νόμους ἔφη μετακινητοὺς εἶναι*, Plut. *Sept. Sap. Conviv.* p. 152 a, as contrasted with Lycurgus' theory in Plut. *Lyc.* 29, *ἀκίνητον ἐς τὸ μέλλον*), but only exacted from the Athenians an oath that they would not rescind any of them for ten years (Herod. i. 29; for a century, Plut. *Sol.* 25), and devised wise regulations for the revision of the code. For, knowing on the one hand that laws consecrated by long usage are more readily obeyed (cf. on this point Arist. *Pol.* ii. 5 [8 B.], 14), and foreseeing on the other that the best legislation would in course of time require adaptation to existing circumstances, he so contrived matters that whilst his laws were subject to constant revision, all attempts at hasty legislation were checked. [NOMOTHETES.] Any law thenceforward added to the code was in fact "a contract of the state according to which it befits all who belong to it to live:" cf. Arist. *Rhet.* i. 15, 21, *καὶ ὅλως αὐτὸς ὁ νόμος συνθήκη τις ἐστίν*; Anaxim. *Ars Rhet.* ed. Spengel, p. 2, 2, p. 13, 12 f.; and the same principle in Plato, *Legg.* i. p. 644 D, *ἐπὶ δὲ πᾶσι τούτοις λογισμὸς ὅ τί ποτ' αὐτῶν ἄμεινον ἢ χεῖρον· ὃς γενόμενος δόγμα πόλεως κοινὸν νόμος ἐπωνόμασται*. For any law which was *ἐπιτήδειος* (Dem. *c. Tim.* p. 722, § 68; *c. Lept.* p. 482, § 83 f.) the proposer could reckon upon ready acceptance; for it was the outcome of practical needs which required only to be duly stated within the prescribed forms. To satisfy a practical need (*ἐκ γὰρ τοῦ πράττεσθαί τινα ὧν οὐ προσῆκεν, ἐκ τούτου τοὺς νόμους ἔθηκαν οἱ παλαιοί*, Aeschin. *c. Tim.* § 13; *ὁ μὲν γὰρ νόμος πέφυκε προλέγειν ἃ μὴ δεῖ πράττειν*, Lyc. *c. Leocr.* § 4), not to build up a system of laws which provided for every conceivable case, was the aim of Greek legislation (Theophr. *π. νόμων*, fr. 1 and 2, in *Journ. of Philol.* vi. p. 1: "jura constitui oportet, ut ait Th.," in his "quae *ἐπὶ τὸ πλεῖστον* accidunt, non quae *ἐκ παραλόγου*," *Digest.* i. 3, 3; *τὸ γὰρ ἅπαξ ἢ δίς*, ut ait Th., *παραβαίνουσιν οἱ νομοθέται*, *Digest.* i. 3, 6).

Solon's laws were inscribed *βουστροφηδόν* on square wooden tablets (*ἄξονες*) on a pivot (Aristotle in Aul. Gell. *N. A.* ii. 12; Harpocr. *s. v.* *ἄξονι*, Plut. *Sol.* 25). Draco's laws on homicide, which Solon retained, were likewise inscribed on *ἄξονες*, but these were counted by themselves. This is evident from *C. I. A.* i. No. 61, where Draco's law *περὶ φόνου* is mentioned as being inscribed on the *πρῶτος ἄξων* (cf. Dem. *c. Aristocr.* p. 629, § 28, *ἐν τῷ α' ἄξονι*, Cobet, *Var. Lect.* p. 123), whilst the *πρῶτος ἄξων* of Solon's legislation contained quite different laws. From Plut. *Sol.* 24 we learn that it contained a law forbidding the exportation of any native produce except olive oil; and from Harpocr. *s. v.* *σῖτος*, that on it were inscribed regulations for the maintenance of widows and orphans. This first *ἄξων* evidently contained the *νόμοι τοῦ ἄρχοντος*: for the *ἄρχων* was bound, on pain of forfeiting 100 drachmas, to

* A different date for Solon's legislation is fixed by Holzapfel (*Berl. Stud.* vii. 3) and Th. Case (*Class. Rev.* ii. No. 8). The former places it in B.C. 584–3, as Demosthenes does, who in B.C. 343–2 (the date of *de fals. Leg.*) places the era of Solon 240 years back (p. 420, § 251). After Damarias had held the archonship for two years (587–585 B.C.) and was driven by force from office, a compromise was effected, by which four Eupatrids, three *ἄποικοι*, and two *δημιουργοὶ* should be elected archons. This arrangement lasted only one year (B.C. 585–4), according to Busolt (*Griech. Gesch.* i. p. 544), for in the following year fell Solon's legislation. Th. Case distinguishes Solon's seisachtheia, passed in the year of his archonship, *i.e.* B.C. 594, and his general legislation, which occurred after B.C. 570; in fixing the latter so late he relies especially on Herodotus' remark (ii. 177), that Solon borrowed his law against idleness from Amasis king of Egypt, who succeeded to the throne c. 570 B.C. (Wiedemann, *Aegypt. Gesch.* p. 602; *Class. Rev.* ii. No. 9, p. 291.) It is, however, anything but certain that this law was introduced by Solon; a better authority, Lysias (*Lex. Rhet. Cantabr.* p. 665, 20 ff.; cf. Plut. *Sol.* 17), ascribes it to Draco, who ordained death as the penalty (disfranchisement, Pollux, viii. 42), whilst Solon, who retained this law, inflicted a fine of 100 drachmas for the first conviction and disfranchisement only when a person was convicted a third time. According to Theophrastus (*περὶ νόμων, fr.* 27), it was Pisistratus who first passed the law: this probably means that he introduced further modifications. Duncker (*l. c.* p. 156 n.), too, is of opinion that one year was not sufficient for carrying out all Solon's reforms.

pronounce solemn curses upon any offender against the law regulating export, and to him was also entrusted the care of widows and orphans (*Att. Process*, ed. Lipsius, p. 57). From this it would appear that Solon's laws were arranged according to the magistrates who had to administer them—an arrangement which seems to have been the usual one at Athens (*Att. Process*, ed. Lipsius, p. 206 f.: *νόμος τοῦ βασιλέως*, Athen. vi. p. 235 c; Pollux, iii. 39; *νόμοι βουλευτικοί*, *lex* in Dem. *c. Tim.* p. 706, § 20, etc.; the *νόμοι ἐπικλήρων*, *τελωνικοί*, *ἐμπορικοί*, etc., were subdivisions, *e.g.* the *νόμοι ἐπικλήρων* of the *νόμοι τοῦ ἄρχοντος*, etc.). According to the scholiast on Plat. *Polit.* p. 298 D, Solon divided his laws into *νόμοι περὶ τῶν ἱερῶν*, *νόμοι πολιτικοί*, and *νόμοι περὶ τῶν ἰδιωτικῶν*, and the third class was placed on the *ἄξονες*, the other two on the *κύρβεις* (cf. *Sol.* 25); but earlier writers knew of no such difference between *ἄξονες* and *κύρβεις* (cf. Eratosthenes in Schol. on Aristoph. *Nub.* 447). According to others, the *ἄξονες* were wooden tablets, whilst the *κύρβεις* were stone pillars (Apollodorus in Harpocr. *s. v.*); but from the passage from Cratinus quoted by Plut. *Sol.* 25 it is clear that the *κύρβεις* were of wood. In all probability, as Aristotle suggests, *ἄξονες* and *κύρβεις* were synonymous terms [AXONES]. Solon's laws were preserved first in the Acropolis, subsequently brought by Ephialtes *εἰς τὸ βουλευτήριον καὶ τὴν ἀγοράν* (Anaximenes in Harpocr. *s. v. ὁ κάτωθεν νόμος*), and ultimately to the prytaneum, where Polemon, *c.* 200 B.C., saw them yet (Harpocr. *s. v. ἄξονι*), and where some remnants (*λείψανα μικρά*) existed even in the days of Plutarch (*Sol.* 25); some sixty years later Pausanias said inaccurately *ἐν ᾧ* (sc. Prytaneum) *νόμοι τε οἱ Σόλωνός εἰσι γεγραμμένοι*, etc. (i. 18, 3). According to Aristotle, copies of the laws were placed in the *στοὰ βασιλεία* (Harpocr. *s. v. κύρβεις*). Whether Aristotle refers to the legislation of B.C. 409 and 403, or to an earlier measure (perhaps to Ephialtes, *l. c.*, *τοὺς κύρβεις εἰς . . . τὴν ἀγοράν*, etc.), it is perfectly clear that for practical use such copies of all the laws on *στῆλαι* were in the court of the basileus in the market-place: cf. *C. I. A.* i. No. 61, *ἀναγραψάντων οἱ ἀναγραφεῖς τῶν νόμων . . . ἐν στήλῃ λιθίνῃ καὶ καταθέντων πρόσθεν τῆς στοᾶς τῆς βασιλείας*, and the psephisma in Andoc. *de Myst.* § 84, *τοὺς δὲ κυρουμένους τῶν νόμων ἀναγράφειν εἰς τὸν τοῖχον*, *i.e.* *εἰς τὴν στοάν* (*l. c.* §§ 85, 82). There were besides, in the offices of the different magistrates, copies of those laws which they had to administer: thus Andocides speaks of a law which he considered Solonian as *ἐν τῇ στήλῃ ἔμπροσθεν τοῦ βουλευτηρίου* (*de Myst.* § 95 f.: cf. the *νόμοι βουλευτικοὶ* in Dem. *c. Tim.* p. 706, § 20); the laws on homicide were engraven on a *στήλη* in the Areiopagus (Dem. *c. Aristocr.* p. 627, § 22; Lys. *de caed. Erat.* § 30; [Lys.] *c. Andoc.* § 15; [Dem.] *c. Euerg. et Mnes.* p. 1161, § 71).*

Within a year after the deposition of the Four Hundred the complete democracy was restored, and a revision of the laws ensued: commissioners (*συγγραφεῖς*, *C. I. A.* i. No. 58: Demophantus was one of them, *τάδε Δ. συνέγραψεν*, Andoc. *de Myst.* § 96) were appointed with *ἀναγραφεῖς* (*C. I. A.* i. No. 61; cf. Lys. *c. Nicom.* § 2) under them to copy the laws within four months after the revision (R. Schöll, *de extraord. quibusd. magistr. Athen.* in *Comment. Philol. in hon. Th. Mommseni*, p. 458 ff.), and from *C. I. A.* i. No. 57 and No. 61 it is evident that the law on the competency of the senate and the popular assembly, and Draco's law respecting homicide, were copied afresh. This revision was interrupted by the unfavourable turn which the war took, and was not resumed until the archonship of Eucleides, B.C. 403. Then it was proposed *χρῆσθαι τοῖς Σόλωνος νόμοις καὶ τοῖς Δράκοντος θεσμοῖς* (Andoc. *de Myst.* § 82; cf. Xen. *Memor.* ii. 2, 42, *τοῖς νόμοις τοῖς ἀρχαίοις*) in the meantime; the senate selected ten *νομοθέται* (*ὁπόσων δ' ἂν προσδέῃ*, *οἱ δέκα* [Sluiter, *lect. Andoc.* p. 134, *οἵ δε* MSS.] *ῥηρημένοι νομοθέται ὑπὸ τῆς βουλῆς*), who had to write on tablets all proposals for new laws, post them up for public inspection before the statues of the Eponymous Heroes, and hand them over within a month *ταῖς ἀρχαῖς*, *i.e.* to the different magistrates interested, all the laws to be examined first by the senate and then by the 500 nomothetae (after having taken the oath), elected by the *δημόται*, and during the discussion before the senators every private citizen was to have liberty to enter the senate and tender his opinion. All the laws thus approved were written out in the Ionian alphabet (Suid. *s. v. Σαμίων ὁ δῆμος*). At the same time it was enacted that no magistrate should act upon any law not among those inscribed; that no psephisma either of the senate or of the people should overrule any law; that no law should be passed *ἐπ' ἀνδρὶ* unless by the votes of the majority in an assembly at which at least 6000 Athenians were present and voted (secret voting by ballot), *e.g.* in case of naturalisation of a foreigner; and that in future the code as revised in the archonship of Eucleides should be used (Andoc. *l. c.* § 87; cf. Dem. *c. Tim.* p. 713, § 42, *lex*).—After the Lamian war the democratic constitution was overthrown by Antipater; Demetrius of Phaleron, the third *νομοθέτης* of Athens (Syncellus, *Chron.* 273), established again a professedly democratic government (*οὐ μόνον οὐ κατέλυσε τὴν δημοκρατίαν ἀλλὰ καὶ ἐπηνώρθωσε*, Strab. ix. p. 398), but Plutarch's (*Demetr.* 10) description of it as in fact a *μοναρχικὴ κατάστασις* seems more accurate; three years after his death, in B.C. 304–3, a new *ἀναγραφὴ* of the laws took place (*C. I. A.* ii. No. 258).

The magistrates and dicasts were bound by solemn oaths to administer the laws, executive and judicial: the nine archons swore *συμφυλάξειν τοὺς νόμους* (Pollux, viii. 86; cf. Plut. *Sol.* 25), the senators *βουλεύσειν κατὰ τοὺς νόμους* (Xen. *Memor.* i. 1, 18), the dicasts *κατὰ τοὺς νόμους δικάσειν . . . καὶ περὶ ὧν μὲν ἂν νόμοι μὴ ὦσι, γνώμῃ τῇ δικαιοτάτῃ κρινεῖν* (Dem. *c. Lept.* p. 492, § 118, etc.). In the decree of Tisamenus the senate of Areiopagus were enjoined to see *ὅπως ἂν αἱ ἀρχαὶ τοῖς κειμένοις νόμοις χρῶνται* (Andoc. *de Myst.* § 84; cf. Plut. *Sol.* 19). As the dicasts performed the functions both of

* The ancient law respecting the wife of the basileus engraven on a stone pillar *ἀμνδροῖς γράμμασιν Ἀττικοῖς* was preserved in the temple of Dionysus *ἐν Λίμναις*, which was opened only once every year ([Dem.] *c. Neaer.* p. 1370, § 76 f.).

judge and jury, *i.e.* were entrusted with the whole judicial power after the cause was brought into court (they decided upon the law as well as upon the facts without being directed or controlled by a presiding judge), it is evident that the important question how the laws of Athens worked depends on the discretion which in practice they exercised in the interpretation of the written law, or, where there was no written statute, in applying the general principles of law and justice to the case before them. This is only to be discovered by a careful perusal of the Attic orators, and is too wide a question to be discussed here. The materials for a trial were prepared by the parties themselves under the superintendence of the magistrate, and the dicasts had to decide upon the materials thus prepared. Of the five ἄτεχνοι πίστεις which Aristotle mentions (*Rhet.* i. 15, *νόμοι, μάρτυρες, συνθῆκαι, βάσανοι, ὅρκος*) we are here concerned only with the first; the parties procured copies or extracts of such laws as were material to the questions to be tried, and brought them before the ἡγεμὼν δικαστηρίου at the ἀνάκρισις, by whom they were put into the box (ἐχῖνος), together with the other evidentiary documents, and produced at the trial to be read to the dicasts by the γραμματεύς. To produce a fictitious law is said to have been an offence punishable with death ([Dem.] *c. Aristog.* ii. p. 807, § 24). It was easy for the parties to procure copies, since every citizen had access to the public places where the laws were open to inspection, and to the Metroon which served as state archives (*νομοφυλάκιον*, Suid. *s. v. μητραγύρτης*; from the fourth century, according to Wilamowitz-Möllendorf, *Philol. Unters.* i. p. 205 f.) for all kinds of documents: laws (Lycurgus in Harpocr. *s. v.*; Lyc. *c. Leocr.* § 66, etc.), decrees (the originals, Athen. v. p. 214 e; Dinarch. *c. Dem.* § 86), etc., and was in charge of a public servant (*δημόσιος*, Dem. *de fals. Leg.* p. 380, § 129). (C. Curtius, *de Metroon in Ath. als Staatsarchiv.*) There was at Athens no class of persons corresponding to our counsel or attorneys, whose business or profession it was to expound the laws. The office of the ἐξηγηταὶ related only to religious observances. The laws were not complicated; at all events it was considered a requirement of a good law that it should be drawn simply and intelligibly (Dem. *c. Tim.* p. 722, § 68), and nothing seems more directly opposed to Solon's aims than the charge brought against him by Plutarch (*Sol.* 18), that he wrapped his laws in studied obscurity. Every Athenian on coming of age swore to obey the laws (*τοῖς θεσμοῖς τοῖς ἱδρυμένοις πείσομαι καὶ οὔστινας ἂν ἄλλους τὸ πλῆθος ἱδρύσηται ὁμοφρόνως*, Stob. *Flor.* xliii. 48; cf. Pollux, viii. 105 f.), and Pericles pointed to the fear of the laws as the source of every civic virtue (Thuc. ii. 37). But, to use Burke's words (*Reflections on the Revolution in France*, p. 459), "The vice of the ancient democracies, and one cause of their ruin, was, that they ruled . . . by occasional decrees, psephismata. This practice soon broke in upon the tenour and consistency of the laws; it abated the respect of the people towards them, and totally destroyed them in the end." (Hermann, *Ueber Gesetz, Gesetzgebung, etc. im griech. Alterth.*; Maine, *Anc. Law*, ch. 1; Leist, *Graeco-ital. Rechtsgesch.*) [H. H.]

NOMO'THETES (*νομοθέτης*), legislator, is a word which may be applied to any person who causes laws to be enacted (*ὁ νόμον καινὸν εἰσφέρων*, Schol. on Dem. *Olynth.* iii. p. 31, § 10). Thus, Pericles and Themistocles are called *νομοθέται*, movers or proposers of laws (Lys. *c. Nichom.* § 28; *c. Phil.* § 27, etc.). It is, however, more commonly given to those eminent men whose laws have been celebrated for their intrinsic merit, or for the important influence which they exercised over the destinies of their country. Such were Minos of Crete (Plat. *Min.* p. 318 C); Zaleucus at Locri; Charondas at Catana, whose laws were adopted by the Chalcidian cities in Sicily and Italy (Arist. *Pol.* ii. 9 [12 B.], 8, praises his laws as superior to all others of his time in accuracy of definition and fineness of discrimination; they were sung *παρ' οἶνον Κατάνησι, Philologus*, v. p. 421, *i.e.* at Catana, not 'Αθήνησι, the usual text in Athen. p. 619 b); Draco at Athens (Dem. *c. Tim.* p. 765, § 211); Pittacus of Lesbos; Androdamas of Rhegium (Arist. *Pol.* ii. 9 [12 B.], 9), etc. But the name of *νομοθέτης* is given *κατ' ἐξοχὴν* to Lycurgus and Solon; for they were also founders of *constitutions* (*πολιτεῖαι*, Arist. *Pol.* ii. 9 [12 B.], 1). So high was the esteem in which Solon was held by the Athenians as the founder of their social polity, that although many important reforms were effected at various periods, he still continued to be regarded as *the lawgiver*, and the whole body of laws passed under his name (Meier, *de Bon. Damn.* p. 2).

As pointed out in NOMOS, Solon did not endeavour to secure fixity and finality for his laws. Zaleucus (Dem. *c. Tim.* p. 744, § 139; Polyb. xii. 16) discouraged changes in his laws by the regulation that he who proposed a new law had to bring the matter before the council with a cord about his neck, and was to be put to death if his proposal was negatived (Diod. xii. 17 ascribes this regulation to Charondas). When Lycurgus went on his last journey from which he never returned (so the story runs), he bound his countrymen by an oath to observe all his laws till his return (Plut. *Lyc.* 29). Solon exacted a similar oath of the Athenians for ten years only (Herod. i. 29; for a century, Plut. *Sol.* 25), and devised certain formalities for repealing an existing law and enacting a new one (Dem. *c. Lept.* p. 484, § 89 f., p. 485, § 93; Aeschin. *c. Ctes.* § 38 ascribes them *τῷ νομοθέτῃ τῷ τὴν δημοκρατίαν καταστήσαντι*). Grote (*Hist. of Gr.* iii. p. 123 f.) doubts whether Solon made any such provisions (as we find in operation in the time of Demosthenes), and refers "to post-Solonian matters in the supposed Solonian law, *e.g.* to the regulation (Dem. *c. Tim.* p. 707, § 23, that the proposer had to put up his project of law before the Eponymi." Of course this regulation cannot have proceeded from Solon, but the existence of such post-Solonian matters may be admitted without giving up the main point, viz. that it was Solon who laid down the principle of periodical revision of the laws (Schömann, *Verfassungsgesch. Ath.* p. 57).*

* In Busolt's opinion (*Griech. Staats. u. Rechtsaltert.* § 195) the mode of enacting laws in the fifth century differed from that in use in the fourth, inasmuch as in

The method of procedure at the ἐπιχειροτονία νόμων was as follows:—At the first assembly of the first prytany, *i.e.* on the eleventh of Hecatombaeon, after speeches recommending new laws and defending the old ones had been delivered, the question was put to the vote (χειροτονία) whether the laws should be confirmed as they stood or be revised. The laws were submitted in groups, according to Dem. *c. Tim.* p. 706, § 20, *lex:* first *οἱ βουλευτικοί*, *i.c.* those concerning the βουλή; secondly, *οἱ κοινοί*, then *οἷ κεῖνται τοῖς ἐννέα ἄρχουσι*, and *οἱ τῶν ἄλλων ἀρχῶν* — evidently arranged according to the different magistrates who had to administer them, though the term *οἱ κοινοὶ νόμοι* is not clear in this connexion. If a revision of one or more groups of the laws was voted for, in the third assembly following, the appointment of νομοθέται was taken into consideration (*σκέψασθαι καθ' ὅ τι τοὺς νομοθέτας καθιεῖτε*, *l. c.* p. 707, § 25), viz. their number and the length of their session, and how their pay was to be provided. In the interval those who wished to propose a new law had to put up a copy of it before the statues of the Eponymi (*l. c.* p. 705, § 18; p. 708, § 25; p. 711, § 36), that every one might have an opportunity of seeing it; and to give it still further publicity, they had to hand a copy to the secretary of the senate to have it read out at the intervening assemblies (Dem. *c. Lept.* p. 485, § 94), probably together with the old law which it was intended to replace (παραναγνούς, Dem. *c. Tim.* p. 712, § 38). The popular assembly was thus enabled to form an opinion as to the extent and nature of the revision, and accordingly to fix the number of the νομοθέται to be selected by lot from among the heliasts, and to determine their term of office; for the nomothetae were not a standing committee of the heliasts with their own ἐπιστάτης and προέδροι (Fränkel, *d. Att. Geschworengerichte*, p. 23 f.), but were chosen *ad hoc*, and their number was probably not uniform (a thousand, as Pollux, viii. 101, says), but seems to have varied according to the importance of the laws under consideration. The number of nomothetae given in Dem. *c. Tim.* p. 708, § 27, is 1001; in Andoc. *de Myst.* § 84, it is 500 (Blass reads here *ἡ βουλὴ οἱ πεντακόσιοι καὶ οἱ νομοθέται* instead of *ἡ βουλὴ καὶ οἱ νομοθέται οἱ πεντακόσιοι*). At the same time as the nomothetae (not at the first assembly, Dem. *c. Tim.* p. 707, § 23) five συνήγοροι (*l. c.* p. 711, § 36; Dem. *c. Lept.* ed. Wolf. *Proleg.* p. 145) were chosen to argue in defence of the laws which it was proposed to repeal (not five συνήγοροι for each law, as the Schol. on Dem. *c. Tim.* p. 707, § 23, says). Before the nomothetae were called upon to give their final decision, the proposed laws were examined by the senate (*συννομοθετεῖν δὲ καὶ τὴν βουλήν* (*l. c.* p. 708, § 27, *psephisma*); cf. [Xen.] *de Rep. Athen.* iii. 2, *τὴν δὲ βουλὴν βουλεύεσθαι* (*δεῖ*) . . . *πολλὰ* . . . *περὶ νόμων θέσεως*, and Pollux, viii. 101, *τοὺς γὰρ νέους* (sc. *νόμους*) *ἐδοκίμαζεν ἡ βουλή*, etc.); and if we may take the revision of laws in B.C. 403 as an example, the senate performed this duty by themselves, not in conjunction with the nomothetae. The meetings of the nomothetae resembled the assemblies of the people: the prytanes convened them; προέδροι presided over them, probably appointed in the same way, viz. by lot one from each of the non-presiding tribes, and their ἐπιστάτης chosen by lot from among themselves. The statement that the προέδροι put the question to the nomothetae (Dem. *c. Tim.* p. 710, § 33; p. 723, § 71) is not "a blunder on the part of the compiler;" they are mentioned in *C. I. A.* ii. No. 115[b], *ἐν δὲ τοῖς νομοθέταις τοὺς προέδρους οἳ ἂν προεδρεύωσιν καὶ τὸν ἐπιστάτην προσνομοθετῆσαι*, etc. The law in favour of which the nomothetae voted, whether the established law or the proposed one, was κύριος.

Besides this, the thesmothetae (*καλοῦνται δὲ οὕτως, ὅτι τῶν νόμων τὴν ἐπιμέλειαν εἶχον*, Harpocr. *s. v.*) of each year were directed to examine the whole code of laws (διόρθωσις τῶν νόμων), and to see if there were any laws contradictory or useless (Aeschin *c. Ctes.* § 38; Dem. *c. Lept.* p. 484, § 90; Harpocr. and Photius, *s. v.*). If they found such, they had to put up copies of them before the statues of the Eponymi, the prytanes had to convene an assembly of the people for the appointment of nomothetae (*ἐπιγράψαντες νομοθέτας*), and the *ἐπιστάτης τῶν προέδρων* had to submit the laws to the decision of the nomothetae. The usual text of the last clause is *τὸν δ' ἐπιστάτην τῶν προέδρων διαχειροτονίαν διδόναι τῷ δήμῳ: τῷ δήμῳ* is, however, wrongly repeated from the previous paragraph. It is clear from what follows, *τῶν δὲ πρυτάνεων ἀποδόντων τοῖς νομοθέταις ἀνήρητ' ἂν ὁ ἕτερος τῶν νόμων*, that the nomothetae, not the assembly of the people, would have repealed the law. (Höffler, *de nomothes. Att.* p. 10, connecting this passage with Photius' explanation of νομοθέται, strangely supposes that the whole people when engaged in the revision of the laws might be called νομοθέται.) The proceedings in the ἐπιχειροτονία τῶν νόμων and in the διόρθωσις are therefore only different in this respect, that in the former any citizen so disposed, in the latter the thesmothetae in their official capacity, proposed the repeal of a law.

If, after the repeal of an old law by the nomothetae, it was found that the law proposed in its stead was not expedient (*οὐκ ἐπιτήδειος*) for the Athenian people, or was contrary to any of the established laws (*lex* in Dem. *c. Tim.* p. 710, § 33), the proposer was within the limit of a year liable to prosecution (Dem. *c. Lept.* p. 501, § 144; *argumentum*, p. 543). (Schöll, *Ueber attische Gesetzgebung, Sitzungsber. Akad. München*, 1886.) [PARANOMON GRAPHE.]

These regulations for the revision of laws were not always observed; *e.g.* Demosthenes (*Olynth.* iii. p. 31, § 10 f.) recommended the appointment

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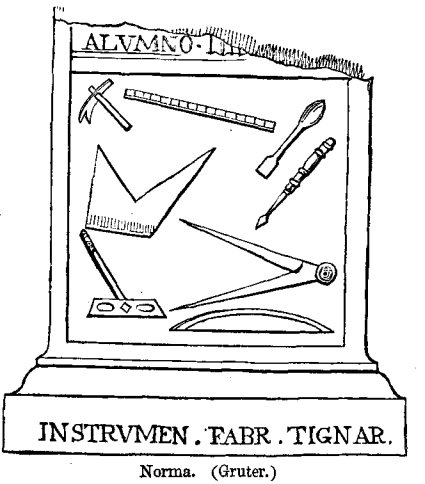
the fifth century certain individuals (συγγραφεῖς) were commissioned to draw up the laws which, after having been approved by the senate, were laid before the popular assembly; συγγραφεῖς for 450 B.C. in *C. I. A.* iv. No. 22 a, for 446 B.C. in the decree about the ἀπαρχαὶ in *Bull. de Corresp. Hell.* 1880, pp. 225 ff., in March 411 B.C. ξυγγραφεῖς αὐτοκράτορες were appointed to prepare a new constitution (Thuc. viii. 67), cf. Xen. *Hell.* ii. 3, 2, 11; *Memor.* i. 2, 31; but immediately after the overthrow of the Four Hundred νομοθέται were appointed (Thuc. viii. 97). Hicks (*Greek Hist. Inscr.* 149, A, § 8) gives an interesting inscription, according to which three νομογράφοι were commissioned to draw up a new code of laws for Teos after the incorporation of the people of Lebedos with the Teians, the laws of Cos being in the meantime in force.

of nomothetae for the special purpose of repealing the laws concerning the theoric fund; one of the charges against Timocrates was that he induced the people to appoint nomothetae out of the usual time, viz. on the day following the first assembly of the year (p. 706, § 18; p. 708, § 26; cf. *c. Lept.* p. 488, § 91). The practice had grown up of passing legislative measures in the shape of decrees, dispensing with the regular course of law. The mere resolution of the people in assembly was a *ψήφισμα*; such decrees were originally measures of government, relating to individuals, or to particular occasions, *e.g.* for the despatch of an embassy. They had indeed the force of laws so far as regarded the obedience due to them, and sometimes *νόμος* and *ψήφισμα* seem to be used indiscriminately, *e.g.* Ps. Plut. *Vitt. X. Oratt.* p. 481 E f., and Aelian, *V. H.* xiii. 24 (Schömann, *de Comit.* p. 249), but one psephisma might be set aside at any time by another. It was ordained by a decree of the people that no free Athenian could be put to torture, but Peisander urged the Athenians to set it aside (*λύειν τὸ ἐπὶ Σκαμανδρίου ψήφισμα*, Andoc. *de Myst.* § 43: cf. [Dem.] *c. Aristog.* i. p. 784, § 47; *Att. Process*, ed. Lipsius, p. 896, n. 372).

Andocides quotes the law: *ψήφισμα μηδὲν μήτε βουλῆς μήτε δήμου νόμου κυριώτερον εἶναι* (*de Myst.* §§ 87, 89; cf. Dem. *c. Aristocr.* p. 694, § 87; *c. Tim.* p. 709, § 30); as long as this law was observed, the democracy was one of the kind in which (as Aristotle, *Pol.* vi. [iv. B.], 4, 3, says) *κύριος ἦν ὁ νόμος, ἀλλ' οὐ τὸ πλῆθος*: but later on things changed: *κύριον ἦν τὸ πλῆθος, ἀλλ' οὐχ ὁ νόμος*,—a change brought about *ὅταν τὰ ψηφίσματα κύρια ᾖ ἀλλὰ μὴ ὁ νόμος, συμβαίνει δὲ τοῦτο διὰ τοὺς δημαγώγους* (cf. Dem. *c. Lept.* p. 485, § 92, *ψηφισμάτων δ' οὐδ' ὁτιοῦν διαφέρουσιν οἱ νόμοι*: Xen. *Hellen.* i. 7, 12, *τὸ δὲ πλῆθος ἐβόα δεινὸν εἶναι εἰ μή τις ἐάσει τὸν δῆμον πράττειν ὃ ἂν βούληται*: [Dem.] *c. Neaer.* p. 1375, § 88, *ὁ γὰρ δῆμος ὁ Ἀθηναίων κυριώτατος ὢν τῶν ἐν τῇ πόλει ἁπάντων καὶ ἐξὸν αὐτῷ ποιεῖν ὅ τι ἂν βούληται*, etc.; Hermann, *Griech. Staatsalt.* § 67, n. 8). Like other despotic sovereigns, the Athenian people claimed "a dispensing power" of overriding the law upon occasion; and their advisers, the professional statesmen and orators, were as such the "keepers of the royal conscience," and liable to severe punishment if their master's conscience consequently reproached him with what he had done at their bidding (Dem. *c. Androt. et Tim.* ed. Wayte, Introd. p. xxxiv.). The same Athenians who declared it intolerable that the people should not be allowed to do as it pleased them, repented soon of their decree and directed a prosecution of those who had advised it. However, proposing decrees paid the *ῥήτορες* well and was worth some risk: Demosthenes and Demades are said to have made more than 60 talents each *ἀπ' αὐτῶν τῶν ἐν τῇ πόλει ψηφισμάτων καὶ προξενιῶν* (Hyper. *c. Dem.* col. 23: cf. Dinarch. *c. Dem.* § 41 ff.). [C. R. K.] [H. H.]

NONAE. [CALENDARIUM.]

NORMA (*γωνία*, Plat. *Phileb.* p. 51 C; *γνώμων*, Arist. *Categ.* 14), a square, used by carpenters, masons, and other artificers, to make their work rectangular (Vitruv. vii. 3; Plin. *H. N.* xxxvi. § 172). It was made by taking three flat wooden rulers [REGULA] of equal thickness, one of them being 2 feet 10 inches long, the others (called *anconcs*, Vitruv. viii. 6) each 2 feet long, and joining them together by their extremities so as to assume the form of a right-angled triangle. (Isid. *Orig.* xix. 18.) This method, though only a close approximation, must have been quite sufficient for all common purposes. For the sake of convenience, the longest side, *i.e.* the hypotenuse of the triangle, was discarded, and the instrument then assumed the form in which it is exhibited among other tools in woodcut at Vol. I. p. 429. A square of a still more simple fashion, made by merely cutting a rectangular piece out of a board, is shown on another sepulchral monument, found at Rome and published by Gruter (p. 229), and copied in the woodcut which is here introduced.



Norma. (Gruter.)

The square was used in making the semicircular striae of Ionic columns [COLUMNA], a method founded on the proposition in Euclid, that the angle contained in a semicircle is a right angle (Vitruv. iii. 5, § 14).

From the use of this instrument a right angle was also called a *normal* angle. (Quintil. xi. 3, p. 446, ed. Spalding.) Any thing misshapen was called *abnormis*. (Hor. *Sat.* ii. 2, 3.)

A rather more elaborate norma made of iron is preserved in the Museum at Zurich. It has another leg added at right angles to the long side of the triangle at one end of it, so that angles of 45°, 90°, and 135° can be measured. (Blümner, *Technol.*, ii. p. 236.) [J. Y.] [G. E. M.]

NOTA CENSO'RIA. [CENSUS.]

NOTAE (*σημεῖα*) in a technical sense means those signs and abbreviations which were used (1) for secret writing, *cipher;* (2) for rapid writing, i.e. *shorthand* or *stenography*.

1. We have frequent mention of the use of cipher, for despatches or letters of an important or compromising nature, at the end of the Republican period. Thus of Caesar's correspondence with Oppius and Balbus we are told by Gallus that there were "litterae singulariae sine coagmentis syllabarum: erat autem conventum inter eos (the writer and his correspondents) clandestinum de commutando situ litterarum." The cipher used by Caesar was, according to

Suetonius (*Jul.* 56), a simple one, and consisted in making D stand for A, E for B, and so on through the alphabet, "si qua occultius perferenda essent." The cipher used by Augustus was on the same principle. (Suet. *Aug.* 88; Becker-Göll, *Gallus*, i. 62.) Whether the words διὰ σημείων in Cic. *ad Att.* xiii. 32 mean, in cipher, or simply with abbreviations of words (*sigla*), or in shorthand, is uncertain. The letter to which he refers (xiii. 30) does not seem to be one which particularly requires secrecy, but it is quite possible that he may have sent it in cipher: on the other hand, he may, though less probably, have sent Atticus the copy taken down in shorthand from his dictation. However that may be, we may feel tolerably certain that in Cicero's correspondence cipher was used at least as frequently as in Caesar's.

2. The whole system of signs for numeration [see LOGISTICA] is no doubt essentially stenography; but it existed quite apart from, and probably was much anterior to, the art of shorthand writing which is usually expressed by that word: the same may be said of signs or letters for money value, weights, coins, &c., which, like the signs for numeration, arose from consideration of economy in space, rather than from any necessity for *rapid* writing. Such a necessity was the origin of the *Notae Tironianae* (called also *Notae Tironis et Senecae*), which we may take as the representative of ancient shorthand writing.

As to the history of this art, it is impossible to say with certainty whether the Romans originated their own shorthand and communicated it to the Greeks, or whether the Greeks had it first. The idea of its earlier use in Greece is started by a passage of Diogenes Laertius (ii. 48), which states that Xenophon took down lectures ὑποσημειωσάμενος τὰ λεγόμενα. It is quite possible that this may, as some think, mean that he wrote in shorthand; but, in the absence of other mention of the art at that time, we should prefer to understand it merely of ordinary note-taking. We have not in fact any direct mention of its use among Greeks or Romans before the time of Cicero. (For a much earlier use in Asia, some adduce the "ready writer" in Psalm xlv., in which sense the LXX. translator possibly took it, when he rendered it ὀξυγράφος.) The use of shorthand at Rome may have been developed from cipher-writing, or more probably from the frequent use of abbreviations, such as *S. C.*, &c. Of its use by Cicero we have abundant record. Plutarch (*Cato Min.* 23) tells us that the speech on the punishment of the Catilinarians was the only speech of Cato that was preserved, and that this was owing to Cicero, "who had previously instructed those clerks who surpassed the rest in quick writing, how to use certain signs (σημεῖα) which in small and brief characters (τύποις) comprehended the force of many letters, and had placed them in many parts of the senate-house. For the Romans at that time were not used to employ, nor did they possess, what are called shorthand writers (σημειογράφοι), but it was on this occasion, as they say, that they first conceived the idea." Dio Cassius (lv. 7) ascribes the invention to Maecenas, which probably means merely that he, or his secretaries, made considerable additions and improvements, and this is exactly the account which Isidore gives in the 7th century, derived, as it seems, from Suetonius. He ascribes the invention of the shorthand in general use (*vulgares notae*) to Ennius, who used 1100 signs: for taking down public speeches or the proceedings in law-courts, there was also a division of labour among several *librarii* (= notarii), who took different portions. He says that Tiro had first used *notae* at Rome, "sed tantum praepositionum:" if that is correct, we must suppose that the actual shorthand of Tiro consisted of abbreviations (*sigla*), with arbitrary signs only for particles of frequent occurrence: he goes on to say that additional signs were added in succession by Vipsanius, Philargyrus and Aquila, the freedman of Maecenas, till at length Seneca reduced the whole to a regular system and increased the number of signs to 5,000. As regards the Ennius here mentioned, whom many writers have taken to be the *poet* (whence they make Isidore assert a much earlier date to Roman stenography), there can be little doubt that he was the *grammarian* Ennius of the Augustan period (see Suet. *de Grammat.* 1; Teuffel, *Hist. of Rom. Lit.* § 178, 4). Indeed the context shows clearly enough that Isidore speaks of Ennius as improving on something which existed in a smaller shape in Cicero's time. From Cicero's account of Tiro (*ad Fam.* xvi. 4, &c.; cf. Gell. vi. 3, 8) it is extremely probable that the real labour of the work was his, not Cicero's, and that the title "notae Tironianae" is just: but the addition "et Senecae" seems to be rejected by Seneca himself, who says, "quid loquar verborum notas, quibus quamvis citata excipitur oratio et celeritatem linguae manus sequitur? vilissimorum mancipiorum ista commenta sunt." The arrangement and additions were, however, probably effected by him through his *notarii*.

From this time its use spread. It served not only for taking down public speeches (as in Plutarch, *l. c.*), but also for the use of students in the lecture-room (Quint. *Inst. proem.* 7), and for any writing from dictation, *e.g.* for the rough draft of wills: "Silius notario testamentum *scribendum notis* dictavit, et priusquam litteris perscriberetur (the full text for signature) defunctus est" (Dig. 29, 1, 40). The same distinction between *notae* and *perscriptio* may be seen in the fragment of Valerius Probus about cipher-writing, "est etiam circa perscribendas vel paucioribus litteris notandas voces studium necessarium." It was taught in schools: see Prudent. Περὶ Στεφάνων, 9.

> "Praefuerat studiis puerilibus et grege multo
> Saeptus magister litterarum sederat,
> Verba notis brevibus comprendere cuncta peritus,
> Raptimque punctis dicta praepetibus sequi."

So Fulgentius (*Mythol.* iii. 10) divides the writing lesson into the *abecedaria* or regular alphabet, and the *notaria*. Many Romans kept slaves trained for the purpose [NOTARII], and Suetonius tells us that Titus, who prided himself on his skill in writing, and said that he was a "forger spoilt," used to race his secretaries in shorthand writing (Suet. *Tit.* 3). The use was still further developed among the Christians for taking down sermons, episcopal addresses, &c.; and, if it was not as old as Xenophon in Greece,

it was at any rate widely employed in early Christian times. The extant examples of Greek shorthand writing are considered to date only from the 10th century (see the article Palaeography in *Encyclop. Brit.*), but we can have no doubt that if the art was originated at Rome it was not much later in reaching Greece. As to its general use in Christian synods, St. Augustine (*Ep.* 141) says that eight *notarii* in relays of two at a time followed the speeches of bishops assembled at Carthage: and we are told by Trithemius (abbot of Wurtzburg in 1506 A.D.) that St. Cyprian added to the original Tironian notes. The words are worth quoting, since the learning and research of the writer make it likely that his account of the development of the notae is correct: "M. Tullius Cicero librum scripsit notarum quem Sanctus Cyprianus multis et notis et dictionibus ampliavit, adjiciens vocabula Christianorum usibus necessaria ut opus ipsum fieret non solum utile paganis sed multo magis etiam fidelibus." The notae fell apparently into disuse for a considerable time, but were revived under the Carlovingian dynasty and used in Capitularies, &c. The MSS. written in the "Tironian" character long remained incomprehensible, till Charpentier deciphered them and published an account of them in 1747.

As to the ancient system itself, we have some contemporary description from the passage of Plutarch cited above (*Cat. Min.* 23), who tells us clearly that arbitrary signs, not merely abbreviations or *sigla*, were used. Compare Manilius iv. 197:

> "Hic et scriptor erit velox, cui littera verbum est,
> Quique notis linguam superat, cursimque loquentis
> Excipiat longas nova per compendia voces."

Auson. *Epigr.* 146:

> "Cui multa fandi copia
> Punctis peracta singulis
> Ut una vox absolvitur."

From the passage of Seneca quoted above, and from Mart. xiv. 208, we can merely gather that the writer could keep pace with the speaker. It is impossible to say how far what we possess under the name of *notae Tironianae* reproduces the system used in the Augustan age. Common sense would suggest what Trithemius states to be the fact, that great additions were made at various times; and the view which he gives may fairly be accepted, that the system of Tiro was much the same in its general outlines as that which is still extant under his name, though far less full and elaborate. The system consists mainly (1) in using an alphabet more or less based on the Roman letters which can be so modified as to facilitate the junction of letters.

(2) In representing terminations by arbitrary signs, such as B. for *bam*, .B for *bant* (or, instead of the regular letters, new characters similarly multiplied by the variation of the point). To this the "punctis" in the passages of Ausonius and Prudentius refer.

(3) In employing all sorts of abbreviations (*sigla*) independently of the character used. (Cf. "cui littera verbum est" above.)

(4) In adopting arbitrary signs, such as Trithemius describes, for words in common use. With this correspond the τύποι πολλῶν γραμμάτων ἔχοντα δύναμιν of Plutarch and the "nova compendia" of Manilius.

For further information on the subject, see Kopp, *Palaeographica Critica*, vol. i.; Ruess, *Tachygraphie;* and especially Jules Tardiff, *Mém. sur Not. Tiron., Acad. des Inscriptions*, sér. 2, vol. iii. 1852, who all give tables of the alphabet and examples of the writing as it has come down to us. [W. S.] [G. E. M.]

NOTA'RII, shorthand writers, were slaves or freedmen (see preceding article) whom wealthy Romans kept in their service and often took about with them on their travels (Plin. *Ep.* iii. 5, ix. 36; Mart. x. 62). They were employed for taking notes in the law-courts (Mart. v. 51, &c.), and were sometimes called *actuarii* (Suet. *Jul.* 55). They were also employed by the emperors (Lamprid. *Alex. Sev.* 28, *Aurel.* 36; Trebell. *Claud.* 14), and in course of time the title of *notarii* was exclusively applied to the private secretaries of the emperors, who, of course, were no longer slaves, but persons of high rank. The shorthand writers were now called *exceptores*. On the re-organisation of the empire by Constantine, the *notarii* were constituted into a kind of imperial chancery, who, in addition to their regular duties, were frequently employed by the emperor on important public missions. The first of them in rank was called *Primicerius Notariorum*, and the second, *Secundicerius Notariorum*. Others were called *tribuni et notarii*, and another class *domestici et notarii*, who probably acted specially as private secretaries of the emperors. Others again who served under the Praefecti Praetorii were called *Notarii Praetoriani* (Cod. Theod. 6, tit. 10; Cassiod. *Var.* vi. 16; Pauly, *Real Encycl.* s. v.; Becker-Göll, *Gallus*, i. 62; Walter, *Gesch. des römischen Rechts*, § 345, 2nd ed.) [W. S.] [G. E. M.]

NOVA'LE. [ARATRUM.]

NOVA'TIO. [OBLIGATIONES.]

NOVELLAE or **NOVELLAE CONSTITUTIONES** (*νεαραὶ διατάξεις*) are the disconnected enactments of Roman emperors following upon a codification of the existing legislation. The first such codification was that effected A.D. 439 by Theodosius II. [CODEX THEODOSIANUS], and the first Novellae were those issued by Theodosius himself nine years later, and confirmed for the Western Empire by Valentinian III. A.D. 448. Similarly Theodosius' successor, Marcian, made Novellae in co-operation with the Western emperor, and the same was done by Leo, but after him the legislation of the two empires was distinct, and none of the Western enactments seem to have possessed validity in the East. Several collections of the Novellae of Theodosius and his successors on the throne of Constantinople were made at unknown times and by unknown authors, and they have been edited by Haenel (1844): such of them as are of any importance for the modern civil law were of course incorporated in the Code of Justinian, and so lost the character of Novellae.

The Novellae Constitutiones of Justinian were his enactments subsequent to the publication of his second Codex, A.D. 534, and form a portion of the Corpus Juris Civilis. The first was issued on Jan. 1 in A.D. 535, and related to testamentary law: it was followed in the next thirty years (Justinian dying A.D. 565) by over 160 others, though far the greater number were

issued before Tribonian's death in A.D. 545. Many consist of but one short chapter, but some of from forty to fifty: most concern ecclesiastical and administrative matters, but some are of great importance in relation to private law, effecting sweeping reforms in the rules of the family, and still more of inheritance. As a rule they are in Greek, but fifteen are in Latin and three in both languages: in this last case it was ordered that the Latin version, that being the official tongue, should be considered the authentic one. Justinian himself contemplated making a special and separate collection of his Novellae (Const. cordi, § 4), but we know that this was never done from a contemporary of his own, Johannes Scholasticus (from A.D. 557 Patriarch of Constantinople), who speaks of them as existing σποράδην. Three private collections have come down to us: (1.) The Epitome Juliani, a Latin condensation of 125 Novellae made by Julianus, a professor in Constantinople, A.D. 556. (2.) The Authenticum or Liber Authenticorum, a collection of 134 Novellae, all in Latin, of unknown origin, largely circulated in Italy in the twelfth century: their genuineness was at first denied by Truerius, but he subsequently retracted his opinion, and this collection was considered by the glossators as having the force of law. (3.) A collection of 168 Novellae in Greek, some of which however are in duplicate, and others were enacted by various successors of Justinian; only 153 are Justinian's own. This was first published in Germany by Haloander in 1531. Besides these, there are other Novellae of uncertain origin and force, including the thirteen so-called "Edicta Justiniani."

The most complete work on the history of the Novellae is by Biener, *Geschichte der Novellen Justinians*, Berlin, 1824: cf. also *Beitrag zur Litterar-Geschichte des Novellen-Auszugs von Julian;* Von Haubold, *Zeitschrift*, vol. iv.; and an excellent account of the history of the various collections and editions of them in Puchta's *Institutionen*, vol. i. § 147. [J. B. M.]

NOVENDIA'LE. [SACRUM; FUNUS.]

NOVI HO'MINES. [NOBILES.]

NOVI O'PERIS NUNTIA'TIO. [OPERIS NOVI NUNTIATIO.]

NOXA. [NOXALIS ACTIO.]

NOXA'LIS ACTIO. Those actions were "noxal" which were brought on the delict (*e.g.* theft, assault, damage to property) or quasi-delict of a slave or child in power, or on damage done by an animal, against the master, paterfamilias, or owner. Primarily they claimed damages for the wrong, but the defendant could escape the pecuniary loss, if he preferred it, by surrendering (*noxae dedere*) the guilty body to the plaintiff: and from *noxa* (meaning that guilty body) the name of the action was (according to Justinian, *Inst.* iv. 8, 1) derived, though by other writers *noxa* is used to express the wrong itself (*e.g.* Liv. xxi. 30) or the punishment (*e.g.* Servius). No action properly lay against the dependent wrong-doer himself under the older law; but the remedy against the dominus or paterfamilias was the ordinary action on the delict, or quasi-delict, to which the edict or statute (*Inst.* iv. 8, 4; Dig. 9, 4, 2, 1; 47, 1, 1, 2) gave the "noxal" character by permitting the defendant to escape damages by surrendering the delinquent to the plaintiff: "Namque erat iniquum" (says Justinian) "nequitiam eorum ultra ipsorum corpora dominis damnosam esse." The true significance of the legal principle involved is admirably expounded in Mr. O. W. Holmes' *Common Law*, chap. i. In practical effect, though not in form, noxal actions were *arbitrariae* [ACTIO]; the defendant, if the judge pronounced against him, being condemned in the alternative, either to pay the damages assessed, or to give up the delinquent: "praetor ait . . . si servus insciente domino fecisse dicetur, in judicio adiciam aut noxam dedere" (Dig. 9, 3, 1, pr.).

It would seem from *Inst.* iv. 8, 7, that daughters were originally as liable to noxal surrender by their paterfamilias as sons in power, but that so far as they were concerned the usage had gone out in the time of the classical jurists, for Gaius (iv. 74, 79) speaks of the *deditio* of filiifamilias and slaves only. By the age of Justinian even the father's right of surrendering sons in his power in this manner had ceased to be exercised, and he expressly took it away, directing that children in power should be suable in person for their own delicts, the damages being paid out of their peculium. The master's right, however, of evading damages by noxal surrender of his slave was explicitly retained in his legislation. It would seem that the property in the slave was transferred by decree of the praetor: sons had been conveyed by mancipation, and stood *in mancipio* to the surrenderee (Gaius, iv. 79), but could demand their release as a matter of right as soon as by the result of their labour or otherwise they contrived to pay the damages assessed in the action (Papinian, *Coll.* 2, 3). This principle, as Justinian remarks in *Inst.* iv. 8, 3, was extended to the case of surrendered slaves. For the *deditio* of animals in a noxal action, see PAUPERIES.

A leading rule in all such cases was "noxalis actio caput sequitur," which apparently became a proverb. The action followed the *noxa*, and had to be brought against the person under whose lawful control he or it was, not at the commission of the wrong, but at the commencement of legal proceedings. Thus, if A's slave stole a purse, and then was sold to B, B was the proper defendant; and if the delinquent were manumitted, he could be sued in person by direct, not noxal action. Similarly, if a free man did the wrong, and then became a slave, the remedy was against his master; and on the same principle, if the slave died before the action had reached the stage of *litis contestatio*, the master's liability terminated, even though his death was not known (Dig. 9, 4, 39, 4). A master had no remedy by action if a delict were committed against him by a slave of his own, even though the latter were manumitted or alienated (*Inst.* iv. 8, 6); and if A's slave stole from B, and then became B's property, B's right of action was absolutely lost (as the law was settled by Justinian), though the Proculian School of jurists had maintained that it was only suspended, recovering its vitality so soon as his ownership over the delinquent determined (Gaius, iv. 78). It has been conjectured that noxal actions were originally the expression of an absolute claim to have the offender delivered

up for the exercise of private vengeance, whether his offence were delictual or merely breach of contract. The surrender of Postumius to the Samnites by the Romans with all the forms of *noxae deditio* (Liv. ix. 10) was made as atonement for non-observance of the treaty which he had concluded with them, and from which the Romans wished to release themselves—"ut populus religione solvatur." Under Roman municipal law non-fulfilment of a promise made by sponsio entailed in the end quasi-slavery [MANUS INJECTIO], and the idea was consistently applied by them in international relations. See Mr. Holmes' work already referred to, pp. 8–12, and cf. Ihering, *Geist des römischen Rechts*, i. p. 131.

The chief original authorities for *noxae deditio* are Gaius, iv. 74–79; Paulus, *Sent. rec.* ii. 31, 7–9;—Dig. 2, 9; 9, 4;—Cod. 3, 41; *Inst.* iv. 8 and 9. [J. B. M.]

NUCES. It seems most convenient to include under this head several Greek and Roman games of skill, which were played with nuts, though frequently (and indeed usually in Greece) missiles of other material were used, such as pebbles, shells, knuckle-bones (ἀστράγαλοι, *tali*), or, in some cases, coins. The love of the Roman boy for these amusements makes the phrase *nuces relinquere* = "to pass out of childhood" (Pers. i. 10; cf. Catull. 71, 131). Five of these games (we cannot think Marquardt right in making out six) are given in the poem *Nux*, ascribed to Ovid, and, according to Teuffel, the work of some writer not much later than Ovid. It will be seen that very similar Greek games are mentioned by Pollux and others. It is asserted by some scholars that marked *nuces* were used in the same way as dice by those who could not afford *tali* or *tesserae*. Considering that, even if the trifling cost of these was too great, pieces of wood would make much better dice than the awkwardly rounded nut, this seems antecedently improbable, and the passages adduced from Latin writers do not really support the contention. It is true that if *ocellatis nucibus* is read in Suet. *Aug.* 83 (see below), the obvious sense will be, nuts marked with dots, presumably as dice, but that is not a reading of authority. As regards the passages mainly relied upon, in Mart. iv. 76, "Alea sed parcae sola fuere nuces," the meaning is that nuts are the only property staked and lost, because he played only in the games of *nuces* described below and *not* at dice: if he could have used *nuces* for dicing, the whole point would be lost. In Mart. v. 84, the *nuces* in the first line are one amusement, the *fritillus* in the third are another and a different one; and the case is the same in Mart. xiii. 1, 7. The nuts themselves were won and lost in the games just as marbles are in children's games of the present day, but there is no reason to think that numbers could be thrown as with a gambler's dice, or that they were thrown from a dice-box: except in the game of *par impar*, the games with *nuces* were trials of skill, not of chance.

1. The simplest game of skill played with these materials consisted in pitching the nuts (or, as Pollux gives it, *astragali* or acorns) into a hole, from which the players stood at some distance ("spatio distante," *Nux*, 85). The usual Latin name for this game was probably *orca*, so called because the nuts were pitched into a narrow-mouthed jar which the author of *Nux* calls "vas cavum," Persius (iii. 50) "orca": some indeed assert that Persius in this passage (where there is no direct mention of *nuces*) is using *orca* to mean dice-box. We think this less probable; Persius has finished the subject of dice in the two preceding lines, he now speaks of *nuces*, and of tops in line 51. In this game the Greeks pitched their *astragali* not into a jar, but either (*a*) into a circle drawn on the ground called ὅμιλλα, whence the game itself was called εἰς ὅμιλλαν (Poll. ix. 102) and ὅμιλλα (Schol. Plat. p. 320, Bk.), for Marquardt is, we think, certainly wrong in identifying the ὅμιλλα with the *delta* mentioned below: or (*b*) into a hole dug in the ground, called βόθρος (Poll. ix. 103) or βόθυνος, whence the game, essentially the same as ὅμιλλα, was called εἰς βόθυνον (Schol. *l. c.*). It is to be noted, however, that Pollux calls this form of the game τρόπα, while Hesychius says of τρόπα simply, that it is a game καθ' ἣν στρέφουσι τοὺς ἀστραγάλους εἰς τὸ ἕτερον μέρος. The explanation by which Becq de Fouquières (p. 115) attempts to make Hesychius and Pollux describe the same game, is forced and unnatural, nor could the words εἰς ἕτερον μέρος bear the sense which he gives them. It is stated by Grasberger, apparently on good authority, that in Greece at this day the same game is called τρούπη, τρύπη, or λάκκα (i.e. *a hole*), and it is ingeniously suggested that the game which in Pollux we find as τρόπα should be τρύπα. We may offer the further suggestion that Hesychius is not speaking of any game at all similar, but by τρόπα is either describing what Pollux calls στρεπτίνδα, which consisted in throwing a shell or coin or ἀστράγαλος in such a way as to turn over to the reverse side a shell, coin, &c., already lying on the ground, or else is alluding to one branch of the astragali game where the bones are to be reversed in the air before they are caught [TALI]. The name ἐφετίνδα (from ἐφίημι) might probably be applied to any one of the variations of the above-mentioned game: Pollux (ix. 117) makes it the same as ὅμιλλα, except that it is played with shells. It is clear that in all these games the nut or other missile which fell outside the jar or hole or circle was forfeited.

2. *Castella.*—In *Nux* 73–76 there is a game which has caused some difficulty, but which may be explained as follows:—Three nuts are placed on the ground with a fourth resting on them, so as to form a pyramid: (when Pliny, *H. N.* xix. § 112, speaks of planting bulbs "castellatim" in *grumuli* or heaps, he follows this meaning.) The first player aims with his nut so as to scatter (*dilaminare*) the pyramid (*rectas*), and having overthrown this he has at most two more shots (*bisve semelve*), in which he *may* win all four, presumably by making two cannons, flipping (*digito*) his nut at them on the ground (*pronas*). If we read *rectus*, *pronus*, which Becq de Fouquières prefers, the sense must be that he takes his first shot standing (*rectus*), his two next kneeling (*pronus*), as in what is called "knuckle-down" at marbles. For the name *castella*, or *ludus castellorum*, we have Trebell. Poll. *Gallien.* 16, 2, "de pomis castella composuit." In the passage of Suet. *Aug.* 83,

where Augustus is described as in his old age playing "modo talis aut ocellatis nucibusque," some read *castellatis nucibus*, which would mean the game of castella as described above. By *ocellati*, which is the authoritative reading, Becq de Fouquières understands agate or onyx marbles, and no doubt *nuces* and marbles would be played in the same way: the dictionaries translate *ocellati* "dice," as being marked with dots, but, if so, they would be coupled with *tali* rather than with *nuces*. Marquardt is certainly wrong in taking lines 75, 76 to describe a separate game: in the sequence of lines the words *alter, etiam, quoque* obviously mark the transition to different games: nor does his rendering make satisfactory sense, and he confesses that he finds line 74 unintelligible.

3. A variation in aiming at the nuts was introduced by rolling the missile down a sloping board ("tabulae clivus," *Nux*, 77), as is shown by a relief in the Blundell Collection (Rich, s. v. *Tabula*). The kneeling boy is probably arranging the pyramid for a shot.

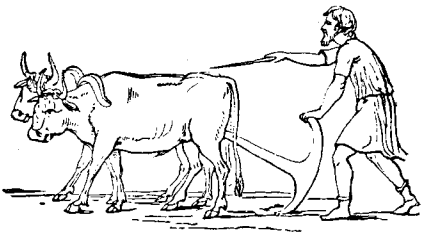
4. *Delta* (*Nux*, 81–84).— This game was played by chalking on the ground a triangle (which the author of *Nux* compares to the Greek letter and the constellation named after it). This triangle is divided by bars or lines drawn parallel to the base and called *virgae* (cf. *virgatus*="striped"): the nut is rolled into the triangle and the player wins as many nuts as he crosses bars, provided he does not roll it out of the triangle. Obviously the best possible throw is to pitch the nut just within the base line and make it stop just within the apex: it will thus in its course have touched all the parallel bars, and will win an equal number of nuts ("quot tetigit virgas, tot rapit inde nuces"). This is, in the main, the view of Becq de Fouquières. Barth, reading *virgo*, gives a strange explanation, imagining a blindfold girl groping for nuts.

5. For the game of chance, odd and even, commonly played with nuts (*Nux*, 79), see PAR IMPAR.

(Becq de Fouquières, *Jeux des Anciens*, 114–126; Grasberger, *Erziehung*, i. 68 ff.; Marquardt, *Privatleben*, 839 f.) [G. E. M.]

NUDIPEDA'LIA. This name was given to a procession of barefooted matrons, as an *obsecratio*, in time of great drought, "cum stupet coelum et aret annus" (Tertull. *de Jejun.* 16; *Apol.* 40; cf. Petron. *Sat.* 44). The magistrates laid aside their insignia, the fasces were reversed, and a sacrifice was offered at the temple of Jupiter, the pontifices bearing at the head of the procession a sacred stone called the *lapis Manalis*, from the temple of Mars outside the Porta Capena. (Non. p. 547; Fest. pp. 2, 128; Marquardt, *Staatsverw.* iii. 261.) [G. E. M.]

NUDUS (*γυμνός*). These words, besides denoting absolute nakedness, which was to be *ἀναμπέχονος καὶ ἀχίτων* (compare Moschus, iv. 98), were applied to anyone who, being without an AMICTUS, wore only his tunic. (Aristoph. *Eccles.* 409; *Lysist.* 150; John xxi. 7.) In this state of semi-nudity, the ancients performed the operations of ploughing, sowing, and reaping. (Hes. *Op. et Dies*, 391; Aristoph. *Lysist.* 1177; Verg. *Georg.* i. 299; Aelian, *V. H.* vi. 11, xiii. 27; Matt. xxiv. 18.) Thus Cincinnatus was found *nudus* at the plough when he was called to be dictator, and sent for his *toga*, that he might appear before the senate. (Plin. *H. N.* xviii. § 20; Aur. Vict. *de Vir. Illust.* 17; Liv. iii. 26.) The accompanying woodcut is taken



Man ploughing in his tunic. (From an ancient gem.)

from an antique gem in the Florentine Collection, and shows a man ploughing in his tunic only.

This term applied to the warrior expressed the absence of some part of his armour. Hence the light-armed were called *γυμνῆτες*. [J. Y.]

NU'MERUS, the name of a body of troops in the imperial period. [EXERCITUS, Vol. I. p. 793.]

NUMMULA'RII or **NUMULA'RII.** [ARGENTARII.]

NUMMUS or **NUMUS**, money. The history of Greek money being set forth under PONDERA, and that of Roman money under As, we will confine ourselves in the present article to the following points:—(1) the names of money in antiquity, and more especially the usage of the word *nummus;* (2) the materials of which it was made; (3) the inscriptions of ancient coins; (4) their types and accessory devices or symbols. We discuss the history of the right of coinage in antiquity, and the regulations and organisation of mints, under MONETA.

(1.) *The ancient Names of Money.*—The term *χρήματα* originally stood for possessions of any kind; in fact, wealth. And hence at a later time, when wealth came to be measured by money, *χρήματα* might vaguely be used for money. But in speaking of money as distinguished from other kinds of property, the Greeks would call it either *ἀργύριον* or *νομίσματα*. Of these terms the former came into use at an early period in Greece proper, where silver rather than the other precious metals was the standard of value. *Νομίσματα* (from *νόμος*, "law") stands for coin which was legal tender in a state, and so for all moneys coined by authority (Hdt. i. 94). In the South of Italy and Sicily the word *νόμος*, or as it was locally written *νοῦμμος*, was applied to coin, and in particular to the standard coin of the district. It thus corresponded in usage nearly to the term *stater*, which was in use in the East [STATER]. And in fact, in the transliterated form *nummus*, it is frequently used by the Roman writers as equivalent to *stater*. Thus Plautus (*Pseud.* iii. 2, 19) uses *nummus* for didrachm, and in other places (*Trin.* i. 2, 115) speaks of the staters of Philip as *nummi*. So the Roman denarius was sometimes called *nummus;* but the term was applied in a special and restricted sense to the Roman sestertius. The reason of this is that the sestertius nearly represented in silver the value of a pound of copper, which among the peoples of Italy and Sicily was the unit of value,

and so became the *νόμος* or standard coin. The term *moneta* is only equivalent to money at a late period of Roman literature. The Roman mint (Liv. vi. 20, 13) was connected with the temple of Juno Moneta: thus the word *moneta* came into use in the sense of *mint*, and afterwards in that of money produced by the mint. Among the Greeks, whose currency (except in Asia) mostly consisted of silver, the ordinary word for money was regularly *ἀργύριον*; and *aes* was sometimes used for a parallel reason in the same sense by the Romans.

It used to be disputed whether the Greek and Roman coins which have come down to us were actual money, or rather medals issued on occasions. This controversy is completely closed. It is universally agreed that the only medals of antiquity are the Roman so-called medallions, pieces of unusual size issued at Rome to commemorate various events, which may be distinguished among Roman copper coins by the omission of the letters S. C. (senatus consulto), which regularly distinguish these latter; as well as a few pieces of the Greek Imperial class, struck in imitation of the Roman medallions in cities of Asia Minor, and distinguished by a special formula of inscription. Greek coins and the regular issues of Rome frequently contain allusion to political events, but they were nevertheless fully intended to pass as money, as the uniformity of their weight and other indications abundantly show.

(2.) *Materials of Money in Antiquity.*—An important distinction holds between money of intrinsic value and money of account. Money of the former class consisted merely of ingots, the weight and fineness of which was certified by the state or the ruler who stamped them, and which passed in the market according to their actual value. Money of account, on the other hand, might consist of pieces in themselves nearly worthless, made for instance of tin or leather, but kept in circulation at a fictitious value, either in consequence of their being at will exchangeable for valuable coin, or in consequence of the arbitrary law of some ruler, who obliges people to accept them at a fictitious value under some penalty. In modern phraseology the money of account is said in the one case to be convertible, in the other to be inconvertible. We will speak in order of the two classes of coin:—

(*α*) Money of intrinsic value. The bulk of this has at all times consisted of gold, silver, and copper, or rather bronze, pure copper not having been used by the ancients except in rare cases. As to the use of these three substances in antiquity, see AURUM, ARGENTUM, and AES. Electrum was also a usual material for money. [ELECTRUM.] In addition, iron is said to have been used as money at Sparta; and although no specimen has come down to us, we may easily account for this fact by the liability of iron to rust away when buried. It is also noteworthy that Sparta had no coinage in any other metal until the reign of Areus. Iron money was also current at Byzantium (Aristoph. *Nub.* 249). Some specimens of iron money struck in the cities of Peloponnesus are now extant. Greek kings in India issued coins of nickel (*Num. Chron.* 1868, p. 305).

(*β*) Money of account. The smaller denominations of coin were usually among the Greeks, from the 4th century onward, issued in copper, but for the convenience of the people these coins were seldom of such weight as to be in actual value what they were in nominal value. The subject is a difficult one. Greek copper coins seldom bear marks of value, and it is nearly always uncertain in regard to them what is their real denomination. But when that denomination is fixed by type or inscription, we usually find that they passed at a nominal value greatly in excess of the intrinsic worth of the material. There are exceptions: the Ptolemaic kings of Egypt, for instance, issued copper of full weight; but such a proceeding was as unusual in the Greek as it was usual in the Roman world. The light copper of the Greeks was thus in a sense fiduciary; but it is well known that small change may be fiduciary without affecting trade or credit, and the English bronze coinage is now, strictly speaking, money of account no less than was that of the Greeks. Making this exception, we may state the general rule that the Greeks seldom made any attempt to pass any of their coin at a fictitious rate; usually they were contented to let it find its own level in trade and pass for what it was. The reason of this is not so much the commercial morality of the Hellenic race as their keen sense of business, and the incessant competition which the issues of various cities had to keep up in neutral markets and on the tables of the money-changers. A few important exceptions to this rule should be noted. Thus it is said, though the story is open to doubt (Hdt. iii. 56), that Polycrates passed off as gold on the Lacedaemonians a quantity of leaden coins gilt. We are informed that Dionysius of Syracuse issued coins of tin, which he compelled people to accept as tetradrachms, though they weighed but a drachm (Pollux, ix. 79); also that Perdiccas II. of Macedon paid his mercenaries with copper coins plated with silver (Polyaen. *Strat.* iv. 10, 2). A better attested instance than any of these, because recorded in an inscription, occurred in Boeotia in the 2nd century B.C., drachms of copper, not even plated, being there forced into circulation as the equivalent of silver pieces of the same size and types. The frequency in certain classes of Greek coins of plated specimens which have not the appearance of being the work of forgers, drives us to the supposition that the mints of Greece may have on occasion mingled a certain proportion of plated coins with their regular issues. In fact, that this was done in Rome openly, and in accordance with law, has been completely proved. There were even stringent laws passed at that city to compel citizens to accept these plated pieces as legal tender: and the bad custom may have spread from Rome into Greece. Of course there existed, in Rome and Greece alike, a natural tendency, which especially showed itself in time of poverty and need, to diminish the weight and the fineness of current coin. But in the great commercial cities of Greece this tendency was counteracted by circumstances, and the classes of coin most used in commerce, such as the pieces of Aegina, Athens, and Corinth, retain their excellence to a late period. This does not hold to the same extent in later Greek days. The drachm of Rhodes, for instance, which weighed in the 4th century nearly 60

grains, fell in the course of the 2nd to half that weight; and the coins of the later Ptolemies, though they did not lose in weight, were made of continually baser metal. At Rome, as was natural from the imperious and uncommercial character of the people, laws were frequently passed from the first debasing the coin, and attempting to substitute worse money for better in the public issues. More than once in Roman history this process took a course so rapid and violent that the value of the various denominations of state-coin became entirely confused, and all coin passed only by weight. [See As.] If Seneca is to be believed (*de Benef.* v. 14), the Laconians used pieces of leather stamped with the state-mark as fiduciary coins. This may have arisen from the weight and clumsiness of their iron currency. We hear of a similar practice among the Carthaginians. The subject of the mixture of metals is too complicated to be here treated of. Naturally the alloy used in coining in Greece and in Italy varied greatly, both in quality and quantity. The best account will be found in Lenormant's *Monnaie dans l'Antiquité*, vol. i. pp. 187–206.

(3.) *The Inscriptions of Coins.*—Greek coins bear several kinds of inscriptions; the name of the city or the ruler who issued them, that of the monetary magistrate or magistrates who directed their production, that of the artist who cut the die. Sometimes their inscription is of another kind; stating their denomination or value, explaining the type, or occasionally stating the occasion on which they were issued. It is very difficult to make general statements as to these classes of inscriptions, especially as this has scarcely been before attempted; and the present sketch must be considered as tentative.

(*α*) Names of rulers and cities. The earliest coins bear no legends; but when by degrees these make their appearance, they at first nearly all contain the name of a city, whether in full or in abbreviated form, or the name of a dynast. The usual civic inscription is in the genitive plural of the ethnic: thus the coins of Syracuse are usually inscribed **Συρακοσίων**, and those of Cos **Κῴων**. Sometimes the adjective in **-κὸν** takes the place of this form, as in the cases **Ἀρκαδικόν**, **Σολικόν**, **Πανορμιτικόν**, &c., in which case we must understand some such noun as **ἀργύριον**, **κόμμα** or **νόμισμα**. Sometimes the name of the city occurs in the nominative or genitive, as **Τάρας**, **Ἀκράγαντος**. More often still this name is represented by a few letters of it only, more especially in early times; the coin of Athens bears only the letters **ΑΘΕ**, that of Elis only **ϜΑ**, that of Corinth only the *koppa*. Kings and dynasts, on the other hand, usually inscribe their names in full in the genitive; the money of Alexander I. of Macedon is inscribed **Ἀλεξάνδρο**, that struck by Themistocles at Magnesia **Θεμιστοκλέος**. In the coin of Seuthes, king of Thrace, we have the genitive **Σεύθα**, but the words **κόμμα** and **ἀργύριον** are added in some specimens to explain and to govern the genitive. Some of the money of Alexander of Pherae is inscribed with the adjective **Ἀλεξανδρεῖος**, with which we must understand **νόμος** or some such word, and a parallel form is not rare among civic coins, *e.g.* **Νεοπολίτης**, **Καταναῖος**. Sometimes, as in early dedicatory inscriptions, the word **ἐμὶ** or **εἰμὶ** is added for explanation. The earliest of inscribed coins, struck probably at Halicarnassus (*Num. Chron.* N.S. 18, 261), has the legend **φανός ἐμι σῆμα**. The proprietary name on a coin, if we may use the expression, is sometimes neither that of a city nor of a ruler, but of a district or tribe, as **Αἰτώλων**, **Ἀπειρωτᾶν**, sometimes of a religious body or a temple, as in the case of the coins reading **Ἀμφικτιόνων**, and **ἐκ Διδυμῶν ἱερή**, the latter being the mintage of the temple of the Branchidae near Miletus.

In regard to the comparative frequency of the names of cities and those of rulers on coins, it should be observed that despots of cities in Greece and the West did not before the age of Alexander place their names on coin. We have no coins stamped with the name of Anaxilaüs of Rhegium, Hiero I. of Syracuse, Pisistratus or even Jason of Pherae. To this rule Alexander of Pherae is an almost solitary exception. On the other hand, kings of Macedon and Thrace, despots of Asiatic cities, and even satraps of the Persian king, very usually place their names on money. After Alexander the custom spread into all the Hellenic world save Greece proper, and even there was adopted at various times by a variety of rulers. Areus of Sparta, Aristotimus of Elis, and a few others place their names on coins; so do Agathocles and all the subsequent kings of Syracuse.

(*β*) Names of magistrates. The period at which these first appear, and the prominence given to them, vary in a most marked way from city to city, and we are usually without sufficient historical information to enable us to trace the reasons of the variety. At Abdera in Thrace, almost from the foundation of the city (B.C. 543), we have on the coin a succession of magistrates' names in the genitive preceded by the preposition **ἐπί**, or sometimes in the nominative. These were, as the **ἐπὶ** sufficiently proves, the eponymous magistrates of the city, and it may be that they exercised a stronger rule than that of magistrates in other cities. At most Greek cities before the middle of the 4th century, magistrates' names occur only at intervals, and usually in an abridged form. Early in the 4th century the magistrates of Boeotia, whether Boeotarchs or not is uncertain, begin regularly to sign the coin; and about the same time a parallel custom began to obtain at the principal cities of the Asiatic coast—Ephesus, Samos, Miletus, and others. In the regal coinages of later Greece magistrates' names seldom occur, or are concealed in the form of monograms; but in the Greek cities which remained free, whether in Asia or Hellas, the names of officers begin to take a place more regularly and with more evident purpose. Thus at Athens, during the later days of her independence, every coin bears the name of three distinct magistrates, whereof two have been conjectured to be high functionaries of state, and the third the officer specially detailed to control the mintage of the money which bears his name. The later coins of Rhodes, Ephesus, and other cities, as well as the copper money of the Achaean League, and the coins of the Thessalian Epirote and Acarnanian Leagues, bear the name of a single magistrate; the coins of Dyrrhachium and Apollonia those of two magistrates. The most important works on the sub-

ject of magistrates' names on coins are Beulé's *Monnaies d'Athènes* and a dissertation on the coins of Apollonia and Dyrrhachium by Dr. Brandis, *Zeitschrift für Numismatik*, vol. i.

(γ) Artists' names. That artists' signatures do occur on coins is rendered certain by the occurrence of the full phrases Νεύαντος ἐποεῖ on coins of Cydonia in Crete and Θεοδότος ἐποεῖ on coins of Clazomenae. A full list of supposed signatures will be found in Von Sallet's *Künstlerinschriften auf gr. Münzen* (1871), and Lenormant's *Mon. de l'Antiq.* iii. p. 255. Among the more certain and important signatures are those of Aristoxenus at Heraclea in Lucania, of Exacestidas at Camarina, Herakleidas at Catana, and of Euaenetus, Eucleidas, Eumenus, Cimon, Sosion, and Phrygillus at Syracuse. It is to be observed that, save in the two cases already mentioned of Neuantus and Theodotus, we have no certain engraver's name out of Italy and Sicily. They are by far commonest in Sicily; but there, as elsewhere, are only found during a period of about sixty years, from B.C. 410 to 350.

(δ) Explanatory inscriptions. The object of these is to acquaint us with the meaning of the types of a coin, with its value or denomination, or with the circumstances of its issue. The word Σοτερ (Σωτήρ) accompanies the figure of Zeus on a very early coin of Galaria in Sicily, Νίκα that of Nike at Terina, Σελινοῦς and Ὕψας those of the two river-gods at Selinus, Αἴας that of a warrior at Locris, Σώτειρα that of Artemis at Cyzicus, and so forth. At the Italian Locri a group representing a standing female figure crowning a seated one is explained by the inscription to represent the crowning of Roma (Ρώμα) by Good-faith (Πίστις). The denomination of a coin is seldom stated at full-length on it, but often indicated by a few letters or a slight variety in the type (see next head). ΔΙΟ and ΤΡΙΗ occur on the diobols and trihemiobols of Corinth, Ὀβολὸς at Metapontum, Ἡμιοβέλιν at Aegium, Δράχμη and Δίδραχμον at Ephesus. On the late coins of Chios the number of Ἀσσάρια represented by a coin is regularly marked on it. In the Peloponnese in early times a single letter usually sufficed to mark denomination, Η being placed on hemiobols, Τ on tetartemoria, and so forth. The circumstances of issue are stated in the inscriptions of many coins of Imperial times, especially those which bear the names of the games, Pythia, Actia, Olympia, &c., in connexion with which they were struck, and those with a legend ὁ δεῖνα ἀνέθηκε, followed by the genitive or dative of the name of a city. The latter class are supposed to be the result of the munificence of individuals who on some special occasion struck a quantity of coin at their own private cost, but for general use and enjoyment. Even in early times, however, a few inscriptions of the same class may be found, as in the case of the archaic coin of Metapontum, which bears the legend Ἀχέλοιο ἄεθλον, and was clearly issued on the occasion of public games. The coin of Locri already mentioned contains in the words Ρώμα and Πίστις a clear allusion to the circumstances under which it was issued, some instance of good faith on the part of the Romans towards the people of Locri.

The inscriptions of Roman coins present us with less variety than those of Greek. The earlier gold and silver money bears no inscription save the word ROMA or ROMANO, together with a mark of value. About the time of Sulla (Mommsen, *R. M.* p. 451) the name of the city and the indication of denomination alike disappear. The empire of Rome by that time was so widely extended that her coin was known on every shore, and her system of reckoning in all markets. The place of these simpler legends is henceforth taken by the name of a monetary magistrate, which is usually that of one of the triumvirs appointed to strike the money of the Republic. In a more modest and abbreviated form indeed we find such names as early as B.C. 190, but they appear more prominently as time passes on. About B.C. 100 occurs the first appearance (Mommsen, p. 453) of such formulae as S. C. (Senatus Consulto), ARG. PVB. (Argento Publico). At about the same period first occur legends explanatory of the types of the coins, which first consist of mere initials, as I. S. M. R. (for Juno Sispes Mater Regina), or P. P. (for Penates Publici). Afterwards we have inscriptions like those mentioned under (δ) above in the case of Greek coins; for instance, Numa Pompili beside a figure of Numa Pompilius, and Salus beside a head of that deity. In the case of Roman Imperial coins one side is regularly occupied with the name and titles of the emperor accompanying his effigy; the other side bears sometimes merely a date, as COS III TR P XX, which indicates that the piece was issued in the third consulate and the 20th tribunician year of the emperor: but more usually an inscription containing allusion to a historical event and accompanying a type of similar allusion, such as Fides Militum, when the army presented a loyal address; Fecunditati Augustae, when the empress bore a child; Debellatori Gentt. Barbara(rum), when the emperor reduced a refractory tribe, and so forth.

(4.) *Types and Symbols.*—In the language of numismatists the term *type* is applied to the principal device or subject of either obverse or reverse of a coin; the term symbol is applied to any subordinate or smaller figure which accompanies the type. In the later coinage of Athens, for instance, the type of reverse is always an owl standing on an amphora, but the symbol varies continually, changing indeed every year. The type belongs to the mint-city, and is usually either the figure or head of a deity, some object sacred to a deity, or the effigy of a king or emperor. The symbol, on the other hand, belongs to the monetary magistrate, and is impressed by him to indicate his responsibility for the weight and fineness of any issue of coin. It is usually supposed to be copied from his signet, the signet in antiquity answering in many points of use to the modern signature. [P. G.]

NUNCUPA'TIO. [TESTAMENTUM.]

NU'NDINAE (in an older form *noundinae*), *the market day*, a regular division of the Calendar, and hence the market itself. The Romans had a system of eight-day weeks, which, like our seven-day weeks, ran on from one month to another and from one year to another without breaking, and starting afresh with the new month or year, so that the nundinae was a day "qui nono semper ab orbe redit" (Ov. *Fast.* i. 54). By the ordinary inclusive reckoning the eighth day was counted as the ninth and

called *nundinae;* the whole week, or period of eight days, being termed *inter nundinum*, or, in one adjective, *internundinum* (tempus). The days were marked in calendars by the letters A, B, C, D, E, F, G, H, and it would naturally be supposed that H would always be the letter of the nundinae; but this was not so, because the 1st of January always began afresh with A, while the first nundinae of the new year was invariably the eighth day after the last nundinae of December, and consequently, unless the nundinae had fallen on the 31st of December, was marked by a different letter, which belonged to all the nundinae of that year. It may be observed that this system of letters cannot belong to the earliest times, because the letter G was only introduced in the third cent. B.C. But this does not prevent the eight-day division being a very ancient Roman arrangement, as Dionysius (ii. 28) and others describe it. (The Sabines, however, even till the end of the Republic, had a seven-day week, which appears in the *fasti Sabini:* see Marquardt, *Staatsverw.* iii. 281.) The countrymen, having worked seven days in the fields, came into the towns on the eighth for the market (Macrob. i. 16, 33; Verg. *Moret.* 80). The *jus nundinorum*—that is, the exclusive right of the dwellers in a particular spot to hold the periodical markets for a particular district—was granted by the senate (cf. Suet. *Claud.* 12; Plin. *Ep.* v. 4). As to the regulations about law business and comitia on the nundinae, see DIES, Vol. I. p. 636, and COMITIA, Vol. I. p. 506 *b*; as regards school holidays, LUDUS LITTERARIUS, p. 97 *b*.

The expression *trinum nundinum* (whence an adjective *trinundinus*, *trinundino die*, &c.) is disputed, and still open to dispute, both as to its grammar and its meaning. The usual explanation is that it is a genitive from *trinae nundinae*, with an ellipse of a word signifying *space* or *lapse*, and this is agreeable to the rule for the use of numerals in the best Latinity, though the rule is not without exceptions. That Cicero took it as a genitive is clear from *de Dom.* 16, 41; and its use elsewhere is not against this, if we take *trinundino* to be an adjective. The sense, according to this view, is, such a period as to include three nundinae (*i.e.* seventeen days), from the 1st to the 3rd nundinae. That Plutarch and Dionysius so understood it, is clear from their rendering it by ἡ τρίτη ἀγορά (Dionys. vii. 58, ix. 41; Plut. *Coriol.* 18). On the other hand, Mommsen brings instances which seem to show that the period was longer than seventeen days, at any rate in republican times, and he holds that it was a space of three complete *internundina*, i.e. twenty-four days, and, if a genitive at all, stands for *trinorum nundinorum*. He does not seem to us to overthrow beyond dispute the usual interpretation. It might be suggested that, if the required notice had to extend over three nundinae, it was originally a varying length, extending from seventeen days, when notice was given on the nundinae, to twenty-three days, when the notice was given just after a "market day" was past, and therefore the trinundinum may sometimes come before us as a period longer than twenty days (as in the cases cited by Mommsen), sometimes as a conventional term for exactly seventeen days. For the notice required for holding COMITIA, see Vol. I. p. 533 *a*.

Nundinium, a later form of nundinum, is found = nundinae (*C. I. L.* viii. 408), and = internundinum (Macrob. *l. c.*); but a use specially to be noticed is its signification, *the period of consulship*. When, under the Empire, several pairs of consuls were created in one year [CONSUL, Vol. I. p. 537], the period of a single consulship was called *nundinium* (Lamprid. *Vit. Alexand.* 28, 43; Vopisc. *Vit. Tacit.* 9). (Marquardt, *Staatsverwalt.* iii. 289; Mommsen, *Staatsrecht*, ii. 84, iii. 375.) [L. S.] [G. E. M.]

NUNTIA'TIO. [OPERIS NOVI NUNTIATIO.]

NUPTIAE. [MATRIMONIUM.]

NYMPHAEUM. [DOMUS, Vol. I. p. 678.]

O.

OBAE. [TRIBUS; GEROUSIA.]

OBBA, a bowl either of wood or earthenware, apparently broad at the bottom and narrowing towards the top, used for holding wine, but a cheap ware for common wine (Pers. v. 148). It is said by Gellius (xvi. 7) to be a provincialism used by Laberius. From Tertullian, *Apol.* 13, it appears that it was used also at funeral rites. The shape cannot be regarded as certain. Tertullian need not be speaking precisely of the shape when he says, "Quid differt a simpulo obba?" There is no clear proof for Rich's theory, that it was pointed at the bottom, and in fact Persius's epithet *sessilis*, i.e. squat or dumpy with a firm base, rather makes against it: if the reading "*obbatae* cassides," in Apul. *Met.* x. 234, is correct, we are none the wiser, since we cannot determine the shape of this particular *cassis* except by deciding that of the obba. (Marquardt, *Privatleben*, p. 654; Jahn, *ad* Pers. *l. c.*) [G. E. M.]

OBELISCUS (ὀβελίσκος) is a diminutive of *Obelus* (ὀβελός), which properly signifies a *sharpened thing*, a *skewer* or *spit*, and is the name given to certain works of Egyptian art.* A detailed description of such works would be inconsistent with the plan of this work, but some notice of them is required by the fact that several of them were transported to Rome under the emperors. Ammianus Marcellinus (xvii. 4) says that "an obelisk is a very rough stone in the shape of a kind of land-mark or boundary stone, rising with a small inclination on all sides to a great height; and in order that it may imitate a solar ray by a gradual diminution of its bulk, it terminates in a prolongation of four faces united in a sharp point. It is very carefully smoothed." Most ancient writers consider obelisks as emblematic of the sun's rays. (Comp. Plin. *H. N.* xxxvi. § 64.)

An obelisk is properly a single block of stone, cut into a quadrilateral form, the sides of which diminish gradually, but almost imperceptibly from the base to the top of the shaft, but do

* Herodotus (ii. 111) uses ὀβελὸς in the sense of an obelisk.

not terminate in an apex upon the top, which is crowned by a small pyramid, consisting of four sides terminating in a point. The Egyptian obelisks were mostly made of the red granite of Syene, from which place they were carried to the different parts of Egypt. They were generally placed in pairs at the entrance to a temple, close to other monuments of proportionate size. But the Romans, as Mr. Burn remarks, viewed them only as trophies, and, except those at the Mausoleum of Augustus, they stood apart from anything of equal height, presenting a naked and forlorn appearance. (*Rome and Campagna*, p. xliv.)

Obelisks were first transported to Rome under Augustus, who caused one to be erected in the Circus and another in the Campus Martius. (Plin. xxxvi. § 71; *Mon. Ancyr.* iv.) The former was restored in 1589, and is called at present the Flaminian obelisk. Its whole height is about 116 feet, and without the base about 78 feet: it now stands in the Piazza del Popolo. The obelisk in the Campus Martius was set up by Augustus as a sun-dial. It stands at present on the Monte Citorio, where it was placed in 1792. (Burn's *Rome and Campagna*, p. 333.) Its whole height is about 110 feet, and without the base about 71 feet. Another obelisk was brought to Rome by Caligula, and placed on the Vatican in the spina of the Circus of Caligula. (Plin. xxxvi. § 74, xvi. § 201.) In drawings of the 16th century it is represented as still standing in its original place. It stands at present in front of St. Peter's, where it was placed in 1586, and its whole height is about 132 feet, and without the base and modern ornaments at top about 83 feet. But the largest obelisk at Rome is that which was originally transported from Heliopolis to Alexandria by Constantine, and conveyed to Rome by his son Constantius, who placed it in the Circus Maximus (Amm. Marc. xvii. 4). Its present position is before the north portico of the Lateran church, where it was placed in 1588. Its whole height is about 149 feet, and without the base about 105 feet. (See Gibbon, *Hist. of Rome*, vol. ii. p. 400.)

There are nine other obelisks at Rome besides those mentioned above, but none of them are of historical importance. Three, however, which were found under and near the church of S. Stefano del Cacco, one as late as 1882, are interesting as remains of the temples of Isis and Serapis on that site. They are now in the Piazza della Rotonda, the Piazza della Minerva, and the Piazza del Collegio Romano. (See Middleton's *Rome*, p. 392.) There are also obelisks in various other places, as at Constantinople, Arles, Florence, Catana in Sicily, &c., some of which are works of Egyptian art, and others only imitations.

The preceding brief account is chiefly taken from Long's *Egyptian Antiquities*, vol. i. cc. 14, 15. [W. S.] [G. E. M.]

OBEX. [JANUA.]

OBLIGATIO LITTERARUM. One of the four modes in which, according to Gaius (iii. 89), contractual obligations could be incurred, was *litteris*. The contract was made by the creditor's entry (Gaius, iii. 137) of so much as *expensum* to the debtor in his account book (*codex accepti et expensi*). The debtor's assent to the entry was necessary (Cic. *pro Rosc. Com.* 1, 5; Val. Max. viii. 2, 2), but apart from that it was immaterial whether he had in fact received the money or not. For the practice of accurate book-keeping, which the Romans very possibly adopted from the system of the bankers in the Greek cities of Campania, reference may be made, in addition to the passages last cited, to Cic. *in Verr.* i. 23, 60; 39, 99;—ii. 76, 186; —*pro Quint.* 4, 11; *pro Font.* 3, 15; *pro Cluentio*, 30, 82; and Pliny, *H. N.* ii. § 7. The items of receipt and expenditure appear to have been entered without distinction, in the order of their occurrence, in a day-book (*adversaria*), and transcribed at the end of each month into a ledger (*tabulae, codex accepti et expensi*), the precise form and character of which is much disputed, though most probably it was arranged in two sides or columns after the fashion of an ordinary banker's pass-book. The entry in this ledger (*nomen facere*, Cic. *in Verr.* i. 36, 92; 39, 102;—*ad Att.* iv. 18; Seneca, *de Benef.* iii. 15) made the contract, and bound the debtor to repay the specified sum: it was not merely evidence, admitting of the possibility of rebuttal.

We are told by Gaius (iii. 131) that if an entry were made in the codex of an *actual* money loan, the obligation to repay it arose *re* (MUTUUM), not *litteris*, and the debt was called specifically *nomen arcarium*, the written record serving merely as evidence. It follows that wherever a genuine money debt was created *litteris* it must have been under the fiction of a loan, as appears to have been the case in two instances of debts originally incurred in this manner of which we have a record (Cic. *ad Att.* iv. 18; Val. Max. viii. 2, 2). But it seems clear that the most common purpose for which Expensilatio (as the contract is termed) was used was that of novation (*inf.* p. 259): and there were two modes in which an obligation could be novated *litteris*. By the first ("Transcriptio a re in personam," Gaius, iii. 129) a debt owing on some other ground, such (*e.g.*) as consensual contract or legacy, might be converted into a "literal" debt: for instance, an heir might be given time to pay a legacy on the condition that the legatee should be allowed to enter the money as *expensum* to him. The object of this, beyond a doubt, was to subject the strict action known as *condictio certi*, with its penal wager of a third of the sum in dispute, for an action (usually *bonae fidei*) by which only the actual sum due could be recovered. The old contract and the old action ceased to exist, their places being taken by new ones more favourable to the creditor. The second form of novation ("Transcriptio a persona in personam," Gaius, iii. 130) was employed where it was desired that money owed by one person to a second should be owed to him by a third instead: thus, if A owed money to B, and it was agreed that C should enter it in his codex as *expensum* to A, C would become A's creditor instead of B. In a similar way one debtor could be substituted for another, the creditor remaining the same.

Whether the "literal" contract could be entered into by aliens was disputed between the Sabinian and Proculian schools of lawyers. The latter held that it was too peculiarly *juris civilis* to be available to them at all: the former thought that they could be bound by it *a re in*

personam, but not otherwise (Gaius, iii. 133). But Gaius says (*ib.* 134) that aliens had a kind of literal contract of their own, differing from Expensilatio materially in form, but similar to it in its operation. This was a species of bond (*chirographa, syngraphae*), signed by the debtor, and acknowledging the debt, of Greek origin, as the names denote; and it seems clear, from the language of Gaius, that the bond, like the debt, was or constituted the obligation: it was not mere evidence, like the entry of a *nomen arcarium*.

Although Gaius speaks of Expensilatio as a form of contract actually existing in his own day, there can be little doubt that it had gone out of use, along with the regular keeping of accounts, among the generality of Roman citizens, and was still in vogue only with bankers, who kept their customers' accounts for them. Perhaps no explanation of this need be required beyond the general decay of republican manners under the Empire; but probably the disuse of the literal contract was connected with the introduction of *constitutum*, which secured all the advantages of Transcriptio without the extinction of the prior obligation, and still more with that of the *exceptio doli*, which may be attributed with some certainty to Gallus Aquilius, who was Cicero's colleague in the praetorship. The action for breach of an obligation incurred *litteris* was *stricti juris*, and the law was that fraud was no defence to an action of that kind, so that a defendant was helpless whose consent to the creditor's entry had been obtained by misrepresentation, or by an unfulfilled undertaking to advance money or give credit in consideration of that promise being given. An anecdote told by Cicero (*de Off.* iii. 14, §§ 58–60) puts the matter in a strong light. Pythius, a Syracusan banker, induced Canius to buy a country-house from him by fraudulently inducing him to believe, on the evidence of his own eyesight, that the estate and neighbourhood abounded in spoils for the hunter and the fisherman. Knowing that a consensual contract of sale would be radically vitiated by his dishonesty, he produced his codex, and got Canius to assent to the debt being transcribed on the spot. Canius, says Cicero, had no remedy, for his colleague Aquilius had not yet introduced his *formulae de dolo*. When however that had been done, Expensilatio had virtually ceased to be a contract binding through its form alone; and whenever there had been anything in the nature of chicane or dishonesty on the creditor's part, he could not but fail in his action.

The later history of the literal contract, and in particular of the so-called "literal obligation" of Justinian's Institutes (iii. 21), is intimately bound up with that of Stipulation, the contract made *verbis*. In the Greek provinces of the Empire the old oral stipulation of Rome, and the provincial chirographum or syngrapha, appear to have become merged together in the written and signed memorandum (*cautio, instrumentum*), purporting to attest a stipulation actually made by oral question and answer (Paul. *Sent. rec.* v. 7, 2; *Inst.* iii. 19, 17). If such a *cautio* were obtained by the promise of a pecuniary consideration, which in fact had not been given, it could when sued upon be met by the "exceptio pecuniae non numeratae," a specific variety of the *exceptio doli:* and it was enacted in 213 A.D. (Cod. 4, 30, 3) that when this plea was entered by the defendant, the plaintiff should be bound to prove that the alleged consideration had actually been given, unless a certain interval of time had elapsed from the date of the document. It seems that when, in compiling the Institutes, Justinian found that he had no genuine literal contract, corresponding to the old Expensilatio, to describe, he thought the best equivalent would be this *cautio* purporting to evidence a stipulation, and the kindred topic of the "exceptio pecuniae non numeratae." That this is the true significance of the very difficult title (21) in the third book of the Institutes appears clear on a careful examination of the passage in Gaius (iii. 134), upon which it is obviously modelled, and in view of a later paragraph (iv. 13, 2) of the Institutes themselves. But between the old contract, made by entry in the codex, and the *cautio* which Justinian put in its place, there is the same radical difference that there is in English law between a deed under seal and a mere written memorandum of a contract. The entry in the codex *was* the contract; and if its genuineness was not disputed, the party against whom it was made was technically bound, though he might escape judgment by pleading the *exceptio doli*. That the *cautio* was not itself a contract, and never more than evidence of an alleged contract made (expressly or impliedly) by stipulation, which could be rebutted by counter-evidence that the alleged contract had never been made at all, is placed beyond all reasonable doubt by the passage of the Digest (44, 7, 1, 2) in which the sources of contractual obligations in Justinian's time are enumerated. In that passage, which is taken from another work of Gaius, we read "obligationes ex contractu aut re nascuntur aut verbis aut consensu:" and the "aut literis" which Gaius no doubt originally wrote was deliberately suppressed by the compilers of the Digest, so as to bring the extract into agreement with the actually existing law of the day. (Savigny, *Verm. Schriften*, i. 205 *sq.*; Gneist, *Die formellen Verträge*, 321 *sq.*; Rein, *Civilrecht*, p. 677 *sq.*; Voigt, *Jus Naturale*, iv. 74, and his treatise *Ueber die Bankiers, die Buchführung und die Litteralobligation der Römer;* Keller, *Beitrag zu der Lehre von dem röm. Literal-contracte in Sell*, Jahrbücher 1; Schüler, *Die literarum obligatio des älteren röm. Rechts*, 1842; Buonamici, *Sulle literarum obligationes in diritto Romano, Arch. giurid.* xvi. 3 *sq.*; Padeletti, *History of Roman Law*, ch. 21, note 6.) [J. B. M.]

OBLIGATIONES. *Obligatio* is defined by Justinian (*Inst.* iii. 13, pr.) as "juris vinculum, quo necessitate adstringimur alicujus solvendae rei, secundum nostrae civitatis jura:" a legal bond, with which we are bound by a necessity of performing some act according to the laws of our state. It is thus a legal relation between two ascertained persons, respectively debtor and creditor (using these terms in a wide sense), in virtue of which the latter is entitled to a certain act or forbearance from the former. Sometimes the term is used to denote specifically the right of the creditor (e.g. *Inst.* iii. 28; Dig. 45, 1, 126, 2, &c.) or the duty of the debtor (*e.g.* Dig. 12, 1, 6, &c.), and it occasionally bears

other divergent but cognate meanings: but its proper signification is that which has been stated. It differs from the legal relations exemplified in ownership, servitudes, or possession, in that it involves only what jurists call rights *in personam:* the person who owes the duty is specific and ascertained from the outset, whereas the duty owed to the owner of property, not to interfere with his proprietary rights, is incumbent not on any particular person, but on persons generally: and this contrast is well put by Paulus in Dig. 44, 7, 3, pr.: "Obligationum substantia non in eo consistit, ut aliquod corpus nostrum, aut servitutem nostram faciat, sed ut alium nobis obstringat ad dandum aliquid, vel faciendum, vel praestandum." According to the Roman view, the relation between the two parties is strictly personal: the right is the creditor's, and the duty is the debtor's only: neither debtor nor creditor can be really changed without destroying the existence of the obligation itself: or, as has been said, "The personal relation in an obligatio, according to the Romans, is so essential, that its active or passive transfer—assignment of the right, assumption of the liability by another—cannot in any way be directly effected."

The result of an obligatio is the partial subjection (in law) of one person's will to another, the debtor's freedom of action being partially limited in favour of the creditor: "debitor intelligitur is, a quo invito pecunia exigi potest" (Dig. 50, 16, 108). But even this must not be taken to imply that the creditor can in all cases enforce his right by action at law. In the earlier period of the Roman legal system it was otherwise: obligation and actionability went hand in hand; unless there was an action, the obligation had no legal existence. But when the ideas of equity and the *jus gentium* began to gain ground, the praetor came to recognise other legal incidents to an obligatio than actionability, and would allow the creditor's right to be enforced or realised in other ways. Hence the distinction of obligations into *naturales* and *civiles:* a civil obligation is one enforceable by action; a natural obligation is one which, though not actionable, possesses all the other legal properties of obligationes in general. For instance, though the debtor could not be made to pay, yet if he paid voluntarily, even by mistake, he could not recover the money back on the ground that it was not due (Dig. 46, 1, 16, 4). So, too, a debt "naturally" owed could be set-off against an actionable claim of the debtor against the creditor (Dig. ib. 26), and it could form a sufficient basis for a pledge, a guarantee, or a novation (of which something will be said below). The causes which made obligations natural instead of civil are mainly two: insufficiency of form in contracts, and defective capacity of legal right or legal action in a party. As regards the first, agreements according to Roman law were actionable only if they were expressed in a definite form, or else belonged to one or other of certain specially favoured classes; otherwise they were called *nuda pacta;* no action would lie on them, but yet the promisee might get and retain what was due to him in other ways. As regards the second, there were certain classes of persons between whom there could be no civil obligation. A slave could not be bound *civiliter* to any one, but was capable of natural obligation, and similarly no one could be bound *civiliter* to a slave. So, too, between pater- and filius-familias there could be natural obligation only. Lastly, *civilis* obligatio sometimes became *naturalis* by operation of law: *e.g.* through the rules as to limitation of actions, or capitis deminutio (Dig. 4, 5, 2, 2).

Another division of obligations is based upon the character of the legislative organ (so to speak) to which they respectively owe their validity. When that organ was the mouthpiece of the civil law (*e.g.* the comitia, emperor, or custom), the obligatio was said to be *civilis* (in another sense): when it was the praetor or some other magistrate, it was said to be *honoraria* or *praetoria.* And sometimes obligations are classified in a manner more proper to the actions which lie upon them, as either *stricti juris* or *bonae fidei.* Personal actions of the CONDICTIO class were *stricti juris,* others were *bonae fidei;* and these terms were transferred to the obligations which they were brought to enforce. Hence the contracts which were ascribed to the *jus gentium* (with the exception of *mutuum*) are sometimes said to create *bonae fidei* obligations; *e.g.* sale, hire, agency, pledge, deposit, and others.

Finally, modern writers usually divide obligations into *unilateral* and *bilateral.* An obligation is unilateral when only one of the parties is bound, as where A lends B five pounds: the latter alone owes anything. It is bilateral where duties exist on both sides, as in a contract of sale, where the vendor has to convey the thing sold, and the vendee has to pay the price. But, strictly speaking, every obligation is unilateral, for a person cannot play two different *rôles* in the same legal relation: so that the so-called bilateral obligations are in reality two separate obligations regarded as one by reason of the identity of their origin.

The "object" of an obligation is always either an act or a forbearance; the person bound has to do or not to do. If A agrees to sell B a horse, B has in law no right to the horse (for in that case his right would be *in rem,* not *in personam*); all he has a right to is a conveyance from A, which is an act. Of the possible objects of an obligation, in this sense, the Romans have no scientific classification; the nearest approach to one is that suggested in the passage of Paulus cited above into *dationes, factiones,* and *praestationes.* But this originated in the technicalities of pleading under the formulary system, and in the finished law of Justinian is merely a worthless survival of an older and obsolete procedure. But whatever the act or forbearance may be which is owed under an obligation, it is subject to three rules. It must have an appreciable money value in relation to the creditor: "ea enim in obligatione consistere, quae pecunia lui praestarique possunt" (Dig. 40, 7, 9, 2): though whether this rule was in force under Justinian has been denied by modern writers (*e.g.* Windscheid, *Lehrbuch,* § 251, note 3; Ihering, *Jahrbuch für Dogmatik,* xviii. pp. 34–115). It must be lawful, and further possible both in nature and in law: and thirdly it must be, or be capable of being rendered, sufficiently definite; *e.g.* one cannot

be bound to do just as much as and no more than one pleases (Dig. 45, 1, 108, 1).

Viewed with reference to the facts on which the law operated so as to give them binding force, obligations arose, according to the Institutes of Gaius, from Contract and Delict: to these he adds in the third book of his Aurei (Dig. 44, 7, 5) "variae causarum figurae," a source which in Justinian's Institutes is represented by the more intelligible heads of quasi-contract and quasi-delict. Justinian's enumeration of the sources of obligations, though hardly exhaustive and not scientifically adequate, is more satisfactory than the classification of Modestinus, who in Dig. 44, 7, 52 says that obligations arise from *res*, *verba*, *consensus*, *lex*, *jus honorarium*, *necessitas*, and *peccatum*. To make Justinian's statement at all a good one, the term *contractus* must be taken to include all agreements, for every agreement, if Savigny is correct, gave rise to at least a "natural" obligation, though by Justinian himself it is used to denote only certain agreements which, owing to their form or nature, were actionable under the civil law. The general Roman terms signifying "agreement" are *conventio*, *pactio*, *pactum*: "et est pactio duorum pluriumve in idem placitum consensus" (Dig. 2, 14, 1, 2). The essential element here is the consent of two (or more) wills, but this was not enough, in the Roman view, to make a *contractus*, a term differentiated from *pactum* by the circumstance that to certain agreements (*pacta*) a "civil" obligation was annexed by the older law in virtue either of their nature, or of their being attended by some other fact besides the mere fact of agreement. An unaccepted promise, or promise without agreement (*pollicitatio*), gave rise to an obligation only in certain cases when made to a municipal corporation (Dig. 50, 12, 3, pr.), and where vows were made to the Deity or pagan gods (Dig. ib. 2, pr. and 1). Actionable *pacta* are called by modern writers *pacta vestita*: they include, firstly, the contracts recognised by the older law:—NEXUM (which is not treated by Gaius or Justinian), and the contracts made *verbis* and *litteris*, *re* and *consensu*: and, secondly, certain agreements which were made actionable at different times by the edict or imperial legislation (*pacta praetoria* and *legitima*). Agreements on which no action lay were termed by the Romans *pacta nuda*: "nuda pactio obligationem non parit, sed parit exceptionem" (Dig. 2, 14, 7, 4): *i.e.* they could be relied upon in defence, *e.g.* for purposes of set-off, and according to Savigny possessed all the incidents of *naturalis obligatio*, but could not be sued upon: "ex nudo pacto inter cives Romanos actio non nascitur" (Paul. *Sent. rec.* ii. 14, 1).

Perhaps the oldest of the Roman contracts was NEXUM, to the article on which reference may be made. But there were two other very old formal contracts which had a longer history, and of which we have far fuller knowledge, viz. Stipulatio and Expensilatio or literal contract. The first is by Gaius and Justinian identified with the obligation made *verbis*, which is usually taken to comprise two other far less important formal promises: *dotis dictio* (Ulpian, *Reg.* 6, 2; Cic. *pro Flacco*, 35, 86; *pro Caec.* 25, 72; Terence, *Andr.* v. 4, 47: see DOS) and *jurata promissio liberti* (Dig. 38, 1, 7: see LIBERTUS). Stipulatio was a form of contract which gave rise only to a unilateral obligation, the promiser binding himself to the *stipulator* or promisee by returning an oral affirmative answer to the oral question of the latter (Cic. *pro Caec.* 3, 7). Originally the only terms which could be used were *spondes? spondeo* (Plaut. *Capt.* iv. 2, 117), and the strictest correspondence between question and answer was insisted upon: moreover in this form no one could contract except Roman citizens, so that *peregrini* could not avail themselves at first of stipulation at all (Gaius, iii. 93, 179). Later, other words became sanctioned by usage: e.g. *promittis? promitto*, *dabis? facies?* &c. (Gaius, iii. 93; *Inst.* iii. 15, 1), by employment of which the form was made accessible to aliens: and in Gaius' time Greek equivalents were permitted. Similarly, by degrees the requirement of strict and literal correspondence between question and answer was dispensed with, and, owing to a constitution of Leo, A.D. 469 (Cod. 8, 38, 10; *Inst.* l. c.), the law allowed in Justinian's age the use of any terms and any language whatever, provided the parties understood one another: by which time, too, it had been discovered to be so inconvenient that the proceedings must be oral, and so necessitated the presence of the parties, that the original solemnities of stipulation had in most cases dwindled down to a written memorandum of a promise fictitiously represented as having been made in answer to a preceding question (*cautio*), upon which an action would successfully lie unless the defendant chose dishonestly to rely upon the defence that the contract had not been made (as, strictly speaking, the law required) by oral question and answer (*Inst.* iii. 19, 17 and 12). The value of such *cautiones* was merely evidentiary: oral stipulations were probably always made in the presence of witnesses (Cic. *pro Rosc. Com.* 5, 13), which, however, were not prescribed by law, as in the case of mancipations and nexum.

Stipulation is not so much a peculiar species of contract as a universal contract form: a form in which any agreement whatever could be concluded, and into which many were thrown, even though actionable in themselves (*e.g.* sales), on account of the superiority of the remedy (*condictio*) that would then be enforced. Justinian (*Inst.* iv. 15, 7) recommends that whenever the object of a stipulation is other than the payment of a sum of money, it should be expressed in the form of a condition to a bond: *e.g.* "If you do not do so and so for me, do you promise me so much?" The advantages secured by this were that the promisee, if the condition was not fulfilled, was not under any necessity of proving what loss he had suffered (*Inst.* l. c.), which perhaps would have given him very inadequate damages ("et ad exiguam summam deducitur," Dig. 46, 5, 11), and that the ground of action was not a promise to do, but a promise to pay, so that until Justinian's time the plaintiff recovered more than the sum actually due by means of the penal wager involved in *condictio certi* [see PER CONDICTIONEM ACTIO].

Various grounds are stated by Gaius (iii. 97–109) and Justinian (*Inst.* iii. 19) on which stipulations were void (*inutiles*), some of which,

however, affect all contracts, and not stipulation only. Among the latter are impossibility of performance (Gaius, iii. 97; *Inst.* iii. 19, 1 and 2), impossible conditions (Gaius, iii. 98; *Inst.* ib. 11), and the elementary principle of law that a contract can confer rights and impose duties only on those who are parties to it (Gaius, iii. 103; *Inst.* ib. 3, 4, 19–21). To stipulation alone relate the rules as to the correspondence of question and answer (Gaius, iii. 102; *Inst.* ib. 5), to the incapacity of deaf or dumb persons to be parties (Gaius, iii. 105; *Inst.* ib. 7), and to the necessity of the parties being simultaneously present with one another (Gaius, iii. 138; *Inst.* ib. 12). Something also is said upon the contractual capacity of *pupilli* and *infantes*, as to which see IMPUBES and INFANS.

It was not unusual for the promise to be made on the stipulator's behalf to a second promisee as well as to himself, who was called the *adstipulator*, and was a kind of trustee for the real creditor. He could accept and even sue for performance of the promise (Gaius, iii. 111), but could be compelled by *actio mandati* to deliver up to his principal or the latter's heir anything which thereby came into his hands, and was liable to a penal procedure under the Lex Aquilia (Gaius, iii. 215) if he fraudulently released the promiser. Some peculiar rules as to adstipulatio are noticed by Gaius (iii. 114). Its object was to facilitate representation of the promisee by an agent in an action at a time when attorneys were not generally allowed for that purpose, and to enable a promise to be validly made of performance to a person after his death, which otherwise could not have been done till the time of Justinian (Gaius, iii. 100; *Inst.* iii. 19, 13). In the latter's legislation adstipulatio disappears, both of the purposes which it had served being directly attainable.

Stipulation was also perhaps the commonest mode in which the contract of suretyship was made. [See INTERCESSIO.]

For Expensilatio, or literal contract, see the article on OBLIGATIO LITTERARUM. The "real" contracts, those in which the obligation is generated *re*, i.e. by delivery of property or possession, are four in number, viz. two varieties of loan, MUTUUM and COMMODATUM, Deposit [DEPOSITUM] and Pledge [PIGNUS]. Both Gaius and Justinian also speak of the duty of a man to repay money paid to him in the mistaken belief that he could legally claim it as "real," though (Gaius, iii. 91; *Inst.* iii. 14, 1) they hesitate to attribute to it a contractual character, and later in the Institutes (iii. 27, 6) Justinian enumerates it among quasi-contractual obligations.

The Consensual Contracts, agreements on which an action lay in virtue of the mere consent of the parties (Gaius, iii. 136; *Inst.* iii. 22), apart from all form, are sale [EMPTIO VENDITIO], hire [LOCATIO CONDUCTIO], partnership [SOCIETAS], and agency [MANDATUM]. With regard to the last, it should be observed that where an agent made a contract on behalf of his principal, the Roman law never allowed the latter to sue directly on it; but only as the assignee of his own agent (Dig. 3, 3, 68; 41, 2, 49, 2). The only exception to this was where the agent was the principal's filiusfamilias; and this was due to the rule that, as persons in potestas are incapable of proprietary rights, rights acquired by them *ex contractu* vest immediately in their dominus or paterfamilias. The dominus could not sue on contracts made by his slave, for they gave rise to *naturalis obligatio* only, but he was entitled to any advantage otherwise derivable from them; on those made by his son in power the paterfamilias had an action: the modifications of this principle by the development of the doctrine of *peculium* are described under PATRIA POTESTAS. Manus and Mancipium were also conditions which vested in the superior the benefit arising from contracts made by the inferior: see Gaius, iii. 163–167, and *Inst.* iii. titles 17 and 28.

Among the agreements which were actionable without being termed *contractus* by the Romans, the first place is to be given to the so-called Innominate Contracts, which were a development of the principle—in reality part-performance—involved in the obligations arising *re*. The simple reason why the borrower in a Mutuum (*e.g.*) or the pledgee in a Pignus was bound by a civil obligation was that the other party had first done all he had engaged to do. Apparently owing to the influence of the jurist Labeo, a more general application of this principle shortly after the fall of the Republic gave a great extension to the Roman contract system; and by a gradual development it was at length held that every agreement (even though not belonging to any of the hitherto established classes of contract), in which an act on the one side was the consideration for an act on the other, was enforceable by action at the suit of that party who had done all to which he was bound under its terms (Dig. 2, 14, 7, 2). Such agreements are by modern writers termed Innominate Contracts because they have no specific names, such as Sale, Pledge, &c.; their characteristic marks are mutuality and part-performance: until one of the parties has done what he has engaged to do, no action lies, whereby they are clearly distinguished from the contracts which are actionable in virtue of the mere fact of agreement (Dig. 19, 4, 1, 2). By Paulus they are roughly classified according to the possible acts which might be the consideration for one another respectively ("aut enim do tibi ut des, aut do ut facias, aut facio ut des, aut facio ut facias," Dig. 19, 5, 5, pr.): but the most usual clue to them is the mention of the actio (*civilis in factum*, or *praescriptis verbis*) by which the party who had performed could exact counter-performance or recover damages from the other (e.g. *Inst.* iii. 24, 1 and 2). If the part-performance had consisted in conveyance of property (*dare*), the plaintiff might, as alternative to the *actio praescriptis verbis*, redemand what he had conveyed by the older remedy known as "condictio causa data causa non secuta" (Dig. 12, 14, 3, 2). The commonest examples of Innominate Contract are exchange (*Permutatio*, Inst. iii. 23, 2); *Aestimatum*, the acceptance of property valued at a certain maximum under the condition of either returning it or paying the price at which it is valued (Dig. 19, 13, 1, pr.); *Transactio*, or compromise (Dig. 2, 15; Cod. 2, 4); and *Precarium*, or permissive occupancy (Dig. 43, 26, 19, 2). But the practical value of the *actio praescriptis verbis* is

best realised in cases which cannot certainly be regarded as within the principle of any named (*i.e.* Real or Consensual) Contract, and in which the jurists say, "*tutius esse*, praescriptis verbis agere" (Dig. 19, 3, 1, pr.; 4, 3, 9, 3, &c.). This extension was apparently due to juristic action. Other agreements, as has been observed above, were made actionable by the praetor or by the emperor. The chief *pacta praetoria* are Constitutum [INTERCESSIO], Hypotheca [PIGNUS]; Receptum arbitrii, the agreement to refer a dispute to arbitration (Dig. 4, 8); and Receptum nautarum, cauponum, &c., the obligation (*quasi ex contractu* rather than contractual) of innkeepers, shipowners, and others in similar positions, to be answerable for the safe custody and restitution of property put under their charge and control (Dig. 4, 9, 1, pr., &c.). Of the *pacta legitima* first made actionable by the emperors, the chief example is DONATIO: compare also the legislation of Zeno on the subject of EMPHYTEUSIS. It is also usual to enumerate among *pacta vestita* what civilians call *pacta adjecta:* subsidiary conventions annexed to an agreement remedied by *bonae fidei* action, and themselves enforceable by that action if entered into substantially as part of and at the same time with the main agreement (*ex continenti*), even though expressed in the guise of a condition. For instance, if A agreed to buy B's house on condition that the latter put it in repair, this condition would itself be construed as a promise; and an action would lie for its breach, the contract being consensual: had the transaction been Stipulatio or Mutuum (on which the action was *stricti juris*), it would have been otherwise (Dig. 2, 14, 7, 5; ib. 7; 19, 1, 13, 30; 19, 5, 6; 18, 1, 75).

Obligationes arising *quasi ex contractu* are illustrated in the Institutes (iii. 27) and in *Dig.* 44, 7, 5 by Negotiorum gestio [NEGOTIORUM GESTORUM ACTIO], the relation of guardian and ward [CURATOR, TUTOR], joint-ownership arising from gift, inheritance or legacy, &c. In all these cases the party or parties are bound by an obligation, though not under any express agreement; but the circumstances being more analogous to Contract than to Delict, the obligation is said to be quasi-contractual.

Obligationes arising from Delict denote the *vinculum juris* which the law creates in certain cases of wrong-doing between the injured person and the delinquent. As soon as a "delict," in the Roman sense, is committed, the wrong-doer is "bound" to the man he has wronged, to pay him a penalty; and where the act is one which causes loss of or damage to property, he is also bound to indemnify the person on whom such loss or damage falls. Such delicts are four in number, viz. Theft [FURTUM], Robbery [BONA VI RAPTA or RAPINA], Damage to property [DAMNUM INJURIA DATUM], and Assault, Libel, Slander, &c. [INJURIA]. Quasi-delictual obligations are illustrated in the Institutes (iv. 5) by instances of two kinds: cases of vicarious responsibility, imposed on a man because he employs careless or dishonest servants (e.g. *Inst.* iv. 5, 3), or because it may be difficult to ascertain the real offender (*ib.* 1 and 2), and wrongs which result directly from a man's own *culpa* or *dolus*, but which do not come under the definition of any of the four delicts proper (*ib.* pr.).

Hitherto obligations have been spoken of as existing between two parties only: but to the same obligation there may possibly be two or more debtors, or two or more creditors, all of whom are comprehended under the general name of *rei* (Cic. *de Orat.* ii. 43, 183). Two distinct forms of such plurality of parties are found in the Roman law, called by modern writers Solidarity and Correality. Solidarity is mainly passive: one creditor is entitled against two or more debtors by different obligations; but these obligations, though different from one another, have one and the same act or forbearance as their object: so that when that object is once attained by the performance of one of them, all the rest, having no longer any object, cease *ipso facto* to exist. For instance, where two persons jointly commit a delict—*e.g.* break a man's windows—the obligation to make compensation (though not that to pay the penalty prescribed by law) is of this nature: as soon as one has paid for mending the windows, the other's liability is at an end (Dig. 2, 10, 1, 4; 4, 2, 14, 15, &c.). Other examples of solidary obligation are found in the liability of co-tutors for *dolus* and *culpa* in the discharge of their duties (Dig. 16, 3, 1, 43), and in those cases where two or more persons jointly incur duties *ex contractu* without becoming *correi* (e.g. Dig. 17, 1, 60, 2; 16, 3, 1, 43; 13, 6, 5, 13). Correality resembles Solidarity in the identity of the obligation-object which is owed to one creditor by several debtors, or by one debtor to several creditors; but it differs in that there is also but one obligation: there is but one single *vinculum juris* by which the debtor and the creditors, or the creditors and the debtor, are bound to one another; so that any act or event which extinguishes that single obligation between the creditor and one of the debtors, or between the debtor and one of the creditors, puts an end to it between them all. Correal obligation arose most commonly from contract, usually stipulation in the form described in *Inst.* iii. 16, pr.: but it could also be created in a testament, by the testator charging a bequest on one or other of his heirs in the alternative (Dig. 30, 8, 1), and similarly in a banking partnership the *socii* were liable *correaliter* on all their business transactions, whether entered into by one or all of them (Dig. 2, 14, 9, pr.).

Of the modes in which obligations could be extinguished (which extinction is commonly expressed by *solvere* in the general sense of loosing or releasing, Dig. 42, 1, 4, 7; 50, 16, 47; ib. 176), the first to be noticed is performance ("solutio *stricto sensu*"). So far as the release of the debtor was concerned, it was immaterial from whom performance proceeded—whether from himself or from some third person (Gaius, iii. 168). Whether he was equally discharged by what is called *datio in solutum*, the acceptance by the creditor of something other than what was really owed in lieu of it, had been disputed between the two schools of jurists: the Sabinians, whose view was eventually confirmed by Justinian (*Inst.* iii. 29, pr.), answered in the affirmative, while the Proculians held that in law the debtor remained bound, though if sued he could successfully meet the creditor's

action by the plea of fraud (*exceptio doli mali*). Secondly, certain obligations could be properly discharged only by an "imaginaria solutio per aes et libram" (Gaius, iii. 173–175): for these reference may be made to the article on NEXUM. A third mode of extinction was Acceptilatio, a formal release from an obligation incurred by stipulation only (Terence, *Adelph.* ii. 1, 10), and expressed in a solemn corresponding form of question and answer—"Quod ego tibi promisi habesne acceptum? Habeo: consentaneum enim visum est," says Gaius (iii. 170), "verbis factam obligationem posse aliis verbis dissolvi." But though Acceptilatio was specialised to the discharge of obligations created *verbis*, a liability incurred in any other way whatsoever could be transformed by Novatio (of which below) into a verbal obligation, and then released in this manner (Gaius, iii. 170; *Inst.* iii. 29, 1): and the jurist Gallus Aquilius devised a comprehensive formula, called the Stipulatio Aquiliana (*Inst.* ib. 2), by which all obligations in which one and the same person was debtor, and another and the same creditor, could be embraced in a single *novatio*, whereby they were converted into a single obligation, which could then, if required, be discharged by Acceptilatio: "Quidquid tibi hodierno die per Aquilianam stipulationem spopondi, id omne habesne acceptum? Habeo, acceptumque tuli" (*Inst.* iii. 29, 2, after Florentinus in Dig. 46, 4, 18, pr. and 1). Novation, which has already been more than once referred to, is the extinction of one obligation by the substitution for it of another (Dig. 46, 2, 1, pr.). Originally this could be effected in two ways: by Transcriptio (Gaius, iii. 128–130: see OBLIGATIO LITTERARUM) and Stipulation: but the former had gone out of use long before Justinian's time, and perhaps even as early as that of Gaius. The end in view in a Novation was sometimes to change one of the parties to a subsisting obligation, as where A stipulates from B for payment to him of a debt due to himself from C (change of debtor), or where C (with B's consent) stipulates from A for payment to himself of a debt owed by A to B (change of creditor): but more commonly perhaps it was to alter the nature of a subsisting liability by converting a real or consensual into a verbal obligation (so as to substitute a *stricti juris* for a *bonae fidei* action), or by modifying its terms. It was immaterial whether the obligation "novated" was *civilis* or *naturalis*, and the obligation created by the "novating" contract would extinguish the old one even though itself *naturalis* only (Gaius, iii. 176; *Inst.* iii. 29, 3). Whether an absolute obligation was extinguished at once by a conditional novating stipulation was at one time a question: the great jurist Servius Sulpicius had held that extinction ensued even though the condition of the novating contract was never fulfilled, but Justinian confirmed the view upheld by Gaius (iii. 179), that the old obligation subsisted until the condition of the new one was fulfilled, but that if the creditor sued upon it before such fulfilment he could be repelled by *exceptio doli* or *pacti* (Dig. 23, 3, 50; *Inst.* iii. 29, 3). He also enacted that in order to effect a novation the parties to the contract must expressly state this as their intention.

Gaius (iv. 108) tells us that under the old procedure by *legis actio* no second action could ever be brought on the same ground, so that obligations were extinguished by being sued upon: and also (iii. 180) that under the formulary system of procedure the same result ensued from *litis contestatio* or joinder of issue, if the action belonged to the class of Judicia legitima: *litis contestatio* thus having a quasi-novative effect, and substituting for the original obligation a new liability on the defendant to be condemned if the plaintiff proved his case (Gaius, iii. 181); though according to Dig. 12, 6, 60, the old obligation was not really destroyed, but continued to exist *naturaliter*. The judicia which were not *legitima litis contestatio* did not destroy the obligation, but if the plaintiff sued on it a second time he could be defeated by *exceptio rei in judicium deductae* or *rei judicatae* (Gaius, iv. 106). When the formulary system was superseded (A.D. 294), *litis contestatio* ceased to have this operation in any case, though if the action had been decided on its merits the *exceptio rei judicatae* was as powerful to repel a second suit as before (*Inst.* iv. 13, 5). [See the article on LITIS CONTESTATIO.] Justinian also observes (*Inst.* iv. 29, 4) that the obligation of a consensual contract could be extinguished by *contraria voluntas*, i.e. by the parties agreeing to be off their bargain, provided neither had done anything in execution of his side of it (*re integra*): such an agreement, when the *res* was no longer *integra*, had not the same effect, but operated as a new contract, which bound the party in whose favour performance had taken place to restore the other *in statum quo*, but which was unable to affect injuriously rights acquired under the original agreement by third persons (Dig. 2, 14, 58).

There were other modes in which obligations were discharged, and of which no mention is made in the Institutional works of Gaius and Justinian: *e.g.* physical impossibility of performance arising *ex post facto* without default of the debtor (Dig. 46, 3, 92): in some cases CONFUSIO (Dig. ib. 95, 2); and sometimes death of one of the parties to a contract, as in societas (*Inst.* iii. 25, 5) and mandatum (ib. 26, 10). The obligation to pay a penalty on a delict was also destroyed by the delinquent's decease, and those involved in the *actiones furti* and *injuriarum* were dissolved *ipso jure* by "pactum de non petendo" or agreement not to sue (Dig. 2, 14, 17, 1).

A few words are necessary on the transfer *inter vivos* of the rights and liabilities in an obligation. The latter could in no way be transferred without the creditor's assent, and then only by means of a novatio, the old obligation being destroyed, and a new one with different parties taking its place. Similarly the creditor's right could be transferred, with the debtor's co-operation, by substituted agreement; but without such novation he had no means of assigning his right so as to enable the assignee to sue in his own name, or indeed to sue at all till the introduction of the formulary procedure. After this the assignee could bring his action as the assignee's agent and in the latter's name (Gaius, ii. 39; iv. 86), but subsequently he was enabled to sue in his own name by *actio utilis* (Dig. 3, 3, 55;—Cod. 4, 15, ult.; 6, 37, 18). The Roman law, however, apparently never recognised a genuine assignment of rights *in*

personam, by which the assignee simply and actually stepped into the shoes of his assignor, who simultaneously dropped altogether out of the matter.

(Gaius, iii. 88–225; *Inst.* iii. 13—iv. 5; Dig. 2, 14; 44, 7;—Cod. 4, 10; Savigny, *Obligationenrecht*; Unterholzner, *Quellenmässige Zusammenstellung der Lehre des römischen Rechts von den Schuldverhältnissen*, Leipzig, 1840. Reference may also be made to the part on Obligations in the works of the leading modern civilians, such as Vangerow, Windscheid, Ortolan, Thibaut, Arndts, Baron, Puchta, and to Dr. Bruns' article on the modern Roman law in Holzendorff's *Encyclopädie* (4th edit.), pp. 458–509. Compare also for some points only slightly touched on in this article Excursus v., vii., viii. and ix. in Mr. Moyle's edition of the Institutes of Justinian.) [J. B. M.]

O'BOLUS (*ὀβολός*) was the sixth part of a drachm [see PONDERA, DRACHMA], whether as weight or coin. As a silver coin the obol was in circulation in Greece, Asia, and the West from early times, as well as its multiples the tetrobol, triobol (hemidrachm), and diobol. In the sixth and fifth centuries B.C. the fractions of an obol, the hemiobol, tetartemorion, &c., were issued in silver at Athens and other cities. About B.C. 400 copper coin began to be in use, and the obolus and its parts were issued in that metal. As an instance we figure a copper coin of Metapontum, identified as an obolus by its inscription. The metal value of the obolus varied according to the standard followed in its striking; it would be between one penny and twopence. In Athens the obolus contained 8 *χαλκοῖ*. [P. G.]

Obulus of Metapontum. (British Museum.)

OBSIDIONA'LIS CORO'NA. [CORONA.]

OBSO'NIUM. [OPSON.]

OCCA'TIO. [AGRICULTURA, Vol. I. p. 63.]

OCCUPA'TIO is the advisedly taking possession of a thing which belongs to no one (*res nullius*), with the intention of appropriating it: the property in it is thereby *ipso facto* vested in him who takes possession (Cic. *de Off.* i. 7, 21): "quod nullius est, id ratione naturali occupanti conceditur" (Dig. 41, 1, 3, pr.). Hence (following Gaius, ii. 66, and also in the passage just cited) Justinian enumerates occupatio in his Institutes as one of the *adquisitiones naturales*, or modes of acquiring property recognised practically among all peoples, as being based on the *jus gentium* or *naturale*. Among the things of which one can become owner in this fashion are wild animals, birds, bees, and fishes (*Inst.* ii. 1, 12–16), enemies' property on Roman soil (*ib.* 17), stones and pebbles found on the sea-shore (*ib.* 18), islands which rise in the sea (*ib.* 22), treasure trove (*ib.* 39), and *res derelictae*, property abandoned by its former owner (*ib.* 47). [J. B. M.]

OCHLOCRA'TIA (*ὀχλοκρατία*), the dominion of the rabble, or mob-tyranny, a name of later origin than the time of Aristotle, and applied to that perversion of a democracy which extends the idea far beyond that of a state where all have equal legal rights and equal franchise, so that the natural and wholesome inequalities of society were removed or counteracted by the introduction of devices, such as paying citizens for attendance in the popular assembly, or increasing the number and restricting the duration and authority of public offices. Hence the exercise of all the highest functions of government came to be practically in the hands of a mere faction, consisting of the lowest and poorest, though most numerous, class of citizens, who were thus tempted to adopt as their avocation that which they would formerly have delegated to others; and the state came to be regarded as a *property* of which each citizen was entitled to an equal share. In some respects therefore it most nearly represents the modern idea of a socialist state. Though, however, as was said above, Aristotle does not recognise the term, we may find perhaps his conception of the ochlocracy in his "extreme democracy" (*τελευταία δημοκρατία*). He says of this that it corresponds to the extreme oligarchy or *δυναστεία* (*Pol.* iv. 5, p. 1292 b); and he defines it as a democracy which overrides the constitution: *κύριον εἶναι τὸ πλῆθος καὶ μὴ τὸν νόμον* (whereas in his other kinds of democracy it is in each case *ἄρχειν δὲ τὸν νόμον*) *τοῦτο δὲ γίγνεται ὅταν τὰ ψηφίσματα κύρια ᾖ ἀλλὰ μὴ ὁ νόμος· συμβαίνει δὲ τοῦτο διὰ τοὺς δημαγωγούς*. Here we have no *constitution*, except that which may be formed and re-formed from hour to hour by the hasty legislation of the masses, following impulse or the voice of the popular leaders: it is clear that, if this is not exactly the *ὀχλοκρατία* described above, it would soon pass into it. [C. P. M.] [G. E. M.]

O'CREA (*κνημίς*), a greave, a legging. A pair of greaves (*κνημῖδες*) was one of the six articles of armour which formed the complete equipment of a Greek or Etruscan warrior [ARMA], and likewise of a Roman soldier, as fixed by Servius Tullius (Liv. i. 43). The greaves were always put on before the thorax, which made it difficult to bend the body (*Il.* iii. 330, &c.). In the Homeric poems, *εὐκνήμιδες* is a standing epithet of the Achaeans, and proves the general use of the greave. The Homeric greaves were usually made of bronze (*Il.* vii. 41, *χαλκοκνήμιδες*). The greaves of Achilles (*Il.* xviii. 613, xxi. 592) are said to be made of tin (*κασσίτερος*), and "rang terribly" (*Il.* xxi. 593, *σμερδαλέον κονάβησε*), a statement which has caused difficulty, as tin does not resound when struck. Helbig (*Homerisches Epos*, p. 196) suggests either that tin was an unfamiliar metal to the poet, or that the greaves were made of bronze, plated with tin. The Homeric greaves were sometimes "fitted with silver anklets" (*ἀργυρέοισιν ἐπισφυρίοις*, *Il.* iii. 331, xi. 18, &c.), which were perhaps the ring-like margins at the bottom of the greave (see illustration below).

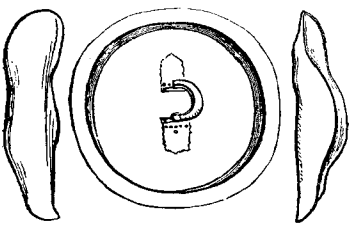
In historical times, bronze was the usual material, as shown by the specimens discovered. In poetical passages greaves are described as of orichalc (Hes. *Scut.* 122), silver, electrum, and gold (Verg. *Aen.* vii. 634, viii. 624, xi. 488).

Greaves frequently had a lining, probably of leather, felt or cloth. Traces of leather were found in a specimen from the Crimea (*Antiq. du Bosp. Cimm.*, pl. xxviii., fig. 8; i. p. 195); and many specimens, in the British Museum and elsewhere, have a row of small holes round the edge for the attachment of the lining (cf. the

engraving *s. v.* GALEA). Another method of fitting the greave to the leg so as not to hurt it was by the interposition of a kind of sponge (ἀχίλλειος), which was also used for the lining of helmets. Aristotle (*Hist. An.* v., xvi.) describes it as of remarkable fineness, closeness, and toughness, and as used for the purpose of deadening a blow.

The greaves were accurately modelled to fit the leg, the two sides meeting exactly at the back of the calf. In order to put them on it was necessary forcibly to open them. How accurately the greave was intended to fit at the back of the leg may be observed in the heroic bronze fragment of which a view is given below.

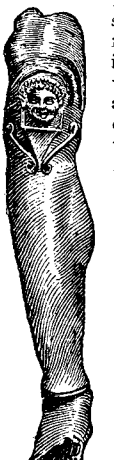
Greaves thus fitted required in many cases no other fastening than their own elasticity. Often, nevertheless, they were further secured with two straps, as may be seen in the woodcut at Vol. I. p. 189. Their form and appearance will be best understood from the accompanying woodcuts.



Bronze Shield and pair of Greaves. (Brit. Museum.)

This woodcut represents the interior view of a bronze shield and a pair of bronze greaves which were found by Signor Campanari in an Etruscan tomb, and are now in the British Museum. These greaves are made right and left.

The annexed illustration represents a fragment of a bronze statue of heroic size, found in Magna Graecia, and now in the British Museum. It is the right leg of a warrior, wearing a closely-fitting greave, adorned above the knee with a carefully worked Gorgoneion of the archaic type. (*Journ. of Hellen. Stud.*, pl. lxix.) The top of the greave is seen projecting somewhat above the knee. The illustration shows very clearly the ankle-ring (ἐπισφύριον: see the explanation proposed above). That the Greeks took delight in handsome and convenient greaves may be inferred from Homer's allusions to the subject, and from the extant remains. A specimen of an elaborately adorned Greek greave is engraved in *Antiq. du Bosp. Cimm.*, pl. xxviii. fig. 7 (= Baumeister, *Denkmäler*, fig. 2221).



Ancient Greave. (British Museum.)

The modern Greeks and Albanians wear greaves, in form resembling those of their ancestors, but made of softer materials, such as velvet ornamented with gold, and fastened with hooks and eyes (cf. Hobhouse, *Travels*, i. p. 133).

Among the Romans, greaves made of bronze and richly embossed were worn by gladiators. Specimens have been found at Pompeii (Overbeck, p. 458; Baumeister, *Denkmäler*, fig. 2347–9; Gell, *Pompeiana*, 1817, pl. 18). In the time of the Empire greaves had not been entirely abandoned (Lamprid. *Alex. Sev.* 40), but were a distinguishing mark of the centurions. Compare a relief from Verona (Lindenschmidt, *Tracht und Bewaffnung des röm. Heeres*, pl. 1, fig. 6) and the relief from Petronell (Baumeister, *Denkmäler*, fig. 2276, and p. 2060; cf. also Zoega, *Bassirel.* pl. xvi.). At an earlier period the heavy-armed wore a single greave on the right leg, as that which was foremost in close combat (Veget. *de Re Mil.* i. 20). The Roman greaves were further distinguished from those of Greece, by the fact that they only covered the front part of the leg (προκνημίς, Polyb. vi. 23, 8).

Leggings of ox-hide or strong leather, probably of the form already described, were worn by agricultural labourers (Hom. *Od.* xxiv. 228; Pliny, *H. N.* xix. § 7; Pallad. *de Re Rustica*, i. 43) and by huntsmen (Hor. *Sat.* ii. 3, 234). The word κνημίς was also used in a more general sense (κνημίς· τὸ ὑπόδημα, Hesych. *s. v.*). [J. Y.] [A. H. S.]

OCTA'VAE. [VECTIGALIA.]

OCTO'BER EQUUS. On the Ides of October in each year there was a race of *bigae* in the Campus Martius, after which the off-horse of the winning biga was sacrificed by the flamen Martialis at the altar of Mars: the tail was cut (*offa penita*, Arnob. vii. 24: cf. Plaut. *Mil. Glor.* iii. 1, 165; and *curto equo*, Prop. v. 1, 20) and, taken to the Regia, the blood from it sprinkled on the hearth of Vesta: the blood from the sacrificed horse was kept and stored up within the Regia, for future sacred rites [PARILIA]. For the head of the victim there was a struggle between the inhabitants of the Via Sacra and those of the Subura: if the former got it, it was fixed on the walls of the Regia; if the latter, on the *turris Mamilia* in the Subura. This struggle, representing a competition between two halves of the old city, marks the festival as dating from the earliest beginning of Rome (Mommsen, *Hist. of Rome*, i. 53; Burn, *Rome and Campagna*, p. 38). Marquardt sees also in the struggle a form of lustration or expiation, comparing Lobeck, *Aglaoph.* 680. The horse was clearly the appropriate sacrifice to Mars (to whom also the Equiria were sacred), and the fact that the blood was reserved for another ancient lustral rite suggests that we have here the original purely Roman lustration. (See also Marquardt, *Staatsverwaltung*, iii. 334 f.) [G. E. M.]

ODE'UM. [THEATRUM.]

OENO'PHORUM, a vessel for holding wine. It had two handles, as is clear from a passage (cited by Marquardt, *Privatleben*, 650) from the comedy *Querolus*, where among dilapidated goods we have "oenophorum exauriculatum." It is described by Isidore (*Or.* xx. 6, 1) as "vas ferens vinum;" much larger than a drinking-cup (Juv. vi. 425), and such that it could be held by the handles and inverted, in pouring the contents into cups, as in the line of Lucilius, "vertitur oenophoris fundus, sententia

nobis" (cf. "invertunt allifanis vinaria tota," Hor. *Sat.* ii. 8, 39). It is clear from the above passages that it was *not* (as has often been stated by commentators on Hor. *Sat.* i. 6, 109, and Pers. v. 140) a wine-basket or "cellaret," but a large wine-vessel. The slaves, in these passages of Horace and Persius, carry it outside their luggage, ready for use. The word "oenophorum" in Plin. xxxiv. § 69, adduced by some as from *oenophorus* and meaning "a slave bearing a wine-basket," cannot have anything to do with this subject: if the passage is so read, it is merely a statue of a wine-carrier by Praxiteles—but the true reading seems to be "canephoram." [G. E. M.]

OFFENDIX. [APEX.]

OI'KIAS DIKE (*οἰκίας δίκη*), an action to recover a house (like any other action where property was the subject of litigation, as *χωρίου, ἀνδραπόδων, νεώς, ἵππου δίκη*), belonged to the class of *διαδικασίαι, i.e.* actions in which the dispute was *ὅτῳ προσήκει μᾶλλον, Lex. Seguer.* 236 = *Etym. M.* p. 267, 7), *e.g.* one claiming it because he had bought it, the other because it had been mortgaged to him. Certain speeches of Lysias, Isaeus, Hyperides, and Deinarchus, which dealt with this subject, are all lost; in some, it would seem, private creditors made claims upon a confiscated estate by this action (Harpocr. *s. v. παρακαταβολή*). By the laws of Zaleucus (Polyb. xii. 16) possession of the property in dispute was secured till after the action to the last *bonae fidei* possessor; Attic law directed probably the same. Such actions belonged to the jurisdiction of the Forty (*Att. Process*, ed. Lipsius, pp. 674–81). The *ἐνοικίου δίκη* was another action to recover a house, not merely the bygone rents, as Hudtwalcker (*Diaet.* p. 143 n.) supposed; cf. Thalheim, *Griech. Rechtsaltert.* p. 84, n. 2. If house-rent was not paid by the tenant, the owner might evict him, but he was not, it seems, assisted by the authorities in so doing: *καθάπερ καὶ ἐξ οἰκίας, φησὶν ὁ Βίων, ἐξοικιζόμεθα, ὅταν τὸ ἐνοίκιον ὁ μισθώσας οὐ κομιζόμενος τὴν θύραν ἀφέλῃ, τὸν κέραμον ἀφέλῃ, τὸ φρέαρ ἐγκλείσῃ* (Stob. *Floril.* v. 67). [C. R. K.] [H. H.]

O'LEA, OLI'VA (*ἐλάα*, or, in older Attic and Trag., *ἐλαία*); O'LEUM, OLI'VUM (*ἔλαιον*); OLE'TUM, OLIVE'TUM (*ἐλαιών*).

That the cultivation of the olive, and the use of its oil for anointing, for light, and for food, belonged to the earliest recorded life in the south of Western Asia, is clear from mention of it in all parts of the Bible; but there is considerable ground for thinking (1) that it was not cultivated among the Greeks in the earliest times of which we have record, and (2) that after its cultivation began its oil was used at first neither for light nor food, but only for anointing the body. The wood of the olive is used in Homer, as a hard wood readily taking a polish, for axe-handles, clubs, &c. (*Il.* xiii. 612; *Od.* ix. 320), which of course does not prove cultivation: it is used for anointing frequently in the Odyssey, but from the way in which it is spoken of (e.g. *Od.* vi. 79) it seems to be even then somewhat rare and costly, and there is still more indication of its being reserved for gods and heroes in the mention of it in *Il.* xiv. 171, xviii. 350, xxiii. 186 (the commoner use in the Doloneia, *Il.* x. 577, belongs to what is now generally considered the latest part of the Iliad): the same perhaps may be said of its being taken to express the sheen of garments in the idealised pictures of the divinely wrought shield (*Il.* xviii. 596), whereas the commoner animal fat suffices to supply the usual Homeric epithets for *bright* (*σιγαλόεις, λιπαρός*), as also in *ἀποστίλβοντες ἀλείφατος* (*Od.* iii. 408): and the *ἔλαιον* is *ὑγρὸν* in contrast with the thick *ἀλεῖφαρ*. On the whole, there is nothing to exclude Hehn's theory, that in the earliest Homeric period oil was an imported luxury, used as an unguent by the rich instead of the ordinary *ἀλεῖφαρ* of fat. The question when the cultivation of the olive began among the Greeks is affected by the sense given to *φολίη* in *Od.* v. 476. If that is a wild olive (*oleaster*), it follows that the *ἐλαίη* of the Odyssey is a cultivated *olea Europaea*. Hehn thinks it is not, and conjectures, without good reason, that it means a myrtle. It is true that Hesychius himself is uncertain, and suggests three trees; but we should find it hard to oppose the direct statement of Eustathius (*Dios.* i. 138) that it was the older name for wild olive, afterwards called *κότινος* and *ἀγριέλαιος*, with which Pausan. ii. 32, 10 agrees: it is an unsatisfactory comment of Hehn's that this opinion may be based solely on the Homeric line. But the evidence of cultivation in the Odyssey does not depend on that passage; we have the olive as a garden tree in *Od.* vii. 16. The simile in *Il.* xvii. 55 may at first sight seem to claim the cultivated olive for the earliest Homeric poem; but, apart from the question whether the simile is a later introduction, the mention of a solitary tree does not suggest cultivated olive-yards for oil-making, and it is noticed for its beauty and its flower, not for its fruit. On the whole, the reasonable conclusion is that in the time of the earliest Homeric writings the cultivation of the olive had not reached the shores of Asia Minor or Greece, and olive-oil is rare and imported: in the later part of the Iliad and the Odyssey the cultivation is just beginning, and oil is more widely used for anointing, though not for light or food (that the *berry* however was eaten, is implied by the description of Tantalus). In Northern Greece it was certainly later than the time of Hesiod, who does not mention the tree at all (Plin. xv. § 3 is not sufficient evidence to the contrary), though he describes the treatment of vines. When it took so firm a root in Attica, it is impossible to say, but probably not much later than 700 B.C.; for, though Chrysostom says that Peisistratus first introduced it at Athens, the statement of Plutarch (*Sol.* 24), that Solon excepted oil when he prohibited export of Attic produce, postulates a much earlier date for the beginning of the industry. We shall, however, no doubt rightly believe that the wise measures of Peisistratus encouraged and extended the cultivation of the olive in Attica. Attica was possibly its earliest home in Greece, though not, as the tradition in Herodotus v. 82 implies, the earliest in the world. When it became identified with the goddess Athena is equally open to question, but the legends were probably in consequence of the olive becoming a source of wealth in Attica. The epithet *ἱερά*, applied to the olive in the Odyssey, may perhaps imply that it was be-

coming known as a benefactor, but there is nowhere in Homer a connexion of the tree with Athene. (On the subject, however, of the myths connected with the olive, see Böttticher, *Baumcultus der Athen.* pp. 30, 107.) That the Greek colonists brought the cultivation of the olive to Magna Graecia and Massilia, and that it spread thence over Italy and Provence, is probable: we have mention in Amphis (4th cent. B.C.) of the oil of Thurii as famous. Pliny (*H. N.* xv. § 1) cites the authority of Fenestella for the tradition that there was no olive-tree in Italy until the time of Tarquinius Priscus, which may very well mean that it came in with the Greek colonists about the year 600, and was introduced into Latium from the Campanian Greeks in the time of the Tarquins. (See Buchholz, *Homerische Realien*, ii. § 19; and especially Hehn, *Kulturpflanzen*, pp. 88–104.)

MORIAE (*μόριαι ἐλαῖαι* or *μορίαι*). Besides the *ἴδιαι ἐλαῖαι*, which were private property, there were other olives, growing both on public and private lands, which were the property of the state. From these came the oil which was used for prizes in special jars (Phot. *s. v.*; PANATHENAEA). They were called *μορίαι* from the tradition that they had been propagated (*μεμορημέναι*) from the sacred olive of Athene in the Acropolis: they thus acquired a sacred character, and were placed under the control of the Areiopagus, whence monthly inspectors (*ἐπιμεληταί*) and annual commissioners (*γνώμονες*) were sent to visit them. Anyone who destroyed a moria was punishable with banishment and confiscation. The moria, or stump of one which had been cut, was guarded by a fence (*σηκός*), which word sometimes includes the tree itself or the stump, as well as the fence (Lys. *περὶ σηκοῦ*, *Or.* 7; Jebb, *Attic Orators*, i. 289 f. and note on Soph. *O. C.* 701).

VARIETIES.—The *Olea Europaea* is the only species of the natural family of *Oleaceae* which yields the highly valued olive oil, but many varieties are produced by different modes of culture, and by peculiarities of soil and climate. Columella enumerates ten, and this number may be considerably increased from the works of other ancient writers. The following seem to have been the most important:—1. *Pausia* s. *Posca*; 2. *Regia*; 3. *Orchis* s. *Orchitis* s. *Orchita* s. *Orchas*; 4. *Radius*; 5. *Licinia* s. *Liciniana*; 6. *Sergia* s. *Sergiana*. Of these the berry of the *Pausia*, according to Columella, was the most pleasant in flavour (*jucundissima*), but only while it is green, for "vetustate corrumpitur:" hence perhaps the apparent contradiction in Virgil, "amara Pausia bacca"; that of the *Regia* was the finest; while both of these, together with the *Orchis* and the *Radius*, and in general all the larger varieties, were better suited for eating than for oil. The *Licinia*, on the other hand, in the Venafrum district, yielded the finest oil; the *Sergia*, the chief olive of the Sabine district, the greatest quantity. (Cat. *R. R.* 7; Varr. *R. R.* i. 24; Columell. v. 8, *de Arbor.* 17; Plin. *H. N.* xv. §§ 1–20.)

SOIL AND CLIMATE.—The soil considered most congenial was a rich tenacious clay, or a mixture of clay and sand, a gravelly subsoil being essential in either case to carry off the water. Deep fat mould was found to be not unsuitable, but any land which retained moisture was avoided, and also light, stony ground; for, although the trees did not die in the latter, they never became vigorous. Here again, however, Columella and Virgil are at variance; for while the former observes, "inimicus est ager sabulo macer et nuda glarea," and Columella, followed by Palladius, speaks of "creta figuli quam argillam vocant" as unsuitable, the poet declares:

> "Difficiles primum terrae collesque maligni,
> Tenuis ubi argilla et dumosis calculus arvis,
> Palladia gaudent silva vivacis olivae."
> (*Georg.* ii. 179.)

They may, however, be speaking of different varieties, since Cato (approved by Varro, i. 24) says that "ager crassus et calidus" suits most olives, but the *Liciniana* may be planted in ground which is "frigidior et macrior."

The olive is very impatient of frost, and scarcely any of the varieties known to the ancients would flourish in very hot or very cold situations. In hot localities, it was expedient to form the plantations on the side of a hill facing the north, in cold localities upon a southern slope. The *Sergia* liked a colder exposure than most olives. Neither a very lofty nor a very low position was appropriate, but gentle rolling eminences, such as characterised the country of the Sabines in Italy and the district of Baetica in Spain. (Strabo, iii. p. 144.) Under ordinary circumstances, a western exposure lying well open to the sun was preferred. It is asserted by several classical authors that the olive will not live, or at least not prove fruitful, at a distance from the sea-coast greater than from thirty to fifty miles, and there is no doubt that the shores of the Mediterranean best suit it, but the shores of the Lago di Garda must be mentioned as an exception to the rule. If the olives of Italy held the first place, and especially those of Venafrum, Baetica and Istria came next. The partiality of Martial (xii. 63) alters the order:

> "Uncto Corduba laetior Venafro
> Histra nec minus absoluta testa."

(Cat. *R. R.* 6; Varr. i. 24; Columella, v. 8; Plin. *H. N.* xvii. § 30; Pallad. iii. 18; Theophr. *de C. P.* ii. 5; Geopon. ix. 4.)

PROPAGATION AND CULTURE.—Previous to the formation of an olive-yard (*oletum*, *olivetum*) it was necessary to lay out a nursery (*seminarium*) for the reception of the young plants. A piece of ground was selected for this purpose, freely exposed to the sun and air, and in which the soil was a rich black mould. It was the practice to trench (*pastinare*) this to the depth of three feet, and then to leave it to crumble down under the influence of the atmosphere.

The propagation of the olive was effected in various ways.

1. The method generally adopted was to fix upon the most productive trees, and to select from these long, young, healthy branches (*ramos novellos*), of such a thickness as to be easily embraced by the hand. The branches immediately after being detached from the parent stem, were sawed into lengths of a foot and a half each, great care being taken not to injure the bark; these segments, which were called *taleae* or *clavolae* or *trunci*, were then tapered to a point

at each end with a knife, the two extremities were smeared with dung and ashes, they were buried upright in the ground, so that the tops were a few fingers' breadth below the surface, and each *talea* was placed as nearly as possible in the same position, both vertically and laterally, as the branch had occupied upon the tree. During the first year, the ground was frequently loosened by the sarculum; when the young roots (*radiculae seminum*) had taken a firm hold, heavy hand-rakes (*rastra*) were employed for the same purpose, and in the heat of summer water was regularly supplied. For two years no pruning was resorted to, but in the third year the whole of the shoots (*ramuli*), with the exception of two, were lopped off; in the fourth year, the weaker of the remaining two was detached, and in the fifth year the young trees (*arbusculae*) were fit for being transplanted (*habiles translationi*). This latter operation was best performed in autumn where the ground to which they were conveyed was dry; but if it was moist and rich, in spring, a short time before the buds were formed. In the field which they were to occupy permanently, pits (*scrobes*) four feet every way were prepared, if practicable, a year beforehand, so that the earth might be thoroughly pulverised; small stones and gravel mixed with mould were placed at the bottom to the depth of a few inches, and some grains of barley were scattered over all. The young tree was lifted with as large a ball of earth as possible attached to the roots, placed in the pit surrounded with a little manure, and planted so as to occupy precisely the same position, in relation to the cardinal points, as in the nursery. In rich corn land, the space left between each row was at least sixty feet, and between each tree in the row forty feet, in order that the branches and roots might have full space to spread; but in poorer soil twenty-five feet each way were considered sufficient. The rows were arranged so as to run from east to west, in order that the cool breezes might sweep freely down the open spaces in summer. After the trees had become firmly fixed, and had been pruned up into a proper shape,—that is, into a single stem kept without branches to the height of the tallest ox,—the labour attending upon an olive-yard was comparatively trifling. Evey year, the soil around the roots was loosened with hoes (*bidens*), or with the plough, the roots themselves laid bare (*ablaqueare, ablaqueatio*), the young suckers cut away, and the lichens scraped from the bark; every third year, in autumn, manure was thrown in, and *amurca* poured in at the roots was said to be useful for destroying worms; every eighth year the trees were pruned. The system of culture here indicated was followed so generally that it had become embodied in a proverb, "Veteris proverbii meminisse convenit, eum qui aret olivetum, rogare fructum; qui stercoret, exorare; qui caedat, cogere" (Columell. v. 9, § 15). Besides this, the whole surface of the ground was regularly ploughed at the usual seasons, and cropped in alternate years, the manure applied for these crops being altogether independent of that supplied to the trees specially. Moreover, since olives bore fruit, in abundance at least, only once in two years, matters were so arranged that the land should yield a crop in those years when the trees were unproductive.

2. A second method of propagation was to cut the roots of wild olives into small pieces in such a manner that each should contain an eye or rudiment of a lateral fibre (*radicum oculis silvestrium olearum hortulos excolere*), and these pieces were treated precisely in the same manner as the *taleae* described above.

3. A third method is indicated by Virgil in the lines—

> "Quin et caudicibus sectis, mirabile dictu,
> Truditur e sicco radix oleagina ligno,"
> (*Georg.* ii. 30,)

and is still pursued in some parts of Italy, where, as we are told, "an old tree is hewn down and the stock cut into pieces of nearly the size and shape of a mushroom, and which from that circumstance are called *novoli;* care at the same time is taken that a small portion of bark shall belong to each novolo. These, after having been dipped in manure, are put into the earth, soon throw up shoots, are transplanted at the end of one year, and in three years are fit to form an olive-yard." (Cf. Theophr. *Hist. Plant.* ii. 2.)

Grafting or budding (*inserere, insitio, oculos inserere*) were also resorted to for the purpose of introducing fine varieties or of rendering barren trees fruitful. (Cat. *R. R.* 40, 42, 43, 45; Varr. *R. R.* i. 40; Columell. v. 9, *de Arbor.* 17; Plin. *H. N.* xvii. §§ 125–140; Pallad. iii. 8, 18, x. 1, xi. 8; Geopon. ix. 5, 6, &c.; Blunt's *Vestiges of Ancient Manners, &c., in Italy*, p. 215.)

OLIVE-GATHERING (*Oleitas, Olivitas*).— The olive usually comes to maturity, in Italy, about the middle or latter end of December; but, according to the views of the proprietors, it was gathered in various stages of its progress, either while yet green (*alba*), or when changing colour (*varia*), or when fully ripe (*nigra*), but it was considered highly desirable that it should never be allowed to remain so long as to fall of its own accord. The fruit was picked as far as possible with the bare hand, but such as could not be reached from the ground or by the aid of ladders was beaten down with long reeds, which were preferred to sticks as less likely to injure the bark of the branches and the young bearers, a want of attention to this precaution on the part of the gatherers (*leguli*) being in the opinion of Varro the cause why olive-trees so seldom yielded a full crop for two years consecutively. (Varr. *R. R.* i. 55; Plin. *H. N.* xv. § 11; Geopon. ix. 17.)

DIFFERENT USES.—The chronological order in the uses of the olive appears to have been— 1. For anointing (from the Homeric age onwards; see the beginning of this article), and in this use frequently as the vehicle of perfumes.

2. For burning in lamps (post-Homeric).

3. For food: (*a*) as a fruit, either fresh or preserved—the eating of the fresh fruit is implied in *Od.* xi. 588; (*b*) oil as food or for cooking purposes seems to have been absolutely unknown in Homeric times, though afterwards a staff of life in Greece and Italy. On this subject see Hehn (*op. cit.* p. 125), who thinks that wine and oil have long been slowly and gradually spreading from South to North; that, though the use of the vine and olive belonged to the civilised parts of the Roman empire, it was

not always so, but that oil had in Italy and Greece supplanted animal fat alike for unguents and for food, just as still (in his opinion) the uses of wine and oil are gradually extending northwards into the countries of beer and butter: and it may be remarked here that butter, though used by the Greeks only for medical purposes, was known not only as *βούτυρον*, but as *ἔλαιον ἐκ γάλακτος*. (Athen. x. p. 447 d; Blümner, *Privatalt.* 228; BUTYRUM.)

PRESERVING OLIVES. (*Condere oleas, olivarum conditura, conditio.*)

Olives might be preserved in various ways, either when unripe (*albae, acerbae*), or ripe (*nigrae*), or half-ripe (*variae, fuscae*).

Green olives, the *Pausia* being used principally for this purpose, were preserved in strong brine (*muria*), according to the modern practice, or they were beaten together into a mass, steeped in water which was frequently changed, then pressed and thrown with salt into a jar of vinegar, to which various spices or flavouring condiments were added, especially the seeds of the Pistachia Lentiscus, or Gum Mastich tree, and fennel. Sometimes, instead of vinegar, inspissated must (*sapa, defrutum*), or sweet wine (*passum*) or honey, were employed, in which case the olives were preserved sweet, and sometimes salt pickle, vinegar, must and oil, seem to have been all mixed together.

Half-ripe olives (and here again the *Pausia* was the favourite) were picked with their stalks and covered over in a jar with the best oil. In this manner they retained the flavour of the fresh fruit for more than a year.

Ripe olives, especially the *orchitis*, were sprinkled with salt, and left untouched for five days; the salt was then shaken off, and they were dried in the sun. Or they were preserved sweet in defrutum without salt.

The peculiar preparation called *Epityrum* was made by taking olives in any of the three stages, extracting the stones, chopping up the pulp and throwing the fragments into a jar with oil, vinegar, coriander seeds, cumin, fennel, rue and mint, the quantity of oil being sufficient to cover up the compound and exclude the air. In fact, it was an olive salad, and, as the name imports, eaten with cheese. (Cat. *R. R.* 118, 119; Varr. *R. R.* i. 60; Columell. xii. 49; Geopon. ix. 3, 32.)

OIL-MAKING (*Oleum conficere*).—The fruit of the olive-tree consists of two parts, the pulpy pericarp (*caro*) and the stone (*nucleus*).

The *caro* or pulp yielded two fluids: one of these of a watery consistence, dark in colour, bitter to the taste, flowed from the olive upon very slight pressure; it was called *ἀμόργη* by the Greek. *Amurca* by the Latins, and was extensively used as a manure and for a great number of purposes connected with domestic economy. The other fluid which flowed from the pulp, when subjected to more forcible pressure, was the oil (*oleum, olivum*), mingled however to a certain extent with amurca and other impurities (*fraces, faeces*), and this was of different qualities, according to the state of the fruit and the amount of pressure. The finest oil was made from the fruit before it was fully ripe, and from this circumstance, or from its greenish colour, was termed *Oleum viride*, and by the Greeks *ὀμφάκινον*: the quantity given out was however small, and hence the remark of Cato, "Quam acerbissima olea oleum facies tam oleum optimum erit: domino de matura olea oleum fieri maxime expediet."

A distinction is made by Columella between the oil obtained from the fruit when green (*oleum acerbum s. aestivum*), when half ripe (*oleum viride*), and when fully ripe (*oleum maturum*); and while he considers the manufacture of the first as inexpedient, in consequence of the scanty produce, he strongly recommends the proprietor to make as much as possible of the second, because the quantity yielded was considerable, and the price so high, as almost to double his receipts.

Under ordinary circumstances, the ripe fruit when gathered was carefully cleaned, and conveyed in baskets to the farmhouse, where it was placed in heaps upon sloping wooden floors (*in tabulato*), in order that a portion of the *amurca* might flow out, and a slight fermentation took place (*ut ibi mediocriter fracescat*), which rendered them more tender and more productive, and exactly the same system is pursued for the same reason in modern times. The gatherings of each day (*coactura uniuscujusque diei*) were kept separate, and great care was taken to leave them in this state for a very limited period; for if the masses heated, the oil soon became rancid ("Olea lecta si nimium diu fuit in acervis, caldore fracescit, et oleum foetidum fit"). If, therefore, circumstances did not allow of the oil being made soon after the fruit was gathered, the olives were spread out and exposed to the air so as to check any tendency towards decomposition. It is the neglect of these rules and precautions which renders the oil now made in Spain so offensive, for there the olives are frequently allowed to remain in cellars for months before they are used. Although both ancient and modern experience are upon the whole in favour of a slight fermentation, Cato, whose great practical knowledge entitles him to respect, strongly recommends that it should be altogether dispensed with, and affirms that the oil would be both more abundant in quantity and superior in quality: "Quam citissime conficies maxime expediet."

The olives when considered to be in a proper state were placed in bags or flexible baskets (*fiscis*), and were then subjected to the action of a machine consisting partly of a bruising and partly of a squeezing apparatus, which was constructed in various ways, and designated by various names: *Trapetum, Mola olearia, Canalis et Solea, Torcular, Prelum, Tudicula.* [TRAPETUM.] The oil as it issued forth was received in a leaden pot (*cortina plumbea*), placed in the cistern (*lacus*) below the press. From the cortina it was ladled out by an assistant (*copulator*), with a large flat spoon (*concha*), first into one vat (*labrum fictile*), and then into another, thirty being placed in a row for this purpose. It was allowed to rest for a while in each, and the operation was repeated again and again (*oleum frequenter capiant*) until the amurca and all impurities had been completely removed. In cold weather when the oil remained in union with the amurca notwithstanding these transferences, the separation was effected by mixing a little parched salt with the combined fluids; but when the cold was very intense, dry car-

bonate of soda (*nitrum*) was found to answer better. The oil was finally poured into jars (*dolia olearia*), which had been previously thoroughly cleaned and seasoned, and glazed with wax or gum to prevent absorption, the lids (*opercula*) were carefully secured, and they were then delivered to the overseer (*custos*), by whom they were stored up in the vault reserved for their reception (*cella olearia*).

After a moderate force had been applied to the press, and a considerable quantity of oil had flowed forth, the bruised pulp (*sampsa*) was taken out of the bags, separated from the kernel, mixed with a little salt, replaced and subjected to the action of the press a second, and again a third time. The oil first obtained (*oleum primae pressurae*) was the finest; and in proportion as additional force was applied by the press-men (*factores, torcularii*), the quality became gradually worse ("longe melioris saporis quod minore vi preli quasi lixivium defluxerit"). Hence the product of each pressing was kept distinct, the marketable value of each being very different ("plurimum refert non miscere iterationes multoque minus tertiationem cum prima pressura"). The lowest quality of all (*oleum cibarium*) was made from olives which had been partially damaged by vermin, or which had fallen from the trees in bad weather into the mud, so that it became necessary to wash them in warm water before they could be used.

The quantity of fruit thrown at one time into the press varied from 120 to 160 modii, according to the capacity of the vessels: this quantity was termed *Factus*, the amount of oil obtained from one factus was called *Hostus*, but these words are not unfrequently confounded. (Cat. *R. R.* 7, 64, 65, 66; Varr. *R. R.* i. 24, 55; Columell. xii. 52; Plin. *H. N.* xv. § 23; Geopon. ix. 17; Blümner, *Technologie*, i. 348 ff.) [W. R.] [G. E. M.]

OLIGA'RCHIA (ὀλιγαρχία), *the government of a few*, is a term the application of which by writers on political science is less wide than its etymological signification might have warranted. (See Polyb. vi. 4; Arist. *Pol.* iv. 4, p. 1290, from whom we learn that some writers used Oligarchia as a generic name, including Aristocratia as one of its species.) It is shown elsewhere [ARISTOCRATIA] under what conditions the limitation of political power to a portion of the community was regarded as a proper and regular constitution (ὀρθὴ πολιτεία), whose guiding principle was the common good, not the private interest of those in power (Arist. *Pol.* iii. 6, p. 1279; iv. 2, p. 1289). The term *Oligarchia* was applied to that perversion (παρέκβασις) of an *Aristocratia* into which the latter passed when, owing to the rise of the *demus* [DEMOCRATIA] and the vanishing of those substantial grounds of pre-eminence which rendered an Aristocratia not unjust, the rule of the dominant portion of the community ceased to be the exponent of the general interests of the state, and became the ascendency of a faction, whose efforts were directed chiefly towards their own aggrandisement and the maintenance of their own power and privileges (Arist. *Eth. Nicom.* viii. 12; Polyb. vi. 8, § 4). The preservation of power under such circumstances of course depended chiefly upon the possession of superior wealth and the other appliances of wealth which were its concomitants. Thus it came to be regarded as essentially characteristic of an oligarchy, that the main distinction between the dominant faction and the subject portion of the community was the possession of greater wealth on the part of the former. (Arist. *Pol.* iv. 4, p. 1290 b, δῆμος μέν ἐστιν ὅταν οἱ ἐλεύθεροι κύριοι ὦσιν, ὀλιγαρχία δὲ ὅταν οἱ πλούσιοι. A little further on he says: ὀλιγαρχίαι δὲ ὅταν οἱ πλούσιοι καὶ εὐγενέστεροι, ὀλίγοι ὄντες, κύριοι τῆς ἀρχῆς ὦσιν. Comp. iv. 6, p. 1293; Plat. *de Rep.* viii. pp. 550 C, 553 A.) The case of the wealthy portion being also the more numerous would be a very rare exception. Their dominion, of course, would not be an oligarchy; but neither would it be a democracy (Arist. *Pol.* iv. 4, p. 1290). When an aristocracy passed in the natural development of society into an oligarchy, the oligarchs would, of course, be high-born as well as rich. But high birth was not an essential condition. It very commonly happened that the oligarchs were themselves only a section of the old nobility, having excluded the poorer members of their order from the possession of power.

Aristotle (*Pol.* iv. 5, p. 1292 b) distinguishes various species of oligarchy:—1. Where a certain large amount of property is the only requisite for being a member of the ruling class: 2. Where the property qualification is not large, but the members of the government themselves supply any vacancies that may occur in their ranks by electing others to fill them: 3. Where the son succeeds to the power of his father: 4. Where, besides this being the case, the rulers govern according to no fixed laws, but arbitrarily. (Comp. Plat. *Polit.* pp. 301, 302.) The first kind, where privileges were distributed according to certain gradations of property, especially when the τίμημα was not extravagantly high, so that a considerable number shared political power, though only a few of them might be eligible to the highest offices, was sometimes called τιμοκρατία (Arist. *Eth. Nic.* viii. 12). It approximates closely to the πολιτεία, and hence Aristotle (*Pol.* iv. 11) calls it ὀλιγαρχία πολιτική, that is, an oligarchy so moderate as to be nearly a πολιτεία: where more extensive privileges were given to large property, it was called πλουτοκρατία (Xen. *Mem.* iv. 6, 22): Plato, in *Rep.* viii. p. 547 D, uses τιμοκρατία in a different sense.

To the conditions of 3 and 4, where the rule of the few is both arbitrary and hereditary, or, in other words, where arbitrary power has come into the possession of a few ruling families, the name δυναστεία is given (Arist. *Pol.* iv. 5, 2, p. 1292 b): this is described as the extreme oligarchy and corresponding (ἀντίστροφος) to the extreme democracy [OCHLOCRATIA]. This δυναστεία is described as existing in Boeotia at the time of the Persian invasion, and in Thessaly (Thuc. iii. 62; iv. 78) and sometimes in Crete (Arist. *Pol.* ii. 10, p. 1272 b), and the danger of it is given as one cause for ostracism (Arist. *Pol.* v. 3, p. 1302).

The term *Aristocratia* is not unfrequently applied to what the more careful distinctions of the writers on political science would term *Oligarchia*. (Comp. Thuc. iii. 82: Xen. *Hellen.* v. 2, § 7; Aristoph. *Av.* 125.)

Besides the authorities quoted above, the reader may consult Wachsmuth, *Hellenische Alterthumskunde*, §§ 36, 44, 47, 63, 64; Schömann, *Antiq. of Greece*, p. 98; Hermann, *Lehrbuch der griech. Staatsalterthümer*, §§ 58–61; Thirlwall, *Hist. of Greece*, vol. i. ch. 10. [C. P. M.] [G. E. M.]

OLLA, ant. **AULA** (Plaut. *Aulul.*, passim), a word used much in the same sense as our word "jar" or "pot," and corresponding most nearly perhaps to the Greek χύτρος, χύτρα: a vase which might be of almost any shape, but which, with a view to capacity, would no doubt usually be of a somewhat bellying form.

The *olla* was made of various materials, according to the purpose for which it was intended: thus of *ollae* which were destined for cooking purposes, the material would be either bronze (*aenum*, Ovid, *Met.* vii. 318) or different kinds of stone which were turned upon the lathe. At Pleurs, a village near Chiavenna to the north of the Lake of Como, the manufacture of vessels from the potstone in a neighbouring mountain is still carried on, and has probably existed there from the time of Pliny, who makes express mention of it (*H. N.* xxxvi. §§ 22, 44). Some of these vessels are nearly two feet in diameter, and, being adapted to bear the fire, are used for cooking. ("Oculis observare ollam pultis, ne aduratur," Varro, *ap.* Non. Marcell. p. 543, ed. Merceri; Festus, s. v. *Aulas.*)

The most ordinary material was earthenware (*testacea*); and in this material the *olla* would be adapted to various uses, principally no doubt for holding solids or liquids and keeping them in store. Thus we read of an *olla* filled with *denarii* (Cic. *Fam.* ix. 18); with resin (Martial, *Ep.* 12, 32); and with oil (Plin. *H. N.* xxxvii. § 10). Fruit was in this manner preserved (Plin. *H. N.* xv. § 22); and from this circumstance the adjective *ollaris* came to mean "preserved" (*uvae ollares*, Colum. xii. 43; Martial, vii. 20).

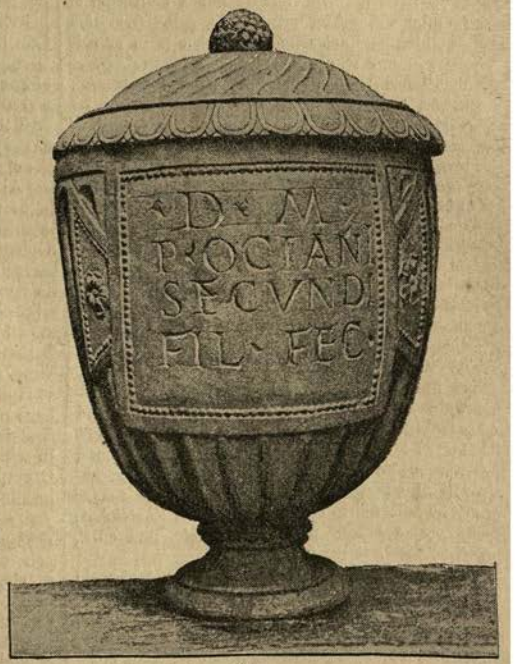
The Romans as well as the Greeks used pots for holding and for growing flowers (Cato, *de Re R.* 51: see VAS): those which were intended for growing seeds would have the bottom perforated (Plin. *H. N.* xvii. § 10, where a seed of pine is sown in such a perforated *olla*).

In certain sacrificial rites, hand-made *ollae* continued to be used down to a late period, in memory of the primitive construction of those of the old cult. They remained in an unchanged form, as is shown by the examples which were found in the sanctuary of the Fratres Arvales, which, though of a quite late epoch, are still of rough workmanship and hand-made. (See *Giornale Arcadico*, lviii. Giulio, 1868, tav. iv. Nos. 1–18.)

Another very remarkable use of these vessels of earthenware among the Greeks was to put infants into them to be exposed (Aristoph. *Ran.* 1188, Schol. *ad loc.*; Moeris, s. v. ἐγχυτρισμός), or to be carried anywhere (Aristoph. *Thesm.* 512–516; Schol. *ad loc.*). Hence the exposure of children was called ἐγχυτρίζειν (Hesych. s. v.), and the miserable women who practised it ἐγχυτριστρίαι (Suidas, s. v.).

The term is also used to indicate both the urn (*urna*) in which the ashes of the dead were put, and also the niche in the tomb or *columbarium* in which the urn was placed. After some days, when the ashes had been dried in the sun, the nearest relatives of the deceased gathered them in an urn of clay, glass, marble, alabaster, other kinds of stone, bronze, silver, or gold: these were called *ollae*. In the large public cemeteries in Rome a poor slave, or a person of limited means who could not afford a special grave, had to buy a niche called *olla* for his urn: these *ollae* were themselves objects of presentation which the poorer classes made amongst one another, as the inscriptions show. Below the single *olla* was placed in this case a small inscription which contained the name of him whose bones lay in the urn, and which would be drawn up on the occasion of the gift and as a record of the gift (see *C. I. L.* i. 1047, &c.). A sepulchre which held several of these niches is called a *schola ollarum* (Reines. class. 16, n. 53).

In the year 1732 were found in a vineyard on the right of the Appian Way an extraordinary number of *ollae* of terracotta in a sepulchral



Olla.

chamber. They were all more or less of the same size, capacity, and form. Some good specimens of cinerary *ollae* are preserved in the British Museum in a small apartment in the basement, so constructed as to exhibit accurately the manner of arranging them.

Sometimes the *ollae* were buried up to the neck within the niches, so that the only part which showed was the tile or lid (*operculum*, ἐπίθημα), on which the name of the person

whose ashes were contained inside was engraved (see Muratori, 1756, 7, *ollae quae sunt operculis et titulis marmoreis*). This lid generally corresponded in the material and the style of ornament with the *olla* itself (Herod. i. 48; Col. *de Re Rust.* xii. 48). Sometimes it was so arranged as to be sliding or movable, and might be depressed or raised so as to cover exactly the contents of the vessel it belonged to, like that now used for snuff and tobacco jars; this form of lid was called *operculum ambulatorium*. The Romans sometimes covered their beehives with lids of this kind, in order that the size of the honeycomb and hive might be exactly proportioned to each other (Plin. *H. N.* xxi. § 47; Rich, *s. v.*). From Olla we have the word *Ollaria*, another name for the niches in the *columbarium* in which the cinerary urns (*ollae*) were placed. [C. S.]

OLY'MPIA (*ὀλύμπια*), usually called the Olympic games, the greatest of the national festivals of the Greeks. It was celebrated at Olympia in Elis, the name given to a small plain to the west of Pisa, which was bounded on the north and north-east by the mountains Cronion and Olympus, on the south by the river Alpheus, and on the west by the Cladeus, which flows into the Alpheus. Olympia does not appear to have been a town, but rather a collection of temples and public buildings, a full description of which does not come within the plan of this work. The whole district within the above-mentioned bounds was holy ground (*τέμενος*), sacred to Olympian Zeus, within which, on its northern side, was a quadrangular enclosure, of peculiar sanctity, called the Altis. The latter was in historic times adorned with the most exquisite work that Hellenic art could produce in sculpture, painting, and architecture. Within it stood the temples of Olympian Zeus (*Ὀλυμπιεῖον*), of Hêra (*Ἡραῖον*), and the treasure-houses of many Hellenic states; while in the centre rose the high altar of Zeus, in sacrifice whereon he revealed his will to his chosen priests, the Iamidae (Pind. *Olymp.* vi.). Many relics of ancient art have been recently discovered in the Altis and the surrounding space, and much light has been thrown on the topography of Olympia, by excavations conducted according to the agreement made in 1874 between the Greek and German governments. For a minute, full, and highly interesting account of the results thus obtained, the reader may be referred to the work of Adolf Boetticher, *Olympia, das Fest und seine Stätte*, 2nd edit., Berlin, 1886.

The origin of the Olympic games is buried in obscurity. The legends of the Elean priests attributed the institution of the festival to the Idaean Heracles, and referred it to the time of Cronos. According to their account, Rhea committed her new-born Zeus to the Idaean Dactyli, also called Curetes, of whom five brothers, Heracles, Paeonaeus, Epimedes, Iasius, and Idas, came from Ida in Crete, to Olympia, where a temple had been erected to Cronos by the men of the golden age; and Heracles, the eldest, conquered his brothers in a foot-race, and was crowned with the wild olive-tree. Heracles hereupon established a contest, which was to be celebrated every five years, because he and his brothers were five in number (Paus. v. 7, § 4). Fifty years after Deucalion's flood they said that Clymenus, the son of Cardys, a descendant of the Idaean Heracles, came from Crete, and celebrated the festival; but that Endymion, the son of Aethlius, deprived Clymenus of the sovereignty, and offered the kingdom as a prize to his sons in the foot-race; that a generation after Endymion the festival was celebrated by Pelops to the honour of the Olympian Zeus; that when the sons of Pelops were scattered through Peloponnesus, Amythaon, the son of Cretheus and a relation of Endymion, celebrated it; that to him succeeded Pelias and Neleus in conjunction, then Augeas, and at last Heracles, the son of Amphitryon, after the taking of Elis. Afterwards Oxylus is mentioned as presiding over the games, and then they are said to have been discontinued till their revival by Iphitus. (Paus. v. 8, § 1, 2.) Most ancient writers, however, attribute the institution of the games to Heracles, the son of Amphitryon (Apollod. ii. 7, § 2; Diod. iv. 14; compare Strabo, viii. p. 355), while others represent Atreus as their founder. (Vell. Pat. i. 8; Hermann, *Pol. Ant.* § 23, n. 10.) But of all the traditions respecting the origin of the Olympic games, far the most interesting to us is that which Pindar adopts. According to him (*Olymp.* xi. 24–77; iii. 14), they were founded by Herakles Amphitryoniades to commemorate his victory over the Moliones and Augeas. We translate freely a passage from the Eleventh Olympic ode:—"Thereupon did the valiant son of Zeus, gathering together in Pisa all his host and all the spoil of oxen which he drave, proceed to measure out a hallowed precinct (*ζάθεον ἄλσος*) consecrate to Zeus most mighty; and in the open plain with a fence of stakes he marked the Altis off, and appointed the space around it to be a place of rest, whereon the folk might take their evening meal; the while he honoured Alpheus' stream in union with the twelve sovereign gods. Then gave he to Kronos' Hill its name; for heretofore, as long as Oinomaos reigned, nameless it rose and wet with many a snowflake. And at this, the birth-rite of the festival, the Destinies, I ween, stood by, yea and Time, sole test of what is good and true, which as it onward sped did manifest in what wise the hero portioned out, and slew, and sacrificed, as first-fruits, the spoils which war had given him; in what wise too, in sooth, with this, the First Olympiad, and the victories thereat won, he ordained that henceforth, as each term of four years closed, the feast should be renewed." The poet goes on to give a list of the victors at this celebration of the games, and it is worth observing that his record differs entirely from that of Pausanias, both in the names of the victors and in the other particulars (Paus. v. 7, p. 392).

Strabo (viii. pp. 354, 355) rejects all these legends, and says that the festival was first instituted after the return of the Heraclidae to the Peloponnesus by the Aetolians, who united themselves with the Eleans. It is impossible to say what credit is to be given to the ancient traditions respecting the institution of the festival; but they appear to show that religious festivals had been celebrated at Olympia from the earliest times, and it is difficult to conceive that the Peloponnesians and the other Greeks would have attached such importance to this festival, unless Olympia had long been regarded

as a hallowed site. The first historical fact connected with the Olympian games is their revival by Iphitus, king of Elis, who is said to have accomplished it with the assistance of Lycurgus, the Spartan lawgiver, and Cleosthenes of Pisa; and the names of Iphitus and Lycurgus were inscribed on a disc in commemoration of the event; which disc Pausanias saw in the temple of Hera at Olympia. (Paus. v. 4, § 4; v. 20, § 1; Plut. *Lyc.* I. 23.) It would appear from this tradition, as Thirlwall (*Hist. of Greece*, ii. p. 386) has remarked, that Sparta concurred with the two states most interested in the establishment of the festival, and mainly contributed to procure the consent of the other Peloponnesians. The celebration of the festival may have been discontinued in consequence of the troubles consequent upon the Dorian invasion, and we are told that Iphitus was commanded by the Delphic oracle to revive it as a remedy for intestine commotions and for pestilence, with which Greece was then afflicted. Iphitus thereupon induced the Eleans to sacrifice to Heracles, whom they had formerly regarded as an enemy, and from this time the games were regularly celebrated. (Paus. *l. c.*) Different dates are assigned to Iphitus by ancient writers, some placing his revival of the Olympiad at B.C. 884, and others, as Callimachus, at B.C. 828. (Clinton, *Fast. Hell.* p. 409, t.) The interval of four years between two successive celebrations of the festival was called an Olympiad; but the Olympiads were not employed as a chronological era till the victory of Coroebus in the foot-race B.C. 776. [OLYMPIAS.]

The most important point in the renewal of the festival by Iphitus was the establishment of the *ἐκεχειρία* (in the Elean dialect *θέρμα* = *θεσμά*; see Müller, *Dor.* i. p. 252), or sacred armistice, the formula for proclaiming which was inscribed in a circle on the disc mentioned above. The proclamation was made by peace-heralds (*σπονδοφόροι*), first in Elis and afterwards in the other parts of Greece; it put a stop to all warfare for the month in which the games were celebrated, and which was called *ἱερομηνία*. The territory of Elis itself was considered especially sacred during its continuance, and no armed force could enter it without incurring the guilt of sacrilege. When the Spartans on one occasion sent forces against the fortress Phyrcum and Lepreum during the existence of the Olympic truce (*ἐν ταῖς Ὀλυμπιακαῖς σπονδαῖς*), they were fined by the Eleans, according to the Olympic law, 2000 minae, being two for each Hoplite. (Thucyd. v. 49.) The Eleans, however, pretended not only that their lands were inviolable during the existence of the truce, but that by the original agreement with the other states of Peloponnesus their lands were made sacred for ever, and were never to be attacked by any hostile force (Strabo, viii. p. 358); and they further stated that the first violation of their territory was made by Pheidon of Argos. But the Eleans themselves did not abstain from arms, and it is not probable that such a privilege would have existed without imposing on them the corresponding duty of refraining from attacking the territory of their neighbours. The later Greeks do not appear to have admitted this claim of the Eleans, as we find many cases in which their country was made the scene of war. (Xen. *Hell.* iii. 2, § 23, &c.; vii. 4, &c.)

The Olympic festival was probably confined at first to the Peloponnesians; but as its celebrity extended, the other Greeks took part in it, till at length it became a festival for the whole nation. No one was allowed to contend in the games but persons of pure Hellenic blood: barbarians might be spectators, but slaves were entirely excluded. All persons who had been branded by their own states with atimia, or had been guilty of any offence against the divine laws, were not permitted to contend (Lex *apud* Dem. *c. Aristocrat.* p. 631, § 37). When the Hellenic race had been extended by colonies to Asia, Africa, and other parts of Europe, persons contended in the games from very distant places; and in later times a greater number of conquerors came from the colonies than from the mother country. After the conquest of Greece by the Romans, the latter were allowed to take part in the games. The emperors Tiberius and Nero were both conquerors, and Pausanias (v. 20, § 4) speaks of a Roman senator who gained the victory. During the freedom of Greece, even Greeks were sometimes excluded, when they had been guilty of a crime which appeared to the Eleans to deserve this punishment. The horses of Hieron of Syracuse were excluded from the chariot-race through the influence of Themistocles, because he had not taken part with the other Greeks against the Persians. (Plut. *Them.* 25; Aelian, *V. H.* ix. 5.) All the Lacedaemonians were excluded in the 90th Olympiad, because they had not paid the fine for violating the Elean territory, as mentioned above (Thuc. v. 49, 50; Paus. iii. 8, § 2); and similar cases of exclusion are mentioned by the ancient writers.

No women were allowed to be present or even to cross the Alpheus during the celebration of the games under penalty of being hurled down from the Typaean rock. Only one instance is recorded of a woman having ventured to be present, and she, although detected, was pardoned in consideration of her father, brothers, and son having been victors in the games. (Paus. v. 6, § 5*; Ael. *V. H.* x. 1.) An exception was made to this law in favour of the priestess of Demeter Chamyne, who sat on an altar of white marble opposite to the Hellanodicae. (Paus. vi. 20, § 6; compare Suet. *Ner.* c. 12.) Women were, however, allowed to send chariots to the races; and the first woman whose horses won the prize was Cynisca, the daughter of Archidamus, and sister of Agesilaus. (Paus. iii. 8, § 1.) The number of spectators at the festival was very great; and these were drawn together not merely by the desire of seeing the games, but partly through the opportunity it afforded them of carrying on commercial transactions with persons from distant places (Vell. i. 8; *mercatus Olympiacus*, Justin, xiii. 5), as is the case with the Mohammedan festivals at Mecca and Medina. Many of the persons present were also deputies (*θεωροί*) sent to represent the various states of Greece;

* It would appear from another passage of Pausanias that *virgins* were allowed to be present, though *married* women were not (*παρθένους δὲ οὐκ εἴργουσι θεασάσθαι*, vi. 20, § 6); but this statement is opposed to all others on the subject, and the reading of the passage seems to be doubtful. (See Valckenaer, *ad* Theocr. *Adon.* pp. 196, 197.)

and we find that these embassies vied with one another in the number of their offerings and the splendour of their general appearance, in order to support the honour of their native cities. The most illustrious citizens of a state were frequently sent as θεωροί. (Thuc. vi. 16; [Andoc.] c. *Alc.* § 21.)

The Olympic festival was a Penteteris (πεντετηρίς), that is, according to the ancient mode of reckoning, a space of four years elapsed between each and the next succeeding festival, in the same way as there was only a space of two years in a τριετηρίς. According to the Scholiast on Pindar (*ad Ol.* iii. 35, Boeckh), the Olympic festival was celebrated at an interval sometimes of 49, sometimes of 50 months; in the former case in the month of Apollonius, in the latter in that of Parthenius. This statement has given rise to much difference of opinion from the time of J. Scaliger; but the explanation of Boeckh in his commentary on Pindar is the most satisfactory, that the festival was celebrated on the first full moon after the summer solstice, which sometimes fell in the month of Apollonius, and sometimes in Parthenius, both of which he considers to be the names of Elean or Olympian months: consequently the festival was usually celebrated in the Attic month of Hecatombaeon. It lasted, after all the contests had been introduced, five days, from the 11th to the 15th days of the month inclusive. (Schol. *ad* Pind. *Ol.* v. 6.) The fourth day of the festival was the 14th of the month, which was the day of the full moon, and which divided the month into two equal parts (διχόμηνις μήνα, Pind. *Ol.* iii. 19; Schol. *ad loc.*).

The festival was under the immediate superintendence of the Olympian Zeus, whose temple at Olympia, adorned with the statue of the god made by Phidias, was one of the most splendid works of Grecian art (Paus. v. 10, &c.). There were also temples and altars to most of the other gods. The festival itself may be divided into two parts, the games or contests (ἀγὼν Ὀλυμπιακός, ἀέθλων ἅμιλλαι, κρίσις ἀέθλων, τεθμὸς ἀέθλων, νικαφορίαι), and the festive rites (ἑορτή) connected with the sacrifices, with the processions and with the public banquets in honour of the conquerors. Thus Pausanias distinguishes between the two parts of the festival, when he speaks of τὸν ἀγῶνα ἐν Ὀλυμπίᾳ πανήγυρίν τε Ὀλυμπιακήν (v. 4, § 4). The conquerors in the games, and private individuals, as well as the theori or deputies from the various states, offered sacrifices to the different gods; but the chief sacrifices were offered by the Eleans in the name of the Elean state. The order in which the Eleans offered their sacrifices to the different gods is given in a passage of Pausanias (v. 14, § 5). There has been considerable dispute among modern writers, whether the sacrifices were offered by the Eleans and the Theori at the commencement or at the termination of the contests; our limits do not allow us to enter into the controversy, but it appears most probable that certain sacrifices were offered by the Eleans as introductory to the games, but that the majority were not offered till the conclusion, when the flesh of the victims was required for the public banquets given to the victors.

The contests consisted of various trials of strength and skill, which were increased in number from time to time. There were in all twenty-four contests, eighteen in which men took part and six in which boys engaged, though they were never all exhibited at one festival, since some were abolished almost immediately after their institution, and others after they had been in use only a short time. We subjoin a list of these from Pausanias (v. 8, § 2, 3; 9, § 1, 2: compare Plut. *Symp.* v. 2), with the date of the introduction of each, commencing from the Olympiad of Coroebus:—1. The foot-race (δρόμος), which was the only contest during the first 13 Olympiads. 2. The δίαυλος, or foot-race, in which the stadium was traversed twice, first introduced in Ol. 14. 3. The δόλιχος, a still longer foot-race than the δίαυλος, introduced in Ol. 15.* For a more particular account of the δίαυλος and δόλιχος see STADIUM. 4. Wrestling (πάλη) [LUCTA], and 5. The Pentathlum (πένταθλον), which consisted of five exercises [PENTATHLUM], both introduced in Ol. 18. 6. Boxing (πυγμή), introduced in Ol. 23. [PUGILATUS.] 7. The chariot-race with four full-grown horses (ἵππων τελείων δρόμος, ἅρμα), introduced in Ol. 25. 8. The Pancratium (παγκράτιον) [PANCRATIUM], and 9. The horse-race (ἵππος κέλης), both introduced in Ol. 33. 10 and 11. The foot-race and wrestling for boys, both introduced in Ol. 37. 12. The Pentathlum for boys, introduced in Ol. 38, but immediately afterwards abolished. 13. Boxing for boys, introduced in Ol. 41. 14. The foot-race, in which men ran with the equipments of heavy-armed soldiers (τῶν ὁπλιτῶν δρόμος), introduced in Ol. 65, on account of its training men for actual service in war. 15. The chariot-race with mules (ἀπήνη), introduced in Ol. 70; and 16. The horse-race with mares (κάλπη), described by Pausanias (v. 9, § 1, 2), introduced in Ol. 71, both of which were abolished in Ol. 84. 17. The chariot-race with two full-grown horses (ἵππων τελείων συνωρίς), introduced in Ol. 93. 18, 19. The contest of heralds (κήρυκες) and trumpeters (σαλπιγκταί), introduced in Ol. 96. (African. *ap.* Euseb. Χρον. I. Ἑλλ. ὀλ. p. 41; Paus. v. 22, § 1; compare Cic. *ad Fam.* v. 12.) 20. The chariot-race with four foals (πώλων ἅρμασιν), introduced in Ol. 99. 21. The chariot-race with two foals (πώλων συνωρίς), introduced in Ol. 128. 22. The horse-race with foals (πῶλος κέλης), introduced in Ol. 131. 23. The Pancratium for boys, introduced in Ol. 145. 24. There was also a horse-race (ἵππος κέλης) in which boys rode (Paus. vi. 2, § 4; 12, § 1; 13, § 6), but we do not know the time of its introduction. Of these contests, the greater number were in existence in the heroic age, but the following were introduced for the first time by the Eleans:—all the contests in which boys took part, the foot-race of Hoplites, the races in which foals were employed, the chariot-race in which mules were used, and the horse-race with mares (κάλπη).

* Some words appear to have dropped out of the passage of Pausanias. In every other case he mentions the name of the first conqueror in each new contest, but never the name of the conqueror in the same contest in the following Ol. In this passage, however, after giving the name of the first conqueror in the Diaulos, he adds, τῇ δὲ ἑξῆς Ἀκανθος. There can be little doubt that this must be the name of the conqueror in the Dolichos; which is also expressly stated by Africanus (*apud* Eus. Χρον. I. Ἑλλ. ὀλ. p. 39).

The contests of heralds and trumpeters were also probably introduced after the heroic age.

Pausanias (v. 9, § 3) says that up to the 77th Olympiad all the contests took place in one day; but as it was found impossible in that Olympiad to finish them all in so short a time, a new arrangement was made. The number of days in the whole festival, which were henceforth devoted to the games, and the order in which they were celebrated, has been a subject of much dispute among modern writers, and in many particulars can be only matter of conjecture. The following arrangement is proposed by Krause (*Olympia*, p. 106):—On the first day, the initiatory sacrifices were offered, and all the competitors classed and arranged by the judges. On the same day, the contest between the trumpeters took place; and to this succeeded on the same day and the next the contests of the boys, somewhat in the following order:—the Foot-Race, Wrestling, Boxing, the Pentathlum, the Pancratium, and, lastly, the Horse-Race. On the third day, which appears to have been the principal one, the contests of the men took place, somewhat in the following order:—the simple Foot-Race, the Diaulos, the Dolichos, Wrestling, Boxing, the Pancratium, and the Race of Hoplites. On the fourth day the Pentathlum, either before or after the Chariot and Horse Races, which were celebrated on this day. On the same day or on the fifth, the contests of the Heralds may have taken place. The fifth day appears to have been devoted to processions and sacrifices, and to the banquets given by the Eleans to the conquerors in the games.

The judges in the Olympic games, called Hellanodicae (Ἑλλανοδίκαι), were appointed by the Eleans, who had the regulation of the whole festival. It appears to have been originally under the superintendence of Pisa, in the neighbourhood of which Olympia was situated, and accordingly we find in the ancient legends the names of Oenomaus, Pelops, and Augeas as presidents of the games. But after the conquest of Peloponnesus by the Dorians on the return of the Heraclidae, the Aetolians, who had been of great assistance to the Heraclidae, settled in Elis, and from this time the Aetolian Eleans obtained the regulation of the festival, and appointed the presiding officers. (Strabo, viii. pp. 357, 358.) Pisa, however, did not quietly relinquish its claim to the superintendence of the festival, and it is not improbable that at first it had an equal share with the Eleans in its administration. The Eleans themselves only reckoned three festivals in which they had not had the presidency,—namely, the 8th, in which Pheidon and the Piseans obtained it; the 34th, which was celebrated under the superintendence of Pantaleon, king of Pisa; and the 104th, celebrated under the superintendence of the Piseans and Arcadians. These Olympiads the Eleans called ἀνολυμπίαδες, as celebrated contrary to law. (Paus. vi. 22, § 2; 4, § 2.)

The Hellanodicae were chosen by lot from the whole body of the Eleans. Pausanias (v. 9, § 4, 5) has given an account of their numbers at different periods; but the commencement of the passage is unfortunately corrupt. At first, he says, there were only two judges chosen from all the Eleans, but that in the 25th Ol. (75th Ol.?) nine Hellanodicae were appointed, three of whom had the superintendence of the horse-races, three of the Pentathlum, and three of the other contests. Two Olympiads after, a tenth judge was added. In the 103rd Ol. the number was increased to 12, as at that time there were 12 Elean Phylae, and a judge was chosen from each tribe; but as the Eleans afterwards lost part of their lands in war with the Arcadians, the number of Phylae was reduced to eight in the 104th Ol., and accordingly there were then only eight Hellanodicae. But in the 108th Ol. the number of Hellanodicae was increased to 10, and remained the same to the time of Pausanias (Paus. *l. c.*).

The Hellanodicae were instructed for ten months before the festival by certain of the Elean magistrates, called Νομοφύλακες, in a building devoted to the purpose near the market-place, which was called Ἑλλανοδικαιών. (Paus. vi. 24, § 3.) Their office probably only lasted for one festival. They had to see that all the laws relating to the games were observed by the competitors and others, to determine the prizes, and to give them to the conquerors. An appeal lay from their decision to the Elean senate. (Paus. vi. 3, § 3.) Their office was considered most honourable. They wore a purple robe (πορφυρίς), and had in the Stadium special seats appropriated to them. (Paus. vi. 20, §§ 5, 6, 7; Bekker, *Anecd.* p. 249, 4.) Under the direction of the Hellanodicae was a certain number of ἀλύται with an ἀλυτάρχης at their head, who formed a kind of police, and carried into execution the commands of the Hellanodicae. (Lucian, c. 40, vol. i. p. 738, Reitz; *Etym. M.* p. 72, 13.) There were also various other minor officers under the control of the Hellanodicae.

All free Greeks who had complied with the rules prescribed to candidates were allowed to contend in the games. The equestrian contests were necessarily confined to the wealthy; but the poorest citizens could contend in the athletic contests, of which Pausanias (vi. 10, § 1) mentions an example. This, however, was far from degrading the games in public opinion; and some of the noblest as well as meanest citizens of the state took part in these contests. The owners of the chariots and horses were not obliged to contend in person; and the wealthy vied with one another in the number and magnificence of the chariots and horses which they sent to the games. Alcibiades sent seven chariots to one festival, a greater number than had ever been entered by a private person (Thuc. vi. 16), and the Greek kings in Sicily, Macedon, and other parts of the Hellenic world contended with one another for the prize in the equestrian contests.

All persons who were about to contend had to prove to the Hellanodicae that they were freemen, of pure Hellenic blood, had not been branded with atimia, nor guilty of any sacrilegious act. They further had to prove that they had undergone the preparatory training (προγυμνάσματα) for ten months previously, and the truth of this they were obliged to swear to in the Βουλευτήριον at Olympia before the statue of Zeus Ὅρκιος. The fathers, brothers, and gymnastic teachers of the competitors, as well as the competitors themselves, had also to swear that they would be guilty of no crime (κακούργημα) in reference to the contests. (Paus. v. 24,

§ 2.) All competitors were obliged, thirty days previous to the festival, to undergo certain exercises in the Gymnasium at Elis, under the superintendence of the Hellanodicae. (Paus. vi. 26, § 1–3; 24, § 1.) The different contests, and the order in which they would follow one another, were written by the Hellanodicae upon a tablet (λεύκωμα) exposed to public view. (Compare Dio Cass. lxxix. 10.)

The competitors took their places by lot, and were of course differently arranged according to the different contests in which they were to be engaged. The herald then proclaimed the name and country of each competitor. (Compare Plato, *Leg.* viii. p. 833.) When they were all ready to begin the contest, the judges exhorted them to acquit themselves nobly, and then gave the signal to commence. Any one detected in bribing a competitor to give the victory to his antagonist was heavily fined; the practice appears to have been not uncommon from the many instances recorded by Pausanias (v. 21).

The only prize given to the conqueror was a garland of wild olive (κότινος), which according to the Elean legends was the prize originally instituted by the Idaean Heracles. (Paus. v. 7, § 4.) But according to Phlegon's account (Περὶ τῶν Ὀλυμπίων, p. 140), the olive crown was not given as a prize upon the revival of the games by Iphitus, and was first bestowed in the seventh Olympiad with the approbation of the oracle at Delphi. This garland was cut from a sacred olive-tree, called ἐλαία καλλιστέφανος, which grew in the sacred grove of Altis in Olympia, near the altars of Aphrodite and the Hours. (Paus. v. 15, § 3.) Heracles is said to have brought it from the country of the Hyperboreans, and to have planted it himself at the τέρμα of the hippodrome outside the Altis. (Pind. *Ol.* ii. 14; Müller, *Dor.* ii. 12, § 3.) A boy, both of whose parents were still alive (ἀμφιθαλὴς παῖς), cut it with a golden sickle (χρυσῷ δρεπάνῳ). The victor was originally crowned upon a tripod covered over with bronze (τρίπους ἐπίχαλκος), but afterwards, and in the time of Pausanias, upon a table made of ivory and gold. (Paus. v. 12, § 3; 20, § 1, 2.) Palm branches, the common tokens of victory on other occasions, were placed in their hands. The name of the victor, and that of his father and of his country, were then proclaimed by a herald before the representatives of assembled Greece. The festival ended with processions and sacrifices, and with a public banquet given by the Eleans to the conquerors in the Prytaneum. (Paus. v. 15, § 8.)

The most powerful states considered an Olympic victory gained by one of their citizens to confer honour upon the state to which he belonged; and a conqueror usually had immunities and privileges conferred upon him by the gratitude of his fellow-citizens. The Eleans allowed his statue to be placed in the Altis, which was adorned with numerous such statues erected by the conquerors or their families, or at the expense of the states of which they were citizens. On his return home, the victor entered the city in a triumphal procession, in which his praises were celebrated frequently in the loftiest strains of poetry. (Compare ATHLETAE, Vol. I. p. 239 *a*.)

Sometimes the victory was obtained without a contest, in which case it was said to be ἀκονιτί. This happened either when the antagonist, who was assigned, neglected to come or came too late, or when an Athletes had obtained such celebrity by former conquests or possessed such strength and skill that no one dared to oppose him. (Paus. vi. 7, § 2.) When one state conferred a crown upon another state, a proclamation to this effect was frequently made at the great national festivals of the Greeks (Demosth. *de Cor.* p. 265).

As persons from all parts of the Hellenic world were assembled together at the Olympic games, it was the best opportunity which the artist and the writer possessed of making their works known. In fact, it answered to some extent the same purpose as the press does in modern times. Before the invention of printing, the reading of an author's works to as large an assembly as could be obtained, was one of the easiest and surest modes of publishing them; and this was a favourite practice of the Greeks and Romans. Accordingly, we find many instances of literary works thus published at the Olympic festival. Herodotus is said to have read his history at this festival; but though there are some reasons for doubting the correctness of this statement, there are numerous other writers who thus published their works, as the sophist Hippias, Prodicus of Ceos, Anaximenes, the orator Lysias, Dio Chrysostom, &c. (Compare Lucian, *Herod.* c. 3, 4, vol. i. p. 834, Reitz.) It must be borne in mind that these recitations were not contests, and that they formed properly no part of the festival. In the same way painters and other artists exhibited their works at Olympia. (Lucian, *l. c.*)

The Olympic games continued to be celebrated with much splendour under the Roman emperors, by many of whom great privileges were awarded to the conquerors. [ATHLETAE, Vol. I. p. 241.] In the sixteenth year of the reign of Theodosius, A.D. 394 (Ol. 293), the Olympic festival was for ever abolished; but we have no account of the names of the victors from Ol. 249.

Our limits do not allow us to enter into the question of the influence of the Olympic games upon the national character; but the reader will find some useful remarks on this subject in Thirlwall's *Hist. of Greece*, vol. i. p. 390, and Grote's *Hist. of Greece*, iv. pp. 75 ff.

There were many ancient works on the subject of the Olympic games and the conquerors therein. One of the chief sources from which the writers obtained their materials must have been the registers of conquerors in the games, which were diligently preserved by the Eleans. (Ἠλείων ἐς τοὺς Ὀλυμπιονίκας γράμματα, Paus. iii. 21, § 1, v. 21, § 5, vi. 2, § 1; τὰ Ἠλείων γράμματα ἀρχαῖα, v. 4, § 4.) One of the most ancient works on this subject was by the Elean Hippias, a contemporary of Plato, and was entitled ἀναγραφὴ Ὀλυμπιονικῶν (Plut. *Numa*, 1). Aristotle also appears to have written a work on the same subject (Diog. Laërt. v. 26). There was a work by Timaeus of Sicily, entitled Ὀλυμπιονῖκαι ἢ χρονικὰ πραξίδια, and another by Erastosthenes (born B.C. 275), also called Ὀλυμπιονῖκαι (Diog. Laërt. viii. 51). The Athenian Stesicleides is mentioned as the author of an ἀναγραφὴ τῶν ἀρχόντων καὶ Ὀλυμπιονικῶν (Diog. Laërt. ii. 56), and Pliny (*H. N.* viii. § 82) speaks of Scopas (?) as a writer of *Olympionicae*.

There were also many ancient works on the Greek festivals in general, in which the Olympic games were of course treated of. Thus the work of Dicaearchus Περὶ Ἀγώνων (Diog. Laërt. v. 47) contained a division entitled ὁ Ὀλυμπικός (Athen. xiv. p. 620 d).

One of the most important works on the Olympic games was by Phlegon of Tralles, who lived in the reign of Hadrian; it was entitled Περὶ τῶν Ὀλυμπίων or Ὀλυμπίων καὶ Χρονικῶν Συναγωγή, was comprised in 16 books, and extended from the first Olympiad to Ol. 229. We still possess two considerable fragments of it. The important work of Julius Africanus, Ἑλλήνων Ὀλυμπιάδες ἀπὸ τῆς πρώτης, &c., is preserved to us by Eusebius; it comes down to Ol. 249. Dexippus of Athens, in his χρονικὴ ἱστορία, carried down the Olympic conquerors to Ol. 262.

In modern works much useful information on the Olympic games is given in Corsini's *Dissert. Agonisticae*, and in Boeckh's and Dissen's editions of Pindar. See also Meier's article on the Olympic Games, and Rathgeber's articles on Olympia, Olympieion, and Olympischer Jupiter in Ersch and Gruber's *Encyclopädie;* Dissen, *Ueber die Anordnung der Olympischen Spiele*, in his *Kleine Schriften*, p. 185; Krause, *Olympia oder Darstellung der grossen Olympischen Spiele*, Wien, 1838; and Boetticher, *Olympia*, 1886.

In course of time festivals were established in several Greek states in imitation of the one at Olympia, to which the same name was given. Some of these are only known to us by inscriptions and coins; but others, as the Olympic festival at Antioch, obtained great celebrity. After these Olympic festivals had been established in several places, the great Olympic festival is sometimes designated in inscriptions by the addition of "in Pisa," ἐν Πείσῃ. (Compare Boeckh, *Inscr.* n. 247, pp. 361, 362; n. 1068, p. 564.) We subjoin from Krause an alphabetical list of these smaller Olympic festivals. They were celebrated at:—

Aegae in Macedonia. This festival was in existence in the time of Alexander the Great. (Arrian, *Anab.* i. 11.)

Alexandria. (Gruter, *Inscr.* p. cccxiv. n. 240.) In later times, the number of Alexandrian conquerors in the great Olympic games was greater than from any other state.

Anazarbus in Cilicia. This festival was not introduced till a late period. (Eckhel, *Doctr. Num.* iii. p. 44.)

Antioch in Syria. This festival was celebrated at Daphne, a small place 40 stadia from Antioch, where there was a large sacred grove watered by many fountains. The festival was originally called Daphnea, and was sacred to Apollo and Artemis (Strabo, xvi. p. 750; Athen. v. p. 194), but was called Olympia, after the inhabitants of Antioch had purchased from the Eleans, in A.D. 44, the privilege of celebrating Olympic games. It was not, however, regularly celebrated as an Olympic festival till the time of the Emperor Commodus. It commenced on the first day of the month Hyperberetaeus (October), with which the year of Antioch began. It was under the presidency of an Alytarches. The celebration of it was abolished by Justin, A.D. 521. The writings of Libanius, and of Chrysostom, the Christian Father, who lived many years at Antioch, gave various particulars respecting this festival.

Athens. There were two festivals of the name of Olympia celebrated at Athens, one of which was in existence in the time of Pindar (Pind. *Nem.* ii. 25, &c.; Schol. *ad loc.*), who celebrates the ancestors of the Athenian Timodemus as conquerors in it, and perhaps much earlier (Schol. *ad* Thuc. i. 126). It was celebrated to the honour of Zeus, in the spring between the great Dionysia and the Bendideia. (Boeckh, *Inscr.* pp. 53, 250–252.) The other Olympic festival at Athens was instituted by Hadrian A.D. 131; from which time a new Olympic era commenced. (Corsini, *Fast. Att.* vol. ii. pp. 105, 110, &c.; Spartian. *Hadr.* 13.) [OLYMPIAS.]

Attalia in Pamphylia. This festival is only known to us by coins. (Rathgeber, *l. c.* p. 326.)

Cyzicus. (Boeckh, *Inscr.* n. 2810.)

Cyrene. (Boeckh, *Explicat. Pind.* p. 328.)

Dium in Macedonia. These games were instituted by Archelaus, and lasted nine days, corresponding to the number of the nine Muses. They were celebrated with great splendour by Philip II. and Alexander the Great. (Diodor. xvii. 16; Dio Chrysost. vol. i. p. 73, Reiske; Suidas, *s. v.* Ἀναξανδρίδης.)

Ephesus. This festival appears by inscriptions, in which it is sometimes called Ἀδριανὰ Ὀλύμπια ἐν Ἐφέσῳ, to have been instituted by Hadrian. (Boeckh, *Inscr.* n. 2810; compare n. 2987, 3000.)

Elis. Besides the great Olympic games, there appear to have been smaller ones celebrated yearly. (*Anecdot. Gr.* ed. Siebenk. p. 95.)

Magnesia in Lydia. (Rathgeber, *l. c.* pp. 326, 327.)

Neapolis. (Corsini, *Diss. Agon.* iv. 14, p. 103.)

Nicaea in Bithynia. (Eustath. *ad* Dionys. Perieg. pp. 172, 173, in *Geogr. Min.* ed. Bernhardy.)

Nicopolis in Epeirus. Augustus, after the conquest of Antony, off Actium, founded Nicopolis, and instituted games to be celebrated every five years (ἀγὼν πεντετηρικός) in commemoration of his victory. These games are sometimes called Olympic, but more frequently bear the name of Actia. They were sacred to Apollo, and were under the care of the Lacedaemonians. (Strabo, vii. p. 325.) [ACTIA.]

Olympus in Thessaly, on the mountain of that name. (Schol. *ad* Apoll. Rhod. *Argonaut.* i. 599.)

Pergamos in Mysia. (Boeckh, *Inscr.* n. 2810; Mionnet, ii. 610, n. 626.)

Side in Pamphylia. (Rathgeber, p. 129.)

Smyrna. Pausanias (vi. 14, § 1) mentions an Agon of the Smyrnaeans, which Corsini (*Diss. Agon.* i. 12, p. 20) supposes to be an Olympic festival. The Marmor Oxoniense expressly mentions Olympia at Smyrna, and they also occur in inscriptions. (Gruter, *Inscr.* p. 314, 1; Boeckh, *Inscr. ad* n. 1720.)

Tarsus in Cilicia. This festival is only known to us by coins. (Krause, p. 228.)

Tegea in Arcadia. (Boeckh, *Inscr.* n. 1513, p. 700.)

Thessalonica in Macedonia. (Krause, p. 230.)

Thyatira in Lydia. (Rathgeber, p. 328.)

Tralles in Lydia. (Krause, p. 233.)

Tyrus in Phoenicia. (Rathgeber, p. 328.)

[W. S.] [J. I. B.]

OLYMPIAS (Ὀλυμπιάς), the most celebrated chronological era among the Greeks, was the period of four years which elapsed between any one and the next following celebration of the Olympic games. The Olympiads began to be reckoned from the victory of Coroebus in the foot-race, which happened in the year B.C. 776 (Paus. v. 8, § 3; viii. 26, § 3; Strab. viii. p. 355). Timaeus of Sicily, however, who flourished B.C. 264, was the first writer who regularly arranged events according to the conquerors in each Olympiad, with which he compared the years of the Attic archons, the Spartan ephors, and that of the Argive priestesses (Polyb. xii. 12, § 1). His practice of recording events by Olympiads was followed by Polybius, Diodorus Siculus, Dionysius of Halicarnassus, and sometimes by Pausanias, Aelian, Diogenes Laërtius, Arrian, &c. It is twice adopted by Thucydides (iii. 8, v. 49) and Xenophon (*Hell.* i. 2, § 1; ii. 3, § 1). The names of the conquerors in the foot-race only were used to designate the Olympiad, not the conquerors in the other contests. Thucydides (*ll. cc.*), however, designates two Olympiads by the name of the conquerors in the Pancratium; but this appears only to have been done on account of the celebrity of these victors, both of whom conquered twice in the Pancratium. Other writers, however, adhere so strictly to the practice of designating the Olympiad only by the conqueror in the foot-race, that even when the same person had obtained the prize in other contests as well as in the foot-race, they only mention the latter. Thus Diodorus (xi. 70) and Pausanias (iv. 24, § 2) only record the conquest of Xenophon of Corinth in the foot-race, although he had also conquered at the same festival in the Pentathlum.

The writers who make use of the eras of the Olympiads usually give the number of the Olympiad (the first corresponding to B.C. 776), and then the name of the conqueror in the foot-race. Some writers also speak of events as happening in the first, second, third, or fourth year, as the case may be, of a certain Olympiad; but others do not give the separate years of each Olympiad.

We subjoin for the use of the student a list of the Olympiads with the years of the Christian era corresponding to them from the beginning of the Olympiads to A.D. 301. To save space the separate years of each Olympiad, with the corresponding years B.C., are only given from the 47th to the 126th Olympiad, as this is the most important period of Grecian history; in the other Olympiads the first year only is given. In consulting the following table it must be borne in mind that the Olympic games were celebrated about midsummer [OLYMPIA], and that the Attic year commenced at about the same time. If, therefore, an event happened in the second half of the Attic year, the year B.C. must be reduced by 1. Thus Socrates was put to death in the 1st year of the 95th Olympiad, which corresponds in the following table to B.C. 400; but as his death happened in Thargelion, the 11th month of the Attic year, the year B.C. must be reduced by 1, which gives us B.C. 399, the true date of his death.

B.C.	Ol.		B.C.	Ol.		B.C.	Ol.	
776.	1.	1.	547.		2.	456.	81.	1.
772.	2.	1.	546.		3.	455.		2.
768.	3.	1.	545.		4.	454.		3.
764.	4.	1.	544.	59.	1.	453.		4.
760.	5.	1.	543.		2.	452.	82.	1.
756.	6.	1.	542.		3.	451.		2.
752.	7.	1.	541.		4.	450.		3.
748.	8.	1.	540.	60.	1.	449.		4.
744.	9.	1.	539.		2.	448.	83.	1.
740.	10.	1.	538.		3.	447.		2.
736.	11.	1.	537.		4.	446.		3.
732.	12.	1.	536.	61.	1.	445.		4.
728.	13.	1.	535.		2.	444.	84.	1.
724.	14.	1.	534.		3.	443.		2.
720.	15.	1.	533.		4.	442.		3.
716.	16.	1.	532.	62.	1.	441.		4.
712.	17.	1.	531.		2.	440.	85.	1.
708.	18.	1.	530.		3.	439.		2.
704.	19.	1.	529.		4.	438.		3.
700.	20.	1.	528.	63.	1.	437.		4.
696.	21.	1.	527.		2.	436.	86.	1.
692.	22.	1.	526.		3.	435.		2.
688.	23.	1.	525.		4.	434.		3.
684.	24.	1.	524.	64.	1.	433.		4.
680.	25.	1.	523.		2.	432.	87.	1.
676.	26.	1.	522.		3.	431.		2.
672.	27.	1.	521.		4.	430.		3.
668.	28.	1.	520.	65.	1.	429.		4.
664.	29.	1.	519.		2.	428.	88.	1.
660.	30.	1.	518.		3.	427.		2.
656.	31.	1.	517.		4.	426.		3.
652.	32.	1.	516.	66.	1.	425.		4.
648.	33.	1.	515.		2.	424.	89.	1.
644.	34.	1.	514.		3.	423.		2.
640.	35.	1.	513.		4.	422.		3.
636.	36.	1.	512.	67.	1.	421.		4.
632.	37.	1.	511.		2.	420.	90.	1.
628.	38.	1.	510.		3.	419.		2.
624.	39.	1.	509.		4.	418.		3.
620.	40.	1.	508.	68.	1.	417.		4.
616.	41.	1.	507.		2.	416.	91.	1.
612.	42.	1.	506.		3.	415.		2.
608.	43.	1.	505.		4.	414.		3.
604.	44.	1.	504.	69.	1.	413.		4.
600.	45.	1.	503.		2.	412.	92.	1.
596.	46.	1.	502.		3.	411.		2.
592.	47.	1.	501.		4.	410.		3.
591.		2.	500.	70.	1.	409.		4.
590.		3.	499.		2.	408.	93.	1.
589.		4.	498.		3.	407.		2.
588.	48.	1.	497.		4.	406.		3.
587.		2.	496.	71.	1.	405.		4.
586.		3.	495.		2.	404.	94.	1.
585.		4.	494.		3.	403.		2.
584.	49.	1.	493.		4.	402.		3.
583.		2.	492.	72.	1.	401.		4.
582.		3.	491.		2.	400.	95.	1.
581.		4.	490.		3.	399.		2.
580.	50.	1.	489.		4.	398.		3.
579.		2.	488.	73.	1.	397.		4.
578.		3.	487.		2.	396.	96.	1.
577.		4.	486.		3.	395.		2.
576.	51.	1.	485.		4.	394.		3.
575.		2.	484.	74.	1.	393.		4.
574.		3.	483.		2.	392.	97.	1.
573.		4.	482.		3.	391.		2.
572.	52.	1.	481.		4.	390.		3.
571.		2.	480.	75.	1.	389.		4.
570.		3.	479.		2.	388.	98.	1.
569.		4.	478.		3.	387.		2.
568.	53.	1.	477.		4.	386.		3.
567.		2.	476.	76.	1.	385.		4.
566.		3.	475.		2.	384.	99.	1.
565.		4.	474.		3.	383.		2.
564.	54.	1.	473.		4.	382.		3.
563.		2.	472.	77.	1.	381.		4.
562.		3.	471.		2.	380.	100.	1.
561.		4.	470.		3.	379.		2.
560.	55.	1.	469.		4.	378.		3.
559.		2.	468.	78.	1.	377.		4.
558.		3.	467.		2.	376.	101.	1.
557.		4.	466.		3.	375.		2.
556.	56.	1.	465.		4.	374.		3.
555.		2.	464.	79.	1.	373.		4.
554.		3.	463.		2.	372.	102.	1.
553.		4.	462.		3.	371.		2.
552.	57.	1.	461.		4.	370.		3.
551.		2.	460.	80.	1.	369.		4.
550.		3.	459.		2.	368.	103.	1.
549.		4.	458.		3.	367.		2.
548.	58.	1.	457.		4.	366.		3.

B.C.	Ol.		B.C.	Ol.		B.C.	Ol.	
365.		4.	285.		4.	4.	194.	1.
364.	104.	1.	284.	124.	1.			
363.		2.	283.		2.			
362.		3.	282.		3.	A.D.	Ol.	
361.		4.	281.		4.	1.	195.	1.
360.	105.	1.	280.	125.	1.	5.	196.	1.
359.		2.	279.		2.	9.	197.	1.
358.		3.	278.		3.	13.	198.	1.
357.		4.	277.		4.	17.	199.	1.
356.	106.	1.	276.	126.	1.	21.	200.	1.
355.		2.	275.		2.	25.	201.	1.
354.		3.	274.		3.	29.	202.	1.
353.		4.	273.		4.	33.	203.	1.
352.	107.	1.	272.	127.	1.	37.	204.	1.
351.		2.	268.	128.	1.	41.	205.	1.
350.		3.	264.	129.	1.	45.	206.	1.
349.		4.	260.	130.	1.	49.	207.	1.
348.	108.	1.	256.	131.	1.	53.	208.	1.
347.		2.	252.	132.	1.	57.	209.	1.
346.		3.	248.	133.	1.	61.	210.	1.
345.		4.	244.	134.	1.	65.	211.	1.
344.	109.	1.	240.	135.	1.	69.	212.	1.
343.		2.	236.	136.	1.	73.	213.	1.
342.		3.	232.	137.	1.	77.	214.	1.
341.		4.	228.	138.	1.	81.	215.	1.
340.	110.	1.	224.	139.	1.	85.	216.	1.
339.		2.	220.	140.	1.	89.	217.	1.
338.		3.	216.	141.	1.	93.	218.	1.
337.		4.	212.	142.	1.	97.	219.	1.
336.	111.	1.	208.	143.	1.	101.	220.	1.
335.		2.	204.	144.	1.	105.	221.	1.
334.		3.	200.	145.	1.	109.	222.	1.
333.		4.	196.	146.	1.	113.	223.	1.
332.	112.	1.	192.	147.	1.	117.	224.	1.
331.		2.	188.	148.	1.	121.	225.	1.
330.		3.	184.	149.	1.	125.	226.	1.
329.		4.	180.	150.	1.	129.	227.	1.
328.	113.	1.	176.	151.	1.	133.	228.	1.
327.		2.	172.	152.	1.	137.	229.	1.
326.		3.	168.	153.	1.	141.	230.	1.
325.		4.	164.	154.	1.	145.	231.	1.
324.	114.	1.	160.	155.	1.	149.	232.	1.
323.		2.	156.	156.	1.	153.	233.	1.
322.		3.	152.	157.	1.	157.	234.	1.
321.		4.	148.	158.	1.	161.	235.	1.
320.	115.	1.	144.	159.	1.	165.	236.	1.
319.		2.	140.	160.	1.	169.	237.	1.
318.		3.	136.	161.	1.	173.	238.	1.
317.		4.	132.	162.	1.	177.	239.	1.
316.	116.	1.	128.	163.	1.	181.	240.	1.
315.		2.	124.	164.	1.	185.	241.	1.
314.		3.	120.	165.	1.	189.	242.	1.
313.		4.	116.	166.	1.	193.	243.	1.
312.	117.	1.	112.	167.	1.	197.	244.	1.
311.		2.	108.	168.	1.	201.	245.	1.
310.		3.	104.	169.	1.	205.	246.	1.
309.		4.	100.	170.	1.	209.	247.	1.
308.	118.	1.	96.	171.	1.	213.	248.	1.
307.		2.	92.	172.	1.	217.	249.	1.
306.		3.	88.	173.	1.	221.	250.	1.
305.		4.	84.	174.	1.	225.	251.	1.
304.	119.	1.	80.	175.	1.	229.	252.	1.
303.		2.	76.	176.	1.	233.	253.	1.
302.		3.	72.	177.	1.	237.	254.	1.
		4.	68.	178.	1.	241.	255.	1.
	120.	1.	64.	179.	1.	245.	256.	1.
[illegible]		2.	60.	180.	1.	249.	257.	1.
288.		3.	56.	181.	1.	253.	258.	1.
297.		4.	52.	182.	1.	257.	259.	1.
296.	121.	1.	48.	183.	1.	261.	260.	1.
295.		2.	44.	184.	1.	265.	261.	1.
294.		3.	40.	185.	1.	269.	262.	1.
293.		4.	36.	186.	1.	273.	263.	1.
292.	122.	1.	32.	187.	1.	277.	264.	1.
291.		2.	28.	188.	1.	281.	265.	1.
290.		3.	24.	189.	1.	285.	266.	1.
289.		4.	20.	190.	1.	289.	267.	1.
288.	123.	1.	16.	191.	1.	293.	268.	1.
287.		2.	12.	192.	1.	297.	269.	1.
286.		3.	8.	193.	1.	301.	270.	1.

Many of the ancient writers did not consider history to begin till the Olympiad of Coroebus, and regarded as fabulous the events said to have occurred in preceding times. (Censorinus, *de Die Natal.* c. 21; African. *apud* Euseb. *Praep.* x. 10, p. 487 d; Clinton, *Fast. Hell.* vol. ii. Introd. p. ii.)

The old Olympiad era appears only to have been used by writers, and especially by historians. It does not seem to have been ever adopted by any state in public documents. It is never found on any coins, and scarcely ever on inscriptions. There are only two inscriptions published by Boeckh in which it appears to be used (*Corp. Inscr.* n. 2682, 2999). A new Olympiad era, however, came into use under the Roman emperors, which is found in inscriptions and was used in public documents. This era begins in Ol. 227. 3 (A.D. 131), in which year Hadrian dedicated the Olympieion at Athens; and accordingly we find Ol. 227. 3 spoken of as the first Olympiad, Ol. 228. 3 (A.D. 135) as the second Olympiad, &c. (Boeckh, *Corp. Inscr.* n. 342, 446, 1345).

(Krause, *Olympia*, p. 60, &c.; Wurm, *de Pond.*, &c., § 94, &c.) [W. S.]

ONYX. [SCALPTURA.]

OPA. [METOPA.]

OPA'LIA, a Roman festival in honour of Ops (or Opis), which was celebrated on the 14th day before the Kalends of January (Dec. 19), being the third day of the Saturnalia, which in popular usage as a time of holiday extended from the 17th to 23rd December. From the time of Augustus onwards the 17th belonged especially to Saturn, the 19th to Ops, the wife of Saturn. (Macrob. *Sat.* i. 12; Varr. *L. L.* vi. 22, ed. Müller; Festus, s. v. *Opalia.*) The worshippers of Ops paid their vows sitting, and touched the earth, of which she was the goddess (Macrob. *l. c.*), with which may be compared *Il.* ix. 565, Γαῖαν χερσὶν ἁλοία... πρόχυν καθεζομένη: the method of addressing supplications alike to the Earth and to νέρτεροι θεοί. (See Preller, *Röm. Myth.* pp. 416, 417.) [L. S.] [G. E. M.]

OPERIS NOVI NUNTIATIO was a summary extra-judicial remedy provided by the edict against a person who was making an *opus novum*, by which is to be understood the building, altering, or demolishing of some structure attached to the soil (Dig. 39, 1, 1, 12); and its object was either the maintenance of a private right, the prevention of damage, or the protection of the public interest (Dig. *ib.* 1, 16). The right of making the nuntiatio belonged (1) to the owner of land, "qui jus aliquid prohibendi habet:" his right might be founded either on anticipated injury to his own property, on some statutory rule (*e.g.* those relating to the height of buildings), or on a contract or private disposition of his neighbour; (2) to the superficiarius, pledgee, emphyteuta, and bonâ-fide possessor of the land; (3) to any one else who is so endangered by the *opus novum* that he could demand "cautio damni infecti" (Dig. *ib.* 1, 17); and (4) to any full-grown citizen, if the opus is *in loco sacro, religioso*, or *publico* (Dig. *ib.* 3, 4). But a lessee, or a person who merely had a servitude over the threatened property, had no right of nuntiatio, and even the usufructuarius could make it only in the name and on behalf of the dominus (Dig. *ib.* 1, 20).

In form the nuntiatio was a notice, given on the spot (Dig. *ib.* 5, 4), to discontinue the opus: it could be made either personally or through an agent (though the latter would have to give the *cautio de rato*, Dig. *ib.* 5, 18), but must be in the presence of the person responsible for the work protested against, or of some subordinate

of his from whom he could receive information of it. No application to or assistance from the praetor was requisite (Dig. *ib.* 1, 2), but it was essential that the notice should be given before the opus was completed: after completion it was of no effect (*ib.* 1, 1, "futura opera"), redress being then obtainable only by the interdict "Quod vi aut clam."

If the opus novum consisted in building on the complainant's land, or inserting or causing anything to project into his premises, it was better to apply at once to the praetor, or to prevent it *per manum;* that is (as it is explained) "jactu lapilli," which was a symbolical resort to force for self-protection (Dig. *ib.* 5, 10; 43, 24, 20, pr.).

The result of nuntiatio was that any continuation of the work was unlawful, so that the injured person, in that event, was entitled by the so-called "Interdictum de demoliendo" to be restored *in statum quo* (Dig. *ib.* 20, pr. and 4). It could be extinguished or cancelled in a variety of ways: *e.g.* by waiver on the part of the nuntians, unless made in the public interest (Dig. *ib.* 1, 10; 2, 14, 7, 14); by the death of the nuntians (*ib.* 8, 6), or by his parting with the land which entitled him to raise his voice against the opus; by the person answerable for it giving security that if judgment were delivered against its legality he would at his own cost restore things *in statum quo* (Dig. *ib.* 5, 17), and by the nuntians refusing such security when properly tendered. When the *cautio* was given, or unlawfully rejected by the nuntians, the party was entitled to an "Interdictum prohibitorium" for his protection in prosecuting the work (Dig. *ib.* 20, 9 *sqq.*). Finally, the person to whom notice was given could take legal proceedings (*extra ordinem*, Dig. *ib.* 1, 9) to obtain permission for carrying the work on (*remissio:* "operis novi nuntiationem remiserit," *Lex Gall. Cisalp.* x.), on the ground that the nuntiatio was illegal or had been waived, or that the public interest required its completion; but such *remissio* was not a final determination of the rights of the case, which could be attained only by a real action.

(Dig. 39, 1; 43, 25; Cod. 8, 11. Besides the account given of the law on the matter in the usual text-books on Roman Law, there are express treatises on the subject by Stölzel, Reinhard, Polis, Hesse, Burkhard, and others.) [J. B. M.]

OPI'MA SPO'LIA. [SPOLIA.]

OPINATO'RES were officers under the Roman emperors who were sent to demand arrears of the *annona militaris*. The regular collector was termed *exactor;* the opinator was an extraordinary official sent to coerce overdue supplies, and was for the army what the *compulsor* was for other tribute. The name is probably derived from *opinari* in the sense of *aestimare*, because they *assessed* what the due amounted to. (Cod. 12, tit. 38, s. 11; *Cod. Theod.* 7, tit. 4, s. 26; Symmach. *Ep.* ix. 49.) [W. S.] [G. E. M.]

OPISTHO'DOMUS. [TEMPLUM.]

OPISTHO'GRAPHI. [LIBER.]

OPPIDUM, originally the stronghold, commonly overlooking the plain (*ob pedum*), which served as a refuge in times of danger, for the inhabitants of the surrounding district. (The derivation from *opus*, suggested by Mommsen, *H. R.* i. 39, E. T., is impossible, and has been abandoned by him in later editions.) Hence it did not differ essentially from *urbs*. But while the latter word came to be used especially of Rome, *oppidum* became the general name for country towns, including *municipia, praefecturae*, and *coloniae* [COLONIA]. The term is also commonly used of the towns which possessed Latin rights (*oppida Latina*); for the organisation of these, cf. the Leges Salpensana et Malacitana in *C. I. L.* ii. pp. 253 ff. [A. S. W.]

OPSON (ὄψον: in Latin *obsonium* or *opsonium* corresponds to some extent, but not entirely: see below), by etymology the *non-farinaceous part of a meal* (that which was cooked), but by usage almost restricted in post-Homeric times to *fish*. It must be remarked that in the Homeric age fish does not seem to have been regarded as a proper article of food for those who could get anything else, even when they lived, as in Ithaca, close to the sea: this has been noticed by Plato, *Rep.* iii. p. 404 B, and Plutarch (*de Is. et Osir.* 7; cf. Athen. i. p. 9 d), and the same also is asserted of the old Italians (Ov. *Fast.* vi. 173). It cannot be said that fish was unknown as food, for we have fishermen (*Od.* xii. 251; xix. 113, where it is cheap, *gratuitous* food; xxii. 384: compare the gruesome simile in *Od.* x. 124); and Odysseus and his companions eat fish in Thrinacia; but that is only, as we are told, "under stress of gnawing hunger," when they were wind-bound and had eaten all their provisions. In *Il.* ix. 489, *Od.* iii. 480, &c., ὄψον is cooked meat: in *Il.* xi. 630 the word is used in a sense more like that of later times, of an onion prepared as a "relish" or seasoning, in or with wine. In later times, at any rate at Athens, it is easy to trace its acquired meaning. Those who could afford nothing better had bread in some shape or other as their food and their only staff of life, but all who had the means added something to eat with it, and this naturally took the form of something cooked, ὄψον properly so called: the term, however, became so far conventional that it was *possible* to use it for any dainty which helped to make the bread more palatable (and for which, in default of anything else, λιμὸς is proverbially used, Xen. *Cyr.* i. 5, 12); so Plato, *Rep.* ii. p. 372 C, in describing an imaginary vegetarian diet of a simple people, gives them "salt, olives, cheese, and onions" as ὄψον: but just below, when he returns to ordinary life, he uses ὄψα in the more usual sense of meat, or rather fish. What we should call "butcher's meat" played a comparatively small part in the Athenian diet; it was of course eaten (in early times chiefly when a sacrifice had been offered: Athen. v. p. 192 b; Juv. *Sat.* xi. 85); and birds and game of various kinds (especially thrushes and hares) appeared at the dinner table: still, however, Professor Mahaffy rightly notices (*Social Life in Greece*, p. 306) that "the Attic people ate little meat, and lived chiefly on fish and vegetables." Hence it was that ὄψον is used almost exclusively of fish, and the derivatives ὀψωνεῖν, &c. of buying fish, &c., so that in the words of Athenaeus (vii. p. 276 e; cf. Plut. *Symp.* iv. 2, p. 667 f.), πάντων τῶν προσοψημάτων ὄψων καλουμένων

ἐξενίκησεν ὁ ἰχθὺς διὰ τὴν ἐξαίρετον ἐδωδὴν μόνος (*solely*) οὕτω καλεῖσθαι. The ὀψοφάγος is an epicure in fish (τὸν οὐ κρέας ἀλλὰ θάλασσαν τιμῶντα, *Anth. Pal.* i. 287; cf. Plut. *l. c.*): and in Hellenistic Greek ὀψάριον (like the modern Greek ψάρι) may be used as absolutely = ἰχθύς. (At Sparta, however, according to Athenaeus, iv. p. 141 b, the ὄψον was commonly boiled pork.) As regards the cost, one obol for a simple dinner of fish and vegetables, see Boeckh, *Staatshaus.* i.[3] pp. 128, 141. As to the fish supply, the commonest were the ἀφύαι, caught off their own shores, which were so abundant that Athenaeus (vii. p. 285 b) says that, though a delicacy elsewhere, they were looked down upon at Athens as the ὄψον of the poor: Lake Copais produced the eels, regarded as the greatest of luxuries (Aristoph. *Acharn.* 880, &c.): otherwise fresh-water fish were despised (Athen. vii. p. 228 f). We may notice especially the great consumption of salt fish (τάριχος), whence ταρίχους ἀξιώτερον became a proverb. Of this supply the Euxine was the chief source (Athen. iii. p. 119 b): there were ταριχεῖαι (establishments for curing fish) at Byzantium (Dem. *Lacrit.* p. 993, § 32; Strab. vii. p. 310; cf. ταριχόπωλος βόσπορος, Athen. iii. p. 116 b) and at various places at the mouths of rivers running into the Euxine, and as far as the Sea of Azov (Strab. xi. p. 493): abundance also came from Egypt, Sardinia, and Spain (Poll. vi. 48; cf. Herod. ii. 215; Boeckh, *Staatshaus.* i. 128). From these places the salt fish was sent to Athens in jars (κεράμια, Dem. *Lacrit.* p. 934, § 34, or ἀμφορῆς). The most useful fish for salting were various sorts of thunny; the ἀντάκαιος also was used, which seems to be a sturgeon. The roe was made into a sort of caviare in early times: it is stated by Gell (*Pomp.* i. 178) that a jar containing caviare was found at Pompeii: fish sauce or pickle was made principally from the σκόμβρος. A long list of the names of the favourite fish will be found in Athen. vi. p. 281 f., which need not be given here: and indeed translating most Greek and Latin names for fish, like Greek and Latin names for nearly all birds and flowers, is very hazardous guess-work. (For the fish-market at Athens, see AGORA; MACELLUM.)

As regards the Latin use of obsonium (or *opsonium*), it must be observed that among the Romans there was no such common abstention from butcher's meat as among the Athenians, and consequently no such limitation, in the ordinary use of the word, to one kind of food. In the adapters or translators of Greek comedy, we naturally find the word chiefly, though not exclusively, in the Greek sense (*e.g.* Ter. *And.* ii. 2, 23 and 32), and so in Plautus and Terence *obsonare* (or *obsonari*) is to go to market to buy fish: that, however, it was not exclusively so used, even in these writers, is clear from the *Aulularia* of Plautus, where there is much talk of *obsonium* and *obsonatores*, but in Act. ii. 8 the "macellum" has a choice of fish, veal, lamb, beef, and pork. In Horace, *Sat.* ii. 2, 41, *obsonium* probably refers to the fish which precedes, and in Juv. iv. 64 it certainly does, but we may conclude that in Latin the word could not be used by itself, apart from the context, to distinguish fish from provisions generally: in Mart. xiv. 217 the *obsonator* is clearly the slave sent to market for provisions of any kind required for dinner, which at Rome was certainly not by rule a fish dinner, and in this general sense we may understand *obsonator* where it occurs in inscriptions (*C. I. L.* vi. 6246, 8753). In Pliny, xxxii. 87 and xv. 82, where *obsonium* is used for *salt* and *figs*, we have the Greek idea of it as something added to give a seasoning to the bread, for which sense of sauce or "relish" *pulmentarium* is the correct Latin word, and is used to render the proverbs "hunger the best sauce," &c. in Latin, which the Greeks express by ὄψον: see also Cato, *R. R.* 58, which is wrongly cited sometimes as describing Roman "family" life. Cato speaks of the economies of the slaves (*familia*), and says that you should pickle for them, as the *addition* to their bread (*pulmentarium* = ὄψον), the wind-fallen olives, and then those which will not yield much oil, used very sparingly: if these too are all used up before the year goes round, then the slaves must have the dregs of fish-brine (*allex* or *allec*; *muria* being the clear fish-brine). (For the Roman fish supply, see PISCINA: for further discussion and authorities on the subject of ὄψον, see Becker-Göll, *Charikles*, ii. 316; Blümner, *Gr. Privatalt.* 223 ff.; Marquardt, *Privatleben*, 432 ff.) [G. E. M.]

OPTIMA'TES. [NOBILES.]

OPTIO. [EXERCITUS, Vol. I. p. 801 *b*.]

ORA'CULUM (μαντεῖον, χρηστήριον). In the vast and varied system of practical religion which prevailed in Greece, oracles took the foremost place. An oracle, in the sense in which the word is here used, is some special locality supposed to be chosen by a supernatural power (god, hero, or shade of the dead) as an abode from which he might give answers to his worshippers. (The answer itself is also known as an *oracle*, alike in Greek, Latin, and English.)

Difficult as it is to trace the exact steps by which the oracular system of Greece was formed, it is not difficult to see the general causes which produced it. The Greeks were, excepting the Hebrews, the most sincerely religious race of antiquity; but they differed from the Hebrews in this, that their imaginative powers were far more vivid, but their moral sense was less strong. Hence, while the deep connexion of religion and morality increases steadily in the Greek mind from Homer through Aeschylus and Pindar to Socrates, it is always overshadowed by a set of feelings and conceptions which had not a moral but a naturalistic origin. The early Pelasgian (to take the most ancient of the Greek races) would look with a mixture of trembling and inquiry upon the great features of nature which surrounded him, —the mountains, the rivers, the woods; and while he instinctively personified the powers inherent in these (even before they had well-defined names) and deprecated their anger, he would naturally think that their will was ascertainable through some external feature, motion or sound, especially through any that might be more than usually subtle and recondite. Places of impressive aspect would be to him centres of religious awe. The two most ancient and powerful of the Greek oracles, Dodona and Delphi, were unquestionably created by the operation of this feeling; and it will

be well to begin with an account of these two, before approaching those of later origin and inferior importance.

The Oracle of Dodona in Epirus.—Here Zeus himself, the supreme god, was believed to give messages to men through the rustling of the leaves of a lofty oak. We must suppose something notable in the special tree; but the region round about Dodona, besides being mountainous, is said to be the most stormy in the whole of Europe (Mommsen, *Delphika*, p. 4), and would be calculated to excite the primitive feelings of the supernatural in a high degree.

We can trace the oracle of Dodona up to a time of extreme primitiveness, when, it is probable, no other oracle existed in Greece, and before any of the refinements of experimental divination had been systematised. It is first mentioned in one of the most touching passages in Homer, that in which Achilles, before sending out his friend Patroclus to the battle, prays for his safe return. The invocation runs as follows (Hom. *Il.* xvi. 233–235):—

Ζεῦ ἄνα, Δωδωναῖε, Πελασγικέ, τηλόθι ναίων,
Δωδώνης μεδέων δυσχειμέρου· ἀμφὶ δὲ Σελλοὶ
σοὶ ναίουσ' ὑποφῆται ἀνιπτόποδες, χαμαιεῦναι·

"O king Zeus, Dodonaean and Pelasgian, thou who dwellest afar off, ruler of Dodona the place of wintry storms; and round about thee the Selli thy interpreters dwell, they of unwashed feet, whose couch is on the bare ground . . . . ." Achilles, it is plain, addresses Zeus in these terms because he was believed to stand in a nearer relation to men at Dodona, through his oracle, than elsewhere; but also the passage appears to intimate a difference between the Zeus of Dodona and that more familiar Zeus who quarrelled with Hera on Olympus. And we have other reasons for thinking that the Zeus whom the Pelasgi worshipped in those remote times was something far vaguer than the Zeus of Homer. In the first place, we have the distinct affirmation of Herodotus (ii. 52): "In early times the Pelasgi, as I know by information which I got at Dodona, offered sacrifices of all kinds, and prayed to the gods, but had no distinct names or appellations for them, since they had never heard of any." Herodotus goes on to say that the names of the gods were introduced from Egypt, and that the oracle of Dodona sanctioned their use; statements which are open to criticism. In the next place, Zeus at Dodona was worshipped under a peculiar name, Zeus Naïus (*Naîos*), the exact meaning of which is uncertain; and with him was worshipped a goddess, Dione, whose name (as Bouché-Leclercq suggests) is probably the feminine of Zeus. When the worship of Dione was introduced, we do not know; the first mention of it appears to be in Demosthenes (*c. Meid.* p. 531, § 53; *de F. L.* p. 437, § 299): but Strabo (vii. p. 329) tells us that she had a common temple with Jupiter; the researches of Carapanos at Dodona show that votive tablets were dedicated to her jointly with Zeus; and the meaning of her name and antiquity of her worship are testified by the two quaint verses ascribed by Pausanias (x. 12, § 5) to the early priestesses of Dodona:

Ζεὺς ἦν, Ζεύς ἐστι, Ζεὺς ἔσσεται, ὦ μεγάλε Ζεῦ.
Γᾶ καρποὺς ἀνίει, διὸ κλῄζετε μητέρα γαῖαν.

Though Dione is not mentioned here, it is difficult not to think that she is identical with the earth (γᾶ) mentioned in the second line; and if so, Zeus and Dione are symbolical of heaven and earth.

We may then in all probability look upon the oracle at Dodona, in its original form, as dedicated to a Zeus who symbolised, simply, Heaven, and the power that dwells therein; and either from the first, or at all events at a very early date, a goddess symbolising the Earth, Dione, was associated with him. Such a worship must have been very different from the elaborate mythology which afterwards prevailed; and it will be observed that the ceremonial described by Homer is no less simple and primitive. The interpreters of Zeus are the "Selli with unwashed feet, whose couch is on the bare ground;" and if one is to take the account in the Odyssey as not far removed in time from that in the Iliad, we must suppose that they listened, as they lay, to the rustling of the oak-leaves; for in that poem (xiv. 327–8, xix. 296–7) Ulysses is said (in a feigned story) to have gone to Dodona to hear the counsel of Zeus "out of the lofty foliaged oak:"

Τὸν δ' ἐς Δωδώνην φάτο βήμεναι, ὄφρα θεοῖο
ἐκ δρυὸς ὑψικόμοιο Διὸς βουλὴν ἐπακούσαι.

Further, these Selli appear to have been originally not a caste of priests, but a tribe: Aristotle (*Meteor.* i. 14) speaks of them as such, and brings them into close connexion with the original Hellenes. It is therefore probable that they are the same as the Helli mentioned by Pindar, and that their district in those early times was called Hellopia; for "at the end of Hellopia," says Hesiod (*Fragm. ap. Schol.* Sophocl. *Trach.* 1169), "is the city of Dodona, which Zeus chose to be his oracular seat, and where he lived in the trunk of an oak-tree (φηγοῦ)."

So far the accounts of Dodona testify to a native origin, and to great rudeness of character. But the next step in its history brings it into contact with a foreign country; namely, Egypt. Herodotus, who gives the account referred to (ii. 54–57), professes it to be a narrative of the *foundation* of the oracle. Few will think this probable: but it may very well mark a period when the oracle received a more systematic form, and, above all, when the institution of priestesses began. These are not mentioned by Homer; and though they might have risen from a native source, there is no improbability in their foreign derivation. The priests at the Egyptian Thebes, then, told Herodotus that "two of the sacred women were once carried off from Thebes by the Phoenicians, and they had learnt that one of them had been sold into Libya and the other into Greece; and these women were the first founders of the oracles in the two countries." The Dodonaean story, also told to Herodotus, is the exact counterpart of the above, except that the women are represented as doves. "Two black doves," said the priestesses of Dodona, "flew away *from* the Egyptian Thebes, and, while one *directed* its flight to Libya, the other came hither: she alighted on an oak, and sitting there began to speak with a human voice, and said that on the

spot where she was, there should henceforth be an oracle of Zeus . . . . The dove which flew to Libya bade the Libyans to establish there the oracle of Ammon." The correspondence between these narratives, current in localities so distant from one another as the Egyptian Thebes and Dodona, is too great to have come by chance; and when we find from Strabo (vii. *Fragm.* 1 and 2) that the words for "old woman" and for "dove" in the Molossian language are similar, and from Sophocles (*Trachin.* 171–2) and Pausanias (x. 12, § 5) that the priestesses at Dodona were actually called "doves," all objection to the Dodonaean story, on the ground of the seeming miracles, surely vanishes. And it is a further confirmation that Herodotus (ii. 57) tells us that the Dodonaean oracle resembled in character that at Thebes; to which may be added that Strabo (vii. *Fragm.* 1) tells us that the oracles of Dodona and Ammon were similar. Moreover, the quaint verses of the Dodonaean priestesses, quoted above from Pausanias, must remind us (*longo intervallo*) of the celebrated inscription on the temple of the veiled Isis.

It will then appear that at a certain early period of the Dodonaean oracle, an important change took place owing to Egyptian influence; a change which at any rate involved the appointment of priestesses. It is possible that the worship of Dione was introduced at the same period, and so Strabo seems to imply (vii. p. 329): but this is altogether uncertain. When priestesses were once introduced as ministrants of the oracle, the male interpreters of the divine will sank into the background. Sophocles indeed (*Trach.* 1167) speaks of the Selli: but the passage applies to remote antiquity.

Herodotus seems to have met with none; and they are ignored by Plato (*Phaedr.* 244 B). Strabo, however (ix. p. 402), tells us that, owing to a certain tragical occurrence, men and not women communicated the divine messages to Boeotians; though all other nations received them from the priestesses. At the same time the priestesses were under the control of a council of men; and Carapanos has found at Dodona inscriptions bearing the name and title of the president (*ναίαρχος*) of this council, and of one of its officers (*προστάτης*). (Carapanos, *Dodone*, pp. 50, 56.) Strabo tells us that the priests referred to by Homer were called *τομοῦροι*, and that some affirmed this to be the true reading in Hom. *Od.* xvi. 403, in place of *θέμιστες*.

Certain changes in the method of divination employed by this oracle must now be noted. The original method was by the interpretation of sounds (viz. the rustling of leaves); but in Plato's time we find (Plat. *Phaedr.* 244 B) that the priestesses, like those at Delphi, prophesied in a state of divine frenzy. This might be a direct imitation of Delphi; but the imitation would probably be disguised by an intermediate stage, dream-inspiration. Lycophron tells us (*ap.* Eustath. *ad Iliad.* xvi. 233) that this mode of divination existed at Dodona; and it would be quite natural for the priests or priestesses to listen to their rustling oak-tree by preference at night (and Homer's word *χαμαιεῦναι* suggests this). Again, we learn from Cicero (*Divin.* i. 34, 76) that divination by lots was practised at Dodona; it was an ill omen, he tells us, for the Spartans before Leuctra, that a monkey overturned the vessel in which were the lots that they had sent to the oracle. In later times brazen vessels were used to produce sounds of prophetic import: a circle of such vessels was suspended, which being moved by the wind struck against one another: for the same purpose a present was made by the Corcyraeans of a metal basin with a statue of a man placed over it, in the hand of which was a brazen scourge of three thongs, from which small bones (*ἀστράγαλοι*) were suspended, which being moved by the wind struck against the basin. (Steph. Byz. *s. v.* *Δωδώνη*: Suidas, *s. v.* *Δωδωναῖον χαλκεῖον*: Philostr. *Imag.* ii. p. 830; Strabo, vii. *Fragm.* 3.) This "Corcyraean scourge" was seen in the early part of the 2nd century B.C. by Polemon the geographer (cf. L. Preller, *Polemonis periegetae fragmenta*, Lips. 1838). At a still later date we have mention of a marvellous fountain at Dodona, which kindled torches when applied to it, and whose murmurings had also a prophetic quality (Plin. ii. § 228; Serv. *ad Aen.* iii. 466).

No mention has been made above of a mode of divination which, in times when Dodona had fallen into decay, was thought to have been formerly practised there; namely, by the observation of the flight of doves. Dionysius of Halicarnassus (i. 15) mentions this; as also Strabo (vii. *Fragm.* 1), who however regards it as a misinterpretation of the fact that the priestesses were called "doves." And a misinterpretation it was, no doubt, and one which would very naturally be caused by the original narrative of the foundation of the oracle in Herodotus; or by the expression *διττῶν πελειάδων* in Soph. *Trach.* 172. But it had a hold on the imagination of the Roman poets, which was increased by the fact that Dione, spoken of by Homer as the mother of Aphrodite (*Il.* v. 371), was afterwards identified with Aphrodite herself (Theocr. *Idyll.* vii. 116; Ovid. *Art. Am.* iii. 3, 769; *Fast.* ii. 461, v. 309), to whom doves were particularly sacred, whence Servius (*ad Aen.* iii. 466) actually speaks of the oracle as dedicated "Jovi et Veneri," and in the Clementine Homilies (iv. 16, v. 13) Dodone is used as synonymous with Aphrodite. But all these are late and inaccurate representations, and receive no support whatever from any author contemporary with the period when the oracle was flourishing.

A curious phrase may here be mentioned, with which Ephorus (*ap.* Macr. *Saturn.* v. 18, 8) tells us the oracles emanating from Dodona always terminated—"Sacrifice to Achelous:" the origin and exact meaning of the injunction is unknown.

Dodona, though the most ancient of the oracles (as Herod. ii. 52 says, and as everything leads us to believe) was of course very inferior in political importance to Delphi, during the historical period. Croesus consulted it (Herod. i. 46), but was dissatisfied with its answer. The Athenians were unfortunately encouraged by it in their Sicilian expedition (Pausan. viii. 11, § 6; Suidas, *s. v.* *Ἀννίβας*). On the other hand, it proved itself incorruptible to the bribes of Lysander, when he wished to make himself king of Sparta (Plut. *Lysand.*); and it may be

that Delphi had shown itself less scrupulous (though it also is said to have refused the bribe), for we find that Agesilaus, when meditating his expedition into Asia, gave a most marked preference to Dodona over Delphi (Plut. *Apophth. Lacon. Agesil.* 10). Demosthenes in the *Meidias* (l. c.) appeals to the two as equal authorities; in the *de Falsâ Legatione* (l. c.), however, he refers to Zeus and Dione, but not to Apollo. We read of honours paid by the Athenians to the oracle of Dodona at a still later date (Hyperid. *pro Euxenippo*, § 35). The discoveries of Carapanos prove that the official documents of the Epirotic assembly were kept in the temple of Dodona (*Dodone*, pp. 48–68). But in B.C. 219, Dorimachus, the Aetolian general, razed the temple to the ground, and in B.C. 167 the Roman general Paulus Aemilius devastated and ruined Epirus. The oracle never recovered these blows. Seneca (*Herc. Oet.* 1623) speaks of it as deserted. Hadrian appears from the inscriptions to have been a benefactor to Dodona (Carapanos, *op. cit.* p. 171), and probably even rebuilt the temple; but the restoration, to judge both from probability and from the testimony of Lucian (*Icaromen.* 24), had little vitality; and the oracle may be said to have died under the destructive invasion of Dorimachus.

The actual site of Dodona, which long had been unknown, was discovered in the year 1876 by a Greek explorer, M. Constantin Carapanos, in the valley of the Tcharacovitza, about eleven miles south-west of the town and lake of Janina. Bp. Chr. Wordsworth, however, had already fixed upon the same spot (*Greece*, p. 249). The foundations of the temple and of the sacred enclosure were laid bare; and numerous inscriptions on leaden tablets render this one of the most important antiquarian discoveries ever made. Out of the mass of the votive tablets one inscription of more than ordinary historical interest may be quoted here: that in which the distracted Corcyraeans beg the oracle to tell them "to what god or hero they must pray and sacrifice, in order to agree together for the common good."

It will suffice just to mention the fact that a line of Homer (*Il.* ii. 750) mentions another Dodona in Thessaly, which has been by some supposed to be the original of the Epirotic oracle. The supposition, however, is otherwise entirely unsupported, and may be discarded without any great risk of error.

Special works on Dodona are given at the end of this article.

The Oracle of Delphi.—The site of Delphi—the victorious rival of Dodona, and the centre of Greek religion—has never been in the same doubt as the site of Dodona. The remains have never been so completely covered; and the natural features of the place—the rocky wall of the Phaedriades overhanging the town, the fountain of Castalia issuing from a great cleft in this wall, the double peak in which the rocks culminate, and the Corycian cave on the heights above leading to the summit of Parnassus—are too striking and have been too well described by ancient authorities for their identity to be mistaken. But for a complete account of the geography of Delphi reference must be made to the *Dictionary of Greek and Roman Geography* (art. DELPHI). Anyone who considers the position of Delphi in relation to the Peloponnesus, Boeotia, and Attica, will see how great an advantage it had in its situation; which, without being absolutely under the rule of any of the chief Greek states, was yet at no great distance from any of them, and was at once isolated and accessible.

If the Iliad were to be taken as a poem composed in its entirety as it stands, we should be compelled to say that Delphi was at least as ancient as even Dodona. For in the ninth book, *vv.* 404–5, Achilles speaks of it, under the name of Pytho, as a proverb for wealth; he would not barter his life, he says, for all that is contained within the stone threshold of Apollo at Pytho:

> Οὐδ' ὅσα λάϊνος οὐδὸς ἀφήτορος ἐντὸς ἐέργει
> Φοίβου Ἀπόλλωνος Πυθοῖ ἐνὶ πετρηέσσῃ.

It is impossible that such wealth can have arisen in any other way but that in which history tells us that the temple of Delphi did grow rich; namely, by the gifts of those who consulted the oracle. Hence the oracle of Delphi was in full vigour when the ninth book of the Iliad was written. But that book was probably not part of the original Iliad; the arguments of Grote on this point (*Hist. of Greece*, vol. ii. pp. 240–246) are almost impossible to controvert. (See also Jebb, *Homer*, pp. 155–170.) And if Apollo, when the greater part of the Iliad was written, had been so distinctly the Pythian god as the 9th book implies that he was, it is scarcely possible that more trace of the connexion should not be found in the poem. It is true that in the Odyssey (viii. 79–82) there is one mention of the Pythian oracle; but the passage is no doubt later than the Iliad generally, and may be much later. On the whole, in spite of the assumption of the tragedians that the Delphic oracle was the source of spiritual guidance to Greece from the remotest past, the probability is that it was still in its infancy when the greater part of the Iliad was written. It must be particularly noticed that the word Delphi does not occur either in the Iliad or in the Odyssey.

To trace the rise of the oracle is a problem of equal interest and difficulty. The persistent tradition among the Greeks was, that it had first been an oracle of the Earth (γαῖα): so say Aeschylus (*Eumen.* 1, 2) and Euripides; the latter even speaking of a certain conflict for possession between Earth and Apollo (*Iph. in T.* 1249, and 1261–1283). It is clear how the rocky chasm at Delphi, in which the oracle was believed to reside, would suggest the notion of Earth as a supernatural power; and though it may be less clear to us why a close association should have been thought to exist between Earth and Themis (*i.e.* Law or Right Order), as Aeschylus (*l. c.*, and compare *Prom.* 209) intimates, still there is a meaning in such alliance. In those dim early ages, the divine agent would receive various names, as chance or the character of the speaker might direct; and hence we may consider it a part of the same tradition, that Night (Νὺξ) was sometimes thought to take the place of Earth. (Plut. *de Sera Numinis Vindicta*, c. 22; *Argum.* Pind. *Pyth.*) But how and why did the transition from these vague powers to the

clearly conceived and radiant god, Apollo, take place? It would be idle to affirm positively; but it seems better here to desert our oldest authority, Aeschylus, who (*Eumen.* 6, 7) makes a certain Titaness, Phoebe, the intermediary; which sounds like a poetical contrivance. There is really more support for, and more probability in, the view which regards Poseidon as the intermediary. This is practically affirmed by Pausanias (x. 5, § 3, and 24, § 4), by Pliny (vii. § 203), and others; the mention of Poseidon in connexion with Delphi by Aeschylus (*Eumen.* 27) and Euripides (*Ion*, 446) adds strength to this view; still more does the fact that he had an altar in the Delphic temple itself (Pausan. *l. c.*); and it is plain how Poseidon in his quality of Earthshaker (ἐννοσίγαιος) would naturally be thought of as a more personal power than the abstract Earth, especially as the region about Parnassus suffers from earthquakes. The proximity of the sea, again, would suggest Poseidon as the presiding deity; and the name Delphi furnishes another ground. But this brings in some intricate points.

What is here affirmed is this: that when men first desired to personify the Delphic divinity (more than by the vague terms Earth or Night), Poseidon was the deity first selected. The dolphin (δελφίς) would manifestly be a symbol of Poseidon; and consequently an altar with the figure of a dolphin sculptured on it (δέλφειος βωμός, *Hymn. ad Pyth. Apoll.* 319) would mark the first site of the city of Delphi, and would be the reason for the name of that city. And when afterwards the votaries of the more youthful, more splendid Apollo—the god to whom the prophetic art was assigned—succeeded in expelling the rude and ungraceful Poseidon (who was not specially believed to be a prophet) from the oracular seat, the altar would still bear its symbol, the dolphin, and legends drawn from that symbol would be invented appropriate to the victorious deity. Whereas, if the worship of Apollo came to Delphi without the previous worship of Poseidon, it is not easy to say why there should be any connexion between Apollo and the dolphin. It is true, we find the temple of Apollo Delphinius at Athens (Plut. *Theseus*); but that is likely to be named after Delphi, as the temple of Apollo Pythius (in the same neighbourhood) after Pytho. And we find that at Anticyra, close by Delphi, Pausanias (x. 36, § 4) saw a temple of Poseidon with a statue of the god, in which he was represented as setting one foot on the back of a dolphin; which, though it may be a mere accident, yet in such a locality suggests a reminiscence of an old tradition. If Delphi had been a large city, we might have expected more evidence than we have; but for a long time it was but small: hence all the earliest records speak of Pytho, the district, not of Delphi, the town. The meaning of the name Pytho, and of the celebrated legend of Apollo, on his advent, slaying the dragon Python, are difficult points; it may even be that some conflict between Apollo and his predecessors is shadowed out by the legend (Eur. *Iph. in T. l. c.*).

Whatever may be thought of the claims of Poseidon, the principal fact is, that the Delphic oracle had a complex, and not, like the Dodonaean oracle, a simple origin. The aspect of the place had from immemorial time suggested that a power of divine prophecy was inherent in it; and this in the course of ages was taken possession of by that god, Apollo, in whom the chief prophetic power had been believed to dwell, even before any definite oracular seat was assigned to him. Two currents of strong religious feeling met, and produced the most powerful religious influence that Greece knew.

And there were yet other currents of feeling, and passionate aspirations, which imprinted on the Delphic oracle its exact form. The peculiar influence of the oracle was exerted through the frenzy of the Pythian prophetess. The god was believed to mould her accents, to speak with her voice; an awe-striking phenomenon! much more than when the devout inquirer listened to the rustling of leaves or to the rattling of bronze basins. Such inspiration was a novelty; it may have been imitated afterwards, and the idea of it was always attached to those impalpable personages, the Sibyls (Verg. *Aen.* vi. 44 *sqq.*), one of whom, Herophile, was said to have been closely connected with Delphi (Pausan. x. 12). But at Delphi it was more than an idea: and whatever may have been the exact date or manner in which it arose, there can be little doubt that it was but one form of that religious exaltation which prevailed so strongly in central Greece in the early times, and which sent the Bacchanals to wander and rave on the heights of Parnassus itself (Eurip. *Ion*, 714–718; *Iph. in T.* 1243, 4). Indeed, this identification of the Pythian with the Bacchic frenzy, this close alliance between Apollo and Dionysus, has the authority both of Aeschylus and Euripides, according to Macrobius, *Saturn.* i. 18; who quotes from Aeschylus the line ὁ κισσεὺς Ἀπόλλων ὁ Καβαῖος (? Βακχεῖος or Σαβαῖος) ὁ μάντις, "the ivy-crowned Apollo" (*fr.* 383), and from Euripides, Δέσποτα φιλόδαφνε Βάκχε, Παιὰν Ἄπολλον εὔλυρε (*fr.* 480). Conversely, Euripides attributes prophetic power to the Bacchic enthusiast: τὸ γὰρ βακχεύσιμον καὶ τὸ μανιῶδες μαντικὴν πολλὴν ἔχει (*Bacchae*, 298, 9). We must indeed not quite go the length of these expressions; no doubt there was a difference between the worship of Apollo and the worship of Dionysus, between the Pythia and the Bacchante; but it is important to notice the resemblance too. Delphi and the region round were full of memorials of Dionysus (Plut. *Quaest. Graec.* 12; Pausan. x. 33, § 5); but the traditions do not go so far as to make Dionysus the actual possessor, at any period, of the Delphic oracle.

Conjointly with these religious causes of the Pythian frenzy must be noticed a physical cause supposed by all the later writers on the subject to have co-operated or even to have been the leading agency in the matter. This was an exhalation from the cavernous chasm over which the tripod, or prophetic seat, was placed. Now, an attentive examination of the evidence will show that in all probability this supposed exhalation was a mere product of the imagination. Had it been a real smoke or gas, it is incredible that no mention of it should be found in those descriptions of the temple and shrine which Aeschylus and Euripides have given us. Whereas even the later writers generally speak of it as something abstract and impalpable: Strabo

(ix. 3, § 5) calls it πνεῦμα ἐνθουσιαστικόν: Cicero (*de Divin.* i. 36) calls it *terrae vis.* Plutarch, who uses the word ἀναθυμίασις to denote it, does indeed treat it as material; but the single sensible quality which he ascribes to it is one unlike a natural product of the earth: he says that a ravishingly sweet smell was sometimes perceived by visitors to the oracle to proceed from the shrine (*Defect. Orac.* 50). These worthy persons had doubtless not inquired if the burning myrrh to which Euripides refers (*Ion*, 89) had been used more freely than usual.

It is of course not to be questioned that Aeschylus and Euripides believed that an influence, causing prophetic frenzy, did ascend from the Delphic chasm. But the materialising of that influence, so as to make it definitely sensuous, was the work of a later day. The story of Diodorus (xvi. 26) and others, that the oracular power was first made known by the fact that some goats, on approaching the chasm, became intoxicated in a marvellous way—an intoxication which the goatherd afterwards experienced—forms a natural transition to the more material view. Pausanias, who when recounting this story uses the very material word ἀτμὸς to describe the influence (x. 5, § 3), afterwards (x. 24, § 5) says that it is the water of the fountain Cassotis, flowing through the chasm, which "makes the women prophetic."

Special solemnities accompanied the promulgation of an oracle. Not on every day could a consultant inquire of the god. Plutarch tells us (*Quaest. Graec.* 9), on the authority of Callisthenes and Anaxandrides, that originally only one day in the year was assigned for these deliverances, the 7th of the month Bysius (our March). This is hard to believe of any historical period; and even the after-regulation of which he speaks, permitting consultation once a month, seems hardly adequate. We may suppose, in practice, more frequent possibilities of consultation, though by what rule we do not know. That there were unlucky days (ἀποφράδες) when no consultation was permissible, is clear from the anecdote about Alexander seeking to force the Pythia to reply on such a day (Plut. *Alex.* 14). (Her involuntary cry, "My son, thou art invincible," was seized on by him as a true answer.) But a powerful and friendly state, seeking to consult the oracle, would hardly be left very long without an opportunity of doing so. No doubt there were distinctions made, the knowledge of which is quite lost to us. The 7th of the month Bysius was, it may be observed, regarded as the birthday of Apollo.

Three days before the day of oracular utterance, the Pythia is said to have begun her preparation for the solemn act by fasting and bathing in the Castalian spring (Schol. *ad* Eurip. *Phoen.* 223). This last statement has been doubted, but hardly with good reason; at all events to bathe in the fountain of Castalia would seem to have been a duty for all who either asked for or who assisted in giving out the oracular reply (Eurip. *Ion*, 94–101; *Phoen.* 222–225; Pindar, *Pyth.* v. 39, and compare iv. 290; Heliod. *Aeth.* ii. 26). It is just possible that the fountain of Cassotis, which flowed through the actual shrine (Pausanias, *l. c.*), may have been included under the term Castalia; but it is not likely; and the remains of a rock-hewn bath are still to be seen near the Castalian spring. The Pythia herself was chosen from among the virgins of Delphi (Eurip. *Ion*, 1323); she was not allowed to marry, and in early times was always a young girl; but after the Thessalian Echecrates had seduced a Pythia, women above fifty were selected for the office, though they were still dressed as young maidens (Diod. *l. c.*). How strictly these rules were kept, we do not know. In early times there was but one Pythia; later on there were two, and even a third if need were (Plut. *Defect. Orac.* 8); then again in Plutarch's time a single prophetess sufficed for the reduced *clientèle* of the oracle.

When the day arrived, the various consultants determined by lot their precedence in inquiring; except in the case of certain favoured individuals or states, to whom in return for special services a right of precedence (προμαντεία) had been accorded; as, *e.g.* to Croesus and the Lydians (Herod. i. 54), the Lacedaemonians (Plut. *Pericl.* 21), and to Philip of Macedon (Demosth. *Phil.* iii. p. 119, § 32). That a certain payment was made to the oracle, appears from the fact that ἀτέλεια as well as προμαντεία was granted to the Lydians. But, however propitious in itself the day might be, it was necessary that the omens should be taken before the votary could actually put his question to the god. In the earliest times it is probable that the flight of birds would furnish an augury (cf. *Hymn. ad Herm.* 540); but in the historical times a sacrifice was invariably offered,—a goat, an ox, a sheep, or a wild boar (Eurip. *Ion*, 229; Plut. *Defect. Or.* 49). Extraordinary pains were taken to see that the victim was sound in all respects. An ox was fed on barley, a wild boar on chick-peas, to see whether they ate them with appetite; water was poured on the goats, and it was necessary that they should tremble all over (and not merely move the head, as in other sacrifices) for the omen to be good.

If the omen were not good, to consult the oracle was dangerous; nor was this a mere idle fancy; for Plutarch (*Defect. Orac.* 51) records one such case in which the Pythia (overwrought doubtless in the highest degree by the imaginations connected with her office) leaped from the tripod, fell into convulsions, and within a few days died.

But if the omens were good, the Pythia, after burning laurel leaves and flour of barley (Plut. *Pyth. Orac.* 6), or perhaps myrrh (Eurip. *Ion*, 89), in the never-dying flame (Aesch. *Choeph.* 1036) on the altar of the god, and dressed in a costume which recalled that of Apollo Musagetes (Plut. *ib.* 24), mounted the tripod, the three-legged stool, which was suspended over the chasm. Close beside her was a golden statue of Apollo (Pausan. x. 24, § 4). What are we to say about the state of frenzy into which she then fell? Was there true uplifting of the spirit in it, and a mixture of real inspiration? Was the question put to her understood by her, and did her mind, however frenzied, really attempt an answer? Or was she in any degree instructed beforehand? Or was the whole an exhibition of pure raving nonsense? None of these elements would probably be wholly absent; it is but human nature that

the inferior should have predominated; but the higher are not quite to be excluded. Of course, the general history of the oracle must guide our opinion.

By the side of the Pythia stood the prophet (Herod. viii. 36; Plut. *Defect. Orac.* 51), whose office was to interpret her vague and wild cries, and put them into ordered language. His proximity, it may be noted, is clear proof that there was not really any intoxicating vapour in the shrine; else he must inevitably have been infected as well as the Pythia. Sometimes more than one official of this sort attended (he seems to have been called "prophet" or "priest" indifferently—the latter is the general term in the inscriptions discovered at Delphi), but no doubt the duty would be discharged by only one at one time. The determination of those who were to serve was made by lot (Eurip. *Ion*, 416), the whole number of the noble families of Delphi being apparently eligible. Besides these prophet-priests, another band of functionaries must be noticed—the "Saints" (ὅσιοι), of whom there were five in number, chosen from the most ancient families of Delphi who claimed to be descended from Deucalion (Plut. *Quaest. Graec.* 9). The victim sacrificed at the time of the appointment of a ὅσιος was called ὁσιωτήρ. It is not quite certain that these "Saints" were not identical with the "priests," "Saints" and "priests" being alike distinguished from the "prophets"; but in any case the two (or three) classes assisted each other in the whole cycle of duties pertaining to the oracle. Three names of these Deucalionic families are known to us: Cleomantids, Thracids (Diodor. xvi. 24; Lycurg. *c. Leocr.* § 158), and Laphriads (Hesych. *s. v.*). (It has been ingeniously conjectured that the "Saints" were a remnant of old forms of worship, anterior to the arrival of Apollo at Delphi.)

Before proceeding to characterise, as far as can be done, the final upshot of these elaborate schemes of divine guidance, a few minor points may be noted. The responses of the oracle, as delivered to the consultant by the prophet, were at first always in hexameters. It was said that this metre was invented by the first Pythia, Phemonoe; but Dodona set up a rival claim: no doubt both were wrong. The verses, composed on the spur of the moment, were often rough enough; nevertheless, when the oracle betook itself to prose, many regretted the change. Plutarch wrote a treatise in which he tried to make the best of the matter; but it must be admitted, that the main cause of the change, the decline in the dignity of the questions which the oracle was called on to solve (seeing that it no longer had high points of government to deal with), might well excite the regret of its votaries (Plut. *Pyth. Orac.* 28).

It is implied in various ways, and especially in the accusation against the Pythia Perialla (of having been bribed by king Cleomenes), that the Pythia was not a mere idle instrument in the matter, but really directed, in part, the answers. Some have thought that there were means of divination at Delphi independent of the Pythia; but, in spite of the ἔμπυρα (Eur. *And.* 1213) and the dreams (*Iph. Taur.* 1263), all oracular utterances in historical times seem to have been derived from prophetic frenzy. The presence of the ὀμφαλός or sacred stone in the temple served to put the oracles under the highest guarantee, that of Zeus himself; who, it was believed, had determined this stone to be the earth's centre by sending from the remotest east and west a pair of eagles; they met in this point (Pindar, *Pyth.* iv. 131; iv. 3).

What, in fine, was the good or ill of the Delphic oracle? The general impression that we receive from history is, that it acted for good; and that in the freedom of its own action and the freedom of action of its consultants, it had a great advantage, enabling the Greek race to combine the sense of religious mystery in a rare degree with individual energy; but that it failed, when the Greek race had reached a certain degree of development, in guiding and controlling power. The causes that produced this failure were: the non-reality of the creed of Apollo, whereby intelligent minds were alienated; the attempt on the part of the oracle to be wiser than it could be, and the consequent recourse to evasion and deception; and the lack (not the entire absence) of positive moral force. In private life, it had various beneficent functions, of which the chief perhaps was the aid that it gave in the manumission of slaves [LIBERTUS]: the advice which it gave to individuals could not probably, except where the moral principle involved was clear (*e.g.* Herod. vi. 86), rest on any sure ground.

In treating of the oracle in its public aspect, the idea that it had any extraordinary prophetic power, or second sight, must be laid aside; not that there are not some things in the history that may puzzle us as regards this, especially the *first* oracle given to Croesus; but the second oracle to Croesus, being plainly an evasion, demolishes the effect of the first oracle. The miraculous defence of Delphi against the Persians (Herod. viii. 37–39) is one of the best attested of heathen miracles; the similar defence against the Gauls (Pausan. x. 23, § 3 *sqq.*) has less evidence: but in the first case a natural explanation is open to us; the second is more frankly legendary.

The real good which the oracle did, and especially in the earlier days, lay in the courage which it imparted through the supernatural blessing of which it was believed to be (and perhaps was) the minister. Sincerity of intention, and the belief in a presiding divine power, were elements of value which, on the whole, it impressed strongly on society. Whether we can rely or not on the statements that it supported the great legislators, Lycurgus and Solon (Herod. i. 65; Plutarch, *Solon*, 148), it unquestionably directed and encouraged the colonising spirit of the Greeks. The most remarkable instance of this is the case of Cyrene, the foundation of which appears to have been entirely due to the Delphic oracle (Herod. iv. 150–159): "King Apollo sends thee," are the words of the oracle to Battus (*ib.* 155). But Syracuse (Suid. *s. v.* Ἀρχίας), Crotona (Strabo, vi. p. 262), Rhegium (*ib.* p. 257), Magnesia (Athen. iv. p. 173 e), and probably Metapontium (Strabo, vi. p. 264), are also instances in point; and the remark which Herodotus makes (v. 42) that Dorieus did *not* consult the oracle in his colonising effort shows how exceptional

such a case was. There is indeed some likelihood in the supposition that the Delphic oracle had, through its numerous correspondents, real information of the state of foreign countries, such as a private individual could not possess (this is one explanation of the successful reply to Croesus, Herod. i. 47); if so, force would be added to its spiritual encouragement. In the internal relations of Greeks to each other, the oracle was not faultless in its directions, yet sometimes beneficent: *e.g.* we read (Thucyd. i. 103) that it sent word to the Lacedaemonians to spare the captive Helots at Ithome; on the other hand, it countenanced the futile and rapacious attempt of Cylon (Thucyd. i. 126). It is not said that the Amphictyonic council (whose laudable intention to promote peace among Greeks had so little result) was founded from Delphi; but it had close connexions with the oracle (Strabo, ix. p. 420; Pausan. x. 8, § 1; Aeschin. *de Fals. Leg.* § 121). Undoubtedly, however, the most important act of the Delphic oracle, as regards the internal affairs of the Greek states, was the command which it issued to Sparta to liberate Athens from the despot Hippias; a command issued to an unwilling but dutiful agent, and successfully carried out (510 B.C.). Few deeds in the world's history have been more fruitful of great consequences; but it was too great a service to be rewarded with gratitude. The Athenians declared that the Pythia had been bribed (Herod. v. 63), and falsely attributed their own liberation to Harmodius and Aristogeiton. The 6th century B.C., in which the last-named event was one of the closing scenes, is that which shows Delphi at the height of its power. It begins with the first Sacred war, in which Delphi was delivered from the rival pretensions and aggressions of Cirrha and Crissa; yet the severity exercised towards those cities is a blot on its fair fame. In the middle of the 6th century the great gifts of Croesus were made; shortly after which (548 B.C.) the temple at Delphi was burnt down, but rebuilt with great splendour by the Alcmaeonidae. Inside this temple the sayings of the seven wise men (of which *γνῶθι σεαυτόν*, "know thyself," is the most famous) were inscribed (Pausan. x. 24, § 1).

The Persian wars show, though almost imperceptibly, a turn in the tide of greatness of Delphi. The oracle perhaps knew too much about the power of the Persians; at all events its tendency was to counsel submission, or, what was tantamount, inactivity. This was the effect of its utterances to the Cnidians (Herod. i. 174), to the Argives (Herod. vii. 148), and to the Cretans (Herod. vii. 169, 171). But such advice was not given through mere cowardice; and in the romantic history of the Persian war, few things are more interesting than the clash of sentiment between the fiery and resolute Athenians and the timid but clear-sighted oracle (Herod. vii. 140–143). The counsel that was hammered out, as it were, between these two contending (but not hostile) forces—the counsel that the Athenians should betake themselves to their "wooden walls"—was in fact the very best that could have been given; though, had it failed, the oracle would have no doubt sheltered itself under the ambiguity of the term.

The disastrous Peloponnesian war marks the first point in Greek history in which the Delphic oracle sinks below the level required by the situation. Not that it was unnatural, or wholly wrong, for it to support the Spartans (Thucyd. i. 118, 123); but it had no real command over the combatants. The authority of Aelian (*V. H.* iv. 6) is hardly sufficient for what we would gladly believe, that at the end of the war the oracle pleaded on behalf of Athens. After the beginning of the 4th century B.C. its influence falls. Agesilaus (Plut. *Apophthegm. Lacon. Agesil.* 10) set it below Dodona; and Epaminondas seems not to have consulted it when Messina was made a state (Pausan. iv. 27, §§ 3–6): though he made it gifts after the battle of Leuctra, as Lysander had done at the close of the Peloponnesian war (Plut. *Lysander*).

As the first Sacred war ushered in the highest fame of the Delphic oracle (B.C. 600–590), so the second Sacred war (B.C. 357–346) marks the beginning of the definite decline, alike of Greece and of Delphi; for it introduced Philip of Macedon into Central Greece. Nor only that; but it was marked by the dispersion of the vast Delphian treasures seized by the Phocians. In the preceding century, such a sacrilege would have been impossible. And though neither Philip nor Alexander intended harm to Delphi, yet the enormous conquests of the latter dispersed the Greek race over many lands, and (what was perhaps of still greater moment) transferred the centre of public interest and of power away from Greece altogether. With the saying of Demosthenes, *ἡ Πυθία φιλιππίζει*, and the exclamation extorted by Alexander from the Pythia, "My son, thou art invincible," the public career of the Delphic oracle may be said to close.

Yet it must not be dismissed without one word more. When it declared Socrates "the wisest of men," it not only uttered the most remarkable of its deliverances, but also transmitted the sign of its great authority to a moral power that was far to transcend its own, and gave the greatest of its vital impulses exactly when its own apparent force was beginning to wane.

For the names of special works on Delphi, see the end of this article.

On the Oracular System generally. — Delphi and Dodona stand apart. These having been treated of, the occasion is the best for some general remarks on all the oracles.

It must not be forgotten that oracles were only the most highly organised form of the general effort to obtain supernatural knowledge and power; that isolated diviners, unconnected with any oracle, abounded throughout Greece; that modes of divination by sacrifice, the flight of birds, the casting of pebbles, were known and practised in all quarters; and that, even when diviners united into a college, there was no oracle, properly speaking, unless the place itself through some known feature, as a tree or a rocky cleft, co-operated. For lack of this, the college of diviners at Telmessus in Lycia cannot be held to constitute an oracle (Herod. i. 78). A scarcely less necessary feature of an oracle was that it should have an organised body of ministers. This is sometimes wanting in a so-called oracle, but never in an oracle of importance. Without priests and sacrifice, there could be no solemnity of approach to the

divine power. In an oracle, the intercourse between God and man was thought to be at its highest.

A curious incidental fact is the excessive abundance of oracles in Boeotia, their entire absence from Attica. The Attic temperament was too keen-witted, seemingly, for an oracle to be able to flourish under its close inspection; though, at a distance, the Athenians were very reverential to oracles. On the other hand, the Boeotians were not content unless they had a divinity close by.

The fact that Apollo, not Zeus, is the god who generally presides over oracles, must be noted and understood. It was not meant in disparagement of Zeus. Zeus was so great, that the human mind could not come in immediate contact with him; an intermediary was necessary; and such was Apollo. But what Apollo declared, Zeus had first conceived and intended. (Aesch. *Eum.* 19, 616–618.) Yet this idea was not invariable, for the most primitive oracle, Dodona, belonged to Zeus simply; and two others will immediately be described.

The chief distinction of class between oracles, as respects the method by which the prophecy was procured, was this: some were called artificial, in which signs of future events were derived from external appearances intellectually interpreted; others natural, in which, either through dreams or through a prophetic frenzy, the divine intention was implanted directly in the mind of the seer, and uttered by him (or generally by *her*) in involuntary phrases. Dodona originally belonged to the first class, Delphi to the second. But Dodona, as has been said, resorted afterwards to the method of inspiration. Oracles of Apollo may be generally assumed to have some tinge of the prophetic frenzy, though often softened down. Oracles to which the sick resorted, generally made use of dreams (cf. Tertull. *de Anim.* 46); the patient slept a night in the temple (*incubatio*).

The two most important oracles, after Delphi and Dodona, are the oracle of Zeus Ammon in Libya, and that of Apollo at Branchidae. Those who wish to know the experiences of a consultant of the minor oracles may refer to the discourses of Aelius Aristides (an abstract is given by M. Bouché-Leclercq, vol. iii. pp. 299–307).

The oracles will now be set down according to their several classes.

Oracles of Zeus (other than Dodona).

1. Oracle of Zeus at Olympia. This is an instance of a true and very ancient oracle, slowly metamorphosed under the influence of a system of divination which had grown up under the shelter of the oracle, but yet was not strictly oracular. Pausanias saw at Olympia an enclosure sacred to Zeus the Thunderer (Ζεὺς Καταβάτης), close to the great altar; and also an altar dedicated to Earth, and another to Themis, close by the mouth (στόμιον) of a hollow chasm. Here we have something that sounds like the primary form of the Delphic oracle; perhaps a still nearer reminiscence of Dodona. But a family of priestly diviners, the Iamidae, whose origin is far removed in the legendary past, in which their first father Iamus was said to have been a son of Apollo (Pindar, *Olymp.* vi. 47–121), introduced methods of divination unknown to the earliest times; by the observation of the entrails of victims (Herod. i. 59; viii. 134) and of the flames of sacrifices (Pindar, *Olymp.* viii. 4); and the true oracle gave way before the new-comers. With the Iamidae were joined the Clytiades (Pausan. vi. 17, § 6). The divination, according to these rites, was performed before the altar of Zeus Olympius (Pindar, *Olymp.* vi. 118, 119). Yet the oracle did not cease to be called an oracle; Sophocles (*Oed. Tyr.* 900) assigns to it a high dignity; and the change was perhaps not distinctly recognised by most. From what Strabo says (viii. p. 353), and Lucian. *Icar.* 24, we conclude that it was hardly consulted at all on ordinary occasions, in the historical period; this impression is, however, removed by the interesting story in Xen. *Hell.* iv. 72.

2. Oracle of Zeus Ammon, in an oasis of Libya, in the north-west of Egypt. This oracle came immediately after Delphi and Dodona in importance and fame; and there is this point of great interest about it, that it was in all probability founded by Egyptians, and then refined and humanised through the Greek inhabitants of Cyrene. Two distinct national cults united to produce it.

Zeus, in this oracle, was represented as having a ram's head (κριοπρόσωπος, Herod. iv. 181, ii. 42). Such a representation cannot rationally be supposed to have had any origin but one; namely, in the Egyptian Thebes, where the chief god, Ammon (Amun), was also represented with a ram's head. The derivation of the oracle of Ammon from the Egyptian Thebes has already been spoken of in treating of Dodona; and though the story of captive Egyptian women, given by Herodotus, could not fairly be expected to have left any trace recognisable by modern research, the other parts of the account of Herodotus do receive confirmation from recent discoveries very remarkably. What Herodotus says (ii. 42) is, that the inhabitants of the oasis of Ammon were descended from a joint colony of Egyptians and Ethiopians, and he implies that the Egyptians were from Thebes, and gives a fanciful story why the Thebans and other Egyptians gave their chief god (whom he calls Zeus) a ram's head. Now, R. Lepsius (in the *Zeitschrift für aegyptischen Sprache und Alterthumskunde*, 1877, pp. 8-23) has shown from the monuments that it was precisely under the Ethiopian dynasty that the god Ammon of Thebes (Amun) was first represented with a ram's head, he having been previously depicted with a human head surmounted by two large feathers; and that it was under a king of that dynasty, Teharqou (692–664 B.C.), that the oasis of Ammon was colonised and the oracle founded, a short time before the colonisation of Cyrene by the Greeks. This fixes the origin of the Ammonian oracle very precisely, and entirely in accordance with Herodotus.

The Cyreneans embraced the worship of Zeus Ammon with eagerness, and extended it among their kindred in Greece, the Spartans and Thebans (Pausan. iii. 18, § 2; ix. 16, § 1). Nevertheless, there was always some little hesitation among the Greeks in identifying this deity absolutely with their own Zeus. The ram's head

naturally stood in the way; and hence sometimes only the ram's horns were attributed to him, the head and face being those of a man, and this would appear to have been the case in a statue of him at Megalopolis in Arcadia (ἄγαλμα Ἄμμωνος, κέρατα ἐπὶ τῆς κεφαλῆς ἔχον κριοῦ, Pausan. viii. 32, § 1). We may hope, and perhaps believe, that it was so also in the statue of Ammon dedicated in a temple of the god at Thebes by the poet Pindar (Pausan. ix. 16, § 1). Pindar completely identifies Ammon with Zeus (*Pyth.* ix. 89), and, as we learn from the Scholiast on that passage, addressed to him a hymn, hailing him as "master of Olympus"; which hymn was engraved on a pillar by Ptolemy the First, king of Egypt, and seen by Pausanias (*l. c.*). On the other hand, in Plato, Ammon is always Ammon, never Zeus. Few more quaint stories are preserved than the complaint of the Athenians to this oracle as to their own military failure in spite of their splendid sacrifices; while the Lacedaemonians, who troubled themselves little about those things, won their battles ([Plato], *Alcib.* ii. 148, 149). It is scarcely necessary to say that Alexander the Great identified Ammon with Zeus.

We know but little of the methods of divination employed at this oracle; but from Diodorus (xvii. 50, 51) we gather that one was, to carry the statue, flashing with emeralds, in solemn procession, and judge by the changing appearances which it presented: 80 priests joined in this ceremonial. The spring of water in the oasis must have furnished another means; for when the oracle had fallen into decay, the priests provided themselves with a supply of water from it, which they carried about and sold as possessing qualities of divination (Juv. vi. 553–555). The oracle had been nearly deserted long before Juvenal's time (cf. Strabo, xvii. p. 814).

Oracles of Apollo (other than Delphi).

The oracles of Apollo will here be taken in a geographical order: namely, first, those in Boeotia and the neighbouring parts (Phocis and Euboea); next, those in Asia Minor and the adjacent islands; lastly, the few (of which Delos is the most important) scattered elsewhere.

But it is necessary to say, in a few words, the order in which these oracles actually grew. The peculiarity of the case is, that the oracular impulse first came to birth in Greece, while the worship of Apollo (as appears from the legends, from Homer, and from general considerations) originated on the coasts of Asia Minor. The prophetic god was separated from the chief oracular seats. But gradually, the worship of Apollo crossed over the Aegean; and, at Delphi, found the seat that fulfilled all that the imagination required. Then, the centre having been found, the oracular impulse was flashed back over the Aegean; and created on the Ionian coasts those oracular seats which could not have originated there, but which were resorted to and honoured, as soon as their pretensions were understood.

1. Oracle at Abae, in the N.E. of Phocis. This oracle is first mentioned in the 6th century B.C., when Croesus included it among the seven oracles which he tested as a preliminary to his intended inquiry concerning the expediency of making war on Cyrus. It was therefore an oracle of distinction, though it proved unequal to satisfying the test imposed by Croesus (Herod. i. 46, 47). It pretended to great antiquity. Shortly before the Persian wars it received from the Phocians a great number of shields and other booty won in battle from the Thessalians, an equal number being sent to Delphi. After the battle of Thermopylae, the Thessalians determined to take their revenge; they led a Persian army into Phocis, and destroyed among other places the temple of Abae (Herod. viii. 33). Pausanias (x. 35, § 2) tells us that the Greeks passed a resolution to leave in their ruins all temples that had been destroyed in this invasion, as a memorial of undying hatred. But this cannot have been carried out here: it must be inferred from Sophocles (*Oed. Tyr.* 899) that the temple of Abae was fully existent in the latter half of the 5th century B.C. Moreover, we find it predicting victory to the Thebans before the battle of Leuctra (Pausan. iv. 32, § 5): in spite of which, those same Thebans burnt it, and 500 Phocians in it, in the Sacred or Phocian War (B.C. 346). And though the town of Abae, at the end of that war, was exempted from the ruin that fell on the rest of Phocis (Pausan. x. 3, § 2), the temple and oracle were irretrievably gone. Centuries afterwards, Hadrian built a smaller temple close by, and the Romans, from a feeling of piety towards Apollo, allowed the people of Abae to govern themselves. (Pausan. x. 35, § 2.)

2. Oracle of Tegyra. This lay not far from Abae, but just within the Boeotian frontier. Plutarch tells us that it flourished chiefly in the Persian wars, when it had a high priest Echecrates (*Pelopid.* 16), and promised the Greeks the victory over the Persians (*Defect. Orac.* 5). Tegyra was on one occasion declared by the Pythia herself to have been the birthplace of Apollo (Plutarch, *Pelopid.* 16; *Defect. Orac.* 5; Steph. Byz. *s. v.* Τεγύρα).

3. Oracle of Mount Ptoon, near Acraephia, in the territory of Thebes. Mythology affirmed that Tenerus, son of Apollo and Melia, was the first prophet here (Strabo, ix. p. 412). More interesting is it to know, on the same authority, that Pindar sang of this oracle. When Mys the Carian was sent by Mardonius to consult it, at the time of the Persian wars, the prophet answered him in the Carian language, so that the Thebans who accompanied him could not write down the reply, and Mys was obliged to do this himself (Herod. viii. 135). This oracle also was consulted by the Thebans before Leuctra (Pausan. iv. 32, § 5), but was destroyed in the general ruin of the Theban territory by Alexander (Pausan. ix. 23, § 3). In the time of Plutarch the whole district was desolate (Plut. *Defect. Orac.* 8).

4. Oracle of Apollo Ismenius, south of Thebes. This was the national sanctuary of the Thebans, and oracles were given here, as at Olympia, by inspection of the entrails of victims (Herod. viii. 134) and by the shape of altar-flames (Soph. *Oed. Tyr.* 21). A stone at the entrance of the temple was pointed out as the seat on

which Manto, the daughter of Tiresias, had prophesied. In this oracle a boy of good family and handsome appearance was selected yearly as priest and termed δαφνηφόρος (laurel-bearer); and if in more than usually good position, dedicated a tripod before his year of office was over. (Pausan. ix. 10, §§ 2–4; and compare Pindar, *Pyth.* xi. 7–10.) Herodotus saw three such tripods, inscribed with ancient Cadmean characters (v. 58–61). One was inscribed with the name of Amphitryon, and Pausanias (*l. c.*) says that it was dedicated on behalf of Heracles, and was the most remarkable of all the tripods he had seen. Possibly it was from this collection that a yearly tripod was sent to Dodona (Strabo, ix. p. 402). Before the disastrous conflict with Alexander, the Thebans are said to have asked of this oracle the meaning of a certain cobweb in the temple of Demeter, and to have received an ambiguous answer (Diodor. xvii. 10).

5. Oracle of Apollo Spodios, also at Thebes. Here divination by voice-omens was practised, as at Smyrna. (Pausan. ix. 11, § 5.) This oracle, like the last, was of course destroyed by Alexander.

6. Oracle of Hysiae, at the foot of Cithaeron, near Attica. The temple was unfinished: the mode of inspiration was by drinking from a sacred well. (Pausan. ix. 2, § 1.)

7. Oracle of Eutresis, between Thespiae and Plataea, in the neighbourhood of Leuctra. (Steph. Byz. *s. v.* Εὐτρησις: Schol. *ad Il.* ii. 502.)

8. Oracle of Apollo Didymaeus, usually called the oracle of the Branchidae, in the territory of Miletus. This oracle was, as has been intimated, the fourth in importance of all in the Grecian world; and the legends respecting its foundation are highly picturesque. (Conon. *Narrat.* 33; Varr. *ap.* Lutat. *ad* Stat. *Thebaid,* viii. 198.) The antiquity of it has, however, been much doubted, and C. W. Soldau (in the *Zeitschrift für Alterthumswissenschaft,* 1841, pp. 546–584) endeavours to show that it was founded somewhere about the last quarter of the 7th century B.C. But his arguments, though highly ingenious, hardly seem to countervail these two facts: first, that Herodotus calls it "an oracle founded in ancient time" (μαντήϊον ἐκ παλαιοῦ ἱδρυμένον, i. 157); and, secondly, that Pharaoh-Necho (who died in B.C. 601) sent to Branchidae, "as an offering to Apollo," his military dress (Herod. ii. 159), which he would hardly have done to a quite recent institution. It is true that it is suggested that the temple was more ancient than the oracle; but no one supposes that the family of the Branchidae were more ancient than the oracle; and their arrival (in the person of the head of the family, Branchus) could hardly have been a fact unknown to Herodotus if it had taken place only a century and a half before his own time. Branchus is probably a mythical person; the only argument to the contrary being the obscure reference in Diogenes Laertius (i. 3, 5 [72]), in which he is set side by side with the sage Chilon as a person of brief terse speech.

The oracle, however, is quite unmentioned by Homer or the Homeric hymns, and various points in the myths of its foundation indicate that it was an offshoot from Delphi; to which conclusion the reference in Strabo (xvii. p. 814) also leads. But at the beginning of the 5th century B.C., the sentiments of the Delphic oracle towards Branchidae were the reverse of friendly (Herod. vi. 19). It was the oracle chiefly consulted by the Aeolians and Ionians of Asia Minor; and it was one of the seven selected by Croesus to answer his test question; and though it appears not to have solved his puzzle satisfactorily, he gave it, says Herodotus (i. 92), "offerings, as I learn, equal in weight and similar to those which he made to Delphi." This, under all the circumstances, may be doubted; but Croesus must have been liberal to the Branchidae, to render such a statement possible.

The meaning of the word Didymaeus (Διδυμαῖος or Διδυμεύς) is not quite certain; but if we accept the statement of Stephanus of Byzantium (*s. v.* Δίδυμα) that the temple and oracle were dedicated to Zeus and Apollo, "the twin Apollo" (*i.e.* twin with Zeus) seems the natural interpretation: though "twin with Artemis" cannot be discarded as impossible, if Διδυμεὺς has this meaning. In any case, if Stephanus be right, such a dedication suggests an oracular foundation (cf. Aesch. *Eum.* 19), and goes some way to show that the oracle is coeval with the temple.

Of the constitution of the oracle of Branchidae only a few traces are left. As its name implies, it was administered by a sacerdotal family, and this appears further from its later history; for in the unfortunate close of the history of the Branchidae, far away in the Sogdiana, we find them preserving their cohesion and identity. Other families are also mentioned in connexion with this oracle, especially the Evangelides (cf. Conon. *Narrat.* 44); but what their relation to it exactly was we do not know. Perhaps they only entered on the scene after the Branchidae had disappeared. Though Strabo (*l. c.*) describes this oracle as similar to Delphi, in the fact of its replying by words and not by signs, we cannot certainly infer that it had a tripod and a prophetess in the early times; though it had in the times of Iamblichus (*de Myst.* iii. 2). But it had a sacred spring more marvellous than Castalia, which rose in the promontory of Mycale, then (it was said) dived under the sea and reappeared near the temple of Apollo (Pausan. v. 7, § 5; and cf. Euseb. *Praep. Ev.* v. 15).

The Branchidae failed in patriotism (Schol. Aristoph. *Plut.* 1002; Zenob. v. 80); yet the impression which the few stories that have come down to us about them leave, is not wholly unfavourable. When we find the historian Hecataeus proposing to take the treasure of their temple, and to derive thence a fund for repelling the Persians (Herod. v. 36), their coolness for the Greek cause, if not admirable, is intelligible. About the beginning of the 5th century B.C. a catastrophe overwhelmed them. Darius, after capturing Miletus, burnt their temple (Herod. vi. 19, 20) and, we must infer, appropriated its treasures; and when the historian goes on to say that Darius "carried away the Milesians to Ampe on the Tigris," we should suppose that the Branchidae were at any rate among those carried off. But a different story was current in Greece in later days; namely,

that it was Xerxes, not Darius, who carried away the Branchidae; that they voluntarily surrendered their treasures to him, bargaining for a safe home in Persia, since they dared not dwell among the Greeks, and that they were accordingly settled in Sogdiana (Curtius, vii. 23; Aelian, *ap.* Suid. *s. v.* Βραγχίδαι: Strabo, xi. p. 518, xiv. p. 634; Plut. *de ser. num. vindicta*, 12); and Strabo says, finally, that it was Xerxes who burnt their temple. Amid this contradictory evidence, it is impossible for us now to decide how the case lay; but the easiest supposition is, that Herodotus was not aware of the exact place to which the Branchidae were transported, and that on this point the four later historians are right; that the four historians, on the other hand, are mistaken in saying that Xerxes had anything to do with the matter (since Herodotus could hardly have erred here); and that the story of the treachery of the Branchidae was the exaggerated shape which the sense of their want of patriotism took in the minds of after-generations. Be that as it may, the final upshot, as reported by the four above-named historians, was tragical. Alexander the Great, in his wild arrogance regarding himself as the avenger of the past wrongs of Greece, slew the descendants of the Branchidae, in their peaceable remote retreat in Sogdiana.

The oracle of Apollo Didymaeus, no longer the oracle of the Branchidae (though still sometimes called so), revived from the ruins in which the Persians had left it; though how soon, we do not know. In the time of Alexander we find it under the direction of the authorities of Miletus (cf. O. Rayet, *Rev. Archéol.* 1874, ii. pp. 106, 107); the priests were chosen annually by lot from among the principal families of the city (cf. *C. I. G.* 2884, 2881): the chief of the priestly body was called στεφανηφόρος, "crown-bearer," and it seems possible that he combined with his religious office, either sometimes or always, the position of chief magistrate of the city, for we find him in one case admitting certain persons to citizenship (O. Rayet, p. 108); besides these, there was a prophet, also annually ordained. The temple had been rebuilt, but on a scale so grand that the roof was never put on (Strabo, xiv. p. 634). The oracle flattered Alexander, and after him Seleucus Nicator, from whom it received gifts; and from this time onwards it rapidly became rich. In the year 74 B.C. it was pillaged by pirates, yet Strabo in his visit still found it in a condition of great magnificence. It seems (like the other Asiatic oracles) to have been less affected by a decline in *prestige* than the oracles in Greece proper; and the Roman senate included it among those religious institutions which it was legally permissible to endow with inheritances (Ulpian, *Fragm.* xxii. 6). It shared in the oracular revival of the 3rd and 4th centuries A.D., but after the death of Julian fell irretrievably into ruin.

9. Oracle of Claros. This was situated north of Miletus, near Colophon. It was said to have been founded by Cretans under Rhacius, who were joined afterwards by a Theban colony sent out under the auspices of the Delphic oracle, at an extremely early date. Manto, daughter of Tiresias, was among the Thebans; she married Rhacius, and their son was the prophet Mopsus, from whom the prophets of Claros may have traced their descent; but this is doubtful. (Pausan. vii. 3, §§ 1, 2.) In later times, the prophets were generally taken from Miletus (Tac. *Ann.* ii. 54). The oracle at Claros had its centre in a cave with a beautiful clear pool in it, near a sacred wood, in which, it was said, there were no serpents (Aelian, *Hist. Anim.* x. 49). We hear but little of this oracle in early times: Alexander was said to have been encouraged by it in a design he had of rebuilding Smyrna (Pausan. vii. 5, § 1). A prophet, who drank the sacred water, was the revealer of the divine will (Tac. *l. c.*) and pronounced oracles in verse, answering the questioner without even having heard the question. The cynic philosopher Oenomaus of Gadara (in the 2nd century A.D.) was, however, by no means impressed with the truthfulness of the replies (Oenom. *ap.* Euseb. *Praep. Evang.* v. 2). Germanicus consulted this oracle, which was said to have prophesied his death (Tac. *l. c.*); it was sometimes consulted by letter (Ovid, *Fast.* i. 20); and it was patronised by Apollonius of Tyana (Philostr. *Vit. Apoll.* iv. 1) and Alexander of Abonotichos (Lucian, *Pseudom.* 29). Inscriptions prove that its fame extended even to Britain. Porphyry (*ad Aneb.* p. 3) and Iamblichus (*Myst.* iii. 11) speak of it, but after that time it is unmentioned.

10. Oracle of Patara, in Lycia. The story (not of course likely to be approved of at Delphi) was that Apollo spent six months of the year here (the winter time) and the six summer months at Delos. (Tzetz. *ad* Lycophr. 401; Servius *ad* Verg. *Aen.* iv. 143: cf. Herod. i. 182.)

11. Oracle at Cyaneae, in Lycia. (The *town* is mentioned in Pliny, v. § 101.) Here was an oracle of Apollo Thyrxeus (perhaps = θυραῖος: cf. Tertull. *de coron. mil.* 354), near which was a well, into which any one looking saw "all that he desired" (πάντα ὁπόσα θέλει, Pausan. vii. 21, § 6).

12. Oracle at Seleucia, in Cilicia (cf. Steph. Byz. *s. v.* Σελεύκεια). Here Apollo was invoked as "Sarpedonius" (from the neighbouring promontory, dedicated to the hero Sarpedon). The people of Palmyra, in the height of their pride under Zenobia, asked this oracle if they could conquer the empire of the East. It is not surprising that they were repelled (Zosim. i. 57). It would seem that this is the oracle called by Strabo the oracle of Artemis Sarpedonia (xiv. 5, § 9).

13. Oracle at Hybla, near Magnesia (cf. Athen. xv. § 13). Possibly the true name of this oracle is *Hylae* (Pausan. x. 32, § 6). It seems from its situation to be the same as that of *Hiera Kome*, mentioned in Liv. xxxviii. 13.

14. Oracle at Gryneia or Grynium. The principal oracle among the Aeolic cities of Asia Minor. (Strabo, xiii. p. 622; Verg. *Eclog.* vi. 72; *Aen.* iv. 345; Pausan. i. 21, § 7; Athen. iv. p. 149 d; Hecat. *Fragm.* 211.) The town itself is mentioned in Herodotus (i. 149), and appears from Strabo to have been dependent on Myrina; and as Myrina sent tribute to Delphi (Plut. *Pyth. Orac.* 16), the Grynean oracle was no doubt an offshoot from Delphi. (For an instance of a consultation of this oracle, cf. *C. I. G.* 3538.)

15. Oracle of Apollo Napaeus (*Ναπαῖος*), near Methymna in Lesbos. (Steph. Byz. *s. v.* *Νάπη*; Schol. Arist. *Nub.* 144; Macrob. i. 17, 45: cf. Strabo, ix. p. 426.)

16. Oracle of Apollo Actaeus and Artemis at Adrastaea, in the north of the Troad. (Strabo, xiii. p. 588.)

17. Oracle at Zeleia, in the same neighbourhood (Tzetz. *ad* Lycophr. 315).

18. Oracle at Chalcedon (Dion. Byzant. *Anaplus Bospori, Fragm.* 67: cf. *C. I. G.* 3794).

19. Oracle of Delos. The singularity of this oracle is why it should not have existed in times when oracles were most important. It appeared to have every advantage; the Homeric hymn to the Delian Apollo (*v.* 81) shows that from the first it was designed to be an oracle; the island itself had the highest celebrity for its sacredness, and the religious ceremonials with which it was honoured were scarcely surpassed in Greece: yet an oracle it was not. When one asks why this was, the answer must be conjectural. Probably the reason was, that it lay out of the reach of those Greek races who had the disposition suitable for originating oracles (the Boeotians and Phocians), and was peculiarly under the thumb of that race (the Athenians) which was devoid of any such disposition. Under some circumstances, it might have been a religious centre for the Ionians and Aeolians of Asia Minor; but they probably found the sea-voyage a deterrent, and they had their own highly celebrated oracles (see above) derived from Delphi. Not till the 2nd century B.C. is any reference made (outside the brief allusion in the Homeric hymn) to an oracle in the island. Then Zeno of Rhodes speaks of the Rhodians having inquired of this oracle (cf. Diod. v. 58). But Virgil (*Aen.* iii. 90–93) gave it a far higher reputation; though, considering the looseness of the Roman poets in such points, his reference has hardly any historical authority. The satirical allusion in Lucian (*Bis accus.* 1) is, however, real evidence; and in a still later age Julian consulted it (Theodoret. *Hist. Eccles.* iii. 16). When one asks whether the oracle, such as it was, was situated in the temple near the sea-shore or on the top of Mount Cynthus, in the really ancient shrine discovered by M. Lebègue (*Récherches sur Delos*), the testimony of Himerius (*Orat.* xviii. 1) seems to decide the point in favour of the latter. The story that Apollo spent the six summer months of the year at Delos, has already been referred to under the head of the Oracle of Patara.

20. Oracle at Abdera. (Pindar, *ap.* Tzetzes, Lycophr. 445.)

21. Oracle of Apollo Deiradiotes, at Argos. This is stated to have been an offshoot from Delphi (Pausan. ii. 24); but in one point the ceremonies differed remarkably from those of Delphi: the priestess once a month sacrificed a lamb during the night, and tasted the blood, in order to obtain the prophetic ecstasy. This appears to show that the oracle had a higher antiquity than belonged to its Delphic origin, and was in the first instance an oracle of the dead. It was kept alive by the patriotism of the Argives, always mindful of their primaeval renown, and was still active in the time of Pausanias.

22. Oracle of Apollo Lycius, also at Argos. The prophetess is said to have warned Pyrrhus, just before his death (Plut. *Pyrrh.* 31). Pausanias, however, does not mention this oracle, and some doubt consequently attaches to it. Except the two at Argos, there was no oracle of Apollo in Peloponnesus: the neighbourhood of Delphi overpowered minor establishments.

23. Oracle of Daphne, near Antioch in Syria. A very late oracle, and of no good repute. The prophetic fountain had here the name of Castalia, and a bay-tree grew close by. Hadrian obtained from this oracle a prophecy that he should be emperor; but on his becoming such in reality, he destroyed the fountain, lest any one else should draw from it a similar augury. Julian attempted to restore it, but the temple was burnt down (accidentally, it seems) during the struggle which he waged against the Christians, and this practically meant the end of the oracle. (Strabo, xv. p. 750; *C. I. G.* 1693; Sozom. *Hist. Eccles.* v. 19; Amm. Marcell. xxii. 12, 8.)

Oracles of other Gods.

Though the overwhelming *prestige* of Apollo, as the revealer of the will of his father Zeus to men, tended to extinguish the prophetic function of other divinities in the eyes of their adorers, it could not quite succeed in doing so. To be a god, and not to be able to predict the future, was to fall so seriously beneath the divine level, that the worshipper of Athene or Hermes would never admit that the object of his worship was reduced so low. Hence, scattered through Greece, though few in number by comparison, were the oracular seats of the other supernatural powers of the upper or nether world; the rites by which they were approached being sometimes of a very singular nature.

The Earth, as has appeared already, was to the primitive populations almost the chief discloser of the future (thus, originally, at Delphi). The oracle of Earth (*γαῖα*) at Aegira in Achaia, mentioned by Pliny (xxviii. § 147), may be a mistake of that writer (cf. Pausan. vii. 25, § 13); but at Patrae, not far from Aegira, Earth, associated with Demeter (*i.e.* *Γῆ μήτηρ*) and Persephone, gave oracles respecting the sick. A mirror was let down by a rope into a sacred well, so as to float upon the surface. Prayers were then performed and incense offered, whereupon the image of the sick person was seen in the mirror either as a corpse or in a state of recovery. (Pausan. ii. 24, § 1.)

A vague tradition of an oracle of the Nymphs called Sphragitides existed on Mount Cithaeron (Plut. *Aristid.* 11; Pausan. ix. 3, § 9). A tradition of an oracle of Poseidon Hippios, at Onchestus in Boeotia, is preserved in the Homeric hymn to Apollo (230–238), with which compare Pausan. ix. 26, § 5, and, as emphasising the word Hippios, Hom. *Il.* xix. 405–417. An oracle of Ino-Pasiphae, who seems to represent the moon, existed in Laconia between Oetylus and Thalamae; the revelation being made through dreams (Pausan. iii. 26, § 1). The other oracle of this deity mentioned by Pausanias, at Epidaurus Limera, seems hardly rightly so called. [INOA.]

There was an oracle of Pluto and Core (Persephone) at Acharaca, between Tralles and Nysa, in Asia Minor, in the basin of the Maeander. A large grove, a temple, and a cave called the

Charonium, were the seat of the oracle. "The sick resort thither, and live in the village near the cave, among experienced priests, who sleep at night in the open air and direct the mode of cure by their dreams. The priests invoke the gods to cure the sick, and frequently take them into the cave, where they remain in quiet without food for several days. Sometimes the sick themselves observe their own dreams, but apply to the priests to interpret them. To others the place is interdicted and fatal." (Strabo, xiv. p. 650, abridged.) The singular ceremony which Strabo proceeds to narrate has no direct bearing on the oracle. There appears to have been an oracle of Pluto at Eana in Macedonia (cf. L. Henzey, *Mission archéol. de Macédoine*, Inscr. N, 120).

An oracle of Dionysus existed at Amphicaea or Amphicleia, in Phocis, to the north of Parnassus. Like the oracle at Acharaca, its function was limited to the cure of the sick, and its mode of operation was by dreams interpreted by an inspired prophet (Pausan. x. 33, § 11). Another oracle of Dionysus was at Satrae in Thrace, and the prophets were called Bessi (Herod. vii. 111). The oracles, however, were given by a prophetess, "as at Delphi, and are not more recondite," says Herodotus. The oracle of Dionysus in Thrace, mentioned by Pausanias (ix. 30, § 9), may perhaps be the same as the one just mentioned.

Oracles of Pan were to be found at Troezen (Pausan. ii. 32, § 6), and in the cave at Paneas, one of the principal sources of the river Jordan (*C. I. G.* 4539); the oracles were given through dreams. An oracle of Aphrodite existed at Paphos in Cyprus, and was consulted by Titus (Tac. *Hist.* ii. 3, 4). An oracle of Hera Acraea (*i.e.* the goddess of the hill-tops) was between Lechaeon and Pagae, on the gulf of Corinth (Strabo, viii. p. 380).

Hermes, from his close connexion with Apollo, was a god that might be expected to give oracles: this power, however, in the Homeric hymn to Hermes, 552 *sqq.*, is only accorded to him in a limited degree by the more exalted deity. He had an oracle at Pharae in Achaia, where his altar stood in the middle of the market-place. Incense was offered there, oil lamps were lighted before it, a copper coin was placed upon the altar, and after this the question was put to the god by a whisper in his ear. The person who consulted him immediately left the market-place. The first remark that he heard made by any one after leaving the market-place was believed to imply the answer of Hermes (Pausan. vii. 22, § 2). This mode of oracular disclosure was so much associated with Hermes that he received the name of Κλεηδόνιος from it; as we learn from an inscription found at Pitane, near Smyrna (Le Bas et Waddington, *Voyage archéol.* v. 1724[a]). Hence it is probable that the Κληδόνων ἱερὸν at Smyrna, mentioned by Pausanias (ix. 11, § 7), was an oracle of Hermes.

Athene, the goddess of rational valour, had scarcely any oracles; though Plato, identifying her with the Egyptian Neith, says that she introduced into Greece "prophecy and medicine" (Plato, *Tim.* p. 24 C). Characteristically enough, the only oracle attributed to her is to the effect of "Help thyself, and heaven will help thee." (Zenob. *Cent.* v. 93; Diogenian. *Cent.* viii. 11; Suidas, *s. v.* τὴν χεῖρα: cf. Babr. 20.)

Oracles of Heroes.

Asclepius (Aesculapius) lies almost half-way between gods and heroes; still he may be more properly reckoned among the latter. And the oracular seats where he was believed to instruct men are of peculiar interest, because they furnish the meeting-point between religion and science, as those were conceived in the classical Greek world. For, on the one hand, he was thought of as the god of healing, the son of Apollo, begotten by Apollo that he might heal bodily sicknesses (Menand. *Rhet. Epidict.* p. 327; Olympiod. *Vit. Plat.* p. 4, 42); in whose temples the sick would spend a night in hope of being miraculously relieved by the morning (Pausan. ii. 27, § 2). This aspect of him had a tendency to gain ground; to Aeschylus (*Agam.* 1022) and Pindar (*Pyth.* iii. 96) he is a faulty man; Aristophanes (*Plutus*, 662 *sqq.*), with all his mockery, treats Asclepius as a god. But, on the other hand, Asclepius was the legendary father of a crowd of descendants, the Asclepiadae, who, in whatever degree they considered religious communications important for success in the healing art, had genuinely scientific qualities (Plato, *Rep.* iii. p. 405 *sqq.*; MEDICINA). These two phases of the doctrine and practice connected with the name of Asclepius were so intermingled, that they cannot now be separated. Epidaurus was the chief seat of the religious worship; there Asclepius had a temple and a grove, and a magnificent gold and ivory statue, and innumerable votive tablets on the walls attested the cures wrought on sick persons by the method of incubation (Pausan. ii. 26, 27). But at Cos the medical school culminated, and there Hippocrates, the first great light of medical science, lived and wrote. Yet Epidaurus and Cos were not hostile to one another, and we read of an embassy sent by the Epidaurians to the Asclepius of Cos (Pausan. iii. 23, § 6). We must assume that in the generality of the shrines of Asclepius (of which nearly a hundred are reckoned: cf. Th. Panofka, *Asclepios und die Asclepiaden*, pp. 271–361) the religious element, the prophecy by dreams and incubation, greatly outweighed the scientific. It is a question of much interest why, in view of the paucity of oracles of ordinary gods, other than Apollo, so remarkable an exception should be found in the case of Asclepius. The *theory* was (Menand. *Rhet.* and Olympiod. *l. c.*) that Apollo committed to Asclepius this part of his functions; but it is impossible to suppose that persons erecting a temple to Asclepius had any clear theory of delegation. No doubt the truth is, that the worship of Asclepius was antecedent to the worship of Apollo, and his emblem, the snake, had an origin quite distinct from the Apolline worship; and his affiliation to Apollo was a device of the worshippers of Apollo, in order that they might appropriate a power that they could not expel. At Pergamus, another great seat of Asclepius, the celebrated physician Galen, starting from pure faith in the oracular cures, taught himself principles of more exact medical science. In the year 293 B.C. the *Sibylline* books commanded the Romans to "seek Asclepius at

Epidaurus." They did so, and brought away a mysterious serpent; then, on the spot where this serpent disappeared, they built a temple to Asclepius (Aesculapius). Oracles were given there through dreams, and miracles performed (*C. I. G.* 5977, 5980). Serapis was joined with Aesculapius in the worship at this temple (Suet. *Claud.* 25). This also was the case at Pergamus. F. A. Wolf (*Vermischte Schriften*, pp. 382 *sqq.*) endeavours to show that mesmerism was used in the curative rites of Asclepius; but the experiences of Aelius Aristides hardly bear this out.

Oracles of Heracles. One was at Hyettus in Boeotia (Pausan. ix. 36, § 6); another at Bura, in Achaia. Those who consulted it prayed and put their questions, and then cast four dice painted with figures, and the answer was given according to the position of these figures (Pausan. vii. 25, § 6). Another oracle of Heracles was at Gades (Dio Cass. lxxvii. 20). Like Asclepius, Heracles was almost to be reckoned as a god; had he been merely the Greek son of Zeus and Alcmena, this would not have been so: but he was identified with foreign deities, such as Melkart.

Oracle of Trophonius at Lebadea. One of the most celebrated of the Greek oracles, and in a place of sombre and impressive aspect, in Boeotia. There were different versions of the legend of Trophonius: the most dignified (found in Plut. *Consol. ad Apoll.* 14) tells us that Trophonius and Agamedes built the temple of Delphi, and, upon desiring a reward of the god, he told them that he would give them one on the seventh day; on which day they were found dead. Apollo made Trophonius a prophet; and the Boeotians were bidden to consult him at Lebadea on the means to put an end to a drought that afflicted the land. A swarm of bees led them to the sacred cave, and the oracle was established (Pausan. ix. 40, 1, 2). The rites necessary before consulting it were complicated and terrifying. First, the consultants had to purify themselves by spending some days in the sanctuary of the good spirit and good luck (Ἀγαθοῦ Δαίμονος καὶ ἀγαθῆς Τύχης); to live soberly and purely; to abstain from warm baths, but to bathe in the river Hercyna; to offer sacrifices to Trophonius and his children, to Apollo, Cronos, king Zeus, to Herè who holds the reins (Heniocha), and to Demeter Europe, who was said to have nursed Trophonius; and during each of these sacrifices a soothsayer examined the entrails of the victim. On the last night, the consultant had to sacrifice a ram to Agamedes. Only in the event of all the signs being favourable was admission to the cave granted. If it were granted: two boys, 13 years old, led the consultant again to the river Hercyna, and bathed and anointed him. The priests then made him drink from the well of Lethe, that he might forget all his former thoughts, and from the well of Mnemosyne, that he might remember the visions he was about to receive. They showed him an ancient statue of Trophonius, which he adored; led him to the sanctuary, dressed him in linen garments, with girdles and a peculiar kind of shoes (κρηπῖδες); and bade him descend a ladder into the cave. Close to the bottom was an opening into which he put his foot; some invisible power then drew his whole body through the opening. In each hand he held a honeycake to appease the subterranean deities. The vision then seen by him was carefully remembered, and told to the priests on his remounting to the light; and when he had recovered from his fears, the priests informed him of the meaning of the oracle. (Pausan. ix. 39, § 3 *sqq.*: cf. Philostr. *Vit. Apoll.* viii. 19.) But the vision sometimes left men melancholy for a long time. Epaminondas consulted this oracle just before the battle of Leuctra, and received from it the shield of Aristomenes, the Messenian hero (Pausan. iv. 32, §§ 5, 6). It preserved a certain reputation even down to the time of Plutarch (*de Orac. Defect.* 5), though Sulla had plundered it. It was much consulted by the Romans (Origen, *c. Celsus*, vii. p. 355). *Lebadea* is the origin of the modern *Livadia*.

Oracle of Tiresias at Orchomenus. (Plut. *de Orac. Defect.* 44.)

Oracles of Amphiaraus. Thebes and Oropus (on the Euripus) contended for the honour of possessing the spot in which the hero Amphiaraus was swallowed up by the earth. Hence there were two oracles at which he was invoked: one between Thebes and Potniae, the other in a narrow valley close to the sea, between Oropus and Psaphis (Strabo, ix. 1, § 22). The first was the one consulted by Croesus; it was among the seven to which he proposed his test question, and it was even said to have given an answer not altogether wrong (Herod. i. 46, 49). Hence the Thebans possessed the golden shield and spear presented by Croesus (Herod. i. 52) to this oracle; they placed these gifts, however, not in the temple of Amphiaraus, but in the temple of Apollo Ismenius. Moreover, the Thebans would not themselves consult this oracle; they affirmed that the hero was their ally, and that they would not disturb his impartiality (Herod. viii. 134). This looks like a pretext to cover a feeling of hostility; Amphiaraus had fought against the Thebans. Pausanias (ix. 8, § 2) tells us that the grass round this temple, and the columns of it, were the scene of a perpetual miracle; cattle would not crop the one, nor birds settle upon the other: doubtless as a proof of the genuineness of the tradition attached to the spot. The oracles were given through dreams to persons sleeping in the temple (Herod. viii. 134): they had to prepare themselves for this *incubatio* by fasting one day, and by abstaining from wine for three days (Philostr. *Vit. Apoll.* ii. 37).

At the other oracle, that of Oropus, were two sacred wells and an altar of elaborate workmanship (Pausan. i. 34, §§ 2 *sqq.*). It was especially consulted by the sick, who had to purify themselves and sacrifice a ram; on the skin of which they afterwards slept in the temple. The means of recovery was then supposed to be intimated to them in dreams. If they recovered, they had to throw some pieces of money into the well within the sanctuary. The sacred ground alleged to belong to this oracle was the subject of a curious controversy, which occasioned the speech of Hyperides *pro Euxenippo*.

Oracle of Hemithea, at Castabos in the Carian Chersonese. (Diodor. v. 62, 63.)

Oracle of Mopsus, otherwise called the oracle of Amphilochus, at Mallos in Cilicia. The two rival seers, Mopsus and Amphilochus, had slain

each other, and their oracles, which were adjacent, had great celebrity in times succeeding the commencement of our era, and one of the most curious stories connected with oracles is told of that of Mopsus by Plutarch (*de Orac. Defect.* 45. See also Pausan. i. 34, § 3; Lucian, *Pseudom.* 28; Tertullian, *de An.* 46; Dio Cass. lxxii. 7).

Oracles of Calchas and Podalirius, on Mount Drion, in South Italy (Daunia). The character and ceremonial of these oracles were similar to each other, and also to the oracle of Amphiaraus at Oropus (see above). (Strabo, vi. p. 284.)

Oracle of Protesilaus, at Elaeus, in the Thracian Chersonese. This oracle is not mentioned till the 3rd century A.D. by Philostratus (*Heroic.* ii. 6), and probably was of recent date then.

Oracle of Autolycus (an Argonaut, and *not* the celebrated thief) at Sinope. (Strabo, xii. p. 545.)

Oracle of Odysseus, in Aetolia. (Tzetz. *ad* Lycophr. 799.)

Oracle of Menestheus, the companion of Aeneas, near Gades, in Spain. (Strabo, iii. p. 140.)

Oracles of Neryllinus, in the Troad, and of *Proteus* at Parium (Athenagor. *Supplic. pro Christ.* 26). The oracles are said to have been localised in statues.

The oracle which Alexander of Abonotichos endeavoured to found in the age of the Antonines can hardly be reckoned among the number, as it died with him.

Oracles of the Dead.

It was thought that at certain places, where deep openings were seen in the solid earth, the shades of the dead could rise from their subterranean abode, and give answers to the living. Such a place was called *νεκυομαντεῖον* or *ψυχοπομπεῖον*. The most ancient oracular seat of this kind was near lake Aornos among the Thesprotians. (Herod. v. 92, § 7; Diodor. iv. 22; Pausan. ix. 30, § 3.) Periander, the sage and tyrant, had recourse to this. Another celebrated Greek, Pausanias the Spartan king, sought relief for his troubled spirit at Phigalia in Arcadia, by summoning the shade of Cleonice (Pausan. iii. 17, §§ 8, 9). Taenarus, in the south of Laconia, presented in its cave another such oracular seat; thither the slayer of Archilochus, the poet, was sent by the Delphic oracle (Plut. *de sera num. vind.* 17). Heraclea on the Propontis was another seat of the kind (Plut. *Cimon*, 6). As at other oracles, sacrifice was necessary before the shade could be moved to appear; and also prayers (Hom. *Od.* xi. 23–37).

Italian Oracles.

Generally speaking, Oracles, in the sense of special places where divine answers were given to men, were not known to the Italian nations. Their modes of divination were different. (Of course, such oracles as those of Calchas and Podalirius mentioned above, or that of Aesculapius at Rome, were of Greek origin.) Yet if we could trust the poets, there were true oracular seats of Faunus at Albunea (Verg. *Aen.* vii. 81 *sqq.*) and on the Aventine (Ovid, *Fast.* iv. 650 *sqq.*). Virgil was so imbued with Greek models that his historical authority on such a point is very small. That of Ovid is better; but on the whole there is no sufficient proof of anything that can be called an oracular seat of Faunus. It is noticeable, that while Virgil makes his oracle complete by bringing in a priest, this essential mark of a fixed place of revelation is absent in Ovid. Moreover, in the somewhat similar passage, *Fast.* iii. 295 *sqq.*, Numa sacrifices, not to Faunus, but to the fountain; and certainly here it can hardly be thought that an oracular seat of Faunus is indicated. Similarly, the tradition preserved by Dionysius of Halicarnassus (i. 14), that at Tiora Matiene, one of the aboriginal cities of Italy, a woodpecker used to perch on a wooden column and pronounce oracles given by Mars, cannot be considered as evidence of a real historical oracular seat.

But the temples of Fortune at Praeneste and Antium were real oracles, and the only instances in Italy. The story of the foundation of the Praenestine oracle is told by Cicero, *de Div.* ii. 41, 85. A noble Praenestine, Numerius Suffucius, was bidden by a dream to cleave open a rock; upon his doing so a large number of wooden "lots" (*sortes*) fell out, inscribed with antique characters. At the same time honey flowed out of an olive-tree near; and at the bidding of the haruspices, the olive-tree was carved into a wooden box, and the lots were enclosed in it. This took place near an image of the infant Jupiter, who was represented (with Juno) as sucking the breast of Fortune (who must be regarded, not as in our sense of the word, but as Primigenia, the origin of life. The Romans borrowed this characterisation of Fortune: cf. Liv. xxix. 36, xxxiv.. 53). Once a year, in the month of April, a two-days' festival was held at Praeneste in honour of Fortune and Jupiter, the box was opened, and a child drew out the lots at random (Cic. *l. c.*; *Kal. Praenest.* iii. Id. April). See, for further mention of the "lots" of Praeneste, Propert. ii. 32, 3; Suet. *Tib.* 63, *Domit.* 15; Strabo, v. p. 238.

The temple of Fortune at Antium has been made famous by Horace (*Od.* i. 29, 1). Two sister Fortunes were represented, and were said to give the oracles by bending their heads (Macrob. *Sat.* i. 23, 13: compare Suet. *Calig.* 57, and Ernesti's note on the passage). Martial calls them *veridicae sorores* (v. 1, 3).

At Caere (Liv. xxi. 62) and Folerii (Liv. xxii. 1) there appear also to have been "lots" from which omens were derived.

On the Roman oracles, Niebuhr, *Hist. of Rome*, vol. i. p. 508, &c.; Hartung, *Die Relig. der Römer*, vol. i. p. 96 (besides Bouché-Leclercq's work mentioned below), may be consulted.

Egyptian and Syrian Oracles.

A brief mention may be made of these, in so far as they touch Greek or Roman history.

The connexion of Serapis with Asclepius has been already mentioned. But the oracles of Serapis himself at Alexandria (Tac. *Hist.* iv. 81–84; Suet. *Vesp.* 7; Dio Chrysost. *Orat.* xxxii.), at Canopus (Strabo, xvii. p. 801), and probably at Memphis (see Bouché-Leclercq, vol. iii. pp. 385–6), had great fame. So had the oracle of Apis at Memphis (Diog. Laert.

viii. 90; Amm. Marcell. xxii. 14; Plin. viii. § 46; Dio Chrysost. *Orat.* xxxii. 13), and of Isis at Philae (*C. I. G.* 4894–4947).

Of Syrian oracles, that of Heliopolis (Baalbek) is mentioned by Macrobius (*Sat.* i. 23, 13, and i. 17, 66), that of Hierapolis by Lucian (*Dea Syr.* 36): in each of these the Sun was the revealing deity. At Nicephorium on the Euphrates an oracle of Zeus is mentioned in the Augustan history (*Hadrian*, 2); how far the oracle was Greek, how far Syrian, is uncertain. It will suffice to mention the oracles at Apamea (Dio Cass. lxxviii. 8 and 40), at Gaza (Steph. Byz. *s. v.* Γάζα, and *Act. Bolland.* Februar. iii. p. 654), and Aphaca (Zosim. i. 58). A reference to the singular story related by Gregory of Nyssa respecting the oracle at Neocaesarea in Pontus (Greg. Nyss. iii. pp. 915, 916, Migne) may conclude this article.

The most complete work on the subject of oracles is Bouché-Leclercq's *Divination dans l'Antiquité* (Paris, 1879–1882). Great use of this work has been made in the present article; the whole subject is elucidated by it in a very remarkable manner. The author's proofs of his views are sometimes rather scattered, and there are some inaccuracies in the quotation-references in the notes. His disposition is to be somewhat too severe on the Delphic oracle; and his views respecting the origin of the Peleiades at Dodona, and the antiquity of the oracle of Branchidae, have not been followed in this article. His work, however, must always be an authority.

Other works on oracles that may be mentioned are Wachsmuth, *Hellen. Alterthum.* ii. p. 585, &c.; Klausen, in Ersch and Gruber's *Encyclop.* s. v. *Orakel;* A. Maury, *Histoire des Religions de la Grèce antique*, vol. ii. ch. xiii. Paris, 1857; K. F. Hermann, *Lehrbuch der griechischen Antiquitäten*, ii.[2] (1858), §§ 37–41; E. Curtius, *Die Hellenische Mantik* (Göttingen, 1864); L. H. de Fontaine, *De divinitatis origine et progressu*, Rostock, 1867; and an interesting essay by F. W. H. Myers, in *Hellenica*, pp. 425–492, London, 1880, since republished among the author's essays.

On Dodona specially, the important works of C. Carapanos (*Mémoire sur Dodone et le Culte de Jupiter Naios*, 1877, and *Dodone et ses ruines*, Paris, 1878) take the first place. Besides these, may be mentioned Cordes, *de Oraculo Dodonaeo*, Gröningen, 1826; J. Arneth, *Ueber das Taubenorakel von Dodona*, Wien, 1840; L. von Lassaulx, *Das Pelagische Orakel des Zeus zu Dodona*, Würzburg, 1840; L. Preller, *Dodona*, 1842, in Pauly's *Real-Encyclop.* ii. pp. 1190–1195; F. D. von Gerlach, *Dodona*, Basel, 1859; G. Perthes, *Die Peleiaden zu Dodona*, Merseb. 1869; H. R. Pontow, *Die Orakelinschriften von Dodona*, in Fleckeisen's *Neue Jahrbücher für Philologie*, for 1883, pp. 305–360. This last work is, it will be seen, subsequent to the discoveries of M. Carapanos.

On Delphi specially, it is impossible to quote a quarter of the works written during this century. But these may be mentioned: C. F. Wilster, *De Religione et Oraculo Apollinis Delphici*, Hafniae, 1827; H. Piotrowski, *De gravitate Oraculi Delphici*, Lipsiae, 1829; R. H. Klausen, in Ersch und Gruber's *Encyclopädie*, s. v. *Orakel;* D. Hüllmann, *Würdigung des Delphischen Orakels*, Bonn, 1837; W. Götte, *Das Delphische Orakel*, &c., Leipzig, 1839; L. Preller, art. *Delphi*, 1842 (Pauly's *Real Encyclopäaie*, ii. pp. 909–919); J. Kayser, *Delphi*, Darmstadt, 1855; P. Foucart, *Mémoire sur les Ruines et l'histoire de Delphes*, Paris, 1865; A. Mommsen, *Delphika*, Leipzig, 1878.

Other works on oracles in general, and the particular oracles, will be found referred to in the above-mentioned treatise of Bouché-Leclercq. [J. R. M.]

ORARIUM. [SUDARIUM.]

ORATIO'NES PRI'NCIPUM. Many of the *orationes* of the Roman emperors, such as are quoted by the *Augustae historiae scriptores*, are merely communications to the senate, *e.g.* the announcement of a victory (Capitol. *Maxim. duo*, 12, 13), but those which are the subject of this note relate to legislation only. Under the earlier emperors the orationes were *projets de loi* submitted by the princeps either personally or by memorandum (*epistola, libellus:* e.g. Dig. 5, 3, 22; 24, 1, 32; 27, 9, 1) to the senate, which in appearance, though not in reality, still possessed legislative power: the consuls, as presidents of the assembly, would then open a discussion on the proposal (*e.g.* Dig. 5, 3, 20, 6), which we cannot doubt was invariably embodied in a senatusconsultum with little or no alteration, and so constitutionally invested with the force of law. Instances are found in Gaius (ii. 285), "ex oratione divi Hadriani senatusconsultum factum est;" and in Dig. 23, 2, 16 (Paulus), "oratione divi Marci .... quam senatusconsultum secutum est."

But the fact that, either through his *jus edicendi*, or in virtue of the Lex Curiata de Imperio, the emperor's own ordinances had the force of law, and the ostentatious unwillingness of the senate to make even a false show of independence by pretending to discuss his legislative proposals, gradually led to the recognition of the oratio as itself law, apart from the senatusconsultum which was founded on it: so that the two are often cited indifferently by the classical jurists—the oratio as containing the reason or grounds of the law, the senatusconsultum for its particular terms and provisions (*e.g.* Dig. 2, 15, 8; 23, 2, 60; 5, 3, 20, 22, 40; 11, 4, 3: so too "divi Pertinacis oratione cautum est," *Inst.* ii. 17, 7): and the actual consultation of the senate gradually sank into a merely formal acclamation. As to the mode of communication, unless the emperor delivered the oratio in person, which seems not to have been very usual, it was embodied in an epistola or libellus (Dig. 5, 3, 20, 22), which was read to the senate by one of the quaestors (Dig. 1, 13): for instance, Suetonius (*Tit.* 6) says that Titus sometimes read his father's orationes in the senate "quaestoris vice," and the practice is frequently referred to: *e.g.* Suet. *Aug.* 65; Tac. *Ann.* iii. 52, xvi. 7; Dio Cass. liv. 25, lx. 2. The mode of proceeding upon the receipt of one of these orationes may be collected from the preamble of the senatusconsultum in Dig. 5, 3; and when it was drawn up with much regard to detail, the subsequent senatusconsultum was clearly a simple reproduction of its terms.

It is not quite clear when the practice of formally giving the force of law to orationes by embodying them in senatusconsulta went out of use. Senatusconsulta originating in this manner

are found in the reigns of Septimius Severus and his son Caracalla (*e.g.* Dig. 24, 1, 32), but under the Christian emperors the oratio appears simply as one of the modes of publishing or promulgating emperor-made law, by addressing it to the senate ("leges, quae missae ad venerabilem coetum oratione conduntur," Cod. 1, 14, 3: cf. Cod. Theod. 4, 1, 1): if addressed to a magistrate, it would rather be called mandatum or rescriptum; if "ad populum" or "ad omnes populos," an edictum or edictalis constitutio. Genuine senatusconsulta now occur only in relation to the senatorial games or other burdens which the senate had to bear as a corporation (Symmach. x. 28, 10).

There has been much discussion on the amount of the influence exercised by these orationes on the legislation of the senate. But it seems to be tolerably clear, from the evidence that we have and from the nature of the case, that the oratio might recommend generally some legislative measure and leave the details to the senate, or it might contain all the details of the proposed measure, and so be in substance, though not in form, a senatusconsultum: and it would become a senatusconsultum on being adopted by the senate, which, in the case supposed, would be merely a matter of form. [SENATUSCONSULTUM.] In the case of an oratio expressed in more general terms, there is no reason to suppose that the emperor's recommendation was less of a command: it was merely a command in more general terms. (See Dirksen, *Ueber die Reden der röm. Kaiser und deren Einfluss auf die Gesetzgebung*, in *Rhein. Mus. für Jurisprudenz*, vol. ii., and *Vermischte Schriften*, part i., No. vi.) [G. L.] [J. B. M.]

ORA'TOR. Cicero remarks (*Or. Part.* c. 28, 100) that "a certain kind of causes belong to Jus Civile, and that Jus Civile is conversant about statutes (*lex*) and custom (*mos*) appertaining to things public and private, the knowledge of which, though neglected by most orators, seems to me to be necessary for the purposes of oratory." In his treatise on the Orator, and particularly in the first book, Cicero has given his opinion of the duties and requisite qualifications of an orator in the form of a dialogue, in which Lucius Licinius Crassus and M. Antonius are the chief speakers. Crassus was himself a model of the highest excellence in oratory; and the opinions attributed to him as to the qualifications of an orator were those of Cicero himself, who in the introductory part of his first book (c. 6) declares that "in his opinion no man can deserve the title of a perfect orator unless he has acquired a knowledge of all important things and of all arts: for it is out of knowledge that oratory must blossom and expand, and if it is not founded on matter which the orator has fully mastered and understood, it is idle talk, and may almost be called puerile." According to Crassus, the province of the orator embraces everything: he must be able to speak well on all subjects. Consequently he must have a knowledge of the Jus Civile (i. 44, 197), the necessity for which Crassus illustrates by instances; and he should not only know the Jus Civile, as being necessary when he has to speak in causes relating to private matters and to privata judicia, but he should also have a knowledge of the Jus Publicum, which is conversant about a state as such, and he should be familiar with the events of history and instances derived from the experience of the past. Antonius (i. 49, 213) limits the qualifications of the orator to the command of language pleasant to the ear and of arguments adapted to convince in causes in the forum and on ordinary occasions. He further requires the orator to have competent voice and action and sufficient grace and ease. In i. 58, 246, he contends that an orator does not require a knowledge of the Jus Civile, in support of which he instances himself, for Crassus allowed that Antonius could satisfactorily conduct a cause, though Antonius, according to his own admission, had never learnt the Jus Civile, and had never felt the want of it in such causes as he had defended.

The profession then of the orator, who with reference to a client's case is also called *patronus* (*de Orat.* i. 56, 237; *Brut.* 38, 143), was quite distinct from that of the consulting lawyer [JURISCONSULTI], and also from that of the *advocatus*, at least in the time of Cicero (ii. 74, 301), and even later (*de Orat. dial.* 34). The advocatus assisted a party with legal advice, and accompanied him into court, though there his assistance was not active, being limited to the effect which might be produced by the mere fact of his reputation; but after the fall of the Republic the functions of advocatus and patronus or orator are confused, as the greater jurists ceased to go into court. An orator, who possessed a competent knowledge of the civil law, would have thereby an advantage, as Antonius admits (i. 59, 251); but as there were many essentials to an orator, which were difficult of attainment, he says that it would be unwise to distract him with other things. Some requisites of oratory, such as voice and gesture, could be acquired only by discipline: whereas a competent knowledge of the law of a case (*juris utilitas*) could be got at any time from a jurisconsult or from books. Antonius thinks that in this matter the Roman acted more wisely than the Greek orators, who, being ignorant of law, had the assistance of low fellows who worked for hire, and were called Pragmatici (i. 45): the Roman orators entrusted the maintenance of the law to the high character of their professed jurists.

So far as the profession of an advocate consists in the skilful conduct of a cause, and in the supporting of his own side of a question by proper argument, it must be admitted with Antonius that a very moderate knowledge of law is sufficient; and indeed even a purely legal argument requires not so much the accumulation of a vast store of legal knowledge as the power of handling the matter when it has been collected. The method in which this consummate master of his art managed a cause is stated by himself (*de Orat.* ii. 72, 292); and in another passage (*Brut.* 37, 129) Cicero has recorded his merits as an orator. Servius Sulpicius, who was the greatest lawyer of his age, had a good practical knowledge of the law; but others had this also, and what distinguished him from all his contemporaries was something else: "Many others as well as Sulpicius had a great knowledge of the law: he alone possessed it as an art. But the knowledge of law by itself would never have helped him to this without the

possession of that art which teaches us to divide the whole of a thing into its parts, by exact definition to develop what is imperfectly seen, by explanation to clear up what is obscure: first of all to see ambiguities, then to disentangle them, lastly to have a rule by which truth and falsehood are distinguished, and by which it shall appear what consequences follow from premisses, and what do not" (*Brut.* 41, 152). With such a power Sulpicius combined a knowledge of letters and a pleasing style of speaking. As a forensic orator then he must have been one of the first that ever lived: but still among the Romans his reputation was that of a jurist, while Antonius, who had no knowledge of the law, is put on a level as an orator (*patronus*) with L. Crassus, who of all the eloquent men of Rome had the best acquaintance with the law.

How serious a study oratory was among the Romans is attested by Cicero, who (*Brut.* 91, &c.) tells us by what painful labour he achieved excellence. Roman oratory reached its perfection in the century which preceded the Christian era: its decline dates from the establishment of the imperial power under Augustus and his successors: for though there were many good speakers and more skilful rhetoricians under the Empire, the oratory of the Republic was rendered by circumstances unsuitable for the senate, for the popular assemblies, or for cases of crime and high misdemeanour. Upon this subject, see Savigny, *History of the Roman Law in the Middle Ages*, i. p. 25.

In the Dialogue *de Oratoribus*, which is attributed (no doubt rightly) to Tacitus, Messala, one of the speakers, attempts (c. 28, &c.) to assign the reasons for the low level of oratory in the time of Vespasian (when the Dialogue was written) compared with its condition in the age of Cicero and his predecessors. He attributes its decline to the neglect of the discipline under which children were formerly brought up, and to the practice of resorting to *rhetores*, who professed to teach the art of oratory. This gives occasion to speak more at length of the early discipline of the old orators, and of Cicero's course of study as described in the *Brutus*. The old orators (c. 34) learnt their art by constant attendance on some eminent orator, and by actual experience of business: the orators of Messala's time were formed in the schools of Rhetoric, and their powers were developed by exercises on fictitious matters. These however, it is obvious, were only secondary causes. The immediate causes appear to be indicated by Maternus, another speaker in the Dialogue, who attributes the former flourishing condition of eloquence to the political influence which oratory conferred on its possessor under the Republic, and to the party struggles and even the violence that are incident to such a social condition. The allusion to the effect produced by the establishment of the Empire is clear enough in the following words, which refer both to the Imperial and the Republican periods: "Cum mixtis omnibus et moderatore uno carentibus, tantum quisque orator saperet, quantum erranti populo persuaderi poterat."

The memorials of Roman oratory are the speeches of Cicero: but they are only a small portion of the great mass of oratorical literature. The fragments of the Roman orators, from Appius Caecus and M. Porcius Cato to Q. Aurelius Symmachus, have been collected by H. Meyer, Zürich, 1 vol. 8vo, 2nd edit., 1842. [G. L.] [J. B. M.]

ORBUS. [LEGES JULIAE, p. 45*a*.]

ORCA. [SITELLA.]

ORCHE'SIS (ὄρχησις). [SALTATIO.]

ORCHESTRA. [THEATRUM.]

ORCI'NUS LIBERTUS. [MANUMISSIO.]

ORCI'NUS SENATOR. [SENATUS.]

ORDINA'RIUS JUDEX. [JUDEX PEDANEUS.]

ORDINA'RIUS SERVUS. [SERVUS.]

ORDO, "properly 'the row,' appears most clearly in its original concrete signification in the banks of oars in a ship, in the tiers of tiles on a roof, or in the benches of a theatre" (Mommsen, *Staatsrecht*, iii. p. 459).

In a military sense the word *ordo* (or its Greek equivalent τάγμα, Polyb. vi. 24, 5) is used of the manipulus of two centuries (see Liv. viii. 8); *ordinem ducere* means "to be a centurion," two of whom held joint command in each maniple (Cic. *Phil.* i. 8, 20; cf. Liv. xlii. 34, 5), and *ordinarius* is said (Festus, *s. v.*) to be equivalent to *manipularis* in the sense of "a man in the ranks." From this military usage is doubtless derived the phrase *in ordinem cogere*, which must originally have meant "to reduce a man to the ranks," but which is generally used of one who treats with contempt the person or office of a magistrate (Liv. xxv. 3, 19; xliii. 16, 9). It is doubtful whether the word *ordo* in Cicero's descriptions of the Servian Comitia Centuriata ("pecunias aevitates ordines partiunto equitum peditumque," "descriptis ordinibus classibus aetatibus," "omnium aetatum ordinumque suffragiis") is to be explained with Mommsen (*Staatsr.* iii. p. 253, n. 1) as meaning "century," or whether it is to be taken (as seems more probable) merely to indicate the two great categories of horse and foot.

In a less technical sense the word is used of any distinct class of persons, as by Cicero (*Verr.* ii. 6, 17), "si cuiquam ordini sive aratorum sive pecuariorum sive mercatorum probatus sit," especially when, as in these cases (*ib.* 55, 137), the class has a common interest and habits of common action. But it seems to have been felt that it was an improper use of the word, when the category so designated had nothing else in common save the single characteristic indicated in its appellation. Cicero, for instance (in the passage last referred to), seems to deny that the term can be correctly applied to the collective censors of the Sicilian states, or again (*Phil.* vi. 5, 14) to all the persons who have ever served as military tribunes. It is possibly on this ground that the word does not appear to signify the Roman magistrates taken collectively, nor the various grades in the senate,—consulares, praetorii, &c.; though, in a more general sense, Livy (xxiii. 23, 4) can use it of the categories of persons chosen into the senate—"ut ordo ordini, non homo homini praelatus videretur." It seems improbable that we can speak of the Roman priests collectively as *ordo sacerdotum*; if these words had habitually borne any such meaning, Festus (*s. v.*) would hardly have used them in an entirely different sense ("the table of precedence among the priests"). The in-

scription (*C. I. L.* vi. 2010) in which *ordo sacerdotum* occurs merely shows that certain officials of the imperial household formed themselves into a religious guild which they thought fit to call by this name. It is very rare again to find *ordo* designating either of the great classes of "patrician" and "plebeian," though there are exceptions, as where Capito (in Aul. Gell. x. 20) implies it of the patriciate, "quoniam in populo omnis pars civitatis omnesque ejus ordines contineantur, plebs vero ea dicitur in qua gentes civium patriciae non insunt," or where Pliny (*H. N.* xxxiii. § 29) says, "anuli plane tertium ordinem mediumque plebi et patribus inseruere."

On the other hand, the word is constantly applied to the two great dominant classes in the Roman state, the Senate and the Equites, and likewise to the corresponding classes in the municipia, the *ordo decurionum* and the *ordo Augustalium*. At Rome the senate and equites are not unfrequently called *uterque ordo*, just as if no other portion of the state had a claim to this designation. The senate having no fixed meeting-place, a Roman senator did not refer to a speech made therein as being delivered "in this house," but *in hoc ordine* (Sall. *Cat.* 52, 13). While the word *ordo*, as applied to the Roman senate, requires a qualifying pronoun, as *hic* or *noster*, or a qualifying adjective, as *amplissimus*, in the municipia *ordo* written alone indicates the town-council, and is its distinctive appellation as contrasted with the *senatus* of Rome, just as the local *decurio* is distinguished from the Roman "senator" (Mommsen, *Staatsr.* iii. p. 842).

It is more difficult to decide what, exactly, is meant in each passage by the *equester ordo*. It is undoubtedly used in some places of the eighteen centuries of Knights, as by Cicero in *Phil.* vi. 5, 13, "altera ab equitibus Romanis equo publico, qui item adscribunt 'patrono.' Quem unquam iste ordo patronum adoptavit?" Under the Principate this is its common meaning; it is the only sense which will serve in any passage where we find the *ordo* taking action as a formal and legally constituted corporation (*e.g.* Tac. *Ann.* ii. 83, 5). If Mommsen be correct in his supposition that the right of sitting on juries was confined to these *equites equo publico* [see EQUITES], then the phrase is very frequently applied to them in republican times, for the jury-courts are repeatedly said to have been in the possession of the *equester ordo*. This interpretation is, however, more than doubtful. In very many cases, on the other hand, *ordo* is used of the *equites Romani* in the wider sense; of all, that is, who not being senators possessed the qualifying property of 400,000 H. S., and were therefore eligible for the eighteen centuries. We know from Horace (*Ep.* i. 1, 62) and from Juvenal (iii. 159) that it was a pecuniary qualification which gave a man the right, under Roscius Otho's law, to sit in the front rows of the theatre: but Cicero says of Roscius (*Mur.* 19, 40), "equestri ordini restituit non solum dignitatem sed etiam voluptatem." The wider sense is also far more probable in passages where Cicero speaks of the policy or temper of the order, as (*Verr.* iii. 41, 94) "quum aliquid contra utilitatem ejus ordinis fecisset," and again, "qui unum equitem Romanum contumelia dignum putasset, ab universo ordine malo dignus judicaretur." Quintus Cicero (*de Pet. Cons.* 8), speaking of the young men who composed the equestrian centuries, distinguishes them from the *ordo* in its wider sense—"quod equester ordo tuus est, sequentur illi auctoritatem ordinis." (See against this Mommsen, *Staatsrecht*, iii. pp. 484 and 497.)

The other classes to which the term is applicable can be ascertained only by observing the practice in books and in inscriptions. The expression is very frequently used of the *tribuni aerarii*, of the *libertini* (e.g. in Cic. *Verr.* i. 47, 124, and repeatedly in Livy) and of the *publicani* (e.g. Liv. xxv. 3, 12). We have likewise occasionally mentioned an *ordo lictorum* and an *ordo scribarum* in Rome (see ref. in Mommsen, *Staatsr.* i. p. 342, n. 4), and in the municipia an *ordo Seviralium* (Orelli, *Inscr.* 2229). In later times men of any calling who choose to unite themselves into a guild seem to adopt this appellation. Two such guilds are described (*C. I. L.* xiv. 251 and 252) with different adjectives of uncertain meaning (*tabulariorum* and *pleromariorum*), but both as "ordo corporatorum lenunculariorum auxiliarium (lighter-men) Ostiensium." In *C. I. L.* xiv. 2408 we have an *ordo adlectorum* at Bovillae, referring apparently to the *adlecti scaenae*, who seem to have been "licensed" or "certificated" actors. An *ordo haruspicum* is mentioned in *C. I. L.* vi. 2161 and 2162: from the first of these we should infer that the order was not strictly localised; for while the donees appear to be at Rome (where the tablet was found), the donor is not only *haruspex Augustorum* and *magister publicus haruspicum*, but likewise Pontifex and Dictator of Alba.

It remains to notice some peculiar uses of the words *extra ordinem*. "Praeturae extra ordinem" are said by Tacitus (*Ann.* ii. 32, 1) to have been granted to certain informers. This may mean that extra praetorships were specially invented to suit them, or more probably (as Nipperdy supposes) that these persons were allowed to anticipate their regular turn for holding that office. In the Lex de Imperio Vespasiani we find that the recommendation of candidates by the emperor is made effective, by the privilege granted them that "eorum extra ordinem ratio habeatur;" that is to say, they are not to take their chance among the general list of candidates, but to have their case considered specially and first of all [see NOMINATIO]. In criminal procedure, a trial which was to have precedence of all others is said to be taken *extra ordinem*, and the accused in such a case is *extraordinarius reus* (Cic. *ad Fam.* viii. 8, 1). In civil procedure, *judicia ordinaria* are those tried under the formulary system, where the points at issue are referred to a single juror subject to instructions given him by the praetor. When the praetor himself decides without this reference to a judex, we have a *cognitio extra ordinem* (Tac. *Ann.* xiii. 51); and when (as frequently happened under the principate) such suits became too numerous for the personal attention of the magistrate, the substitute to whom he delegated the task without binding him down by a formula was called *judex extra ordinem datus*. (See Mommsen, *Staatsrecht*, ii.[3] p. 980, n. 1.) [J. L. S. D.]

O'RGANON. [MACHINA.]

O'RGIA. [MYSTERIA.]

ORGYI'A (ὀργυιά), a Greek measure of length, derived from the human body, was the distance from extremity to extremity of the outstretched arms, whence the name from ὀρέγω. (Xen. *Mem.* ii. 3, 19; Pollux, ii. 158.) It was = 6 πόδες or 4 πήχεις, and was $\frac{1}{100}$ of the stadium (Herod. ii. 149). It may be expressed nearly enough in English by the word *fathom*. (Compare MENSURA and the Tables.) [P. S.]

ORICHAL'CUM (ὀρείχαλκος). During the first three centuries of the Roman Empire, and probably as early as the second century B.C., this word appears to have been used to indicate brass—*i.e.* an artificial alloy of copper and zinc. The chief extant objects made of this metallic compound are the *sestertii* and *dupondii* (sometimes known by coin-collectors as "first" and "second" brass coins) of Augustus and the earlier emperors. Of coins of this class Dr. Percy (*Metallurgy*, i. 521–523) quotes the following analyses:—(i.) Sestertius of Nero (Rome): Copper, 81·07; zinc, 17·81. (ii.) Dupondius of Vespasian (Rome): Copper, 81·97; zinc, 18·68. (iii.) Titus, brass coin (Rome): Copper, 83·04; zinc, 15·84. (iv.) Trajan (Greek Imperial coin of Caria): Copper, 77·590; zinc, 20·700. (v.) Hadrian, brass coin: Copper, 85·67; zinc, 10·85. (vi.) Caracalla (Greek Imperial, large size): Copper, 74·24; zinc, 14·42. Most of the above coins also contain small quantities of tin, lead, and iron. (Cp. Mommsen, *Monn. rom.* iii. 37, 47; Lenormant, *La Monnaie dans l'Ant.* i. p. 202; Plin. *H. N.* xxxiv. 2, 4.) The coins of the Roman Republic—other than those in gold and silver—are, on the other hand, not of brass, but mainly an alloy of copper and tin, *i.e.* bronze.

Orichalcum, though not a costly metal, had the appearance of gold (Cic. *de Off.* iii. 23, 92); hence the mistaken orthography *aurichalcum* and the derivation from *aurum*, which are sometimes found (cp. Fest. 9, 4; Isid. xvi. 20, 3). Orichalcum is the Greek ὀρείχαλκος, apparently "copper found in the mountains." The word ὀρείχαλκος first occurs in [Hom.] *Hymn. in Ven.* 9, where earrings of it are mentioned. It is also found in Hesiod, *Sc. Herc.* 122 ("greaves"); Plat. *Critias*, p. 114 E, p. 116 B (described as a metal no longer existent);—Ps.-Aristot. *Mir. ausc.* 58, p. 834 B, 22; 49, p. 834 A, 1; 62, p. 835 A, 9;—Callim. *Lavacr. Pall.* 19 ("mirror"); Apoll. Rhod. 971–978, and Schol.; Strabo, xiii. p. 610; Anon. *Peripl. m. Eryth.* 6 (Müller, *Geog. Gr. Min.* i. p. 262); Paus. ii. 37, 3; Hesychius, Photius, Suidas, *s. v.* ὀρείχαλκος; *C. I. G.* vol. i. p. 286; Ἀθήναιον (periodical), vii. (1879), p. 87, No. 2, line 24 f. (στλεγγὶς ὀρειχαλκίνη). For a discussion of the meaning of ὀρείχαλκος in individual passages, the reader must be referred to the commentaries and to the pages of Rossignol and Blümner. Generally, it may be said that by ὀρείχαλκος the Greek writers intended a bright metal resembling gold in appearance, and one of which the exact nature was uncertain or unknown to them. Probably in some instances a mixture (whether artificial or natural cannot be determined) of copper and zinc (*i.e.* brass) was indicated by the word.

In the Latin writers, from Plautus onwards, the word *orichalcum* is frequently found; generally, it would seem, with the meaning of brass. The chief passages are as follows:—Plaut. *Curc.* i. 3, 46 (202); *Mil.* iii. 1, 69 (660); *Pseud.* ii. 3, 22 (688); Cic. *de Off.* iii. 23, 92 ("Si quis aurum vendens, orichalcum se putet vendere"); Verg. *Aen.* xii. 87 ("Auro squalentem alboque orichalco Circumdat humeris"). Blümner supposes this "white orichalcum" to have been an alloy, like prince's metal, and compares the χαλκὸς λευκὸς of Theoph. *Fr.* 4, 71; *Etym. M.* p. 630, 51; Tzetz. *ad* Hes. *Scut.* 122; Hor. *A. P.* 202 ("Tibia non ut nunc orichalco vincta"); Plin. *H. N.* xxxvii. § 126; Stat. *Theb.* x. 660 (arms of orichalcum); Suet. *Vitell.* 5 ("Proque auro et argentum stannum et aurichalcum supposuisse"), &c.

(For copious references to ancient and modern writers on the subject, see Rossignol, *Les Métaux dans l'Antiquité*, Paris, 1863; and Blümner, *Technologie*, iv. p. 91; p. 192, note 4; and p. 193 ff.) [W——K W——H.]

ORIGINA'RII. [COLONI, Vol. I. p. 472 *a*.]

ORNAME'NTA TRIUMPHA'LIA. [TRIUMPHUS.]

ORNA'TRIX. [COMA.]

ORNI'THON. [AGRICULTURA, Vol. I. p. 80.]

O'RPHICA. Whatever is to be said in any summary of the Orphic doctrines must start from Lobeck's great section on the subject in his *Aglaophamus* (233–1104). Like the Phanes of the Orphic legend, he must be absorbed by any one who coming after him essays, however feebly and imperfectly, to play the part of the ordering Zeus.

1. *Orpheus.*—In early times, the difference between prophet or poet and priest hardly existed, so that it is not surprising that the Thracian Orpheus, who is so well known as a poet, should appear also as a priest. An important passage of Aristophanes (*Ran.* 1032) says that what Orpheus gave the Greeks towards civilisation was τελεταὶ φόνων τ' ἀπέχεσθαι. But far more in later times came to be attributed to him; viz. the invention of writing, music, medical art, oracles, heroic versification, and other things (Lobeck, 233–243). But it was chiefly as the founder of a mystic brotherhood that he was known. The first mention of him is in Ibycus, 530 B.C. (Bergk, iii. p. 241); but already to Pindar (*Pyth.* 177) he was of older date than Homer, and from the position assigned to him in the passage of Aristophanes cited above the comic poet would seem to have held the same opinion; indeed this belief was so strong that Herodotus (ii. 53) felt called upon to express his entire dissent from it. We have shown in ELEUSINIA that, during the seventh and sixth centuries B.C., there was a great influx into Greece of Thracian and Oriental worships (cf. Lobeck, 304 ff.), consisting of purificatory and mystic rites—which were all quite foreign to the ordinary Hellenic ideas. For example, the ancient Scholiasts (see Schol. Venet. on *Il.* xi. 680) did not fail to notice that there was no trace of purification for murder in Homer. The earliest instance of such is in the *Aethiopis* of Arctinus, wherein Ulysses purifies Achilles for the murder of Thersites (cf. Grote, i. 25). Now it was round the name of Orpheus that these Thracian and Oriental ideas clustered; he was held to be the founder of the sect, and as time

went on and as it grew in importance, he came to be considered the actual author of the various works written by the members of the sect,—in fact, "eine litterarische Collectivperson," as Preller puts it; and so Aristotle (Cic. *N. D.* i. 38, 107) and a grammarian Dionysius (Suid. *s. v.* Ὀρφεύς) could boldly declare that Orpheus never existed at all; and again others could say that there were two, three, or even six Orpheuses (Lobeck, 351–357). But the sect continued to exist, and did not fail to make its mark in classical Greek times; it continued during the Alexandrine era on into Roman times, gradually gathering round it all sorts of accretions, superstitions without number, and every kind of nonsense in its speculations, which was, however, allegorised away into metaphysical conceptions, till in the third and fourth centuries A.D. it was the Orphic theology and the Orphic life that made the last intellectual struggle against the victorious doctrines of Christianity. It was a recognised theory that all the philosophers had derived their systems from the Orphic school, and even at the Renaissance there were the most extravagant views held of this fount of original wisdom (Lobeck, 407–410). Let us see then, firstly, what the Orphics practised.

2. *The Orphic Life.*—That this was the regular expression is plain from Plato (*Legg.* vi. 782 D). It enjoined abstinence from certain foods,—meat, fish, beans (ἴσον τοι κυάμους τε φαγεῖν κεφαλάς τε τοκήων, as the precept ran) —possibly on account of beans being used at funerals, and on the same ground the votaries appear to have abstained from eggs (Lobeck, 254, 477); they used to wear white garments (Eur. *Frag. Cretens.*—"luculenta vitae Orphicae descriptio," *ib.* 622), but were not allowed to use linen clothes either during religious worship nor as a winding sheet for the corpse—all this on account of certain religious reasons set forth in the Orphic books (cf. Herod. ii. 81). No bloody sacrifices were allowed (Plat. *l. c.*; Plut. *Conviv. Sept. Sap.* 159, 20), for transmigration of souls was a cardinal feature of their doctrine. They believed in the original sin of man, sprung as he was from the ashes of the Titans, and that the human soul passed from one body to another—that is, from one charnel-house to another (σῶμα, σῆμα)—till the ingrained taint was washed out and the purified soul was translated to the stars. We can hardly help feeling a connexion between this doctrine and the Buddhist passage from Sansara to Nirvana. Besides, there was specially the taint of guilt in certain families (cf. Plat. *Phaedr.* 244 E); purifications were absolutely necessary for such (Diog. Laert. viii. 33), and purifications according to Orphic rites of course alone availed. Here came the scandal in the eyes of the ordinary Greeks, especially as a certain class of religious beggars, called Orpheotelestae or Metragyrtae or some such title bespeaking their foreign ritual, went about with an ass carrying their sacred utensils (ὄνος ἄγων μυστήρια, Aristoph. *Ran.* 159), with great strings of books (βίβλων ὁρμαθόν), promising expiations from crimes both for those alive and for the dead by "certain sacrifices and pleasurable amusements," and otherwise trading on the superstitious feelings of the community (Plat. *Rep.* ii. 364 B). Paradise was open to the true votary if he performed the true ceremonial, and a precious paradise it sometimes was—perpetual drunkenness (*ib.* 363 C; Plat. *Comp. Cimon. et Lucull.* 1; Lobeck, 807). But there was no lack of votaries among the superstitious: the δεισιδαίμων of Theophrastus (xvi.) goes with wife and child once a month to an Orpheotelestes. The Phrygian worship of Sabazius, too, was full of purifications and superstitious magic; it was celebrated with great wildness both of grief and horror, and thus, highly ecstatic in its nature, was much affected by women and the lower orders (Aristoph. *Lys.* 388)—in all which points it is very similar to Orphic rites (Lobeck, 695). Priestesses appear to have played an important part (cf. Menand. *Frag.* 530, 21, Kock); they were called περιμακτρίαι or ἐγχυτριστρίαι (Schol. Aristoph. *Vesp.* 289). A priestess called Ninus was put to death for magic (Schol. on Dem. *Fals. Leg.* 431, § 281); and Aeschines's mother, Glaucothea, officiated at most vulgar Sabazian ceremonies, according to Demosthenes (*de Coron.* 313, § 259; Lobeck, 646 ff., 652 ff.). Then, too, there were the Corybantes, who were supposed to cause madness (Eur. *Hipp.* 142), which was cured by exorcisings and purifications according to the rites of these divinities (Schol. on Aristoph. *Vesp.* 119), rites which consisted of elaborate ceremonies, with ecstatic dances and clashing of cymbals round the patient, who sat enthroned (θρόνωσις, θρονισμός) in the midst of those officiating (Plat. *Euthyd.* 277 E; *Legg.* vii. 790, 791; Lobeck, 116, 640 ff.). The anxious ceremonial of the genuine Orphics, their abstinences and fastings, their scrupulousness about clothes and so forth, made them appear all of a piece with these pettifogging impostors, and so utterly contemptible in the eyes of the strong-minded Athenian man of the world (cf. the speech of Theseus in Eur. *Hipp.* 952). This genuine Orphic life, however, which was practised by an ascetic religious brotherhood, must not be charged with all the excesses of the impostors who traded on its name, nor with the calumnies which the ordinary pleasure-loving Greek was only too ready to fling against it. It does not appear to have made any mark that we can appreciate till the Pythagorean brotherhood broke up in Italy. This was an ascetic religious society, very similar in some points to the Orphics; and accordingly the scattered Pythagoreans joined naturally to the Orphics, and introduced into their doctrines the more highly-developed speculative principles which their master had taught them: and we take it that it was this influx of Pythagorean members that gave the most important impetus to the development of Orphic doctrine and increased prominence to the Orphic life. To the Orphic speculations we now turn.

3. *The Orphic Authors generally.*—Before the Pythagorean league was broken up, during that period at Athens after the murder of Cylon when the Athenian people were a prey to religious terrors and recourse had to be taken to various foreign methods of purification, it was only natural that the Orphic religion should appear. Onomacritus, who lived at the court of Pisistratus, was a χρησμολόγος and διαθέτης (arranger and editor) of the Oracles of Musaeus (Herod. vii. 6). He performed the same office for the works attributed to Orpheus (Tatian,

adv. Graecos, xli. 275, p. 885 Migne; Clem. Alex. *Strom.* i. 332, Pott), but at the same time he forged several works and attributed them to the names of Orpheus and Musaeus, which must have been venerable at the time (Herod. *l. c.*; Plut. *Pyth. Resp.* 25; Paus. i. 22, 7; Suidas, *s. v.* Ὀρφεύς). So Aristotle always speaks of τὰ καλούμενα Ὀρφέως ἔπη, τὰ Ὀρφικὰ καλούμενα ἔπη, and such like (Lobeck, 339). A celebrated passage in Pausanias (viii. 37, 5) shows that we are to attribute to Onomacritus the introduction of the Zagreus legend (see below, § 6). Pherecydes of Athens (Suid. *s. v.*) is also credited with the same functions as Onomacritus. Then, after the Pythagorean influence became predominant, we have writings from men called Cercops, Brontinus, Zopyrus, Persinus, from a woman Arignote, and many other Pythagoreans. The Orphic poems gained considerable popularity and were recited by the rhapsodists at the public games (Plat. *Ion*, 536 B), but it was specially by the priestly family of the Lycomidae that the Orphic *ritual* was used (Paus. ix. 27, 2; 30, 5); they introduced Orphic speculations and rites into the Eleusinian worship [ELEUSINIA]. The Peripatetic Eudemus did good service in collecting and editing an Orphic theogony, and we hear of one Epigenes occupying himself with the grammar and criticism of the Orphic poems (Lobeck, 340). For the long succession of writers who busied themselves with Orphic treatises, it will be sufficient to refer to Lobeck, 341–347, and to point out the goodly collection of them there was in Neo-Platonic times. Then we find Charax, Syrianus, and Hierocles occupied chiefly in harmonising Orpheus, Pythagoras, and Plato, and one Asclepiades actually writing a Harmony of All the Theologies (τῶν θεολογιῶν ἁπασῶν τὴν συμφωνίαν), though this was mere child's play compared with later Byzantine efforts (Lobeck, 346). But we must come to the actual writings attributed to Orpheus.

4. *The Orphic Literature specially.*—Preller (in Pauly, iv. 999) divides the Orphic literature into (1) Theological, (2) Liturgical, (3) Theurgical—an excellent division, which introduces order into the chaos of the catalogues given by Clement (*Strom.* i. 397) and Suidas (*s. v.* Ὀρφεύς). This classification we shall follow, giving up any pretence, except in a very few cases, of attempting to discover who were the actual authors of the separate works.

i. *Theological.*—(1) *Theogonia* or *Theologia* (see § 5). (2) Κρατῆρες (there were two works, a greater Crater and a less)—a title taken from the two mixings in Plato wherein the Deity constructed the universal soul and the individual souls, according to Lobeck, p. 736, though his reasons are not very plain. The fragments of the work only speak of the Unity of the Gods (*ib.* 731, 735). (3) Φυσικά, attributed to both Brontinus and Onomacritus, treats of how the individual soul is breathed into or inhaled by the body, after having been carried thereto by the winds (cf. τὴν ψυχὴν ἐκ τοῦ ὅλου εἰσιέναι ἀναπνεόντων, φερομένην ὑπὸ τῶν ἀνέμων, Aristot. *de Anim.* i. 5, 13). The guardians of the winds, or the winds themselves, are called Tritopatores, whatever be the true interpretation of that word, perhaps that they are our ancestors (τρίτοι πάτερες, *proavi* in the general sense of "ancestors"): for further, see Lobeck, 753–773, especially 763. Here, too, may have come in the wide-spread theory of the transmigration of souls, of the circle of births which it should be our aim to get free from: κύκλου τ' αὖ λῆξαι καὶ ἀναπνεῦσαι κακότητος (*ib.* 800). (4) Ἱεροὶ λόγοι—besides the Theogony, which is often so styled (*ib.* 508), there were certain treatises under this name on the mystic import of numbers in Pythagorean style. Pythagoras wrote ἱεροὶ λόγοι in prose on this subject, but he acknowledges his obligations to Orpheus (*ib.* 717, 725, 726). (5) Τριαγμὸς may be mentioned here, a work on the number Three, in prose, and therefore not written by an Orphic, but by Ion the tragedian, or perhaps Epigenes (*ib.* 388). (6) Κατάβασις εἰς Ἅϊδου—concerning the descent of Orpheus to Hades to recover Eurydice, ascribed to Prodicus. It seems to be older than Plat. *Symp.* 179 D; Eurip. *Med.* 557. The detailed description of Hades attributed to Orpheus doubtless came in here (Diod. i. 96; Lobeck, 811, 812). (7) Διαθῆκαι (cf. Justin, *Cohort.* 15) was the testament of Orpheus to Musaeus. It is a sort of palinode in that he reduces the 360 gods he had formerly allowed back to *one* god (Lobeck, 364). See an extensive fragment on this subject in Hermann's *Orphica*, p. 447, and much the same poem, only lengthened, on p. 450 ff. It was written by Alexandrine Jews, as the plain allusions to Abraham and Moses show. On the monotheism of the mysteries, see, besides Lobeck, 460–5, some remarks in MYSTERIA. (8) Δίκτυον appears to have had reference to the formation of the human frame, which is compared to the weaving of a net (Aristot. *de Generat. Anim.* ii. 1 = 734 a. 20, Lobeck, 381). (9) Κτίσις κόσμου: geographical. (10) Πέπλος, attributed to Zopyrus or Brontinus (Suid. *s. v.* Ὀρφεύς), seems to have been a treatise on cosmogony, πέπλος being the heavens (cf. Psalm civ. 2, "who stretchest out the heavens like a curtain;" also Pherecydes, Ζᾶς ποιέει φᾶρος μέγα τε καὶ καλὸν καὶ ἐν αὐτῷ ποικίλλει γᾶν τε καὶ Ὠγῆνον καὶ Ὠγήνου δώματα). (11) περὶ σεισμῶν, also attributed to Hermes Trismegistus; but as a portion of a verse is preserved, it is best to give it to an Orphic source, as Hermes wrote in prose. (12) Ἀργοναυτικὰ (still extant) was written in late Christian times, and was an effort to dress up Greek mythology on Orphic principles. (13) Τελεταί, composed by Onomacritus (Suidas, *s. v.* Ὀρφεύς). Of its contents we know nothing for certain. Schuster (*De veteris Orphicae Theogoniae indole atque origine*, p. 54) thinks that it was probably in this work that Onomacritus published the Zagreus legend.

ii. *Liturgical.*—(1) Ὕμνοι to the gods (cf. Paus. ix. 27, 2; 30, 5). They were φυσικοὶ ὕμνοι, τίς ἡ τοῦ Ἀπόλλωνος φύσις, τίς ἡ τοῦ Διὸς παρατιθέμενοι, as Menander, *de Encom.* ii. 30, says; and he justly considers them liable to parody (cf. Lobeck, 390, 745 f.), and they were parodied by the New Comedy. In one of them the Sun is said to be father of everything (Macrob. *Sat.* i. 23, 22). They were composed by one man, in late Christian times, who had some knowledge of the old poets and of mystic theology. The Neo-Platonists do not use them, though they might have, to support their θεοκρασία and extensive allegorising. These hymns are first mentioned in the 12th cent A.D. The

elaborate proof of these conclusions by Lobeck is one of the finest arguments in the *Aglaophamus* (389–410). (2) Θρονισμοὶ μητρῷοι καὶ βακχικά —prayers and hymns sung at the θρόνωσις of votaries in the worship of Cybele and Bacchus: similar to those used in the worship of the Corybantes, § 2. (3) Ὄρκοι. A few lines of this poem referring to the Mosaic cosmogony are found in Justin, but they are also attributed to Hermes Trismegistus (Lobeck, 737, 738). (4) Σωτήρια — prayers and thanksgivings for safety, attributed to authors called Timocles or Perginus (*ib.* 383). (5) Ὀνομαστικά, lists of names of the gods, sometimes with interpretation, possibly like the lists in the Κρατήρ (*ib.* 731), or the various names of one and the same god, as in Ov. *Met.* iv. 11 ff. (6) Νεοτευκτικά, forms of service for the dedication of temples (*ib.* 375). (7) Θυηπολικόν. This was perhaps one of the kind of books the Orphic impostors used to carry about (§ 2).

iii. *Theurgical.* (1) Ἔργα καὶ ἡμέραι. These were really separate works at first. That called ἔργα is also called περὶ γεωργίας, and Lobeck (414–5) quotes some verses from it. This poem has been supposed by Tyrwhitt to have been the same as the περὶ καταρχῶν of Maximus, the preceptor of Julian, but the fact is Maximus plagiarised from it (*ib.* 418–424). To it was added an astrological poem called Δωδεκαετηρίδες. The ἡμέραι is also called ἐφημερίδες, a kind of superstitious astrological diary (cf. Juv. vi. 569; Plin. *H. N.* xxix. § 9), treating of what days were lucky and what unlucky, concerning which Lobeck collects a vast mass of learning (428–434), and also of the days on which it was considered that the gods were born. (2) περὶ φυτῶν, βοτανῶν, φαρμάκων— concerning the healing properties of certain plants, animals and drugs, which degenerated into absurd magic. We also hear of books written by Orpheus called περὶ ἐπῳδικῶν καὶ μαγικῶν, and such like—Orpheus the poet and minstrel, who stayed rivers by his song, and with his lute made trees and the mountain tops that freeze bow themselves when he did sing, being transformed into Orpheus the magician (*ib.* 751–2). (3) Λιθικά, on the magical properties of stones. This poem is still extant (Hermann's *Orphica*, pp. 359–442). It was not known to Proculus. Suidas (*s. v.* Ὀρφεύς) says that a poem on this subject, called Ὀγδοηκοντάλιθος, was composed by Onomacritus, and included in his Τελεταί, and this is probable enough, as the virtue of rings is a very old superstition (cf. the story of Gyges in Plato; yet see Lobeck, 377). (4) Ἱεροστολιστικὰ and Καταζωστικά, concerning the dress and especially the girdles of the initiates and of the statues. Purple bands round the waist were essential in the Cabirian worship [CABIRIA]. Some verses are quoted in Macrob. *Sat.* i. 18, 22, describing the dress as having sun and stars represented on it, very much like the dress we should associate with a magician. Also some verses in Eusebius and Nicephorus (Lobeck, 728 ff.), concerning the special symbols or insignia to be put on statues; *e.g.* lizards round the statue of Hecate, just as the bow was the symbol of Apollo, and the winged sandals of Hermes. Such a statue was said to be συμβολικῶς ἱδρυμένον. For superstition in this direction, see Lobeck *l. c.* (5) Ἀμνοσκοπία (or ἀνεμοσκοπία), ὠοσκοπικά, and ὠοθυτικὰ treated, as their names indicate, of various kinds of divination (*ib.* 410).

5. *The Orphic Theogony.* — The multifarious theogonies which existed among the Greeks are very confusing, and their history has yet to be written, especially in the light of an extensive knowledge of Oriental literature. The philosophical value of these theogonies is that they, at any rate, asked the question of cosmogony. The not very definite evidences of an actual work, called Θεογονία, attributed to Orpheus, is given by Lobeck (367, 368). Under what are called the Orphic Theogonies, we have four, which must be mentioned separately.

(1) That systematised under the name of Eudemus, the pupil of Aristotle. It began with Night (ἀπὸ δὲ τῆς Νυκτὸς ἐποιήσατο τὴν ἀρχήν, says Damascius, *ap.* Lobeck, 488). Further than this we cannot go with certainty. We can neither with Zeller (*Die Philosophie der Griechen*, i. 99, Eng. trans.) infer from Plato (*Tim.* 40 D) that, according to Eudemus, "beside Night are placed Earth and Sky, both of which apparently proceeded from Night, as with Hesiod the Earth came forth from Chaos; Night being here substituted for Chaos. The children of Uranus and Gaea are Oceanus and Tethys"— this would be to beg the question that Plato used the Eudemian theogony. Nor suppose with Schuster (*op. cit.* p. 16 ff.) that the system of Eudemus which posits *one* first principle (cf. Aristot. *Met.* xii. 6, οἱ θεολόγοι οἱ ἐκ νυκτὸς γεννῶντες) is identical with that referred to by Lydus (*de Mens.* ii. 7) which posits *three*—viz. Night, Earth, Sky; however great may be the resemblance (cf. Lobeck, 494). This is well shown by Otto Kern, *De Orphei Epimenidis, Pherecydis theogoniis quaestiones criticae*, pp. 53–55).

(2) That given by Apollonius Rhodius (*Argon.* i. 494 ff.), where Orpheus is introduced as singing how Earth, Sky, and Sea were all commingled together in the beginning, but afterwards separated "by reason of destructive Strife" (νείκεος ἐξ ὀλοοῖο); how sun, moon, and stars got their fixed courses in heaven; how mountains arose and sounding rivers with their nymphs, and how all creeping things were produced. And in those primeval days did Ophion and Eurynome rule in heaven, till they were cast into the ocean by Kronos and Rhea, who ruled for a time over the happy gods the Titans (μακάρεσσι θεοῖς Τιτῆσιν), while Zeus was still a child and did not wield the thunderbolt. The first part of this cosmogony is unquestionably derived from Empedocles: the Sphairos being divided by Neikos is a cardinal point of his doctrine. But to whom the story about the rule of Ophion and Eurynome is due is not yet decided. Preller (*Ausgewählte Aufsätze*, ed. Köhler, p. 358) says Pherecydes, but this is most probably not the case: see Kern (*op. cit.* pp. 57–61, and chap. 3 on Pherecydes). Preller (*l. c.*) quotes a number of passages where allusion is made to this dynasty (Lycophr. *Alex.* 1192, and Tzetzes *ad loc.*; Schol. on Aristoph. *Nub.* 247, on Aesch. *Prom. Vinct.* 955; Lucian, *Tragopod.* 99 ff.). In Claud. *Rapt. Proserp.* iii. 348, Ophion is a giant.

(3) ἡ κατὰ τὸν Ἱερώνυμον φερομένη καὶ Ἑλλανικον, εἴπερ μὴ καὶ ὁ αὐτός ἐστιν (Damasc. *ap.*

Lobeck, 484). Zeller (*op. cit.* p. 103) shows that this Hieronymus was probably the Egyptian who was author of a Phoenician Antiquities (ἀρχαιολογία φοινικική), and mentioned by Josephus (*Ant.* i. 3, 6, 9), not the Peripatetic philosopher; and this is rendered almost certain from the fact that in much (*esp.* the notion of water and primitive slime at the beginning) this theogony agrees with the Phoenician cosmogonies (Schuster, *op. cit.* 90–98). He it was who probably attributed to Hellanicus a work of his own called Αἰγυπτιακά (Epictet. *Diss.* ii. 19, 14)—for there were many books on foreign nations which were falsely ascribed to Hellanicus—and both in the Αἰγυπτιακὰ and in the Phoenician Antiquities he may have expressed the same view of the Orphic theogony. This view posits water and primitive slime, from which came Earth by solidification. From these two, Earth and Water, comes a dragon with the heads of a bull and a lion, and between the two the visage of a god, and he had upon his shoulders wings, and his name was Never-Aging Time (Χρόνος ἀγήραος), and the same was Heracles. And with him did consort Necessity, and she was none other than the incorporeal Adrastea, who is spread abroad throughout all space and reacheth to the ends of the world, and she is both male and female. Then did Time generate a gigantic egg, and filled by the might of its generator it burst in twain, and its top was Heaven and its bottom Earth (Lobeck, 487). Again, there is mention of another god, though it is not plain whether he belongs to this theogony or not (*ib.* 486), and he was incorporeal, yet he had golden wings on his shoulders, and to his flanks were united heads of bulls, and on his head was a mighty dragon, like unto the manifold forms of beasts, and his name was Protogonos or Zeus or Pan, for he arranged the whole world. Not very different to this is—

(4) The theogony called that of *the Rhapsodists*, which was the one ordinarily in vogue, and which was regarded by both Christians and Neo-Platonists as the genuine Orphic theogony. This is important when we remember that they considered Orpheus as the real author of all the Greek mythologies and disregarded Hesiod (Lobeck, 466). Orpheus was supposed to have learned it from the Sun. According to it, Chronus is the first of all, and he produces Aether and Chaos, by the agency of which two he produces further a silver egg, from which bursts a god called Phanes or Metis or Ericapaeus, also called Protogonos and the cosmogonic Eros. This god contains the germs of everything, so is male and female, has the heads of numerous animals, and so forth. The upper part of the egg becomes Heaven and the lower Earth. Phanes then proceeds to create the Sun of the natural world, and afterwards the Moon with its mountains and cities and palaces (Lobeck, 499). From himself Phanes produces Night, and afterwards a horrid monster called Echidna: from Night Phanes begets Uranus and Gaea. Then follow the generations of these two, pretty much the same as in Hesiod,—the Parcae, Centimani, Cyclopes, Titans, till Cronus dethrones Uranus and later Zeus dethrones Cronus. Then it is that Zeus devours Phanes, and so becomes the sum of all things, but only that he may once more reproduce them in accordance with the dictates of Justice (Δίκη). Then follow accounts of a few of the other gods—Apollo, Athena, Aphrodite, and others, though often with considerable blending of the gods together, —*e.g.* Demeter and Rhea; Persephone, Artemis, and Hecate. But the chief story in this part of the theogony is that of Zagreus, which we reserve for the next section.

It would be trifling to inquire whence came the very obvious idea of the world-egg, whether it was derived from the Semites, whether it was an old Aryan idea or was arrived at independently by the Greeks (Lobeck, 476). As to the derivation of the name Ericapaeus, *quot etymologici tot sententiae.* Delitzsch says it is a Semitic name, *Arik Anpen* (אֲרִיךְ אַנְפִּין), "long-visaged," the first of the ten Sephiroth; so too Schelling, that he is *Erek Appayim* (אֶרֶךְ אַפַּיִם), "long-suffering." Zoega, from Egyptian roots *eri* and *keb*, and that it means "the multiplier;" for Malela interprets him as ζωοδότηρ. Göttling thinks of ἔαρ and κάπυς, the breath of vernal winds; Visconti, of ἔρι and κάπτειν, the fierce devourer (though it is he who is devoured); while Kern (p. 22) with great complacency assures us that he was so called because he was devoured in the morning, just as Eos is called ἠριγένεια, because she is early born. Here again, though for other reasons, we think *quaerere ludicrum esse.* Phanes appears to have been interpreted by the Platonists as the Sun of the intelligible world, creator of the Sun of the natural world, and so the name of Dionysus is given to both (Lobeck, 499). We pass on to Night, who is the Orphic Night, a venerable goddess, the nurse of Cronus, a prophetess, the avenger of the crimes committed by Cronus, the guide of Zeus in the ordering of the world, she who prompts him to devour Phanes, &c.—quite different from the mere personification of the time of darkness in Hesiod. This is well developed by Kern, pp. 17–19, as also his proof (29–31), quite certain, that Echidna was not, as Lobeck supposed (493), another name of the Orphic Night, who was not a monstrous divinity at all, and had no likeness to a serpent. The swallowing of Phanes is the great feature of the Orphic theogony: it leads to the numerous pantheistic hymns in the Orphic collection (cf. Lobeck, 519 ff.).

The lateness of the theogony "according to Hieronymus" is proved by Zeller (*op. cit.* p. 101) with cogent arguments. It must be later than the syncretism of the Stoics. The symbolism so highly developed, the abstract ideas (Time, Necessity), the distinction of corporeal and incorporeal, the spreading of Adrastea through the world, like that of the Platonic world-soul, the pantheistic conception of Zeus—all point to a late origin: and Kern urges that it is much later than the theogony of the Rhapsodists and was borrowed from them. The latter is comparatively plain and simple, the former a medley of philosophical and theological ideas, collected from all sides and run pell-mell together. Why has Chronus-Heracles his multiform attributes? —he does but produce an egg (27): if Earth is solidified from mud, why is the egg introduced at all (28), and why is a regress made from Earth to Chaos (32)? and why is Adrastea, who does nothing, given as a consort to Chronus?

The simpler legend, Kern says (28), is obviously the more ancient. But we cannot follow Lobeck (611) and Kern (35 ff.) in supposing that the theogony of the Rhapsodists was known to Plato, and is to be referred to the age of Onomacritus. Zeller's arguments (*op. cit.* 105–108) to prove that this theogony is later than the syncretists appear to us to have great weight. He urges against Lobeck: (*a*) That the first definite evidence of this theogony appears in the Pseudo-Aristotelian treatise *De Mundo*, c. 7; Plato, *Legg.* iv. 715 E, proves nothing [see MYSTERIA]. (*b*) Plato in *Symp.* 178 B does not mention Eros-Phanes of Orpheus as proof of the antiquity of Eros. (*c*) The Aristotelian evidence, *Met.* xiv. 4 (Οἱ δὲ ποιηταὶ οἱ ἀρχαῖοι ταύτῃ ὁμοίως ἢ βασιλεύειν καὶ ἄρχειν φασὶν οὐ τοὺς πρώτους οἷον νύκτα καὶ οὐρανὸν ἢ χάος ἢ ὠκεανὸν ἀλλὰ τὸν Δία), only points to Eudemus's theogony. (*d*) Apollonius would have hardly made Orpheus sing what was quite different to the ordinary received theogony. (*e*) The peculiar Pantheism points to a late origin: that Zeus is the ultimate origin and support of all things is quite different from supposing him the complex of all things. (*f*) The story of Phanes is an attempt to reconcile the idea of Zeus as the complex of all things with the mythological idea that he is the founder of the last generation of gods. (*g*) The Hesiodic myth of Zeus swallowing Metis is used in such a way that Metis is combined with the Helios-Dionysus of the earlier Orphic theology, with the creative Eros of the Cosmogonies, and with Oriental divinities into the form of Phanes. This could only have happened in the age of the syncretists. It may be perhaps a mere imitation of the theory that the Deity from time to time took all things back into himself, and again put them forth. Preller (in Pauly, iv. 999) sees evidences of Egyptising Gnosticism in it. Even though some of these arguments may be overthrown—as, for example, (*c*) on linguistic grounds by Kern (p. 56); and though such lines as the well-known ones of Aeschylus (or Euphorion), Ζεύς ἐστιν αἰθήρ, Ζεὺς δὲ γῆ, Ζεὺς δ' οὐρανός, Ζεύς τοι τὰ πάντα χὠτι τῶνδ' ὑπέρτερον, have as pantheistic an air about them as one could desire—still the bulk of the arguments are untouched; and though it is true that the passages of Plato wherein this theogony is supposed to be alluded to (*Crat.* 402 B; *Tim.* 40 D; *Legg.* iv. 715; *Phaedr.* 248 C; *Phil.* 66 C; *Soph.* 242 D) are too vague to guarantee anything more than the barest probability, yet the absence of all allusion to Chronus, and to such striking features as the World Egg (though this may be alluded to by Aristoph. *Aves*, 695 ff.) and to Phanes, makes us pause before we can feel quite certain that Plato was acquainted with this elaborate story.

6. *The Zagreus-legend* is the most important feature of the later part of the Orphic theogony (Lobeck, 547–593). Zeus violates Proserpina (his own daughter by Deo or Demeter) under the form of a serpent. She bears Zagreus, "the great hunter," a mighty god with a bull's head, destined to become the king of Heaven, whom even as a child Zeus seated on his throne and entrusted with his thunderbolts. He appointed Apollo and the Curetes to guard the child. But Hera in jealousy urged the Titans against the god; who, after beguiling him with a mirror and other toys, slew him, though he resisted violently, cut him in pieces, boiled him, and finally ate him. His heart alone they left intact; it was taken up and preserved by Pallas. Hecate brings news of the murder to Zeus, who strikes down the Titans with his thunderbolt, and gives the heart to Apollo to bury at Delphi (cf. Aesch. *Eum.* 24). It was buried under the tripod (or, according to other accounts, under the omphalos), and from it rose again Dionysus in all his glory. There were probably mystic rites to Semele and Dionysus at Delphi (Lobeck, 619–20), but they are not recorded in any Orphic book. Other accounts tell that Zeus swallowed the heart dissolved in a drink, or gave the drink to Semele, who thereby conceiving bore the Theban Dionysus. From the blood of the Titans who ate Zagreus sprang men, who are as such mainly foes to the gods, but have also something Dionysiac and god-like in their nature, even as had the Titans (Dio Chrys. xxx. 550 R.). For further, see Lobeck, 567–8, though he thinks (580) that this may have been merely a poetical representation of an assumed relationship between men and gods.

This legend, certainly known to Callimachus (*Etym. M.* s. v. Ζαγρεύς), is attributed by Pausanias (viii. 37, 5) to Onomacritus. Nor is there any reason to question this statement. Well acquainted as he was with the Pythagorean philosophy, it was Onomacritus who did much to give expression and a kind of rational order to the wild and coarse fancies and practices which had been invading Greece for the previous century. For it is plain that this legend of the passion (παθήματα) of the god came from the East. There is a certain similarity between it and that of Soma in the Rig Veda (Maury, *Religions de la Grèce antique*, iii. 325), that of Osiris in Egypt, of Atys in Phrygia, and of Adonis or Thammuz in Phoenicia. Now by the time of the syncretists, from about the 3rd century B.C., all these Eastern religions had got blended together in the Greek mind. Clement (*ap.* Lobeck, 588) says that these Orphic rites of Zagreus came from Phrygia, and Lobeck seems to agree (cf. 655, "Itaque omnia eodem nos deducunt vestigia sacra Orphica a Phrygiis nihil diversa fuisse"). Diodorus says expressly (v. 75) that the Cretans were the first who gave Dionysus as son to Proserpina, though indeed Cretan and Phrygian forms of worship were so confused in his mind that he actually says (iv. 4) the Cretan Dionysus was called Sabazius (Maury, *op. cit.* 328). Yet confirmatory evidence of its Cretan origin can be seen by the Chorus in the *Cretans* of Euripides (cf. § 2). Lobeck (624) is perhaps too cautious in thinking that this is no evidence: a poet would naturally choose the chief votaries of a divinity as the characters into whose mouth to put an account of that divinity's ritual. Now the Cretan religion was mainly Phoenician (Movers, *Die Phönizer*, i. 27–32), and it is from them that we may principally derive the story of Zagreus. For further evidence on this point, see Fr. Lenormant in the *Gazette Archéologique* for 1879, pp. 22, 23, 34. But the rites of Zagreus became blended with ecstatic rites of Dionysus, introduced from Thrace, where the worship of Dionysus was indigenous (Herod. v. 7, vii. 111; Grote, i. 23 ff.), and from whence the Dionysic worship originally came into Greece.

In this legend Zeus and Zagreus are considered as Chthonian gods, Zagreus being sometimes said to be the son of Hades, sometimes Hades himself (Lobeck, 621). Cicero says he was son of Jupiter and the Moon (*Nat. Deor.* iii. 23, 58): cf. Diodorus (iii. 73), who says Zeus and Io were his parents. Lenormant (*op. cit.* p. 19), after Maury (p. 323), sees in him a personification of the vital force in nature. Hence his title *πρωτόγονος* in the Orphic Hymn (xxx. 2), his many names, and many forms (xlvi. xlvii.), and that he unites the attributes of the Hellenic Zeus and the Thracian Sabazius. But we must recollect that he is always called Dionysus, never Sabazius, in Orphic works (Lobeck, 621). As to the date of the introduction of the Zagreus legend into Greek ritual, Lenormant (*op. cit.* 23) places it at the time when Clisthenes substituted the recitations of the passion of Dionysus for that of Adrastus, himself an heroic personage, representing a divine Adrastus, who virtually is identified with Adonis (cf. Apoll. iii. 6, 1; Hygin. *Fab.* 69; and Maury, iii. 327, cf. p. 197). When the Orphic doctrines insinuated themselves into the Eleusinian mysteries, Zagreus came to be identified with Iacchus [ELEUSINIA]. A cardinal feature of this Zagreus worship was the *ὠμοφαγίαι* (Eur. *Bacch.* 139), which point distinctly to savage rites, and do not harmonise at all with the purer and higher Orphic life which abstained from all live creatures, though Euripides (*l. c.*) and Plutarch (*Symp.* viii. 8) and Porphyrius (*V. P.* ii. 28, *γευσάμενοι μόνον πρὸς ἀληθείαν ἄθικτοι τῶν λοιπῶν ἐζων*) seem to think they do (Lobeck, 623). That the sacrifices were originally human (cf. Porphyr. *Abst.* ii. 55), and that the remembrance thereof was not entirely extinct in 480 B.C., is proved by Themistocles's sacrifice of three Persian prisoners to Dionysus Omestes (Plut. *Them.* 13), but later they were replaced by the lower animals. Thus Dionysus was called *Ταυροφάγος* and *Μοσχοφάγος* (Soph. *Frag.* 602, ed. Nauck, Schol. *ad* Aristoph. *Ran.* 357). Sacrifices called *ὠμοφαγίαι* were also celebrated at Chios, Lesbos, Tenedos, and, as originally, at Crete. (Porphyr. *l. c.*; Clem. Alexandr. *Protr.* ii. 36, Pott.; Ael. *V. H.* iii. 42, *Nat. Anim.* xii. 34; Firmic. Matern. p. 9.) The rite was supposed to be a representation of Zagreus himself, torn in pieces by the Titans (cf. Schol. on Clem. Alex. iv. p. 119, ed. Klotz, *ὠμὰ γὰρ ἐῖσθιον κρέα οἱ μυουμένοι Διονύσῳ, δεῖγμα τοῦτο τελούμενοι τοῦ σπαραγμοῦ ὃν ὑπέστη Διόνυσος ὑπὸ τῶν Μαινάδων*—the last words showing a strange confusion of Zagreus and Orpheus. A vase from Vulci gives scenes from the *ὠμοφαγίαι*: and these as well as many other vase-pictures bearing on the Zagreus legend are described by Lenormant (*op. cit.* 24–37). Plato (*Legg.* ii. 672 D) thinks that perhaps the whole story may have arisen from the natural inclination of the undeveloped mind to excited dancing, wild shouting, and generally mad behaviour, and as a subject for such indulgences feigned the passion of the god. This is a very prosaic theory, but we think as near the truth as the unsatisfactory allegorising and symbolising which the later Greek authors applied to the whole story; some (rationalists) supposing that it represented the cultivation of the vine, its pruning, and the pressing of the grapes; others (metaphysicians) seeing therein the necessary discerption of the divine element when it enters into matter (*τὴν θείαν δύναμιν μερίζεσθαι εἰς τὴν ὕλην*); while again the more religious section, such as Plutarch, saw in it a symbol and a testimony of the rebirth of the soul (*μῦθος εἰς τὴν παλιγγενεσίαν*): cf. Lobeck, 710–714.

Besides Lobeck, the following are a few of the works on the Orphic doctrines:—Zoega, *Ueber den uranfänglichen Gott der Orphiker*, in his *Abhandlungen*, 211–265; K. O. Müller, *Prolegomena zu einen wissenschaftlichen Mythologie*, pp. 369–379; Preller in Pauly, s. v. *Orpheus*; Schömann, *Griechische Alterthümer*, ii. 370–377; Gerhard, *Ueber Orpheus und die Orphiker*; Maury, *Les Religions de la Grèce antique*, iii. 300–337; Zeller, *Die Philosophie der Griechen*, i. 83–108, Eng. trans.; P. R. Schuster, *De veteris Orphicae Theogoniae indole atque origine*; Otto Kern, *De Orphei Epimenidis Pherecydis theogoniis quaestiones criticae*, 1–61; Fr. Lenormant, in the *Gazette Archéologique*, 1879, 18–37.

[L. C. P.]

ORTHODO'RON. [MENSURA, p. 161.]

OSCHOPHO'RIA (*ὀσχοφόρια* or *ὠσχοφόρια*), an Attic festival, which as a vintage festival paid honour to Dionysus and Athena, the givers of wine and oil, and at the same time honoured the memory of Theseus, and according to some of Ariadne also (Plut. *Thes.* 23). The time of its celebration was the 7th and 8th of the Attic month Pyanepsion (Plut. *Thes.* 22). It is said to have been instituted by Theseus. Its name is derived from *ὦσχος*, *ὄσχος*, or *ὄσχη*, a branch of vines with grapes, for it was a vintage festival; and on the day of its celebration two youths, called *ὀσχοφόροι*, whose parents were alive, and who were elected from among the noblest and wealthiest citizens (Schol. *ad* Nicand. *Alexiph.* 109), carried, in the disguise of women, branches of vines with fresh grapes from the temple of Dionysus in Athens, to the ancient temple of Athena Sciras in Phalerus. These youths were followed by a procession of persons who likewise carried vine-branches, and a chorus sang hymns called *ὠσχοφορικὰ μέλη*, which were accompanied by dances (Athen. xiv. p. 681). In the sacrifice which was offered on this occasion, women also took part; they were called *δειπνοφόροι*, for they represented the mothers of the youths, carried the provisions (*ὄψα καὶ σιτία*) for them, and related stories to them. During the sacrifice the staff of the herald was adorned with garlands, and when the libation was performed the spectators cried out *ἐλελεῦ, ἰοὺ, ἰού* (Plut. *Thes.* 22). The ephebi taken from all the tribes had on this day a contest in racing from the city to the temple of Athena Sciras, during which they also carried the *ὄσχη*, and the victor received a cup filled with five different things (*πενταπλόος, πενταπλόα*, or *πεντατλῆ*), viz. wine, honey, cheese, flour, and a little oil (Athen. xi. p. 495). According to other accounts, the victor only drank from this cup. The story which was symbolically represented in the rites and ceremonies of this festival, and which was said to have given rise to it, is related by Plutarch (*Thes.* 22, 23) and by Proclus (p. 388, ed. Gaisford). (Compare Bekker's *Anecdot.* p. 318; *Etymol. Magn.* and Hesych. s. v. Ὦσχοι; Suidas, *s. v.* Ὠσχοφόρια and *ὠσχοφόρος*; Preller, *Griech. Myth.* i. 165; Bötticher, *Baumcultus*, p. 399; A. Mommsen, *Heortol.* p. 271.) [L. S.]

OSCILLA were small figures or masks, representing either the whole human figure or a part of it, generally the face, which is no doubt its original meaning, for we may assume the etymology to be a diminutive of *os*, "a face," through *osculum*. A less acceptable derivation is suggested from *Osci*, on the theory that the custom was derived from that nation—a theory which has no value except so far as it records a belief, that the custom was indigenous in Italy. These figures or masks were hung up as offerings in various ways, and in connexion with various rites. We may notice especially (1) the figures like woollen dolls hung up to Mania = Larunda, the Mother of the Lares [see COMPITALIA]. An account of this deity is given under the name Mania in the *Dictionary of Biography and Mythology*, but it must be observed that there is an error in the statement that these were figures of Mania, for which the authority of Macrobius (i. 7) is cited. Marquardt is undoubtedly right in saying that, in the passage "effigies Maniae suspensae," *Maniae* is the *dative*. The true account is that, as Mania and the Lares were invoked to protect the household, images of this sort, one to represent each member of the family, were hung up as propitiatory (or expiatory) offerings at the cross ways and at the house-doors (Macrob. i. 7, 34). These images were also themselves sometimes called *maniae*, not because they were figures of Mania, but because they were used in her worship. In some parts of Scotland (perhaps of England also?) there is or was not long ago a custom, possibly of similar origin, of hanging up in cottages wheat and oats from the last harvest-loads, tied up with ribbons into some sort of doll-shape and called "Maidens:" it may perhaps be a question whether this name signifies dedicated to the Virgin, or figures of maidens like the *pupae;* and again whether the custom dates since the introduction of Christianity or is an older pagan survival. One form of Roman oscilla was also called *pila*, as in the fragment *ap.* Non. p. 538, 14, "Suspendit Laribus manias, molles pilas;" and in Festus, "pilae et effigies muliebres ex lana compitalibus suspendebantur in compitis, quod hunc diem festum esse deorum inferorum, quos vocant Lares, putarent, quibus tot pilae quot capita servorum, tot effigies quot essent liberi ponebantur, ut vivis parcerent et essent his pilis et simulacris contenti." This passage has important bearing on the expiatory significance, of which more will be said further on, and it also suggests that the *pilae* were not, as Marquardt says, the same as *maniae*, but were a ruder sort of woollen bundle, perhaps signifying a human being, but not so carefully shaped—the use of these *pilae* stuffed with wool in the amphitheatre is well known—in the Compitalia then the members of the family are represented by *effigies* as oscilla, the slaves by the ruder *pilae*.

(2.) Oscilla were hung up at the Feriae Latinae, and we are told also that *oscillatio* (swinging) was a part of the ceremony. The explanations given are rather suspicious. In *Schol. Bob.* p. 256 we are told that there was a reminiscence of the fact that, the bodies of Aeneas and Latinus being undiscoverable, their *animae* were sought in the air. Festus (*s. v.*) says that swinging was called *oscillatio* because persons who indulged in "this sort of amusement" masked themselves "propter verecundiam." We may surmise that this was a comparatively modern addition, and that the swinging of the old religion was not of living persons amusing themselves, but of *oscilla*, which represented, as is explained below, rites of expiation and purification. If, however, from the first those who partook in the festival really did swing themselves (as some assert of the wholly distinct Greek festival AEORA), we may assume that the significance was still that of purification (as in Verg. *Aen.* vi. 740), and not that of a search after the bodies of Aeneas and Latinus.

(3.) The oscilla at the festival of Sementivae and in the country Paganalia are perhaps the best known, from the famous lines of Virgil (*Georg.* ii. 382–396). These masks or figures, whether in honour of Bacchus, Liber pater, or any deity connected with the fruits of the

Offerings at a rustic festival. From an ancient engraved cup. (Bötticher.)

earth, were hung upon the boughs of trees—not always the fruitful vine or olive, for Virgil speaks of a pine—offerings were made below, and songs were sung, like those of the Ambarvalia. The whole scene, as described in Virgil, appears very well in the representation on the onyx cup, figured above. It should be observed that though there can be little doubt that the oscilla here also, as in the festivals before mentioned, represented sacrifices, yet the custom had arisen of making the mask a face of the deity himself to whom it was offered.

(4.) On the Saturnalia presents were made of little pottery figures or faces (Macrob. i. 11, 1).

As regards the ordinary material of the oscilla, that depended no doubt on the wealth of the household: oscilla in marble and in pottery may be seen in the British Museum, the former with a metal loop for the suspension (the metal is ancient also), the latter with holes at the sides of the mask: but these durable oscilla were not the commonest: the epithet *mollia* in Virgil probably refers to the material. Surely we may reject the views cited by Conington *ad loc.*, that *mollia* = *mobilia*, or that it is "because of the beautiful, mild expression:" the expression of many of the oscilla in museums is neither one nor the other. Ladewig's suggestion that it means "waxen" is nearer the truth, and no doubt the ordinary mask-shapes were of wax, but many also were, as has been seen from the passage of Festus quoted above, figures of wool: the word *mollia* would express either: it is likely that wood also was a less common material.

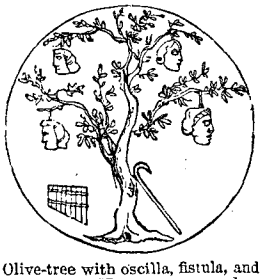
Marble Mask of Bacchus, in the British Museum.

The true significance is a more important point, and there can be no doubt that we have in these oscilla a relic of human sacrifice, either expiatory or propitiatory, or both together. This is stated distinctly by Macrobius (*l. c.*), who says that in the time of Tarquinius Superbus (the date is immaterial) human sacrifices were offered to the Lares and Mania, "ut pro capitibus capitibus supplicaretur: . . ut pro familiarum sospitate pueri mactarentur Maniae deae, matri Larum;" and he proceeds to say, that in later times the images hung up at each door sufficed instead "periculum expiare:" and the words of Festus, quoted above, show even more clearly the appeasing of a dreaded power by a simulated atoning sacrifice. The same substitution for human sacrifice appears in the rush images of the Argei thrown from the bridge [ARGEI; PONS], and in the customs and traditions connected with the somewhat similar Greek Aeora [AEORA], where no doubt the images swung represented atoning human sacrifices of earlier times. (It may be doubted, as in the Feriae Latinae, whether there was really originally any "swinging" at these rites except of these images.)

As Dionysus was in the older times propitiated by the real bodies sacrificed, life offered for life, so he was afterwards by the unreal, and this is precisely the view of Macrobius in the similar rite, "ut faustis sacrificiis infausta mutarent inferentes Diti, non hominum capita, sed oscilla ad humanam effigiem arte simulata."

We have then the propitiation by human sacrifice, once real and afterwards simulated, at festivals of Jupiter and of gods connected with death, Saturnus (to whom human sacrifice especially belonged, Lactant. *Inst.* i. 21, 6) and the Lares. Further, in the supplication of country or fruit-giving deities, we have a combination of several superstitions: we have the actual tree worship (on which see Bötticher, *Baumcultus*, passim) and the worship of the deities who presided over trees and crops in general, and could give or withhold the fruits; and there is moreover a double symbolism in the swinging images, not only the *symbolical* sacrifices for the *real* sacrifices, mentioned before (with which we may suppose the tree-divinities as well as the personal deities to have once been propitiated), but also a symbolical purification by air, which is the doctrine of Verg. *Aen.* vi. 640, "aliae panduntur inanes suspensae ad ventos:" on which Servius says that there are three modes of purification, "either by fire or water, or by air, which was the mode in the sacred rites of Liber;" that is, by the oscilla. [See also LUSTRATIO.] Hence the swinging images were a lustration of the crops, as well as a propitiation of the Powers, who could give fruitfulness, by an expiatory offering. If the actual swinging of those who partook in the festival was originally part of the Feriae Latinae and the Aeora, then there was also in them a symbol of purification by air; and, at least in the latter case, there was (as Bötticher remarks, citing Serv. *ad* Verg. *Aen.* xii. 603) a *parentatio*.

Whether the Italian rite was indigenous or borrowed from Greece, must be regarded as uncertain. Probus (*ad* Verg. *Georg.* l. c.) says that it came from Attica: at the same time there is so much suggestion of antiquity in the expiatory sacrifice to the Lares, that one is inclined to regard both this and the offerings to trees and gods of the country as older than the introduction of the Greek rites, and to think that the similarity with the Aeora is accidental. The hanging up of propitiatory offerings or thank-offerings in the form of waxen limbs, figures, &c., is common enough in many religions and many countries to allow such a coincidence. The chain of connexion afterwards with Liber, Bacchus, and the Aeora is easy; and it must be recollected that the oscilla, which we have surviving, represent not only Bacchus, but various rustic deities. It should be stated also that in the oscilla of collections there may be some confusion between the oscilla properly so called and representations of masks hung up by players in the festival, not as a symbolical sacrifice, but



Olive-tree with oscilla, fistula, and pedum. (From an engraved gem.)

merely as a dedicatory offering along with other articles used, such as a thyrsus or syrinx: we find also many discs with figures in relief; but though Böttticher treats these also as oscilla, it must be a question whether they are not merely offerings placed on the walls of shrines. The theory that the name *oscilla* could be applied to the heads of the sacrificed animals, hung up on the trees, is also put forward, but is hardly consistent with the precise definitions of the word which we have: we see them so hung in ancient works of art, and they may have been compared to oscilla (as in a passage cited by Böttticher), but the true oscilla were probably always manufactured.

In the illustrations given (1) is from an onyx-cup in the Paris collection; (2) is a marble oscillum of Bacchus in the British Museum (described in *Guide to Greek and Roman Sculpture*, 1873, Part ii. 131); (3) is from a gem (Maffei, *Gem. Ant.* iii. 64). (Marquardt, *Staatsverw.* iii.[2] 192, 200; Preller, *Röm. Myth.* 105, &c.; Böttticher, *Baumcultus der Hellenen*, pp. 80–91; Hermann, *Gr. Alt.* § 27.) [G. E. M.]

O'SCINES. [AUGUR.]

OSTIA'RIUM, one form of *Tributum Capitis* [see VECTIGALIA]. A tax imposed in Cilicia, Syria, and perhaps some other provinces, upon doorways, whose number was probably regarded as a sign of the value of the property. (Compare the English window-tax.) Nothing is known of the amount. The word *ostiarium* is found in Caesar, *B. C.* 3, 32. Cic. *Fam.* iii. 8, 5, speaks of *exactio ostiorum.* [F. T. R.]

OSTIA'RIUS. [DOMUS.]

O'STIUM. [JANUA.]

OSTRACINDA (*ὀστρακίνδα*), a game which Greek boys played as follows:—Two sets stand opposite, divided by a line drawn on the ground: a boy throws up a shell or a dish, white on one side and coloured black with pitch on the other, and each set of boys has one or other of these colours allotted to them. As he throws the shell, he calls *νὺξ ἡμέρα*: and if the white (*i.e.* day) side falls uppermost, the set which represents the day pursues, and the other set runs away; if the "night" side falls uppermost, the fugitives and pursuers are reversed. As soon as any boy is caught he is called *ὄνος*, and is out of the game (*ὄνος κάθηται*, Plat. *Theaet.* p. 146 A: see also BASILINDA). It is not precisely stated whether the game went on until all the fugitives were caught, nor whether there was a point of safety to be reckoned, but it is very likely that the game was played with varying rules at different times and places. It is not probable that there was the slightest political symbolism in the game, as Becq de Fouquières somewhat too fancifully suggests. The connexion of *ὀστρακίνδα* and *ὀστρακισμός*, as in Aristoph. *Eq.* 855, is merely verbal punning.

The expression *ὀστράκου περιστροφὴ* seems to have become proverbial for a turn of fortune: see especially Plat. *Rep.* vii. p. 521 C; where there is also an allegory formed from the idea of *νὺξ ἡμέρα.* The game itself supplies an allegory in Plat. *Phaedr.* p. 241 B. Our authorities for *ὀστρακίνδα* are Pollux, ix. 111; Eustath. *ad Il.* xviii. 543; Plato, Com. in Meineke, *Fr. Com.* ii. 2, 664: see also Becq de Fouquières, *Jeux des Anciens*, p. 79; Grasberger, *Erziehung*, p. 57; Becker-Göll, *Charikles*, ii. 37. [G. E. M.]

OSTRACISMUS. [EXSILIUM.]

O'STRACON (*ὄστρακον*). [FICTILE.]

OVA'TIO, a lesser triumph; the terms applied by the Greek writers on Roman history are *πεζὸς θρίαμβος*, *εὐαστὴς* or *εὔας θρίαμβος*. It was distinguished from TRIUMPHUS in the following particulars:—The general did not enter the city in a chariot drawn by four horses, but on foot; he was not arrayed in the gorgeous gold embroidered robe, but in the simple toga praetexta of a magistrate; his brows were encircled with a wreath not of laurel but of myrtle; he bore no sceptre in his hand; the procession was not heralded by trumpets, headed by the senate and thronged with victorious troops, but was enlivened by a crowd of flute-players, attended chiefly by knights and plebeians, frequently without soldiers; the ceremonies were concluded by the sacrifice not of a bull but of a sheep. (Plut. *Marcell.* c. 22; Dionys. v. 47; Gell. v. 6; Liv. iii. 10, xxvi. 21.) We must, however, reject, alike on the grounds of form and probability, the theory of Plutarch (and of some modern writers) that the word *ovatio* is derived from this sacrifice of an *ovis.* It cannot be said that the etymology is certain, but the most probable is that (which Fick holds) from a root *av*, which appears in *αὔω*, "to shout," &c.; hence the views of Festus that it came from saying repeatedly O! in gladness, and of Dionysius that it came from *εὖοι*, have at least an element of truth. At least we may surmise that the word *ovo* meant "to rejoice" before it was connected with sacrifice at all. Dionysius is mistaken in assigning a laurel chaplet to the conqueror on these occasions, since all the Roman writers agree with Plutarch in representing that the myrtle crown, hence called *ovalis corona*, was a characteristic of the ovation. (Festus, s. v. *Ovalis Corona*; Pliny, *H. N.* xv. § 125; Plut.; Gell. *ll. cc.*) Compare CORONA.

In later times, the victor entered upon horseback (Serv. *in* Verg. *Aen.* iv. 543), and the ovations celebrated by Octavianus, Drusus, Tiberius, &c., are usually recorded by Dio Cassius by a reference to this circumstance (Dio Cass. xlviii. 31; xlix. 15; liv. 8, 33; lv. 2).

Strictly speaking, neither a triumph nor an ovation was granted except to the victor in a *bellum justum:* that is to say, it could not be claimed upon the defeat of revolted citizens or slaves in a *bellum civile.* (Val. Max. ii. 8, 7, "neque *aut ovans*, aut curru;" Dio Cass. xlii. 18, 43; Tac. *Hist.* iv. 4.) This explains Lucan, i. 12, "Bella geri placuit nullos habitura triumphos." This rule held with regard to triumphs, but was relaxed for ovations from an early time, so that Gellius does not mention this as precluding an ovation (v. 6). Thus, for instance, M'. Aquillius had an ovation, *not* a triumph, after the Servile war B.C. 100 (Cic. *de Orat.* ii. 47, 195); see also the instance of Crassus below, and Octavian's two ovations for the civil wars, Suet. *Aug.* 22. (Cf. Mommsen, *Staatsrecht*, i.[3] 133.)

An ovation was granted when the advantage gained, although considerable, was not sufficient to constitute a legitimate claim to the higher distinction of a triumph, or when the victory had been achieved with little bloodshed, as in the case of Postumius Tubertus, who first

received this honour (Plin. *H. N.* xv. § 125); or when hostilities had not been regularly proclaimed (Festus, Gell. *ll. cc.*); or when the war had not been completely terminated, which was one of the ostensible reasons for refusing a triumph to Marcellus on his return from Sicily (Plut. *l. c.*; Liv. xxvi. 21); or when the contest had been carried on against base and unworthy foes: and hence when the servile bands of Athenion and Spartacus were destroyed by Perperna and Crassus, these leaders celebrated ovations only (Florus, iii. 19; Plin. *l. c.*; Gell. *l. c.*), although the latter by a special resolution of the senate was permitted to wear a laurel crown. [W. R.] [G. E. M.]

OVI'LE. [COMITIA, Vol. I., p. 508*a*.]

OU'SIAS DIKE. [ENOIKIOU DIKE.]

OXY'BAPHUM. [ACETABULUM; CYMBALUM.]

P.

PA'CTIO, PACTUM. [OBLIGATIONES.]

PAEAN, strictly a hymn relating to relief from plagues and sickness, but extended also so as to refer to safety from danger of any kind. No doubt it was originally connected with the ancient god of healing; in epic poetry Παιήων, but transferred to Apollo, who, as the god of light, among other attributes, took to himself the especial function of healing—it would be out of place here to discuss that point further: reference may be made to the *Dictionary of Mythology;* Preller's *Griech. Myth.* i. 212; A. Mommsen, *Delphica*, &c. In fact it follows the extended meaning of the personified Paean; under which name we find *Apollo* (Aesch. *Ag.* 146; Soph. *O. T.* 154); *The Sun* (Orph. viii. 12); Dionysus, and even Death as the deliverer from pain and disease (Eur. *Hipp.* 1373). It then became associated with victory, traditionally because it was the song of triumph for the victory of Apollo over the Python, which after all came to the same thing, if the Python symbolised deadly maladies: and hence, lastly, was sung before or after victories in general. With this agrees the statement of Proclus cited by Phot. p. 321, 11, εἶδος ᾠδῆς εἰς πάντας νῦν γραφόμενον θεούς, τὸ δὲ παλαιὸν ἰδίως ἀπενέμετο τῷ Ἀπόλλωνι καὶ τῇ Ἀρτέμιδι ἐπὶ καταπαύσει λοίμων καὶ νόσων ἀδόμενος. It should be noticed that the paean is a hymn (1) of supplication or propitiation during the pain or danger; (2) a thanksgiving after it is past. Of the first kind is the hymn in *Il.* i. 472, Soph. *O. T.* 5, and also the paean *before* the battle (Thuc. i. 50, iv. 96, &c.): of the second, the hymn *after* victory or deliverance (*Il.* xxii. 391). Though, however, it might be essentially a prayer, yet words and tune expressed, as Müller says, courage and confidence, even if the cure or the victory was still in anticipation. "All sounds of woe (αἴλινα) cease when Ie Paean is heard" (Callim. *Apoll.* 20). It was sung by several persons, one of whom probably led (ἐξῆρχε) the others, and the singers either sat at table (Plat. *Symp.* p. 176; Xen. *Symp.* ii. 1; Plut. *Conv.* 5), or marched onwards in a body, as the Cretans, after a happy voyage, at Delphi (Hom. *Hymn. Apoll.* 514). Hence the term among the Spartans παιὰν ἐμβατήριος, of the paean sung by those marching to battle (Plut. *Lyc.* 22). It was sung at festivals of Apollo, especially at the Hyacinthia (εἰς τὰ Ὑακίνθια ἐπὶ τὸν παιᾶνα, Xen. *Hell.* iv. 5, § 11; *Ages.* ii. 17), and was also sung from very early times in the temples of the god (Hom. *Hymn. ad Apoll.* 514; Eurip. *Ion*, 125, &c.).

In later times, paeans were sung in honour of mortals. Thus Aratus sang paeans to the honour of the Macedonian Antigonus (Plat. *Cleom.* 16); a paean composed by Alexinus was sung at Delphi in honour of the Macedonian Craterus; and the Rhodians celebrated Ptolemaeus I., king of Egypt, in the same manner (Athen. xv. p. 696, e, f). The Chalcidians, in Plutarch's time, still continued to celebrate in a paean the praises of their benefactor, Titus Flaminius (Plut. *Flam.* 16).

The practice of singing the paean at banquets, and especially at the end of the feast, when libations were poured out to the gods, was very ancient. It is mentioned by Alcman, who lived in the 7th century B.C. (Strabo, x. p. 482). (Müller, *Hist. of Greek Literature*, p. 27; Bode, *Gesch. der lyrisch. Dichtkunst der Hellen.* vol. i. pp. 9 ff.) [L. S.] [G. E. M.]

PAEDAGO'GIA. [PAEDAGOGUS.]

PAEDAGO'GUS (παιδαγωγός), a slave, to whose care in an Athenian family the sons of the house were committed when they reached the age of six. His duty was rather to guard them from evil, both physical and moral, than to instruct them, though it is probable that before they went to school he gave some home instruction, as did the paedagogi at Rome: this is indicated by Plutarch, when he calls Phoenix the paedagogus of Achilles (*de Educat. Puer.* 7). His chief duty, however, was to accompany them to and from the school, the gymnasium, and out of doors generally: he was responsible for their safety and for their avoidance of bad company (see Plato, *Lysis*, p. 223; Aeschin. *c. Timarch.* § 10). It is probable that he sat with them in the schools; and though it is not certain, it is on the whole most likely that the seated figures with sticks in the Duris vase (shown on page 96) are paedagogi (see Blümner, *Privatleben*, p. 221). Usually they are represented as wearing a short-sleeved chiton, and a small rough himation, bearded, and holding a walking-stick with a crook. (See woodcut under FUNUS, Vol. I. p. 886.) Further account of their duties is given under LUDUS LITTERARIUS, p. 95. We gather from Plutarch (*l. c.*) that in most, or at least in many, households those slaves who were no use for anything else were employed as paedagogi; a carelessness of which he disapproves as much as Tacitus does of something similar at Rome (*Dial.* 29). This was, however, perhaps a bad fashion of later times. We should gather from Plato's manner of speaking about them that they were trustworthy; and it seems best to assume that, in the better age and in well-ordered houses, they were trusted servants (cf. Herod. viii. 75), who were sometimes retained when they grew old as faithful attendants on the ladies of the family. This view is given especially by Euripides, who (as Mr. Verrall remarks on *Med.* 49) assigns a

more conspicuous and honourable part to slaves. (See the plays *Medea*, *Phoenissae*, *Ion*, and the *Bacchides* of Plautus, and notice especially the expressions in *Ion*, 853 ff.) Being slaves, they were of course foreigners, Thracian (Plato, *Alcib.* i. p. 122 B) or Asiatic, and therefore speaking Greek with a foreign accent (*ὑποβαρβαρίζοντες*, Plato, *Lysis*, l. c.).

At Rome the custom of having a paedagogus, instead of only a *custos*, was borrowed from Greece towards the end of the Republic, when it became common to teach children to speak Greek. For his duties, see LUDUS LITTERARIUS, p. 97 *b*. An early instance of this custom is seen in the Greek Gorgias, who is called *pedisequus puerorum* (Auct. *ad Herenn.* iv. 52, 65). Antonius has an attendant called *παιδαγωγὸς* in Dio Cass. xlvi. 5, and under the Empire the office was common in all houses which could afford it. The care of the paedagogus lasted till the *toga virilis* was assumed (Stat. *Silv.* v. 2, 68). The feminine paedagoga occurs in inscriptions (*C. I. L.* vi. 6631, 9758; viii. 1506), and was (like the Greek *ancilla* of Tac. *Dial.* 29) a teacher of Greek to the very young children, and perhaps an attendant upon the daughters afterwards.

A different meaning attached to the name in the further development of the slave household in imperial times. Young slaves, whether born in the house or purchased as boys, were trained up under slave instructors. Something of the same sort existed of course in earlier times; *e.g.* we hear of the elder Cato having the slave boys taught useful arts in order that they might be sold at a profit (Plut. *Cat.* 21): but the term *paedagogus* as applied to the teaching of slave boys belongs to a later time than Cato's, and denotes especially the trainer of the ornamental attendant boys, cupbearers at banquets, &c., in rich houses, under the Empire or shortly before: the earlier date may be deduced from Cic. *pro Rosc. Am.* 41, 120; *pro Mil.* 10, 28. Such page boys, who are sometimes called *capillati* (Mart. iii. 58, 29), lived together in a page's room or hall called *paedagogium*, having over them *paedagogi*, *subpaedagogi*, and *decani* (see Spartian. *Hadr.* 2, and numerous inscriptions cited by Marquardt, *Privatl.* 158): hence they were called *pueri paedagogiani* (Ammian. xxvi. 6, 15; xxix. 3, 3). The name of the place in which they were taught was transferred to the boys themselves, and we often find slave boys of this class themselves called *paedagogia* (Senec. *de Vit. beat.* 17; *Ep.* 123; Plin. *H. N.* xxxiii. § 40; Dig. 33, 7, 12), whence it is easy to see the development of the mediaeval *page* (see Littré, *s. v.*). (Becker-Göll, *Charikles*, ii. 46; *Gallus*, ii. 80, 146; Marquardt, *Privatl.* 112.) [J. Y.] [G. E. M.]

PAEDO'NOMUS (*παιδονόμος*) was a magistrate at Sparta (and in some other Doric states) who had the general superintendence of the education of boys, which in Doric states was concerned with little else besides bodily training [LUDUS LITTERARIUS, p. 94]. His office was honourable; the appointment by election. He had control over the discipline and moral conduct of the boys, at Sparta after the age of 7; he inspected them and punished those who were negligent or disobedient. For this purpose *μαστιγοφόροι* were assigned to him by Lycurgus. The more immediate inspection of the gymnastic exercises belonged to magistrates called *βιδιαῖοι* or *βιδέοι* [BIDIAEI]. In Crete also we find *παιδονόμοι* (Strabo, x. p. 483; Schömann, *Antiq.* p. 303), but boys there did not come completely under their control till the age of 17. At Teos (see inscriptions in Gilbert, *Staatsalterth.* ii. 338), the *παιδονόμος* shared with the *γυμνασίαρχος* the charge of education. (Xen. *Rep. Lac.* ii. 2, iii. 10, iv. 6; Plut. *Lyc.* 17; Krause, *Gymnastik u. Agon.* pp. 254, 677; Gilbert, *op. cit.* i. 67.) [W. S.] [G. E. M.]

PAEDOTRIBAE. [PALAESTRA.]

PAE'NULA. [An inscription (Gruter, 646, 5), GN. COSSVTIVS PAENVLARIVS, shows that this is the correct spelling. The derivation of the word is unknown; it certainly is not from *φαινόλης*, which only occurs in late writers, as a translation of the Latin; *μανδύη* being also used.] The paenula was a sleeveless cloak of thick cloth, worn by the Romans as a protection against rain and cold: hence Horace takes a "paenula solstitio," an overcoat, during the dog-days as a telling instance of discomfort. It is frequently mentioned in the literature of all periods, from Plautus down to the Fathers of the Latin Church. The paenula was worn by country-folk who did not wear the TOGA over their tunics, and, although not so fashionable as the LACERNA, was used by all classes when on a journey. (Cic. *pro Mil.* 10, § 20; *ad Att.* xiii. 33;—Quint. *Inst.* vi.; Sen. *Ep.* 87.) It was also part of the dress of slaves (Plaut. *Most.* iv. 2, 74), and at times did them good service in warding off awkward blows (Plaut. *loc. cit.*). Under the Empire we hear of sedan-chairmen (*lecticarii*) clad in what seems to have been a livery of it (Mart. ix. 22, 9; Suet. *Nero*, 30; Sen. *de Ben.* iii. 28, 5).

A *paenula mulionica* is mentioned by Cicero, and we know from other authors that it was occasionally used by soldiers (Sen. *de Ben.* v. 24, 1; Suet. *Galba*, 6). In Imperial times its use seems to have been much extended, and it was worn in Rome as a protection against the rain (Juv. *Sat.* v. 79). Tribunes (Spart. *Hadr.* 3), orators (Tac. *Dial.* 39), and grammarians even went so far as to adopt it as their special garb in cold weather, though it was considered below the dignity of the higher magistrates to wear it at all. Spectators at the games, especially no doubt those who could not afford the more expensive LACERNA, found it convenient (Dio Cass. lxxii. 21), and Tertullian takes this as its original use, accusing the Lacedaemonians of inventing it to satisfy their desire for theatrical performances in the winter. Women wore it no less than men, for Ulpian (Dig. 34, 2, 23, 2) speaks of it as a *commune vestimentum*; and that this fashion goes back as far as Cicero's time is shown by a jest of his, recorded by Quintilian (viii. 3, 54). These *paenulae matronales* (Trebellius, *de quieto Tyr.* 14, 4; cf. Suet. *Calig.* 52) were probably of a special cut. The material used in its manufacture was thick woollen stuff; that from Tarentum and Canusium and, after its introduction, GAUSAPE, being preferred (cf. Plin. *H. N.* viii. § 193; Mart. xiv. 145). Leather, or more probably fur (for *scortea* may mean either), was also used (Mart. *l. c.* 130; Sen. *Nat. Quaest.* iv. 6, 21). Its colour was dark (*rufa* or *fusca*), as one

would expect a cloak for bad weather to be, and it was perhaps on account of its dingy appearance that it was worn at funerals and formed part of the *munera funebria* (Cic. *in Vatin.* 12, 30; Dio Cass. lxxii. 21, l. 27; Suet. *Tib.* 7, *Claud.* 2).

The notices in literature do not give any very definite information about its shape, or the manner of wearing it, except that it was sleeveless, fitted closely to the body, was drawn over the head, and was sometimes provided with a hood (Plin. *H. N.* xxiv. § 88). [See woodcut under CUCULLUS.] In Christian times it was adopted as a vestment, but in this use is better known as the *casula* or chasuble (see *Dict. Christ. Antiqq.* s. v. "Casula").

The paenula occurs but seldom on monuments, chiefly no doubt because its shape does not admit of an artistic arrangement of folds, but also because it is not a garment characteristic of any calling or mode of life. The monuments representing it were first collected by Bartholinus in his admirable *Commentarius de Paenula*, and comparatively few examples have been since added to his list (see, however, Hübner in *Program zum Winckelmannsfest*, Berlin, 1866). All agree in showing a cloak coming down to the knees, very like a long cape, except that it is closed all round, the head passing through a slit in the centre, exactly in the same way as in the *poncho* of Spanish-America. The variety in shape is very considerable, the cloak appearing sometimes square, sometimes round, and sometimes of a bell-shape. In most cases a tuckered seam runs down the centre in front, enabling the wearer to hitch up one side over his shoulder, and to keep his arm free. However, even so, it is plain that the paenula could not be worn when free movement of the arms was necessary; and this is the point which Cicero makes in Milo's favour, when he pleads that he was *paenulatus*, which he assumes really meant *paenula irretitus*. It also explains why it is that out of the numerous figures of soldiers on Roman reliefs so very few wear this cloak. One of these few is the *cippus* of L. Duccius Rufinus Signifer of the Ninth Legion, found and preserved at York. (Wellbeloved, *Eboracum*, plate xiii. fig. 1.) There is no monumental evidence for Marquardt's theory that Cicero's expression *scindere paenulam* (*ad Att.* l. c.) refers to a custom by which the host unbuttoned his guest's cloak on his arrival; none of the representations show anything like buttons. (Besides Bartholinus' work, above mentioned, the best edition of which is that contained in Graevius' *Thesaurus*, tom. vi., see Marquardt, *Privatleben*, ed. 2, pp. 564 f.; and Becker-Göll, *Gallus*, iii. p. 125 f.) [W. C. F. A.]

Paenula. (From statuette in British Museum.)

Figure wearing Paenula. (From Trajan's Column.)

PAGA'NI, PAGANA'LIA. [PAGUS.]

PAGA'NICA. [PILA.]

PAGUS, a canton. The meaning of this word cannot be given in precise and absolute terms, partly because we can have no doubt that its significance varied greatly between the earliest and the later times of Roman history, partly because its application by Latin writers to similar, but not identical, communities outside Italy (especially in Gaul) and their comparison of *pagi* with the Greek δῆμοι tend to complicate the question. Latium was anciently divided into a number of clan-settlements or villages which were an aggregate of dwellings gathered round a central enclosed or fortified space, an *arx* or *castellum* [cf. OPPIDUM]. As regards the terms *vicus* (οἶκος) and *pagus* in reference to these ancient settlements, we may gather from various passages that *vicus* meant houses closely connected, and so a small village or hamlet of a continuous street, *pagus* a district including scattered houses or scattered hamlets (Varro, *L. L.* v. 145; Festus, p. 371; Ammian. xxxi. 2, 17; VICUS). This will hold good, whether we take its etymology (*pango*) to signify "buildings" or "fixed boundary" (cf. Mommsen, *Roman Hist.* vol. i. p. 38, with *Staatsrecht*, iii. p. 116). Old writers have connected it with πήγη, the central village well, or with πάγος, *i.e.* a hill-fort (Festus, *s. v.*; Serv. *ad Georg.* ii. 381; Dionys. iv. 15): but the first would rather suit the *vicus* or hamlet, since the *pagus* would have many wells, and the second would do better for the *arx* than for the district round it. In speaking of clan-settlements, we must guard against the notion that the gens and pagus could be identified the one with the other: the pagus was purely local and would remain, if the main body of the gens dwelling in it migrated elsewhere: so long only as they dwelt there, they would be pagani of that pagus. We cannot even assume that the inhabitants of a pagus were, except perhaps in altogether prehistoric times, members of the same gens. It is

probable indeed that originally they were so, and that afterwards in some cases two or more gentes might have joined in the same pagus; in others some portions of the old gens or gentes may have left the district, and their places have been filled up by others. Accordingly we find the names of pagi mostly local with the termination *-anus*, but some few gentile, as *pagus Valerius*, *pagus Julius*, or the Roman pagus Lemonius for instance (see Mommsen, *Staatsr.* iii. 113): and even where pagi have gentile names, we cannot always say whether the name belonged to it, as the original clan-settlement, or was given in honour of some member of the gens afterwards connected with it.

Politically, as both Mommsen and Marquardt are careful to point out, the pagus did not form an independent community. Here again, however, we cannot say that this was always true, and the original pagi may have been purely independent clan-settlements: such an opinion would, after all, be in accord with a dictum in Mommsen's *Rome*, "All history begins, not with the union but with the disunion of a nation." But whatever the pre-historic condition of these cantons, we know them as only single members of an aggregate state called *civitas* or *populus*, which gathered together in *fora* or *conciliabula* for markets or for legislation, and, as one people, combined for defensive or offensive warfare. This is indeed clearly indicated by Isidore (*Orig.* xv. 2, 11). The stages were, probably, first the pagus with its own centre of refuge and its own sovereign rights, then several pagi gathering round a common centre for refuge—such, for instance, as Tusculum, which became the urbs or oppidum of the combined pagi, and then a league of various canton centres, such as Alba.

Though, however, the pagus was not (unless in primitive times) an independent state, it had an organisation analogous to that of a collegium: we find that *magister pagi=aediles pagi* (sometimes a single *magister pagi*)—whom Dionys. ii. 76, ascribing the institution to Numa, calls *πάγων ἄρχοντας*—are annually elected with priestly functions, to look after the sacred rites of the pagus, with some police control also of local matters, such as the roads (Siculus Flaccus, p. 146), and perhaps of water-supply (cf. Festus, s. v. *sifus*): a power of fining the members of the pagus appears in inscriptions (*C. I. L.* ix. 3513), and a common council for such local business (*C. I. L.* i. 571). It is clear that their administrative importance, whatever it had been once, dwindled to almost nothing,—to nothing in fact, apart from the religious rites, but what necessarily followed on the pagus having common as well as private property,—but to a late period it remained as a geographical term for the district of woodland and tillage outside a town and attached to it for all real administration, containing within itself villages (*vici*), country houses (*villae*), and farms (*fundi* or *praedia*): often several pagi attached to one large town, as for instance 11 pagi to Beneventum (see Isid. *Orig.* xv. 2, 11; and the inscriptions cited by Marquardt, *Staatsr.* i. p. 11).

It may be seen from the above description that the pagi resembled in many respects village *communes* or *Gemeinde*, particularly those in Switzerland [cf. DEMUS], and they have often been compared to the Attic *δῆμος*. It is highly probable that the primitive *δῆμος* and the primitive pagus were essentially the same, but it would be misleading to regard them as identical in historic times, as may be readily seen by comparing the accounts in the separate articles. One salient point of difference was that the connexion with the *δῆμος* was retained whether the members of it dwelt in Athens or not, whereas the contrary was the case with the pagus. Hence Mommsen in his *Staatsrecht* deprecates the comparison with the *δῆμος*, and prefers to compare the pagus with the Egyptian *νόμος* or the subdivision *τοπαρχία* (for an account of which see Marquardt, *Staatsverw.* i. pp. 447 f.): it must be observed, however, that the extent and the administrative importance of the *nome* were much greater than those of the Italian pagus.

At Rome the inhabitants of the old city (for which see SEPTIMONTIUM) were called *montani*; the accretion of other settlements, or *pagi*, later included in the city, furnished the *pagani*. Hence in the age of Cicero *montani et pagani* would come to mean all the inhabitants of the city, as in Cic. *de Domo*, 27, 74; Q. Cic. *de pet. Cons.* 8, 30 (if the reading *montium* for *omnium* is adopted). So the Capitol, the Aventine, and the Janiculum were *pagi*, not *montes*; and the terms *pagus Janicolensis*, *pagus Aventinensis* lasted down to the year B.C. 7, when Augustus re-arranged the city.

The Celtic pagus, at the time of the Roman conquest, had at once a greater extent than the Italian, and a greater power from the fact that these cantons were not in the same way changed from their primitive condition and absorbed into a regularly constituted state, but still retained their own clan government with generally a somewhat loose combination in the *civitas* (closer, however, among the Belgae than among other Gallic tribes). The political state to some extent represents what Aristotle gives as *ἔθνος* in contradistinction to *πόλις*—a people dwelling *κατὰ κώμας κεχωρισμένοι*. From the direct information which we possess about Gaul, we see that a certain number of pagi made up a *civitas* (Liv. *Ep.* 65): of the Helvetii there were four pagi which made up the *civitas Helvetica* (Caes. *B. G.* i. 37): and four was probably the normal number, though Caesar (iv. 1) tells us of the nation which he calls the Suevi with 100 pagi, each contributing 1000 warriors in a national war. The most powerful of the Helvetic pagi was the pagus Tigurinus, whose chief place was Aventicum (Avenches, near the Lake of Morat; *C. I. Helvet.* 159). It would seem that the Pays de Vaud to some extent geographically represents the *pagus Tigurinus*, as etymologically pagus is represented by *pays*. After the Roman conquest and the dissolution of the Helvetic *civitas*, the political and administrative importance of the pagus ceases, and it retains only its religious functions (*inscr. cit.*): that the *vici* subsequently had the power of making decrees is seen in several Helvetic inscriptions (149, 241, &c.). Perhaps some indication of the nature and origin of the Celtic pagus may be found in the fact that Strabo (iv. p. 193) calls it *φῦλον*, and Mommsen (*Hermes*, xix. p. 316) considers that it resembles

a Roman *tribus* in its original composition. In the same article he shows that the clue to the real nature and constitution of these cantons may be found in the account of the Galatian state given in Strabo. The τετραρχία of the Galatians is one-fourth of the *civitas* or ἔθνος: each tetrarchy had for matters of justice or for command in war a head-man (τέτραρχος): the office is for life and hereditary (Strabo, xii. p. 547, πατρῴα τετραρχία τῶν Γαλατῶν: cf. p. 541, τοῖς ἀπὸ γένους τετράρχοις); under the tetrarch are officials called δικαστὴς and στρατοφύλαξ, and two ὑποστρατοφύλακες. There was a national council of the three ἔθνη or *civitates* who occupied Asia, composed of the twelve tetrarchs and three hundred senators; but except for cases of murder and the national concerns of peace and war, the twelve tetrarchies or pagi had independent local government. For national interests the three ἔθνη at various periods had separate princes, whom Strabo calls ἡγεμόνες or a single ἡγεμὼν for the three combined (Strabo, xii. pp. 566, 567). It is not improbable that we have here an organisation belonging to the Celts in Gaul as well as in Asia. The fourfold division may be traced in the four "kings," or tetrarchs, of the Cantii (Caes. *B. G.* v. 22), whom we see acting together in a national war under the leadership of "Cassivellaunus," but apparently having rule over their respective tetrarchies.

Paganalia.—The Italian pagi had their tutelary deities and sanctuaries, which are mentioned even in Christian times (as in a conservative decree of Constantine, Cod. Theod. xvi. 10, 3). Here were celebrated in January at the end of seed-time, "semente peracta," the country *paganalia*, which corresponded to the *feriae sementivae*. (Preller, however, believes in a festival at the beginning as well as the end of seed-time: the evidence for his view is not satisfactory.) An offering was made to Tellus (in later times to Ceres) of cakes of meal and a pregnant sow. At this festival also masks or small images were hung up [OSCILLA], and there were games and rustic songs. (Ov. *Fast.* i. 667 ff.; Dionys. iv. 15; Verg. *Georg.* ii. 385; Hor. *Ep.* i. 1, 49; ii. 1, 140.) The *lustratio pagi* at this festival was a rustic Ambarvalia, which, besides its religious significance, had the advantages of fixing the boundaries of the pagus. [AMBARVALIA; LUSTRATIO.] At the festival of the Paganalia the *magister pagi* presided, and his wife (*magistra*) assisted.

Pagani.—It remains only to remark on special acquired senses of this word, which strictly meant only those who for the time being dwelt in any pagus. We find *pagani* used in contradistinction to *milites* or to *armati* (Juv. xvi. 33; Plin. *Ep.* vii. 25, x. 86; Suet. *Aug.* 27, *Galb.* 19; —Tac. *Hist.* i. 53; ii. 14, 88; iii. 24, 43, 77; iv. 20; Dig. 48, 19, 14). From these passages, and especially from Tacitus, taking also notice of the date when the usage began, it is tolerably clear that the original distinction was between the regularly enrolled soldiers and the irregular undrilled half-armed bands of rustics who in the Roman campaigns fought sometimes against them for their country like the rustics in Verg. *Aen.* vii. 505 or modern *francs-tireurs*, sometimes in the ranks of one Roman army against another in times of civil war. The famous "Vos nisi vincitis pagani" (Tac. *Hist.* iii. 24) is not the same as Caesar's use of "Quirites": the word "yokel" might be used, but "militiamen," *i.e.* rustic levies, would more nearly express the taunt which Antonius Primus addressed to his soldiers. The more general opposition of the word to *miles* followed. The modern use of the word "pagan," from the fact that the old religion lingered most in the rural districts, first appears in a law of Valentinian A.D. 368, when the old religion is called *religio paganorum* (Cod. Theod. xvi. 2, 18; cf. Isid. viii. 10).

(For the *pagus*, see Mommsen, *Rom. Hist.* i. 37–40; *Staatsrecht*, iii. pp. 112–119; Marquardt, *Staatsverwaltung*, i. pp. i. 3–15; —for the Gallic *pagi*, Mommsen in *Hermes*, xvi. 449 ff., xix. 316 ff.;—for the *paganalia*, Marquardt, *Staatsverw.* iii. 199; Preller, *Röm. Myth.* 404.) [G. E. M.]

PALA (probably = σκαπάνη, σκαφεῖον), a spade. The spade was comparatively little used in ancient husbandry, the implements used besides the plough for breaking up and cleaning the ground being mostly of the pick-axe or hoe shape [see BIDENS, LIGO, MARRA, SARCULUM]. The *pala* was used, like our spade, for *digging*, not *picking*: it was of iron (Colum. x. 45), with a broad cutting edge curved at the end. Pliny (*H. N.* xviii. § 46) speaks of it as useful for breaking up rushy ground (*juncosus*), whereas he recommends the *bidens* for stony ground and for loosening the soil before planting slips (xvii. § 123): and this was probably one of its uses in the olive-yard. Cato (*R. R.* 10), in his list of implements requisite for an olive-yard of 240 jugera, gives only 4 *palae*, but 6 *aratra* and 8 *sarcula*: it was used too for digging a trench (Liv. iii. 26), and in gardening (Colum. *l. c.*). The woodcut below, taken from a funeral monument at Rome (Fabretti, *Inscript. Ant.* p. 574), exhibits a deceased countryman with his falx and bidens, and also with a pala, modified by the addition of a strong cross-bar, by the use of which he was enabled to drive it nearly twice as deep into the ground as he could have done without it. In this form the instrument was

Pala, falx, and bidens. (From an ancient relief.)

called *bipalium*, being employed in trenching (*pastinatio*), or, when the ground was full of roots to a considerable depth, in loosening them, turning them over, and extirpating them, so as to prepare the soil for planting vines and other trees. By means of this implement, which is still used in Italy and called *vanga*, the ground was dug to the depth of two spades or nearly two feet. It is clear, however, from Columella, xi. 3, 10, that the cross-bar was placed higher when a deeper spit was required: he speaks of digging three feet deep, but says that in other cases it will be sufficient to dig "*non alto* bipalio, id est minus quam duos pedes;" where the various reading *bipedalio* is clearly a misconception from the "duos pedes." (Plin. *H. N.* xviii. § 230; Cat. *R. R.* vi. 45, 151; Varro, *R. R.* i. 37; Colum, *R. R.* v. 6.)

Cato (*ib.* 11) mentions wooden shovels (*palas ligneas*) among the implements necessary to the husbandman. One principal application of them was in winnowing. The winnowing-shovel, also called in Latin *ventilabrum* (Varro, *R. R.* i. 52), is still generally used in Greece, and the mode of employing it is exhibited by Stuart in his *Antiquities of Athens*. The corn which has been threshed lies in a heap upon the floor, and the labourer throws it to a distance with the shovel, whilst the wind, blowing strongly across the direction in which it is thrown, drives the chaff and refuse to one side. So Isid. *Or.* xx. 14, 10, "pala quae ventilabrum vulgo dicitur, a ventilandis paleis nominata" (the etymology need not be accepted); and Tertull. *Praescr.* 3, "palam in manu portat ad purgandam arcam suam." According to Schol. *ad* Aristoph. *Av.* 806, this was called *σκάφιον* as well as *πτύον* or *λικμητηρίς*. The fruit of leguminous plants was purified and adapted to be used for food in the same manner. (Hom. *Il.* v. 499–502; xiii. 588–592.)

The term *pala* was applied anciently, as it is in modern Italian, to the blade or broad part of an oar. [REMUS.] In a ring the broad part, which held the gem, was called by the name of *pala*. [ANULUS.] [J. Y.] [G. E. M.]

PALAESTE. [PALMUS; MENSURA, p. 161.]

PALAESTRA (*παλαίστρα*). The upshot of a controversy which lasted for many years as to the difference between a *παλαίστρα* and a *γυμνάσιον* is that as a general rule the *παλαῖστραι* were the ordinary schools kept by private individuals, where boys were trained and got regular instruction in physical exercises: while the *γυμνάσια* were the public establishments to which the grown-up young men, and even adults (Plat. *Rep.* 452 B; Xen. *Symp.* 2, 18), resorted for exercise, but where there was no regular instruction given except to those who were training either for the games or to become professional athletes. This distinction was made by K. F. Hermann in his additions to Becker's *Charikles*, ii. 186, 189, and has been accepted by Guhl and Koner,[4] 256–7, Grasberger (*Erziehung und Unterricht*, i. 252), Göll (*Charikles*, ii. 239), Blümner (*Privatalterthümer*, 336, and in Baumeister's *Denkmäler*, s. v. *Gymnastik*), Mahaffy (*Old Greek Education*, p. 25, note), and Iwan Müller (*Handbuch der klass. Alterthümswissenschaft*, iv. 451 c, 1887).

Becker in his *Charikles* (Eng. trans. p. 294) had maintained "that the Gymnasium was a place including grounds for running, archery, javelin-practice, and the like, along with baths and numerous resorts for those who only sought amusement; while the Palaestra, on the other hand, was the regular wrestling-school, where, originally, wrestling (*πάλη*) and the pancration were principally taught and practised;" and that "the distinction which Krause had attempted to establish that the Palaestra was chiefly for the use of boys is quite untenable." He bases his conclusion on Aristoph. *Av.* 140, *παῖς ὡραῖος ἀπὸ γυμνασίου*: on Plat. *Legg.* vi. 794 D, who wishes for *γυμνάσια καὶ διδασκαλεῖα* for girls as well as boys, proving, he thinks, that *γυμνάσια* were used for boys; on Lucian, *Nav.* 4, where the young men go to the palaestra; and on Theophr. *Char.* vii. (Jebb), which speaks of gymnasia where the ephebi practise, which implies, Becker thinks, that there were gymnasia where the boys practised. But neither in this passage nor in that from Plato is *γυμνάσια* used otherwise than generically in the sense of "places for exercise," with no idea of any distinction from *παλαῖστραι*: and as to the passage from Aristophanes, Göll (*op. cit.* 234) shows from Theocritus (*Idyll.* xxiii. 60, 61) and Lucian (*Amor.* 26) that *παῖς* is a term that can be applied to youths up to twenty years of age; while the passage from Lucian represents the young men as setting out in search of Adimantus, who had gone to the palaestra to look for a favourite boy, and not with any idea of exercising. But, again, there is the much-discussed passage in Antiphon (*Tetral.* ii. 2, 3; 3, 6), where a boy (*παῖς*), answering a summons from his *παιδοτρίβης*, crosses the range and is killed by a spear shot by a youth (*μειράκιον*), who is said to be *μελετῶν μετὰ τῶν ἡλίκων ἀκοντίζειν ἐπὶ τῷ γυμνασίῳ*. But this can be explained by supposing either that the *παῖς* was a spectator, or more likely was practising for the games, and the presence of the *παιδοτρίβης* seems an additional proof of this. It is better to explain the passage thus than to force the sense of *ἐπί*, "in the neighbourhood of," with Grasberger, i. 269.

A striking passage to show that palaestrae were for boys, gymnasia for young men, is Theocritus (*Idyll.* ii. 80), where the young men Delphis and Eudamippus come from the gymnasium (*ὡς ἀπὸ γυμνασίοιο καλὸν πόνον ἄρτι λιπόντων*), compared with *vv.* 8, 97, where Delphis is represented as staying about the palaestra of Timagetus to see his boy favourite. It also shows that the palaestrae were called after their proprietor (or perhaps their founder): compare also the palaestrae of Taureas (Plat. *Charm.* 153 A), Timeas (*C. I. A.* ii. 445, l. 22), Antigenes (*ib.* 446, l. 61), Sibyrtius (Plut. *Alc.* 3). The master of the palaestra was called *παιδοτρίβης*: he was regularly paid by the parents of the boys he taught, and the conducting a palaestra was an ordinary private speculation. Sometimes, indeed, we find certain quarters of the town building palaestrae ([Xen.] *Rep. Ath.* 2, 10), probably by subscription, but even these were private undertakings, as the state, as such, had nothing to do with them. That regular instruction was given in the palaestrae can be proved from Theophrastus (*Char.* xix.), where the Loquacious man goes into the *παλαῖστραι* and prevents the boys getting on with their

work by his endless gossip with the παιδοτρίβαι and διδάσκαλοι.

As to the actual *building*, a palaestra required for wrestling and jumping a smoothly-floored, fairly large room. Throwing the spear and discus and running required indeed a very considerable space; but the palaestra in a strict sense, *i.e.* place for wrestling, was generally separated from the course for running (δρόμος): cf. Herod. vi. 128, Κλεισθένης καὶ δρόμον καὶ παλαίστρην ποιησάμενος εἶχε. In the smaller palaestrae there probably was no δρόμος, only a comparatively small room for wrestling. This was doubtless the chief exercise practised in the palaestra; since instruction would be more necessary for wrestling than for running. Besides this main school-room, there were smaller adjacent rooms: one for holding oil, with which the wrestlers rubbed themselves; another for sand, which was necessary to enable them to get grips; and a third for a bath—unless a river happened to be close by. The elaborate *Palaestra* described by Vitruvius (v. 11) is really a *Gymnasium*, and is fully treated of under that head.

There are many vase-paintings of athletic exercises; a good example is in Baumeister's *Denkmäler*, fig. 671. In these paintings, besides those actually exercising who are naked, there is generally a clothed bearded figure, who carries a rod in one hand and often a staff in the other. He is the παιδοτρίβης, and the rod is used for punishment (cf. Aelian, *Var. Hist.* ii. 6). Corporal punishment was much resorted to in ancient schools. Occasionally a statue of a bearded Hermes is depicted (cf. Gerhard, *Auserlesene Vasenbilder*, Taf. lxvi.). Along with Apollo (Lucian, *Anach.* 7), Hermes was the god who principally presided over athletics (Hor. *Carm.* i. 10, 4; cf. Orelli, *Inscript.* 1417), and he was said by mythologists to have been the father of the goddess Palaestra (Philostr. *Imagg.* ii. 32, p. 433, Kayser).

The παιδοτρίβης was the ordinary trainer in gymnastics (Plat. *Lach.* 184 E; Aristoph. *Nub.* 973, *Eq.* 1238), just as the γραμματιστής was the ordinary schoolmaster in our sense of the word; and the two are often mentioned in connexion (Plat. *Protag.* 312 B; Dio Chrys. *Or.* xiii. 426, Reiske). He trained all the boys who did not want either to compete in the games or to become professional athletes. The latter were trained by the γυμναστής, who had more special scientific knowledge, and who also possessed a greater acquaintance with physiology, which enabled him to tell the effect on the constitution of this or that exercise (Galen, *de sanit. tuend.* ii. 12, vol. vi. pp. 156–7, ed. Kuhn). The παιδοτρίβης was not expected to have a scientific knowledge of the exercises: he had just the knack and trick (τὴν ἐμπειρίαν τε ἅμα καὶ τριβήν, Galen, *op. cit.* ii. 9 = p. 143: cf. Plat. *Gorg.* 463 A), and was only expected to know how to do the exercises and to show his pupils how to do them, but not to determine any special exercises to be assigned to each separate pupil. Just like the ordinary preparatory schoolmaster of the last generation, he put his pupils through a traditional course; believing, like the proverbial unscientific cook, that what was sauce for the goose was sauce for the gander. Indeed the cook is his very analogue, according to Galen (*l. c.*), who says that the παιδοτρίβης is to the γυμναστὴς as the cook (we should perhaps say the apothecary) is to the physician; that is, that he carried out the directions given by the γυμναστής: and this was the function a παιδοτρίβης performed when he acted in concert with the γυμναστής. However, it must be remembered, on the one hand, that the great mass of Greek boys were never subjected to the training of the γυμναστής: and, on the other, that we are not to suppose *all* παιδοτρίβαι merely gave routine and rule-of-thumb instruction. We hear that Herodicus of Selymbria was quite scientific (Plat. *Rep.* 406 B). But in Plato's time the distinction of παιδοτρίβης and γυμναστὴς was not marked, as he ranks now the one, now the other, on a level with the physician (*Crit.* 47 B; *Protag.* 313 E). It gradually grew up in after-times (there is a hint of it in Aristotle, *Eth. Nic.* x. 9, 15), owing to the greater number of boys who wished to attain first-rate excellence in athletics; perhaps we may compare the increasing number of schools which with us hire cricket professionals. But though the distinction was certainly made and is much insisted on by Galen and others, still in all the Catalogues of the ephebi coming from Roman times we almost always find the παιδοτρίβης given, often the ὑποπαιδοτρίβης, but there is no mention of the γυμναστής. (See the Catalogues of the ephebi in *C. I. A.* iii. 1077–1275.)

We cannot fix with certainty the details of the instruction. For example, the time of day at which the physical training took place, whether *all* the boys went to their gymnastic exercises in the afternoon, as Grasberger (*op. cit.* i. 292 ff.) maintains, or whether the younger and the older went at different times—the one in the morning, the other in the afternoon—as Stark and Göll hold. The arguments on both sides rest on *à priori* grounds; Grasberger insisting on the whole tenor of ancient life being to work the brains in the morning and the body in the afternoon, and that such is the natural course, while Stark (notes to Hermann's *Privatalterthümer*, § 36, note 13) is satisfied with showing against Grasberger that his reference to Plato, *Lysis*, 223 A, proves nothing, as that passage refers to the special occasion of a feast. Certain it is that children went to some sort of school very early in the morning (Plato, *Legg.* 808 C; Thucyd. vii. 29; LUDUS, p. 95).

The actual exercises practised in the palaestra were running, jumping, wrestling, throwing the spear and the discus—which formed what was called the Pentathlon [PENTATHLON]; boxing and the pancration were mostly confined to the gymnasium (I. Müller, *l. c.*), though in a milder form they were perhaps practised by the boys too (Blümner in Baumeister, *l. c.*). But, besides these athletic exercises, the παιδοτρίβης was expected to train the boys in what we would call calisthenics, so that they should walk properly without any swaggering (σοβεῖν, Dio Chrys. *Or.* xxxi. 651, Reiske: cf. Alexis, *Frag.* 263, Kock) and generally have a graceful carriage. It is possibly in this respect that we are to explain what Isocrates says (*de Antid.* § 181) that γυμναστικὴ is a part of παιδοτριβική. The general aim of the exercises was that the boys should be fair and strong in body, as the παιδοτρίβης is represented as saying in Plato, *Gorg.*

452 B, *τὸ ἔργον μού ἐστι καλούς τε καὶ ἰσχυροὺς ποιεῖν τοὺς ἀνθρώπους τὰ σώματα.* There is a very interesting passage in Clement of Alexandria (*Strom.* pp. 823, 4, ed. Potter) in which he tells how the *παιδοτρίβης* directed each several motion of beginners (*σχηματίζειν* and *διαπλάσσειν* are the words used); more forward pupils he instructed by showing (*ἐπιδεικνὺς*) himself how the exercise was done, while to the most advanced pupils he simply told (*προστάττοι ἐξ ὀνόματος*) what exercise was to be performed.

In early times the state exercised a police control over the palaestrae in the interests of morality, Solon enacting that the schools should not be opened before sunrise or kept open after sunset, and forbidding grown men to visit the palaestrae (Aeschin. *Timarch.* §§ 9–12): but this law soon fell into abeyance, as may be seen from the *Lysis* and *Charmides* of Plato, and from Theophrastus's account of the Loquacious man.

The Greek exercises of the palaestra never took any great hold on the Romans. They disapproved of them as leading to idleness, and, owing to the nakedness of those who took part in the exercises, to immorality; and besides, they were no good for war (Plut. *Quaest. Rom.* 40 = 274, 25, Reiske; Senec. *Epist.* 88, 18; Plin. *Epist.* x. 40, 2). But still they were practised a good deal by the Romans, sometimes as a preparation for the bath, but generally by young men who wished for some, but not for very violent, exercise (Hor. *Sat.* ii. 2, 8 ff.: cf. *Carm.* i. 8, 8; iii. 12, 7; and Strabo, v. 236): cf. Marquardt, *Privatleben der Römer*, 120.

But the word "palaestra" has other senses than the one we have treated of. Haase (in Ersch and Gruber, s. v. *Palaestra*) shows that it is used as a special part of a gymnasium, as (at least in Roman times) synonymous with gymnasium, and also in a metaphorical sense. That it was used for part of a gymnasium, probably the part where wrestling was practised, can be proved from Hyperides (*Orat. Att.* ii. p. 404, ed. Didot), Plut. (*Vit. X. Oratt.* 841, 27), and perhaps Lucian (*Parasit.* 51). That it was synonymous with gymnasium in Roman times can be proved from Vitruvius (v. 11), who describes a gymnasium and calls it a palaestra; Plutarch, too (*Sympos.* ii. 4 = 638, 21), says that the place where *all* the athletes exercise is called a palaestra; and Pausanias tells us (v. 15, 8; vi. 21, 2) that there were at Olympia palaestrae especially devoted to athletes. The wealthy Romans often had private palaestrae or gymnasia added to their houses (Cic. *Att.* i. 10, 3; *Verr.* v. 72, 185). For the metaphorical use of "palaestra," as signifying rhetorical academic oratory as opposed to real public speaking, see Cic. *de Orat.* i. 18, 81; and for elegance in composition as opposed to an uncouth and uncultivated style, Cic. *de Leg.* i. 2, 6.

The chief works to consult for further information on the exercises of the Palaestra are Haase's article on *Palaestrik* in Ersch and Gruber; Krause in Pauly, s. v. *Gymnasium;* Grasberger, *op. cit.* i. 244 to end; Hermann-Blümner, *Gr. Privatalterthümer*, 341–351: and Mahaffy, *Old Greek Education*, chap. iii. Detailed accounts of the different exercises will be found in separate articles summarised in the Index. [L. C. P.]

PALI'LIA. [PARILIA.]

PALLA. The *palla* and its Greek counterpart, the *πέπλος*, were identical in shape with the *pallium* or *ἱμάτιον*, being square or rectangular shawls or plaids; but while the *pallium* was worn by both sexes, the *palla* was, originally at any rate, confined to women. It was worn as it came from the loom, generally with the addition of embroidery, but without any alteration in shape at the hands of tailor or sempstress. It is usual to divide the modes of wearing such garments into two great divisions: first, those in which they are loosely thrown round the body [AMICTUS]; and, secondly, those in which they are fastened more closely and securely by means of pins and brooches [FIBULA], and at times a girdle [ZONA]. To the latter class is given, with somewhat questionable correctness, the name *indumenta*. It is unwise to press this division too far, and the failure to perceive that the same garment might be worn either way has led to much needless controversy as to the use of words. The actual modes of wearing dictated by fashion, or suggested by the needs of life, were truly endless, as were also the differences in size, material, and pattern required to suit the wants of woman and girl, matron and maid, rich and poor, mourner and reveller, in all the varied pursuits and on all the many occasions which demand a special dress. These manifold uses are reflected in language, but the difficulty in determining what they were is increased by the fact that, as fashions changed and life became more complex, old words became obsolete or changed their meaning, while new words were applied to garments known formerly by other names. In no case is it so truly necessary to bear this in mind as in that of the *πέπλος*. Its derivation is uncertain, but Studniczka's conjecture that it is a reduplicated form of the root seen in *palla*, *pallium*, and *pellis*, is at once plausible and satisfactory.

In Homer it is used of the chief dress of women, which is also called *ἑανός* (*Il.* iii. 385; xiv. 178; xxi. 507) or *εἱανός* (*Il.* xvi. 9); but from their use in other passages these would seem to be merely epithets (*Il.* v. 734; viii. 385; xviii. 352, 613; xxiii. 254), *πέπλος* being the distinctive name. It was worn next the skin, for Hera on leaving her bath put it on first (*Il.* xiv. 178); and Athene, when she dons the shirt (*χιτὼν*) and armour of Zeus, has first to loose the brooch at her shoulder and let the *πέπλος* fall from her (*Il.* v. 734). The latter passage shows that the garment was not a sewn one, like the shirt which the men wore (*χιτών*), but one which could be thrown off in an instant (*κατέχευεν*). Everything in fact goes to show that it was worn in the same way as the Doric shift [TUNICA], but fastened below the shoulder just above the breast (cf. *χρυσείῃς δ' ἐνετῆσι κατὰ στῆθος περονᾶτο*, *Il.* xiv. 180); a mode of wearing which is admirably illustrated by the figures on many early Greek vases (*v. infra*). This method of wearing a dress, as heavy as one's chief garment must be, has the obvious defect that it throws the whole weight on the shoulders. This was met by the use of the girdle [ZONA], which had the further advantage of keeping the open side of the *πέπλος* in some degree closed. The girdle was worn universally, and is always mentioned when details of the toilet are given. Even such apparent exceptions as in the case of

Athena (*Il.* v. 734; viii. 385) do not imply that it was not worn; nor is it necessary to suppose that when Aphrodite protected Aeneas from the Greek darts with the πτύγμα of her gown that she necessarily was without a girdle (*Il.* v. 315), for πτύγμα may well have a different meaning (*v. infra*). In many cases the open side was no doubt held together by a row of brooches, for it is impossible to assume that the twelve golden περόναι that accompanied the πέπλος which Antinous presented to Penelope had any other use (*Od.* xviii. 292). Whether the πέπλος still further resembled the Doric shift in being doubled at the top, into a fold falling over the breast, is not clear, though this is very possibly the meaning of πτύγμα in the passage quoted above.

What little knowledge we have of the fashions of the ladies of Epic times, and the way in which they wore their gowns most becomingly, is given by the epithets which the bard applies to fair women. We learn, for instance, that even though their robes were long and swept the ground (ἑλκεσιπέπλοι, *Il.* ii. 442; x. 185), they did not hide the charms of a neat ankle (εὐσφυρος, Hesiod. *Theogn.* 254, 961; *Scut. Herc.* 16, 86;—καλλίσφυρος, *Il.* ix. 557, 560, xiv. 319; *Od.* v. 333, xi. 603, &c.;—and ταυύσφυρος, *Hymn. in Cer.* 2, 77) any more than those of their snow-white arms (λευκώλενος, *passim*). Epithets referring to the nice adjustment of the girdle are common, but are, with the exception of εὔζωνος and καλλίζωνος, very obscure, and those cannot be said to give us any very definite information. Βαθύζωνοι is difficult to explain, though it certainly cannot mean that the Homeric ladies wore their gowns with thick folds, hanging over a low-girt girdle, in the style of a later age (best seen in the Parthenon marbles). It very probably refers to slimness of waist, which was beyond any doubt looked on as beautiful. (This is possibly the point of the comparison of the waist of Agamemnon to that of Ares, *Il.* ii. 479.) Neither does βαθύκολπος refer to the fashion mentioned above, as seen in the Pheidiac statues, but rather expresses the poet's admiration for a well-moulded bust (*Il.* xviii. 122; xxiv. 315, &c.). The πέπλος was sometimes richly embroidered (*Il.* vi. 294; *Od.* xv. 107); indeed, to judge by the frequency of the epithets ποίκιλος and παμποίκιλος, it was seldom without this kind of ornament. The cloth from which it was made seems to have been of the brightest colours,—saffron (Ἠὼς κροκόπεπλος, *Il.* viii. 1 *et passim*), purple (*Hymn. in Cer.* 182, 360; Hesiod. *Theogn.* 406), and flaming red (if we may trust the description of Aphrodite's robe, φαεινότερος πυρὸς αὐγῆς, *Hymn. in Ven.* 86). The material cannot have been anything else but wool, for no other stuff would be sufficiently warm for such an important garment, neither is it likely that linen would be embroidered as the πέπλος was. Besides, if we may take the goddesses Calypso and Circe as examples of the fashions of the time, the linen mantle (φᾶρος), which the men of Epic times wore as an over-garment, was used as a dress girded round the waist, and probably was also pinned at the shoulders in the same fashion as the πέπλος (*Od.* v. 230, x. 543; cf. Hesiod, *Op.* 198). Even if this passage does not allow us to argue that the women of the time wore the φᾶρος, we have the account of the dancing maidens on the shield of Achilles (*Il.* xviii. 597), who wore linen raiment, though we are not told in what way.

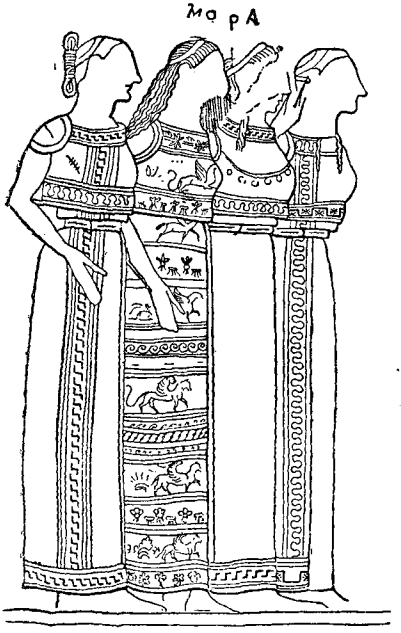
Besides being a lady's garment, the πέπλος appears in the Homeric poems as a covering for chariots (*Il.* v. 193) and seats (*Od.* vii. 96), and also as the purple pall in which the golden urn that contained the ashes of Hector was wrapped (*Il.* xxiv. 795). It was for these reasons and for the richness of their ornament that the πέπλοι form such a large part of the treasures of the household, and that they were acceptable presents (*Od.* xvii. 292; cf. *Il.* xiv. 178), forming part of Hector's ransom (*Il.* xxiv. 229), and being the choicest gift that could be offered by the Trojan women to the patron goddess of the town (*Il.* vi. 90, 271). [DONARIA.]

Of the changes which Greek dress underwent during the ages which followed that of the Epic, we can learn but little from literature. We gather from the occasional protests of the lyric poets and the rigorous measures of the lawgivers that the influence of Oriental luxury was ever on the increase. It is not, however, until this luxury had given way to the healthy reaction which followed the Persian wars that we can get contemporary information about the costume of the times. Then we find that the πέπλος was no longer an every-day garment, but the characteristic robe of hero and god on the stage, or in poetry. It occurs very frequently in the Attic tragedians, but always with an indefinite meaning, as indeed we might gather from the frequency with which the plural and the word πέπλωμα are used. In Aeschylus, for instance, we find that not only is a woman's robe, be it woollen or linen (*Choeph.* 25; *Suppl.* 111; *Pers.* 125), called πέπλος, but that men's clothing also bears the name. Sophocles uses the word with equal laxity, while Euripides makes it a word for clothes in general, using it for the over- not less than the under-garments of both men and women. In all literature subsequent to the tragedians the word occurs in the same loose way, with one very important exception; that of the πέπλος which was each year carried in the Panathenaic procession on a mast to the Parthenon, where it was solemnly presented to Athena Parthenos. [ARRHEPHORIA; PANATHENAEA.] This robe was embroidered with scenes from the battles between the gods and the giants, in which Athena took a prominent part (Eur. *Hec.* 466–474, cf. *Ion*, 184 ff.). There can be no doubt whatever that this robe, as is usual in the case of such ancient cults, went back as regards texture to very early ages, in fact in all probability prior to the Homeric.

By a fortunate coincidence we are able to date approximately the disappearance of the πέπλος at Athens. Herodotus (v. 87, 88) tells us that the women of Athens gave up the archaic dress of Greece, which resembled the Doric, and adopted the Ionian, in order to be able to dispense with the use of the fibula. The occurrence which brought this change about was the murder of the only man who returned from the disastrous expedition against Aegina; and as this took place in the first half of the sixth century B.C., we have an approximate date for the change in question, even if we discard the story as a fiction. This rough date is moreover

borne out by the monuments. As to the monuments: it has so far been impossible to recognise the πέπλος in any of the objects found at Hissarlik, Mycenae, Archomenos, and Tiryns; but this does not preclude the possibility of its having been worn at that age, for the objects are in most cases of a foreign origin. The fact, however, that no fibulae were among the numerous ornaments found in the graves at Mycenae would seem to cast a doubt on it.

In the graves of a later date, such as those of the Dipylon and Phaleron at Athens, and of Assarlik in Caria, fibulae have been found in large quantities. Unfortunately the figures on the pottery of this age are too rude to give us any idea of the costume of the time in which they were used. It is in fact on the early "black-figured" ware from Athens and Corinth that we are first able to find a garment answering to the Homeric description. This is, perhaps, best seen on the figures of the famous François vase (now in Florence), which represent the women as wearing an archaic form of the Doric shift, which, in most cases, is their only garment. It is fastened not above, but below, the shoulder (κατὰ στῆθος) with a large fibula of archaic pattern. This is well shown



Moirae. (From François vase.)

by the representations of Moirae. Other vases prove that this garment was open down the side; for instance, a cylix of the vase-painter Xenocles, showing Polyxena as she flies from Achilles, with the whole leg displayed. The style of these vases proves that this costume was at least as old as the seventh century B.C., and it continues to appear in all the vase-paintings of the "black-figured" style. When this style was given up and the "red figure" was adopted, other forms of female garments are seen in the paintings, and this archaic πέπλος disappears.

If the latest system of dating is correct, this change of style in vase-ornamentation took place not later than the middle of the sixth century B.C.; and as this agrees exactly with what Herodotus tells us, we may accept it as certain that it was then that the πέπλος, or archaic dress, was given up by the women of Athens. The statues of the latter half of the sixth century lately discovered on the Acropolis, and the vase-paintings of the same period, show clearly enough how the transition took place. The characteristic of all these statues and figures is that they wear over their linen chiton a mantle, which is pinned or fastened at one shoulder and passes under the left arm. It fits closely to the form, and the top is doubled over into a fold, so that it is nothing but a Doric shift, with the brooch at one shoulder loosened and the arm shoved out. It is in fact the πέπλος worn over the linen or Ionic shift, and without a girdle. The resemblance is made still greater by the fact that it is generally richly embroidered. However, in this form it has lost its old name, and was known as ἱμάτιον [PALLIUM]. It was noted above that the πέπλος of Athena was retained in the original meaning of the word throughout the whole of antiquity, and this is strikingly borne out by the artistic tradition seen in the statues of Athena. In nearly all the oldest representations (*e.g.* in the metope from the oldest temple at Selinus and on the Burgon vase) she is clothed in the garment described in Homer and shown on the vases. The same type was adopted by Pheidias for his Athene Parthenos, as we see by the numerous reproductions of it that have come to light. The best of these is the statuette found at the Varvakeion, near Athens, an accurate Roman copy of the great original. Even in Hellenistic art it is often retained as the characteristic garb of Athena (*e.g.* "Minerve au collier" in the *Louvre*).

Statuette of Athene Parthenos.

[The view as to the nature of the πέπλος taken above is that first propounded by Franz Studniczka in his *Beiträge zur Geschichte der altgriechischen Tracht*, p. 92 *seq.* (Wien, 1885). It has been accepted by Helbig in *Das Homerische Epos* (Leipzig, 1887), and by Iwan Müller, *Handbuch der klassischen Alterthumswissenschaft*, Band IV. (Nordlingen, 1887).]

Palla, though it denotes a genuinely Roman garment, is used as the translation of πέπλος (Serv. *ad Aen.* i. 479), for *peplus* and *peplum* are artificial forms which were never naturalised. Used as a translation, it is *par excellence* the garb of heroic personages on the tragic stage (cf. Hor. *A. P.* 279, "personae pallaeque repertor honestae;" Aeschylus; and Milton, *Il Penseroso*, "Tragedy in sceptred pall"). Closely connected with this is its use in poetry, where

it is worn not only by gods and goddesses, but by mythical figures in general. In both cases its meaning is quite as vague as that of πέπλος in Attic tragedy (*v. supra*). The garment itself was a rectangular piece of cloth (Isidor. xix. 25), which could be worn either as a dress or a shawl, which at times served the purposes of a curtain (Sen. *de Ira*, 22, 2).

The notices in literature give us but little satisfactory information as to the various ways in which it was worn, owing to the fact that in very many cases (*e.g.* in Plautus) it is impossible to say whether a Greek or a Roman garment is meant. This difficulty has given rise to a controversy which has raged since the time of Rubenius and Ferrarius, and cannot be said to have yet come to an end. That the original way of wearing it was practically the same as that of wearing the Doric shift, may be regarded as certain, for Varro includes it among the garments *quae indutui sunt* (*L. L.* v. 131), and there is good reason to believe that it took the place of an archaic garment of somewhat the same shape, but of a smaller size, which survived until classical times in a ceremonial dress called the RICINIUM. Whether the *palla* continued to be worn as a shift after the introduction of the tunica, must, at the present state of our knowledge, remain undecided. Marquardt (*Privatleben*, p. 579) maintains that it did, supporting his view by an appeal to the phrases *tunico-pallium*, *tunicae pallium*, and *tunica palliata*, and to statues found at Herculaneum. The statues, however, are Greek, not Roman, while the phrases are only used by late commentators, and must be referred to *pallium* and not to *palla*. Even the *palla picta* which was sent by the senate *cum amiculo purpureo* (Liv. xxvii. 4) does not prove that even at that time it was worn at Rome as an undergarment, for it is probable that it was a περονατρὶς of the style then so fashionable at Alexandria. However this may be, it is as a shawl, covering the *stola*, that we hear of it in classical times, when it took the same place in the dress of women as the *toga* did in that of men. When thus worn, it was thrown over the left shoulder, drawn across the back, brought either over or under the right shoulder, and tucked round the body. This manner of wearing it is well described by Apuleius (*Met.* xi. 3): "Palla nigerrima splendescens atro nitore quae circumcirca remeans et sub dextrum latus ad umerum laevum recurrens, umbonis vicem dejecta parte laciniae multiplici contabulatione dependula ad ultimas oras nodulis fimbriarum decoriter confluebat." Worn thus, it was practically identical with the ἱμάτιον [PALLIUM], and was the outdoor dress of all respectable women (Hor. *Sat.* i. 2, 97; Sen. *Troad.* 91: cf. Mart. xi. 104, 7, where it is called *pallium*), as well as by girls (Tib. iv. 2, 11). As a woman's shawl it seems to have, like the toga, become unfashionable under the Empire; and we find that, even in the time of Tiberius, Caecina inveighed against the change (Tertull. *de Pall.* 4). In the third century it seems to have gone out of use entirely as a garment, for it is not mentioned by Ulpian, nor is it in the list given in the edict of Diocletian. The garments which supplanted it were more especially the *dalmatica* and the *colobium*. [DALMATICA.] On the monuments of all kinds, especially the portrait statues of the Empire, it frequently appears used as a shawl, wrapped round the body as described above. Nowhere, however, do we find any support for the assumption that it was sometimes girded, which some base on the use of *succincta* in Hor. *Sat.* i. 8, 23; Verg. *Aen.* vi. 555. On the monuments the palla is easily recognised in the mantle worn by Roman women, though, except in the case of certain portrait statues and reliefs, there must be always a doubt whether the garment is Greek or not.

Statue of Livia wearing the Palla.

The modes of wearing it are very numerous; but in all a third part is thrown over the left shoulder from behind, and the garment drawn round the body, covering or leaving free the right arm. Sometimes it is wrapped so tightly round the body that the end is thrown once more over the left shoulder from the front. Sometimes it is drawn over the head, to serve either as a veil or as a protection against the weather. In nearly all cases it is a rectangular piece of cloth, the dimensions varying very considerably. In some few instances, however, it resembles the toga in having one of its sides cut in a circular form.

Palla is also one of the names given to the χιτὼν ὀρθοστάδιος (*tunica talaris*), which with the χλαμὺς formed the conventional costume of the Citharoedus (cf. Auctor *ad Herenn.* iv. 47, 60; Apuleius, *Florid.* 2, 15). This had no real connexion with the *palla*, being a long sleeved tunic girded high above the waist; it was also known as stola and σύρμα. Statues and reliefs representing citharoedi (especially Apollo Citharoedus) are clad in this robe. The best known of these works is the statue of Apollo Citharoedus in the Vatican. Martial (i. 93) mentions a *gallica palla*, but this is a short jacket ("Dimidiasque nates gallica palla tegit"), which seems to have been peculiar to Gaul, and is described

by Strabo, iv. p. 196, (κέλται) ἀντὶ δὲ χιτώνων σχιστοὺς χειριδωτοὺς φέρουσι μεχρὶ αἰδοίων καὶ γλουτῶν.

Apollo Citharoedus. (From the Vatican.)

[References to the earlier literature will be found in Marquardt, *Privatleben*, p. 576 ff. A criticism of Marquardt is given in Göll's edition (1882) of Becker's *Gallus*, p. 258 ff. The best account of palla = χίτων ὀρθοστάδιος is in Stephani, *Compte-Rendu*, 1875, pp. 102–153. For the monuments, see Müller in Baumeister's *Denkmäler des klassischen Alterthums*, s. v. Toga.] [W. C. F. A.]

PA'LLIUM. At all periods of Greek life the characteristic outdoor garment, both of men and women, was a mantle or shawl, consisting of a rectangular piece of cloth. Such mantles were known generally as ἐπιβλήματα or περιβλήματα, or more specially as ἱμάτια. Ἱμάτιον is derived from the root *Fes* or *és* (cf. *vestis*). The cognate word εἷμα is used in Homer of clothes in general, and *Fεμα* occurs in the celebrated inscription from Gortyn in the same sense. The early form εἱμάτιον is found in an inscription from Andania (Dittenberger, No. 388, 16), with which ἑμάτιον in another inscription (Roehl, *I. G. A.* 395 a) may be compared. The older sense of the word, meaning "raiment," was retained in the plural at all periods of Greek literature.

Apart from the name, the use of the cloak or shawl is, as has been shown in the article PALLA, as old as the art of weaving. The garments of men no less than women were woven on the domestic loom, τετυγμένα χερσὶ γυναικῶν, and all of the same rectangular shape. As a consequence the sole difference between the dress of men and that of women lay in the size and material, but not in the shape of their garments. The earliest method of wearing such clothes is undoubtedly as a cloak fastened round the body with a pin or clasp and a girdle. This was the dress of women in the Homeric age [PALLA], but men had already at that time adopted the linen shirt as an under-garment. Some attempt has of late been made to gather, from the representations on objects found at Mycenae and other early sites, the nature of pre-Homeric dress, but the Greek character of those which are clear enough to give definite information is too doubtful to allow of even the most general conclusions. Other attempts to settle the question by an appeal to Egyptian, Assyrian, and Phoenician monuments have been made, but have, at the present state of our knowledge, no claim to serious consideration. In Homer, the dress for men is a mantle, worn over a shirt of linen (χιτών; TUNICA), which is called either χλαῖνα or φᾶρος. The women, on the other hand, are clad in the πέπλος, but the veils which are worn over this cannot be classed as shawls or mantles. There can be no doubt that both the χλαῖνα and φᾶρος were rectangular pieces of cloth, worn without being altered in shape by any cutting or sewing.

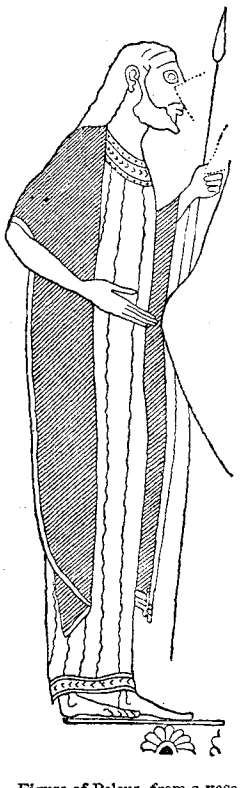


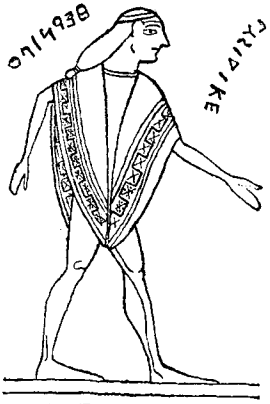
Figure of Peleus, from a vase. (Helbig.)

The χλαῖνα [LAENA] was of wool, and had a thick nap (οὖλη, *Il.* x. 134). Those worn by great folk were dyed red (*Il.* loc. cit.; *Od.* xiv. 500, xxi. 118), or purple (*Od.* iv. 115, 154; xix. 225), but it was the dress of the poor man no less than the rich, for it was worn by the swineherd Eumaeus (*Od.* xiv. 529) and by the servants of Penelope's suitors (*Od.* xv. 331). It was fastened round the neck with a brooch or pin (*Od.* xix. 226), and, as the brooch is not always mentioned, it is possible that it may also have been worn without, simply wrapped round the body. Two forms of it are mentioned, the first the ἀπλοΐδες χλαῖναι (*Il.* xxiv. 229), the latter the χλαῖνα διπλῆ (*Il.* x. 134; *Od.* xix. 225). There can be little, if any, doubt that the latter form is the same as the δίπλαξ, a garment often mentioned (*Il.* iii. 126, xxii. 440; *Od.* xix. 245); the only difference between the δίπλαξ and the χλαῖνα being that the former is the latter doubled. That the older commentators were wrong in understanding the difference to be one of pattern is shown by a passage in the Odyssey (xiii. 224), where Athene, disguised as a youthful shepherd, is described as

δίπτυχον ἀμφ' ὤμοισιν ἔχων εὐεργέα λώπην, which shows that it lay in the folding. It might be thought perhaps that the δίπτυχος λώπη is a different garment, but there is no reason to suppose that it has any more definite meaning than the later λῶπος: it is in fact a general word for clothing. The δίπλαξ may have been larger than the simple χλαῖνα: but from the analogy of the use of shawls it seems reasonable to suppose that the same garment could be used either way. The larger size would be a simple explanation of the fact that the δίπλαξ was occasionally highly ornamented. Thus Helen (*Il.* iii. 125):

μέγαν ἱστὸν ὕφαινε
Δίπλακα μαρμαρέην · πολέας δ' ἐνέπασσεν ἀέθλους
Τρώων θ' ἱπποδάμων καὶ 'Αχαίων χαλκιχιτώνων·

and Andromache (*Il.* xxii. 440) wove a δίπλαξ with a pattern of θρόνα ποίκιλα, though what these were it is impossible to determine.



δίπλαξ. (From François vase.)

Φᾶρος is a word of disputed origin. Curtius derives it from φέρω, but Studniczka, following Krall, prefers to derive it from the old Egyptian *p(h)aar*, meaning "a winding sheet," while Fraenkel proposes the Semitic root *ǎfar* (or *ǎfar*), but these are from the nature of the case only conjectures. Whatever its derivation may be, the word is used in Homer in a general sense, referring to a textile fabric for women's garments, swaddling clothes, winding sheets, and as a substitute for sails (and in a more special sense for a man's garment). These different uses lead us irresistibly to the conclusion that the material was of linen, not wool; and this is fully confirmed by the epithets ἀργύφεος, λεπτός, νηγάτεος, and ἐϋπλυνὴς applied to it, all of which are appropriate for linen, but not for wool.

The description of the φᾶρος which Penelope weaves (*Od.* xxiv. 147) is also only applicable to linen. As a man's garment it was worn in place of the χλαῖνα, by the princes and men of rank, never by the poor or ordinary folk. It is also worn by both Calypso and Circe, and it is a moot point whether this implies that ladies ever wore it. The epithet μέγα would seem to imply that it was larger than the χλαῖνα. It does not seem to have been worn double. It was dyed purple in *Od.* viii. 221.

Of the way in which the mantle was worn in the ages which followed the Homeric, literature gives us but little information. The garments, however, mentioned in Hesiod and the Hymns, are the same as in Homer, and there is nothing to lead one to suppose that the fashion of wearing them had changed in any essentials. The sad want of any notices, except the most general, in the Lyric poems, is much to be lamented, for they lived in an age when great changes in costume were taking place, as may be learned from many protests against the growing luxury, and from the repressive enactments of early codes. It is not indeed until Thucydides that any clear account of the nature of this change is to be found. He, in his prefatory sketch of Greek civilisation (i. 6), distinguishes broadly three periods: (1) that when weapons were worn in ordinary life (τοῦ σιδηροφορεῖν); (2) that of a leisurely mode of life, when ease and luxury were possible (τῆς ἀνειμένης διαίτης); (3) that of moderation in dress (τῆς μετρίας ἐσθῆτος). The Athenians, he says, were the first to give up wearing arms and to adopt the leisurely mode of life, while it was the influence of the Spartans that brought about the revolt against luxury and the return to simplicity of the third period,—a reform which took place in the middle of the fifth century; for he adds that it was not long since elderly gentlemen in easy circumstances gave up the long linen shirt (which the Ionian still wore) with the archaic head-dress — a remark which is borne out by the mockery in the Knights of Aristophanes (425 B.C.) of the ancient costume (Ar. *Eq.* 1323 and 1331). This of course only applies to the dress of men, but Herodotus (v. 87, 88) informs us that about the middle of the sixth century the Athenian women gave up the old woollen shift and adopted the linen one.

In both cases it is very important to remember that the changes described took place only within a restricted area, some of them in fact only at Athens. Thus the old πέπλος of wool was still worn in the Peloponnese in the sixth century, and that of linen in Ionia during the fifth; while in the more out-of-the-way parts of Greece, in Aetolia and Thessaly, the costumes were probably almost the same as in the times of Homer and Hesiod. All these changes can be traced with the greatest distinctness in the monuments of the art of the seventh and sixth centuries B.C.

The most important of these remains, both as being the most numerous and as giving the best representations, are the vases of the black-figured and early red-figured styles. Next to these come statuettes of bronze and terra-cotta, and reliefs in stone or metal plate. Least important are the statues in the round; for these, if male, are mostly nude, and, in any case, are of a too conventional type to be good evidence. In the earliest of these monuments we find the men clad either in a long shirt with a mantle, with its ends hanging in front at an equal length from each shoulder, or without shirt and in a mantle folded double and thrown over the shoulders in the same symmetrical way. The former is worn by old men generally, and by others in a time of peace; the latter is the costume of youths and warriors.

There can be little doubt that the long mantle is the χλαῖνα, most probably worn in the same way as in Homeric times. The doubled mantle may perhaps be the δίπλαξ, but this is by no means the way of doubling it. The Homeric χλαῖνα was fastened with a brooch or clasp, but nothing of the kind is shown by the vase-

paintings. This, however, does not necessarily disprove its use, for it is very rare to find the *fibula* of a woman's πέπλος shown, and yet it

Figures from Frieze of the Parthenon.

was absolutely indispensable. It is besides difficult to see in what other way than by a clasp the χλαῖνα can have been kept in place in this symmetrical style of wearing it.

The women on vases of this class are clad in the πέπλος, and wear a veil, which falls from the head symmetrically over the shoulders, and down the back is practically a shawl. Both this and the symmetrical mantles of the men are well shown on the François vase at Florence.

On vases rather later than these one finds that the women assume the mantle, probably owing to the adoption of the linen shift, which made a warm shawl an absolute necessity. The way in which the change came about is shown by the characteristic fashion in which the shawl appears fastened with a brooch or brooches, but only at one shoulder, leaving the other shoulder and arm free and the breast bare; the mantle being in fact a πέπλος with the brooch at the closed side loosened. This is by far the commonest costume on archaic statues and statuettes, in marble, terra-cotta, and bronze from Rhodes, Athens, Magna Graecia, Etruria, and in fact all the places where objects of archaic art are found. It is peculiarly well-suited for the formal elegance of the period, the Ionic shift of linen showing at the bared breast and shoulder, in contrast with the folds of the woollen shawl, which hangs diagonally down in artificially arranged plaits. It is well seen in many of the statues discovered on the Acropolis in 1886 (Rhomaidis-Cavvadias, *Les Musées d'Athènes*), on the Athene of the Aeginetan East Pediment, and in countless vase-paintings. (Cf. Furtwängler in Roscher's *Lexicon of Mythology*, s. v. Aphrodite.) In Graeco-Roman times, this costume is important, because adopted as an archaic trait by the archaistic artists of that time. Instances of its use in this way are very numerous: the Artemis from Pompeii (cf. Studnizcka, in *Bulletino del Inst.* 1888), the Dresden Pallas, and the Minerva from Herculaneum. It is generally known as the "Spes" costume, early archaeologists having wrongly imagined that it was peculiar to Roman statues of that goddess.

Scarcely less characteristic of archaic and archaistic art is the symmetrical wearing of the χλαῖνα. This is seen on the Hermes Kriophoros of Wilton House, Oinomaos in the East Pediment from Olympia, on the figures of Athene on late Panathenaic vases, and of Poseidon on various coins. It is also a common motive on the flying statues, and reliefs of the Hellenistic time, and is usually wrongly explained as being a χλαμύς.

Early in the sixth, if not in the seventh century B.C., the manner of wearing the cloak which prevailed in classical times begins to appear in works of art. In it the symmetrical fashion, in which the ends are thrown over the shoulders, has been given up, and the cloak is wrapped round the body, being thrown over the left shoulder across the back, and under or over the right arm, according to the desire of the wearer to cover or keep his arm free. At first this fashion was confined to men, but by the fifth century it had become almost universal for women. The cloak thus worn is generally known as the ἱμάτιον: but, as will be shown further on, this is but a very special use of the term, the sole difference between cloaks wrapped round the body in this fashion and cloaks worn in other fashions (*e.g.* the τρίβων) being the immaterial one of size.

At this period, as indeed at every other, such a ἱμάτιον was the indispensable outdoor dress of the Greek; and to appear without it in one's under-garment was indecent, and anyone so dressed was spoken of as naked (γυμνός). In primitive times the cloak had probably been the sole garment of both sexes, and it remained so among some of the Dorians and the poorer working classes down to the close of Greek history. In Homer's time men of quality had already adopted a shirt (χιτών), and we have seen that women followed their example somewhere in the sixth century. By the fifth century, however, it had become so much the exception to wear a cloak without an undergarment that to do so (to be ἀχίτων ἐν ἱματίῳ, Diod. xi. 26) was a sign either of great poverty or determined asceticism. This of course does not apply to warriors or hunters, who wore the old garb, even to late times.

In Athens much importance was attached to the nice adjustment and elegant wearing of the ἱμάτιον. Indeed the way in which it was worn was regarded as an infallible guide to the character of its owner. To leave the left shoulder free instead of the right was a true sign of a barbarian, as can be seen from the horror with which Poseidon in Aristophanes' *Birds* (1567) greets the outlandish god Triballos, who had put it on ἐπ' ἀριστερά, instead of ἐπὶ δέξια. Even Plato, in the *Theaetetus* (p. 175), speaks of one who is not a gentleman as ἀναβάλλεσθαι οὐκ ἐπισταμένου ἐπὶ δεξιὰ ἐλευθέρως. The length it ought to be worn was considered a point of great nicety; and though Quintilian (xi. 3, 143) says that it was customary in antiquity to wear the cloak long enough to touch one's boots, yet Alcibades offended many by wearing it down to his ankles (Plut. *Alc.* 1; cf. Demosth. *F. L.* p. 442, § 314). Theophrastus decides that it must come down as low as the knees. In the time of the early Attic orators it was apparently the custom to keep the right hand wrapped in the folds of the ἱμάτιον when speaking, an attitude which is seen in the well-known statue of Sophocles. Aeschines says (*c. Timarch.* § 27) that the custom had disappeared in his time; Cleon

being, according to Plutarch (*Nicias*), the first to disregard it.

We must beware of assuming that the ἱμάτιον was a distinct garment, differing specifically from the χλαῖνα and other forms of cloak. The word originally was perfectly general, denoting clothes of all kinds; and even when its meaning grew more restricted in classical times, it only meant a cloak or over-garment as opposed to the shirt or under-garment. Fashion, however, only recognised one peculiar mode of wearing it as worthy of a gentleman, and this particular mode has in the usage of modern times usurped the name.

Among the specific garments worn at this time, the χλαῖνα [LAENA] is the most important. It was still made of thick woollen stuff (Arist. *Av.* 493), and was used as a winter cloak (ἱμάτιον χειμέρινον, Hesych.) or as a blanket, though it was finer than the σισύρα, which was also used for this purpose (Ar. *Vespae*, 1138; *Ranae*, 1459). It is frequently mentioned and its compounds are numerous.

The χλανὶς was a much finer garment and of Milesian wool; it was worn in hot weather by men, at other times by ladies, old men (Arist. *Eccl.* 848), and effeminate persons. It is first mentioned by Simonides, but χλάνδια (= χλανίδια, which are among the festival robes in Arist. *Lys.* 1188) and χλάνισκα are among the robes in the Komos of the Heraeum at Samos (cf. C. Curtius, *Inschriften und Studien zur Geschichte von Samos*).

The ληδάριον was also a summer garment, as we see from Arist. *Av.* 715, where the swallow is said to announce ὅτε χρὴ χλαῖναν πωλεῖν καὶ ληδάριον πρίασθαι. The word is a diminutive of λῆδος (cf. λήδιον in an Attic inscription, *C. I.* 155, 45).

The ξυστὶς was also a garment of fine quality worn by women of quality at festivals (Arist. *Lys.* 1189), which would have been intended rather to complete a gorgeous costume than to form an essential part of it. In Theocr. ii. 74, however, it is an ordinary over-garment. It was also worn by men (Arist. *Nub.* 70), especially on state occasions, and seems to have been used on the stage for the attire of heroic personages.

The ἐφεστρὶς was somewhat similar to the ξυστίς, and also worn by both men and women. In Xen. *Symp.* 4, 38, it has the epithet παχεῖα, from which it would appear that it was not so light as the ξυστίς.

The ἐφαπτίς, according to the Scholiast on Clemens Alexandrinus (iv. 128, ed. Klotz), is a more costly form of the χλαῖνα, was used by hunters and warriors, and is very probably the garment which is often seen wrapped round a hunter's arm. Polybius uses it (quoted by Athen. 194 f) as a translation of the Latin *sagum*.

The ἀμπέχονον (Theocr. xv. 39), ἀμπεχόνη, and ἀμπεχόνιον do not seem to refer to any special form of ἐπίβλημα or mantle, but to be quite general. The same is the case with λώπη and λῶπος.

Pollux (vii. 47) divides χλαῖναι into ἁπληγίδες and διπληγίδες (cf. *C. I. Afr.* i. 405). The varieties of the ἱμάτιον hitherto described come under the former head, while under the latter are grouped varieties in which the mantle was worn folded double and pinned by a clasp or brooch round the neck. Such forms were the natural dress of poor folk and those who led

Statue of Sophocles, in the Lateran.

an active life. Lycurgus (*c. Leocr.* § 40) tells how, in the panic which followed Chaeronea, aged citizens went about with their mantles doubled and pinned (διπλὰ τὰ ἱμάτια ἐμπεπορπημένους). For the TRIBON, see that article.

It is only necessary to mention in this place that the τρίβων, though not regarded strictly as a ἱμάτιον (inasmuch as it was not an over-garment, but a sole garment, supplying the place of χίτων and ἱμάτιον), yet belongs in form to the cloak and not to the shirt.

Lady in outdoor dress. (From a terra-cotta in the British Museum.)

The dress of the common people was probably not very different from this, but often consisted of skins or of the ἐξωμίς. The ἐξωμὶς is a hybrid garment, at once cloak and shirt (χιτὼν ὁμοῦ καὶ ἱμάτιον, Hesych.), worn by men in much the same way as the Doric shift or πέπλος [TUNICA] was by women, only being much shorter, barely reaching to the knees. The right arm, how-

ever, was left free by loosing the clasp at the shoulder. On this account it has been generally described as a *χιτὼν ἑτερομάσχαλος*, in contrast to the ordinary *χιτών*, which was *ἀμφιμάσχαλος*. It was essentially the garb of servants (*σχῆμα οἰκετῶν*: cf. Arist. *Vesp.* 444), whereas the *χιτὼν ἀμφιμάσχαλος* was the garb of freemen (*σχῆμα ἐλευθερῶν*, Poll. vii. 47). An immense number of *ἐξωμίδες* were exported from Megara (cf. Blümner, *Gewerbliche Thätigkeit*, p. 71, n. 4). In art the *ἐξωμὶς* is, after the fourth century, the characteristic garb of Odysseus, Hephaestos, and Daedalus, and at all periods is peculiar to handicraftsmen, labourers, seafaring folk, and beggars. In such cases the *πῖλος* is generally worn with it. [EXOMIS.]

Other names for mantles denote colour and texture, but apparently no characteristic difference in the manner of wearing. The *κροκωτὸς* is a good instance of this; it is an over-garment worn exclusively by women (Arist. *Thesm.* 253; *Eccles.* 1332); and when it is adopted by men, as by Agathon in the Frogs (Arist. *Ran.* 46), a joke is always intended. The *βατραχὶς*, a frog-coloured cloak, was on the contrary a man's garment.

Of the cloaks and shawls worn in the Hellenistic age but little that is definite can be said, for, though the material is not scant, no writer of authority has treated of the subject. The old Greek *χλαῖνα*, *ἐξωμὶς*, *τρίβων*, and *χλαμὺς* still survived, doubtless in much the same forms as before, but they were no longer fashionable, except perhaps with philosophic Romans, who were more Greek than the Greeks themselves. The cosmopolitan spirit of the age had led to the adoption of many foreign garments; and where Roman dress was not worn, Oriental was to be found. The Greeks had, even in the time of Aristophanes, a liking for Persian dress, but it was not until the third century that garments like the Lydian *μανδύη* or the *καπυρὶς ἀκταῖα* or *σαραπὶς* of Persia were adopted wholesale from the East, and nationalised all over the Greek world. With the exception of the terra-cottas and a few reliefs which unfortunately have, as yet, not been systematically studied, the art of this age gives only the faintest idea of the costume actually worn. In sculpture the love of the nude figure was continually growing, and, with it, the drapery became more and more conventional. On the vases, on the other hand, the costumes, though varied and elaborate, are only too evidently theatrical or idealised. Next to the terra-cottas, which are a perfect mine for garments of every conceivable size and shape, worn in the most diversified ways, the Pompeian wall-paintings are perhaps the most useful guides, though the information they give is rather as to the gaudy colours which were regarded as tasteful, than the actual shape of the dresses. In Rome itself the Greek mantle never became naturalised, though, under the name *pallium*, it was well known to them as the distinctive mark of a Greek. Indeed *palliatus* is used as meaning Greek, in opposition to *togatus*, meaning Roman, not only in the well-known division of comedies into *palliatae* and *togatae*, but apparently in ordinary speech. Conservative Romans regarded it as beneath their dignity to wear a *pallium*, and we find it cast up as a reproach against Scipio Africanus (Liv. xxix. 19) and Rabirius (Cic. *pro Rab.* 9, 25) that they did so. Cicero speaks with indignation of Verres (*in Verrem*, v. 33, 86), "stetit soleatus praetor populi Romani pallio purpureo tunica talari," and even under the Empire Germanicus offended some people by adopting a "par Graecis amictus" (Tac. *Ann.* ii. 59).

Palliolum is frequently used as an equivalent for *τρίβων* or *ἐξωμίς*, but is also found in the more general sense.

(See Hermann - Blümner, *Lehrbuch*, Pt. iii.; Iwan Müller, *Handbuch*, 1887, Pt. iv. p. 396 *seq.*; Baumeister, *Denkmäler*, s. v. *Himation*; and for Homeric and early history of subject, Studniczka, *Beiträge zur Geschichte der altgriechischen Tracht*, Vienna, 1886, the main results of which have been incorporated by W. Helbig in the 2nd edition of *Das homerische Epos*, 1887.) [W. C. F. A.]

PA'LMIPES, i.e. *pes et palmus*, a Roman measure of length, equal to a foot and a palm; or a foot and a quarter, or 15 inches, or 20 digits. (Plin. *H. N.* xvii. § 32; Vitruv. v. 6.) [MENSURA.] [P. S.]

PALMUS (also *palma*, Plin. vii. § 28), properly the width of the open hand, or, more exactly, of the four fingers, was used by the Romans for two different measures of length; namely, as the translation of the Greek *παλαστή*, or *δῶρον* in old Greek, and *σπιθαμὴ* respectively. In the former sense it is equal to 4 digits, or 3 inches, or 1–4th of a foot, or 1–6th of the cubit. (Varro, *R. R.* v. 1; cf. Colum. v. 1; Frontin. *Aq.* 24.) This was the only sense in Latin of the best age, but a later sense appears (first in ecclesiastical writers, Jerome, *Ezech.* 40, &c.), in which palmus=*σπιθαμή*, a span of 9 inches. It is a mistake to suppose that this measure existed earlier in Latin as "palmus major." The Romans had no special word in earlier times for *σπιθαμή*, but expressed it as *dodrans* (¾ of a foot): "ternas spithamas, *hoc est* ternos dodrantes" (Plin. vii. § 26). In the passage sometimes quoted from Varro, *R. R.* iii. 7, the ordinary palmus of 3 inches is meant. (Hultsch, *Metrologie*, p. 15, note.) [P. S.] [G. E. M.]

PALUDAMENTUM. The root of this word and its cognate adjective is undoubtedly that contained in *pallium* and *palla*, though it is not possible to trace any real connexion. Varro tells us that Ennius speaks of Minerva as "virago paluda," but does not explain its special meaning (*L. L.* vii. 37). He also remarks that *paludamentum* was used originally of any kind of military decoration, and this statement is borne out by a passage of Veranius given by Festus (*s. v.*). In the extant literature it is only employed to denote the SAGUM or military cloak, and in writers of the best age is applied only to the *sagum purpureum* worn by the Imperator, as distinguished from the *sagum gregale* of the common soldier. The cases in which it is used in the former and more general sense are rare. Lucilius, for instance, if we may trust Nonius, spoke of it as the garb of the *rorarii*, and Sabidius (in the *scholium* in the Veronese MS. on Verg. *Aen.* x. 241) gives it to the *pedites* no less than the *equites*. Livy is the author who uses it most frequently in this way, doubtless from his love of archaeological detail. Thus we find that as the survivor of the Horatii

returns from the triple duel his sister recognises the *paludamentum* she had wrought for his slain foe (i. 26, 2); so, too, when Gracchus prepares to die, it is "paludamento circum laevum bracchium intorto." Two other passages in which Livy speaks of a consul being accompanied by "paludatis lictoribus" (xli. 10, 7; xlv. 39, 11) gave the commentators much trouble, but are easily explained by comparing Cic. *in Pis.* 23, 55, with Sil. Ital. ix. 420, the former telling us that the lictors wore the sagum, the latter giving it the epithet *rubens*. [LICTOR.]

With such rare exceptions the *paludamentum* is the cloak which was put on by the Roman general when leaving the city invested with the *imperium*, and was doffed when he re-entered and became once more an ordinary citizen. (Varro, *loc. cit.*; Caes. *B. C.* i. 6; Liv. xli. 10;—Cic. *in Pis.* 13; *ad Att.* iv. 13; *ad Fam.* xv. 17.) Hence we find that the insignia of a consul which the senate sent as a present to Masinissa included "sagula purpurea duo" (Liv. xxx. 17, 13), and that *paludatus* is regularly used to denote a general in command of an army on active service (Cic. *Verr.* ii. 7, 13; Juv. vi. 399). Such phrases as "togam paludamento mutare," meaning to get peace for war (Sallust), are not uncommon (cf. Pliny, *Paneg.* 56, 4).

Figures wearing Paludamentum. (Trajan's Column.)

Purple, though the favourite (Hirt. *de B. Afr.* 57; Plin. *H. N.* xxii. §§ 2, 3, and more especially the customs dues, *C. I. L.* viii. 408) colour, was not the only one, as is shown by the story told by Valerius Maximus (i. 6, 11), of how Crassus on the fatal morn of Charrae went out in a dark-coloured and not in a purple or white *paludamentum*. It was worn regularly by the emperors (Suet. *Claud.* 31), and was, by some who were careful to observe old constitutional forms, laid aside on entering the city (Tac. *Hist.* ii. 89; Suet. *Vitell.* 11). Pliny (*H. N.* xxxiii. § 63) says that at the great sea-fight exhibited by Claudius, Agrippina wore a *paludamentum* of cloth of gold ("indutam paludamento aureo textili sine alia materia"), and Tacitus (*Ann.* xii. 56) describes the same garment as "chlamys aurata;" while Dio Cassius has the expression χλαμύδι διαχρύσῳ ἐκοσμεῖτο (lx. 33). It is not impossible that Pliny may have made a slip in giving Agrippina's cloak the specific name, but there certainly were *paludamenta* embroidered or woven with gold thread in the later days of the Empire (Aurel. Vict., *Epit.* 3). It was probably this form which was adopted as a vestment at Milan, where the Bishop wore a *paludamentum baptismale* (Muratori, *Antiq. It. med. aev.* iv. 897). The monuments which represent it are generally portraits of the emperors; and these show that, while there was no distinction in shape, the *paludamentum* was larger and of thicker and better material than the ordinary *sagum*. It is frequently fringed, and is worn as a rule with the clasp at the right shoulder, though cases occur where it is at the left. In the famous statue of Augustus in the Vatican, it is unclasped, thrown round the loins, and hangs over

Roman Emperor in Paludamentum. (Maffei.)

the left arm. This is of course owing to the difficulty of treating such a one-sided garment in the round,—a difficulty which the Hellenistic sculptors got over in the case of the *chlamys* by letting it hang from the left shoulder. In the case of busts a compromise is made by hitching the *paludamentum* over the left shoulder and leaving both arms free.

The origin of this cloak has been the subject of some guesswork, many following Florus (i. 5, 6), and deriving it, like the other insignia of authority, from Etruria; while others prefer to connect it with the *chlamys*, which is worn in the same way. There is, however, surely no need to suppose that the Romans required to be taught the use of a garment which is so obvious, and so universally found all over the world; neither is it very unscientific to assume that, however alike in shape, there must always be a distinction between the dress of the general and those under him. (Marquardt, *Privatleben*, p. 567.) [W. R.] [W. C. F. A.]

PALUS, a pole or stake, was used in the military exercises of the Romans. It was stuck into the ground, and the tiro, armed with a heavy wicker shield and a wooden sword, had to attack it as if it were a real enemy. Vegetius (i. 11) gives a full account of the drill. This kind of exercise is sometimes called *palaria* (Sosip. Charis. i. p. 11). It was used for exercise (*e.g.* before the bath) as well as for military drill. So Martial (vii. 32, 8) speaks of "nudi stipitis ictus hebes," where the *stipes* = *palus*, and the "ictus *hebes*" expresses the *wooden* sword, which Juvenal (vi. 247) renders by *sudes*, when he is speaking of women taking to these manly exercises (*vulnera pali*). See Becker-Göll, *Gallus*, iii. 185 f. [W. S.] [G. E. M.]

PAMBOEO'TIA (παμβοιώτια), a festive panegyris of all the Boeotians, which the grammarians compare with the Panathenaea of the Atticans, and the Panionia of the Ionians. The principal object of the meeting was the common worship of Athena Itonia, who had a temple in the neighbourhood of Coronea, near which the panegyris was held (Strabo, ix. p. 411; Paus. ix. 34, § 1). From Polybius (iv. 3, ix. 34) it appears that during this national festival no war was allowed to be carried on, and that in case of a war a truce was always concluded. This panegyris is also mentioned by Plutarch (*Amat. Narrat.* p. 774 f.). It is a disputed point whether the Pamboeotia had anything to do with the political constitution of Boeotia, and with the relation of its several towns to Thebes. The question is discussed in Sainte-Croix, *Des Gouvernements fédérat.* p. 211, &c.; Raoul-Rochette, *Sur la Forme et l'Administr. de l'État fédératif des Béotiens*, in the *Mém. de l'Acad. des Inscript.* vol. viii. (1827), p. 214. It seems probable that its object was religious, not political, though, as at other panegyreis, there were no doubt political harangues [PANEGYRIS]. The state and constitution of Boeotia is discussed under BOEOTARCHES. (See also Gilbert, *Staatsalterthümer*, ii. 53.) [L. S.] [G. E. M.]

PANATHENAEA (τὰ Παναθήναια) was a very ancient festival in honour of Athena Polias and Erechtheus (A. Mommsen, *Heortologie der Athener*, 14 ff., 37 ff.), said to have been founded by Erechtheus or Erichthonius 729 years before the first Olympiad (*C. I. G.* 2374, cf. p. 325), called at first Athenaea, but after the συνοικισμὸς by Theseus Panathenaea (Plut. *Thes.* 24; Suid. *s. v.* Παναθήναια). Pisistratus renewed it with increased splendour, and attached more especial importance therein to the worship of his protecting divinity, Athena.

1. *The Greater and Lesser Panathenaea.*—The Greater Panathenaea was a πεντετηρὶς celebrated every fourth year, and was merely an extended and more magnificent performance of the Lesser Panathenaea, which was always from of old held every year (cf. Hom. *Il.* ii. 551). As each fourth year came round the Lesser was incorporated in the Greater. The procession and the hecatomb always remained the basis of the latter, but the chariot-race also appears to have been considered as belonging to the original festival. Erechtheus is said to have ridden at it himself (*C. I. G.* l. c.). Pisistratus may be virtually considered as the second establisher of the Greater Panathenaea (Schol. on Aristid. p. 323), though we hear that the performance under the Archon Hippoclides in 566 B.C. was attended by a large concourse of strangers and was widely celebrated, especially as on that occasion gymnastic contests were first introduced. Indeed Marcellinus (*Vit. Thuc.* § 3) says the Panathenaea was established in the archonship of Hippoclides. The increased splendour of the Greater festival of course diminished the importance of the Lesser: so, though the adjective μεγάλα is often found attaching to the Greater (*C. I. G.* 380, 1068; Boeckh, *Staatshaushaltung*, ii.[3] 513), still generally Παναθήναια alone is used for the Greater, the Lesser one being styled μικρά.

The statement in the Arg. to Dem. *Mid.* 510, that the Lesser festival was a trieteris, is disproved both by such evidence as τὰ Παναθήναια τὰ κατ' ἐνιαυτόν (Rangabé, 814, 32) and also by the fact that inscriptions on vases point to Panathenaea having been held in every single Olympic year (Mommsen, pp. 119, 125). The Greater Panathenaea were celebrated every third Olympic year (*e.g. C. I. G.* i. 251, by the Archon Charondas in 110. 3; Lys. *Accept. Mun. Def.* § 1, by the Archon Glaucippus in 92. 3: see other confirmatory arguments in Mommsen, pp. 120, 121); therefore they were held in the same years as the Pythian games. Solon, we know, took a Pythian calendar to regulate the Athenian one, and Pisistratus in many points followed closely in Solon's steps (Mommsen, 122).

2. *The date of the Panathenaea.*—The principal day was the third from the end of Hecatombaeon (about August 13th). Proclus (in Plat. *Tim.* p. 9) says so expressly of the Greater: and this agrees with Schol. on Hom. *Il.* viii. 39, where Athena is said to have been born on that day. But Proclus says that the Lesser Panathenaea came immediately after the Bendideia [BENDIDEIA], accordingly on the 21st of Thargelion (about June 8th). But the Greater and Lesser Panathenaea are undoubtedly connected in that the former is but an amplification of the latter so that *à priori* there is a presumption that they are held at the same time. Further *C. I. G.* 157 obviously follows the calendar, and it puts the Panathenaea after the sacrifice to Eirene on Hecatombaeon 16th. According to Demosthenes (*Timocrates*, p. 709, § 28), the Panathenaea are just approaching on Hecatombaeon 11th; but these are certainly the Lesser Panathenaea (Schaefer, *Demosth.* i. 334; Wayte on Dem. *Tim.* § 26), as the year is Ol. 106. 4, not 106. 3. The argument that the list in Lysias (*op. cit.* § 4) is necessarily in chronological order is disproved by such lists as Isaeus (*de Dicaeog. hered.* § 36), and [Andoc.] *contr. Alc.* § 42, which can be seen from comparison to be certainly not both in chronological order.

The evidence for a Panathenaea in the spring is Himerius, who gives as a title to his third speech, εἰς Βασίλειον Παναθηναίοις, ἀρχομένου τοῦ ἔαρος: cf. [Verg.] *Ciris*, 21 ff. (probably composed in Hadrian's time); but this refers to the Roman Quinquatria, which were called Panathenaea after the disappearance of the older festival (Dionys. Hal. ii. 70).

3. *The Musical Contest.*—This was only held at the Greater Panathenaea. Pisistratus was of the *gens* of the Philaidae, who lived in Brauron, where there was a contest of rhapsodes

from of old (Schol. on Aristoph. *Av.* 873). Hence he but transferred to the capital the custom of his village. He introduced recitations of the Homeric poems, which were better regulated by Hipparchus: cf. Plat. *Hipp.* 228 B; Ael. *V. H.* viii. 2. (For the meaning of *ἐξ ὑποβολῆς* and *ἐξ ὑπολήψεως*, see Mahaffy, *Hist. of Greek Literature*, i. 29, note.) The poems were now sung in much longer portions than before, and probably *both* the Iliad *and* the Odyssey as the Neleidae are especially celebrated in the latter (cf. Mommsen, p. 138). In later times other poets (*e.g.* Choerilus of Samos, fl. 420 B.C.) obtained the privilege of being recited at the Panathenaea (Suidas, *s. v.* **Χοίριλος**).

The musical contest proper was introduced by Pericles, who built the new Odeum for the purpose (Plut. *Pericl.* 13). Previously the recitations of the rhapsodes were in the old unroofed Odeum. There is a very important inscription (*C. I. A.* ii. 965 = Rang. 961) concerning these musical contests. The part referring to the rhapsodists is probably lost. Then follow five prizes for the *κιθαρῳδοί*. For the first an olive crown set with gold (*στέφανος θαλλοῦ χρυσοῦς*), value 1000 drachmas and 500 drachmas in silver: for the second, probably a crown value 700, for the third 600, for the fourth 400, and for the fifth 300 (see Rangabé, ii. p. 673). Next two prizes *ἀνδράσι αὐλῳδοῖς*: for the first a crown value 300, for the second one value 100. Next *ἀνδράσι κιθαρισταῖς*: for the first it appears a crown valued at 500 drachmas, or 300 drachmas in money; for the second probably 200, and for the third 100. The fact that we find *ἀνδράσι* added proves that there were contests of boys too (cf. *C. I. G.* 2758, Col. i.). The *αὐληταὶ* also got prizes, but the inscription does not record what they were. Note that the prizes in the musical contests are reckoned in money, not in kind, as in the older gymnastic and equestrian contests. The first who won a victory in these musical contests was Phrynis in Ol. 83. 3 (446 B.C.): see Schol. on Aristoph. *Nub.* 971 (alter **Καλλίου** to **Καλλιμάχου**). Plutarch appears to have written a treatise on the Panathenaic music (*de Mus.* 8). There were not any dramatic representations at the Panathenaea. When we consider the long recitations of the rhapsodes and the musical contests proper, we may allow perhaps three days for this part of the ceremony on a liberal computation, certainly not less than one and a half days (Mommsen, p. 202).

4. *The Gymnastic Contest.*—There is frequent mention of this contest at the Greater Panathenaea (*C. I. G.* 251, Rang. 849, 18; Dem. *de Cor.* p. 265, § 116—a passage, by the way, which shows that proclamations in honour of benefactors were made at the Greater Panathenaea at the gymnastic contest), none for the Lesser: besides, it had nothing to do with the ritual; it was a purely secular and late addition, said to have been first made by the Archon Hippoclides in 566 B.C., or perhaps Pisistratus himself (cf. § 1). The inscription referred to above, *C. I. A.* ii. 965 (= Rang. 960), also gives details as to the gymnastic contests. The competitors were divided into *παῖδες*, *ἀγένειοι*, and *ἄνδρες*, the *παῖδες* being those from 12 to 16 years of age, the *ἀγένειοι* from 16 to 20, and the *ἄνδρες* above 20. Thus neither a *παῖς* nor an *ἀγένειος* could compete as such twice. In later times (Rang. 964) the *παῖδες* were still further divided, *e.g.* into *τῆς πρώτης ἡλικίας*, *τῆς δευτέρας* (cf. *C. I. G.* 1590, *παίδων τῶν πρεσβυτέρων*, *παίδων τῶν νεωτέρων*), the *παῖδες τῆς τρίτης* being doubtless the *ἀγένειοι*. There is then an event *ἐκ πάντων*, which means an all-comers' race, but for boys, as is plain from its position before *ἄνδρας*. The boys and striplings had their events first: then there was an interval (if a whole night did not intervene); and on re-assembling the men's events took place. According to *C. I. A.* ii. 965, the *παῖδες* and *ἀγένειοι* have five contests,—*στάδιον*, *πένταθλον*, *πάλη*, *πυγμή*, *παγκράτιον*. According to Rang. 963 (belonging to the late period of the Diadochi), the *παῖδες* have six, while the *ἀγένειοι* still have only five. Perhaps the *δόλιχος*, which was added, was for all below the class of *ἄνδρες*. The men's contests were, according to *C. I. A.* 966 (= Rang. 962), of 190 B.C., *δόλιχος*, *στάδιον*, *δίαυλος*, *ἵππιος* (= a double *δίαυλος*), *πένταθλον*, *πάλη*, *πυγμή*, *παγκράτιον*, *ὁπλίτης* (= race in armour). Note the order of the events, though in Plato's time the *στάδιον* came first (*Legg.* viii. 833 A): cf. *C. I. A.* ii. 965. The races were run in heats (*τάξεις*) of four each (Paus. vi. 13, 4); the victors in the heats afterwards running together. There were prizes for the first and second in the deciding heat in the ratio of 5 : 1 (= ox : sheep, cf. Plut. *Sol.* 23): see *C. I. A.* l. c. The prizes consisted of oil from the *μορίαι* in the Academia [OLEA, p. 263 *a*], given in special prize amphorae, which were called *ἀμφορεῖς Παναθηναϊκοί* (Athen. v. 199). The oil was meant to be sold, and could be exported free of duty (*οὐκ ἔστι δ' ἐξαγωγὴ ἐλαίου ἐξ Ἀθηνῶν εἰ μὴ τοῖς νικῶσι*, Schol. on Pind. *Nem.* x. 64). The number of amphorae given, according to the inscription referred to, was about 1450, and the value (1 amphora worth 6 drachmas) about 1 talent 2700 drachmas (see Rangabé, ii. p. 671). The gymnastic games probably lasted two days, certainly not less than one (Mommsen, 202).

5. *The Equestrian Contest.*—There is plenty of evidence for an equestrian contest at the Greater Panathenaea, none for the Lesser; though there may have been a kind of ceremonial race, more as a matter of worship than as a contest in which the victors got substantial prizes. None of the evidences for Athlothetae (cf. § 11) at the Lesser Panathenaea are absolutely conclusive, yet we may perhaps suppose that there was an equestrian contest on a small scale at this festival (Mommsen, 124–127). To understand thoroughly the many events of this division at different times, the reader must study the inscriptions in *C. I. A.* 965 b = Rang. 960 (380 B.C.), 966 = Rang. 962 (190 B.C.), 968 (166 B.C.), 969 (162 B.C.), *C. I. G.* 1591 (250 B.C.), and above all the elaborate table of the comparison of these inscriptions in Mommsen (Taf. IV.). The multifarious details can only be set forth in such a table, and any one who wants to study them very closely must be referred to it. Here we can merely give an idea of the plan, noticing that the events appear to have increased in number as time went on. The first and chief event, the one which legend said Erechtheus introduced, was that of the *ἀποβάτης* (cf. *τῆς ἀπήνης καὶ τῆς κάλπης δρόμος* at Olympia in Paus. v. 9, 1 and 2),

A charioteer (*ἡνιόχος ἐγβιβάζων* or *ζεύγει ἐγβιβάζων*) and a companion, as in the Iliad, occupy the chariot. The companion (here called *ἀποβάτης*, not *παραιβάτης*) leaps out (hence his name) and again up (hence sometimes we find him also called *ἀναβάτης*), partly helped by the driver (who thus gets his title *ἐγβιβάζων*), partly by kinds of wheels called *ἀποβατικοὶ τροχοί* (Mommsen, p. 154). The son of Phocion (Plut. *Phoc.* 20) took part in this contest, so it must not be inferred from its absence in *C. I. A.* ii. 965 that it did not exist in 380 B.C. It is really broken off the inscription. The second division in Mommsen's table is ordinary riding and driving, without any relation to ritual or war. Here the horses are divided into foals and full-grown horses; they are yoked either singly, or two or four together; and the races are divided into *δίαυλοι* and *ἀκάμπιοι*. Then there are various permutations and combinations that may be made of these (e.g. *συνωρίδι πωλικῇ, κέλητι τελείῳ, ἅρματι τελείῳ* in *C. I. A.* ii. 968): but there is no *δίαυλος* ever for a single horse, only for a yoke or a pair, and not even for these in the case of foals. The third division consists of what we may call military competitions, and they are much the same as the second division, only there do not appear so many combinations (e.g. *ib. ἅρματι πολεμιστηρίῳ, ἵππῳ πολεμιστῇ*). There is no need to suppose that these contests were exclusively confined to the cavalry (Mommsen, 161–2). The fourth refers to the procession in honour of Athena, and always consisted of four horses *ζεύγει πομπικῷ δίαυλον* or *ἀκάμπιον*. The fifth was of javelin-throwers from horseback, a contest which soon disappeared. Notice further that several events are for all comers (*ἐκ πάντων*): cf. *C. I. A.* 968, 42 ff., as opposed to those for Athenians only (*τῶν πολιτικῶν*).

The inscription *C. I. A.* ii. 965 b, of which the beginning is lost containing the *ἀποβάτης*, gives the following, which Mommsen classifies thus:—

1st Class. [*ἀποβάτης.*]
2nd Class. *ἵππων πωλικῷ ζεύγει* (40 : 8).
ἵππων ζεύγει ἀδηφάγῳ (140 : 40); *i.e. τελείῳ* (see Hesych. *s. v. ἀδήφαγος*); was probably a slang word for the great expense such splendid race-horses entailed.
3rd Class. *ἵππῳ κέλητι νικῶντι* (16 : 4).
ἵππων ζεύγει νικῶντι (30 : 6).
(It is specially noted in the inscription that these are *πολεμιστηρίοις*.)
4th Class. *ζεύγει πωπικῷ νικῶντι* (4 : 2,
5th Class. *ἀφ' ἵππων ἀκοντίζοντι* (5 : 1).

(In brackets we have given the number of jars of oil awarded for first and second prizes.) The amateurs who took part in the contests of the second class are the best rewarded; and it was to encourage them to spend their money on keeping horses that these events were made the most distinguished. In *C. I. A.* ii. 966, 41, king Ptolemy Epiphanes appears as victor among them in the *δίαυλος* with a chariot.

The place for both the gymnastic and equestrian contests was perhaps the Eleusinium (Köhler to *C. I. A.* ii. 2, p. 392), or the deme Echelidae, W. of the Piraeus (Steph. Byz. *s. v.* *Ἐχελίδαι*: *Etym. M.* s. v. *Ἐνεχελιδώ*, 340, 53; Mommsen, 152. Yet cf. Milchhöfer in Baumeister's *Denkmäler*, s. v. *Peiraieus*, p. 1200). It took up a day probably, though possibly only half a day (*ib.* 202).

6. *The Smaller Contests.*—(*a*) That called *Euandria* (*εὐανδρία*) was a means by which the leaders of the procession were chosen. It was a *λειτουργία*, [Andoc.] *in Alcib.* § 42, and he who performed it chose out of his tribe a certain number — perhaps about twenty - four, the number of a chorus—of the tallest and best looking members, and arrayed these with proper festal garments. A member of another tribe did the same, and probably only two tribes contended, as no second prize appears in *C. I. A.* ii. 965. From this contest strangers were expressly excluded (Bekk. *Anecd.* 257, 13). Sauppe and Köhler consider that there were two companies who contended in each case in the Euandria, one of seniors, the other of juniors; perhaps the contest of the seniors was called *εὐανδρία* in the special sense, and that of the juniors *εὐοπλία*: cf. Rang. 964 and Mommsen, 168.

(*b*) The *Pyrrhic* dance [PYRRHICA], performed at both the Greater and Lesser Panathenaea (Lys. *Accept. Mun. Def.* §§ 1, 4). With the Euandria and the Lampadedromia it belonged to the more strictly religious part of the festival (cf. Aristoph. *Nub.* 988 and Schol.). Athena was said to have danced the Pyrrhic dance after her victory over the Giants (Dionys. Hal. vii. 72). As belonging to the religious part of the festival, the prize was an ox for sacrifice, and bore the special title of *νικητηριον* (cf. Xen. *Cyr.* viii. 3, 33, where the ox alone is called *νικητήριον*, not the goblets: also Mommsen, 163; Rangabé, ii. p. 671). There were Pyrrhic dancers of all three ages—*παῖδες, ἀγένειοι,* and *ἄνδρες*. A relief published by Beulé (*L'Acropole d'Athènes*, ii., last plate but one) presents eight armed youths performing the Pyrrhic dance. A full body of Pyrrhicists would then be twenty-four, the number of a comic chorus. They wear a light helmet, carry a shield on their left arms, but are otherwise naked. How the victory was gained in the Pyrrhic dance and the Euandria is not stated; probably by decision of a judge. The figure on the left of the relief may be perhaps the judge.

(*c*) The LAMPADEDROMIA, the prize of which in *C. I. A.* ii. 965 was a hydria of oil (cf. Schol. in Pind. *Nem.* xv. 61), value 30 drachmas.

7. *The Pannychis.*—This was the night of the 28th (the day being reckoned from sunset to sunset). The Lampadedromia was the first event in it. Then followed during the greater part of the night litanies (*ὀλολύγματα*) by the elder priestesses, which were originally prayers and thanksgivings for the harvest, and subsequently songs of joy for the birth of Athena. Mommsen (p. 171, note) thinks that possibly the conclusion of the *Eumenides* may have reference to the ceremonies of the Panathenaic pannychis. There were also dances by the younger priestesses, and towards morning songs by cyclic choruses (cf. Lys. *op. cit.* § 2) of youths and men (*νέων τ' ἀοιδαὶ χορῶν τε μολπαί*, Eur. *Heracl.* 779, a passage comprising many features of the Panathenaea, which, however, must not be taken as expressing the order in time, only the order in importance of the several

events). The kind of songs the men sang may perhaps be partly seen in the dithyramb of Lamprocles in Bergk (*Lyr. Graec.* iii. p. 554: cf. Aristoph. *Nub.* 967 and Schol.). The ἱεροποιοί got next to nothing for the expenses of the Pannychis, only 50 drachmas, and this had to compensate much other outlay besides (Rang. 814, 27–30, and his note).

8. *The Procession and Sacrifices.*—The procession was most splendid. It comprised the victors in the games of the preceding days, the πομπεῖς or leaders of the sacrifices, both Athenian and those of strangers (for the colonies and cleruchies used to send sacrifices to the Panathenaea, *e.g.* Brea, *C. I. A.* i. 31), a large quota of cavalry (for Demosthenes, *Phil.* i. p. 47, § 26, speaks of ἵππαρχοι: cf. Schol. on Aristoph. *Nub.* 386), the chief officers of the army, ταξίαρχοι and στρατηγοί, dignified elders (θαλλοφόροι, Xen. *Symp.* 4, 17), bearing olive branches (θάλλοι), doubtless with their μέτοικοι as σκαφηφόροι following, in later times the ephebi splendidly equipped: while of women there was a long train of κανηφόροι [CANEPHOROS], with the wives and daughters of the μέτοικοι as their σκιαδηφόροι and διφροφόροι [METOECI]: then the Athenian people, generally marshalled according to their demes. Though the frieze of the Parthenon reproduces some points, especially the genuine Athenian element of the Panathenaic festival, still it must not be supposed that it reproduces all the details; *e.g.* the μέτοικοι, of whom we have most specific evidence, do not appear. For another service of the female μέτοικοι at the Panathenaea, see HYDRIAPHORIA.

One of the most striking features of the procession was the *Peplus*, worked by ἐργαστῖναι, superintended by two ἀρρηφόροι and certain priestesses, which was destined for the ancient statue of Athena Polias, according to certain prescriptions of the Delphic god. Pisistratus probably intended that a new peplus should be brought every four years; the Elean maidens wove a peplus for the goddess only once in every four years (Paus. v. 16, 2); but in republican Athens a new peplus was made each year (Schol. Aristoph. *Eq.* 566). In the time of the Diadochi portraits of some of these were placed where the figures of the gods should have been (Plut. *Demetr.* 10). The peplus was suspended like a sail from the yards on the mast of the Panathenaic Ship (Schol. on Hom. *Il.* v. 734), which was an actual ship, very large and beautiful. The marvellous appearance of a ship going through the streets was effected by subterranean machines (Philostr. *Vit. Soph.* ii. 1, 5, p. 236 Kayser; Paus. i. 29, 1), of which we should very much like to have further information. The Athenians had become a seafaring people, and they wished to signify it: the time of the agrarian Athena was passed (Mommsen, 188). On the peplus were represented the ἀριστεῖα of the goddess, especially her victory over Enceladus and the Giants (Schol. on Eur. *Hec.* 466; Suidas, *s. v.* Πέπλος). It was considered a great sight for the populace (Plaut. *Merc.* prol. 67).

The procession, marshalled mainly in the outer Ceramicus, partly inside the town, passed through the market-place to the Eleusinium at the east end of the Acropolis (cf. Schol. to Aristoph. *Eq.* 566), turned round this to the left, and passed along the Pelasgicon, north of the Acropolis, and so reached the Propylaea (Philostr. *l. c.*; cp. Xen. *Hipp.* 3, 2). Then some of the members performed the sacrifice to Athena Hygiaea, while others offered a preliminary sacrifice on the Areopagus. Prayers accompanied these offerings, and we hear of prayers being offered for the Plataeans at the Greater Panathenaea (Herod. vi. 111). On entering the Acropolis, which was only allowed to genuine Athenians, there was the sacrifice of one cow to Athena Nike (Rang. 814, 20); after this followed the hecatomb to Athena Polias, on the large altar in the eastern part of the Acropolis. In earlier times the hecatomb was offered at the Erechtheum. After the procession followed the ἑστίασις. The flesh of the victims was given, according to demes, to a certain fixed number out of each deme. The σκαφηφόροι supplied bread and cakes.

9. *The Boat-race* was a supplementary event on the 29th of Hecatombaeon, the day on which ships are to be drawn down to the sea (Hes. *Op.* 815). It was held every four years in the Piraeus in honour of Poseidon (identified with Erechtheus) and Athena. The difference of locality forbids our associating it with the Sunian regatta, though this was also held only once in four years (Herod. vi. 87; Lys. *op. cit.* § 5). In connexion with this part of the festival the orator Lycurgus, in whose family was the priesthood of Poseidon Erechtheus, established three cyclic choruses (Westerm. *Biogr. Min.* 273, 50) in honour of that god, with valuable prizes.

10. *The Calendar of the Panathenaea.*—For the Lesser Panathenaea (which was the nucleus of the Greater) the chief day of the festival was the 28th of Hecatombaeon; it comprised the pannychis, the procession, the sacrifices, and the feasting: and the 27th sufficed for the horse-races (when there were any), the Euandria and the Pyrrhic dances. At the Greater Panathenaea these days were allotted to the same events. But the day on which the festival began will vary according as we allow a longer or shorter period for the three chief contests: thus the Musical contest might last three days or 1½ days, the Gymnastic two days or one day, and the Equestrian one day or half a day. According, then, to the longer period, the Panathenaea would begin on the 21st; according to the shorter, on the 24th. The longer period has the advantage that it leaves the afternoons free for prelections (K. F. Hermann, *Gr. Alt.* 54, 24) or dinner-parties (Xen. *Symp.* init.). The shorter will suit Thucyd. v. 47 better; cf. Mommsen, 204, 205.

11. *The Officials of the Festival.*—(1) The ten *Athlothetae*, one chosen from each tribe. They held office for four years, and their function, as Pollux says (viii. 93), was to arrange the musical, gymnastic, and equestrian contests at the Panathenaea. We find in inscriptions that they received subsidies from the ταμίας of the sacred chest of Athena (*C. I. A.* i. 188). (2) The *Hieropoioi* [HIEROPOIOI], who managed the Lesser Panathenaea (Rang. 814, 32). They appear to have had nothing to do with the specially Greater festival (*Etym. M.* p. 469, 4). (3) The *Gymnasiarchae* [GYMNASIUM], who

especially superintended the LAMPADEDROMIA. (4) The *Demarchs* [DEMARCHI], who marshalled the people in demes for the procession and for the *ἑστίασις* (Schol. on Aristoph. *Nub.* 37; Suidas, *s. v.*). Concerning those who had perquisites in connexion with the festival, such as the *μάντεις* and archons in the *κρεανομίαι*, see Rang. 814.

12. *Panathenaea outside Athens* may perhaps be inferred from Παναθήναια *ἐν* Ἀθήναις in *C. I. G.* 1068. We are told that Themistocles established Panathenaea in Magnesia (Ath. xii. 533), and in Teos there was a guild of Panathenaistae (*C. I. G.* 3073). The cleruchs no doubt celebrated the festival abroad.

(The principal works on the Panathenaic festivals are Meursius, *Panathenaca*, in Gronovius's *Thesaurus*, vii. p. 83 ff.; H. A. Müller, *Panathenaica*, 1837; M. H. E. Meier, *Panathenaea* in Ersch and Gruber, iii. 10, 277–294; K. F. Hermann, *Gottesd. Alt.* § 54, pp. 358–367; Krause, s. v. *Panathenaea* in Pauly, v. 1105–1111; August Mommsen, *Heortologie der Athener*, 116–205; and Rangabé, ii. pp. 667–696.) [L. C. P.]

PANCRATIASTAE. [PANCRATIUM.]

PANCRA'TIUM (*παγκράτιον*) is composed of *πᾶν* and *κράτος*, and accordingly signifies an athletic game, in which all the powers of the fighter were called into action. The pancratium was one of the games or gymnastic contests which were exhibited at all the great festivals of Greece; it consisted of boxing and wrestling (*πυγμὴ* and *πάλη*: cf. Schol. on Plat. *Rep.* 338 C, D), and was reckoned to be one of the heavy or hard exercises (*ἀγωνίσματα βαρέα* or *βαρύτερα*), on account of the violent exertions and great weight of body it required, and for this reason it was not much practised in the gymnasia; and where it was practised, it was probably not without modifications to render it easier for the boys. According to the ancient physicians, it had very rarely a beneficial influence upon health (H. Mercurial. *de Art. Gymnast.* v. 7).

At Sparta the regular pancratium was forbidden, but the name was there applied to a fierce and irregular fight not controlled by any rules, in which even biting and scratching were not uncommon, and in which, in short, everything was allowed by which one of the parties might hope to overcome the other. In Homer we neither find the game nor the name of the pancratium mentioned; and as it was not introduced at the Olympic games until Ol. 33 = 648 B.C. (Paus. v. 8, § 8), we may presume that the game, though it may have existed long before in a rude state, was not brought to any degree of perfection until a short time before that event. It is scarcely possible to speak of an inventor of the pancratium, as it must have gradually arisen out of a rude mode of fighting, which is customary among all uncivilised nations, and which was kept up at Sparta in its original state. But the Greeks regarded Theseus as the inventor of the pancratium, who for want of a sword was said to have used this mode of fighting against the Minotaurus (Schol. *ad* Pind. *Nem.* v. 49). Other legends represented Heracles as having been victor in the pancratium (Paus. v. 8, § 4), and later writers make other heroes also fight the pancratium (Lucan, *Pharsal.* iv. 613, &c.); but these are mere fictions. After the pancratium was once introduced at Olympia, it soon made its way into the other great games of Greece also, and in the times of the Roman emperors we also find it practised in Italy. In Ol. 145 = 200 B.C. the pancratium for boys was introduced at the Olympic games, and the first boy who gained the victory was Phaedimus, a native of a town in Troas (Paus. v. 8, *in fin.*). This innovation had been adopted before in others of the national games, *e.g.* in the Nemean (Pind. *Nem.* v.); and in the 61st Pythiad (Ol. 108 = 348 B.C.) we find a Theban boy of the name of Iolaidas as victor in the pancratium at the Pythian games (Paus. x. 7, § 8). At the Isthmian games the pancratium for boys is only mentioned in the mythical age (Paus. v. 2, 4) till quite late times, but it may have been practised during the Greek classical period.

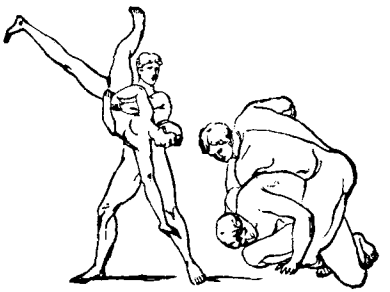
Philostratus (*Imag.* ii. 6) says that the pancratium of men was the most beautiful of all athletic contests; and the combatants must certainly have shown to the spectators a variety of beautiful and exciting manœuvres, as all the arts of boxing and wrestling appeared here united (Aristot. *Rhet.* i. 5; Plut. *Sympos.* ii. 4, p. 638, 27).

The first person who is said to have fought the pancratium artistically was Leucaros of Acarnania (Schol. to Pind. *Nem.* iii. 27). It was partly fought standing, partly was a rough and tumble on the ground (*ἀλίνδησις, κύλισις*). This twofold nature explains why the term *παγκρατιάζειν* is used somewhat variously, sometimes for simple boxing (*τὸ παίειν ἀλλήλους ὀρθοστάδην*, Lucian, *Anach.* 8); but the idea of *violent* combat seems to be generally associated with it (cf. Aeschin. *Tim.* § 26). Boxing was certainly considered the chief element (Lucian. *Anach.* 8, 24; Pind. *Nem.* iii. 17; Schol. on Pind. *Isthm.* iv. 75; Schol. on Dem. *Mid.* p. 537, § 71), where allusion is specially made to the *blows* received in the pancratium. The fact too that the "successors of Heracles" had to win their victory in wrestling (not boxing) and the pancratium tends to show that boxing must have been a principal part of the latter, for we cannot suppose it to have been disregarded. But still the *ἀλίνδησις* on the ground was a highly important feature of the pancratium. It is to be noticed that the fist does not appear to have been closed; the usual way to hold the hands was with the fingers curved (see the cuts). The *cacstus* [CAESTUS] were not used, for Pausanias never mentions them in any of his accounts of the pancratium, nor are they found on any statues or pictures; further, Paus. vi. 15, 3 seems to show that they were not used, for no *wounds* are anticipated from the pancratium: cf. Artemid. *Oneir.* i. 64, *τὸ δὲ παγκράτιον τὰ αὐτὰ τῇ πυγμῇ σημαίνει πλὴν βλάβης.* Nor were the lighter gloves called *μειλίχαι* used, for they would have impeded the movements of the fingers.

The name of these combatants was *παγκρατιασταὶ* or *πάμμαχοι* (Pollux, iii. 150; cf. Plat. *Euthyd.* 271 D). Other predicates applied to the pancratium are *ἄμαχος, ἄλειπτος, ἀήττητος, ἀπρόσμαχος, ἀσυνέξωστος, περισθενής, μεγαυχής*: cf. Krause, *Gymnastik und Agonistik*, p. 536. The combatants fought naked, and had their bodies anointed and covered with sand, by

which they were enabled to take hold of one another (Philostr. *l. c.*; Aristoph. *Pax*, 897).

When two pancratiastae began their contest, they stood with outstretched arms: and the first object which each of them endeavoured to accomplish was to gain a favourable position and grip, each trying to make the other stand so that the sun might shine in his face, or that other inconveniences might prevent his fighting with success (cf. Gell. xiii. 27, §§ 3, 4). This struggle was only the introduction to the real contest, though in certain cases this preparatory struggle might terminate the whole game, as one of the parties might wear out the other by a series of stratagems, and compel him to give up further resistance (*ἀπαγορεύειν*). Sostratus of Sicyon had gained many a victory by such tricks (Paus. vi. 4, § 1). When the real contest began, each of the fighters might commence by boxing or by wrestling, accordingly as he thought he should be more successful in the one than in the other. The using the teeth and butting with the head were considered unfair fighting (*κακομαχεῖν*) and contrary to the law of the games (*νόμος ἐναγώνιος*): cf. Lucian, *Demon.* 49; Philostr. *l. c.* The victory was not decided until one of the parties was killed, or lifted up a finger, thereby declaring that he was unable to continue the contest either from pain or fatigue (Philostr. *l. c.*). It usually happened that one of the combatants, by some trick or other, made his antagonist fall to the ground, and the wrestling which then commenced was called *ἀνακλινοπάλη*, and continued until one of the parties declared himself conquered or was strangled, as was the case at Olympia with Arrhichion or Arrachion of Phigalia, in Ol. 54 (= 564 B.C.), who, however, was declared victor, as his opponent gave up at the last moment from the pain of a broken toe (Paus. viii. 40, § 1, &c.; Euseb. *Chron.* p. 150, Scalig.). A lively description of this struggle is given by Philostratus (*l. c.*). Sometimes one of the fighters fell down on his back on purpose that he might thus ward off the attacks of his antagonist more easily, and this is perhaps the trick called *ὑπτιασμός*. The usual mode of making a person fall was to put one foot behind his, and then to push him backward, or to seize him round his body in such a manner that the upper part being the heavier the person lost his balance and fell. Hence the expression *μέσον λαμβάνειν*, *μεσολαβεῖν*, *μέσον αἴρειν*,



Wrestlers in the Pancratium. (Krause.)

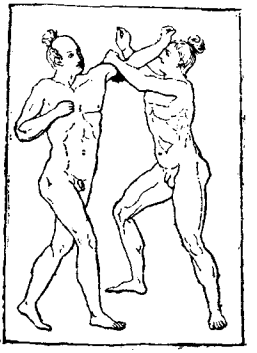
τὰ μέσα ἔχειν, *διὰ μηρῶν σπᾶν*, &c. (Scalig. *ad* Euseb. *Chron.* p. 48). The above woodcut represents two pairs of pancratiastae; the one on the right hand is an example of the *ἀνακλινοπάλη*, and that on the left of the *μεσολαβεῖν*. They are taken from Krause's *Gymnastik und Agonistik d. Hellen.*, Taf. xii. b, Fig. 35 b, 31 b, where they are copied respectively from Grivaud, *Rec. d. Mon. Ant.* vol. i. pl. 20, 21, and Krause, *Signorum vet. icones*, tab. 10.

As the contest was in a large measure wrestling, many of the tricks of wrestlers—*ἀκροχειρισμός*, *ἄγχειν*, *λυγίζειν*, *στρεβλοῦν* or *στρέφειν*—were often used. Violently to throw oneself on one's opponent (*ἐνάλλεσθαι*) was a common feature (cf. Pollux, *l. c.*; Philostr. *l. c.*). Many of the recognised figures and movements of the pancratium were imitated in the gymnopaedic dance (Athen. xiv. 631). As an essential part of the pancratium was a struggle on the ground, and as regular battle with an enemy was a standing not a lying combat, Plato (*Legg.* viii. 832 E, 834 A, B) banished the pancratium from his State, and substituted the contest of light-armed warriors (*πελταστική*).

The contests of pancratiastae at Olympia took place about mid-day: for in 472 B.C., beginning rather late, they continued on that occasion into the night (Paus. vi. 24, 1: cf. v. 9, 3; viii. 40, 3).

At Rome the pancratium is first mentioned in the games which Caligula gave to the people (Dio Cass. lix. 13, 9). After this time it seems to have become extremely popular, and Justinian (*Novell.* cv. c. 1, provided *πάγκαρπον* be, as some suppose, a mistake for *παγκράτιον*) made it one of the seven solemnities (*πρόοδοι*) which the consuls had to provide for the amusement of the people.

Several of the Greek pancratiastae have been immortalised in the epinician odes of Pindar, namely Timodemus of Athens (*Nem.* ii.), Melissus and Strepsiades of Thebes (*Isth.* iv. and vii.), Aristoclides, Phylacides and Cleander of Aegina (*Nem.* iii., *Isth.* v. and vi., viii.), and a boy Pytheas of Aegina (*Nem.* v.). But besides these the names of a great many other victors in the pancratium are known. (Compare Fellows, *Discoveries in Lycia*, p. 313, Lond. 1841.) A victor in both wrestling and the pancratium on the same day at Olympia was especially honoured, and considered to be the successor of Heracles. His name was regarded as worthy of being recorded for posterity. The first successor of Heracles (Paus. v. 8, 4) was Caprus of Elea, in 204 B.C. (*ib.* v. 21, 10, where a long list of similar victors in after-times is given). They appear to have been sometimes called *παραδοξονῖκαι* (Plut. *Comp. Cim. et Lucull.* 2). For a distinguished pancratiast to win a victory in one of the races was almost unheard of, the training required in either case being so



Pancratium. (Krause.)

very special (cf. Epictet. iii. 1; Diod. iv. 14), yet the pancratiast Theagenes won the long race at Phthia (Paus. vi. 11, 5). Other celebrated pancratiastae were Polydamas (vi. 5, 4–8), Promachus, Timasitheus (vi. 8, 6–7), Clitomachus (vi. 15, 3–5), &c.

The diet and training of the pancratiastae were the same as those of other athletae. [ATHLETAE.] They generally wore their hair in a bunch (*cirrus*, Suet. *Nero*, 45) on the top of the head; see the preceding cut taken from Krause (*op. cit.* Taf. xviii. Fig. 68).

(Compare Hieron. Mercurialis, *de Arte Gymnastica*; J. H. Krause, *Die Gymnastik und Agonistik der Hellenen*, vol. i. pp. 534–556; also in Pauly, iii. 1019–1021, s. v. *Gymnastica*, sect. xiv.) [L. S.] [L. C. P.]

PANDECTAE or DIGESTA. Justinian, having determined at the beginning of his reign to reduce the entire body of Roman law to a new and more compendious form, first caused a compilation or codex to be made of imperial statute law (*lex*), and then proceeded to the more ambitious project of digesting the law contained in the writings of the jurists (*jus*). The difficulty of ascertaining the law from this latter source, owing to the number of books to be consulted, the scarcity of copies of them, and their want of agreement, had long been regarded as a great practical evil. An imperfect remedy for it had been supplied by an enactment of Theodosius II. and Valentinian III. A.D. 426, who had declared that only the writings of five eminent jurists and of other jurists cited by them should have legal authority; and they at the same time laid down rules for determining questions upon which these jurists disagreed [JURISCONSULTI]. It was left to Justinian to carry out a complete measure of reform, though it was one which had long been contemplated. In the last month of A.D. 530, this emperor, in a constitution called from its first words *Deo auctore*, addressed to Tribonian, who had been employed in preparing the Codex Constitutionum, empowered him to name a commission of which he was to be the head, for the purpose of making a Digest from the writings of those jurists to whose works legal authority had been given by emperors, *e.g.* by the law of citations, or, as it is expressed by Justinian, "Antiquorum prudentium quibus auctoritatem conscribendarum interpretandarumque legum sacratissimi principes praebuerunt." The Digest, however, contains extracts from Hermogenianus and Arcadius Charisius, and possibly from one or two other jurists, who were subsequent in date to the classical jurists. The compilers were not bound by the rules of the law of citations for settling cases of dispute, but had full power to declare the law as they thought fit. Many controversies had been previously settled by Justinian in his *quinquaginta decisiones*, which were subsequently embodied in the *Codex repetitae praelectionis*. The instructions of the Emperor were, to select what was useful, to omit what was antiquated or superfluous, to avoid unnecessary repetitions, to get rid of contradictions, and to make such other changes as should produce out of the mass of ancient juristical writings a useful and complete body of law. The work was to be distributed into fifty books, and the books were to be subdivided into titles (*tituli*). The compilation was to be named *Digesta*, a Latin term indicating a collection or arrangement of the works of an author (Mommsen, *Zeitsch. f. Rechtsgesch.* vii. 480), or *Pandectae*, a Greek word expressive of the comprehensiveness of the work. The name *Digesta* had been used by Salvius Julianus for the title of his chief work, and also by the jurists Celsus and Marcellus. The word *Pandectae* had also been applied to compilations which contained various kinds of matter (Gell., Praef.) Thus the Pandects of Ulpian and of Modestinus are spoken of. Justinian strictly prohibited any commentaries being written on the Digest, so as to prevent his work being buried under a mass of interpretation. Permission, however, was given to make *paratitla* or references to parallel passages, with a short statement of their contents (*Const. Deo auctore*, s. 12: cf. Heimbach, *Proleg. ad* Basil. vol. vi. p. 4). It was also provided that abbreviations (*sigla*) should not be used in forming the text of the Digest. The writings of the jurists were deprived of all independent authority, and were not to be used for the purpose of elucidating the meaning of the text. Thus the Digest, together with the other parts of Justinian's legislation, was to be the exclusive source of law. The work was completed in three years, as appears by a constitution both in Greek and Latin, which confirmed the work, and gave to it statutory authority (*Const. Tanta* and Δέδωκεν). It became law on the 30th Dec., A.D. 533. The rapidity with which the compilers completed their work is remarkable, though in estimating it we should remember that they had not to draft a code of new rules, but were mainly occupied in selecting and co-ordinating ancient materials. Besides Tribonian, who had the general conduct of the undertaking, sixteen other persons are mentioned as having been employed in the work, among whom were Constantinus, an official of high rank, the professors Dorotheus and Anatolius, who had been invited for that purpose from the law school of Berytus, and the professors Theophilus and Cratinus, who taught at Constantinople. Besides these, there were eleven practising lawyers. The vast extent of the work of the compilers is shown by the statement that they made use of nearly 2,000 different treatises, which contained 3,000,000 lines (*versus*, στίχοι), but the amount inserted in their compilation was only 150,000 lines, according to the statement of Justinian. Tribonian procured this large collection of treatises, many of which had fallen into oblivion, and a list of them with the names of their authors was prefixed to the work, pursuant to the instructions of Justinian (*Const. Tanta*, &c. s. 16). Such a list is at present only found in the Florentine MS. of the Digest, written in Greek. Although it is not exact, containing some treatises from which no extracts were taken and omitting others which were used, it is probably a copy of the Index mentioned in the *Constitutio Tanta*. The Index comprises 381 authors, 207 treatises, and 1544 books. Salvius Julianus and Papinian head the list, otherwise the order of names is intended to be historical, and, as a general rule, is so.

In accordance with the instructions of Jus-

tinian, the Digest is distributed into fifty books, which with the exception of three books are divided into Titles, of which there are 432. The books 30, 31, and 32 are not divided into Titles, but have one common title, *De legatis et fideicommissis*. Under each Title are placed the extracts from the several jurists, numbered 1, 2, 3, and so on, with the writer's name and the name and division of the work from which the extract is made. These extracts amount to 9,142. No name corresponding to Liber or Titulus is given to these subdivisions of Tituli, which are formed by the extracts from the several writers, but Justinian (*Const. Tanta*, i. 7) has called them *leges*, and they are often designated by this term; another common term used to denote them is *fragmenta*. The fifty books differ materially both in bulk, number of titles, and number of extracts.

Various ways of citing passages from the Digest have been in use at different times and countries. The Byzantine writers gave first the number of the book ($\beta\iota=\beta\iota\beta\lambda\iota o\nu$), then that of the title ($\tau\iota$), and lastly the extract ($\delta\tau\gamma$). The Glossators simply gave the rubric of the title and the first words of the extract, as also of the paragraph or section. Subsequently the number of the fragment and section was substituted for the first words. Modern writers frequently give the number of the book and title as well as of the fragment and paragraph. Among German civilians it has been usual to put the number of the fragment and paragraph before the rubric, and in modern times to insert after the rubric the number of the book and title: *e.g.* l. or fr. 1, § 5, de obligationibus et actionibus, 44, 7. It has become usual among English writers to cite in the reverse order, and to leave out the rubric: *e.g.* D. 44, 7, 1, § 5. The Glossators and their followers, in referring to the Digest, sometimes indicate the work by P, p, or π (for Pandectae) and sometimes by D or ff.—ff. being derived from a mode of writing ff with a line through it (*Zeitsch. f. Rechtsgesch.* xii. 300). The oldest printed English work in which the Digest is cited is Bracton's *Treatise on the Law of England*, and his mode of citation is naturally that of the Glossators from whom his knowledge of Roman law was derived. (*Two Discourses* by G. Long, London, 1847, p. 107.)

Justinian divided the whole fifty books into seven large masses, called *partes*, which perhaps corresponded with the seven main divisions of the works on the Edict, and had also a special reference to the course of instruction then established. (For the mystical significance which may attach to the numbers adopted by Justinian, cf. *Const. Tanta*, §§ 1, 2, "Et in septem partes eos digessimus, non perperam neque sine ratione, sed in numerorum naturam et artem respicientes et consentaneam eis divisionem partium conficientes;" and see Hofmann in *Zeitsch. f. Rechtsgesch.* xi. 340, &c.; Roby, *Introd.* p. xxix.) The first part ($\pi\rho\tilde{\omega}\tau\alpha$) comprises the first four books; the second (*de judiciis*), six, *i.e.* from the fifth to the eleventh; the third (*de rebus*), seven, *i.e.* from the twelfth to the nineteenth; the fourth (the *umbilicus Pandectarum*, or central part), from the twentieth to the twenty-seventh; the fifth (*de testamentis*), nine, *i.e.* from the twenty-eighth to the thirty-sixth; the sixth, seven, *i.e.* from thirty-seventh to forty-fourth; and the seventh, five, from the forty-fifth to the fiftieth.

The number of writers from whose works extracts were made is thirty-nine, comprehending those jurists from whom extracts have been erroneously supposed by Gibbon and others to have been made at secondhand, as G. Mucius Scaevola, the Pontifex, from whom four fragments were, and Aelius Gallus, from whom one fragment is taken, whose name is omitted from the Florentine index; but omitting Servius Sulpicius Rufus, who is represented by his pupil Alfenus, distinguishing Aelius Gallus from Julius Aquila, Venuleius from Claudius Saturninus, assuming that there is only one Pomponius, and omitting Sabinus, whose name is erroneously inserted in the Florentine Index. (Zimmern, *Gesch. des röm. Privatrechts*, p. 224.)

The following is the list of jurists from whose writings the Digest was constructed, as it was given in the *Palingenesia* of Hommel, who has arranged the matter taken from each writer under his name, and placed the names in alphabetical order. (The new *Palingenesia* by Lenel is not sufficiently advanced to make it available for this purpose.) The dates of the jurists and the other facts appended are to a great extent taken from Mr. Roby's *Introduction to the Digest*. The figures in the third column indicate the proportions contributed to the Digest by each jurist, estimated in the pages of Hommel. (*a*) denotes that the contribution is under one page of the Palingenesia. The extracts from many of the writers are few and short: those from Ulpian are more than a third of the whole; and next to these the extracts from Paulus, Papinian, Julianus, Pomponius, Q. Cervidius Scaevola, and Gaius, are the largest.

		DATE.
Sextus Caecilius Africanus	.	Hadrian and the Antonines . . . 23½
Alfenus Varus	.	A pupil of Servius Sulpicius and contemporary of Cicero 9
Furius Anthianus	.	Unknown, last but two in Florentine Index . . . . (*a*)
Julius Aquila	.	In Florentine Index, Gallus Aquila; unknown; in Index between Marcianus and Modestinus . (*a*)
Aurelius Arcadius Charisius		Constantine . . . 2½
Callistratus	.	Severus and Caracalla 15
Juventius Celsus	.	Domitian and Hadrian 14
Florentinus	.	Unknown, but cf. Dig. 41, 1, 16 . . 4
Gaius	.	Hadrian and the Antonines 63
C. Aelius Gallus	.	A contemporary of Cicero . . . . (*a*)
Claudius Hermogenianus	.	Constantine the Great 9½
Priscus Javolenus	.	Trajan and Hadrian . 23
P. Salvius Julianus	.	Hadrian 68
M. Antistius Labeo	.	Augustus 10
Aemilius Macer	.	Alex. Severus . . . 10
Lucius Volusius Maecianus		Antoninus Pius . . 7
Lucius Ulpius Marcellus		The Antonines . . 21
Aelius Marcianus	.	Caracalla and Alexander Severus . . 36
Junius Mauricianus	.	Antoninus Pius . . (*a*)
Rutilius Maximus	.	Unknown; in the Index last but one. (*a*)
Arrius Menander	.	Caracalla 2

		DATE.
Quintus Mucius Scaevola	Pontifex Maximus, Consul B.C. 95	(*a*)
Herennius Modestinus	A pupil of Ulpian	40
Priscus Neratius	Trajan and Hadrian	7½
L. Aemilius Papinianus	Severus and Caracalla	92
Justus Papirius	Commodus	2
Julius Paulus	Alex. Severus,	268
Sextus Pomponius	Hadrian and the Antonines	70
Proculus	Tiberius and his successors	6
Licinius Rufinus	Caracalla	1
Claudius Saturninus	The Antonines	1
Q. Cervidius Scaevola	The Antonines	74½
Paternus Tarrentenus	Commodus	(*a*)
Clemens Terentius	Antoninus Pius	3¾
Q. Sept. Florens Tertullianus	The Antonines	1
Claudius Tryphoninus	Caracalla	18
Salvius Aburnus Valens	Hadrian and Antoninus Pius	3
Venuleius Saturninus	The Antonines	10
Domitius Ulpianus	S. Severus and Alex. Severus	610

It follows from the instructions of the Emperor and the object of his work that the extracts from the jurists are not always given in their exact words, alterations and additions being required in them in order that inconsistencies and repetitions might be avoided and the law brought up to date. The presence of these interpolations, called by civilians *emblemata Triboniani*, is not indicated by the compilers, and hence we frequently cannot be sure of the extent to which extracts represent what the jurists to whom they are attributed actually wrote (cf. Gradenwitz, *Interpolationen in den Pandekten*).

In some cases we have the means of comparing extracts with their originals (for such a comparison see Roby's *Introd.* ch. v.), but for the most part the writings of the Roman jurists only exist in the form in which they were adopted by Justinian. The compilers appear to have frequently obscured the meaning of passages by their interpolations; they have in some cases admitted antinomies, and have inserted many repetitions. (On the latter subject, cf. Bluhme, *Dissertatio de geminatis et similibus quae in Digestis inveniuntur capitibus.*)

But the chief defect of the Digest consists in its want of systematic arrangement, subjects belonging to the same department of law being sometimes separated in the most arbitrary way. It will be remembered that the compilers were fettered by the Emperor's instructions, which required them to arrange (*digerere*) the whole body of the law comprised in the Digest according to the Code and the Edictum Perpetuum. Thus the books and titles of the Digest were, generally speaking, arranged after the pattern of the Edict, for the Code also followed the Edict in its arrangement. (For the probable order of topics in the Edict, see Lenel, *Das Edictum Perpetuum.*) This order of subjects, though extremely confusing to a modern reader, would have been familiar to the lawyers of Justinian's time from the commentaries on the Edict, and was no doubt regarded by them as a convenient one for practical purposes.

It has long been a matter of dispute whether the compilers of the Digest were guided by any, and, if any, by what principle in the arrangement of the several extracts under the respective titles. The subject is examined in a very learned essay by Bluhme, entitled *Die Ordnung der Fragmente in der Pandektentiteln* (*Zeitschrift für Rechtsgesch.*, vol. iv.). The investigation is of course founded on the titles of the several works of the jurists, which as already observed are given at the head of each extract: thus, for instance, in the beginning of the third book, the first seven extracts are headed as follows: "Ulpianus Libro sexagesimo quarto ad Edictum;" "Idem Libro primo Fideicommissorum;" "Idem Libro quarto ad Sabinum;" "Idem Libro quinto ad Sabinum;" "Paulus Libro primo ad Sabinum;" "Julianus Libro trigesimo tertio Digestorum;" "Paulus Libro secundo ad Sabinum." These will serve as samples of the whole, and will explain the following remarks from Bluhme, whose conclusions are these:—"The compilers separated all the writings from which extracts were to be made, into three parts, and formed themselves into three committees. Each committee read through in order the books that had fallen to its lot, yet so that books which were closely related as to their contents were extracted at the same time. The books were compared with the Code of Justinian, and what was selected for the new compilation was placed under a title taken either from the Code, the Edict, or in case of necessity from the work itself which was extracted. What came under the same title was compared; repetitions were erased, contradictions were got rid of, and alterations were made, when the contents of the extracts seemed to require it. When the three committees had finished their labours, the present Digest was formed out of the three collections of extracts. In order to accomplish this, they made that collection the foundation of each title which contained the most numerous or at least the longest extracts. With these they compared the smaller collections, striking out, as they had done before, repetitions and contradictions, making the necessary additions, and giving more exact definitions and general principles. What remained over of the smaller collections without having had an appropriate place assigned to it, was placed after the first collection, and its place in the series after the first collection was generally determined by the number of extracts."

"The Digest does not seem to have been subjected to any further revision."

Bluhme remarks that, although the Constitutions *Deo Auctore*, *Imperatoriam*, *Tanta*, and *Cordi* contain much information on the economy of the Digest and the mode of proceeding of the compilers, only the two following facts are distinctly stated:—1. That the extracts from the writings of the jurists were arranged according to the titles of the Code and the Edict. 2. That the extracts were compared with the Code. Accordingly everything else must be proved from an examination of the work itself, and this is the object of Bluhme's laborious essay. He observes that if a person will examine the extracts in the titles De Verborum Significatione and De Regulis Juris (50, tit. 16, 17), he will find a regular order observable in the titles of the juristical works from which the extracts are taken. Generally, the series of the books quoted shows that the original order of the works from which the extracts were to be made has not

been altered; and the several works generally follow in both these titles in the same order. A similar remark applies to the title De Verborum Obligationibus (Dig. 45, tit. 1), though there is a variation in all the three titles as to the relative order of the three masses, which are presently to be mentioned. "In the remaining titles of the Digest," adds Bluhme, "at first sight it appears as if one could find no other distinction in the titles of the extracts than this, that one part of them has a certain kind of connexion, and another part merely indicates a motley assemblage of books out of which the extracts have been made. But on a closer comparison not only are three masses clearly distinguishable, but this comparison leads to the certain conclusion, that all the writings which were used in the compilation of the Digest may be referred to three classes. The Commentaries on Sabinus (Ad Sabinum), on the Edict (Ad Edictum), and Papinian's writings are at the head of these three classes. We may accordingly denote these three masses respectively by the names Sabinian, the Edict, and Papinian. In each of these classes the several works from which extracts are made, always follow in regular order." This order is shown by a table which Bluhme has inserted in his essay.

This article, if read in connexion with the articles CODEX and INSTITUTIONES, will give some general notion of the Legislation of Justinian, the objects of which cannot be expressed better than in the following words:—"Justinian's plan embraced two principal works, one of which was to be a selection from the Jurists and the other from the Constitutiones. The first, the Pandect, was very appropriately intended to contain the foundation of the law: it was the first work since the date of the Twelve Tables, which in itself, and without supposing the existence of any other, might serve as a central point of the whole body of the law. It may be properly called a Code, and the first complete Code since the time of the Twelve Tables, though a large part of its contents is not Law, but consists of Dogma and the investigation of particular cases. Instead of the insufficient rules of Valentinian III., the excerpts in the Pandect are taken immediately from the writings of the Jurists in great numbers, and arranged according to their matter. The Code also has a more comprehensive plan than the earlier codes, since it comprises both Rescripts and Edicts. These two works, the Pandect and the Code, ought properly to be considered as the completion of Justinian's design. The Institutiones cannot be viewed as a third work, independent of both: it serves as an introduction to them or as a manual. Lastly, the Novellae are single and subsequent additions and alterations, and it is merely an accidental circumstance that a third edition of the Code was not made at the end of Justinian's reign, which would have comprised the Novellae which had a permanent application." (Savigny, *Gesch. d. röm. Rechts*, i. p. 14.)

For the editions of the Digest, see Teuffel, *Hist. of Rom. Lit.* § 480, 11, 12; and compare CORPUS JURIS. [G. L.] [E. A. W.]

PA'NDIA, a festival celebrated at Athens after the Dionysia, in the middle of the month Elaphebolion (Dem. *Meid.* p. 517, § 9). Its origin has been a matter of dispute even among the ancients, as may be seen by reference to *Etym. M.* and Photius *s. v.*, where three origins are assigned,—Pandia, the moon-goddess, the Attic king Pandion, and Zeus. Hermann takes it to be a general feast of the old tribe Dias, and Welcker as an "all-Zeus" festival; but probably the right view is that of A. Mommsen and Preller, that it was a *full-moon feast* in honour of Pandia, an equivalent name for Selene, or of Artemis when her worship was afterwards identified with that of Selene. It is not impossible that in course of time the tribe Pandionis may have regarded themselves as specially connected with this festival, though we have no clear evidence of it, nor again that Zeus, as Preller thinks, may afterwards have been associated in the worship. The exact date seems to be the 14th of Elaphebolion, if the 13th ended the Dionysia. (See DIONYSIA, Vol. I. p. 640; A. Mommsen, *Heortol.* pp. 61, 389, 396; Preller, *Griech. Myth.* i. 347.) [L. S.] [G. E. M.]

PANE'GYRIS (*πανήγυρις*) signifies a meeting or assembly of a whole people at fixed periods, varying in the different cases, for the purpose of worshipping at a common sanctuary. But the word is used in three ways:—1. For a meeting of the inhabitants of one particular town and its vicinity [EPHESIA]; 2. For a meeting of the inhabitants of a whole district, a province, or of the whole body of people belonging to a particular tribe [CARNEIA, DELIA, PAMBOEOTIA, PANIONIA]; and 3. For great national meetings, as at the Olympic, Pythian, Isthmian, and Nemean games. Such in its origin also was the great Amphictyonic meeting, which assumed more political importance than other panegyreis. Although, in all panegyreis which we know, the religious character forms the most prominent feature, the spectacles and amusements were the attraction to the larger number, nor were political discussions and resolutions excluded, though they were perhaps more a consequence of the presence of many persons than objects of the meeting. As regards their religious character, the panegyreis were real festivals in which prayers were performed, sacrifices offered, processions held, &c. The amusements comprehended the whole variety of games, gymnastic and musical contests, and entertainments. Every panegyris, moreover, was made by tradespeople a source of gain, and it may be presumed that such a meeting was never held without a fair, at which all sorts of things were exhibited for sale. (Paus. x. 32, § 9; Strabo, x. p. 486; Dio Chrysost. *Orat.* xxvii. p. 528.) In later times, when the love of gain had become stronger than religious feeling, the fairs appear to have become a more prominent characteristic of a panegyris than before; hence the Olympic games are called *mercatus Olympiacus* or *ludi et mercatus Olympiorum*. (Cic. *Tusc.* v. 3, 9; Justin. xiii. 5; Vell. Pat. i. 8.) Festive orations were also frequently addressed to a panegyris, whence they are called *λόγοι πανηγυρικοί*. The Sophists made this the occasion for epideictic addresses (Quinctil. iii. 4, 14) to the assembled Greeks; as when Gorgias or Lysias at Olympia preached national unity. To the Greeks the speech of Peter the Hermit at Clermont would have been a "panegyric." The Panegyricus of Isocrates,

though it was probably never delivered, is an imaginary discourse of this kind. (See Jebb, *Attic Orators*, i. 203 f.; ii. 150.) In later times any oration in praise of a person was called *panegyricus*, as that of Pliny on the Emperor Trajan.

Each panegyris is treated of in a separate article. For a general account see Wachsmuth, *Hell. Alt.* i. p. 149, &c.; Boeckh, *ad* Pind. *Ol.* vii. p. 175, &c.; Hermann, *Staatsalterth.* § 10. [L. S.] [G. E. M.]

PANHELLE'NIA (*πανελλήνια*), a festival, or perhaps rather a panegyris of all the Greeks, which seems to have been instituted by the Emperor Hadrian, with the well-meant but impracticable view of reviving a national spirit among the Greeks. (Philostr. *Vit. Soph.* ii. 1, 5; Boeckh, *Corp. Inscrip.* i. p. 789, ii. p. 580.) [L. S.]

PANIO'NIA (*πανιώνια*), the great national panegyris of the Ionians on Mount Mycale, near Priene and between Ephesus and Miletus (from which Grote conjectures that these towns were the primitive centre round which the other Ionian settlements gathered, forming gradually the confederation of twelve cities), where their national god Poseidon Heliconius had his sanctuary, called the Panionium (Herod. i. 148; Strabo, viii. p. 384; Paus. vii. 24, § 4). One of the principal objects of this national meeting was the common worship of Poseidon, to whom splendid sacrifices were offered on the occasion (Diodor. xv. 49). As chief priest for the conduct of the sacrifices, they always appointed a young man of Priene, with the title of king. But religious worship was not the only object for which they assembled at the Panionium; on certain emergencies, especially in case of any danger threatening their country, the Ionians discussed at these meetings political questions, and passed resolutions (Herod. i. 141, 170), as was usual at an amphictyonic panegyris [see PANEGYRIS].

Diodorus (xv. 49) says that in later times the Ionians used to hold their meeting in the neighbourhood of Ephesus instead of at Mycale. Strabo, on the other hand, who speaks of the Panionic panegyris as still held in his own time, not only does not mention any such change, but appears to imply that the panegyris was at all times held on the same spot, viz. on Mount Mycale. Diodorus therefore seems to consider the Ephesian panegyris [EPHESIA] as having been instituted instead of the Panionia. But both panegyreis existed simultaneously, and were connected with the worship of two distinct divinities, as is clear from a comparison of two passages of Strabo, viii. p. 384, xiv. p. 639. The truth probably is that the more splendid festival of the Ephesia attracted a larger concourse than the real Panionia and threw it in later times into the shade; and although the old festival continued, yet as early as Thuc. iii. 104 the Ephesia was looked upon as the representative Pan-Ionic gathering.

(Compare Tittmann's *Griech. Staatsv.* p. 668, &c.; C. F. Hermann, *Lehrb. der Gottesd. Alterth.* § 66, n. 2, 3; Grote's *Hist. of Greece*, iii. p. 229 ff.) [L. S.] [G. E. M.]

PANOPLIA. [ARMA.]

PANTOMI'MUS (*παντόμιμος*) was the performer in that kind of dramatic piece in which a story was represented by mere dancing and rhythmical movement by a single dancer. The word *pantomimus* is never, like *mimus*, applied to the piece represented, but only to the performer. The custom of pantomimic dancing is almost entirely confined to the time of the Roman Empire.

When the public lost interest in the full acting out of tragedies, the separate parts of those dramas used to be acted, especially those parts which were *cantica*, i.e. what were not mere iambic dialogues (*diverbia*), and among the *cantica* chiefly monologues and choruses. Here by increase of the expression in two directions the action became dancing and the speech became song; with the necessary result that the two performances could not be combined by a single actor, but had to be separated (Lucian, *de Salt.* 30). The result was artistically absurd, that one person should sing and the other dance (not more absurd, however, than say the chorus of bathers in the *Huguenots*); but none the less the practice became fashionable, especially when Pylades of Cilicia and Bathyllus of Alexandria, both very skilled dancers, about 22 B.C. (cf. Roth's *Suetonius*, p. 301, 25; Lucian, *op. cit.* 35) succeeded in making this kind of dancing (called afterwards *Ἰταλικὴ ὄρχησις*) a fully recognised species of amusement at Rome. It was honestly enjoyed by the cultivated of all classes: the rhetorician Seneca (*Contr. excerpt. iii. praef.*) calls it his "weakness" (*morbum meum*); Lucian (if it is Lucian) has an enthusiastic encomium on it (*op. cit.* § 35 to end), and Libanius has a long treatise on it. Lucian finds all excellences in this kind of dancing, even that it makes the spectators know themselves better and leave the theatre with clearer ideas of what to do and what not to do; in fact, altogether morally improved (*op. cit.* 69, 72, 81)—but this is the judgment of an advocate, not of a sober critic.

We hear (Athen. i. 20: cf. Plut. *Quaest. Conviv.* vii. 8, 3 = 711, 44; Senec. *l. c.*) that the style of Pylades was of a sedate and tragic nature, but that of Bathyllus more joyful (*ἱλαρωτέρα*), representing a kind of *ὑπόρχημα* [CHORUS], which was a generic name for any expressive dance (Athen. i. 15; xiv. 628): and so not without reason we may in a measure infer with Sommerbrodt (*De triplici genere pantomimorum*, in his *Scaenica*, p. 49) that the different styles of dancing in the Greek theatre were further developed by these performers (Lucian, *op. cit.* 26 ff.), the tragic *ἐμμέλεια* by Pylades, and the satyric *σίκιννις* and possibly the comic *κόρδαξ* by Bathyllus; the art of the latter being, as Plutarch (*l. c.*) says, more commonplace (*πέζαν*) and not so pretentious (*ὀγκώδη*) as that of Pylades. But probably the *κόρδαξ* was not acted by the pantomimes; it would rather belong to the mimes, for the pantomimes, though very licentious, do not appear to have been coarse, and the subjects of the art of Bathyllus are mostly satyric subjects. Even in the passage from Plutarch the subjects are satyric, and he only says that the comic style of dancing is *related to* the cordax (*τοῦ κόρδακος ἀπτομένην*). The striking scenes in the dramas came then to be acted for the most part by mere dancing. This required on the part of the spectator a considerable degree of knowledge in the first place, so as to be fairly

familiar with the story acted, and in the second place a certain power of imagination to piece the scenes together and a fineness of taste to appreciate the refinements of the art, which was nothing if not refined and full of delicate points. So that this pantomimic dancing, and especially the dancing of subjects from tragedy, became the fashionable exhibition for the upper and more cultivated classes to frequent, the lower classes preferring the coarser mimes when they went to the theatre at all. The rage for exhibitions of dancing that arose about the time of the Empire cannot be better exemplified than by the fact that poems of Ovid's, not written for the theatre at all, were "pantomimised" (just as our second-rate novels are dramatised), and actually orations were set to music and adapted for dancing (Ov. *Trist.* ii. 519, v. 7, 25; Plin. *Paneg.* 54; Tac. *Dial.* 26).

But the best poets wrote pieces specially for the pantomimes—*fabulae salticae*, as they were called; *e.g.* Silo (Senec. *Suas.* ii. 19), Lucan (*Vit. Vaccae*, in Teuffel, § 298, 4), Statius (Juv. vii. 92), which artistically were probably about on a level with the libretti of our Italian operas. The subjects were most various, but were generally love adventures—Mars and Venus (Lucian, *op. cit.* 63), Jupiter and Leda (Juv. vi. 63), Cinyras and Myrrha (Joseph. *Antiq.* xix. 1, 3), Phaedra and Hippolytus (Lucian, 49), Seleucus and Stratonice (*ib.* 58); but sometimes others, Hercules Furens (*ib.* 41), Isis and Osiris (*ib.* 59), Polycrates (*ib.* 54), Turnus (Suet. *Nero*, 54), Glaucus (Vell. ii. 83). Lucian (37–61) indeed says that all mythical and historical subjects, from Chaos to the death of Cleopatra, were fit subjects for pantomimes; and he gives in immense detail a number of appropriate stories. The dancing was performed by a single actor; it was only very rarely that there was a second (cf. Quint. vi. 3, 65). The actor would appear successively as (say) Atreus, Thyestes, and Aegisthus or Aerope—all in the one piece (Lucian, *op. cit.* 67). There were sometimes as many as five characters to be acted (*ib.* 66). A chorus sang *cantica*, accompanying the various dances. The text to bind together the various scenes consisted probably in a sort of recitative (Friedländer says, like that of our oratorios) sung by the chorus, while the actor had time to change his dress. When there was no change of dress, the actor was said *palliolatim saltare* (Fronto, p. 157, 3, ed. Naber), in which the dancer with a single cloak used to represent the most varied things — *caudam cygni*, *capillum Veneris*, *Furiae flagellum*, &c. Friedländer compares the shawl-dancing of Lady Hamilton, as described by Goethe in his *Italienische Reise* (at Caserta, March 16, 1787). The accompaniment to the dancing and the chorus was performed by an orchestra (which Pylades introduced instead of the single flute accompaniment), consisting of pipes and cymbals, harps and zithers (Lucian, 68; Ov. *Rem. Am.* 753 ff.: cf. Macrobius, *Sat.* ii. 7, 18, where Pylades is said to have declared that the music suited to dancing was *αὐλῶν συρίγγων τ' ἐνοπὴν ὁμαδόν τ' ἀνθρώπων*, Hom. *Il.* x. 13). The music appears to have been of a florid and showy description (Lucian, *op. cit.* 2). The time was given by *scabillarii*, who beat with their feet a kind of wooden or iron instrument, called *scabillum* or *scabellum* (*κρούπεζα*): cf. Lucian, *ib.* 2, 68, 83; Suet. *Cal.* 54; Poll. vii. 87; Liban. iii. 385, 13. There is a celebrated statue of a Satyr with cymbals beating the *scabillum* in the Tribune of the Uffizi Gallery at Florence. In the absence of any definite evidence to the contrary, we may assume that the scenery of the pantomimes was much the same as that of the Greek tragedies.

The real charm lay in the performance of the dancer. The art of dancing has sunk to such a low level with us, and we are naturally so incapable of appreciating the meaning of slight looks and gestures, that it is only when very forcibly brought before us that we can get a faint idea of what "the poetry of motion" means, and understand what the Romans implied by "speaking hands" (*manus loquacissimae*, *linguosi digiti*, Cassiod. *Var.* iv. 51: cf. Lucian, *op. cit.* 63, 69) and "the eloquence of dancing" (*saltare diserte*, Tac. *Dial.* 26). But the value of action is great to the Southern nations; to them it can signify most things without words (Quint. xi. 3, 65). How important it was to the orator we know from the story of Demosthenes, who said that action was the first, second, and third requisite of an orator; and Quintilian (*l. c.*) devotes a great many pages to the subject, full of injunctions which at times cannot be appreciated by us, though we are not on that account to accuse Quintilian of pedantry. But the pantomimi in some cases aimed at representing even the very words of their texts, a practice justly reprobated by Quintilian (*ib.* 88, 89) and the better pantomimi themselves (cf. Macrob. *Sat.* ii. 7, 13 ff.). The whole art, however, came to be as conventional as possible, neither performer attempting nor audience desiring originality of treatment, but only excellence of execution. This is shown by the story in Lucian (*op. cit.* 80) of an actor who had to dance the devouring of his children by Cronos, and danced the traditional steps of the eating of the children of Thyestes, misled by the similarity of the subject; another danced the steps for the burning of Glauce by Medea's poisoned robe when representing the burning of Semele. But with all the artificiality the effect of the performances of the pantomimi on the audience was most powerful; "so fascinating is the dancing," says Lucian (*op. cit.* 79), a passage well worth reading, "that the lover seeing the bitter end of love is cured of his passion, and one who enters the theatre in depression leaves it brighter and happier just as if he had drunk Homer's nepenthe." Splendid robes (*ib.* 2, 63), attractive masks (which had the mouth shut, not the huge gaping things the actors in the drama had to wear, *ib.* 29; see illustration in Baumeister's *Denkmäler*, fig. 1351, 1352), generally splendid dress, the *tunica talaris* and the *palla* (Suet. *Cal.* 54), all the grace and beauty of youth which necessarily attached to the most famous of the performers (their form, says Lucian, *op. cit.* 75, should be that of the canon of Polycletus), and which were enhanced by careful training; the movements of the dance, now soft, delicate and voluptuous, presently rising into wild passionate outbursts, must have made the whole exhibition most sensuously seductive and intoxicating; and we can well believe the many stories of the passions inspired in the Roman ladies by the pantomimi, and of the disastrous

effect the exhibitions had on the morals of the community (cf. Juv. vi. 63 ff.; Plin. *H. N.* vii. 184; Dio Cass. lvii. 21). The introduction of the pantomimes at the commencement of the Empire was the beginning of the moral corruption of the world, according to Zosimus (i. 6); and St. Augustine considered the pantomimes a far more insidious and destructive disease sent by Satan than the more savage pest of the circus (*de Civ. Dei*, i. 32).

But it was not on this ground that the law generally proceeded against the actors, though it was sometimes (Dio Cass. *l. c.*) put forward; it was owing to the disorder caused by the rival factions of the different performers. The actors (in Imperial times *histrio* virtually means one who acts pantomimes) were banished from Italy by Tiberius and Nero, and Domitian only allowed them to perform in private (Suet. *Tib.* 37; *Nero*, 16; *Dom.* 7). But for the most part the emperors were wise enough to let the people busy themselves with the actors (Macrob. *Sat.* ii. 7, 19), and thereby be kept clear of politics. As to the legal position of the actors, they were always *infames* (Cic. *Rep.* iv. 10; Nepos, *Proem.* 5; Tert. *Spect.* 22; Vopisc. *Car.* 16, 7; Dig. 3, 2, 1); in the municipalities they were not eligible to magistracies (Lex Jul. Munic. l. 125). Their children could not form legal marriages with members of the senatorial families (Dig. 23, 2, 42, 44). The soldier who became an actor was punished with death (*ib.* 48, 19, 14). For further on this point, see Mayor on Juv. viii. 188; Marquardt, *Staatsr.* iii. 516 ff. Augustus only allowed the magistrates power to scourge the actors during the games and inside the precincts of the theatre (Suet. *Aug.* 45; Tac. *Ann.* i. 77), though any violation of public morals he visited on them most severely. The actors were mostly slaves or freedmen, and, if free-born, foreigners; and the nominal feeling of the age as to the meanness of their calling may be seen from the scathing satire of Juvenal (viii. 183 ff.) on the Roman nobles who became actors: it was much as if one in high circles were to become a professional jockey. But still the celebrated pantomimi were flattered and petted (Senec. *Q. N.* vii. 32, 3; *Ep.* 47, 17). Flowers and perfumes were strewn over the place where Paris lay murdered (Dio Cass. lxvii. 3), and Martial composed (xi. 13) a beautiful epitaph for him. They became men of considerable wealth and influence (Plut. *Tranquill. Anim.* 13 = 473, 10), especially when they were court favourites like Mnester (Suet. *Cal.* 56), Paris (Dig. 12, 4, 3, 5; Tac. *Ann.* xiii. 19–22, 27), another Paris (Juv. vii. 87), Apolaustus, and Pylades (Dio Cass. lxviii. 10). A very noticeable feature about the *noms de théâtre* of these pantomimi (and indeed of many other kinds of artists also) is that they were assumed from those of famous predecessors; see Friedländer, ii.[3] 608 ff. It is needless to say that in the clubs and guilds of the actors celebrated performers obtained the highest positions, and were supported at the common expense (Wilmanns, 2619 ff.); but also, at least in later times, we find an actor made a decurio (*e.g.* Acilius at Lanuvium in 187 A.D., Wilm. 2625), another set over the army in Armenia (Dio Cass. lxxvii. 21), a third made praefectus praetorio (Lampr. *Heliog.* 12, 1)—though, to be sure, this was only by the worst emperors. The pay given to the performers, even in the time of Tiberius, was thought too high, and M. Aurelius had to fix a maximum (Capit. *M. Aurel.* 11, 4): yet Pylades, in the time of Tiberius, made so much money that he was able to give games on his own account (Dio Cass. lv. 10, 11), and Pliny (*H. N.* vii. § 128) says that slave actors with their gains often bought their liberty for considerably over 700,000 sesterces (more than £7,000). There do not appear generally to have been regular competitions of pantomimi, their art forsooth being, according to Lucian (*op. cit.* 32), too high for rivalry. But the jealousies and squabbles of the actors were very great (Tac. *Ann.* i. 54; Dio Cass. lvii. 14, 10). The wealthy Romans (*e.g.* Quadratilla in Plin. *Epist.* vii. 24) used to keep troops of *pantomimi* and *pantomimae* (Senec. *ad Helv.* 12) for private exhibitions; but *pantomimae* did not appear on the public stage till later times, *e.g.* in Justinian's time an actress Helladia danced the Hector (cf. *Anthol. Pal.* iv. 75, ed. Jacobs), though even then the performance was mostly by men (Liban. iii. p. 372, 31, ed. Reiske).

The chief works to consult on the pantomimes are Salmasius on Vopiscus, *Carinus*, c. 19 (= *Hist. Aug. Script.* ii. 828–844); Sommerbrodt in his *Scaenica*, 35–50; Arnold in Baumeister's *Denkmäler*, s. v. *Pantomimus*, pp. 1158–1160; and especially Friedländer, *Darstellungen aus der Sittengeschichte Roms*, ii.[3] 427–442. [L. C. P.]

PAR IMPAR LUDERE (ἀρτιασμός, ἀρτιάζειν, ἄρτια ἢ περιττὰ or ζυγὰ ἢ ἄζυγα or ζυγὰ μόνα παίζειν, ποσίνδα). The game at odd and even was a favourite game among the Greeks and Romans. A person held in his hands a number of astragali, or other things (Pollux, ix. 101, says beans, nuts, almonds, or coins), and his opponent had to guess whether the number was odd or even. The amount to be won or lost, whether merely the articles played with or money staked upon the guess, may have been variously arranged: but probably the usual practice was only to stake what was played with, not to bet on the guess besides. Apollonius (iii. 115) represents Cupid and Ganymede playing, and the winnings are simply the astragali of the opponent: hence the playing with coins is a greater risk (Aristoph. *Plut.* 816): the passage in Suet. *Aug.* 71, however, implies staking a sum of money on the guess at odd and even as well as on the tali. The game ποσίνδα differed slightly, as it was necessary to guess the number held in the hand, not merely whether it was odd or even (Xen. *Eq. Mag.* 5, 10; cf. Aristoph. *Plut.* 1055). For further mention of *par impar*, see Plat. *Lys.* p. 206 E; Lucian, *Dial.* 4; Hor. *Sat.* ii. 3, 248; *Nux*, 79;—Becker-Göll, *Charikles*, ii. 40; *Gallus*, iii. 477;—Marquardt, *Privatleben*, p. 849. [W. S.] [G. E. M.]

PARABASIS. [CHORUS, Vol. I. p. 422.]

PARA'BOLON (παράβολον, παραβόλιον· ἀδόκιμον τοῦτο, *Phrynichus*, ed. Lobeck, p. 238), a fee paid by the appellant party, on an appeal (ἔφεσις), as Pollux (viii. 62 f.) states, "from an arbitrator, or a magistrate or the δημόται to the dicasts, or from the Senate of Five Hundred to the popular assembly, or from the popular assembly to a Heliastic court, or from such a one to a foreign court." An appeal from a

public arbitrator was allowable in all cases except when ἡ μὴ οὖσα δίκη had to be resorted to; *i.e.* when the loser could prove that it was not owing to negligence on his part that judgment had gone by default. Cf. Harpocr. *s. v.* διαιτητής: (οἱ δικασταὶ) καὶ τὰς ἀπὸ τῶν διαιτητῶν ἐφεσίμους ἔκρινον, and Dem. *c. Boeot. de Dote*, p. 1024, § 55; (Meier, *Privatschiedsrichter*, etc. p. 28, n. 3, reads in Pollux, viii. 127, τὰς πίστ ις ἐμβ. ἰδ. ἑκατέρων τάς τε τοῦ φεύγ. καὶ τὰς τοῦ διώκ. instead of τὰς ψήφους ἐμβαλόντες ἰδίᾳ ἑκατέρας τοῦ φεύγοντος καὶ διώκοντος.) An appeal from a magistrate might arise when the ἐπιβολὴ imposed by him was objected to by the person fined; for then the magistrate had to lay the case before a court [EPIBOLE]. When on the occasion of a διαψήφισις a person was struck off the lists of δημόται and wished to upset such a decision, he might appeal to a court (δίκην λαγχάνειν τῷ κοινῷ τῶν δημοτῶν), or to a public arbitrator (Isae. *pro Euphil.* § 11; Schömann *ad l. c.* p. 479). The next two kinds of appeal referred to by Pollux are very doubtful indeed; when a matter was referred to the popular assembly by the Senate of Five Hundred, or to a Heliastic court by the popular assembly, because the latter were either unable or unwilling to decide it themselves, this might be called ἔφεσις, inasmuch as ἡ βουλὴ ἐφίησι τὸ πρᾶγμα εἰς τὸν δῆμον or ὁ δῆμος ἐφίησι τὸ πρᾶγμα εἰς τοὺς δικαστάς, but in that case ἔφεσις is not used in its strictly technical sense of appeal. As to appeals from an Athenian court to a foreign court, cf. SYMBOLON DIKAI APO. We are uninformed as to the amount to be paid, and as to the occasions when such a sum was to be paid. (*Att. Process*, ed. Lipsius, pp. 986–991.) [C. R. K.] [H. H.]

PARACATA'BOLE (παρακαταβολή), a sum of money required of a plaintiff or petitioner in certain cases, as a security that his complaint or demand was not frivolous, or made on slight and insufficient grounds. Such was the deposit made in certain inheritance causes, viz. not only by a person who claimed an inheritance already adjudged ([Dem.] *c. Macart.* p. 1054, § 16; Isae. *Hagn.* §§ 13, 27; Bunsen, *de jure hered. Ath.* p. 92, limits the paracatabole to such causes, and Boeckh, *Sthh.*[3] i. p. 430, explains Harpocr. *s. v.* in the same sense), but also by a person who entered a διαμαρτυρία μὴ ἐπίδικον εἶναι τὸν κλῆρον (Isae. *Philost.* § 12, etc.), or who claimed an inheritance as having a better title than others by having been adopted (Dem. *c. Leoch.* p. 1090, § 34) or by testament (Isae. *Nicostr.* § 4): cf. Pollux, viii. 32, ὅστις ἀντιλέγει ὡς αὐτὸς δικαιότερος ὢν ἔχειν τὸν κλῆρον ἐξ ἀγχιστείας ἢ διαθηκῶν. The amount of the deposit in such causes was a tenth part of the value of the property claimed: it was returned to the petitioner, if successful; otherwise it went to the opponent, or in case of rival claims to an inheritance to the state (Isae. *Nicostr.* § 11). In the proceeding termed ἐνεπίσκημμα, which was a suit instituted against the public treasury by a creditor to obtain payment out of his debtor's confiscated goods ([Dem.] *c. Timoth.* p. 1198, § 46), a *fifth* part of the value was deposited (Harpocr. *s. vv.* παρακαταβολὴ and πρόπεμπτα), which sum went to the state in case the petitioner was not successful (*C. I. A.* ii. No. 777). From this inscription it is likewise evident that the term ἐγγύης καταβολὴ was used in the sense of παρακαταβολὴ in this proceeding (cf. Suid. *s. v.* ἐνεπισκήψασθαι καὶ ἐγγύην καταβαλεῖν = *Etym. M.* p. 340, 38, etc.). The money was deposited either on the commencement of the cause or at the ἀνάκρισις. The word παρακαταβολὴ signifies both the paying of the deposit and the money deposited; and being a word of more general import, we find it used to denote other kinds of deposits, as the πρυτανεῖα and παράστασις (cf. Isocr. *c. Leoch.* § 2); it is probably used in this wider sense in Dem. *c. Pantaen.* p. 978, § 41, in a δίκη βλάβης. (*Att. Process*, ed. Lipsius, pp. 800, 814–822.) [C. R. K.] [H. H.]

PARACATATHE'CE (παρακαταθήκη, παραθήκη: cf. Rutherford, *New Phrynichus*, p. 367) generally signifies a deposit of something valuable with a friend or other person, for the benefit of the owner. Thus, if I deliver my goods to a friend, to be taken care of for me; or if I give a creditor something valuable as a pledge; or if I deposit money with a banker (ἀφορμή, Harpocr. *s. v.*; *argum.* Dem. *pro Phorm.* p. 944), to receive interest for it and to draw on him (Dem. *c. Callip.* p. 1236, § 4; Blümner, *Griech. Privatalt.* p. 454 f.), such delivery or *bailment*, or the gods bailed or delivered, or the money deposited, may be called παρακαταθήκη (Herod. vi. 86; Dem. *pro Phorm.* p. 946, § 5 f., and *c. Stephan.* i. p. 1110, § 29 f.); and the word is often applied metaphorically to any important trust committed by one person to another (Dem. *c. Aphob.* ii. p. 840, § 15; Aeschin. *c. Tim.* § 7; Dem. *c. Mid.* p. 572, § 177, etc.). As every bailee is bound to restore to the bailor the thing deposited, either on demand (in case of a simple bailment) or on performance of the conditions on which it was received, the Athenians gave a παρακαταθήκης δίκη against a bailee who unjustly withheld his property from the owner, ἀπεστέρησε τὴν παρακαταθήκην (Pollux, vi. 154; Schol. to Aristoph. *Plut.* 373, etc.), or who used it without the owner's permission for his own benefit. Examples of such an action are Isocr. *Trapez.* and *c. Euthyn.*: a subject of Satyrus, king of Bosporus, sues Pasion the banker for money alleged to have been placed in his hands (*Trapez.* §§ 11, 27, etc.); Nicias had deposited three talents with Euthynus, and, when he applied to him for the money, Euthynus repaid only two and disclaimed knowledge of the third (*c. Euthyn.* §§ 3, 7, 9, etc.). A pledge given to a creditor could not be recovered, except on payment of the money owed to him; but, after selling the article and satisfying his debt out of the proceeds, he would of course be bound to restore the surplus (if any) to the pledgor. It is not known whether beyond restoring the thing deposited any penalty was inflicted on a defendant who fraudulently denied that he had ever received the deposit; so much is certain from Dem. *c. Mid.* p. 528, § 44, that ἀτιμία was not inflicted, as Meursius, *Them. Attica*, ii. c. 23, p. 120 (τὸν μὴ ἀποδιδόντα τὴν παρακαταθήκην ἄτιμον εἶναι) supposed (Thalheim, *Griech. Rechtsalt.* p. 48, n. 5). The difficulty of procuring safe custody for money, and the general insecurity of movable property in Greece, induced many rich persons to make valuable deposits in the principal temples, such

as that of Apollo at Delphi (Plut. *Lysand.* 18), of Artemis at Ephesus (Dio Chrysost. xxxi. 54; cf. Xenoph. *Anab.* v. 3, 6, and Plaut. *Bacch.* ii. 3, 78), of Hera at Samus (Cic. *de Legg.* ii. 16, 41), etc. (Büchsenschütz, *Besitz. u. Erwerb.* p. 508 f.: cf. Posidon. Apam. *fr.* 48, in *Fragm. Hist. Graec.* iii. p. 48.) It may be observed that παρακατατίθεσθαι, *in the middle voice*, is always used of a person making a deposit *for his own benefit*, with the intention of taking it up again, and παρακατακεῖσθαι of the thing thus deposited; κομίζεσθαι is to recover your property (Isocr. c. *Euthyn.* § 4; *Trapez.* § 8, etc.). (*Att. Process*, ed. Lipsius, pp. 700 ff.) [C. R. K.] [H. H.]

PARADISUS (παράδεισος) was the name given by the Greeks to the parks or pleasure-grounds which surrounded the country residences of the Persian kings and satraps. They were generally stocked with animals for the chace, were full of all kinds of trees, watered by numerous streams, and enclosed with walls. (Xen. *Anab.* i. 4, § 10; *Cyr.* i. 3, § 14, 4, § 5; *Hell.* iv. 1, § 33; *Oec.* iv. 13; Diod. Sic. xvi. 41; Curt. viii. 1, §§ 11, 12; Gell. ii. 20.) These paradises were frequently of great extent; thus Cyrus on one occasion reviewed the Greek army in his paradise at Celaenae (Xen. *Anab.* i. 2, § 9), and on another occasion the Greeks were alarmed by a report that there was a great army in a neighbouring paradise (*Id.* ii. 4, § 16). In many respects, except as regards their being larger and used for hunting, they were like the Latin *vivarium*, which was a park, warren, or preserve. "Vivaria quae nunc vulgus dicit, quos παραδείσους Graeci appellant, quae leporaria Varro dicit, haud usquam memini apud vetustiores scripta...;" but Scipio, the writer goes on to say, called them *roboraria*, because they were fenced round with wooden palings (Gell. ii. 20; cf. AGRICULTURA, Vol. I. p. 80). In Greece they were first borrowed from the East in the time of the Diadochi (Iwan Müller, *Handbuch*, iv. p. 468).

Pollux (ix. 13) says that παράδεισος was a Persian word, and there can be no doubt that the Greeks obtained it from the Persians, whether its origin etymologically is to be found in Indo-European or Semitic languages.

[W. S.] [G. E. M.]

PARAGAUDA. [VESTIS.]

PARA'GRAPHE (παραγραφή). This word does not exactly correspond with any term in our language, but may without much impropriety be called "a plea." It is an objection raised by the defendant to the admissibility of the plaintiff's action: "exceptio rei adversus actorem, actionemve, querentis aut de foro haud competente, aut de tempore, modove procedendi illegitimo." (Reiske, *Index Gr. in Oratt.*) Sir William Jones, in the preface to his translation of Isaeus, compares it with a *demurrer*. But this is not so correct; because a demurrer is an objection arising out of the adversary's own statement of his case: whereas the παραγραφή was an objection depending on facts stated by the defendant himself, and therefore rather resembles a plea, or (more strictly) a special plea. This appears from the παραγραφικοὶ λόγοι of Demosthenes, in which we find the defendant introducing new allegations into the cause, and supporting them by proof. Thus, in the speech against Nausimachus and Xenopithes, the ground of objection is, that the father of the defendants having obtained a release from the plaintiffs, it was no longer open to the plaintiffs to bring an action for the same cause (p. 984, § 1; p. 986, § 5, cf. *pro Phorm.* p. 951, § 23; p. 952, § 25;—c. *Pantaen.* p. 966, § 1; p. 972, § 19). But the first mention of this release is made by the defendants in their plea. In the speech against Zenothemis the defendant objects, that the ἐμπορικὴ δίκη does not lie, because there was *no written* contract between him and the plaintiff; and this (says he) appears from the declaration itself (ἐν τῷ ἐγκλήματι, p. 882, § 1 f.; cf. c. *Apatur.* p. 892, § 2; see also c. *Pantaen.* p. 976, § 35; c. *Lacrit.* p. 939, § 45 f.). As parties could not be defeated at Athens by a technical objection to the pleadings, the defendant in the above case, notwithstanding the defective statement of the plaintiff in the declaration, was compelled to bring forward his objection by plea, and to support it before the jury. In the speech against Phormio, the plaintiff says that as the defendant only denies that he has committed a breach of the contract, there was no occasion for a παραγραφή: the question merely was, whether the plaintiff's charge was true (p. 908, § 4 f.). It seems that a παραγραφὴ might be put in, not only when the defendant could show that the cause of action was discharged, or that it was not maintainable in point of law; but also when the form of action was misconceived, or when it was commenced at a wrong time (*pro Phorm.* p. 952, § 26 f.), or brought before the wrong magistrate (c. *Pantaen.* p. 976, § 33 f.). In the last case the παραγραφὴ would answer to our *plea to the jurisdiction*.

The παραγραφή, like every other answer (ἀντιγραφή) made by the defendant to the plaintiff's charge, was given in writing, as the word itself implies (Dem. c. *Phorm.* p. 912, § 17; c. *Pantaen.* p. 976, § 34; π. ἀντιλαγχάνειν or δοῦναι, or παραγράφεσθαι). If the defendant merely denied the plaintiff's allegations, or (as we might say) *pleaded the general issue*, he was said εὐθυδικίᾳ εἰσιέναι or εἰσέρχεσθαι (Isae. *Philoct.* §§ 3, 43, 52; Dem. c. *Stephan.* i. p. 1103, § 6; εὐθυδικίαν εἰσιέναι occurs only c. *Phorm.* p. 908, § 4, and ἡ εὐθεῖα instead of εὐθυδικία is late, *argum.* Dem. c. *Zenoth.* p. 881).* In this case a court was at once held for the trial of the cause. If, however, he put in a παραγραφή (παρεγράψατο μὴ εἰσαγώγιμον εἶναι τὴν δίκην), and the plaintiff acquiesced in the ground of objection raised, the action was either brought before a different magistrate or in a different form (*i.e.* not as δίκη ἐμπορική, but as δίκη βλάβης or χρέως), or it was dropped altogether; if, however, the plaintiff did not acquiesce, a court was held to try the preliminary question, whether the cause could be brought into court or not. Upon this previous trial the defendant was considered the *actor* (Pollux, viii. 58), and hence is said by Demosthenes (c. *Phorm.* p. 908, § 4) κατηγορεῖν τοῦ διώκοντος: he began and

* Aeschylus (*Eum.* 433) similarly uses the term εὐθεῖα δίκη as opposed to the oath of one or the other party on which they might have agreed to rest the issue (429): see Aesch. *Eum.* ed. Müller, p. 159 f. Linwood (Lex. to Aesch. *s. v.*) wrongly translates, "pass a righteous sentence."

had to maintain the ground of objection which he relied upon (Dem. *c. Stephan.* i. p. 1103, § 5 ff.). If he succeeded, as Phormio did, by bringing witnesses that he had obtained a release from the plaintiff, the whole cause was at an end; if however the objection was only to the form of action, or some other such technicality, the cause was recommenced in the proper manner. If, however, the plaintiff succeeded, the jury merely decided *εἰσαγώγιμον εἶναι τὴν δίκην*, and then the original action, which in the meantime had been suspended, was proceeded with (Dem. *c. Zenoth.* p. 888, § 22 f.; *c. Lacrit.* p. 939, § 45). Both parties on the trial of the *παραγραφή* were liable to the *ἐπωβελία*, on failure to obtain a fifth part of the votes (Isocr. *c. Callim.* 2; Dem. *c. Stephan.* i. p. 1103, § 6). [EPOBELIA.]

The course of proceeding on a *παραγραφή* was obviously calculated to delay the progress of the cause, and was therefore not looked on with favour by the dicasts. *Ὑπωμοσίαι καὶ παραγραφαὶ* (*c. Mid.* p. 541, § 84) and *σοφίσματα καὶ παραγραφαὶ καὶ προφάσεις* (*c. Lacrit.* p. 924, § 2) are classed together by the orator as being the manœuvres of defendants to defeat justice (cf. *c. Euerg. et Mnes.* p. 1151, § 39; p. 1153, § 45; *Lex. Rhetor. Cantabr.* p. 673 ff., and Meier *ad l. c.*; Pollux, viii. 60). Hence we find in the extant *παραγραφικοὶ λόγοι*, that the defendant, in order to remove the prejudice of the dicasts against himself, not only supports the ground of the *παραγραφή*, but discusses the general merits of the cause, and endeavours to show that there is no foundation for the plaintiff's complaint. And there is no doubt that the dicasts were materially influenced by such discussion, however in strictness irrelevant (*argum. pro Phorm.* p. 944; *c. Zenoth.* p. 881).

There was no such thing as this proceeding by *παραγραφή*, where the defendant had the advantage of beginning, until after the expulsion of the Thirty Tyrants, when a law was passed on the proposal of Archinus, *ἄν τις δικάζηται παρὰ τοὺς ὅρκους, ἐξεῖναι τῷ φεύγοντι παραγράψασθαι, τοὺς δὲ ἄρχοντας περὶ τούτου πρῶτον εἰσάγειν, λέγειν δὲ πρότερον τὸν παραγραψάμενον, ὁπότερος δ' ἂν ἡττηθῇ, τὴν ἐπωβελίαν ὀφείλειν*, originally only for the special case that an action was brought in violation of the amnesty, but later on extended to other grounds of defence. Before the time when this law was passed, all special objections to the adversary's course of proceeding seem to have been called by the general term of *ἀντιγραφαί*. Thus when Pancleon was summoned before the polemarch by the speaker of the 23rd speech of Lysias, as being a resident alien, he put in a "plea to the jurisdiction" on the ground that he was a Plataean by birth, and that therefore the action ought not to have been brought before the polemarch (§ 5, *ἀντεγράψατο μὴ εἰσαγώγιμον εἶναι*, cf. § 10; Jebb, *Att. Oratt.* i. p. 302, gives *πρὸς παραγραφὴν* as title of the speech, but it ought to run *πρὸς τὴν* Π. *ἀντιγραφήν*); and in this case it is clear from the tenor of the speech, that the defendant did not address the court first [cf. EXOMOSIA, 3]. (*Att. Process*, ed. Lipsius, pp. 849–854, 948.) [C. R. K.] [H. H.]

PA'RALUS. [THEORIS.]

PARANOIAS DIKE (*παρανοίας δίκη*). This proceeding may be compared to our commission of lunacy, or writ *de lunatico inquirendo*. It was a suit at Athens that might be instituted by a son or other relative for a son against one who, by reason of madness or mental imbecility, had become incapable of managing his own affairs. The intention was to take the management of property out of the hands of such a person—hence the suit might only be instituted by the next heir, *i.e.* sons in the first instance (Plat. *Legg.* xi. p. 928, D f.)—and not to provide for his confinement (Aristoph. *Nub.* 845; Xen. *Memor.* i. 2, § 49; Aeschin. *c. Ctes.* § 251). Pollux (viii. 89) states that this *δίκη* came before the archon (as *ἡγεμὼν δικαστηρίου*), which is very probable, as being a matter connected with family rights, and from other sources we learn that a court of dicasts decided the case. The anonymous author of the Life of Sophocles alone states that the decision of such a suit rested with the phratores of the accused (*καί ποτε ἐν δράματι εἰσήγαγε τὸν Ἰοφῶντα αὐτῷ φθονοῦντα καὶ πρὸς τοὺς φράτορας*, etc.); yet this story of a prosecution of Sophocles by his son on account of mental imbecility is extremely doubtful. It would seem that a comic poet introduced an arraignment of the aged Sophocles by his son before the phratores in a contemporary comedy, the name of the poet being lost (G. Hermann conjectured *καί ποτε Ἀριστοφάνης ἐν Δράμασιν εἰσήγαγε*, etc.). This invented trial, Jebb suggests (Soph. ed. Jebb, ii. p. xl. f.), was accepted by Satyrus, a collector of biographies, whence Cicero (*de Sen.* 7, 22) and later writers (Plut. *Moral.* p. 785 B; Lucian, *Macrob.* 24), directly or indirectly, derived their accounts. (*Att. Process*, ed. Lipsius, p. 566 ff.) [C. R. K.] [H. H.]

PARA'NOMON GRAPHE (*παρανόμων γραφή*). An indictment instituted against a person who had proposed or carried an illegal, or rather unconstitutional, psephisma or law. The illegality might consist either in its form or in its contents, or in both. Thus a psephisma might be impugned for matter of form, if it was *ἀπροβούλευτον*, *i.e.* had not been submitted to the senate: such was the proposal of Androtion (Dem. *c. Androt.* p. 594, § 5), to award a crown to the outgoing senators as usual in spite of their having failed to build the necessary number of triremes (*l. c.* p. 596, § 10 f.), of Aristogiton against Hierocles ([Dem.] *c. Aristog.* i. p. 767, *argum.*), of Thrasybulus to confer citizenship upon Lysias ([Plut.] *Vit. X. Oratt.* p. 835 F);—or a proposal to restore an *ἄτιμος* or release a public debtor or admit him to composition with the state was illegal, if permission (*ἄδεια*) had not first been granted by an assembly at which not less than 6,000 Athenians had voted (Dem. *c. Timocr.* p. 715, § 46). As regards a law, it was illegal if the rules had not been complied with which regulated the introduction of new laws: thus Timocrates had not put up his law in the usual way for public perusal nor observed the regulations as to the time when the nomothetae should be appointed (Dem. *c. Timocr.* p. 708, § 26: cf. *c. Lept.* p. 485, § 94). As to the contents, a psephisma was illegal if inconsistent with a law, for *ψήφισμα μηδὲν μήτε βουλῆς μήτε δήμου νόμου κυριώτερον εἶναι* (Andoc. *de Myst.* § 87: cf. Dem. *c. Aristocr.* p. 649, § 87, and *c. Lept.* p. 485, § 92, *ἀλλὰ ἐναντιώτεροι* [*νεώτεροι* MSS.] *οἱ νόμοι, καθ' οὓς*

τὰ ψηφίσματα δεῖ γράφεσθαι), and it is clear that this point was capable of very wide interpretation, from the fact that a proposal to confer citizenship on a foreigner might be impugned if the deserts of the foreigner could be called in question, since the law stipulated that this honour should be bestowed only on one deserving it, δι' ἀνδραγαθίαν εἰς τὸν δῆμον τὸν Ἀθηναίων ([Dem.] *c. Neaer.* p. 1375, § 89). A law might be impugned as being inconsistent with some other law that had not been repealed (Dem. *c. Timocr.* p. 711, § 34;—*c. Lept.* p. 485, § 93; p. 486, § 96): since a special law provided that new laws should come into operation from the day on which they were passed (unless a date was expressly mentioned, usually the beginning of the year following), Timocrates should have repealed this law, Demosthenes argues (p. 714, § 43; p. 723, § 73), before proposing his own with retrospective action. Some writers have maintained that the γραφὴ παρανόμων lay not merely against unconstitutional legislation, but against bad legislation in general, so that a law or psephisma might be assailed on the charge of inexpediency (μὴ ἐπιτήδειον, Dem. *c. Timocr.* p. 711, § 33, *lex;* cf. Pollux, viii. 56 and 44). Madvig takes a different view (*Kleine phil. Schriften*, p. 378 ff.). In his opinion a γραφὴ παρανόμων only lay against unconstitutional legislation, *i.e.* against a law or psephisma in proposing which certain regulations had not been complied with (ὡς παρὰ τοὺς νόμους τὸ ψήφισμα εἴρηται, Dem. *c. Aristocr.* p. 626, § 18 f., cf. p. 653, § 100; *c. Timocr.* p. 721, § 66: these laws which had been contravened the prosecutor wrote in parallel columns with the law or psephisma indicted, παραγράφεσθαι, Dem. *c. Androt.* p. 604, § 34, etc., cf. Dem. *c. Aristocr.* ed. Weber, p. 221), and any arguments as to the expediency of the law or psephisma in itself, which in practice played an important part, were beside the legal point at issue, being cited merely as additional reasons for rejection. Lipsius adopts Madvig's view, only separating objections based on the contents, *e.g.* that a psephisma is inconsistent with a law, from objections of a purely formal nature: cf. Gilbert, *Hdb. d. gr. Staatsalt.* p. 284, n. 1, and Busolt, *Staats- u. Rechtsalt.* § 193. Wayte (Dem. *c. Androt.* and *c. Timocr.* p. xxxv.), on the other hand, holds that any law, "however carefully all constitutional forms had been observed, might be assailed on the vague charge of inexpediency. The γραφὴ παρανόμων lay, therefore, not merely against unconstitutional but against bad legislation in general; and any law might be pronounced 'bad' against which a majority, however small, could be obtained in a court where the last thing expected of the jurors was to leave their politics behind them." Schöll, too (*Sitzungsber. d. k. b. Akad.*, München, 1886, p. 136 ff.), contends that a law (not a psephisma) might be impugned by means of a γραφὴ παρανόμων on the ground of inexpediency, relying especially upon Pollux, viii. 87, οἱ μὲν θεσμοθέται.... εἰσάγουσι καὶ τὰς τῶν παρανόμων γραφὰς καὶ εἴ τις μὴ ἐπιτήδειον νόμον γράψειεν.

Against the proposer of a psephisma a γραφὴ παρανόμων might be preferred either before the taking of the votes (*e.g.* against Aristocrates and Ctesiphon: hence their motions are called προβουλεύματα, Dem. *c. Aristocr.* p. 625, § 14, etc.; *de Cor.* p. 228, § 9, cf. Xen. *Hellen.* i. 7, 12), or after the voting had taken place and the people had approved of it (Dem. *c. Androt.* p. 594, § 5, etc.; [Dem.] *c. Neaer.* p. 1347, § 5, etc.). Any citizen might prefer this indictment; if he declared in the popular assembly on oath (ὑπωμοσία, ὑπομόσασθαι, Xen. *Hell.* i. 7, 34, and Schömann, *de Comit.* p. 161 f., whose explanation of the passage Grote, *Hist. of Gr.* vii. p. 445 n., does not accept; *Lex. Rhet. Cantabr.* p. 665, 3, etc.) that he intended to proceed against the proposer by means of a γραφὴ παρανόμων, such a declaration necessitated the postponement of the voting, or had the effect of suspending the validity of the psephisma, until the court had given its decision. The indictment which Aeschines preferred against Ctesiphon's proposal in B.C. 336 was not brought to trial till six years later; since Ctesiphon's proposal was a προβούλευμα of the senate, it remained in force only a year (ἐπέτειον, Dem. *c. Aristocr.* p. 651, § 92), but, as Schaefer (*Dem. u. s. Zeit*, iii. p. 207 f.) suggests, it was renewed in B.C. 330 (hence Ctesiphon's personal responsibility), and now Aeschines was compelled to proceed with his indictment to escape the fine of 1000 drachmas (Dem. *c. Theocr.* p. 1323, § 6). The same proceeding might be instituted against the proposer of a law, not, however, whilst the law was in due form under consideration on the part of the nomothetae (Schömann, *Opusc.* i. p. 258 f.), but only when an attempt was made to rush it through the popular assembly, or when the law had been approved of by the nomothetae to prevent its becoming κύριος: thus Leptines' law had not come into operation in consequence of Bathippus's indictment: cf. Dem. *c. Lept.* p. 497, § 134; p. 499, § 139; p. 501, § 143 (Schömann, *Opusc.* i. p. 239 f.).

The indictment was directed against the mover personally, who, if the court decided against him, incurred more or less punishment: death (Dem. *c. Timocr.* p. 743, § 138) or a fine, 10 talents (*c. Mid.* p. 573, § 182; *c. Theocr.* p. 1332, § 31), 1 talent (instead of the 15 proposed by the prosecutor, [Dem.] *c. Neaer.* p. 1348, § 8), 25 drachmas (Hyp. *pro Eux.* col. 31); and the law or the psephisma was repealed. A person thrice so convicted lost the right of making proposals in the popular assembly in future (Dem. *de Cor. trierarch.* p. 1231, § 12; Meier, *de Bon. Damnat.* p. 130, n. 435). Aristophon was seventy-five times indicted for having moved illegal decrees, and every time acquitted; whilst Cephalus could boast that, though he had proposed more decrees than any one else, he had not once been indicted (Aeschin. *c. Ctes.* § 194). The prosecutor who failed to obtain one-fifth of the votes at the trial, as Aeschines did (Plut. *Dem.* 24), incurred a fine of 1000 drachmas, and lost the right of instituting a γραφὴ παρανόμων in future (Theophr. π. νόμων, *Lex. Rhet. Cantabr.* p. 677, 8). After the expiration of a year from the day when the psephisma or the law was proposed or passed, the mover was free from personal responsibility: this was the case with Leptines (Dem. *c. Lept.* p. 501, § 144; *argum.* p. 453, νομὸς γὰρ ἦν τὸν γράψαντα νόμον ἢ ψήφισμα μετὰ ἐνιαυτὸν μὴ εἶναι ὑπεύθυνον), though, as we learn from this instance, the law itself might still be impeached before a jury, and in such case the people appointed advocates to defend it (five σύνδικοι, Leptines himself and

the four named, p. 501, § 146; cf. Wolf, p. cxxxvi.).

In Grote's opinion the γραφὴ παρανόμων "was probably introduced by Pericles at the same time as the formalities of law-making by means of specially delegated Nomothetae" (*Hist. of Gr.* v. p. 430): cf. Gilbert, *Handb. d. gr. Staatsalt.* i. p. 150, n. 2; Busolt, *Gr. Staats- u. Rechtsalt.* § 138. Mahaffy (*Hermath.* vii. 1881, p. 87 f.) places it later: "Though it may have long existed in the special form of an action against direct verbal contradictions of particular laws by new enactments, its importance dates only from the disuse of ostracism (417 B.C.), and was even a direct consequence of this disuse." In B.C. 411 it must have been firmly established as a bulwark of the democratic constitution, or the Four Hundred would not have repealed it before proposing their revolutionary changes (Thuc. viii. 67; Dem. *c. Timocr.* p. 748, § 154; Aeschin. *c. Ctes.* § 191). (*Att. Process*, ed. Lipsius, pp. 428–437.) [C. R. K.] [H. H.]

PARANYMPHUS. [MATRIMONIUM, p. 136.]

PARAPETASMA. [VELUM.]

PARAPHERNA. [DOS.]

PARAPRESBEIA (παραπρεσβεία) signifies any corrupt conduct, misfeasance, or neglect of duty on the part of an ambassador; for which he was liable to be called to account and prosecuted on his return home (Dem. *F. L.* p. 430, § 278 f.; p. 342, § 4 f.; *c. Mid.* p. 515, § 5). Ambassadors were usually elected by the people in assembly (*C. I. A.* ii. No. 17, l. 72 ff.; iv. No. 27 a, l. 45 ff.; Aeschin. *F. L.* § 18 f., etc.), on rare occasions by the senate (Heydemann, *de Sen. Athen.* p. 37; cf. Dem. *F. L.* p. 380, § 126). At the time of the Peloponnesian war and before, only men above fifty years of age were eligible as ambassadors (Plut. *Per.* 17; *C. I. A.* i. No. 40, l. 16; cf. Plat. *Legg.* xii. p. 950 D); later on this restriction was removed, for Demosthenes had not reached that age when he was sent to Philip in B.C. 346. Persons fit for the post (ἄξιοι πίστεως, Aeschin. *F. L.* § 23; λέγειν δυνάμενοι, *c. Ctes.* § 139) and *personae gratae* to the state to which the embassy was to be sent (*l. c.* § 138 f.; Thuc. v. 44, etc.; usually the πρόξενοι, Schubert, *de prox. Attic.* p. 78) were proposed by their friends (Aeschin. *F. L.* § 18) or might even propose themselves (Din. *c. Dem.* § 81; Lys. *c. Agor.* § 9). In most cases the ambassadors received definite instructions (*C. I. A.* i. No. 40, l. 16 ff.; Dem. *F. L.* p. 352, § 37; p. 392, § 162; Aeschin. *F. L.* § 98, etc.); but sometimes this was, from the nature of the case, not possible, and they had to act according to their own judgment. Hence such instructions as Aeschin. *F. L.* § 104, πράττειν δὲ τοὺς πρέσβεις καὶ ἄλλ' ὅ τι ἂν δύνωνται ἀγαθόν: cf. *C. I. A.* ii. No. 17, l. 74, and as an instance of independent action on the part of ambassadors may be cited the steps taken by Learchus and Ameiniades against the Lacedaemonian envoys (Thuc. ii. 67). Ambassadors who were empowered to make peace or conclude an alliance without further reference to the popular assembly were called αὐτοκράτορες (Andoc. *de Pac.* § 33, αὐτοκράτορας γὰρ πεμφθῆναι εἰς Λακεδαίμονα διὰ τοῦθ', ἵνα μὴ πάλιν ἐπαναφέρωμεν, as contrasted with Thuc. v. 41, πρὶν τέλος τι αὐτῶν ἔχειν, ἐς τὸ Ἄργος πρῶτον ἐπαναχωρήσαντας αὐτοὺς δεῖξαι τῷ πλήθει, καὶ ἢν ἀρέσκοντα ᾖ, ἥκειν ἐς τὰ Τακίνθια τοὺς ὅρκους ποιησομένους); yet such ambassadors had no power to settle the conditions on which peace was to be made, etc., these having been determined upon before they were despatched. Egger's definition (*Mémoire histor. sur les Traités Publics*, p. 8) is therefore too wide: "Les ambassadeurs prenaient quelquefois le titre de plénipotentiaires, quand on les dispensait formellement d'en référer à leurs commettants pour la conclusion du traité." That the power of the πρέσβεις αὐτοκράτορες was such as described above is borne out, *e.g.* by Lysias' (*c. Agor.* § 8 ff.) and Xenophon's (*Hell.* ii. 2, 11 ff.) accounts of Theramenes' embassy to Sparta. The Athenians had proposed to Agis to become allies of Sparta, retaining their walls and the Peiraeus, and Agis referred the ambassadors to the ephors at Sparta. This they reported to the popular assembly, by whom they were despatched to Sparta. On the frontier the ephors asked what their propositions were; and hearing that they were the same as those made to Agis, they desired them to go back and come prepared with something more admissible, informing them at the same time that no proposition could be received which did not include the demolition of the Long Walls for a continuous length of ten stadia. With this answer the envoys returned to Athens; a senator advised the acceptance of the terms, but was thrown into prison, and a resolution was passed forbidding any such motion in future. Then Theramenes offered to go as envoy to Lysander, to find out the real intentions of the Spartans as regards Athens; and when after three months' delay Lysander referred him to the ephors, Theramenes returned to Athens. He was now chosen πρεσβευτὴς αὐτοκράτωρ to Sparta, together with nine others, *i.e.* empowered to conclude peace if the Spartans accepted the conditions which he was prepared to offer, these having been agreed on by the people (Θηραμένης . . . λέγει ὅτι . . . ποιήσειν ὥστε μήτε τῶν τειχῶν διελεῖν μήτε ἄλλο τὴν πόλιν ἐλαττῶσαι μηδέν, etc. Lys. *l. c.* § 9). At Sellasia these envoys informed the ephors that they were αὐτοκράτορες, and were therefore permitted to come to Sparta; but when the Spartans insisted upon the demolition of the Long Walls, etc., the envoys could do nothing but refer (ἐπαναφέρειν, Xen. *l. c.* § 21) these terms to the Athenians; in the popular assembly they strongly recommended submission to Sparta, and the terms were accepted by a large majority. It is clear that if Theramenes and his colleagues had been plenipotentiaries in the usual sense of the word, *i.e.* empowered to make peace on the best terms they could secure, they would have done so at once at Sparta. See also Diod. xii. 4, διόπερ οἱ περὶ τὸν Ἀρτάβαζον καὶ Μεγάβυζον ἔπεμψαν εἰς τὰς Ἀθήνας πρεσβευτὰς τοὺς διαλεξομένους περὶ συλλύσεως· ὑπακουσάντων δὲ τῶν Ἀθηναίων καὶ πεμψάντων πρέσβεις αὐτοκράτορας ὧν ἡγεῖτο Καλλίας ὁ Ἱππονίκου ἐγένοντο συνθῆκαι περὶ τῆς εἰρήνης, etc. In Dem. *F. L.* p. 395, § 173, αὐτοκράτωρ has of course a different sense (Schäfer, *Dem. u. s. Zeit*, ii. p. 227, n. 1).

For ambassadors to act contrary to their instructions (παρὰ τὸ ψήφισμα πρεσβεύειν, Dem. *F. L.* p. 346, § 17) was a high misdemeanour

(Plat. *Legg.* xii. *init.* p. 941 A). On their return home they were required immediately to make a report of their proceedings (*ἀπαγγέλλειν τὴν πρεσβείαν*), first to the senate (*ἐπὶ κεφαλαίων*, Aeschin. *F. L.* § 45) and afterwards to the people in assembly (*l. c.* §§ 17, 25, 45 ff.; Dem. *F. L.* p. 342, § 4, etc.).* If the report made to the senate seemed satisfactory and no complaint was made against the ambassadors, a member of the senate moved a vote of thanks to the envoys and an invitation to dinner in the Prytaneum, and this motion was afterwards submitted to the popular assembly. Thus, after the return of the first embassy to Philip, Demosthenes moved in the senate *στεφανῶσαι θαλλοῦ στεφανῷ ἕκαστον καὶ καλέσαι ἐπὶ δεῖπνον εἰς τὸ πρυτανεῖον εἰς ἄριον*, and in the popular assembly *ἐπαινέσαι καὶ καλέσαι ἐπὶ δεῖπνον*, etc. (Aeschin. *F. L.* §§ 45, 53; cf. Dem. *F. L.* p. 414, § 234). When objections were raised to the conduct of the ambassadors, as happened after the second embassy, no such vote of thanks, etc. was proposed in the senate (Dem. *F. L.* p. 350, § 31; cf. p. 355, § 45, etc.). This vote of thanks had in course of time become a mere formality (*τὸ νόμιμον ἔθος ποιῶν*, Dem. *F. L.* p. 414, § 234, and *argum.* p. 338; cf. Aeschin. *c. Ctes.* § 178), and to judge from the case of Timagoras, a person, though thus honoured, might later on be severely punished if misconduct in the embassy could be proved against him (Xen. *Hellen.* vii. 1, 38;—Dem. *F. L.* p. 400, § 191; p. 383, § 137). Since it was forbidden by law *στεφανοῦν τοὺς ὑπευθύνους* (Aeschin. *c. Ctes.* § 11), such a motion probably always contained the clause *ἐπειδὰν τὰς εὐθύνας δῷ* (cf. *C. I. A.* ii. No. 114 A; Rangabé, *Ant. Hell.* ii. No. 425). For that the ambassadors had to render an official account of their conduct in the embassy in the usual way [EUTHYNE] is clear (Aristotle in Harpocr. *s. v. εὔθυνοι*: Pollux, viii. 45, etc.). At the anakrisis held by the logistae, their *κήρυξ* asked, if any one intended to accuse the functionary who was rendering his account (*τίς βούλεται κατηγορεῖν*; Aeschin. *c. Ctes.* § 23; cf. Dem. *F. L.* p. 341, § 2). If an accuser appeared, he had to establish his complaint and reduce it to the form of a *γραφή*, and the prosecution would be conducted in the usual way, stopping the proceedings of the *εὔθυναι*. (This explains why Aeschines had not rendered his account before Demosthenes brought him to trial, Dem. *F. L.* p. 374, § 104 f.) We do not know within what time this account had to be rendered, whether ambassadors were bound to render it thirty days after their return, as most magistrates had to do after the expiration of their term of office. Thirlwall (*Hist. of Greece*, vi. p. 31) can scarcely be right in saying that the time for doing it was left to their discretion; for the instance from which he draws this inference must be explained differently. From the way in which Demosthenes had attacked him on his return from the second embassy to Philip both in the senate and in the popular assembly, Aeschines had reason to fear that charges would be made against him on the occasion of his rendering his account. He therefore tried at first to escape it altogether; and with a view to that, when Demosthenes wished to render his account in due form, he presented himself before the logistae and argued that there was no occasion to render an account of this second embassy, as it was for a matter of form only, viz. to receive the oath of Philip (Aeschin. *F. L.* § 123). This objection was overruled, and Demosthenes went through the necessary forms and received his discharge, no one complaining of his conduct, and probably some other envoys likewise (Dem. *F. L.* p. 377, § 118; Aeschin. *F. L.* § 178). Now Aeschines changed his tactics, and professed to be eager to render his account (*c. Tim.* § 168), and Demosthenes and Timarchus brought charges of neglect of duty against him (Dem. *F. L.* p. 343, § 8). Aeschines, however, gained time by proceeding against Timarchus: he demanded a judicial scrutiny into Timarchus' character, and thus in a summary way got rid of one of his accusers (*ἠτίμωσεν ὑπακούσαντά τιν' αὐτοῦ κατήγορον*, Dem. *F. L.* p. 423, § 257). At last, more than three years after the embassy (Dion. Halic. *Epist.* i. *ad Amm.* 10, *ἄρχων Πυθόδοτος*, *i.e.* B.C. 343–2...*καὶ τὸν κατ' Αἰσχίνου συνετάξατο λόγον, ὅτε τὰς εὐθύνας ἐδίδου τῆς δευτέρας πρεσβείας τῆς ἐπὶ τοὺς ὅρκους*), Demosthenes brought Aeschines to trial, when he, it is said, was acquitted by a majority of only thirty votes (Plut. *Dem.* 15; [Plut.] *Vitt. X. Oratt.* p. 840 B, C). The *γραφὴ παραπρεσβείας* which might be brought only on occasion of the *εὔθυναι* was a *τιμητὸς ἀγών* (Aeschin. *F. L.* § 5, etc.); and as it might comprise charges of the most serious kind, such as treachery and treason against the state, the defendant might have to apprehend the heaviest punishment. Callias (Dem. *F. L.* p. 428, § 273) had to pay a fine of fifty talents *ἐν ταῖς εὐθύναις* (on his embassy: cf. Duncker, *Abh. a. d. Griech. Gesch.* p. 121 ff.). Aelian's story (*V. H.* vi. 5), that the Athenian ambassadors sent to Arcadia, though successful in the object of their mission, were condemned to death because they had not travelled by the prescribed route, wants confirmation. Besides this *γραφή*, an *εἰσαγγελία* might be brought against an ambassador (Dem. *F. L.* p. 374, § 104 f.), *e.g.* against Epicrates (Dem. *F. L.* p. 429 f., § 276 ff.), and probably against Philon (Isocr. *c. Callim.* § 22; *ἐνδειχθέντα* can scarcely be

* Boeckh (*Sth.* i.[3] p. 303) states that the state paid the ambassadors their *ἐφόδια* *in advance*, quoting *C. I. G.* No. 107 = *C. I. A.* ii. No. 311, *Ephem. arch.* No. 407=*C. I. A.* No. 64 (*C. I. G.* 2556 is a Cretan inscr.), and Fränkel adds (vol. ii. p. 67, App.) that sometimes the ambassadors received their pay *after* their return. It would seem that to about the middle of the fourth century the ambassadors received their *ἐφόδια* *after* their return (*C. I. A.* ii. No. 156, p. 423; No. 64 = Olymp. 105, 4; No. 89 = Olymp. 106, No. 108 c. b. l. 24 = c. Olymp. 107, 4, fifty drachmas), so much per day; Aristophanes (*Acharn.* 66, cf. 602) speaks of two drachmas, and the scholiast's remark is to the point, *καθάπτεται γὰρ τῶν πρεσβευτῶν ὡς ἐπίτηδες χρονοτριβούντων ἐν ταῖς πρεσβείαις ὑπὲρ τοῦ πλείονα μισθὸν λαμβάνειν*. From Dem. *F. L.* p. 390, § 158, we may conclude that the amount was less: each of the ten ambassadors received a hundred drachmas for ninety days, but in fact the journey lasted only seventy days. At a later period the *ἐφόδια* were paid in advance: thus for a journey to Byzantium fifty drachmas (*C. I. A.* ii. No. 251 = Olymp. 118–120), cf. *C. I. A.* ii. No. 311 = Olymp. 123, 3; *τὸ τεταγμένον*; and the Avaricious Man in Theophrastus (*Char.* 26, ed. Jebb=30) leaves the money allowed to him by the state at home and borrows of his colleagues in the embassy.

used here in its technical sense). (*Att. Process*, ed. Lipsius, p. 459 ff., p. 290.) Aeschines (*F. L.* § 139) says that Demosthenes had threatened to bring an eisangelia (*εἰσαγγεῖλαι παραπρεσβεύσασθαι*) against him for going as ambassador to Philip and to the Amphictyonic council, without being appointed as such (cf. Dem. *F. L.* p. 379, § 125 ff.); it is true that Aeschines, when elected to go on the third embassy, declined under the pretext of ill-health (Dem. *F. L.* p. 379, § 124), but the election was renewed by a decree which Demosthenes passed over (Aeschin. *F. L.* § 94, *ψήφισμα τὸ μὲν ἀνέγνως*, scil. Dem. *F. L.* p. 381, § 130, *τὸ δὲ ὑπερέβης*: cf. Dem. *F. L.* p. 395, § 172, *ἐπὶ τὴν τρίτην πρεσβείαν δίς με χειροτονησάντων ὑμῶν δὶς ἐξωμοσάμην*); cf. Plat. *Legg.* xii. p. 941 A. Antiphon and Archeptolemus were proceeded against by an *εἰσαγγελία προδοσίας* ([Plut.] *Vitt. X. Oratt.* p. 833 E, F), and the impeachment of Philocrates was not *παραπρεσβεία* (Schömann, *de Com.* p. 195), but *ῥήτορα ὄντα λέγειν μὴ τὰ ἄριστα τῷ δήμῳ τῷ Ἀθηναίων* (Hyper. *pro Eux.* c. 39). [C. R. K.] [H. H.]

PARASANGA (*παρασάγγης*). According to Herodotus, the parasang was the name given by the Persians to a distance of 30 stades (*παρασάγγας, τοὺς καλέουσι οἱ Πέρσαι τὰ τριήκοντα στάδια*, vi. 42). It was never, properly speaking, a Greek measure, but was simply employed by Greek writers such as Herodotus and Xenophon, who wrote about distances from one place to another in Asia, just as Strabo employed the word *μίλιον* when describing distances in Italy, and as the Romans, on the other hand, at times employed the term *στάδιον* to describe distances in Greece. The origin of the measure is not very clear: some have sought to explain it as the distance traversed by an active walker in an hour of equinoctial time, during which the sun traverses a distance in the heavens equal to thirty times his own diameter. According to those metrologists therefore, the Persians simply borrowed the parasang from the Babylonians. But it is probable that it had a much more simple and rude origin, and is rather to be compared with the Gallic *leuga* (league) = 1½ Roman miles, and the German *Rasta* = 2 Roman miles. It will hardly be maintained that the latter were based on astronomical observations. It is more reasonable to suppose that the parasang as well as the *leuga* and *Rasta* were multiples of some native unit of land measure, such as the length of the furrow [MENSURA]. This view is supported by the fact that the Persians used the parasang as their unit of measurement when dealing with large tracts of country. (Herod. vi. 42, *καὶ τὰς χώρας σφέων μετρήσας κατὰ παρασάγγας, κ. τ. λ.*) The scientific theory of its origin is also rendered doubtful by the fact that the parasang varied considerably in extent in different times and places. For instance, Agathias (ii. 21), who quotes the testimony of Herodotus and Xenophon to the parasang being 30 stades, says that the Iberi and Persians in his own time (A.D. 570) made it only 21 stades. Strabo also states (xi. p. 518) that some writers reckoned it at 60 stades, others at 40, and others at 30. The evidence of Pliny is to the same effect, as he complains of the difficulty of giving accurate statements of distances (*H. N.* vi. § 30). Distances in Asia are still reckoned in *parasangs* (Persian *farsang*). Modern travellers variously estimate it at from 3½ to 4 English miles, which agrees closely with the calculations of Herodotus. [W. RI.]

PARASEMON (*παράσημον*). [INSIGNE.]

PARASI'TI (*παράσιτοι*) properly denotes those who dine with, or beside, others: of whose position Athenaeus (vi. p. 34), commenting on the later degradation of the word, says that it was formerly *ἱερόν τι χρῆμα καὶ τῷ συνθοίνῳ παρόμοιον*. From the general sense of "dining beside," we have in the earlier times two senses of the word, civil and sacred, and later a quite different sense. It must be observed that *παράσιτος* differs from *σύσσιτος* in that it implies a difference of rank and status; and, whereas the *σύσσιτοι* are those who dine together *ex officio*, the *πάρασιτοι* are those who are invited to join them. Hence in the original *civil* meaning the *παράσιποι* were those who dined in the Prytaneum (or in the Tholos) not being magistrates, but invited guests: that this was originally the case is shown by the fact that Solon forbade the same parasite *σιτεῖσθαι πολλάκις* (Plut. *Sol.* 25). After the separate official dinners in the Tholos were instituted, the terms *παράσιτοι* included those subordinate clerks, &c. ("parasites" of the Prytaneis) who were, some time after the Roman conquest, termed *ἀείσιτοι*. [PRYTANEUM.] The *παράσιτοι* of the priests were ministers in the temples above the rank of mere temple servants who assisted the priests in the sacred rites, and dined with them after the sacrifice; and when the word is used to denote a distinct office, it has this meaning. Athenaeus (*l. c.*) in his account quotes various laws and decrees, but he is clearly not quite certain of their meaning. From the obscurely-worded law on p. 235 c, we should infer that the *παράσιτοι* had, besides their ritual duties, to collect (as if sacred *ἐκλογεῖς*) certain dues of corn for their temple, that they stored the offerings of corn in a *παρασίτειον* (which, however, from analogy we should have expected to mean the lodgings of parasiti in the temple precincts), that they were charged with providing food therefrom for those who came for religious purposes to the temple, and that out of funds committed to them they had to pay for repairs of the temple buildings. What the sense of *ἐκ τῆς βουκολίας ἐκλέγειν* can be, it is impossible to say. There is no warrant for giving to *βουκολία* the sense of a "country district," attached to the temple, whence corn was due, which might give an intelligible meaning. Schweighäuser's emendation *ἐκτὸς βουκολίας*, "absque dolo malo," is ingenious, but not a probable expression. Various deities are mentioned in the passages cited by Athenaeus, in whose temples there were parasiti, but there is no reason to suppose that their employment was limited to those temples. When it is said that the archons are to choose parasiti from the demes, the civil parasiti are probably meant (as in *ἄρχοντες καὶ παράσιτοι ἀνέθεσαν*, p. 234, f.). From the analogy of *πάρεδροι*, the assistants of magistrates, we may imagine that the priest of the temple chose his *παράσιτοι*.

From the fact that the priest received one-third of the victim and the *παράσιτοι* the same amount, it is clear that there was always more

than one παράσιτος in a temple, since the priest's share would certainly be larger than his subordinate's.

Parasites in the modern sense no doubt existed in early times: the comedies of Aristophanes testify to them, and Philippus, who is introduced in the *Symposium* of Xenophon, is a good specimen of the class (cf. Epicharm. *ap.* Athen. vi. p. 235); but the name παράσιτος was only so applied in writers of Middle and New Comedy (the first who so used it is said to have been Alexis), upon which the honourable sense gradually fell into disuse. In these later comedians (from whom numerous passages are quoted by Athenaeus, vi. pp. 236–248) the parasites are standing characters.

The features common to all these parasites are importunity, love of sensual pleasures, and above all the desire of getting a good dinner without paying for it. According to the various means which they employed to attain this object, they may be divided into three classes. The first are γελωτοποιοί, or jesters (cf. Theophrast. xi. 4; Jebb *ad loc.*), who, in order to get an invitation, not only tried to amuse, but endured the grossest insults and even personal maltreatment (Alciph. *Ep.* iii. 6, 7, 49). This profession of voluntary enslavement was so systematic that they had note-books with a collection of jests (Plut. *Stich.* iii. 2, 1; Pers. iii. 1, 67). Among these we may class Philippus in the *Symposium* of Xenophon, Ergastilus in the *Captivi*, and Gelasimus in the *Stichus*. The second class are the κόλακες or flatterers (see Athen. vi. p. 248 d), who by praising vain persons endeavoured to obtain an invitation. Such were Gnatho in the *Eunuchus*, and Artotragus in the *Miles Gloriosus*. The third class are the θεραπευτικοί, or the officious, who by service even of the lowest and most degrading description tried to win favour (Plut. *de Adul.* 23; *de Educat.* 17). Characters of this class are the parasites in the *Asinaria* and *Menaechmi*, and especially Curculio in the *Persae* and Saturio in the *Phormio*. We find the parasites haunting the market, the palaestrae, the baths, and other public places in search of a patron. Some examples of the disgusting humiliations which parasites endured are mentioned by Athenaeus (vi. p. 249) and Plutarch (*Symp.* vii. 6; cf. Diog. Laert. ii. 67; Epictet. iv. 1, § 55; Dio Chrys. vi. p. 602, ῥαπιζόμενοι καὶ αἰσχρὰ λέγοντες). Under the Roman empire the parasite seems to have been constantly at the tables of the wealthy Roman, and to have been treated in much the same way. (Hor. *Sat.* ii. 7, 102; Mart. ii. 18, 53, 72; Lucian, *de Parasit.* 58.) Their position is described particularly in Juvenal, *Sat.* v. (where see Mayor's notes), and Plin. *Ep.* ii. 6. (Becker-Göll, *Charikles*, i. 157; Blümner, *Privatalt.* 502; Hermann, *Gr. Alt.* ii.[2] 36.) [L. S.] [G. E. M.]

PARA'STADES. [ANTAE.]

PARA'STASIS (παράστασις), a fee of one drachm paid to an arbitrator by the plaintiff, on bringing his cause before him, and by the defendant, on putting in his answer; likewise on making an application for delay, and probably also on making a counter-affidavit (Pollux, viii. 39, 127; Harpocr. *s. v.*: cf. [Dem.] *c. Timoth.* p. 1190, § 19; Photius and *Etym. M.* s. v. παρακατάστασις). Meier (*Privatschiedsrichter*, etc. p. 13 f.) is of opinion that the state received these fees, and out of them paid the public arbitrators a drachm for every day they were engaged in their official duties; yet both Pollux and Harpocration use the expression λαμβάνειν of the arbitrator.

The same name was given to the fee (probably a drachm) paid to the state by the prosecutor in certain public causes. Aristotle (in Harpocr. *s. v.*) mentions as γραφαὶ to be laid before the thesmothetae those in which this fee had to be paid, viz. ξενίας, δωροξενίας, ψευδεγγραφῆς, ψευδοκλητείας, βουλεύσεως, ἀγραφίου and μοιχείας: and from Andoc. *de Myst.* § 120, we learn that παράστασις had to be paid by one who claimed an heiress in marriage as having a better title than another. On the other hand, this fee was not paid in an εἰσαγγελία κακώσεως ἐπικλήρων (Isae. *Pyrrh.* § 45), nor probably in a γραφὴ ὕβρεως (Isocr. *Lochit.* § 2). (*Att. Process*, ed. Lipsius, p. 813 f.) [C. R. K.] [H. H.]

PARA'STATAE. [HENDECA.]

PARAZO'NIUM. [ZONA.]

PARE'DRI (πάρεδροι), *assessors*, whom we find attached to the three superior archons, the euthyni, and the Hellenotamiae. Each of the three superior archons was at liberty to have two assessors (πάρεδροι) chosen by himself, to assist him by advice and otherwise in the performance of his various duties. (Aeschin. *c. Tim.* § 158; Poll. viii. 92.) That the magistrates who had a right to πάρεδροι appointed them, and that it was not an appointment by lot, appears from Pollux, *l. c.* and ch. 101, on which see Boeckh's comment (*Staatsaush.* i.[3] p. 245) and Phot. *s. v.* The assessor, like the magistrate himself, had to undergo a δοκιμασία in the Senate of Five Hundred and before a judicial tribunal, before he could be permitted to enter upon his labours. He was also to render an account (εὔθυναι) at the end of the year. The office is called an ἀρχή ([Dem.] *c. Neaer.* p. 1369, § 72). The duties of the archon, magisterial and judicial, were so numerous, that one of the principal objects of having assessors must have been to enable them to get through their business. We find the πάρεδρος assisting the archon at the λῆξις δίκης. ([Dem.] *c. Theoc.* p. 1332, § 32.) He had authority to keep order at public festivals and theatres, and to impose a fine on the disorderly (Dem. *c. Mid.* p. 572, § 179). As the archons were chosen by lot (κληρωτοί), and might be persons of inferior capacity, and not very well fitted for their station, it might often be useful, or even necessary for them, to procure the assistance of clever men of business. ([Dem.] *c. Neaer.* p. 1372, § 81.) And perhaps it was intended that the πάρεδροι should not only assist, but in some measure check and control the power of their principals. They are spoken of as being βοηθοί, σύμβουλοι καὶ φύλακες. Stephanus is accused of buying his place of the Ἄρχων βασιλεύς (*c. Neaer.* p. 1369, § 72). It was usual to choose relations and friends to be assessors; but they might at any time be dismissed, at least for good cause (*ib.* p. 1373, § 84). The Thesmothetae had no assessors: if they chose to have unofficial advisers (σύμβουλοι) as in [Dem.] *c. Theoc.* p. 1330, § 27, it was their own private affair, and had no state recognition. (Schömann, *Antiq. of Greece*, p. 413.) The office of πάρε-

δρος was called παρεδρία, and to exercise it παρεδρεύειν.

Each of the Hellenotamiae had a πάρεδρος to assist him (*C. I. A.* i. 180–183): for the assessors of the εὔθυνοι, see EUTHYNE, Vol. I. p. 763 *b*. (Gilbert, *Staatsalterthümer*, i. p. 240 ff.; Boeckh, *op. cit.*; Schömann, *op. cit.*) [C. R. K.] [G. E. M.]

PARENGRAPTOI (παρέγγραπτοι, Aeschin. *F. L.* § 177, or παρέγγραφοι, Philoch. *fr.* 90) is the term applied to those who had their names enrolled in the register of citizens without being such either by birth or special grant (φύσει or δωρεᾷ). Such a one was liable to a γραφὴ ξενίας which any Athenian citizen might institute against him; and if condemned, his person and property was forfeited to the state and he was sold for a slave (Dem. *Epist.* iii. p. 1481, § 28; Schol. on *c. Timocr.* p. 741, § 131) [XENIAS GRAPHE], or he might be proceeded against by εἰσαγγελία (Dinarch. *c. Agasicl.*: *cf.* Hyper. *pro Eux.* c. 19; Dinarch. *c. Pyth.* etc.). Moreover the δημόται might by their διαψήφισις eject any person who was illegally enrolled among them. If he acquiesced in the verdict, his name was simply struck from the register, and he himself was degraded to the rank of an alien; if he did not acquiesce, but appealed to a court of dicasts, a heavier punishment awaited him if the dicasts confirmed the decision of the δημόται: he was sold as a slave, and his property confiscated by the state (Dem. *c. Eubul.* p. 1317, § 60 f.; Isae. *pro Euphil.* § 11, and *argum.*). [DIAPSEPHISIS.] Plutarch (*Pericl.* 37) says that in consequence of a law of Pericles, when the Egyptian king Psammetichus sent grain to Athens as a present, proceedings were taken against the νόθοι, and that nearly 5,000 were sold as slaves. In Duncker's opinion (*Ber. ü. d. Sitz. d. Berl. Akad.* 1883, p. 935 ff. = *Abhandl. a. d. Griech. Gesch.* p. 124 ff.) this Periclean law is a mere invention of the rhetors, and was confounded with Pericles' proposal of a διαψήφισις (Müller-Strübing, *Aristoph. u. d. hist. Krit.* p. 89), occasioned by the distribution of grain sent from Egypt, when 4760 were found to be fraudulently enrolled as citizens (Philoch. *fr.* 90 = schol. Aristoph. *Vesp.* 718). As stated above, not all persons struck off the registers were sold as slaves, but only those who unsuccessfully appealed to a court of dicasts; hence Plutarch's statement cannot possibly be correct. The larger number does not allow us to think of γραφαὶ ξενίας (as Philippi, *Beitr. z. Gesch. d. Att. Bürgerr.* p. 34 ff., suggests); and supposing that a διαψήφισις was instituted, it is inconceivable that so large a number should have appealed unsuccessfully to the courts. The idea of such a large number of persons having been struck off the registers is probably due to the following calculation:—The total number of citizens was taken at 19,000; according to Philochorus, 14,240 citizens received a share of the grain: thus 4,760 remained over who were looked upon as παρέγγραφοι. Yet 14,240 does not represent the total of citizens that remained after the διαψήφισις (Fränkel, *Att. Geschworenger.* p. 3 ff.), but only the number of those who received the grain, and the 4,760 includes not only the spurious citizens, but also all those citizens who for reasons of their own did not apply for a share (Busolt, *Griech. Gesch.* ii. p. 574 ff.). The term παρεισγραφῆς δίκη (Plut. *Amator.* 13, p. 756 *D*) is not Attic. (*Att. Process*, ed. Lipsius, p. 438 ff., 1030 f.) [C. R. K.] [H, H.]

PARENTA'LIA. [FUNUS.]

PA'RIES (τοῖχος), the wall of a roofed building, in contradistinction to MURUS (τεῖχος), a fence wall, and *maceria*, the wall of a small enclosure, such as a garden or courtyard. For the methods of construction of the more solid sorts of *parietes*, see MURUS.

The wall of the primitive huts, used by many races at an early stage of development, were formed of wattled osiers daubed with clay (*paries cratitius*). (See CRATES: also cf. Festus, s. v. *solea*; Pliny, *H. N.* xxxv. § 169; Vitruv. ii. 1; and Ovid, *Fast.* iii. 183 and vi. 261.) In later times thin party-walls were sometimes made of wood framing covered with reeds, and then stuccoed, like a modern lath-and-plaster partition. Walls of sun-dried bricks (*paries lateritius*) have been mentioned under MURUS: a variety of this method, used for humbler purposes, was to make the wall in one mass of beaten earth, *paries formaceus*: see FORMA. In some districts where timber was plentiful, log houses were built: very curious representations of these structures occur, carved in stone, in many of the tombs of Lycia and Lydia: cf. Herod. iv. 108; and Vitury. ii. 1 and 9. Many of these show carpentry of the most elaborate and skilful kind, with long carefully formed tenons, passing through the mortises and secured by wooden pins or wedges. Even under the Roman Empire wood was very largely used for the upper stories of houses, which were frequently built projecting over the ground-floor, like a mediaeval half-timbered structure. Many examples of this have been traced at Pompeii, though in most cases the charred beams fall to pieces as soon as they are exposed to air. In one instance, however, it has been possible to prop up and preserve an example of this overhanging upper story,—*tabulatus* or *maenianum pensile*. The metropolitan building acts of Nero, Trajan, and other emperors were specially framed so as to prevent the use of these highly combustible structures in the city of Rome, where constant fires committed the most fearful devastation (Suet. *Nero*, 38; Aur. Victor, *Epit.* 13; and Vitruv. ii. 8).

The *paries solidus* was a wall unbroken by openings for doors or windows: as in modern language, it was also called "a blind wall" (Verg. *Aen.* v. 589). The *paries communis* was the party-wall common to two houses (Ovid, *Met.* iv. 66): the κοινὸς τοῖχος of Thucyd. ii. 3. The party-wall was also called *intergerinus* or *intergerivus* (see Festus, *s. v.*; and Plin. *H. N.* xxxv. § 173); and in Greek μεσότοιχος or μεσότοιχον (Athen. vii. p. 281, and Ephes. ii. 14). Cross walls for separating the rooms of a house were called *parietes directi*. Cicero (*Topica*, 4) distinguishes four kinds of wall—the *paries solidus* as opposed to the *paries fornicatus*, a wall pierced with arches; and the *communis* or party-wall as distinguished from the *directus* or private-room wall.

The decoration of the *paries* was very varied and elaborate: for painting and mosaic, both of which were very largely used for Roman mural decoration, see PICTURA: cf. also DOMUS and

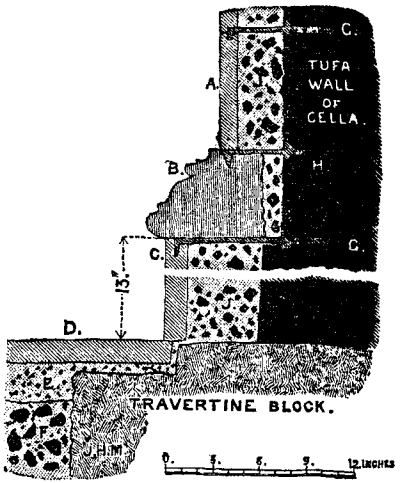
MURUS, and *Encyc. Brit.* s. v. "Mural Decoration."

Stucco (*opus tectorium*) was very largely used by the Romans, both for exterior and internal walls. Great care and skill were expended in producing a hard durable substance, quite unlike the soft friable material which we now call stucco. Vitruvius (vii. 2–6) gives an elaborate description of the various methods of preparing and applying stucco: as Pliny's remarks on this subject are copied from Vitruvius, it is needless to refer to what he says about it. Existing examples agree closely with Vitruvius' advice. For internal work, three to five coats of stucco were laid on. If the wall were thought likely to be damp, it was often covered with flanged tiles, fixed with iron T-shaped cramps (Vitruv. vii. 4). Many examples of this have been found in Rome. The first coat was of lime and coarse pozzolana (*lapis Puteolanus*), exactly like the mortar used in the joints of brick facings. Over this, another rough coat was spread, frequently composed of lime, sand, and pounded pottery (*testae tunsae*), which set as hard as rock, and was impervious to moisture. The third coat was of lime and coarsely pounded marble; the finishing coat was of pure white lime or gypsum, mixed with marble ground to an impalpable powder, which usually had some glutinous substance, size made of parchment or tree-sap, mixed with it. The earlier coats were mixed with water only. In some cases one or more intermediate coats of similar composition were added, the composition always growing finer in grain as it approached the surface. The finished surface of this stucco set to a very hard consistency, and had a beautiful ivory-like texture, capable of receiving a high degree of mechanical polish. The final coats were called *opus albarium* or *caementum marmoreum* (Vitruv. vii. 16).

For external work, the same beautiful marble cement was used, but as a rule with fewer undercoats. A wall so treated was called *paries dealbatus*. Brick and concrete buildings were in this way made to look like white marble, and the deception was increased by the common Roman custom of forming incised lines in the stucco, so as to imitate the joints of the blocks of a solid marble wall. The application of the coats of stucco (*trullissatio*) was managed by a small square board at the end of a long handle, just like the modern plasterer's "float." This is shown in a painting from Pompeii representing a plasterer at work (see *Ann. Inst. Arch. Rom.*, vol. for 1881). The use of iron or bronze nails and marble plugs to form a "key" for the stucco is mentioned in the article MURUS (see also Middleton, *Ancient Rome*, pp. 36 and 412 *seq.*). Reliefs modelled in this fine stucco were very largely used by the Romans as a decoration for their walls and vaults. Some examples of extraordinary beauty were recently discovered in a house in the Farnesina gardens by the Tiber, and then destroyed by the works carried on during the formation of the new river embankment in Rome. These reliefs, which dated early in the first century A.D., were modelled with marvellous spirit and refined taste, executed rapidly by the artist in the quick-setting wet stucco, which he applied in lumps to the flat plaster ground, and then rapidly, before it had time to harden, moulded the figures into shape with his fingers and thumb, aided by a few simple wooden tools. The decision and unerring skill with which every touch on the wet stucco was applied is most admirable, and the result is that an amount of vigour and life appears in these hastily-executed reliefs, such as could hardly have been equalled by the slower process of chiselling a hard substance. The only guide which the sculptor had to help him was a mere sketch in outline, incised on the flat background, on to which he was applying the reliefs. Scenes of very great beauty occur among these reliefs: many are Dionysiac, with fauns and nymphs playing and singing. Some figures of winged Victories are marvels of delicate grace in their pose, floating lightly on large wings, with their onward movement skilfully indicated by the flowing curves of the drapery. The modelling of the nude is very skilful, showing complete knowledge of the human form: the play of the muscles under the supple skin being rendered with perfect taste, free from any of the usual Roman exaggeration. These reliefs, and others of the same class, are of pure Hellenic style, and most probably were executed by Greek workmen; in fact, one Greek artist had signed his name *Seleukos* on the walls of the Farnesina house, and other Greek artists' names occur in similar cases. Mouldings of elaborate character were formed in the marble cement by the use of long wooden stamps, the work being finally touched up with the modelling tool. Not only cornices of rooms were made in this way, but very often the whole wall-surface was divided up into panels framed with enriched mouldings—the central space being decorated by figure reliefs or by painting on the flat. Gold, silver, and colours of all kinds were used to increase the decorative effect of the reliefs, which seem very rarely, if ever, to have been left white.

The use of marble for decorative purposes in Rome did not begin before the first century B.C. Its introduction, especially into private houses, was at first regarded as a thing savouring of Greek luxury and unbecoming the stern republican simplicity of a Roman citizen. The earliest example of the use of thin marble wall-linings (*crustae*), according to Cornelius Nepos, quoted by Pliny, *H. N.* xxxvi. § 48, was in the house of a knight named Mamurra, one of Caesar's officials in Gaul. A few years later, marble became very common, in the reign of Augustus, who did all he could to make Rome magnificent (Suet. *Aug.* 29); and all throughout the imperial period immense quantities of the most varied coloured marbles were poured into Rome from countless quarries in Northern Africa, Greece, Asia Minor, Arabia, and other countries. Immense wall-surfaces were covered with costly marbles, and in some cases even by the hard basalts which only diamond or corundum could work. The usual scheme was to have a moulded plinth, a dado above that, and at the top of the wall a richly-moulded cornice; marbles of different colours being used for all the various parts. The main surface, between the dado and the cornice, was often divided into panels of different coloured marbles, each panel being framed with a moulded strip, projecting in front of the general surface like the frame of a picture. These

marble linings were fixed with great care. They were backed with a thick coating of cement or mortar, made of lime and pozzolana, and each piece of marble was then tied to the wall behind by long hook-like clamps of iron or bronze, the ends being run with melted lead, or wedged into joints of the brick facing of the wall. Extraordinary skill was shown by the extreme thinness to which many of these marble slabs were sawn. This was done with iron saws and sand and water, or, in the case of the harder marbles, with emery from Naxos (see Pliny, *H. N.* xxxvi. § 51). The use of jewel-tipped drills, both solid and tubular, was introduced into Rome from Egypt, along with the Egyptian granites and basalts (see Pliny, *H. N.* xxxvii. § 200). The Temple of Concord and the House of the Vestals in Rome still have on their walls well-preserved examples of these elaborate linings. A list of the various ornamental marbles used for the walls of Rome is given in Middleton, *Ancient Rome*, pp. 13–19 and p. 39. The annexed woodcut shows the



Marble lining, from the Cella of the Temple of Concord.

A. Slabs of Phrygian marble.
B. Plinth moulding of Numidian *giallo*.
C. Slab of cipollino (Carystian marble).
D. Paving of Porta Santa.
E, F. *Nucleus* and *rudus* of concrete bedding.
G G. Iron clamps run with lead to fix marble lining.
H. Bronze clamp.
J J. Cement backing.

method of fixing the marble linings in the Temple of Concord, which was rebuilt in the reign of Augustus by Tiberius and Drusus (Suet. *Tib.* 20). The slabs used in this building and others of the same period are from 1 inch to 1½ inches thick. It was not till later times that a mere veneer, in some cases not more than ⅓ inch thick, was used.

In Italy, where the quarries of Luna supplied unlimited quantities of white marble, the wall-linings were usually of foreign coloured marbles; but in Britain and other Roman provinces, where white marble was rare or absent, we find it treated in the same economical way. At Silchester and other Roman sites wall-linings of white marble only half an inch thick have been found. This use of veneers to make a great show with a small expenditure seems to have specially commended itself to the degraded taste of the Romans, who loved shams of every kind, and in their common building used the most tawdry and meretricious style of decoration that can possibly be imagined. Sham marbling, painted on stuccoed walls, was a favourite method of decorating ordinary houses; and even public buildings and temples, not in Rome itself, but in the provincial towns, such as Pompeii, were daubed with this trashy style of decoration. [J. H. M.]

PARI'LIA or PALI'LIA, a festival celebrated at Rome and in the country on the 21st of April, in honour of Pales. As regards the form of the word, there is no doubt that *Parilia* is more correct than *Palilia* (Marius Victorinus, p. 25; Prob. *ad* Verg. *Georg.* 3, 1; Calend. Maff.; *Ephem. Epigr.* iii. 7): the derivation, however, is not, as some ancient writers imagined, from *parere, a partu pecoris*, but from Pales, the substitution of Parilia for Palilia being by "dissimilation" to prevent the repetition of the letter *l*, just as popul*aris*, &c. are written instead of *-alis*, or as *caeruleus* is formed from *caelum*. (Roby, *Latin Grammar*, i. § 176; Peile, *Lat. Etymology*, p. 280; Corssen, *Lat. Sprache*, i. 80.) The festival was a lustral rite at the opening of spring, for the lustration of the flocks and herds, over which Pales presided. The 21st of April was the day on which, according to tradition, Romulus began the building of the city, and the festival was therefore also solemnised as the *dies natalitius* of Rome (Fest. *s. v.* Parilibus; Cic. *de Div.* ii. 47, 98; Varro, *R. E.* ii. 1; Plin. *H. N.* xviii. § 247; Dionys. i. 88); and some of the rites customary in later times were said to have been performed by Romulus when he fixed the pomerium. Ovid (*Fast.* iv. 731–805) gives a description of the rites of the Parilia, which clearly shows that he regarded it as a shepherd festival, as it must originally have been when the Romans really were shepherds and husbandmen, and still continued to be among the country people (Dionys. *l. c.*; Varro, *ap. Schol.* Pers. i. 72), for in the city itself it must have come to be regarded principally as the birthday feast of Rome (cf. Ov. *Fast.* iv. 106).

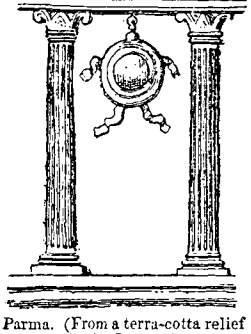
The sacred rites were in old times directed by the king, who made offerings for the people: afterwards his place was taken by the Pontifex Maximus. The first part of the solemnities, as described by Ovid, was a public purification by fire and smoke. The things burnt in order to produce this purifying smoke were the blood of the *October-horse* [OCTOBER EQUUS], the ashes of the calves sacrificed at the FORDICIDIA, and bean-straw, which were all fetched from the Atrium Vestae. The people were also sprinkled with water; they washed their hands in spring-water, and drank milk mixed with must. (Ovid, *Fast.* l. c.; compare Propert. v. 1, 20.) When towards the evening the shepherds had fed their flocks, laurel-branches were used as brooms for cleaning the stables, and for sprinkling water through them, and lastly the stables were adorned with laurel-boughs. Hereupon the shepherds burnt sulphur, rosemary, fir-wood, and incense, and made the smoke pass through the stables to purify them; the flocks themselves were likewise purified by this smoke. The sacrifices which were offered on this day consisted of

cakes, millet, and milk. The shepherds then offered a prayer to Pales. After this heaps of hay and straw were lighted, and the sheep were more effectually purified by being compelled to run through the fire, and the shepherds themselves did the same. The festival was concluded by a feast in the open air. (Tibull. ii. 5, 87; compare Propert. v. 4, 75.)

The ludi circenses on this day (mentioned in the Calendars) were not properly a part of the Parilia, but were instituted in honour of the battle of Munda, fought on March 17th, B.C. 45, the news of which reached Rome on April 20th: these games were discontinued (Dio Cass. xlv. 6), and, having been re-instituted by Hadrian, were held annually till the fifth century (Mommsen, *C. I. L.* i. 391). On this day also Hadrian dedicated the temple of Rome and Venus, and, as it was more than ever connected with the birthday of the city, we find the festival called Ῥωμαῖα (Athenaeus, viii. p. 361 f).

There is to this day in Rome a ceremony of blessing the animals and sprinkling them with lustral water; but, though there is a certain resemblance, it would be an error to treat it as a survival of the Parilia. The Christian ceremony is on St. Anthony's Day, in the middle of January, nor is there any trace of continuity, such as has been noticed in the case of the Lupercalia. [L. S.] [G. E. M.]

PARMA, *dim.* PA'RMULA (Hor. *Carm.* ii. 7, 10), a round shield, three feet in diameter, carried by the *velites* in the Roman army. Though small compared with the CLIPEUS, it was sufficiently large and strong to be a very effectual protection (Polyb. vi. 22). This was probably owing to the use of iron in its framework. In the Pyrrhic dance it was raised above the head and struck with a sword so as to emit a loud ringing noise (Claud. *de VI. Cons. Honor.* 628). The parma was also worn by the EQUITES (Sallust. *Frag. Hist.* iv.); and for the sake of state and fashion it was sometimes adorned with precious stones (Propert. v. 10, 21).



Parma. (From a terra-cotta relief in the Louvre.)

We find the term *parma* often applied to the target [CETRA], which was also a small round shield, and therefore very similar to the parma (Propert. v. 10, 40; Mela, i. 5, § 1; Verg. *Aen.* x. 817). Virgil, in like manner, applies the term to the clipeus of the Palladium, because, the statue being small, the shield was small in proportion (*Aen.* ii. 175).

The annexed woodcut shows a votive parma, suspended in a portico, represented on a terra-cotta relief in the Louvre. [J. Y.] [A. H. S.]

PA'ROCHI were certain people who were paid by the state to supply the Roman magistrates, ambassadors, and other official persons, when they were travelling, with those necessaries which they could not conveniently carry with them. They existed on all the principal stations on the Roman roads in Italy and the provinces, where persons were accustomed to pass the night. But as many magistrates frequently made extortionate demands from the parochi, the Lex Julia de Repetundis of Julius Caesar, B.C. 59, defined the things which the parochi were bound to supply, of which hay, fire-wood, salt, and a certain number of beds appear to have been the most important. (Hor. *Sat.* i. 5, 46; Cic. *ad Att.* v. 16, xiii. 2; Heindorf, *ad* Hor. *l. c.*; Marquardt, *Privatleben*, 199.) [W. S.]

PAROPSIS. [CATINUS.]

PARRICI'DA, PARRICI'DIUM. [LEX CORNELIA, Vol. I. p. 38; LEX POMPEIA, p. 50.]

PARTHE'NIAE (*παρθενίαι*) are, according to the literal meaning of the word, children born from unmarried women (*παρθένιοι*, Hom. *Il.* xvi. 180). The partheniae, as a distinct class of citizens, appear at Sparta after the first Messenian war and in connexion with the foundation of Tarentum; but the legends as to who they were differ from one another. Hesychius says that they were the children of Spartan citizens and female slaves; Antiochus (*ap.* Strab. vi. p. 278) states that they were the sons of those Spartans who took no part in the war against the Messenians. These Spartans were made Helots, and their children were called partheniae, and declared *ἄτιμοι*. When they grew up, and were unable to bear their degrading position at home, they emigrated, and became the founders of Tarentum. Ephorus (*ap.* Strab. vi. p. 279), again, related the story in a different manner. When the Messenian war had lasted for a considerable number of years, the Spartan women sent an embassy to the camp of their husbands, complained of their long absence, and stated that the republic would suffer for want of an increase in the number of citizens if the war should continue much longer. Their husbands, who were bound by an oath not to leave the field until the Messenians were conquered, sent home all the young men in the camp, who were not bound by that oath, that they might cohabit with the maidens at Sparta. The children thus produced were called partheniae. On the return of the Spartans from Messenia, these partheniae were not treated as citizens, and accordingly united with the Helots to wage war against the Spartans. But when this plan was found impracticable, they emigrated and founded the colony of Tarentum. (Compare Theopomp. *ap.* Athen. vi. p. 271; EPEUNACTAE.) Modern writers have differed in their preference for one or other of these accounts. Grote prefers to follow Antiochus, while Gilbert gives more weight to the narrative of Ephorus, remarking with truth that the action of the husbands, shocking to our ideas, would be less so to Spartans of that age (see MATRIMONIUM, p. 132). No doubt, as he says, Ephorus stands higher as an authority than Antiochus; but, in dealing with an ancient tradition, this does not go for much. Aristotle (*Pol.* viii. 7), who is a better authority than either, does not enter into the circumstances of the birth of the partheniae at all. His statement, however, that they were

born ἐκ τῶν ὁμοίων would lead us to reject Antiochus's version; but, on the other hand, it favours the simpler story of Hesychius rather than that of Ephorus. It may be added that the somewhat similar account of degrading marriage in the colonists of Locri Epizephyrii (Polyb. xii. 5) might incline us to suspect the traditions. Thus much seems certain that the partheniae at Sparta, whether illegitimate or not, were debarred from the rights of full citizens, probably from the land-portions, by the exclusive Spartiatae, and, as they formed a dangerous faction, were forced into an emigration, which proved successful and of considerable historical importance. (See *Histories of Greece:* Thirlwall, i. p. 332; Grote, iii. p. 519; Curtius, i. 218, E. T.;—Schömann, *Antiquities,* p. 200; Gilbert, *Staatsalterthümer,* i. 19.) [L. S.] [G. E. M.]

PA'SCUA PU'BLICA. [SCRIPTURA.]

PASSUS (from *pando*), a measure of length, which consisted of five Roman feet. (Colum. v. 1; Vitruv. x. 14.) [MENSURA.] The *passus* was not the single step (*gradus*), but the double step; or, more exactly, it was not the distance from heel to heel, when the feet were at their utmost ordinary extension, but the distance from the point which the heel leaves to that in which it is set down. The *mille passuum,* or thousand paces, was the common name of the Roman mile. [MILLIARE.] In connecting the Greek and Roman measures, the word *passus* was sometimes applied to the *extension of the arms,*—that is, the Greek ὀργυιά, which, however, differed from the true *passus* by half a foot; and, conversely, the *gradus* was called by Greek writers βῆμα, or τὸ βῆμα τὸ ἁπλοῦν, and the *passus* τὸ βῆμα τὸ διπλοῦν. [P. S.]

PASTILLUS, PASTILLUM, strictly a small round cake of fine meal (Plin. *H. N.* xviii. § 102), used in sacrificial offerings (Fest. p. 250). Festus (p. 222) takes it to be a diminutive of *panis.* For the making of these there was a guild of *pastillarii* (*C. I. L.* vi. 9765, 9766). In the masculine form the word was used for small round lozenges (τροχίσχοι), compounded from herbs or fruits, and used for medicines (Plin. xx. § 3) or sweetmeats (Id. xii. § 131); and especially scented lozenges of aromatic herbs, eaten to make the breath sweet. (Hor. *Sat.* i. 2, 27; i. 4, 92;—Mart. i. 87; Becker-Göll, *Gallus,* iii. 367; Blümner, *Technologie,* i. 86.) [G. E. M.]

PASTO'PHORI were Egyptian priests, so called because they carried in processions small shrines (παστοί) of their deity. They formed an inferior order of the priesthood: according to Diodorus (i. 29), the Egyptian ἱερεῖς corresponded in rank to the Eumolpidae, the παστοφόροι of Isis to the κήρυκες of the Eleusinian worship. They were introduced into Italy along with the worship of Isis, and formed into collegia in various towns. Apuleius (*Met.* xi. 17), speaking of pastophori, says, "quod sacrosancti collegii nomen est." In an inscription (*C. I. L.* v. 2806) the tablet seems to be dedicated by a "perpetuus sacerdos Isidis Augustae pastophorus;" and in another (*C. I. L.* v. 7468) we have a tablet of Industria in the plain of the Po, dedicated to their patronus, the Curator calendarii in that town, by the "Collegium Pastophorum Industriensium." Their lodgings, attached to the temple which they served, were called παστοφόριον, whence this name was sometimes given by the LXX. and by Josephus to the priests' apartments attached to the Jewish temple. (Jer. xxv. 4; Joseph. *B. J.* iv. 12.) [J. Y.] [G. E. M.]

PATELLA (λεκάνιον, λεκανίς, λεκανίδιον, λεκανίσκη, λοπάδιον), a small dish or plate. The word is a diminutive of PATINA: a supposed connexion with *patera* has been a source of error to some writers [PATERA]. 1. The patella was used for holding solid food, meat or vegetables, either in cooking (Plin. *H. N.* xix. § 171, xxx. § 68), or for serving up at table (Hor. *Ep.* i. 5, 2; Mart. v. 78, xiii. 81; Juv. v. 85). It was usually of earthenware (Mart. xiv. 114), but sometimes of metal (Juv. x. 64). Marquardt (*Privatleben,* p. 651) takes the patella used for cooking to be identical with the *sartago:* it seems more probable that, though of the same flat shape, it was smaller. [For the deeper cooking vessels, see AENUM, LEBES, OLLA.] 2. The patella was also a sacred vessel of the same shape as the ordinary patella, but reserved for domestic sacred rites, especially for the offering of food to the Lares, *lances* being used when a larger dish was needed [LANX]. Hence it is called *cultrix foci* (Pers. iii. 26; cf. Ov. *Fast.* vi. 310); and hence, too, every household ought to have one kept solely for religious uses, and Cicero (*de Fin.* ii. 7, 22) notes it as a mark of profanity, "ut edint de patella," meaning of course the patella used for offerings. This sacred dish was, if possible, of silver; even in comparatively poor households it was customary to have at least a patella, patera, salinum, and censer of silver (Cic. *Verr.* iv. 21, 46); and in B.C. 410, as is mentioned by Liv. xxvi. 36, in the general contribution of silver plate, it was provided that the householder should retain a salinum and patella of silver "deorum causa" (cf. Plin. *H. N.* xxx. § 153; Val. Max. iv. 4, 3; Marquardt, *Privatl.* p. 318). Of this offering Varro says, "Quocirca oportet bonum civem legibus parere et deos colere, in patellam dare μικρὸν κρέας" [see further under LARARIUM], and the Lares are thence called by Plautus *patellarii dii* (*Cist.* ii. 1, 46). [G. E. M.]

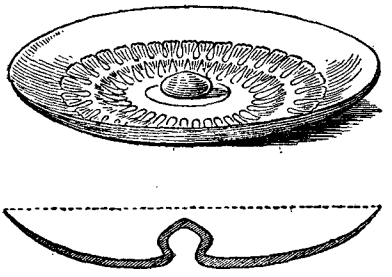
PATER FAMILIAE. [PATRIA POTESTAS.]

PATER PATRATUS. [FETIALES.]

PA'TERA (φιάλη), a round shallow vessel like a large saucer, but somewhat deeper than our ordinary saucer. Varro (*L. L.* v. 122) and Macrobius (*Sat.* v. 21) derive its name from its flat, expanded shape ("planum ac patens"). It had neither the foot and stem nor the two handles which belonged to the cylix [CALIX; VAS]. It must be observed that alike in sacred and common use it served only for liquids, and those writers who have described it as also used for solids have confounded it with *patella,* which they have erroneously taken to be a diminutive of patera. Another error to be avoided is the confusion of the Homeric φιάλη with the later φιάλη, which was identical with the Latin patera. As Curtius points out (*Etym.* 498), the Homeric φιάλη was not used for drinking, but as a kind of smaller λέβης or kettle, which could be placed on the fire (whence the epithet ἀπύρωτος for a *new* φιάλη, *Il.* xxiii. 270), and also as an urn for ashes. Aristarchus teaches this in the words ὅτι φιάλην (of Homer) οὐ τὰ

παρ' ἡμῖν ποτήριον, ἀλλὰ γένος τι λέβητος ἐκπέταλον. From these words and from its use in Homer we may conclude that, though shallower than the λέβης and probably smaller, it was still a deep vessel and not of that saucer shape which belongs to the familiar patera. The epithet ἀμφίθετος of the Homeric φιάλη was a puzzle to Athenaeus, a solution of which cannot now be given with confidence. It is not possible in etymology to accept the view that it means *round*, nor the suggestion of Athenaeus himself that it may mean "excellently made." We are left with the view of Aristarchus that it was a vessel which could stand on either end. Heyne understands this to mean a double cup of the hour-glass or dice-box shape: more probably it was so called because, whereas the ordinary Homeric λέβης was rounded at the bottom so that, if otherwise unsupported, it could only stand inverted, the Homeric φιάλη had a flat bottom, and could stand either way (for the discussion, see Athen. xi. p. 501).

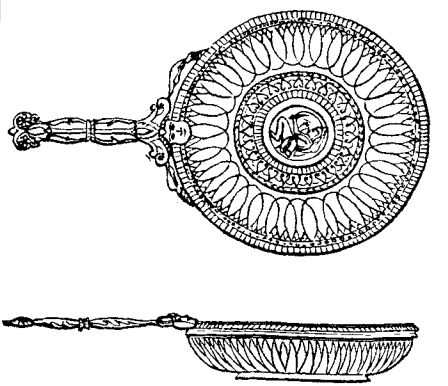
The post-Homeric φιάλη was of the shape described at the beginning of this article; it never had a handle (differing in that respect from *one* form of the Italian patera mentioned below), nor any stem, but often, as in the examples given below, a low base; sometimes, as we are told, it had knobs or supports, which were called ἀστράγαλοι: the φιάλη with these knobs at the bottom was called βαλανωτὴ or καρυωτή (Athen. xi. 502 b), the knobs being compared to nuts or acorns. Another feature very common in φιάλαι and paterae was the ὄμφαλος. This was a hollow boss in the centre of the interior or upper side, as shown in the woodcut. Athenaeus distinguishes φιάλαι ὀμφαλωτοί, and gives an equivalent name φθοΐς. The φιάλη or patera was usually held in the flat of the hand (though not always, as may be seen in the famous Sosias-cylix, Baumeister, *Taf.* xcii.), and it is easy to understand that the ὄμφαλος gave a better hold, the fingers catching in the hollow of the boss underneath. The material was either earthenware or metal, bronze, silver and gold (ἀργυρὶς and χρυσίς): the φιάλαι in Plat. *Crit.* 120 A are of gold. (Examples of gold and silver paterae found in Cyprus are given in Cesnola, pp. 316, 337.) The φιάλη of post-Homeric times was used for drinking (Plat. *Symp.* 223 C; Pind. *Nem.* ix. 121), and so classed among ἐκπώματα (Herod. ix. 80); but its most characteristic use was for pouring libations (Herod. ii. 151; Plat. *Crit.* l. c., &c.). The φιάλη for libations, held by the officiating person, was usually filled by an attendant from an οἰνοχόη: in the passage cited from Plato's *Crit.* the wine seems to be dipped in the φιάλη from the κρατήρ.



Φιάλη ὀμφαλωτός. (From the British Museum.)

The usual Italian *patera* was identical with the φιάλη in shape [see SIMPULUM]. One of white marble found at Hadrian's villa is now in the British Museum. It is 14 inches in diameter and $1\frac{3}{4}$ high. It is cut with skill, the marble being not much more than a quarter of an inch thick. In the centre is a female bacchante with a long tunic and a scarf floating over her head, encircled by a wreath of ivy. The decorations indicate a patera dedicated to Bacchus. Some paterae, however, had one handle (which the φιάλη never had), as in the woodcut below, a bronze patera found at Pompeii. This seems to have been commoner in Etruscan paterae, of which there are several in bronze and terracotta in the British Museum with the single handle. An Etruscan relief in Inghirami, *Mon. Etrus.* vi. pl. M, shows a youth bringing for libation the two vessels, an oinochoe

Patera, from Hadrian's Villa.



Patera, from Pompeii.

and a patera, the latter having a handle. It is possible that the addition of the handle may be an Etruscan invention. The material was often only earthenware (Hor. *Sat.* vi. 116); but often also silver (Mart. iii. 41, vi. 13, viii. 33; Plin. xxxiii. § 156); sometimes gold (Mart. xiv. 95; Juv. v. 39—in both, the word *phiala* is used; Verg. *Aen.* i. 729). It was originally used as a drinking cup (Varro, *L. L.* v. 122), but afterwards especially for libations (Hor. *Od.* i. 31, 2; iv. 5, 34;—Ov. *Met.* ix. 160), whence it became the *insigne* of the EPULONES, though often it served both purposes, as in the passage cited from Virgil. A representation of the libation, from Trajan's Column, is given under PAENULA. [For libations, see SACRIFICIUM.] [J. Y.] [G. E. M.]

PATI'BULUM, from *patere*, seems to have originally denoted any beam placed horizontally; as the cross-bar of a door (Titin. *ap.* Non. p. 366, 16), or of a trellis for vines (Plin. *H. N.* xvii. § 212), or the transverse beam of the cross (CRUX, p. 568 *a*). The word, however, is almost always used of an instrument of punishment, and loosely as an equivalent to *crux* or *furca*. According to Marquardt (*Privatl.* 183), it was a wooden collar in two pieces, opened to receive the neck of the culprit and then closed upon it, while his hands might be bound or nailed to its extremities. This, he admits, is nowhere expressly stated; it is rather an inference from the etymology of the word; and he has produced no passage which does not point more clearly to the *furca* than the patibulum. (Compare the accounts of the slave driven through the Circus, whereby the games were profaned, in Dion. Hal. vii. 69, and Plut. *Coriol.* 24.) Others explain the "opening" as a fork-shaped piece of wood, such as was undoubtedly used for the same purposes, as a prop for vines and a pillory for the necks of criminals [FURCA]. It is scarcely necessary to prove that *patere* is often applied to simple lateral extension, to stretch or spread as well as to be open ("Helvetiorum fines . . . patebant," Caes. *B. G.* i. 2; "qua terra patet," Ov. *Met.* i. 241); and on the whole it seems likely that the patibulum was a straight piece of wood, an explanation which covers all its varieties of meaning. [W. W.]

PA'TINA (*τρύβλιον*), a deep dish used alike for cooking ("patinarius," *stewed*, opposed to "assus," *roast*, Plaut. *Asin.* i. 3, 27) and for serving up food, as is seen from Plaut. *Pseud.* iii. 2, 51, whence we gather also that it was sometimes a covered dish: probably this was generally the case when the food was brought up in the patina in which it had been cooked (cf. Hor. *Sat.* ii. 8, 43). The patina was, however, often the dish for serving up what had been cooked in other vessels. This is clear from our finding silver patinae, *e.g.* a "patina argentea hederata" (with ivy-leaf chasing: cf. *filicata*) in Trebell. Poll. *Claud.* 17, and the patina of Aesopus valued at 100,000 sesterces (Plin. *H. N.* xxxv. § 163). Among costly patinae that of Vitellius holds the first place; not, however, from its material, as it was of earthenware, but because it was so large that a special oven had to be built for it at a cost of a million sesterces (Plin. *l. c.*; Suet. *Vitell.* 13).

As regards the Greek equivalents, the *τρύβλιον* perhaps comes nearest in shape and use (Aristoph. *Av.* 77): it was of earthenware (Id. *Eccl.* 252) and also of silver (Athen. vi. 230 e): the *λοπὰς* was used both for cooking and serving food, but it was flatter and more like the *patella*: the *χύτρα*, on the other hand, was deeper and (serving also both purposes) is equivalent to OLLA. The *λεκάνη* is often given as the equivalent of patina, and it was probably of much the same shape, but its uses were different: a basin *ἵνα ἐξεμοῦσι* (Poll. x. 76; cf. Ar. *Nub.* 907); a trough for brick-makers (LATER, p. 8). [J. Y.] [G. E. M.]

PATRES. [PATRICII; SENATUS.]

PATRIA POTESTAS. Potestas in its original meaning signified "mastery," "dominion" (Curtius, *Gr. Etym.* iii. 265), and hence it came to mean a legal power or authority to which a person was entitled. "Potestas," says Paulus (Dig. 50, 16, 215), "has several significations: when applied to magistratus, it is imperium; in the case of children, it is the patria potestas; in the case of slaves, it is dominium." According to Paulus, then, potestas, as applied to magistratus, is equivalent to imperium. Thus we find potestas associated with the adjectives *praetoria, consularis*. But potestas is applied to magistratus who had not the imperium [IMPERIUM], as, for instance, to quaestors and tribuni plebis (Cic. *pro Cluent.* 27, 74); and potestas and imperium are often opposed in Cicero. Both the expressions *tribunicium jus* and *tribunicia potestas* are used (Tac. *Ann.* i. 2, 3). Thus it seems that this word *potestas*, like many other Roman terms, had both a wider signification and a narrower one. In its wider signification it might mean all the power that was delegated to any person by the state, whatever might be the extent of that power. In its narrower signification, it was on the one hand equivalent to imperium, and on the other it expressed the power of those functionaries who had not the imperium. Sometimes it was used to express a magistratus as a person (Sueton. *Claud.* 13; Juv. x. 100); and hence in the Italian language the word *podestà* signifies a magistrate. Potestas is also used to express the authority of the head of a family over his children and slaves, which was an authority analogous in some respects to that of a magistrate. The potestas is *dominica*, as exhibited in the relation of master and slave [SERVUS]; or *patria*, as exhibited in the relation of father and child.

The earliest and most comprehensive term for the patriarchal power of the head of a Roman family appears to have been *manus*, which came to be more specially applied to express the power to which a married woman might be subject in her husband's family. The *mancipium*, or power over persons *in* a semi-servile state, was framed after the analogy of the dominica potestas. The tutela, in its origin an offshoot of the patria potestas, was itself a kind of potestas (Inst. i. 13, 1; Cic. *pro Mur.* 12, 21, "mulieres—majores in tutorum potestate esse voluerunt"). Patria potestas, then, signifies the power of a Roman paterfamilias over his children and descendants through males in his familia (*filiifamilias, filiaefamilias*). [FAMILIA.] It is to be borne in mind that grown-up children were subject to this power as well as those who were of tender years. The government of the family was

concentrated in the hands of its head, whose powers were originally more like those of a supreme magistrate than of a father at the present time. Thus the paterfamilias had originally absolute power over the persons of filiifamilias, having the right of inflicting on them the punishment of death (*jus vitae necisque*) or any lesser punishment. It was customary for him only to inflict capital or other serious punishment on a filiusfamilias after the latter had been condemned by a family tribunal (*judicium domesticum*). (Cf. Münster, *de domestic. familiarum judicio;* v. Walree, *de antiq. juris parricidi*, &c.; Geib, *Cr. Pr.* 82, &c.; Zumpt, *Crim. Recht*, i. 349). F. Voigt (*Zwölf Tafeln*, ii. 94) enumerates the following instances of persons being punished in this way :—

a. 245 A.U.C. L. Junius Brutus put his sons to death (Plut. *Popl.* 6, 7).

b. 531–536 A.U.C. M. Fabius Bruteo put his son to death as a punishment for theft (Oros. iv. 13).

c. 651 A.U.C. Q. Fabius Maximus Eburnus punished his son by sending him into exile (Oros. v. 16; Val. Max. vi. 1, 5).

d. 691 A.U.C. A. Fulvius Nobilior inflicted the punishment of death on his son for taking part in the Catiline conspiracy (Val. Max. v. 8, 5; Sal. *Cat.* 39; Dio Cass. xxxvii. 36).

e. Julius Arnus banished his son for attempted parricide (Sen. *de Clem.* i. 15, 2).

f. Pontius Aufidianus put his daughter to death for immorality (Val. Max. vi. 1, 3); as did also

g. P. Alilius Philiscus (Val. Max. vi. 1, 6).

h. A father, named Tricho, put his son to death (Sen. *de Clem.* i. 15, 1).

i. 752 A.U.C. Augustus punished the immorality of his daughter Julia by sending her into exile (Suet. *Aug.* 65; Dio Cass. lv. 10).

The paterfamilias was not criminally responsible on account of the abuse of his powers. But though the power of the father over the persons of his children was almost unlimited in early law, the *nota censoria* and religious censure being the only sanctions to prevent its tyrannical exercise, custom and public opinion kept it within due bounds. As has been frequently remarked, it would be a mistake to infer from the legal absolutism of the head of a Roman family, that his children were treated like slaves. The fact of the long continuance of the patria potestas without complaint seems to show that this could not have been the case.

Under the Empire the occasional cruelty of fathers was punished, and the powers of the father over the persons of his children were curtailed. Thus, in 112 A.D., Trajan compelled a father who had treated his son with cruelty to emancipate him (Val. Max. v. 8), and Hadrian banished a father for killing a son out hunting, who had committed adultery with his stepmother ("patria potestas in pietate debet non in atrocitate consistere").

It became the rule that a father could not kill his son unless the latter had been tried before the praefectus or praeses and convicted (Dig. 48, 8, 2). Under Constantine a father was punished for killing a son, as if he had committed parricide. The power of the father was limited in the later period of Roman law to moderate chastisement. The father might sell his son into slavery or mancipium (Cic. *de Or.* i. 40, 181; *pro Caec.* 34, 98). The provision of the Twelve Tables, that a son sold by his father three times should be free, was directed against the abuse of this power. The sale of children was obsolete in the time of the classical jurists, except as a mere formality, and in the case of children surrendered by the paterfamilias on account of their delicts (*noxae datio*); for, in the case of delict by a filiusfamilias, *noxales actiones* were allowed against the father (Gaius, iv. 75). But Justinian abolished the *noxae datio* in the case of a filius- or filiafamilias (Inst. iv. 8, 7; Dig. 43, 29, 3, § 4). According to early custom, the father had the right of repudiating a new-born child. The child was placed at the feet of the father immediately after birth; and if, instead of being lifted up by the father (*liberum tollere, suscipere, recipere*), he was left on the ground, he was excluded from the familia (Voigt, § 97). Even under the legislation of Justinian, it was lawful to sell new-born children "propter nimiam paupertatem egestatemque" (Cod. 4, 43, 1, 2). The father was a party to the betrothal, marriage, or divorce of his children in early times, and the consent of the father was always an essential condition of a valid marriage [MATRIMONIUM]. If a marriage was accompanied with the *in manum conventio*, his wife came into the power of the father and not into the power of the son. The father could substitute another person as heir to his son, if the latter died before attaining puberty, [HERES], and he could by his will appoint him a tutor. The father could give his child in adoption and emancipate him. The father could recover possession of the person of his son by *vindicatio in patriam potestatem*, or by *interdictum de liberis exhibendis*.

The patria potestas did not interfere with the public rights and duties of filiifamilias. Thus a son could vote at the Comitia Tributa; he could fill a magistratus; and he could be a tutor, for the tutela was considered a part of jus publicum (Dig. 6, 9; Liv. xxiv. 44; Gell. ii. 2).

The child had conubium and commercium like any Roman citizen who was *sui juris*, but these legal capacities brought to him no power or ownership. Thus, although he had commercium, and so could be witness to a transaction *per aes et libram*, he could not hold property, being a mere instrument of acquiring for his paterfamilias. A conveyance to him, or an inheritance acquired by him, or an obligation in his favour, would give rights, not to himself, but to the person who had potestas over him, just as in the case of a slave. The property of which the filiusfamilias had actual enjoyment was his peculium, and of this the paterfamilias was owner. Having no property, the filiusfamilias could maintain no actions which implied that he was owner of property, e.g. *vindicatio;* there were, however, some exceptions to this rule, probably introduced by the praetor under the form of *actiones in factum* [ACTIO]. But a filiusfamilias could maintain actions, such as the *actio injuriarum*, which were not based on proprietary claims. A filius pubes could incur obligations and be sued like a paterfamilias, though perhaps this was not so till about the time when the principle of giving him independent rights in his peculium was first established. Between the paterfamilias and filius-

familias, or between filiifamilias of the same familia, no actionable obligations could exist; neither of them could have a right of action against the other. But natural obligations could be established between them. [OBLIGATIO.]

The rule as to the incapacity of a filiusfamilias for acquiring property was first varied about the time of Augustus, when the son was allowed to dispose of by will whatever he had acquired in active military service, and after a time to treat such acquisitions as his own for all purposes. This was the *castrense peculium*, with respect to which the son was treated as a person *sui juris* (Juv. xvi. 51; Gaius, ii. 106). But if the filiusfamilias died without making any disposition of this peculium, it came to the father as peculium, *i.e.* as his own property, and not as inheritance: this continued to be the law till Justinian altered it (*Nov.* 118). The privileges of a filiusfamilias miles as to the acquisition of property were extended under Constantine to his acquisitions made during the discharge of civil and ecclesiastical offices; and as this new privilege was framed after the analogy of the *castrense peculium*, it was designated by the name *quasi-castrense peculium*.

By changes in the law carried out by Constantine and his successors, a filiusfamilias became capable of acquiring property for himself in ordinary cases. It was first enacted that a filiusfamilias should acquire the inheritance of his mother (*bona materna*) for himself and not for his father; this rule was then extended so as to apply to property derived from the maternal line (*bona materni generis*), and finally under Justinian to property derived from any one except the paterfamilias himself, which was not *peculium castrense* or *quasi-castrense*. According to this new law, property which a filiusfamilias derived from third parties, called *bona adventicia*, belonged to him, but his paterfamilias had a life-interest (*ususfructus*) in it, and the administration of it. The filiusfamilias could not dispose of it by will, and thus his rights in *bona adventicia* were subject to restrictions which did not apply to *peculium castrense* and *quasi-castrense*. The person from whom the filiusfamilias acquired, might exclude the paterfamilias from the usufruct and administration of his property by an express provision to that effect. In property derived from his paterfamilias (*ex re patris*), the filiusfamilias had no independent rights; such property is called *peculium profectitium*.

Thus by the imperial legislation, and especially by that of the early Christian emperors, the extent of the patria potestas was much reduced. The patria potestas was acquired by the birth of a child in a Roman marriage (*justae nuptiae*). Children born of parents who had not conubium, *i.e.* the capacity of entering into a Roman marriage with one another, were not subject to patria potestas; but in the time of the classical jurists, if a Roman had by mistake married a woman with whom he had no conubium, thinking that conubium existed, he was allowed to prove his case (*causae erroris probatio*), upon doing which the child that had been born and the wife also became Roman citizens, and from that time the son was in the power of the father (Gaius, i. 67). Other instances of the *causae probatio* are mentioned by Gaius.

Patria potestas could be acquired by either of the modes of adoption [ADOPTIO]. Patria potestas could be acquired under the Christian emperors by legitimation of children born out of lawful wedlock.

1. *Per subsequens matrimonium.*—Constantine introduced the rule that children born in concubinage [CONCUBINA], whose parents might have been lawfully married at the time of the birth of such children, should be legitimated by the subsequent marriage of the parents. Even at an earlier time it seems to have been the fashion for the emperor as an act of grace to place such children on the same footing as legitimate children.

2. *Per oblationem curiae.*—In the time of Theodosius II. the rule was established by which a child was legitimated who was made a member of a municipal senate by his father [DECURIO].

3. *Per rescriptum principis.*—To these two modes of legitimation, Justinian added that of imperial rescript.

The patria potestas was dissolved in various ways. It was dissolved by the death of the father, upon which event the grandchildren, if there were any, who had hitherto been in the power of their grandfather, came into the power of their father, who was now *sui juris*. It could also be dissolved in various ways during the life of the father. A *maxima*, *media*, or *minima capitis deminutio*, either of the pater- or filiusfamilias, dissolved the patria potestas; though in the case of either party sustaining a *capitis deminutio* by falling into the hands of an enemy, the relation might be revived by *postliminium*. A father who was arrogated, and consequently sustained a *minima capitis deminutio*, came, together with children who had hitherto been in his power, into the power of his adoptive father. [ADOPTIO.]

The commonest mode of dissolving the patria potestas was by emancipation, which was a *capitis deminutio minima*, having the effect of making the emancipatus the head of a new familia distinct from that of his father's. It is probable that in early Roman law the emancipation of children was not possible, but in course of time a circuitous mode of effecting it was established by the ingenuity of lawyers. For an account of the forms of emancipating a filiusfamilias, which consisted of three mancipations, followed by vindicta, see Gaius, i. 132. The process was simplified by the law of Justinian (Inst. i. 12, 6). The parent could emancipate his child at his pleasure, and thus deprive him of the rights of agnation without his own consent; but the law in this respect was altered by Justinian (*Nov.* 89, c. 11), who made the consent of the child necessary. The child had no means of compelling his father to emancipate him.

(Savigny, *System*, ii. 49, &c.; Mommsen, *Röm. Gesch.* i. 59, &c.; Ihering, *Geist des Röm. Rechts*, ii. 1, 151–155;—Voigt, *Jus Naturale*, ii. 228; *Zwölf Tafeln*, ii. § 93;—Mandry, *Fam. Güterrecht;* Rossbach, *Röm. Ehe*, 1–41; Lange, *Röm. Alterthüm.* §§ 29, 30; Kuntze, *Inst.* i. §§ 741–747, ii. §§ 505–507;—Maine's *Ancient Law*, ch. v.; *Early Law and Custom*, ch. vii. and p. 122, note a.) [G. L.] [E. A. W.]

PATRICII. The authorised version of Roman History, as given in the narrative of

Livy and Dionysius and by Cicero in the *de Republica*, represents the state as divided from the first into ordinary citizens and a privileged class who are generally described as *patricii*. These are further stated to have been the families of one hundred persons selected by Romulus for his senate: "Patres certe ab honore, patriciique progenies eorum appellati" (Liv. i. 8, 7). On the other hand, we find in Festus a second tradition: "Patricios Cincius ait in libro de Comitiis eos appellari solitos, qui nunc ingenui vocentur." It is connected with a strange etymological guess, that the patricii were originally those "qui patrem ciere possent;" that is to say, all freeborn persons (Liv. x. 8, 10). The word has, of course, really no connexion with *ciere*, but is simply the adjectival form of *pater*. Nevertheless it is certain that the explanation of Cincius is right in referring *patricius* to *pater*, not in its sense of senator, but in its original meaning of father and head of a family. On no other supposition can we account for the fact that the word *patres* is sometimes used of the whole order as synonomous with *patricii* (so in Liv. iv. 4, 5, "ne conubium patribus cum plebe esset"). The true explanation is summed up by Mommsen (*Staatsrecht*, iii. p. 13): "They are called either *patres*, inasmuch as they and they alone are or can be fathers, or else in adjectival form *patricii*, inasmuch as they and they alone have a father." If there ever were a time in Rome when the word *patricius* was strictly and etymologically significant, so that no one but a patricius had a lawful father or could himself become a paterfamilias, then at that time the patricii were the only real citizens of Rome. It is impossible to count as a full burgess anyone who is incapable of becoming as paterfamilias a person of the civil law, able to hold property and to sue and be sued in his own right. The old story, which represents the patricians as from the first a nobility among their fellow-citizens, appears however in a somewhat different light, when we read that Romulus assigned the whole of the plebs as clients to one or other of the patres. According to this, there would be in the state as originally constituted no one but the patricii and their clients; as a client was at first in a position hardly distinguishable from that of a slave, this brings us round again to the proposition that "patrician" and "freeborn man" were originally synonymous.

The development of the rights and capacities of citizens outside the patriciate will be discussed elsewhere [see PLEBS]. It is sufficient here to say that in process of time certain outsiders won their way to the position of patresfamilias. By analogy these persons, or at any rate their children, should have been able to claim the title of *patricii*. But this logical conclusion was never drawn. The word *patricius* survived as a token of an arrested development: it was confined to the descendants of those who once exclusively possessed the qualifications on which the title rested. From the moment when plebeian patresfamilias come into existence the patricii must be counted as a nobility among their fellow-citizens. It is possible that the power to vote in the assemblies [see POPULUS] was for a time a privilege reserved to these nobles. But such a situation, if it ever existed, did not last long enough for the patricians to consolidate into a corporation with a general assembly and officers and powers of separate action. The patriciate as a body never gets free from the body of the Roman people. "Magistratus patricius" and "auspicia patriciorum" are always precisely the same as "magistratus" and "auspicia Populi Romani" [see MAGISTRATUS]. It may be noticed that this fact in itself gives us strong reason to conclude that the patricii were the original stock on which the other branches of the Roman people were grafted.

For a long time the patricians alone were eligible to the great offices of the state. The struggle over this question of eligibility lasted on into historical times. When it finally closed about the year 300 B.C., the members of the two orders were not left in a position of absolute equality. The patrician was weighted in the race for office with certain disqualifications, which had been originally imposed as a means of breaking the ancient monopoly of the order. Both places in the consulship and the censorship were open to plebeians, but only one to patricians. The patricians were likewise, as a matter of course, excluded from the offices of tribune and plebeian aedile. On the other hand, the great colleges of pontiffs, augurs, and *decemviri sacris faciundis* were divided as equally as possible between the two orders (in favour, therefore, of the chances of a member of the less numerous one), and certain other functions still remained for which patricians alone were qualified. The best list of these is derived from Cicero's description (*pro Domo*, 14. 38) of what will happen if the patriciate suffers extinction (a description closely followed by Liv. vi. 41): "Ita populus Romanus brevi tempore, neque Regem sacrorum, neque flamines, neque salios habebit, nec ex parte dimidia reliquos sacerdotes, neque auctores centuriatorum et curiatorum comitiorum: auspiciaque Populi Romani, si magistratus patricii creati non sint, intereant necesse est, quum interrex nullus sit, quod et ipsum patricium esse et a patriciis prodi necesse est."

There are other passages which casually confirm what Cicero here says about the exclusively patrician character of the interregnum. For instance, in Liv. vi. 41, Ap. Claudius says, "sed nos quoque ipsi sine suffragio populi auspicato interregem prodimus;" and again we have in Liv. iv. 43, "prohibentibus tribunis patricios coire ad prodendum interregem," and in later times in Asconius (*ad* Cic. *pro Mil.*), "Tribuni plebis referri ad senatum de patriciis convocandis non essent passi." On the other hand, the elaborate descriptions of the first interregnum by Livy (i. 17) and Dionysius (ii. 57) attribute the whole proceeding to the senate, and the same is distinctly stated by Appian (*Bell. Civ.* i. 98), τῇ δὲ βουλῇ προσέταξεν ἐλέσθαι τὸν καλούμενον Μεταξὺ βασιλέα: and above, βουλευτὴς ἕτερος παρ' ἑτερου ἐπὶ πέντε ἡμέρας ἦρχεν, &c. There seems no way of reconciling these very clear statements on either side except by adopting Mommsen's hypothesis that the powers of the interregnum were vested in the patrician members of the senate, who met on such occasions unsummoned and without the co-operation of their plebeian brethren.

The same theory must serve to explain the *patrum auctoritas*. The words are sometimes used in a general sense for the approval or recommendation of the senate (*e.g.* Liv. vii. 15, 12; 17, 9; xxxiii. 24, 4; xxxv. 7, 5), and the single word *auctoritas* likewise bears the meaning of a resolution of the senate which has been vetoed by a magistrate. But *patrum auctoritas* in its technical sense is quite distinct from this later usage. It is a confirmatory act necessary to give legal validity to the decrees and elections made by the populus Romanus, and it survived as a form down to the Augustan age. Livy (i. 17), in speaking of the election of king Numa, attributes the confirmation to the senate which had just conducted the interregnum; and we may trust him here, for he appeals to the practice of his own time: "Hodie quoque in legibus magistratibusque rogandis usurpatur idem jus vi adempta; priusquam populus suffragium ineat in incertum eventum comitiorum patres auctores fiunt." Cicero likewise (*Rep.* ii. 32), after beginning with the words "Tenuit igitur in hoc statu senatus rempublicam," proceeds to adduce, amongst other points, "quodque erat ad retinendam potentiam nobilium vel maximum, vehementer id retinebatur populi comitia ne essent rata nisi ea patrum approbavisset auctoritas." On the other hand, we have passages in which the established phrase "patres auctores fiunt" is altered into "patricii:" *e.g.* Liv. vi. 42, "quia patricii se auctores futuros negabant;" and Sallust, *Fragm.* 82, 15, "libera ab auctoribus patriciis majores vostri suffragia paravere"—and Cicero, as we have seen, distinctly says that the *auctoritas* will lapse with the patriciate. The difficulty then is precisely the same as in the case of the interregnum, and may be solved by the same hypothesis of a "patrician senate."

Since the *auctoritas patrum* was reduced to a mere form by being put before instead of after the voting (as was ordered by the Lex Publilia of B.C. 339 and the Lex Maenia), it can never have amounted to the power of rejecting a measure on its merits: such a power could be exercised as easily, perhaps more easily, on a bill before it came to the assembly. If, however, the *patrum auctoritas* was limited to a confirmatory certificate that the law had been passed in due form, it would be rendered nugatory if it had to be given before any objections could possibly be raised to the procedure. (For Mommsen's view, which differs slightly from this, see *Röm. Forsch.* i. p. 242, and *Staatsrecht*, iii. p. 1041.)

In spite of the decay of their political privileges, the patricians retained to the end of the Republic the dignity which attached to the oldest and purest blood in Rome. The number of families known from the lists of magistrates of the later Republic amounts to about 30 (Mommsen, *Staatsr.* iii. p. 12). Dionysius, however, gives 50 as the number of "Trojan families" which remained to his day. It would seem to follow that outside the ranks of the nobility of office there remained a certain number of patricians in equestrian station, though their ancient birth was fully recognised. Their position would somewhat resemble that of the more obscure Scottish peers in our time. Like the Scottish peerage, the patriciate could not be recruited. With the doubtful exception of the Claudii, no instance is known in Republican times of any man or family attaining the patriciate.

When Caesar as Dictator wished to increase their numbers, there appears to have been no machinery by which the patricians could act as a body in admitting fresh members. This admission was accomplished by a special law (Lex Cassia) of the sovereign people, whose mandate was of course absolute in all matters. The same precedent was followed by Augustus, who was authorised by the Lex Saenia to create a fresh batch of patricians. Claudius seems to have made such creations on the strength of his power as censor (Tac. *Ann.* xi. 25), and after him the emperors conferred the rank freely. [Mommsen's view of the patrician senate (*Röm. Forsch.* vol. i. p. 218 *seq.*; *Staatsrecht*, iii. p. 1037 *seq.*), which is maintained in this article, is disputed by Willems, *Sénat de la République*, vol. ii. i. §§ 1–5.] [J. L. S. D.]

Period from the time of Constantine to the Middle Ages.—From the time of Constantine the dignity of patricius was a personal title, which conferred on the person to whom it was granted a very high rank and certain privileges. Hitherto patricians had been only genuine Roman citizens, and the dignity had descended from the father to his children; but the new dignity was created at Constantinople, and was not bestowed on old Roman families; it was given, without any regard to persons, to such men as had for a long time distinguished themselves by good and faithful services to the Empire or the emperor. This new dignity was not hereditary, but became extinct with the death of the person on whom it was conferred; and when during this period we read of patrician families, the meaning is only that the head of such a family was a patricius. (Zosim. ii. 40; Cassiodor. *Variar.* vi. 2.) The name *patricius* during this period assumed the conventional meaning of father of the emperor (Ammian. Marcellin. xxix. 2; Cod. 12, tit. 3, § 5), and those who were thus distinguished occupied the highest rank among the *illustres;* the consuls alone ranked higher than a patricius. (Isidor. ix. 4, 1, 3; Cod. 3, tit. 24, s. 3; 12, tit. 3, s. 3.) The titles by which a patricius was distinguished were *magnificentia*, *celsitudo*, *eminentia*, and *magnitudo*. They were either engaged in actual service (for they generally held the highest offices in the state, at the court, and in the provinces), and were then called *patricii praesentales*, or they had only the title and were called *patricii codicillares* or *honorarii*. (Cassiod. viii. 9; Savaron. *ad* Sidon. Apoll. i. 3.) All of them, however, were distinguished in their appearance and dress from ordinary persons, and seldom appeared before the public otherwise than in a carriage. The emperors were generally very cautious in bestowing this great distinction, though some of the most arbitrary despots conferred the honour upon young men and even on eunuchs. Zeno decreed that no one should be made patricius who had not been consul, praefect, or magister militum. (Cod. 3, tit. 24, s. 3.) Justinian, however, did away with some of these restrictions. The elevation to the rank of patricius was testified to the person by a writ called diploma. (Sidon. Apollin. v. 16; Suidas,

s. v. Γραμματείδιον; compare Cassiodor. vi. 2, viii. 21, &c.)

This new dignity was not confined to Romans or subjects of the Empire, but was sometimes granted to foreign princes, such as Odoacer, the chief of the Heruli, and others. When the popes of Rome had established their authority, they also assumed the right of bestowing the title of patricius on eminent persons and princes, and many of the German emperors were thus distinguished by the popes. In several of the Germanic kingdoms the sovereigns imitated the Roman emperors and popes by giving to their most distinguished subjects the title of patricius, but these patricii were at all times much lower in rank than the Roman patricii, a title of which kings and emperors themselves were proud. (See Gibbon, vols. ii. 109, vi. 158; Bryce, *Holy Roman Empire*, p. 40; Rein, in Ersch und Gruber's *Encyclopädie*, s. v. *Patricier.*) [L. S.]

PATRI'MI ET MATRI'MI, also called *Patrimes et Matrimes*, were those children whose parents were both alive (Festus, s. vv. *Flaminia, Matrimes;* called by Dionysius, ii. 22, ἀμφιθαλεῖς), in the same way as *pater patrimus* signifies a father whose own father is still alive (Festus, p. 234). Servius (*ad* Verg. *Georg.* i. 32), however, confines the term *patrimi et matrimi* to children born of parents who had been married by the religious ceremony called *confarreatio*, and who were still alive; it appears probable that this is the correct use of the term. We know that the *flamines majores* were obliged to have been born of parents who had been married by *confarreatio* (Tac. *Ann.* iv. 16; Gaius, i. 112); and as the children called *patrimi et matrimi* are almost always mentioned in connexion with religious rites and ceremonies (Cic. *de Har. resp.* 11; Liv. xxxvii. 3; Gell. i. 12; Tac. *Hist.* iv. 53; Macrob. *Saturn.* 6; Vopisc. *Aurel.* 19; Orelli, *Inscr.* n. 2270), the statement of Servius is rendered more probable, since the same reason which confined the office of the *flamines majores* to those born of parents who had been married by *confarreatio*, would also apply to the children of such marriages, who would probably be thought more suitable for the service of the gods than the offspring of other marriages. If this restriction ceased when *confarreatio* fell into disuse, it was at least still necessary that the mother should not have been divorced: in such a case the children would obviously cease to be *patrimi et matrimi*. There is, however, reason to think that the rite of *confarreatio* was retained so far as to provide persons qualified for priestly office [MATRIMONIUM, p. 140 *b*], and so the *patrimi et matrimi* of late times may still have been born from parents so married, though it is clear, from the statement of Macrobius (*l. c.*) that after the 3rd century B.C. the service was no longer *restricted* to *patrimi et matrimi*, since the children of *libertini* served also. For the religious functions which required attendance of *patrimi et matrimi*, see CAMILLUS; ARVALES; MATRIMONIUM, p. 143 *b*. (Rein, *Das röm. Privatrecht*, p. 177; Göttling, *Gesch. d. röm. Staatsverf.* p. 90; Marquardt, *Staatsverw.* iii. 227; *Privatleben*, p. 70.) [W. S.] [G. E. M.]

PATRONOMI (πατρονόμοι) were magistrates established by Cleomenes III. at Sparta in his reformed constitution, when he abolished both the γερουσία and the ephorate, and set up the πατρονόμοι to exercise, as it were, a paternal control over the whole state (Pausan. ii. 9, 1). His constitution came to an end after the battle of Sellasia, B.C. 221; and we find ephors and γερουσία again (Pausan. iii. 11, 2), but with diminished powers; for the πατρονόμοι were retained as the chief magistrates (called συνάρχοντες τῆς πατρονομίας, *C. I. G.* 1356). Apparently they were six in number; the chief, or πρέσβυς τῶν πατρονόμων, was the ἐπώνυμος of the state,—that is, he gave his name to the year, which the first ephor had formerly done. (Compare Philostr. *Vit. Apoll.* iv. 32; Plut. *An seni sit resp. ger.* 24; Gilbert, *Staatsalterth.* i. 24, 26.) [W. S.] [G. E. M.]

PATRO'NUS. The act of manumission gave birth, as it were, to a free person, and created a new relation between the manumissor and the slave, which was analogous to that between father and son. In respect of this new relation the manumissor was called *patronus* (from *pater*), and the manumitted person *libertus* or *liberta*. If the manumissor was a woman, she became *patrona;* and the use of this word instead of *matrona* appears to be explained by the want of a special word to distinguish her position in respect of her freedmen. Viewed with reference to the early ages of Rome, this patronal relation must be considered a part of the ancient *clientela;* but from the time of the Twelve Tables at least, which contained legislative provisions generally on the subject of patronal rights, we may consider the relation of patronus and libertus as the same both in the case of patrician and plebeian manumissores.

The libertus was attached to the family, and adopted the gentile name of his manumissor (Lactant. *Inst.* iv. 3, "servus liberatus patroni nomen accipit tamquam filius"). Cicero's freedman Tiro was called M. Tullius Tiro. [NOMEN.] The patronus and libertus owed reciprocal duties to one another, the one being bound to afford protection and support (cf. Twelve Tables, "Patronus si clienti fraudem fecerit, sacer est"), the other to show loyalty (*obsequium et reverentia*) to and render such other services as were due. In early times it is probable that the libertus was represented by his patronus in courts of justice, suits being maintained by the latter on his behalf. The patron was the statutory guardian (*tutor legitimus*) of his freedman who was under age. It was the duty of the patron to support his freedman in case of necessity, and, if he did not, he lost his patronal rights: the consequence was the same if he brought a capital charge against him.

The libertus owed respect and gratitude to his patron, and had to perform all services which were regarded as tokens of this duty (*operae officiales*). In ancient times he was subject to a kind of domestic imperium, and might be punished in a summary way by his patron, who frequently made a tyrannical use of his authority. In later times the patron had the power of relegating an ungrateful freedman to a certain distance from Rome, under a law probably passed in the time of Augustus (Tac. *Ann.* xiii. 26; Dio Cass. lv. 13). In the time of Nero it was proposed to pass a senatusconsultum which should give a patron the power of reducing his freedman to slavery, if he misconducted himself

towards his patron. The measure was not enacted, but this power was given by a constitution of Commodus, A.D. 180–192. (Dig. 25, 3, 6, § 1: "Cum probatum sit, contumeliis patronos a libertis esse violatos, vel illata manu atroci esse pulsatos, aut etiam paupertate vel corporis valetudine laborantes relictos: primum eos in potestatem patronorum redigi et ministerium dominis praebere cogi; sin autem nec hoc modo admoneantur, vel a Praeside emptori addicentur, et pretium patronis tribuetur.") The right of a patron to prosecute his freedman for ingratitude (*ut ingratum accusare*), and so to revoke his manumission, appears to have been recognised by the Lex Aelia Sentia (Dig. 40, 9, 30: cf. Inst. i. 16, 1). An ingratus was also called *libertus impius*, as being deficient in *pietas*. If the libertus brought an action against the patronus (*in jus vocavit*) without the leave of the praetor, he was himself liable to a special action on the case; and he could not, as a general rule, institute a capital charge against his patron. Disputes between patrons and freedmen were subject to the extraordinary jurisdiction of the praetor. [JURISDICTIO.] The libertus was bound to support the patron and his children in case of necessity, and to undertake the management of his property and the tutela of his children; if he refused, he was *ingratus* (Dig. 37, 14, 19). If a slave were the property of several masters, and were manumitted by all of them and became a Roman citizen, all of them were his patroni.

In early times freedmen were instruments of acquiring property for their patrons, like slaves. P. Rutilius Rufus provided that in cases of dispute between them as to property they should be regarded as co-proprietors of it (Dig. 38, 2, 1); but the oath of a freedman by which he bound himself to share his property with his manumissor was subsequently declared void. The manumissor could, however, secure to himself certain rights over his libertus by taking an oath from him (see H. Brocher, *de Operis Libertorum*, pp. 38–42), and by *stipulationes*. The subjects of such promises were gifts from the libertus to the patronus (*dona et munera*) and services (*operae*). The oath was not legally valid, unless the person was a libertus when he took it. If then he took the oath as a slave, he had to repeat it as a freeman, which seems to be the meaning of the passage of Cicero, in which he speaks of his freedman Chrysogonus (*ad Att.* vii. 2; compare Dig. 38, 1, 7). These *operae* were of two kinds: *officiales*, which consisted in customary tokens of respect and affection, which were due apart from contract; and *fabriles*, which are explained by the term itself, and which required an express stipulation. The *officiales* determined by the death of the patronus unless there was an agreement to the contrary; but the *fabriles*, being of the nature of money or money's worth, passed to the heredes of the patronus, like any other property. The patronus, when he commanded the *operae* of his libertus, was said *ei operas indicere* or *imponere* (Gaius, iv. 162; Dig. 38, 2, 29).

The patron could not command any services which might have the effect of imposing a burden on the liberty of the slave (Dig. 38, 2, 1, § 1; 38, 1, 2, § 1), or any services which were disgraceful (*turpes*) or dangerous to life, such as prostitution or fighting in the amphitheatre; but if the libertus exercised any art or calling (*artificium*), even if he learned it after his manumission, *operae* in respect to it might be reserved for the benefit of the patron. The Lex Julia et Papia Poppaea released freedmen (except those who followed the *ars ludicra*, or hired themselves to fight with beasts) from all obligations as to gifts or *operae* (imposed *libertatis causa*), who had begotten two children and had them in their power, or one child five years old (Dig. 38, 1; *de Operis Libertorum*, i. 37).

If liberty was given directly by a testament, the testator was the manumissor, and his patronal rights would belong by the law of the Twelve Tables to his children; if it was given indirectly—that is, *per fideicommissum*—the person who performed the act of manumission was the patronus. In those cases where a slave obtained his freedom under the S. C. Silanianum for having discovered his master's murderer, the praetor could assign him a patronus; and if this was not done, that person was the patron of whom the libertus had last been the slave (Dig. 38, 16, 3).

The patronal rights were somewhat restricted, when the act of manumission was not altogether the free act of the manumissor. For instance, a person under a trust to manumit [FIDEICOMMISSUM] had all the patronal rights, except the power to prosecute for ingratitude, the right to be supported by the libertus, and to stipulate for *munera* and special *operae*; his rights against the property of the libertus were, however, the same as those of any other manumissor. (*Frag. Vat.* § 225; Dig. 38, 2, 29.) If a slave had given money to another person in order that this other person might purchase and manumit him, the manumissor had no patronal rights, and he lost even the name of patron, if he refused to perform the act for which he had received the money, and allowed the slave to compel him to perform his agreement, which the slave could do by a constitution of M. Aurelius and L. Verus (Dig. 40, 1, 4 and 5). If a master manumitted his slave in consideration of a sum of money, he retained all patronal rights, but he could not stipulate for special *operae*. A person who purchased a slave, and on the occasion of the purchase agreed to manumit him, had all patronal rights, except the right of prosecuting for ingratitude, in case the slave compelled him to manumit pursuant to the constitution of M. Aurelius and L. Verus (Dig. 40, 9, 30).

A *capitis deminutio*, either of the patron or the libertus, dissolved the relation between them [CAPUT]. (See Tac. *Hist.* ii. 92, where "jura libertorum" means *jura patronorum* or *jura in libertos*.) The relation was dissolved when the libertus obtained *ingenuitas* by the *natalium restitutio*, but not when he merely obtained the *jus aureorum anulorum* [INGENUUS]. Justinian gave *jus anulorum* and the *natalium restitutio* to all freedmen (*Nov.* 78, 1, 2, 5.) The children of a freedman were *ingenui*.

The most important of the patronal rights related to the property of liberti who died intestate or having made a will. The subject, so far as concerns the ante-Justinian period, may be distributed under the following heads:—1. The rules of the old civil law (Jus Civile); 2. The rules of praetorian law, comprehending

the *bonorum possessio intestati* and the *bonorum possessio contra tabulas*; and 3. The rules of the Lex Papia Poppaea relating to the rights of patrons.

1. By the law of the Twelve Tables, if a freedman died intestate, without *sui heredes*, the patronus was his heir. A freedman could have no agnates except children, but his patron was in the position of an agnate as regards his succession. The *legitima patronorum tutela* was not expressly mentioned in the Twelve Tables, but it was a legal consequence of the rule as to inheritance (Ulp. *Fragm.* xi. 3). In the case of an intestate liberta, as she could not have a *suus heres*, the patron was her heres in any event. The Senatusconsultum Orfitianum, which was passed after Gaius wrote his Institutes (iii. 51), and in the last year but one of the reign of Marcus Aurelius, made an alteration in this respect, since it gave children a right to the succession of their mother, whether the latter was ingenua or libertina (Dig. 38, 17, 1). These patronal rights belonged both to a patronus and a patrona, and to the liberi of a patronus (Ulp. xxvii.), whether natural or adoptive. It seems that the children of a patrona had not by the Twelve Tables the same rights as the children of a patronus, since they were not in her power; but the Lex Papia Poppaea probably made some change in this respect (Unterholzner, *Zeitsch. f. R. G.* p. 43, &c.). The succession to the property of a freedman belonged to the liberi of a patronus according to proximity of degree, as in the agnatic order of succession. Thus a son of a patron excluded a grandson. If there were several patroni or patronae, they divided the inheritance equally, though their shares in the libertus, when a slave, might have been unequal. These patronal rights resembled a joint tenancy in English law, for the survivor or survivors of the patroni had all the patronal rights to the exclusion of any children of a deceased patronus. If the patroni were all dead, leaving several children, the hereditas was divided among all the children equally (*in capita*), pursuant to the law of succession in the case of agnation (Gaius, iii. 16, 59, &c.). If the patron left no liberi, and the freedman died intestate without *sui heredes*, the inheritance of the latter probably devolved on the gens of the patronus. A freedman had free power of disposing of his property by will, according to the Twelve Tables, and so of excluding his patron from the succession (Gaius, iii. 40). A patron could not transfer his interest in the patronatus by will or otherwise, except that by a senatusconsultum, which was passed in the time of Claudius, he was entitled to assign his patronal rights to the inheritance of a libertus, to any of his children he had in his power, to the exclusion of the rest (Dig. 38, 4, *de assignandis libertis*). In order that the above patronal rights should exist, it was necessary that the libertus should have been made free by a Roman citizen, and have become a Roman citizen by the act of manumission. Accordingly, if a free person obtained the citizenship, it was necessary that he should have a special grant of the *jus patronatus*, in order that he might have these patronal rights against his freedmen who had been previously manumitted, and it was necessary that they should have become Roman citizens at the time of manumission (Plin. *Ep.* x. 6). A *capitis deminutio*, loss of citizenship or change of familia, either of the patron or the libertus, destroyed the patronal rights to the inheritance, as already observed (Gaius, iii. 51).

2. The law regulating the succession to the property of deceased freedmen was supplemented and amended by the edict of the praetor, who extended the rights of patrons. The edict called to the succession (*bonorum possessio*) of liberti who died intestate: (1) the liberi of the deceased freedman (*bonorum possessio unde liberi*) [but if the deceased only left adoptive children or a wife *in manu*, the patron had *bonorum possessio* to one-half the property against these *sui heredes*]; (2) the patron and his agnatic descendants (*bonorum possessio unde legitimi*); (3) the cognatic descendants of the deceased freedman (*bonorum possessio unde cognati*); (4) the agnates of the patronus and patrona (*bonorum possessio tamquam ex familia*); (5) the patronus, patrona, liberi, *et parentes patroni patronaeque*, i.e. the patron of the patron, in case the patron was himself a freedman, the children of the superior patron, and the parents of the immediate patron, if the latter had been manumitted from their mancipium; (6) the husband or wife of the freedwoman or freedman (*unde vir et uxor*); (7) the cognates of the patronus or patrona to the sixth, or in one case to the seventh, degree (*bonorum possessio unde cognati manumissoris*).

A manumissor of a person *ex causa mancipii* was quasi-patronus of the manumissus and had the same rights of succession to his property as a patronus; but if a filiusfamilias was manumitted by an extraneus manumissor instead of by his own father, the praetor postponed the claims of the manumissor, giving a preference to the father and certain other near relations of the manumissus (*bonorum possessio unde decem personae*). [MANCIPII CAUSA.]

We have seen that by the law of the Twelve Tables, if the freedman made a will, he could pass over his patron altogether. But by the edict, unless he left his patron as much as half of his property, the patron or his male children could obtain *bonorum possessio contra tabulas* of one-half of the property, from any persons instituted heirs by him, other than children of his own blood (*naturales*). An adopted child of the freedman or his wife in his manus could not defeat this claim of the patron. The patron was not excluded if the children of the freedman were exheredated (Gaius, iii. 40; Dio Cass. li. 15, and the note of Reimarus).

3. The Lex Papia Poppaea further extended the rights of patrons by providing that, if a freedman had a property amounting to a hundred thousand sestertii and fewer than three children, the patronus should have an equal share with the children, whether the freedman died testate or intestate. A patrona, before the Lex Papia was passed, had only the same rights as a patronus under the Twelve Tables, not having been allowed by the praetor the *bonorum possessio dimidiae partis contra suos non naturales* in case of intestacy, or the *bonorum possessio contra tabulas*. By this lex a patrona ingenua who had two children, or a patrona libertina having three children, were given nearly the same

rights as a patron had under the edict: and a patrona ingenua having three children, was given the same privileges as belonged to a patron under the statute. The lex also gave to patrona filia, mother of three children, the same rights as the patron had by the edict; that is, a right to half the property of the freedman against any heirs except *naturales liberos*. The son of a patrona who had a child was put in almost the same position as a patronus (Gaius, iii. 42, &c.).

According to the old law, as the liberta was in the legitima tutela of her patron, she could make no disposition of her property by will without his sanction (*patrono auctore*). The Lex Papia freed a liberta from this tutela, if she had four children, and she could consequently then make a will without the sanction of her patronus, but the law provided that the patronus should have an equal share (*pars virilis*) with her surviving children. In the case of a liberta dying intestate, the Lex Papia gave no further rights to a patrona who had children (*liberis honoratae*) than she had before; and therefore if there had been no capitis deminutio of the patrona or the liberta, the patrona inherited the property, even if she had no children, to the exclusion of the children of the liberta. If the liberta made a will, the Lex Papia gave to the patrona, who had the number of children required by that law, the same rights which the edict gave to the patronus *contra tabulas liberti*. It is to be noticed that though rights of patronatus under the Twelve Tables were put an end to by capitis deminutio, this was not the case with rights given by the Lex Papia Poppaea (Inst. iii. 4, 2).

By the actio Fabiana or Faviana and actio Calvisiana the claims of patrons to the succession of their freedmen were protected against alienation *inter vivos* on the part of freedmen. Under the later emperors the above rules as to the succession of freedmen were considerably changed, more especially by Justinian. According to his legislation, if a freedman or freedwoman died intestate, their natural children succeeded to the entire exclusion of the patron. In default of children of the freedman or freedwoman, came (1) the patron or patroness, (2) their children, (3) their collateral relations to the fifth degree.

If a freedman left a will, and had property of less value than 100 aurei, his power of passing over his patron was unrestricted. If he had property of this amount and was childless, or had disinherited his children, the patronus or patrona and their descendants to the fifth degree had a right to a third of his property.

The rules of law as to the succession of the patronus to the property of Latini liberti differed in various respects from those that have been explained respecting liberti cives. Their property was regarded as peculium on their death, and so belonged to the patron as if he had previously been owner of it, and not by title of inheritance. Hence it came to his extranei heredes, not to his exheredated children, who would have taken it if the freedman had been civis Romanus. If there were several patrons, it came to them in proportion to their interests in the former slave, and it was consistent with this doctrine that the share of a deceased patronus should go to his heir. A Latinus Junianus could not make a will (*tamquam servus moritur*). The Senatusconsultum Largianum, which was passed in the time of Claudius, assimilated to some extent the devolution of the property of Latini with that which took place in the case of cives liberti. It enacted that the property of Latini should go first to those who had manumitted them; then to their liberi who were not expressly disinherited, according to proximity; and then, according to the old law, to the heredes of the manumissor. The only effect of this senatusconsultum was to prefer liberi who were not expressly disinherited to extranei heredes.

As to the lowest class of freedmen, called *dediticii*, there were two rules. The property of those who on their manumission would have become Roman citizens but for their having suffered some infamous punishment, came to their patroni as if they had been Roman citizens. The property of those who on their manumission would have become Latini but for the impediments thereto, came to their patroni as if they had been Latini. In the time of Justinian all freedmen were cives Romani.

As to the other meanings of patronus, see CLIENS, COLONUS, ORATOR. (Gaius, iii. 39–76; Ulpian, *Frag.* xxvii., xxix.;—Dig. 37, 14, 15; 38, 1, 2, 3;—Institutes, iii. 8; Unterholzner, *Ueber das patronatische Erbrecht. Zeitsch.*; Huschke, *Studien des Röm. Rechts*, i. 59, and in *Rhein. Mus.* vi. 95, &c.; A. Schmidt, *Das Pflichttheilsrecht des Patronus*, &c.; Walter, *Geschichte des Röm. Rechts*, §§ 494–500; Rein, *Das Röm. Privatrecht*, 597, &c.; Kuntze, *Cursus des Röm. Rechts*, i. §§ 801–805, ii. §§ 531–533; Keller, *Inst.* § 254; Puchta, *Inst.* ii. § 215, iii. § 296.) [G. L.] [E. A. W.]

PAVIMENTUM. [DOMUS, Vol. I. pp. 656, 685; PICTURA.]

PAVONA'CEUM. [TEGULA.]

PAUPE'RIES was the legal term for damage to property done to a person by a domesticated animal belonging to another person, contrary to the nature of the animal causing the damage and without any fault of its owner. According to the law of the Twelve Tables, the animal must be a *quadrupes pecus*, to be able to give rise to pauperies; but a Lex Pesulania extended the law to dogs, and the praetorian law comprised under this head all domesticated animals. If the damage done by such animal was due to the fault of the owner, it was not pauperies, but unlawful damage to property [DAMNUM INJURIA DATUM]. Pauperies excluded the notion of unlawful conduct; it is defined as "damnum sine injuria facientis factum," for an animal "quod sensu caret" could not be said to have done a thing *injuria*. It was required that the damage should be contrary to the ordinary nature of the animal: thus, if a horse was incited by some one, as by his striking it, or kicked by another animal, the damage it did to a person in consequence was not pauperies on its part. In case of pauperies arising, the law of the Twelve Tables gave the injured person an action against anyone who was owner of the animal at the time of action being brought, the liability passing to a transferee if the animal was alienated after it had done the damage (*noxa caput sequitur*). The right of action ceased if the animal died. By this action the owner of the animal was required either to give up the animal to the injured party (*noxae dare*), or to

pay the full amount of damages. Thus the *actio de pauperie* belonged to the class of *noxales actiones*—such as were brought against a housefather on account of the delicts of his sons and slaves. (There was probably a special action of pauperies called *actio de pastu pecoris*, on account of cattle grazing on a neighbour's crops.) The *actio de pauperie* and other noxal actions seem to have been first given in order to prevent an injured party taking the law into his own hands, as he was likely to do if he had no other remedy. Noxal surrender originated in an archaic state of society, and traces of it are widespread. (Cf. the Greek βλάβη τετραπόδων καὶ ἀνδροπόδων, Meier and Schömann, *Att. Proc.* 477; Platner, *Proc.* ii. 371; Voigt, *Zwölf Tafeln*, ii. § 143, n. 2; and see Holmes's *Common Law*, Lecture I., as to the suggestion that noxal liability arose out of a primitive notion of vengeance.)

Wild animals could not make their owner liable for pauperies, but an owner of such animal was liable under the Aquilian law for any damage it caused owing to his negligence, while in his custody; but if a wild animal got away from his master, he was not liable according to Jus Civile, because, when the animal got away, it ceased to be his property. The aedile's edict, however, made a person liable to an *actio popularis* for damage done in a place of public resort to a free person by a dog, boar, wild boar, bear, or lion, which he had neglected to keep under proper control (Inst. iv. 9; — Dig. 21, 1, 40, § 1; 41, 42, *de aed. Ed.*).

(Inst. iv. 9; Dig. 9, 1, *si quadrupes pauperiem fecisse dicatur;* Thibaut, *Versuche*, ii. 8; Zimmern, *System der römischen Noxalklagen*, 79–117; Gesterding, *Zeitsch. f. Civilrecht und Proc.* iv. 261–288; Vangerow, iii. § 689; C. Sell, *Aus dem Noxalrechte der Römer;* Voigt, *Zwölf Tafeln*, § 143.) [G. L.] [E. A. W.]

PAUSA'RIUS. [PORTISCULUS.]

PECTEN (κτείς). The use of the comb is almost universal, for it is known to all tribes who have learnt to weave. It is of pre-historic origin, since combs have been found in the cave-dwellings of the early Stone Age (Boyd Dawkins, *Early Man*, p. 267); while specimens made of bone, horn, and wood turn up in considerable numbers in the remains of the Swiss lake-villages (Keller, *Lake Dwellings*, pp. 119, 385, and 638, E. T.). Most of these early combs seem to have been used for weaving, or for the subsidiary processes of carding wool or heckling flax, and it would seem that they were employed for such purposes at least as soon as, if not sooner than, for dressing the hair. For its use in weaving, see TELA. It was also used for carding, a process which is mentioned by Homer (εἴρια ξαίνειν, *Od.* xxii. 423; and εἴρια πείκειν, *Od.* xviii. 316), as one of the ordinary household occupations. Naturally enough, mention of such menial every-day work is not common in literature, but there can be no doubt about the use of the comb for these purposes throughout the whole of antiquity. Thus Pliny says that it was used for working flax (*H. N.* xix. § 17) and silk (*ib.* xviii. § 297), and from inscriptions (Gruter, 648, 2) we learn of the existence of a guild of *pectinarii lanarii sodales*. Elsewhere the heckler or carder is called *pectinator* (κτενιστής), or *carminator*.

Combs used for heckling and carding do not seem to have been as yet discovered in Greece or Italy, but iron heckling combs with a large number of sharp teeth have been found in Egyptian graves (Wilkinson, *iii.* 140, No. 537). Much more common are the combs for hair-dressing, which have been found in considerable numbers on almost every ancient site. Literature gives but little information of their use, except that it was considered a mark of boorishness to go about with uncombed hair (Juv. xiv. 194). The elaborate head-dresses shown on works of art, both Roman and Greek, are, however, in themselves quite sufficient to prove that the comb was an indispensable article of the toilet, especially in early times, when both men and women wore their hair long and carefully dressed. For the Spartan custom of combing their hair before a battle, see Herod. vii. 208.

Combs are not often shown on the monuments, but appear on some Roman portrait busts of ladies stuck as an ornament into an elaborate head-dress (Kurz and Weisser, *Lebensbilder*, pl. ix. fig. 17). On a sepulchral slab in Gori, *Inscript.* pl. i. p. 10 (Baumeister, *Denkmäler*, fig. 827), a double fine-toothed comb is shown along with other toilet articles. Such combs have been found in great numbers in Greece proper, the Crimea, Etruria, Pompeii, &c., made of wood, bone, and ivory, all of the same pattern, being precisely similar to those found in Egypt, and to those used in the present day. Boxwood was a favourite material, and the comb is frequently spoken of as *buxum* simply (Ovid. *Fast.* vi. 229; Juv. *l. c.*). Ivory, however, and bronze were also used; but this latter, at any rate, in most cases only for combs with one row of teeth, which had highly-decorated handles, and were evidently intended to be worn in the hair. These are not unlike combs used for the same purpose now, but have, as a rule, triangular or semi-circular handles. Barbers were in the habit of cutting hair *per pectinem*, to ensure its not being too short (Plaut. *Capt. ii.* 2, 18).

Dictionaries will supply some other meanings of the words κτείς and pecten which need not be specified here. (See also Marquardt, *Privatleben*, p. 601; Baumeister, *Denkmäler*, p. 775; COMA.) [W. C. F. A.]

PECUA'RII. [SCRIPTURA.]

PECULA'TUS is the misappropriation or theft of public or sacred property, whether it was done by a public functionary or by a private person. Labeo (Dig. 50, 9, 2) defines it thus: "pecuniae publicae aut sacrae furtum, non ab eo factum cujus periculum est," the qualifying part of the definition meaning that there could not be peculatus in respect of property entrusted to an official to hold at his own risk. The person guilty of this offence was *peculator*. Cicero (*de Off.* iii. 18, 73) enumerates *peculatores* with *sicarii*, *venefici*, *testamentarii* (forgers of wills), and *fures*. Peculatus, derived from *pecus*, a term which originally denoted that kind of movable property which was the chief sign of wealth [PECUNIA], seems to have signified in early times the theft of cattle, peculatus publicus having been the offence of stealing cattle from a magistratus which he had taken as *multa* or as *poena sacramenti* (Voigt, *Zwölf Tafeln*, ii. § 137, n. 17; cf. Varro, *L. L.* v. 19, 95, "hinc [*i.e.* a pecude] peculatum publicum primo tum, cum pecore diceretur multa et id esset coactum ni publicum, si erat aversum;"—Festus, 237 a, 13;

211 a, 18; 202 b, 13;—Paul. Diac. 75, 11). Peculatus was punished in early times by the infliction of a heavy *multa* on the offender (Liv. i. 37, xxv. 37, xxxvii. 58; Gell. vii. 19). Originally trials for peculatus were before the populus or before the senate (Liv. v. 32, xxxvii. 51, xxxviii. 54). In the time of Cicero matters of peculatus were one of the *quaestiones perpetuae* (*pro Cluent.* 53, 147; *pro Mur.* 20, 42), which implies some Lex de Peculatu, though there is no mention of such a lex in our sources.

Two leges relating to peculatus are cited in the Digest, Lex Julia peculatus and Lex Julia de residuis, but these may perhaps be two chapters of the same lex, just as the Lex Julia de adulteriis comprised a provision *de fundo dotali*, which chapter is often quoted as if it were a separate lex. The Lex de residuis applied to those who had received public money for public purposes, and had retained it when they ought to have paid it over ("apud quem pecunia publica resedit"). The offence differs from ordinary peculatus in that it is constituted by a mere omission. The penalty under this lex on conviction, borrowed from the Lex Silia, was a third part of the sum retained besides liability to restitution. Sacrilegium is treated as a kind of peculatus under the Lex Julia, a sacrilegus being one who plunders sacred property of a public kind (so excluding *sacra privata*). For an account of the special punishments with which this offence was visited, see art. SACRILEGIUM. The Lex Julia peculatus embraced or was extended by interpretation to various species of public frauds, some of which also belong to the *crimen falsi*, as certain coinage offences, falsification of public accounts or of documents of title to public land, &c. The punishment for peculatus, which under the Lex Julia was *aquae et ignis interdictio*, was subsequently changed into *deportatio:* the property of the offender was forfeited. Special punishments were inflicted in the case of particular species of peculatus. (Dig. 48, 13, *ad legem Juliam peculatus et de sacrilegis et de residuis;* Cod. 9, 28; Inst. iv. 18, 9; Paul. *Sent.* 5, 27; Rein, *Das Criminalrecht der Römer*, p. 672; Rudorff, *Römische Rechtsgeschichte*, ii. § 118; Walter, *Römische Rechtsgeschichte*, § 813.) [G. L.] [E. A. W.]

PECU'LIO, ACTIO DE. [SERVUS.]

PECU'LIUM. [SERVUS.]

PECU'LIUM CASTRENSE. [PATRIA POTESTAS.]

PECU'NIA. In the use of this word for "money," we have a record of the fact that in primitive times in Greece and Italy values were calculated in sheep and oxen. Stamped money was introduced into Asia Minor and Greece in the 7th century; into Rome in the 5th. For the history of Greek coins, see PONDERA; for that of Roman coins, see AS; while a few general remarks as to the use of money in antiquity will be found under NUMUS. [P. G.]

PECU'NIA CERTA. [OBLIGATIONES.]

PECU'NIAE REPETUNDAE. [REPETUNDAE.]

PEDA'NEUS JUDEX. [JUDEX PEDANEUS.]

PEDA'RII. [SENATUS.]

PEDI'SEQUI, a class of slaves, whose duty was to follow their master when he went out of his house, while the anteambulo preceded him. The pedisequi seem to have formed a special class of slaves, which was almost the lowest of all (Nep. *Attic.* 13; Plaut. *Mil. Glor.* iv. 2, 18; Ter. *Andr.* i. 1, 96; Cic. *ad Att.* ii. 16). There was a similar class of female slaves, called *pedisequae* (Plaut. *Asin.* i. 3, 31). Several inscriptions bearing on this point are cited in Marquardt, *Privatleben*, p. 148; compare Becker-Göll, *Gallus*, ii. 154. [W. S.] [G. E. M.]

PEDUM (*κορύνη*, Theoc. vii. 43), a crook. The accompanying woodcut is taken from a

Pedum. (From a painting.)

painting found at Civita Vecchia (*Ant. d'Ercolano*, vol. iii. tav. 53). It shows the crook in the hand of a shepherdess. (See also woodcut to OSCILLUM.)

The crook is continually seen in works of ancient art in the hands of Pan (Sil. Ital. *Pun.* xiii. 334), and is also the usual attribute of Thalia, as the Muse of Pastoral poetry. The *λαγωβόλον* (Theoc. iv. 49, vii. 128, prob. = *καλαῦροψ*, *Il.* xxiii. 841) was a stick thrown to collect cattle (originally to kill hares, &c.), somewhat like a "boomerang" (Stephani, *Compte Rendu*, 1867; Fritzsche *ad* Theoc. *l. c.*). [J. Y.] [G. E. M.]

PEGMA (*πῆγμα*), a structure of planks joined together, and so in its simplest form shelves in the atrium for *imagines* (Auson. *Epigr.* 26, 10) or book-shelves (Cic. *ad Att.* iv. 8); but in a special sense the origin of our word *pageant*, an edifice of wood consisting of two or more stages (*pegmata* of four stages appeared in the triumph of Titus: Jos. *B. J.* vii. 5, 5), which were raised or depressed, expanded or closed at pleasure by means of weights acting with ropes and pulleys ("ponderibus reductis," Claudian, *de Mall. Theod. Cons.* 323—328; Senec. *Ep.* 89; Prudent. *περὶ Στεφ.* x. 1016). These great machines were used in the Roman amphitheatres, and for spectacles in general, and to some extent resembled the contrivances for transformation scenes in a modern pantomime (Juv. iv. 121; Mart. i. 2; Suet. *Claud.* 34). They were moved on wheels: sometimes they were richly decorated; overlaid with silver (Plin. *H. N.* xxxiii. § 53). At other times they exhibited a magnificent, though dangerous, display of fireworks (Claudian, *l. c.*; Vopisc. *Carin.* 15). Gladiators or other performers were borne aloft upon them, and some editors give *pegmares* as signifying hence *gladiators;* but in the passage of Suetonius (*Calig.* 26), where alone the word is supposed to occur, the reading *paegniaris* is more probable. Strabo saw in

the forum a Sicilian brigand-chief placed on a pegma representing Aetna. The machine was so constructed as suddenly to fall asunder and precipitate him among the wild beasts (Strab. vi. p. 273; Mayor on Juv. *l. c.*). Phaedrus (v. 7, 7) mentions an accident to a tibicen on a pegma. [J. Y.] [G. E. M.]

PE'LANOR (*πέλανορ*) is mentioned by Hesychius (*s. v.*) as a coin in use at Sparta, equivalent to four *χαλκοῖ* or half an Attic obol. Plutarch (*Apophtheg. Lacon.* p. 903) says that it was an iron coin of the weight of an Aeginetan mina (20 Troy ounces). These cumbrous coins seem to have constituted the coinage of Sparta down to the time of Alexander the Great; at least, no gold, silver, or copper coins of Sparta of an earlier date than B.C. 310 are extant. (*Brit. Mus. Catalogue of Coins*, Peloponnesus, p. xlvii.) [P. G.]

PE'LATAE (*πελάται*) are defined by Pollux (iii. 82) and other authorities to be free labourers working for hire, like the *θῆτες*, in contradistinction to the Helots and Penestae, who were bondsmen or serfs, having lost their freedom by conquest or otherwise. Aristotle (*ap.* Phot. *s. v.* Πελάται) thus connects their name with *πέλας*: Πελάται, he says, from *πέλας*, *οἷον ἔγγιστα διὰ πενίαν προσίοντες*: *i.e.* persons who are obliged by poverty to attach themselves to others. Timaeus (*Lex. Plat.* s. v.) gives the same explanation. Πελάτης, *ὁ ἀντὶ τροφῶν ὑπηρετῶν καὶ προσπελάζων*. Its origin is therefore something like that of *ἱκέτης*, but it has more completely the notion of *dependence*, for sustenance as well as for protection. This will explain how some later Greek writers came to use it to translate the Latin *cliens*, though the relations expressed by the two words are by no means similar (*Dionys.* i. 83; Plut. *Rom.* 13). The work of the *πελάτης* was probably as a rule, if not always, field labour: whether a groom who was *μισθωτός*, not a slave, as in Plat. *Lys.* p. 208 A, could rightly be called *πελάτης*, cannot be determined. In Plat. *Euthyphr.* p. 4, we find a *πελάτης* working in the fields along with the slaves, and the word *θητεύειν* is applied more than once in that dialogue as the proper term for his labour [cf. THETES]. Its proper sense of *free* labour was not, however, always preserved in later Greek. Plutarch (*Ages.* c. 6) also uses the word rather loosely for Helots, and we are told of a nation of Illyrians (the Ardiaei) who possessed 300,000 prospelatae, compared by Theopompus (*ap.* Ath. vi. p. 271, d, e) with the Helots of Laconia. (Müller, *Dor.* iii. 4, § 7; Wachsmuth, *Hellen. Alterthumsk.* vol. i. pp. 361, 811, 2nd ed.; Hermann, *Griech. Staatsalterth.* § 101, n. 9; Becker-Göll, *Charikles*, iii. 46.) [R. W.] [G. E. M.]

PELLEX. [CONCUBINA.]

PELLIS. There can be no doubt that the oldest inhabitants of Italy and Greece, no less than those of the rest of Europe, were clad mainly, if not entirely, in skins. The period, however, when skins were thus universally worn, though the ancients assumed its existence just as we do (cf. Varro, *R. R.* ii. 11, 11; Propert. v. 1, 12), has left no trace in literature or art, except perhaps in the costume of certain gods, who, like Herakles with his lion-skin, remained true to primitive fashion. In Homeric times skins were worn as a mantle over the shirt by the poor,—Odysseus, for instance, dons a hairless deer-skin over the rags of a beggar (*Od.* xiii. 436; cf. Hesiod. *Op.* 545),—by archers (Paris, *Il.* iii. 16), and by warriors when reconnoitring, as by the Greeks in the Doloneia (*Il.* x. 23, 29, 197, 334). The manner in which such skins were worn is very possibly shown by the figure of Hermes on the François vase, where he wears a skin fastened closely and symmetrically on his body by two clasps, the fore-legs at his shoulders, the hind-legs hanging down his thighs.

Figure of Hermes. (From François vase.)

Besides their use as garments, skins of wild and domestic animals, especially fleeces, were used as rugs and bedding. Leather, too, of some kind or other was employed for the manufacture of shoes, caps, harness, armour, and the other manifold uses to which leather is put.

The picture given by the literature of classical times is not far different from the Epic, for there, too, the use of skins as garments is confined to shepherds or folk in out-of-the-way parts. Pausanias tells of people in Euboea and Phocis who wore tunics of pig-skins (viii. 1, 2), and says that the Ozolian Locrians owed their name to the evil smell of the undressed skins which they wore (x. 38, 2).

A number of the *σκύτιναι ἐσθῆτες* are catalogued and described by Pollux (vii. 68, 70). The best known are those which are mentioned in Aristophanes, where they occur as the garments of the poor, or as bed-clothes and rugs. They are:—

(1) The *διφθέρα*, which was a shepherd's cloak or coat of goat-skins sewn together (Aristoph. *Nub.* 71: cf. *Eccl.* 80; Plato, *Crit.* p. 53). According to Pollux (vii. 70), it had a hood and could be pulled over the head. The garment worn by the shepherd in the *Museo Pio Clem.* iii. 34 seems to answer to this description and to be a *διφθέρα*.

(2) The *σισύρα*, according to Pollux, was a tunic with sleeves of skins, with the hair turned inwards (*σίσυρνα χιτὼν σκύτινος ἔντριχος χειριδωτός*). It seems, however, to have been more of a cloak than a tunic, and was worn for warmth (Arist. *Ran.* 1459), but was apparently even more frequently used to sleep in (Id. *Av.* 122) as a blanket (Id. *Eccl.* 421). The *βαίτη*, the cloak of shepherds in Sicily (Theoc. iii. 25; v. 15), and elsewhere, seems to have been practically identical with the Attic *σισύρα* (cf. Schol. *ad* Arist. *Vesp.* 738), both being doubtless of goat- or sheep-skin. In late authors the term *σισύρα* may possibly mean a piece of cloth (Lucian, *Rhet. Praec.* 16; Longus, *Past.* ii. 3).

(3) The *κατωνάκη* was a coarse tunic trimmed with sheep-skin, and was worn by slaves and labourers in the country (Arist. *Lys.* 1151, 1155; Athen. vi. p. 271). Slaves at Sicyon went by the name of *κατωνακοφόροι* (Theopomp. *Hist.* 195).

(4) The *σπολὰς* was a leather jerkin worn by slaves over their tunic (*θώραξ ἐκ δέρματος, κατὰ τοὺς ὤμους ἐφαπτόμενος*, Pollux, vii. 70; cf.

Arist. *Av.* 933, 935, 944). It was also worn by soldiers (Xen. *Anab.* iii. 3, 20; iv. 1, 18).

Besides these garments, Dio Chrysostom mentions (ii. 382) the *κοσσύμβη* as a shaggy shepherd's coat, and Hesychius says *κόσσος* was used with the same meaning.

Greek art gives very little information about the use of skins. Herakles appears in early art closely enveloped in his lion-skin, in later art wearing it hanging from his arm or shoulder, and Dionysus and his train are represented in spotted fawn-skins [NEBRIS]; but there is nothing in either case to lead one to suppose that the costume represented is one of ordinary use. In the same way the skins which cover chairs in mythological scenes, like the assembly of the gods on the Sosias cylix of the Berlin Museum (*Mon. d. Inst.* i. 25), do not seem to occur in representations borrowed from actual life. In fact, the only articles of dress of this material which may reasonably be considered actual are the fox-skin caps which some of the riders on the Parthenon frieze wear, and the hunting-boots, which show the paws and tail of the skin from which they were roughly made.

In Roman literature garments made of skins are not very often mentioned. Yet the shepherds and goat-herds wore, as they do to this day (particularly in the malarious regions of the Campagna), skin coats with sleeves (*pelles manicatae*, Colum. *R. R.* i. 89). The specific names of such garments have not survived except in the case of the *mastruca*, a sheep-skin coat worn in Sardinia (Quinct. i. 5, 8).

Keller has collected several passages illustrating the use of bear-skins. They are worn by Arcadian auxiliaries in the first Messenian war, and by the *signiferi* in the later Roman army (Veget. ii. 16, borne out by many monuments): in Statius (*Theb.* iv. 304) the Arcadians have a bear's head on their shields: in Silius Ital. iv. 558, an Apulian horseman in the Second Punic War wears a bear-skin instead of a cuirass; so, too, Ancaeus the Arcadian (Orph. *Argon.* 199; cf. Acestes in Verg. *Aen.* v. 37): according to Strabo, xvii. p. 828, the people of Mauritania wore skins of lions, panthers, and bears: for beds we have bear-skins mentioned in Verg. *Aen.* viii. 368, Ov. *Met.* xii. 319.

One of the most important uses of skins at Rome was as a covering for military tents [TABERNACULUM], whence *sub pellibus*, "under canvas" (Caes. *B. G.* iii. 29, &c.). The *pelliones* (Plaut. *Men.* ii. 3, 54, 400), *pelliarii* (Varro, *L. L.* viii. 55), and *pellionarii* were important enough to form guilds, for a *collegium pellionariorium* is mentioned in an inscription (Reines. i. 283; Donat. p. 235, 2). These craftsmen probably, even in early times, prepared furs as well as goat-skins and sheep-skins.

The custom of using furs, both as rugs (*stragula pellicia*, Dig. 34, 2, 25) and as articles of dress (*pelles indutoriae*), though furriers' shops are spoken of by Varro (*L. L.* viii. 55), did not become customary until the time of the Empire, when contact with fur-wearing peoples, such as the Germans (cf. *rheno*, a German coat of reindeer skin afterwards adopted at Rome: Caes. *B. G.* vi. 21) brought them in. They speedily were recognised as ordinary articles of dress ("vestis etenim ex pellibus constabit," Dig. 34, 2; 23, § 3), and the growing demand for them supported a lively trade at the factories in Southern Russia (*e. g.* Tanais on the Don, Strab. ii. p. 493), as well as in Cappadocia (*Tot. Orbis Descr.* § 40). The importance of furs as an article of commerce is shown by the Edict of Diocletian, in which skins of oxen, goats, sheep, lambs, deer, wild sheep, stags, martens, beavers, bear, wolves, foxes, leopards, hyaenas, lions, and seals are enumerated, as well as Morocco leather of different kinds. Tanning, or at any rate the careful dressing of skins, was known as early as the Homeric age, when we find various kinds of leather in use for harness, armour, and clothing. Even in the case of skins used as bed-clothes it was apparently the exception to have any not tanned, for the *ἀδέψητος βοέη* on which Odysseus slept (*Od.* xx. 2, 142) was used by poor folk.

Among the common people many doubtless, like Eumaeus (*Od.* xiv. 34: cf. Hes. *Op.* 519), made their own shoes and garments from raw hide, dressing them roughly with oil to render them soft. However, there were even at this period professional workers in leather, such as was Tychios, *σκυτοτόμων ἄριστος* (*Il.* vii. 322), who made Ajax's shield. Shoe-making and tanning seem to have been carried on by the same man even in classical times (Aristoph. *Eq.* 314, 869; Theophr. *Char.* 16). [For the process of tanning, see CORIARIUS.]

Literature.—Blümner, *Technologie*, i. p. 254 *sq.*; Hermann-Blümner, *Lehrbuch*, iv. pp. 175–6; Iwan Müller, *Handbuch*, iv. pp. 396, 806, 880, 931; Albert Müller, *Bühnenalterthümer*, pp. 237, 250, 252; Becker-Göll, *Charikles*, iii. 260. f.; Marquardt, *Privatleben*, p. 587; Keller, *Thiere des klass. Alterth.* 1887. [W. C. F. A.]

PELORIA (*πελώρια*), a festival celebrated by the Thessalians, which is compared to the Roman Saturnalia. Its origin was traced to the ancient Pelasgian times. Sacrifices were offered to Zeus Peloriοs; and to the splendid banquets any strangers were admitted, prisoners were set free, slaves enjoyed the greatest liberty and were even waited upon by their masters. (Athen. xiv. p. 639; cf. Panofka, *Abhandl. der Berlin. Akad.* 1839, p. 35.) [L. S.]

PELTA (*πέλτη*), a small shield. Iphicrates, observing that the ancient CLIPEUS was cumbrous and inconvenient, introduced among the Greeks a much smaller and lighter shield, from which those who bore it took the name of *peltastae* [EXERCITUS, Vol. I. p. 776]. It consisted principally of a frame of wood or wickerwork (Xen. *Anab.* ii. 1, § 6), covered with skin or leather, without the metallic rim. [ANTYX]. (Timaeus, *Lex. Plat.* s. v.) Light and small shields of a great variety of shapes were used by numerous nations before the adoption of them by the Greeks. The round target or *cetra* was a species of the pelta, and was used especially by the people of Spain and Mauretania. [CETRA.] The pelta is also said to have been quadrangular (Schol. *in* Thuc. ii. 29). A light shield of similar construction was part of the national armour of Thrace (Thuc. ii. 29; Eurip. *Alces.* 498, *Rhes.* 410; Max. Tyr. *Diss.* xix. 1, xxiii. 2) and of various parts of Asia, and was on this account attributed to the Amazons, in whose hands it appears on the works of ancient art sometimes elliptic, as in the bronzes of Siris (woodcut, p. 79), and at other times variously situated on the margin, but most commonly

with a semicircular indentation on one side ("lunatis peltis," Verg. *Aen.* i. 490, xi. 663). Varro, *L. L.* vii. 43, compares this to the *ancile*. [SALII.] A vase fragment in the

Peltae, from a vase in the British Museum.

British Museum (No. E 793) shows clearly the form and construction of the *lunata pelta*; two Persians exhibit the two sides of the shield. [W. S.] [A. H. S.]

PELTASTAE. [EXERCITUS, Vol. I. p. 776.]

PELVIS (*ποδανιπτήρ*), a vessel for washing the feet. Thus much is clear from Varro's derivation, "pedelvis a pedum lavatione" (*L. L.* v. 119), though etymologically the word should be connected with *πέλλις*; to which Pollux (x. 78) gives much the same meaning (see Lexicons, *s. v.* *πέλλα*). It was sometimes of earthenware (Schol. *ad* Juv. iii. 277), but probably more often of bronze (Juv. x. 64); also of the more costly Corinthian bronze (Orell. 3838; see ARS, p. 39): in Petron. 70 we find a silver pelvis; but that is for holding ointment. The words *pelluvia* and *pelluvium* are other names for the same vessel (Fest. p. 161; Id. *Ep.* 207); but the *pollubrum* was used either for hands or feet: in Fest. p. 247 it = pelvis; in Livius And. and Fabius Pict. (*ap.* Non. 544) it is used to express the Greek *χέρνιψ* (or *χερνίβιον*) and = *trulleum*, a basin for washing the hands (Non. 547): no doubt, like the Greek *λέβης* (*Od.* i. 137, xix. 386), it might be used for either purpose. It must be observed that in both cases the water was ordinarily poured from the jug (*πρόχους*, *urceolus*) over the feet or hands into the basin. As a special name for the wash-hand basin, we have the *malluvium* (Fest. p. 161) = *χειρόνιπτρον* (Poll. x. 90). The pelvis was also used for washing up cups and dishes (Non. 544). As regards the ordinary shape of the pelvis, we may gather from the *patulae pelves* of Juv. iii. 167 that it was wide and shallow. The relief of the washing of Ulysses' feet (Baumeister, *Denkmäler*, fig. 1257) shows a somewhat deeper vessel. The *malluvium* in the Aldobrandini marriage picture (*ib.* 946) is like a washing-basin of the present day. (Becker-Göll, *Gallus*, ii. 371; Mayor on Juv. x. 64.) [G. E. M.]

PENATES. See *Dict. of Gr. and Rom. Biogr. and Myth.*

PENESTAE (*πενέσται*), Thessalian serfs. The word is no doubt from the root of *πένομαι*, *πόνος*, *πένης* (Dionys. ii. 9; Curtius, *Gr. Etym.* 272), and we must reject the ancient derivation quoted below. The Penestae of Thessaly were old inhabitants of the land conquered and reduced to villenage by the Thesprotians: according to Theopompus, they were Perrhaebians and Magnetes (Athen. vi. p. 265); but Aristotle (*Pol.* ii. 9, 3) distinguishes these tribes from the Penestae, speaking of them rather as Perioeci than as serfs. Others call them Pelasgi, or, in other words, regarded them as the primitive indigenous people of Thessaly; while Archemachus (*ap.* Athen. vi. p. 264) gives the following account of them:—"The Aeolian Boeotians who did not emigrate when their country Thessaly was conquered (compare Thuc. i. 12), but from love of home surrendered themselves to serve the victors, on condition that they should not be carried out of the country (whence, he adds, they were formerly called *Μενέσται*, but afterwards *Πενέσται*), nor be put to death, but should cultivate the land for the new owners of the soil, paying by way of rent a portion of the produce of it; and many of them are richer than their masters." It appears, then, that they occupied an intermediate position between purchased slaves and freemen, being reduced to serfdom by conquest, and they are generally conceived to have stood in the same relation to their Thessalian lords as the Helots did to the Spartiatae; but this is not exactly the case, for they were apparently not, like the Helots, serfs of the state, but belonged each to some family for whom the personal service was performed, for which reason they were sometimes called *Θετταλοικέται* (Athen. vi. p. 264 a). They were very numerous, for instance, in the families of the Aleuadae and Scopadae (Theoc. xvi. 35; Müller, *Dor.* iii. 4, § 6), but they were not only tillers of the soil; they formed the retainers of these great families, and served under their masters as cavalry: a body of 300 Penestae under Menon of Pharsalus assisted the Athenians in the Peloponnesian war (Dem. *c. Arist.* p. 687, § 199; [Dem.] *περὶ Συνταξ.* p. 173, § 23). They resembled the Helots, however, in the fact that they often rose against their masters (Arist. *Pol.* l. c.). (See also Grote, *Hist. of Greece*, ii. pp. 373–376; Gilbert, *Staatsalterthümer*, ii. 16 f.) [R. W.] [G. E. M.]

PENICILLUS. [PICTURA.]

PENTACOSIOMEDIMNI. [CENSUS, Vol. I. p. 403.]

PENTADO'RON. [LATER.]

PENTAETE'RIS (*πενταετηρίς*). [OLYMPIA.]

PENTA'LITHUS. [TALUS.]

PENTASPASTON. [MACHINAE, p. 108.]

PENTA'THLON (*πένταθλον*, *quinquertium*). The pentathlon was one of the competitive games of the great festivals of Hellas, in which, as the name denotes, the competitors entered for a group of five contests. These five were leaping (*ἅλμα*), the foot-race (*δρόμος*), throwing the quoit (*δίσκος*), throwing the spear (*ἄκων* or *ἀκόντιον*), and wrestling (*πάλη*). They are included in the compact and convenient pentameter of Simonides:

ἅλμα, ποδωκείην, δίσκον, ἄκοντα, πάλην.

And Eustathius, commenting on Hom. *Il.* xxiii. 621, quotes the following distich:—

ἅλμα ποδῶν δίσκου τε βολὴ καὶ ἄκοντος ἐρωὴ
καὶ δρόμος· ἡδὲ πάλη, μία δ' ἔπλετο πᾶσι τελευτή.

In these lines the contests are placed in a slightly different order, the foot-race being last

but one, instead of second. This is also the order given by the Scholiasts on Pindar (*ad Isthm.* i. 35) and on Sophocles (*ad Elect.* 691), who are not trammelled by metre. We may therefore, and for other reasons to be touched on later, suppose this order to be the right one.

Of these five contests the δίσκος, δρόμος, and πάλη are described elsewhere (see DISCUS, STADIUM, and LUCTA). The leaping (ἅλμα) was what we call "the long jump," measured by distance on the ground, and not by height. The jumper habitually aided himself by holding in his hands ἁλτῆρες, weights of metal or stone, something like our dumb-bells (see art. HALTERES), which he dropped when he took off, thereby gaining additional impetus. But even if we take these ἁλτῆρες into account, and even imagine the further assistance of a spring-board (for which there is no authority), we can never feel absolutely satisfied as to the enormous leaps mentioned by Greek writers. The greatest is that attributed to Phaÿllus of Kroton, who is said to have cleared a distance of fifty-five feet. The Scholiast on Lucian (*ad Somn. s. Gall.* 6) writes: τῶν πρὸ αὐτοῦ σκαπτόντων ν' πόδας καὶ τούτους πηδώντων, ὁ Φάϋλλος ὑπὲρ τοὺς ν' πάνυ ἐπήδησεν. Among modern athletes the longest jumps recorded scarcely attain to even half this distance (the Hellenic foot differing little from ours: see MENSURA), without the use of artificial aid. With the assistance of weights (ἁλτῆρες), a leap of 29 ft. 7 in. was made at Chester in 1854. We are almost driven to think that the ἅλμα must have been rather a succession of bounds than a single one—possibly such a contest as that known in modern sports as "the hop, step, and jump," where each foot touches the ground once between taking off and alighting finally. The best "hop, step, and jump" on record is 49 ft. 3 in., which closely approaches the feat of Phaÿllus.* But this is of course a purely conjectural inference, and a somewhat bold one, though not without considerable plausibility.

In the passage quoted above from the Scholiast on Lucian the word σκαπτόντων will be observed. So Pindar (*Nem.* v. 19, ed. Boeckh) writes:

μακρά μοι
δὴ αὐτόθεν ἅλμαθ' ὑποσκάπτοι τις· ἔχω γονάτων ἐλαφρὸν ὁρμάν.

It will hardly do to say with the Scholiast on this passage that τὰ ἐσκαμμένα are the scratches on the ground marking the length of the other competitors' leaps, for it would seem that they are to be made before the leaps are taken—as indeed the words of the Scholiast on Lucian imply: τὰ ἐσκαμμένα, then, were probably a space of broken-up soil prepared in order to break the shock of alighting, besides giving the jumpers a mark to jump towards, and facilitating the after-measurement of the distance cleared.

The ἀκόντιον, a spear or javelin, was probably thrown at a mark, but definite details of this contest are wanting. In vase representations the weapon is thrown by a thong (see figure in article HASTA), which gave it a rotatory motion and thus increased the steadiness of its flight, on the principle of our rifled guns.

There remains the perplexing question of how the total competition of the pentathlon was regulated and decided; and with this is connected the question, already touched on, of the order of the five distinct but component events. We may say with some confidence that the order was that accepted above,—viz. leaping, throwing the quoit, throwing the spear, the foot-race, wrestling. This order is supported not only by the authority of Eustathius and the Scholiasts already quoted, but also by the following most important passage in an ode of Pindar (*Nem.* vii. 70–73), written in honour of a boy who had won the prize in this competition at the Nemean Games. The passage contains, according to a habit of Pindar's, a simile allusive to the victory celebrated. He writes:

ἀπομνύω
μὴ τέρμα προβὰς ἄκονθ' ὥτε χαλκοπάραον ὄρσαι
θοὰν γλῶσσαν, ὃς ἐξέπεμψεν παλαισμάτων
αὐχένα καὶ σθένος ἀδίαντον, αἴθωνι πρὶν ἁλίῳ γνῖον
ἐμπεσεῖν.

("I swear that without overstepping the bound I have sent forth the swift speech of my tongue as it were a bronze-headed javelin, such as saveth from the wrestling the strong neck sweatless yet, or ever the limbs be plunged in the sun's fire.") This seems plainly to imply that if a competitor proved himself the best man in the three first contests he was then exempt from contending in the two last (which would also naturally be the most exhausting of the five). Of two matched competitors, therefore, the winner was the one who "scored the odd event." This leads to the further conclusion that at the beginning the competitors were drawn in ties—A against B, C against D, E against F, and so on. Then suppose A, C, and E each to have won three out of five contests in their respective matches; these winners would be drawn again. Suppose A to be drawn against C; then E would be an ἔφεδρος, or bye, and would be matched with either A or C for the final heat (or τάξις). This is illustrated by the story in Pausanias (iii. 2, 6) of Tisamenos, a descendant of the Eleian seer Iamos, who settled among the Lacedaemonians. Misinterpreting an oracle which promised him success "in five glorious contests," he thought himself destined to win the pentathlon, and trained and entered for it accordingly, but ἀπῆλθεν ἡττηθείς· καίτοι τὰ δύο γε ἦν πρῶτος· καὶ γὰρ δρόμῳ τε ἐκράτει καὶ πηδήματι Ἱερώνυμον Ἀνδριον, καταπαλαισθεὶς δὲ ὑπ' αὐτοῦ καὶ ἁμαρτὼν τῆς νίκης—he came to understand that the oracle had foretold his success not in games, but in battles. Here it is implied, though Pausanias thinks it needless to say, that though Tisamenos won in the leap and the foot-race, he was beaten in the two throwing competitions, and therefore lost the total match by being finally beaten also in the wrestling (καταπαλαισθείς).

Of course, if there were many entries for the pentathlon, the labour for the best competitors would be very great, and also the successive ties would take a long time. Probably, however,

* This suggestion was made to the writer of this article by Mr. J. B. Martin, then President of the London Athletic Club. According to a recent traveller, the "hop, step, and jump" is practised by modern Greek youths.

the first consideration would make the field small, and the second accounts for the fact that in the Olympian games three Hellanodikai were appointed to judge in the pentathlon. Thus three matches could be going on at once.

The pentathlon was highly esteemed in Hellas for its influence on both health and comeliness, as promoting a completer development of the body than any of the single contests; and it was in especial favour among the Spartans, who disapproved the injuries and disfigurements incidental to boxing and the pancration. [A full and able discussion of most of the points here touched on will be found in an article by Prof. P. Gardner in the *Journal of Hellenic Studies*, vol. i. p. 210. Some further remarks by the writer of the present article occur in the next volume of the *Journal*, vol. ii. p. 217. For explanations differing from those here given, see A. Holwerda's *Zum Pentathlon* (*Archaeol. Zeitung*, 1881, p. 206); and Fedde's *Der Fünfkampf der Hellen.* may be consulted.] [E. M.]

PENTECOSTE (πεντηκοστή), a customs-duty of 2 per cent. levied probably upon all exports and imports at Athens (Harpoc. *s. v.*). It is known to have been levied on woollen cloth and other manufactured goods (Demosth. *Meid.* p. 558, § 133), on ruddle (*C. I. A.* 2, 546 = Hicks, No. 108), on cattle (*C. I. A.* 2, 814 a, A 39 = Dittenberger, No. 70; Hicks, No. 82), and on corn [Demosth.] *Neaer.* p. 1353, § 27. Corn, however, could only be imported, exportation being prohibited (Plut. *Solon*, 24). On imports the duty was payable on the unloading (Demosth. *Lacrit.* p. 932, § 29); on exports, probably when the goods were shipped. In paying the duty the merchant was said πεντηκοντεύεσθαι (Demosth. *l. c.*). The customs were farmed out, probably from year to year. They were let to the highest bidders by the πωληταί [POLETAE] acting under the authority of the senate. The farmers were called τελῶναι [TELONES], and were said ὠνεῖσθαι τὴν πεντηκοστήν. The chairman or principal of a company of τελῶναι was called ἀρχώνης (Andoc. 17. Boeckh, *Staatshaushaltung*, is apparently wrong in Bk. iii. 6 about the ἀρχώνης τῆς πεντηκοστῆς in this passage of Andocides; the πεντηκοστή meant must be the import-duty, as Bk. iii. 4 takes it). Whether the customs on different articles of merchandise were farmed together or separately does not appear. The corn-duty, at least, was kept distinct ([Demosth.] *Neaer.* l. c.). But Andocides speaks (p. 17) as if all the πεντηκοστή was farmed at once. The collectors of the duty (πεντηκοστολόγοι) kept books, to entries in which (ἀπογραφή) Demosthenes appeals (*Phorm.* p. 909, § 7). For calculations as to the amount of revenue derived at Athens from this source, or in Macedonia, Thrace, or Rhodes, the reader may consult Boeckh, vol. i. pp. 384–7. Pollux (viii. 132) appears to identify the πεντηκοστή with a charge called the ἑλλιμένιον; but it is more probable that the latter was merely a duty paid for the use of the harbour. Another tax at the Piraeus was the ἑκατοστή, or 1 per cent. (cf. Xen. *Rep. Ath.* i. 17), but it is impossible to discover what the tax was. It may have been identical with the ἑλλιμένιον, but there is no proof. For the speculations on its nature of Boeckh and of his editor Fränkel, see the *Staatshaushaltung*, edit. 3, vol. i. p. 390, and vol. ii. p. 77*. Aristophanes (*Vespae*, 658) mentions *many* taxes of 1 per cent. Smuggling was practised in Attica at the φωρῶν λιμήν (Demosth. *Lacr.* p. 932, § 28): see *Dict. Geog.* i. 325 b. [ELLIMENION; TELONES.]

Nothing seems to be known of customs-duties imposed by the Athenians by land. [F. T. R.]

PENTECOSTYS (πεντηκοστύς). [EXERCITUS, Vol. I. p. 769 *a*.]

PEPLUS. [PALLIUM.]

PER CONDICTIO'NEM. This form of statute process (*legis actio*), says Gaius (iv. 18), was so called because the plaintiff gave notice to the defendant to be present in court on the thirtieth day after the notice, in order that a judex might be appointed ("condicere autem denuntiare est prisca lingua:" compare Gell. x. 24; Paul. ex Festo, s. v. *condicere;* Bruns, p. 239). It was a form of personal action, that is, an action founded on an obligation between the parties to it, and applicable in those cases in which the plaintiff claimed that the defendant was bound to transfer to him ownership of a thing (*quae intendit dari oportere*). This legis actio was introduced by a Lex Silia, the date of which is uncertain (according to Voigt it was between 325 and 329 A.U.C.: see on this subject Muirhead's *Intr.* 1, § 40, n. 3), in the case of a money debt, and by a Lex Calpurnia, the date of which is also uncertain, in the case of any other definite thing (*certa res*). Gaius, who wrote long after the legis actio had ceased to be the ordinary procedure, observes that it does not appear why this form of action was needed, for in the case of an obligation to transfer (*dari oportere*) there were the forms of action by sacramentum and per judicis postulationem. The best conjectural explanation of this difficulty seems to be that the judicis postulatio was only applicable to particular obligations defined by statute, and was not, like the legis actio per condictionem, a general action for the recovery of a debt, and that the process of condictio was less formal and more convenient to suitors than that by sacramentum.

According to Keller (*Civ. Proc.* 2, § 18, ed. Wach) and some other modern writers (cf. Eisele, *Except.* p. 158; Bekker, *Act.* 1, 75), the notice in condictio was an informal proceeding executed out of court, the parties being thus saved the preliminary appearance before the magistrate, and the necessity of using solemnia verba. But that the notice did not require the presence of the magistrate seems improbable, considering the formal character of the legis actio, and the statement of Gaius (iv. 29) that in all legis actiones except pignoris capio, the proceedings took place "apud praetorem praesente adversario" (for other reasons, see Keller, *op. cit.*, note by Wach). The denuntiatio would, however, be a summary proceeding; and when the parties reappeared on the thirtieth day to receive a judex, the plaintiff would simply state that he claimed certa pecunia or certa res from the defendant without giving the ground of his claim at this stage, and thus the action would be allowed, not only on account of money lent (*pecunia credita*), but in all cases where the property of the defendant had been unjustifiably increased at the expense of the plaintiff (see Baron, *Die Condictionem*, and Muirhead, *Intr.*

p. 234). But it was necessary that certa pecunia or certa res should be claimed, and thus the plaintiff ran the risk of plus petitio. [ACTIO, Vol. I. p. 19.]

A party to condictio escaped the liability of having to pay a summa sacramenti to the magistratus [SACRAMENTUM]; but it seems probable that a sponsio and restipulatio, a kind of judicial wager, had to be entered by the parties when they came to receive a judex, at least in the case of pecunia credita; the sum staked was a third part of the object of contention. Sir Henry Maine (*Early Inst.* Lecture ix.) regards the sponsio and restipulatio as the essential feature of condictio, and the sponsio and restipulatio as a means adopted by litigants of settling disputes, instead of having recourse to violence. According to his view of the condictio, the wager was entered into by the parties immediately on notice being given, and not, as is generally supposed, on the appearance of the parties before the magistrate to receive a judex. The action called condictio under the formulary procedure developed out of the legis actio per condictionem, but the notice whence the legis actio took its name was discontinued. The condictio was either an actio de certa pecunia with a sponsio tertiae partis, or an actio de certa re, called *condictio triticaria*, an expression probably in use in the legis actio period, or, which was an extension of the action, condictio incerti, *i.e.* where the obligation was not in respect of certa pecunia or certa res. The condictio was the ordinary personal action when the formulary system was established, and was considered in later times as the typical actio in personam. As actio stricti juris, condictio was opposed to actio bonae fidei. (Keller, *Der röm. Civilprocess*, ed. by Wach; Bethmann-Hollweg, *Der röm. Civilprocess;* Karlowa, *Der röm. Civilprocess zur Zeit d. Legis actiones;* Baron, *Die Condictionem;* Muirhead, *Introduction to the Private Law of Rome*, §§ 40, 41.) [E. A. W.]

PER JU'DICIS POSTULATIO'NEM was one of the legis actiones. The passage in Gaius (iv. 17) is wanting in which this form of action is described, and the only direct reference to it is the following note of Valerius Probus (iv. 8):—"T. PR. I. A. V. P. V. D.;" that is—te, praetor, judicem arbitrumve postulo uti des; I pray you, praetor, to appoint an arbiter or judge (for the technical meaning of *postulare*, see art. ACTIO). The procedure probably derived its name from the fact that when the parties to it first appeared before the praetor they might request the immediate appointment of a judex, instead of having to wait till the thirtieth day for such appointment, as the Lex Pinaria required in the process of sacramentum (Gaius, iv. 15), and the Lex Silia in that of per condictionem (Gaius, iv. 18).

Judicis postulatio must have been used in actions under the Twelve Tables to which sacramentum was inapplicable, as would be the case in arbitria as opposed to judicia, *e.g.* actio familiae erciscundae, de arboribus succisis, actio fiduciae. We may infer, however, from a remark of Gaius (iv. 20) that it was to some extent an alternative proceeding to the actio sacramenti in personam. Its application was, perhaps, limited by statute to certain cases of contract and delict. [PER CONDICTIONEM.] (Keller, *Der röm. Civilprocess*, § 17; Bethmann-Hollweg, *Der röm. Civilprocess*, i. p. 62; Bekker, *Die Aktionen*, &c. i. pp. 18–74; Karlowa, *Der röm. Civilprocess zur Zeit. d. Legis Actiones;* Schmidt, in *Zeitsch. der Sav. Stift.* 2, 155, &c.; Voigt, *Zwölf Taf.* 1, § 62; Muirhead, *Intr. to Private Roman Law*, § 35.) [E. A. W.]

PER PI'GNORIS CAPIO'NEM. This legis actio, or form of statute process, was a legal mode of self-redress, by which certain privileged creditors could distrain on the property of their debtors who were in default. The obligations mentioned by Gaius (iv. 27, 28) as being enforceable in this way, were of a religious or public character, and probably did not give rise to any civil action (for a Greek parallel to pignoris capio, see Plato, *Legg.* xii. p. 54; Poste's Gaius, iv. §§ 26–29, comm.).

Pignoris capio, Gaius says, depended in some cases on custom (*moribus*), and in others on statute (*lege*). 1. It was founded on custom in obligations relating to military service. A soldier might seize as a pledge (*pignus capere*) anything belonging to his paymaster or person who had to furnish the aes militare (*qui stipendium distribuebat*), in case he did not make the proper payments (Gell. vii. 10; cf. Bruns, *Cession*, p. 36; Karlowa, *Der Civilproc.* p. 208 f.; Huschke, *Multa*, 401 f.): he might also make a seizure in respect of the money due to him for the purchase of a horse (*aes equestre*) (Fest. s. v. *Equestre;* Liv. i. 43; Cic. *Rep.* ii. 20, 36), and also in respect of the allowance for the food of his horse (*aes hordearium*, Fest. s. v. *Hordearium*) upon what belonged to the person whose duty it was to make the payment. Originally such payments were fixed upon particular persons, and not made out of the aerarium (Liv. i. 43; Gaius, iv. 27).

2. The law of the Twelve Tables made liable to pignoris capio, on default of payment, the buyer of a victim (*hostia*), and the hirer of a beast of burden, when the hire money was intended for a sacrifice (*in dapem*) (Huschke, *Multa*, p. 402). By a lex censoria the publicani had the right pignoris capionis in respect of vectigalia publica which were due by any lex. (Cic. *Verr.* iii. 11, 28; cf. Degerkolb, *Lex. Hieronica*, 93; Karlowa, 212, &c.)

Some modern writers think that pignoris capio was also the process in the case of damnum infectum (Gaius, iv. 31; Bethmann-Hollweg, i. 204, Anm. 13; Karlowa, p. 216). The thing was seized with certain formal words (as to the importance of the formalities by which the right of distraint had to be carried out and the wide extent of distress in primitive law, see Maine's *Early Inst.* Lecture ix.), and for this reason pignoris capio was generally considered to be a legis actio; but Gaius adds, that some doubted whether it was so, since it was performed out of court ("extra jus id est non apud praetorem"), and in most cases in the absence of the debtor, and moreover it could take place on a dies nefastus, or day on which a legis actio could not be carried on.

Thus the distress itself was not an action in the ordinary sense, but a kind of self-redress; it must, however, have very frequently given rise to an action in court, where the right to distrain was disputed. Ihering even suggests that the

distrainer was bound in all cases to justify his proceeding before the praetor. Thus it is possible that this subsequent action in court may have been the actual legis actio per pignoris capionem, and not the preliminary distress.

There is no statement in Gaius or elsewhere as to the rights of the distrainer in the thing he had taken as a pledge. Most modern writers suppose that if the debtor did not redeem the pignus (*reluere*) within two months (Dig. 42, 1, 31) it became the property of the distrainer, or that the latter had the right to sell it (*caedere pignus*, Cic. *de Or.* iii. 1, 4; Tib. iv. 13, 17). This right of distress came to an end with the abolition of the legis actio procedure. The pignus in causa judicati captum of later times was a means of execution carried out by officials under an order of the court. (Gaius, iv. §§ 26–29, 32; Keller, *Der röm. Civilprocess*, § 20; Bethmann-Hollweg, vol. i. 95; Karlowa, *Der röm. Civilprocess*, 201, &c.; Bekker, *Akt.* 1, 44; Voigt, *Zwölf Taf.* i. 502; Ihering, *Geist. d. r. R.* 1, § 11 c; Muirhead, *Introduction*, &c. § 37.) [E. A. W.]

PERA (*πήρα*), a wallet for carrying provisions and a drinking cup, worn either slung over the shoulder and under one arm, or hanging from a belt. It was used by travellers and country-folk (Hom. *Od.* xiii. 437, xvii. 197, &c.), and was part of a beggar's outfit (part of the garb of Telephus, Arist. *Nub.* 923). In later Greek times it was adopted, along with the beggar's staff (*βακτηρία*) and rags, as their professional costume by the Cynics (Mart. iv. 53, 3, "cum baculo peraque senex:" cf. Diog. Laert. vi. 13; Brunck, *Analect.* i. 223, ii. 22, 28; Auson. *Epig.* 53). A similar wallet was worn by the sower, who slung it over his right shoulder and under his left arm (Brunck, *Anal.* ii. 215); though a basket (*cophinus*) hanging from the left arm (cf. vase of Nikosthenes in Berlin Museum: Blümner, *Leben und Sitten*, iii. p. 150) was used for this as well as the other purposes which the wallet served.

In art the *pera* is most often seen in representations of Perseus slaying the Gorgon (cf. British Museum Vases, Nos. 548 and 641*). The wallet he wears was given him by the daughters of Phorcys, and is called by Hesiod (*Scut.* 224), Pindar, and other authors *κίβισις*, meaning, according to Apollodorus (*Biblioth.* ii. 4, 2, 4), *πήρα*: the word being explained as Cypriote by Hesychius. [W. C. F. A.]

PERDUELLIO. [MAJESTAS, p. 114.]

PERDUELLIO'NIS DUOVIRI (or, as Mommsen shows, more correctly called *duoviri perduellioni judicandae*) were two officers or judges appointed for the purpose of trying persons who were accused of the crime of *perduellio*. Niebuhr held that they were the same as the *quaestores parricidii;* but this view is undoubtedly erroneous, arising from the mistaken view that the latter term was the title for an office distinct from the ordinary quaestorship, whereas it was really only the full official title of that magistracy (Mommsen. *Staatsr.* ii. 525). But while the *quaestores* were elected annually, the *duoviri perduellionis* were appointed only for a special occasion. We have very little information as to the duoviral process: only three cases of its employment are recorded; and there are difficulties attaching to all of them. In the first, the trial of P. Horatius under Tullius Hostilius (Liv. i. 26), while Livy expressly mentions the nomination of *duo viri* by the king, the account given from Ulpian in the Digest (i. 13) assumes that they were quaestors, named by him after a vote of the people; while Festus, s. v. *sororium*, p. 297 M., agrees with Livy. In the second, that of M. Manlius, in B.C. 384, Livy (vi. 20), while describing it as a prosecution by the tribunes before a *concilium plebis*, adds, "sunt qui per duoviros qui de perduellione anquirerent creatos auctores sint damnatum." Lange (i. 278) proposes to reconcile the accounts, by supposing that the tribunes were elected to prosecute. Mommsen (*Hermes*, v. 253) assumes that Livy's second alternative rests on the older tradition. In the third case, the prosecution of C. Rabirius in B.C. 63 for the murder of Saturninus, thirty-six years before, we have an attempt to revive a long-disused procedure, in the interests of the democratic party, led by Caesar. Other cases of *perduellio* were conducted by tribunes or quaestors, but it is not expressly mentioned that they acted as *duo viri*. Whether *duo viri* were appointed, appears to have been determined in each instance by a special resolution of the people (Mommsen, *Staatsr.* ii. 599). Sometimes they were elected by the people (cf. Dio Cass. xxxvii. 27); but in the case of Rabirius the praetor appointed two taken by lot, but from what body we are not told, doubtless by the direction of the law specially enacted (Cic. *pro Rab. perd. reo*, 4, 12). The *duo viri* received a commission to try the case of *perduellio*, and to pass sentence if they found the prisoner guilty: both Livy, and still more strangely Cicero, seem to think that this commission assumed the guilt of the accused, and excluded the possibility of an acquittal,—an impossible view. But the sentence passed was liable to an appeal to the people, and in this case the *duo viri* appeared to support their decision, viz. virtually to act as prosecutors.

Trials for *perduellio*, if not previously obsolescent, as Mommsen thinks, in consequence of the growing practice of the tribunes to impeach before the centuries, certainly became quite obsolete after the more convenient *quaestio perpetua* dealt with offences of the same nature, under the more precise definition of *majestas*. But the term *perduellio* is found even in the Digest, though as a loose expression for the more serious kinds of *majestas*. (Cf. Mommsen, *Staatsr.* ii. 598 ff.; Clark, *Early Roman Law*, § 12, and especially Cicero's oration *pro Gaio Rabirio perduellionis reo*, with Heitland's introduction and notes.) [A. S. W.]

PEREGRI'NUS. [CIVITAS, Vol. I. p. 449.]

PE'RGULA was a kind of annexe to a house, whether at the top or the side. We find it therefore resembling (1) our verandah, roofed but open at the sides: hence used as a painter's studio (Plin. *H. N.* xxxv. § 84; Lactant. i. 22, 13; Cod. Theod. xiii. 4, 4). Being not very different from a *taberna*, or booth, it was also used to express the same things, viz.: a shop for selling wares (Auson. *Epist.* iv. 6) and a school (Juv. xi. 137; Suet. *de Gram.* 18), both being in open sheds or verandahs; and so we find "*magistrales* pergulae" (Vopisc. *Saturn.* 10). But (2) the pergula was also raised above the

ground-floor, like a covered balcony, resting on the top of the tabernae ("tabernae cum pergulis suis," *C. I. L.* iv. 138; or quite on the top of the house, not as an upper room, but an erection with roof and open sides on the house-top, and used for painting (Tertull. *adv. Valent.* 7; Dig. 9, 3, 8, § 12), or as an observatory where astrologers taught (Suet. *Aug.* 94). (3) An *arbour* or trellised walk with open ends (Plin. *H. N.* xiv. § 11, xix. § 69; Colum. iv. 21); whence the modern Italian *pergola.* This sense is illustrated by the word *pergulana* (a vine trained over a trellis; Colum. iii. 2.) (4)=the *cella lupanaria,* partly open to the street (Plaut. *pseud.* i. 2, 78). All these uses probably came from *pergo,* in the sense of something continued or projecting forward from the main building. (Marquardt, *Privatl.* 93.) [L. S.] [G. E. M.]

PERIACTOS. [THEATRUM.]

PERIDEIPNON. [FUNUS.]

PERIDROMIDES. [XYSTUS.]

PERIMERI'DIA, or PARAMERI'DIA (*περιμηρίδια*, Arrian. *Tact.* 4; *παραμηρίδια* more usually), armour for the thighs, *cuisses.* These articles of armour, though not in common use in the ordinary Greek panoply, are shown sufficiently often on the monuments as occasionally employed by Greek warriors at least as far back as the fifth century B.C. The accompanying illustrations show what may be

Παραμηρίδιον. (From a vase in British Museum.)

gathered as to their general form. They seem to have been adapted to the shape of the thigh, clasping it round in the same way as the greave clasped the leg. The lower edge is in some cases curved out in such a way as to allow room for that part of the greave which protected the knee (see fig. 1). Like the greave, too, the parameridia seem to have been constructed of metal, as is probable both from the character of the decorations traced upon them in the vase pictures, and also from the fact that they are usually there coloured like the greave. In the British Museum is a bronze object which from its form would be adapted to the parameridion, and may have been actually intended for this purpose.

For instances of its occurrence in vase-paintings, see *Brit. Mus. Cat. of Vases,* Nos. 473, 557, 591, 608; vase in Brit. Mus. B 50; Gerhard, *Aus. Vas.* ii. pl. cxxii.; *Mon. Ined.* vi. 78; and *Mus. Greg.* ii. liii.

Παραμηρίδιον. (From *Mus. Greg.*)

All these instances occur upon black-figured vases; at present no illustration of these weapons is known in art later than the fifth century B.C. In Greek writers, however, of the third century B.C. and downwards, they are frequently mentioned, but here almost exclusively as employed by cavalry, both for the rider and his horse. Xenophon (*Anab.* i. 8, 6) describes the armour of the 600 horsemen with Cyrus as consisting of thorax, parameridia, and helmet. The same writer (*de Re Eq.* 12, 8 and 10) speaks of them as among the necessary equipment of a cavalry soldier: cf. especially Id. *Cyr. Inst.* vii. 1, 2, where they are described as of bronze, alike for horses and riders; and Arrian, *Tact.* 4, where the riders have *περιμηρίδια*, the horses *παραπλευρίδια.* For parameridia as part of the protective armour of the horse in action, see also Xen. *de Re Eq.* 12, 8, and Pollux, i. 140. Xenophon (*Cyr. Inst.* vi. 4) makes a further distinction of *παραπλευρίδια* for horses driven in chariots and *παραμηρίδια* for those ridden by the cavalry. [C. S.]

PERIOECI (*περίοικοι*). This word primarily denotes the inhabitants of a district lying around some particular locality, but is generally used to describe a dependent population, living without the walls or in the country provinces of a dominant city, and, although personally free, deprived of the enjoyment of citizenship and the political rights conferred by it. The words *σύνοικοι* and *μέτοικοι* are in some degree analogous; like *περίοικοι*, they imply co-residence with a population of higher position and generally of different nationality. Of the three words, however, *μέτοικοι*, meaning "resident aliens," has the most definite connotation attached to it, while *σύνοικοι* is the most indeterminate [METOECI]. It was probably from the Spartan use of the term Perioeci that the

notion of "subject population" became so closely attached to it. We have no evidence to show that this word was employed by any other state than Sparta to denote its local dependencies, a great deal to show that it was not. But the Lacedaemonian system of Perioeci was so much the most marked in Greece, that writers often translated the titles given to other subject populations into this Lacedaemonian nomenclature.

A political condition such as that of the Perioeci of Greece, in some measure resembling the vassalage of the Germanic nations, could hardly have originated in anything else than foreign conquest; and the Perioeci of Laconia furnish a striking illustration of this. The question of their origin as a subject population is intimately connected with the question of their nationality; and as the two main accounts of the origin of the Perioeci which have come down to us, that of Ephorus and that of Isocrates, differ both in the description of the causes of their subjection and in the statements as to their original nationality, we must be content to accept the modified conclusions which scholars have supposed may be drawn from such accounts, from other chance notices, and from the probabilities of the case. Ephorus (*ap.* Strab. viii. p. 364) states that they were the original Achaean inhabitants of the territory, which the Lacedaemonian branch of the Dorians had invaded; that, during the first generation which followed on the invasion, they not only remained possessed of all private rights, but even shared the political franchise of the invaders. In the next generation, however, these political privileges were taken from them; they were made into a dependent population, and even forced to pay tribute to the dominant Dorians. Isocrates (*Panath.* § 177) draws no such distinction of race between the Spartans and the Perioeci. On the contrary, he represents the Perioeci as in their origin the δῆμος of the Spartan state, which, expelled after a period of στάσις, was reduced to the grade of a subject population by the victorious oligarchy, and scattered through the many small townships of Laconia. These accounts agree in representing the condition of the Perioeci as having been originally better than it was in historic times. The different accounts of their nationality also give us a clue to the fact, which Grote has so strongly insisted on, that in historic times there was no recognisable difference between the nationality of the Perioeci and that of the Spartans themselves. The suggestion, however, that the Perioecic population was in a large degree tinged with the old Achaean element is more than probable; and perhaps the safest theory to accept as to the origin of this people is that stated by E. Curtius in his *History of Greece* (bk. ii. ch. 1); namely, that, on the first Dorian immigration into Laconia, the Dorians mingled with the original Achaean populations, with whom they continued to live for some time, the original Hexapolis which they established in Laconia not being peculiarly Dorian. The second stage of Dorian history is marked by two of the ruling families (the originators of the double Spartan kingship) "succeeding in gaining over to their side the central body of the Dorian people, in eliminating it from its intermixture with the rest of the population, collecting its scattered elements at one point, and, supported by the power of the Dorians, establishing this point as the centre of the district and the seat of their government" (Curtius, *l. c.*). With this reaction to pure Dorism the Perioeci originate, and their nationality would thus be a mixed one, their civilisation in particular being affected by the strongly impressive character of Dorian life, precisely in the way in which Herodotus tells us that the original population of Cynuria, which was Ionian, had been "Dorised by the Argives and by time" (Herod. viii. 73). The Perioeci of Laconia in historical times were of still more varied nationality than this mixture of race implies. Amongst them we must class the Cynurians, and possibly the Sciritae, the inhabitants of the mountainous country of South Arcadia (Hesych. *s. v.* σκείρα: Arnold, in Thuc. v. 67); and, although the latter are sometimes called σύμμαχοι of the Spartans, and thus distinguished from the Perioeci, perhaps they were only distinguishable from the main body of the Perioecic population as a higher from a lower grade, and would have been included in the widest meaning of this term, which is a dependent population, not sharing in the political rights of the state on which it is dependent.

After this reduction of the larger part of the population of Laconia from freedom to partial dependence on the central state, we are told that it was forced to pay tribute to Sparta (Ephorus, *ap.* Strab. *l. c.*, συντελεῖν τῇ Σπάρτῃ). Of the nature of this tribute we know nothing: but a reference of Aristotle's to the εἰσφοραὶ or property taxes of the Spartans, which, though understood to exist, were not paid by the pure Spartans themselves, has been interpreted as meaning that the tax which the Perioeci paid was merely of this nature, a land tax to the state, also understood as affecting the Spartans but evaded by them, and not therefore a tribute paid in token of subservience by a dependent population (Arist. *Pol.* ii. 6, 23). Sir G. C. Lewis, on the other hand, held that this tax was based on the theory of territorial sovereignty; that the land was supposed to belong to the Spartans by right of conquest; and that the Perioeci paid a revenue to them for the right of *possessio* (*Phil. Mus.* vol. ii.). Other tokens of dependence were the absence of all civic privileges in the central state, and the fact that no *jus conubii* existed between them and Spartan citizens. So entirely were they regarded as something external to the Spartan state, that it is even said that the Ephors could put Perioeci to death without trial (Isocr. *Panath.* § 181). This is on the whole what we should expect from the characteristic disregard of the Spartans for rights other than civic, but the statement is rendered improbable from the difficulty of reconciling it with their general treatment of this subject population. For it does not appear that the Perioeci (especially in historic times) were generally an oppressed people, though kept in a state of political inferiority to their conquerors. They served in the Spartan armies as heavy-armed soldiers of the line, and not like the helots, as light-armed only; while at the battle of Plataea we find each of these Perioecic hoplites furnished with an attendant

helot (Herod. viii. 61). Again, at Sphacteria 292 prisoners were taken, of whom 120 were Spartans, and the rest in all probability περίοικοι (Thuc. iv. 38). We also read of καλοὶ κἀγαθοί, or "accomplished and well-born" gentlemen, amongst the Perioeci serving as volunteers in the Spartan service (Xen. *Hell.* v. 3, 9). We occasionally find a Perioecus in high command (Thuc. viii. 6), and on one occasion we find one filling the responsible post of admiral, so highly esteemed by Spartans as a source of power during the closing years of the Peloponnesian war (Id. viii. 22). But we never find a Perioecus in command of a Spartan; in the above case, for instance, in which the Perioecus held a high naval command, the fleet he commanded was not a Spartan but an allied fleet from Chios. But, in spite of these possibilities of attaining to high position within their own circle, it was not to be expected that men competent to the discharge of high functions in a state, and bearing its burdens, should patiently submit to an exclusion from all political rights. Accordingly we find that on the rising of the Helots in B.C. 464, some of the Perioeci joined them (Thuc. i. 101). When the Thebans invaded Laconia (B.C. 369), the Perioeci were ready to help them (Xen. *Hell.* vi. 5, 25). In connexion with the insurrection of Cinadon we are told that the Perioeci were most bitter against the ruling Spartans (Id. iii. 3, 6). From these and other facts (Clinton, *F. H.* Append. 22) it appears that the Perioeci of Laconia, if not an oppressed, were sometimes a disaffected and discontented class; though in cases of strong excitement, or of general danger to the whole of Greece, they identified themselves with their conquerors. The very relation, indeed, which subsisted between them, was sufficient to produce in Sparta a jealousy of her subjects, with corresponding feelings on their part. Nor can we suppose that the Dorians would willingly permit the Perioeci to acquire strength and opulence, or even to settle in large towns. In fact, it is stated by Isocrates (*Panath.* § 177) that the Spartan Dorians intentionally weakened the other inhabitants of Laconia by dispersing them over a great number of hamlets (μικροὶ τόποι) which they called πόλεις, though they were less powerful than the country parishes of Attica, and were situated in the most unproductive parts of Laconia, the best land of which was reserved for the Spartans. This last statement probably has some reference to the land distribution of Laconia attributed to Lycurgus (Plut. *Lyc.* 8). The 30,000 allotments which, we are told, were made to the Perioeci, are probably as mythical as the 9,000 equal allotments said to have been made to the Spartans (Grote, *Hist. Gr.* ch. 6); but Isocrates' statement points to the fact that, while the Spartans possessed the rich plateau of the interior, the lands of the Perioeci were mostly in the rugged territory that fringed this plain.

Still, the grievances of the Perioeci were not after all intolerable, nor do they seem to have been treated with wantonness or insolence. The distance at which many of them lived from Sparta must have rendered it impossible for them to share in the administration of the state, or to attend the public assemblies: a circumstance which must in some measure have blunted their sense of their political inferiority; nor were they subjected to the restraints and severe discipline which the necessity of maintaining their political supremacy imposed upon the Spartans (Sosib. *ap.* Athen. xv. p. 674). By way of compensation, too, the Perioeci enjoyed many advantages (though not considered as privileges) which the Spartans did not. The trade and manufactures of the country were exclusively in their hands, and carried on by them with the more facility and profit as they occupied maritime towns. Similarly the island of Cythera, the nucleus of the maritime trade of Laconia, and the port at which the merchants trading from Egypt and Libya usually touched, was a Perioecic settlement (Thuc. iv. 53; vii. 57). The cultivation of the arts, also, as well in the higher as in the lower departments, was confined to the Perioeci, the Spartans considering it beneath themselves; and many distinguished artists, such as embossers and brass-founders, were found in the Laconian schools, all of whom were probably Perioeci (Müller, *Dor.* iii. 2, 3). Nor is there wanting other evidence, though not altogether free from doubt, to show that the Spartan provincials were not in the least checked or shackled in the development of their intellectual powers (Müller, *l. c.*). Moreover, it seems natural to suppose that they enjoyed civil rights in the communities to which they belonged, and which otherwise would scarcely have been called πόλεις: but whether or no these cities had the power of electing their own chief magistrate or magistrates, what was the form of their constitution or whether it was in all cases uniform, can only be a matter of conjecture. It has been thought possible that the 20 harmosts mentioned by the Scholiast on Pindar (*Ol.* vi. 154) were Spartan governors sent to preside over Perioecic districts (Schömann, *Antiq. jur. publ. Gr.* iv. 1, 5). [HARMOSTES.] From the single instance of Cythera, to which we know a magistrate was sent from Sparta with the title κυθηροδίκης (Thuc. iv. 53), no general conclusion can be drawn; but in any case it is probable that, if governors were appointed from Sparta, they were governors, not of the several πόλεις, but of districts amongst which these πόλεις were distributed for administrative purposes. Such a theory does not necessarily imply that the internal administration of each πόλις was not in the hands of its Perioecic inhabitants themselves.

The number of Laconian (as they are called) or subject cities is said to have formerly amounted to 100 (Λακεδαίμων ἑκατόμπολις, *Strab.* viii. p. 557; Steph. Byz. *s. vv.* Αἰθαία and Αἰτωλία). Several of these lay on the coast, as Gythium, the port of Sparta, whence the whole coast of Laconia is called ἡ περιοικίς (Thuc. iii. 16). Many, however, lay more inland, as Thyrea, the chief town of the Thyreatid as it is often called, a part of Cynuria, which was a comparatively late acquisition of the Spartans, not having been finally wrested from Argos until about the year 550 B.C. It was a long and fertile strip of territory east of the Eurotas, extending down to Cape Malea, and including the island of Cythera (Herod. i. 82). But besides the fact, known to historic times, of the late acquisition of Cynuria, there is a great deal of evidence to show that the possession of

the Perioecic territory by Sparta was a slow and gradual process. It has been noticed that some of the towns mentioned by Strabo as belonging to the Lacedaemonian ἑκατόμπολις were in Messenia, and cannot therefore have been settled until after the conquest of that territory, about 635 B.C. (Schömann, *l. c.*). When we remember further that it was not until the reign of king Teleclus, about three centuries after the original foundation of Sparta, that such towns as Amyclae, Pharis, and Geronthrae on the Eurotas were conquered (Paus. iii. 2, 6), it is impossible to believe that the distribution of the Perioecic territory was such a rapid and easily completed process as the statements of Ephorus and Isocrates would lead us to believe.

Connected with the accounts of the conquest of the Perioecic territory, there are some statements which would lead us to conjecture that there was some difference of status amongst the Perioecic towns themselves. Amyclae, Pharis, and Geronthrae, for instance, are said to have been colonised from Sparta (Paus. iii. 22, 5). Boeae, which Curtius supposes to have been one of the cities forming the original Hexapolis of Laconia, was said to have been founded by a Heracleid chief (Strabo, viii. p. 364). Whether such considerations led to a difference of political status in the case of such towns, it is impossible to say; but still it seems probable that a town like Amyclae, in which was the temple of the Hyacinthian Apollo, and which was one of the great religious centres of Dorian worship (Thuc. iv. 18), would claim a preference, based on religious sentiment, over other Perioecic towns; and there is some evidence to show that the inhabitants of such towns received more considerate treatment than the general mass of Perioeci (Xen. *Hell.* iv. 5, 11).

The number of the Perioecic population of Laconia is not known; but an attempt has been made by Clinton to determinate it approximately at one stage of its history: namely, at the time of the Persian war (*F. H.* App. c. 22). He says, "At the battle of Plataea in B.C. 479, the Perioeci supplied 10,000 men. If we assume this proportion to be the same as that which the Spartan force bore to the whole number on the same occasion, or five-eighths of the whole number of citizens, this would give 16,000 for the males of full age, and the total population of this class of the inhabitants of Laconia would amount to about 66,000 persons." It will be seen, however, that this conclusion, somewhat doubtful in itself, is based on the supposition that the 10,000 Lacedaemonians who served with the Spartans at Plataea were all Perioeci. It seems more probable, however, on a comparison of two passages in Herodotus (ix. 11 with 61), that the 5,000 whom it is so difficult to account for, and who are only mentioned as making up the total sum, were Helots, and that each Perioecic hoplite was attended by one light-armed helot, just as each Spartan hoplite was attended by seven of the same class.

In the later times of Spartan history, the Perioecic towns of the coast (*Laconicae orae castella et vici*) were detached from Sparta by T. Quinctius Flaminius, and placed under the protection of the Achaean league (Müller, *Dor.* iii. 2, 1; Liv. xxxiv. 29, 30, and xxxviii. 31). Subsequently to this the Emperor Augustus released 24 towns from their subjection to Sparta, and formed them into separate communities under laws of their own. They were consequently called Eleuthero-Lacones (Paus. iii. 21, 6). But even in the time of Pausanias some of the Laconian towns were not αὐτόνομοι, but dependent upon Sparta (συντελοῦσαι εἰς Σπάρτην).

From the account given above of the probable origin of the Perioeci of Sparta we should naturally expect to find a subject population of this kind existing in most Greek states, which are known to have experienced immigrations not resulting in a total change of population, but in a combined residence of populations of different nationality. Immigrations of this kind, which resulted in combined settlements, were in a high degree the characteristic of Dorian movements; and accordingly we should expect to find a Perioecic population as the basis of the early Dorian states. This is in the main verified by facts. In Argos, for instance, we have an undoubted Perioecic population; and although no true Perioeci can be identified in cities like Sicyon and Corinth, or most of the later Dorian colonies, this is easily explained by the fact that these states were created after the movement of the great Dorian migration was over. The Perioeci of Argos were called Orneatae from the town of Orneae, apparently the first or the most important town reduced to this condition by the Argives (Herod. viii. 73). These Orneatae are called σύμμαχοι of the Argives by Thucydides (v. 67, and Arnold's note), and with them are classed the inhabitants of Cleonae; but that they were Perioeci appears from the passage of Herodotus, in which he is evidently translating the less familiar Argive term Orneatae into the more familiar Spartan one Perioeci, to show the status of the Cynurian population he is describing. How large the Perioecic population of Argolis was we do not know. A large part of it, Cynuria, was taken by the Spartans (Herod. i. 82); and the two great Achaean townships, Mycenae and Tiryns, were certainly not Perioecic towns at the time of the Persian war (Id. vii. 102, ix. 28). After their destruction by Argos about 468 B.C. (Diod. xi. 65), they may possibly have been reduced to this condition.

Amongst Dorian states outside Greek proper, we find Perioeci on the largest scale connected with the cities of Crete, which resembled Sparta in having a large subject population. But whether the so-called "Perioeci" of Crete were closely analogous to those of Sparta is an open question. [See COSMI.] Amongst the later Dorian foundations there is some evidence of the existence of Perioeci in Leucadia and Anactorium (Thuc. ii. 81, οἱ μετὰ τούτων, Arnold); and in a non-Dorian country, but one that resembled a Dorian state in its foundation, namely Elis, we have evidence of a Perioecic population (Thuc. ii. 25).

There were various other classes of dependent communities in Greece, which we find described as Perioeci; and others that bear a strong resemblance to the Perioeci of Laconia in being permanent dependencies on other states: but neither of these are we quite justified in calling "Perioeci" in the Dorian sense. Of the former class, for instance, are the native popula-

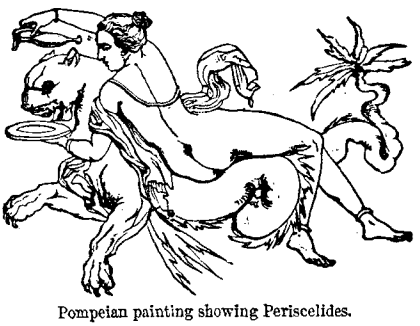
tions surrounding Greek colonies like Cyrene (Herod. iv. 159); and among dependent populations of the latter kind we may class many of the states of Thessaly. These are called *ὑπήκοοι* (Thuc. iv. 78; Arist. *Pol.* ii. 9, 3), and include the populations of what was in historical times Thessaly, such as the Perrhaebi, Magnetes, and Achaeans (of Phthiotis), which were subdued after the Thessalian migration.

[References for fuller particulars on this question may be made to Arnold's Thucydides, vol. i. app. ii., "On the Constitution of Sparta," and to a review of this work by Sir G. C. Lewis in the second volume of the *Philological Museum*, p. 39. The most exhaustive treatment of the subject will be found in O. Müller's *History of the Dorians*, bk. iii. See also Schömann, *Antiquit. Juris Pub. Graec.* iv. 1, § 5; A. Kopstadt, *De rerum Laconicarum Constitutionis Lycurgeae Origine et Indole;* Gilbert, *Staatsalterth.* i. 37. The nationality of the Perioeci is discussed chiefly in Curtius, *Hist. of Greece*, bk. ii. ch. 1, and Grote, *Hist. of Greece*, part ii. ch. 6.] [R. W.] [A. H. G.]

PERI'POLI. [EPHEBUS.]

PERI'PTEROS. [TEMPLUM.]

PERI'SCELIS. Greek and Roman women, like those in the East of to-day, wore anklets and bangles. These are frequently shown on the monuments, appearing not only on vase- and wall-paintings (cf. the following illustration from a Pompeian wall-painting, *Museo Borbonico*, vi. tav. xxxiv.), but on statuettes (cf. two bronze



Pompeian painting showing Periscelides.

statuettes of the Portici Collection, Barré, *Herc. and Pomp.* vi. pl. 13). In literature the custom of wearing them is spoken of by the Scholiast on Horace, *Ep.* i. 17, 56, and by Isidorus (xix. 31, "crurum ornamenta mulierum quo gressus earum ornantur"); while, as late as the third century after Christ, Cyprian inveighs against it (*Hab. Virg.* 16).

Pliny (*H. N.* xxxiii. §§ 39, 152) says that the plebeian women wore anklets of silver, whereas the patricians wore them of gold. Such anklets were sometimes called *compedes* (Plin. *l. c.*), but the Romans borrowed also the Greek name *περισκελίς*,—a word which occurs in inscriptions as part of the catalogue of the jewellery of a temple (Dittenb. Nos. 367–401), as well as in Menander (*Incert.* 405) and other passages (Longus, i. 5; Plut. ii. 145 C). *Periscelis* is mentioned in Horace (*Ep.* i. 17, 56) and Petronius (67, 4), and *periscelium* in Tertullian (*de Cultu Fem.* ii. 13). A certain amount of confusion as to the meaning of the word has been caused by the use of the kindred words *περισκελῆ* and *περισκέλια*, which were interpreted by the lexicographers as being *βράκια φεμινάλια*, *i.e.* drawers reaching from the navel to the knee (cf. Hieron. *Epist. ad Fabiol.*), a use which is found in the Septuagint (Exod. xxviii. 42, xxxix. 28; Levit. vi. 10, xvi. 4), but the two words are distinct in meaning. These ornaments are also called *περισφύρια* (Clem. Al. *Paed.* ii. 12, 122; cf. Herod. iv. 176), but elsewhere are referred to by more general names, such as *πέδαι* (Aristoph. *Fragm.* 320, 11 K.), or *ἀμφιδέαι* (Hesych. *s. v.*). [Cf. Iwan Müller, *Handbuch*, iv. p. 435; Marquardt, *Privatleben*, p. 705; Hübner in *Hermes*, i. p. 354.] [W. R.] [W. C. F. A.]

PERISTY'LIUM or **PERISTY'LUM.** The Greek adjective *περίστυλος* is applied either to a court surrounded by colonnades on the inside, or to a building surrounded by them on the outside, as a temple. It is then used alone, in all three genders, with a substantive understood, for a court with colonnades: hence the Latin *peristylum*, or more commonly the substantive form *peristylium*. It is especially used for the courts of a Greek dwelling-house, and for that introduced into Roman houses in imitation of them. [DOMUS, Vol. I. p. 671.] [E. A. G.]

PERO. The boots worn by shepherds and labourers in rough and muddy weather were usually of untanned leather and made at home. The Greek *ἀρβύλη* was of this kind, for the epithet *πηλοπατὶς* is given to it (Hipp. *Art.* 828), and it was used by travellers, hunters, and country-folk. It was apparently a low boot, or, at any rate, not so high as the *ἐνδρομίδες*, which were worn by horsemen and hunters and covered the calves. The *ἀρβύλη* in Eur. *Hippol.* 1189 is merely a boot of this kind (see Monk *ad loc.*). The Roman *pero* was much the same; it was of untanned leather (*crudus*, Verg. *Aen.* vii. 690), worn by ploughmen (*peronatus arator*, Pers. v. 102) and by country-folk in general (Serv. *ad* Verg. *l. c.*). Cato (in Fest. p. 142) says that they were used by the old Romans. Sidonius Apollinaris describes the boots worn by Sigismer, a royal youth of Gaul, as being made with the hair remaining upon them (*Ep.* iv. 20, "primi pedes perone setoso talos adusque vinciebantur"), but it seems unlikely that these were identical with the *perones* of classical times. On the monuments, among the many varieties of boot shown, several roughly answer to the description given above, but no satisfactory identification seems possible. (Cf. Daremberg and Saglio, *Dict. d. Antiq.* s. v. Arbylé; Mayor on Juv. xiv. 186.) [W. C. F. A.]

PERPENDI'CULUM (*κάθετος, μολυβδὶς, στάθμη*), *a plumb-line*, a string with a piece of metal attached, used by masons, carpenters, &c. to test the correctness of their perpendicular lines (Vitruv. vii. 3, 5; Isid. *Or.* xix. 18): hence the expression *ad perpendiculum* of the correct line (Cic. *Verr.* i. 51, 133; Caes. *B. G.* iv. 17, &c.). Cicero (*ad Qu. Fr.* iii. 1, 2) distinguishes it from *linea* (=*κανών*), the line for measuring horizontally. This *linea* was called in Greek also *σχοῖνος* and *σπαρτίον*, and, from its being coloured to make a mark, *μιλτεῖον*. Blümner, wrongly we think, excludes *στάθμη* from this sense, and makes it altogether equivalent to *perpendiculum*. There is no doubt that

it was sometimes a plumb-line, as in *Anth. Pal.* vi. 103, στάθμην μολιβαχθέα: but that it was also (perhaps more commonly) a horizontal line is clear from its use to make a straight τάφρος in Hom. *Od.* xxi. 121. It was probably a line getting the true direction either way; and the expressions παρὰ στάθμην, ἐπὶ στάθμην would come from either use. We have also the phrases πρὸς κάθετον, εἰς κάθετον = *ad perpendiculum.* (Blümner, *Technologie*, ii. 235.) [G. E. M.]

PERPETUA ACTIO; PERSECUTORIA ACTIO. [ACTIO.]

PERSO'NA (*larva*, πρόσωπον or προσωπεῖον), a mask. Masks were worn by Greek and Roman actors in nearly all dramatic representations. This custom arose undoubtedly from the practice of smearing the face with certain juices (Hor. *ad Pis.* 277) and colours, and of appearing in disguise, at the festivals of Dionysus [DIONYSIA]. The red colouring was appropriate to that worship (Paus. ii. 2, 6; vii. 26, 11). But leaves were also used as coverings for the face before masks (Suidas, *s. v.* θρίαμβος: cf. Athen. xiv. 622); and we hear, too, of masks made of tree-bark (Verg. *Georg.* ii. 387). Now, as the Greek drama arose out of these festivals, it is highly probable that some mode of disguising the face was as old as the drama itself. Thespis (Suidas, *s. v.* Θέσπις) is said to have smeared the face with white lead (ψιμυθίῳ), afterwards with purslane (ἀνδράχνῃ); and finally to have introduced the linen mask. Choerilus of Samos, however, is said to have been the first who introduced regular masks (Suid. *s. v.* Χοιρίλος). The invention of masks is elsewhere attributed to Aeschylus (Suid. *s. v.* Αἴσχυλος: Hor. *ad Pis.* 278), though the latter had probably only the merit of perfecting and completing the whole theatrical apparatus and costume. Phrynichus is said to have first introduced female masks (Suid. *s. v.* Φρύνιχος). Aristotle (*Poët.* 5=1449 b, 4) was unable to discover who had first introduced the use of masks in comedy. Some masks covered, like the masks of modern times, only the face, but they appear more generally to have covered the whole head like a visor, fastened with bands under the chin, for we find always the hair belonging to a mask described as being a part of it; and this must have been the case in tragedy more especially, as it was necessary to make the head correspond to the stature of an actor which was heightened by the cothurnus. The terms for having a mask put on are περιτίθεσθαι, ἐπικεῖσθαι, περικεῖσθαι: for putting off, ἀποτίθεσθαι, ἀφελεῖν (Lucian. *Tim.* 28, *Nigr.* 11, *de Salt.* 27, *pro Merc. Cond.* 5, *Icaromenipp.* 29). The masks were made by σκευοποιοί. Aristotle (*Poet.* 6=1450 b, 19) notices how important their art was for the stage effect.

I. TRAGIC MASKS. It may at first seem strange to us, that the ancients, with their refined taste in the perception of the beautiful in form and expression, should by the use of masks have deprived the spectators in their theatres of the possibility of observing the various expressions of which the human face is capable, and which with us contribute so much to theatrical illusion. But it must be remembered that in the large theatres of the ancients it would have been impossible for the greater part of the audience to distinguish the natural features of an actor. The features of the masks were for this same reason very strong and marked. Again, the *dramatis personae* of most of the ancient tragedies were heroes or gods, and their characters were so well known to the spectators, that they were perfectly typical. Every one therefore knew, immediately on the appearance of such a character on the stage, who it was, and it would have been difficult for a Greek audience to imagine that a god or hero should have had a face like that of an ordinary actor. The use of the cothurnus also rendered a proportionate enlargement of the countenance absolutely necessary, or else the figure of an actor would have been ridiculously disproportionate. Lastly, the solemn character of ancient tragedy did not admit of such a variety of expressions of the countenance as *modern* tragedies; the object of which seems to be to exhibit the whole range of human passions in all their wild and self-devouring play. How widely different are the characters of ancient tragedy! It is, as Müller (*Hist. of the Lit. of Anc. Greece*, i. p. 298) justly remarks, perfectly possible to imagine, for example, the Orestes of Aeschylus, the Ajax of Sophocles, or the Medea of Euripides, throughout the whole tragedy with the same countenance, though it would be difficult to assert the same of a character in any modern drama. But there is no necessity for supposing that the actors appeared throughout a whole piece with the same countenance; for if circumstances required it, they might surely change masks during the intervals between the acts of a piece. Whether the open or half-open mouth of a tragic mask also contributed to raise the voice of the actor, as Gellius (v. 7) thinks, cannot be decided here, though we know that all circumstances united to compel a tragic actor to acquire a loud and sonorous voice. The κωφὰ πρόσωπα appear to have had masks (Lucian, *Toxar.* 9; *de hist. conscr.* 4), also the chorus in Comedy (Schol. on Ar. *Nub.* 344; Theophr. *Char.* 6), and most probably the chorus in Tragedy, both because it was likely that all the performers should be fairly uniform in appearance, and also we are told that the Eumenides in Aeschylus's play had masks with snakes in their hair (Paus. i. 28, 6). Yet in certain illustrations, such as in Baumeister's *Denkmäler*, fig. 910, the κωφὰ πρόσωπα appear without masks.

The masks used in ancient tragedies were thus, for the most part, typical of certain characters, and consequently differed according to the age, sex, rank, and other peculiarities of the beings who were represented. Pollux, from whom we derive most of our information on this subject, enumerates (iv. 133, &c.) 28 typical or standing masks of tragedy: six for old men, eight for young men, eleven for females, and three for slaves. The number of masks was indefinite, which were not typical, but represented certain individuals with their personal peculiarities, such as the horned Actaeon, the blind Thamyris with one eye black and the other grey, the myriad-eyed Argus, Tyro with cheeks all bruised from the blows of Sidero; the representations of River and Mountain Gods, Centaurs, Titans, Giants, Indians, Tritons, the Minotaur, &c.; and such allegorical figures as Justice, Death, Madness, Drunkenness, Deceit, &c. See Pollux, iv.

141, 142, who mentions many more such *ἔκσκευα πρόσωπα*, as they were called. The only example of an *ἔκσκευον πρόσωπον* which we possess is from a very beautiful wall-painting from Pompeii, reproduced in Baumeister's *Denkmäler*, fig. 1947, p. 1851. It is Perseus with his Cap of Darkness and its griffin crest. The standing masks of tragedy are divided by Pollux (iv. 133–140) into five classes.

1. *Tragic masks for old men* (133–135).—The mask for the oldest man on the stage was called *ξυρίας ἀνήρ*, from the circumstance of the beard being smoothly shaved. The hair, which was in most cases attached to the masks, was white, and hung down with the exception of a part above the forehead, which was raised by a projection on the mask. This projection rose either into an acute angle (*λαβδοειδὲς* is the word Pollux uses), or was rounded at the top. It was called *ὄγκος*. The size of it varied chiefly according to the social position of the person represented. The chin of this mask was close shaved, the cheeks flat and hanging downwards. This would be the mask worn by Cadmus, and perhaps Priam (Suidas, *s. v. πριαμωθῆναι*). 2. A second mask for old men, called *λευκὸς ἀνήρ*, had grey hair, floating around the head in locks, the beard fixed to the mask and immovable (*γένειον πεπηγός*). It had drooping eyes and a palish colour (*παράλευκος*). This was perhaps the mask Tiresias would wear or the *παιδαγωγὸς* in Sophocles' *Electra* (43). 3. A third mask, called *σπαρτοπόλιος*, had black hair interspersed with grey, and was somewhat pale. It probably represented a hero of from 40 to 50 years, perhaps the mask of Oedipus (cf. Soph. *O. T.* 742 f.). 4. The fourth mask, *μέλας ἀνήρ*, represented a hero in his full vigour, with dark curly hair and beard, strong features and a high *ὄγκος*. This was probably the mask for most of the tragic heroes who were not very much advanced in age. 5, 6. For a secondary class of heroes there were two other masks, the *ξανθὸς* and the *ξανθότερος ἀνήρ*: the former represented a fair man with floating locks, a low *ὄγκος*, and a good colour in his countenance; the second or fairer man was pale and of a sickly appearance.

2. *Tragic masks for young men* (135–137).—Among these are mentioned: 1. The *νεανίσκος πάγχρηστος*, a mask intended to represent a man who had just entered the age of manhood, and was yet unbearded, but of a blooming and

Mask of a young man. (*Mus. Borb.* xi. Tav. xlii.)

brownish complexion, and with a rich head of black hair. This is the mask to be given to such a character as Achilles in the *Iphigenia in Aulis*. The word *πάγχρηστος*, "all-excellent," is used possibly for the virtuous hero of the piece. 2. The *νεανίσκος οὖλος*, a fair youth of a haughty character; his hair was curly and attached to a high *ὄγκος*: his character was indicated by his raised eyebrows. A specimen of the *οὖλος νεανίσκος* is given above from a statue of Melpomene (*Mus. Borb.* xi. Tav. xlii.). 3. *Νεανίσκος πάρουλος*: resembled the preceding mask, but was somewhat younger. The counterpart of these two was (4) the *ἁπαλός*, a young man of a delicate and white complexion, with fair locks and a cheerful countenance, like that of a youthful god. 5, 6. *Πυρρός*. There were two masks of this name, both representing young men of a severe appearance, of yellow complexion and fair hair, gloomy and squalid (*κατηφής*, *δυσπινής*); the one, however, was thinner and younger. 7. *Ὠχρός*, a mask quite pale, with hollow cheeks and fair floating hair. It was used to represent sick or wounded persons. 8. The *πάρωχρος* might be used for the *πάγχρηστος* if this character was to be represented in a suffering condition or in love.

3. *Tragic masks for male slaves.*—Pollux (137, 138) mentions three—viz.: 1. The *διφθερίας*, "leather jerkined," which had no *ὄγκος*, but some sort of a covering (*περίκρανον*) round the smoothly-combed white hair. The countenance was pale, the beard grey, the nose sharp, the eyebrows raised, and the expression of the eyes gloomy. Perhaps like the *θεράπων* in the *Bacchae*. 2. The *σφηνοπώγων*, "wedge-like-bearded," represented a man in the prime of life with a high and broad forehead, a large *ὄγκος*, broad and rounded inwards at the top (*κοιλαινόμενον ἐν τῇ περιφορᾷ*), hard-featured and red like a messenger. 3. The *ἀνάσιμος*, or snub-nosed, had a high *ὄγκος* (*ὑπέρογκος*) with fair hair rising up on it; had a reddish face and no beard. He, too, acted as a messenger.

4. *Tragic masks for female slaves* (139).—Of these five specimens are given. 1. *Πολιὰ κατάκομος* (*i.e.* with long grey hair), originally called *παράχρωμος* (with altered colour). It represented an old woman with long grey hair, a small *ὄγκος*, pale and dignified to indicate one who had seen better days. 2. *Τὸ ἐλεύθερον γραΐδιον*, an old freed-woman with fair hair turning grey, hanging over a small *ὄγκος* down to the shoulders. She was apparently in mourning. 3. *Τὸ οἰκετικὸν γραΐδιον* had a covering for the head of sheep-skin instead of an *ὄγκος*; was very wrinkled. 4. *Τὸ οἰκετικὸν μεσόκουρον* ("with a tonsure," like that of monks) had a small *ὄγκος*, white skin, rather pallid; was not quite grey-haired. 5. *Διφθερῖτις* represented a young slave-girl without any *ὄγκος*.

5. *Tragic masks for free women* (140, 141).—Of these seven specimens are given. 1. *Κατάκομος ὠχρὰ* represented a pale lady with long black hair and a sad expression. She generally shared the sufferings of the principal hero in the play. On the next column is an example taken from Baumeister, *op. cit.* fig. 1945, p. 1849. 2. *Μεσόκουρος ὠχρὰ* resembled the former, only that she had a tonsure and was pale, as well acquainted with sorrow. 3. *Μεσόκουρος πρόσφατος* probably represented one who was just new to some great sorrow. Hence it had the tonsure for mourning,

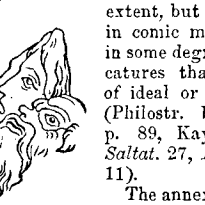
but not the paleness of 2. 4. Κούριμος παρθένος had no ὄγκος, but hair smoothly combed down

Woman's Tragic Mask. (From a painting at Herculaneum.)

on each side of the head with a little cut off in front (καὶ βραχέα ἐν κύκλῳ περικέκαρται). This was the mask of Antigone and Electra (see Brunck, *Analect.* i. 500). 5. Ἕτερα κούριμος παρθένος, like the other, except that her hair was floating about as if she was in the most violent grief. 6. The κόρη, or beautiful young girl, *e.g.* a daughter of Danaus.

The account which Pollux gives of the tragic masks comprehends a great number, but it is small in comparison with the great variety of masks which the Greeks must have used in their various tragedies; for the distorted masks with widely open mouths, which are seen in great numbers among the paintings of Herculaneum and Pompeii (see the annexed woodcut from *Museo Borbon.* vol. i. tab. 20), would give but a very inadequate notion of the masks used at Athens during the most flourishing period of the arts. All the representations of tragic masks belonging to this period do not show the slightest trace of exaggeration or distortion in the features of the countenance, and the mouth is not opened wider than would be necessary to enable a person to pronounce such sounds as *oh* or *ha*. In later times, however, distortions and exaggerations were carried to a very great extent, but more particularly in comic masks, so that they in some degree were more caricatures than representations of ideal or real countenances (Philostr. *Vit. Apollon.* v. 9, p. 89, Kayser; Lucian, *de Saltat.* 27, *Anach.* 23, *Nigrin.* 11).

Mask, from a painting at Pompeii.



Masks, Tragic and Comic, from Pompeii.

The annexed woodcut represents some masks, one apparently comic and the other tragic, which are placed at the feet of the choragus in the celebrated mosaic found at Pompeii (*Museo Borbon.* vol. ii. tab. 56; Gell, *Pomp.* vol. i. pl. 45). The ὄγκος is fairly well represented.

II. Comic Masks.—In the Old Attic Comedy, in which living and distinguished persons were so often brought upon the stage, it was necessary that the masks, though to some extent they may have been caricatures, should in the main points be faithful portraits of the individuals whom they were intended to represent, as otherwise the object of the comic poets could not have been attained (Platon. *de Diff. Com.* p. xiv. v. 80, Dübner; Aristoph. *Eq.* 230, and Schol.). We know that no σκευοποιὸς ventured to make Cleon's mask; Aelian (*V. H.* ii. 13) says that the mask of Socrates in the *Clouds* was a faithful representation. Of course, the chorus of Birds and Clouds and such like had peculiar masks of their own, as also such out-of-the-way characters as Pseudartabas in the *Acharnians*. The masks of the characters in the Old Attic Comedy were therefore, on the whole, faithful to life, and free from the burlesque exaggerations which we see in the masks of later times. A change was made in the comic masks when it was forbidden to represent in comedy the archon by imitating his person upon the stage (Schol. *ad* Aristoph. *Nub.* 31); and still more, shortly after, by the extension of this law to all Athenian citizens (Schol. *ad* Aristoph. *Ach.* 1150, *Av.* 1297; Suid. *s. v.* Ἀντίμαχος). The consequence of such laws was, that the masks henceforth, instead of individuals, represented classes of men, *i.e.* they were masks typical of men of certain professions or trades, of a particular age or station in life, and some were grotesque caricatures. A number of standing characters or masks was thus introduced in comedy. In the New Comedy they were very ridiculous and unnatural-looking, with enormously wide and distorted mouths (Platon. *de Diff. Com.* p. xiv. 83–91), at least for the characters representing the lower orders and old men. Platonius says the reason was fear of caricaturing any influential Macedonian. Pollux gives a list of such standing masks, which are divided, like those of tragedy, into five classes.

1. *Comic masks for old men* (143–145).—Nine masks of this class are mentioned. The mask representing the oldest man was called πάππος πρῶτος: his head was shaved to the skin, he had a mild expression about his eyebrows, his beard was thick, his cheeks hollow, and his eyes melancholy. His complexion was pale, and the whole expression of the countenance was mild. 2. The πάππος ἕτερος was of a more emaciated and more vehement appearance, sad and pale; he had hair on his head and a beard, but the hair was red and his ears broken from boxing. 3. The ἡγεμὼν πρεσβύτης, likewise an old man, with a thin crown of hair round his head, an aquiline nose, and a flat countenance. His right eyebrow was higher than the left. (Cf. Quintil. xi. 3, 74: "alter erecto alter composito est supercilio; atque id ostendere maxime latus actoribus moris est quod cum iis quas agunt partibus congruat.") An example of the ἡγεμὼν πρεσβύτης is given below from Müller, fig. xxi. 1 = Baumeister, fig. 905 a. 4. The πρεσβύτης μακροπώγων had a long and floating beard, and likewise a crown of hair round his head; his eyebrows were raised, but his whole aspect was that of a dull man. 5. The Ἑρμώνειος was that

of a man getting bald (*ἀναφαλαντίας*, different from *φαλακρός*, actually bald, Bekk. *Anecd.* 16, 31), but it had a beard and raised eyebrows and

Ἡγεμὼν πρεσβύτης. (From a terra-cotta mask found at Vulci.)

was of a grim appearance. The name of the mask was derived either from an actor or a *σκευοποιός*, as was also that called *Λυκομήδειος*, No. 7. 6. The *σφηνοπώγων*, or wedge-like bearded mask, was likewise bald, had raised eyebrows, and looked rather ill-tempered (*ὑποδύστροπος*). 7. The *Λυκομήδειος* (cf. No. 5) had a thick long beard and had one eyebrow raised, as if absorbed in business. 8. The *πορνοβοσκὸς* was somewhat like the latter, but his lips were contorted to a grin, his eyebrows contracted, and his head either bald or getting bald. 9. The *δεύτερος Ἑρμώνειος* had a pointed beard, but otherwise no hair.

Comic Mask for an old man.

The annexed comic mask, representing an old man, is taken from the *Museo Borbon.* vol. i. tab. A.

2. *Comic masks for young men* (146–148).—Pollux enumerates eleven masks of this kind. 1. The *πάγχρηστος* formed the transition from the old to the young men; he had but few wrinkles on his forehead, showed a muscular constitution (*γυμναστικός*), was rather red in the face, and slightly sun-burnt (*ὑποκεχρωσμένος*); the upper part of his head was bald, his hair was red, and his eyebrows raised. 2. The *νεανίσκος μέλας* was younger than the preceding one, and with low eyebrows. He represented a young man of good education and fond of gymnastic exercises. 3. The *νεανίσκος οὖλος*, or the thick-haired young man, was young and handsome, and of a blooming countenance, his eyebrows were extended, and there was only one wrinkle upon his forehead. 4. The *νεανίσκος ἁπαλός*: his hair was like that of the *πάγχρηστος*, but he was the youngest of all, and represented a tender and effeminate youth. 5. The *ἄγροικος*, or rustic young man, had a dark complexion, broad lips, a pug-nose, and a crown of hair round his head. 6. The *ἐπίσειστος στρατιώτης* was of dark complexion, and had long dark hair waving about. This would be the mask of the Miles Gloriosus. 7. The *ἐπίσειστος δεύτερος* was the same as the preceding, only younger and of a fair complexion. 8. The *κόλαξ* or the flatterer, and 9. the *παράσιτος* or parasite, were dark (compare Athen. vi. p. 237), and had aquiline noses. Both presented a luxurious and well-fed appearance (*εὐπαθεῖς*); the parasite, however, had broken ears, was merry-looking, and had a wicked expression about his eyebrows. 10. The *εἰκονικός* (*i.e.* like a statue) had a few grey hairs spread over his head, a close-shaved chin: the wearer was got up in splendid attire (*εὐπάρυφος*) and represented a stranger. He could also act a kind of parasite. Böttiger thinks we should read *Σικυωνικός*. 11. The *Σικελικὸς* was a third kind of parasite.

3. *Comic masks for male slaves* (149, 150).—Of this class seven masks are mentioned. 1. The mask representing a very old man was called *πάππος*: it had grey hair, and indicated that he had obtained his liberty. 2. The *ἡγεμὼν θεράπων* had his red hair plaited, raised eyebrows, and a contracted forehead. He was among slaves the same character as the *πρεσβύτης* among freemen. 3. The *κάτω τριχίας*, or *κάτω τετριχωμένος*, was half bald-headed, had red hair and raised eyebrows. 4. The *οὖλος θεράπων*, or the thick-haired slave, had red hair and a red countenance; he was without eyebrows, half-bald, and with squinting eyes. 5. The *θεράπων Μαίσων* was bald-headed and had red hair. *Μαίσων* was a character in a farce, like Maccus in the Atellanae, though Athenaeus (xiv. 659) and Festus (s. v. *Moeson*) say he was an actor. 6. The *θεράπων τέττιξ* was bald-headed and dark, but had two or three slips of hair on his head and on his chin, and he also had squinting eyes. Why he was called *τέττιξ* is not plain. Athenaeus (*l. c.*) says, *ἐκάλουν οἱ παλαιοὶ τὸν μὲν πολιτικὸν μάγειρον Μαίσωνα, τὸν δ' ἐκτόπιον Τέττιγα.* 7. The *ἐπίσειστος ἡγεμών*, or the audacious slave, resembled the *ἡγεμὼν θεράπων* with the exception of the hair.

4. *Comic masks for old women* (150, 151).—Pollux mentions three, viz.: 1. The *γραῖδιον ἰσχνὸν* or *λυκαίνιον*, the wolfish old woman, who was tall with many but small wrinkles, pale, and with squinting eyes. 2. The *παχεῖα γραῦς*, or the old woman with large wrinkles, and a band round her head keeping the hair together. 3. The *γραΐδιον οἰκουρόν*, or the domestic old woman. Her cheeks were hollow, and she had only two teeth on each side of her mouth.

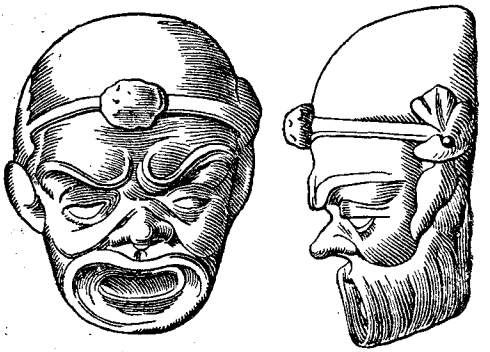
5. *Comic masks for young women* (152–154).—Pollux mentions fourteen, viz.: 1. The *γυνὴ λεκτική*, or the talking woman; her hair was smoothly combed down, the eyebrows rather raised, and the complexion white. 2. The *γυνὴ οὖλη* was distinguished from the preceding only by the way she wore her hair. 3. The *κόρη* had her hair combed smoothly, had high and black eyebrows, and a white complexion. 4. The *ψευδοκόρη* had a whiter complexion than the former, her hair was bound up on the top of the head, and she was intended to represent a young woman who had been lately married. 5. Another mask of the same name was only distinguished from the former by the fact that the hair was not divided (*τῷ ἀδιακρίτῳ τῆς κόμης*). 6. The *σπαρτοπόλιος λεκτική*, an elderly woman who had once been a prostitute, and whose hair was partly grey. 7. The *παλλακὴ* resembled the former, but had a better head of hair (*περίκομος*). 8. The *τέλειον ἑταιρικὸν* was more red in the

face than the ψευδοκόρη, and had locks about her ears. 9. The ὡραῖον ἑταιρίδιον was less got up (ἀκαλλώπιστον), and wore a band fastened round her head. 10. The διάχρυσος ἑταίρα derived the name from the gold with which her hair was adorned. 11. The διάμιτρος ἑταίρα, from the variegated band wound around her head. 12. The λαμπάδιον, from the circumstance of her hair being dressed in such a manner that it stood upright upon the head in the form of a lampas. 13. The ἁβρὰ περίκουρος represented a young female slave with her hair cut round (περικεκαρμένον), wearing only a white tucked-up chiton. 14. The παράψηστον (with straight hair) was that of a slave distinguished by her hair, and by a somewhat snub-nose: she wore a crocus-coloured chiton and represented an hetaera's servant.

It will be seen from the foregoing list that the chief points of distinction in the masks lay in the colour of the face, in the colour and arrangement of the hair, in the size of the ὄγκος, and in the eyebrows. It is to be noticed that the iris as well as the whites of the eyes must have been represented in the mask, as *e.g.* the διφθερίας (i. 13, 1) is said to have had ὀφθαλμοὺς ἀνθρωποὺς, the πάππος πρῶτος (ii. 1, 1) to have been τὴν ὄψιν κατηφῆ, the γραῖδιον ἰσχνὸν (ii. 4, 1) to have had squinting eyes, &c. Also it is to be noticed that the teeth are very rarely found in masks, and only once mentioned in Pollux's list (the γραῖδιον οἰκουρόν, ii. 4, 3).

Numerous as these masks are, the list cannot by any means be considered as complete, for we know that there were other standing masks for persons following particular kinds of trade, which are not mentioned in Pollux. Maeson of Megara, for example, is said to have invented a peculiar mask called after his own name μαίσων, another for a slave, and a third to represent a cook (Athen. xiv. p. 659). Compare Lucian, *Salt.* 27, for reference to special masks for cooks. These were a most prominent class in the New Comedy. From Athenaeus (*l. c.*) we also learn that Stephanus of Byzantium wrote a work περὶ προσώπων.

III. MASKS USED IN THE SATYRIC DRAMA (141).—The masks used in this species of the Greek drama were intended to represent Satyrs, Silenus, and similar companions of Dionysus, whence the expressions of the countenances and the form of their heads may easily be imagined. The other characters wore the ordinary tragic masks. Pollux only mentions the grey-headed Satyr, the bearded Satyr, the unbearded Satyr, and the Σειληνὸς πάππος. The latter (who perhaps occurs in the *Cyclops*) represented an old man, probably bald (Eur. *Cycl.* 227), rather like a brute (θηριωδέστερον). There appear to have been more than one kind of Silenus (Xen. *Symp.* 4, 19). All the Satyric characters appear to have had the ordinary snub-nose and pointed ears of Satyrs. The dress of the Silenus was called χορταῖος (Poll. iv. 118). A grotesque mask of a Satyr, together with one of the finest specimens of a tragic mask, is contained in the Townley Gallery in the British Museum, and is represented here. Another Satyric mask, probably that of the Silenus, is also reproduced from Müller, fig. 20, i. = Baumeister, fig. 1630.

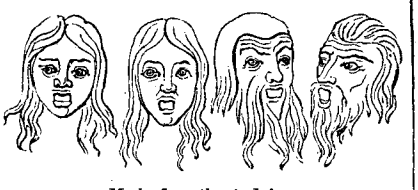


Satyric Mask in front and profile, found in a grave at Vulci.

Masks in British Museum.

As regards the earliest representations of the regular drama among the Romans, it is expressly stated by Diomedes (i. 489, 10 Keil), that masks were not used, but merely the galerus or wig, so that the colour of the hair alone indicated in a way who the character was, according as it was white (for the old), black (for the young), or red (for slaves). In the time of Terence there appear to have been no masks used [cf. such a scene as Ter. *Phorm.* i. 4, 32 ff., and the numerous passages in which a remark is said to be made *voltu laeto* or *moesto* (e.g. *Andr.* iii. 3, 20) given by Hoffer, *de personarum usu in Terentii Comoediis*, 23–30, cf. 34]; and it was not till about 110 B.C. that Roscius, as he was not good-looking and had a squint, and his manager Minucius Prothymus, introduced them into tragedy. One Cincius Faliscus is said to have introduced them into comedy (Diomed. *l. c.*; Donat. *de Com. et Trag.* p. 10, 1, Reiff.); it was some time, however, before they met with approval (Cic. *de Orat.* iii. 59, 221). Aesopus sometimes acted without a mask (Cic. *de Div.* i. 37, 80). It should, however, be remembered that masks had been used long before that time in the Atellanae (Fest. s. v. *Personata*), so that the innovation of Roscius must have been confined to the regular drama; that is, to tragedy and comedy. As for the forms of Roman masks, it may be presumed that, being introduced from

Greece at so late a period, they had the same defects as those used in Greece at the time when the arts were in their decline, and this supposition is confirmed by all works of art, and the paintings of Herculaneum and Pompeii, in which masks are represented; for the masks appear unnaturally distorted and the mouth always wide open. The expressions of Roman writers also support this supposition. (Gellius, v. 7; Juv. iii. 175.) We may mention here that some of the oldest MSS. of Terence contain representations of Roman masks, and from these MSS. they have been copied in several modern editions of that poet, as in the edition published at Urbino in 1726, fol., and in that of Dacier. The cut annexed contains representations of four of these masks prefixed to the *Andria*.



Masks from the *Andria*.

When actors at Rome displeased their audience and were hissed, they were obliged to take off their masks; but those who acted in the Atellanae were not obliged to do so (Fest. s. v. *Personata fabula;* Macrob. *Sat.* ii. 7). The Roman mimes never wore masks. [MIMUS.] (Compare Ficoroni, *Dissertatio de Larvis scenicis et Figuris comicis ant. Rom.*, Rome 1786 and 1750, 4to; Fr. Stieve, *Dissertatio de rei scenicae apud Romanos Origine;* Witzschel in Pauly, v. 1373–1380, s. v. *Persona;* F. Wieseler, *Theatergebäude und Denkmüler des Bühnenwesens;* Sommerbrodt, *Scaenica*, pp. 199–205; A. Müller, *Die Griechischen Bühnenalterthümer*, 270–289; Bernard Arnold in Baumeister's *Denkmäler*, s. vv. *Lustspiel, Satyrspiel, Schauspieler und Schauspielkunst*, and *Trauerspiel*.) [L. S.] [L. C. P.]

PE'RTICA. [MENSURA, p. 162; DECEMPEDA.]

PES. [MENSURA, pp. 161, 162.]

PESSI (πεσσοί). [LATRUNCULI.]

PE'SSULUS. [JANUA.]

PETALISMUS. [EXSILIUM, Vol. I. p. 819.]

PE'TASUS. [PILLEUS.]

PETAURISTAE. [PETAURUM.]

PETAURUM (πέταυρον, πέτευρον) was, firstly, *a pole* or *perch* upon which fowls roosted (Theoc. xiii. 13; Pollux, x. 156): hence the better known use, *a spring-board* for acrobats (*petauristae*); in its simplest form a board balanced like a seesaw, from which the performers threw themselves ("corpora jactata petauro," Juv. xiv. 265; cf. Lucil. *fr.* 100); but it might be greatly elaborated, so that they sprang off through hoops, and performed as on a trapeze. The hoops were sometimes on fire, to increase the sensational character of the feat (Petron. 53). On Manilius v. 439–443 Professor Mayor says, "Perhaps a wheel hanging loose in the air, seated on which two jugglers keep the wheel in motion, alternately rising and falling: if either were thrown off, he must leap through flames and burning hoops." This does not give a very plain sense, and it seems pretty clear that the petaurum was not itself a wheel. In the lines referred to we seem rather to see two acrobats springing from an oscillating board, as above described, through the "flammas orbesque" (= the "circulos flammantes" of Petronius): when one has thus leapt off, the other remains for a moment with no one to balance him, while the board is just swinging back, and then he also leaps off. In Mart. xi. 21 one end of the springboard rests on a revolving wheel ("rota *impacta* petauro"), and the acrobat has apparently to pass on to the wheel, which may be the "graciles viae petauri" of Mart. ii. 86. Pollux (*l. c.*) seems to compare the πέταυρον to the contrivance in which Socrates appeared aloft in the *Clouds* of Aristophanes. This will favour the connexion suggested with μετέωρος. (See further authorities in Mayor's note on Juvenal, *l. c.;* Grasberger, *Erziehung*, i. 120.) [W. S.] [G. E. M.]

PETI'TOR. [ACTOR.]

PETO'RRITUM or PETORITUM, a four-wheeled carriage, which, like the ESSEDUM, was adopted by the Romans in imitation of the Gauls (Quint. i. 5, 57; Plin. *H. N.* xxxiv. § 163; Gell. xv. 30). Its name is with probability derived from the Celtic *petvar* or *petwar*, "four," and *rit*, "a wheel." Festus (*s. v.*) observes that *petor* meant "four" in Oscan and in Aeolic Greek. There is no reason to question this statement; but it is probable that Gellius is right in saying that the name as well as the fashion came from Gaul. Ginzrot (who curiously confuses *ducenda* with *ducenta* in Hor. *Sat.* i. 6, 104) asserts that the *petorritum* was a two-wheeled carriage, on the ground that Ausonius (*Ep.* 8, 5) uses the expression "*imposta* petorrita:" he omits to notice that the same author in *Ep.* 5, 35 writes, "*subjuncta* petorrita." In truth, the carriage can be said to be *impostum* through the yoke as well as through the shafts; and the evidence from Festus, who derives the word from *four*, is conclusive. It differed from the REDA in being of rougher and commoner construction and in having no cover. From its less luxurious make, it was intended specially (though probably not exclusively) to convey the household of servants on journeys, while the master travelled in a reda (Schol. Cruq. *ad* Hor. *Ep.* ii. 1, 192). It was perhaps generally drawn by a pair of mules, as in both the passages cited from Ausonius. (Ginzrot, *Wagen der Alten Völker*, i. 224; Becker-Göll, *Gallus*, iii. 21; Marquardt, *Privatleben*, 734.) [J. Y.] [G. E. M.]

PEZETAERI (πεζέταιροι). [EXERCITUS, Vol. I. p. 777.]

PHAECA'SIA. [CALCEUS, Vol. I. p. 333.]

PHALANGAE (φάλαγγες), any long cylindrical pieces of wood, such as trunks of trees (Herod. iii. 97; Plin. *H. N.* xii. § 17), truncheons (Plin. *H. N.* vii. § 200). Hence it had two special meanings: (1) poles used to carry burdens, being supported on the shoulders of the carriers with the burden hanging below by ropes. The carriers were called *phalangarii*, and also *hexaphori, tetraphori*, &c., according to their number (*C. I. L.* vi. 1785; Non. p. 163, 26; Vitruv. x. 8). (2) The word also signified *rollers* placed under ships to move them on dry land, so as to draw them up on shore (*subducere*) or down into the water (*deducere*). They are

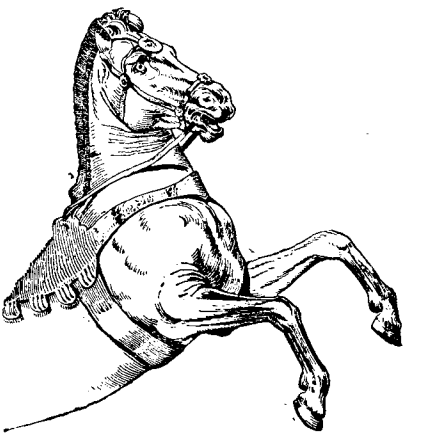
the *machinae* of Hor. *Od.* i. 4, 2 (cf. δουράτεοι κύλινδροι, Brunck, *Anal.* iii. 89; Apoll. Rhod. i. 375–389). The rollers were aided by levers (for which the oars were sometimes used) and ropes, often doubled so that the sailors pressed with their breasts, as in ordinary towing (Orph. *Arg.* 239–273). They were employed in the same manner to move military engines (Caes. *Bell. Civ.* ii. 10). [W. S.] [G. E. M.]

PHALANX. [EXERCITUS, Vol. I. pp. 768–779.]

PHALA'RICA. [HASTA.]

PHA'LERAE. The Latin word is probably derived from its Greek equivalent, φάλαρα (τά). Oddly enough, the singular, both in Latin and Greek, only occurs once in literature, φάλαρον, in Aeschylus, *Persae*, 661, and *phalera*, in a quotation from an old annalist given by Pliny (*H. N.* xxxiii. § 8). (Some commentators regard it as neut. plur.; others amend the text.)

The only passage in Homer where τὰ φάλαρα are mentioned is in the description of the Trojan attack on the Achaean ships (*Il.* xvi. 105). The poet says that the helm of Ajax rang out, as it was struck ever and anon, κὰπ φάλαρα εὐποίητα,—a use of the word very different from that of classical Greek, where it is only used of the ornaments of horses' harness. The old grammarians understood the meaning to be somewhat the same as in later times, and interpreted it as denoting disks worn as ornaments on the vizor of the helmet. Buttmann, however, maintained that they ornamented the strap of the helmet; but this, as Helbig shows (*Das homerische Epos*, ed. 1887, p. 305), assumes a form of helmet not known to Homer. Commentators since Buttmann have been inclined to connect the word, as synonymous, with φάλοι, meaning the ridges to which the crest was fixed; but as the same helmet could be τετραφάληρος and yet ἀμφίφαλος, this must be wrong. Helbig, from the analogy of ancient Italian and Phoenician helmets, decides (*op. cit.* p. 307) that they were studs or bosses, not on the vizor, as the grammarians said, but on the lower part of the casque near the cheek-pieces. There may possibly be a reminiscence of this old meaning in Aeschylus (*Pers.* 661), when he speaks of the φάλαρον of the tiara of the great king. With these exceptions, the word is always used of the metal disks or crescents with which a horse's harness was ornamented. These ornaments, which were used not only in Greece but all over the ancient world, are frequently mentioned, and received different names according to the part of the harness to which they were attached. Thus, the προμετωπίδια (=*frontalia*) were on the brow (Xen. *Cyrop.* vi. 4, 1; vii. 1, 2), the παρήια (Hom. *Il.* iv. 141) and the παραγναθίδες on the cheeks, the ἀνθήλια and παρώπια near the eyes, while the προστερνίδια (Xen. *Anab.* i. 8, 7; *de Re Eq.* 12, 8) and προστηθίδια were on the breast. They were occasionally worn by other animals, as, for instance, by the asses and bulls in the great *pompa* of Ptolemy II. and by the elephants of Antiochus (Liv. xxxvii. 40; and Plin. *H. N.* viii. § 12). They were made not only of bronze, but of silver (Liv. xxii. 52), and even of gold (Herod. i. 215, speaking of the Scythians). They were sometimes jewelled (Appian, *Mithrad.* 115), and were as a rule covered with most artistic designs, so that they were often of great value (cf. Cic. *in Verr.* iv. 12, 29). One of the most favourite ornamentations was the well-known Gorgon's head (Eur. *Rhesus*, 306).



Phalerae, from statue of Alexander. (Naples Museum.)

The Romans attached even more importance to *phalerae* than the Greeks, and Juvenal sarcastically describes the soldier of the old school who cut up masterpieces of chased work "ut phaleris gauderet ecus" (*Sat.* xi. 103). This was no doubt, to a large extent, owing to the Roman custom of bestowing them as *dona militaria*, not only to the cavalry, but also to the infantry. Polybius (vi. 29) says that φιάλαι were given to the infantry and φάλαρα to the cavalry, the difference being probably that the former were without, the latter with ornament. In any case, though there is no distinction in Latin, it would be straining Greek usage to apply the word to ornaments worn by a soldier. However this may be, both kinds of *phalerae* were worn by the soldiers themselves along with the *torques*, *armillae*, *catellae*, *fibulae*, and other military decorations, and as such are mentioned frequently in Latin literature (Verg. *Aen.* ix. 359; Florus, iii. 10, 26; Liv. ix. 46). These, like the Greek φάλαρα, were made of gold and silver no less than bronze (Polyb. xxxi. 3; Plin. *H. N.* xxxvii. § 74). Necklaces worn by women were also occasionally called *phalerae* (P. Syrus quoted by Petronius, 55), as were, too, those worn by the slaves of rich Romans (Suet. *Ner.* 30). In later writers it was used of any kind of external ornament (cf. Pers. iii. 21; Symmach. *Ep.* init. § 222).

In art not only are φάλαρα and *phalerae* shown on monuments of all ages, but the actual ornaments have been frequently found all over the ancient world. The most important of these finds have been made in the Crimea, where, at Great Blisnitza alone, no less than four complete sets of harness were found. The *phalerae* consisted of 20 round disks (ἀσπιδίσκοι, Pollux and Suidas), four lenticular plates, and several crescents. All are of the same make, consisting of a bronze plate, to the top of which a thin piece of metal with a design in hammered work

is soldered. In spite of their being crushed, the beauty of the designs, representing Greeks and Amazons and gods and giants in single combat, is very apparent. As a rule, however, such *phalerae* are ornamented with busts of Aphrodite, Athene, and other deities. The Gorgon's head is the most favourite design, and is interesting as showing that the figures were intended to be *prophylactic* (*ἀποτρόπαια*). The crescents which are frequently found with the other forms have doubtless the same purpose. One of the most curious varieties is that in which two boar's or other curved teeth are joined together at the base, forming a crescent. This is not only common on monuments and in the graves, but is mentioned in literature, as when Statius (*Theb.* ix. 689) speaks of "niveo lunata monilia dente" (for other references see Stephani, *Compte Rendu*, 1865, p. 180). These crescents of teeth are also seen in antique necklaces, have been found in Saxon graves, and are still in use for the same purpose in parts of Europe, Africa, and Asia. The monuments show that the *phalerae* were worn not only at the joints of the harness, but in long strings round the breast of the horse. The horse of the celebrated bronze equestrian statue from Herculaneum in the Naples Museum, generally known as Alexander the Great, is one of the best instances, showing particularly well the Gorgon's head at the horse's breast. There is a fine chain of pendent *phalerae* (pensilia) in the British Museum, and a very similar one in Vienna (see Arneth, *Die antiken Gold u. Silber Monumente*, S. 1, 1; Vienna, 1850).

String of Phalerae. (From British Museum.)

Roman *phalerae* as worn by soldiers are shown on many gravestones of veterans, who are represented as seated on rearing chargers with enormous *phalerae*, or as wearing the *phalerae* on their breast, with the other *dona militaria*. These were of considerable weight, and were worn on a framework of leather straps, which hung from the shoulders, was braced across the chest with three or four straps, and supported the *phalerae*. On many coins these leather frameworks are represented without a wearer. The best examples of such ornaments are those found near Lanersfort, now in the Museum at Berlin. Like the Greek, they consist of bronze disks covered with a thin plate of hammered silver, ornamented with heads of deities and genii, in high relief; the space underneath the silver being filled up with bitumen. On the back is a stout hasp, by which they were attached to the harness or the leather framework just mentioned. In many cases *phalerae* of this description have pendants in the shape of leaves hanging from them, and specimens of these are very numerous. Besides these undoubted *phalerae*, there are many brooches and

Cippus of M. Cælius.

necklaces of so similar a description that there seems to be no good reason to refuse them the name, since we know that women occasionally wore them.

The custom of giving *phalerae* as rewards for good service seems to have been discontinued in the time of Caracalla, who began the custom of giving large gold medals with the emperor's bust in relief instead, especially to the semi-barbarous chieftains on the Danube frontier.

[The best account of *φάλαρα*, both literary and monumental, is given by Stephani in the *Compte Rendu de la Commission Impériale* for 1865 (St. Petersburg, 1866); the best of the Roman *phalerae* in Otto Jahn's *Die Lanersforter Phalerae*, Bonn, 1860, and Marquardt, *Handbuch*, vii. p. 655 foll., where references to the later literature will be found. The best illustrations are in the *Atlas* of the *Compte Rendu* and in Lindenschmidt's *Tracht und Bewaffnung des römischen Heeres während der Kaiserzeit*, 1882.] [W. C. F. A.]

PHARETRA (*φαρέτρα*, *ap.* Herod. *φαρέτρεών*), a quiver. A quiver, full of arrows, was the usual accompaniment of the bow. [ARCUS.] It was consequently part of the attire of every nation addicted to archery. Virgil applies to it the epithets *Cressa*, *Lycia* (*Georg.* iii. 345; *Aen.* vii. 816); Ovid mentions the *pharetratus Geta* (*Epist. de Ponto*, i. 8, 6); Herodotus represents it as part of the ordinary armour of the Persians (vii. 61). The quiver, like the bow-case (*corytus*), was principally made of hide or leather (Herod. ii. 141), but also of wood or metal. It was adorned with gold (Anacr. xiv. 6; Verg. *Aen.* iv. 138, xi. 858), painting (Ovid, *Epist. Her.* xxi. 173), and braiding (*πολύρραπτον*, Theocr. xxv. 265). It had a lid (*πῶμα*, Hom. *Il.* iv. 116; *Od.* ix. 314). Among the Scythians the quiver and bow-case formed one object (cf. *Antiq. du Bosp. Cimm.* i. pl. 33).

Scythians with bow-case and quiver.

The form of the Greek quiver is shown in the cut below. It was suspended from the right shoulder by a belt [BALTEUS], passing over the breast and behind the back. Its most common position was on the left hip, in the usual place

Pharetrae. (Left-hand figure from the Aeginetan Marbles; right-hand figure from a Greek vase.)

of the modern sword, and consequently, as Pindar says, "under the elbow" (*Ol.* ii. 151, s. 92) or "under the arm" (*ὑπωλένιον*, Theocr. xvii. 30). It was worn thus by the Scythians (Schol. *in* Pind. *l. c.*) and by the Egyptians, and is so represented in the preceding figure of the Amazon Dinomache, copied from a Greek vase (Hope, *Costume of the Ancients*, i. 22). The left-hand figure in the same woodcut is from one of the Aegina marbles. It is the statue of an Asiatic archer, probably Paris, whose quiver (fractured in the original) is suspended equally low, but with the opening towards his right elbow, so that it would be necessary for him in taking the arrows to pass his hand behind his body instead of before it. To this fashion was opposed the Cretan method of carrying the quiver, which is exemplified in the woodcut, Vol. I. p. 416, and is uniformly seen in the ancient statues of Artemis. [J. Y.] [A. H. S.]

PHARMACON GRAPHE (*φαρμάκων γραφή*, Dem. *c. Aristocr.* p. 627, § 22, etc.; *φαρμακείας κατηγορία*, only in *argum.* Antiph. *c. Noverc.*), an indictment against one who caused the death of another by poison, given either by himself or by another person at his instigation (Dem. *c. Aristocr.* p. 628, § 24= p. 627, § 22 *lex*, and Andoc. *Myst.* § 94, *τὸν βουλεύσαντα ἐν τῷ αὐτῷ ἐνέχεσθαι καὶ τὸν τῇ χειρὶ ἐργασάμενον*: it was under this latter law that the charge of poisoning was brought against the stepmother (Antiph. *Or.* i.: cf. § 20, *ἡ δὲ αἰτία ἤδη, καὶ ἐνθυμηθεῖσα καὶ χειρουργήσασα, i.e. ἡ πέμψασα τὸ φάρμακον καὶ κελεύσασα ἐκείνῳ δοῦναι πιεῖν*, § 26). It was tried by the court of Areiopagus (Dem. *l. c.*, and Pollux, viii. 117). That the malicious intent (*πρόνοια*) was a necessary ingredient in the crime follows from Arist. *Magn. Mor.* i. 17, p. 1188 b, 31, whence we learn that the Areiopagus once acquitted a woman who had given a love potion with fatal results to a man, *ὅτι τὴν δόσιν τοῦ φίλτρου οὐ μετὰ διανοίας τοῦ ἀπολέσθαι αὐτὸν ἐδίδου* (the woman in Antiph. *c. Nov.* § 20 was put to death for the same offence, but she was a slave). Hence the case in Antiph. *sup. Choreut.* is not an instance of the indictment under discussion, for the boy Diodotus was poisoned by a draught given him to improve his voice (*εὐφωνίας χάριν ἔπιε φάρμακον καὶ πιὼν τέθνηκεν, argum.*). The punishment was death (Aelian, *V. H.* v. 18; Plut. *de Ser. Numin. vindic.* 7, p. 552 D). Poisonous drugs were frequently administered as love potions or for other purposes of a similar nature (Alciphr. *Ep.* i. 37). Men whose minds were affected by them were said *φαρμακᾶν*. Wills made by a man under the influence of drugs (*ὑπὸ φαρμάκων*) were void at Athens (Dem. *c. Steph.* p. 1133, § 16). Women who practised sorcery were called *φαρμακίδες* or *φαρμακευτρίαι* (Lucian, *Dial. Mer.* 4; Theocr. ii.). Demosthenes, as we learn from Philochorus (Harpocr. *s. v. Θεωρίς*), brought a *γραφὴ ἀσεβείας* against the Lemnian Theoris; she was put to death (Plut. *Dem.* 14; [Dem.] *c. Aristog.* i. p. 793, § 79), and Ninus suffered a like fate (Dem. *F. L.* p. 431, § 281) on a charge brought by Menecles, *ὡς φίλτρα ποιούσης τοῖς νέοις* (Schol. to Dem. *l. c.*; cf. *c. Boeot.* i. p. 995, § 2; ii. p. 1010, § 9); see also Plat. *Legg.* xi. p. 933 D. (*Att. Process*, ed. Lipsius, p. 382 f.) [C. R. K.] [H. H.]

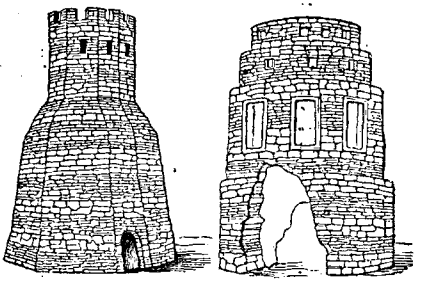
PHARMACOPO'LA (*φαρμακοπώλης*), quack doctors and drug-sellers who not only kept shops or booths for their goods, but also hawked them about. Lucian (*pro Merc. Cond.* 7) describes one as hawking (*ἀποκηρύττων*) his cough-mixture in the streets, and promising an immediate cure to all sufferers (cf. Aristoph. *Thesm.* 504). Plutarch (*de Prof. in Virt.* 8) distinguishes the *ἰατρεύων*, or trained physician, from the mere charlatan, *τὰ φάρμακα ἢ τὰ μίγματα πωλῶν*. From Aristoph. *Nub.* 766, and Lucian, *Amor.* 39, we gather that they sold other wares also. In Rome there were many quacks of this sort, who, besides the sale of drugs, professed to cure patients also, whence Pliny complains of the want of a law to punish ignorance in doctors (*H. N.* xxix. § 18; MEDICUS). Regular medicines under the Empire were sold with a label (*ἐπαγγελία*) affixed, which specified the name of the drug, of its inventor, the illnesses which it cured, the component parts, and the method of taking it. These were no doubt generally

written in a perishable form, but some for eye medicines, engraved on stone, have been preserved (Mommsen, *Epig.* ii. 450). The drugs for compounding the medicines were often brought from distant places (see Marquardt, *Privatleben*, p. 781) and obtained from druggsellers (whom Galen, xii. 587, calls μυροπῶλαι as well as φαρμακοπῶλαι, since a great part were cosmetics). The physicians, however, commonly bought not merely the materials but the drugs ready compounded, and the pharmacopola traded on his own account, selling to the public his own compounds, often no doubt counterfeit, inducing the credulous to put themselves under his treatment (Hor. *Sat.* i. 2, 1; Gell. i. 15, 9), and carrying his drugs about to country towns as the *pharmacopola circumforaneus* of Cic. *pro Cluent.* 14, 40, who is not scrupulous about selling poisons as well. (Becker-Göll, *Charikles*, iii. 59; Marquardt, *Privatleben*, 780; Blümner, *Technologie*, i. 354; Friedländer, *S. G.* i. 317.) [G. E. M.]

PHAROS or PHARUS (φάρος), a lighthouse. The most celebrated lighthouse of antiquity was that situated at the entrance to the port of Alexandria. It was built by Sostratus of Cnidos on an island, which bore the same name, by command of one of the Ptolemies, and at an expense of 800 talents (Plin. *H. N.* xxxvi. § 83; Steph. Byz. *s. v.* Φάρος; Achill. Tat. v. 6). It was square, constructed of white stone, and with admirable art; exceedingly lofty, and in all respects of great dimensions (Caesar, *Bell. Civ.* iii. 112). It contained many stories (πολυόροφον, Strabo, xvii. p. 791), which diminished in width from below upwards (Herodian, iv. 3). The upper stories had windows looking seawards, and torches or fires were kept burning in them by night in order to guide vessels into the harbour (Val. Flacc. vii. 84; see Bartoli, *Luc. Ant.* iii. 12).

Pliny (*l. c.*) mentions the lighthouses of Ostia and Ravenna, and says that there were similar towers at many other places. They are represented on the medals of Apamea and other maritime cities. The name of Pharos was given to them in allusion to that of Alexandria, which was the model for their construction (Herodian, *l. c.*; Sueton. *Claud.* 20). The Pharos of Brundusium, for example, was, like that of Alexandria, an island with a lighthouse upon it (Mela, ii. 7, § 13; Steph. Byz. *l. c.*). Suetonius (*Tiber.* 74) mentions another pharos at Capreae. Trajan's breakwater at Centum Cellae (Civita Vecchia) had a lighthouse at each end (Plin. *Ep.* vi. 31), to which Merivale (*Hist.* vii. 253) seems to refer the "Pharos Tyrrhena" in Juv. xii. 75. This is, however, probably the lighthouse at the *Portus Romanus* or *Portus Augusti* formed by Claudius two miles N. of Ostia and improved by Trajan (Suet. *Claud.* 20; Dio Cass. lx. 11; Mayor's note *ad* Juv. *l. c.*).

The annexed woodcut shows two phari remaining in Britain. The first is within the precincts of Dover Castle. It is about 40 feet high, octagonal externally, tapering from below upwards, and built with narrow courses of brick and much wider courses of stone in alternate portions. The space within the tower is square, the sides of the octagon without and of the square within being equal, viz., each 15 Roman feet. The door is seen at the bottom (Stukeley, *Itin. Curios.* p. 129). A similar pharos formerly existed at Boulogne, and is supposed to have been built by Caligula (Sueton. *Calig.* 46; Montfaucon, *Supplem.* vol. iv. L. vi. 3, 4). The round tower here introduced is on the summit



Roman Lighthouses in Britain.

of a hill on the coast of Flintshire (Pennant, *Par. of Whiteford and Holywell*, p. 112).

Baumeister (*Denkmäler*, fig. 1688) shows a relief from the Torlonia Museum of the lighthouse at the Roman Port, a round tower at the edge of the quay with beacon flames rising from its summit. A tower without flames is shown on a denarius of Sext. Pompeius as the lighthouse at Messina (Id. *ib.* p. 957). [J. Y.] [G. E. M.]

PHASIS (φάσις) was often used in a general sense to denote any kind of information (Pollux, viii. 47, κοινῶς δὲ φ. ἐκαλοῦντο πᾶσαι αἱ μηνύσεις τῶν λανθανόντων ἀδικημάτων), but technically it was one of the various methods by which public offenders at Athens might be prosecuted (Andoc. *de Myst.* § 88, ἢ γραφαὶ ἢ φάσεις ἢ ἐνδείξεις ἢ ἀπαγωγαί: cf. [Dem.] *c. Aristog.* i. p. 793, § 78, etc.). The charge, as in the γραφή, was made in writing (also called φάσις), with the names of the prosecutor and defendant, the proposed penalty (τίμημα), and the names of the κλητῆρες affixed (Pollux, *l. c.*; [Dem.] *c. Theocr.* p. 1323, § 5 ff.). The peculiarity by which the φάσις was distinguished from other methods of prosecution seems to have been that, if the prosecution was one of a purely public nature, *i.e.* where the offence immediately affected the state, the prosecutor received half the penalty (τὰ ἡμίση τῶν φανθέντων, [Dem.] *c. Theocr.* p. 1325, § 13;—*C. I. A.* ii. No. 203 b; cf. No. 17, l. 41 ff.; No. 546, ll. 18, 28;—Plat. *Legg.* v. p. 745 A). According to Pollux (*l. c.*), it might be brought against five classes of offenders: viz. 1st, against those who committed offences against the mining laws,—*e.g.* those who encroached in their mining operations on the district reserved by the state as its own (ὀντὸς τῶν μέτρων, Hyper. *pro Eux.* c. 44 f.; *Att. Process*, ed. Lipsius, p. 1020 f.), those working unregistered mines (ἀναπόγραφα μέταλλα, Hyper. *l. c.* c. 43; Hefftter, *Athen. Gerichtsverf.* p. 188); cf. Photius, *s. v.*; *Lex. Rhet. Cantabr.* p. 676, 23, emended by Meier, etc.;—2nd, against those who committed offences against the laws and customs,—*e.g.* those who conveyed corn anywhere but to Athens, or lent money for any other mart but Athens ([Dem.] *c. Lacr.* p. 940, § 50 f.; Dem. *c. Phorm.* p. 918, 37; Lyc. *c. Leocr.* § 27; Dem. *c. Dionysod.* p. 1284, § 6, cf. Platner, *Proc.*

u. Klag. ii. p. 358 ff.), or who contravened the regulations of import and export (*C. I. A.* i. No. 31, i. A; ii. No. 546) by importing goods from hostile countries (Aristoph. *Acharn.* 819 f., 908 f.; Isocr. *Trap.* § 42), or exporting arms and shipbuilding material to the enemy (Dem. *F. L.* p. 433, § 286; Aristoph. *Eq.* 278, *Ran.* 362) or by defrauding the customs (Aristoph. *Eq.* 300);—3rd, against those who appropriated state property *sine justo titulo* (Isocr. *c. Callim.* § 6; *Lex. Rhet. Cantabr.* p. 676, 23. Harpocration's definition is too narrow, *ὅταν τις ἀποφαίνῃ τῶν δημοσίων ἔχοντα μὴ πριάμενον*: see also Bekk. *Anecd.* 315, 16, *κατὰ τῶν ἀδικούντων χωρίον ἢ οἰκίαν ἤ τι τῶν δημοσίων*);—4th, against *συκοφάνται*—*i.e.* those who brought false accusations against others, not in general, but for the offences enumerated above (Schömann, *de Com.* p. 178, n. 19):—5th, against guardians who wronged their wards (Dem. *c. Naus. et Xen.* p. 991, § 23; Harpocr. *s. v.*). Pollux (*l. c.*) goes on to say, *ἐφαίνοντο δὲ πρὸς τὸν ἄρχοντα*: here as in the following paragraphs *ἄρχων* is used in a more general sense, denoting any magistrate to whom a jurisdiction belonged. Before the archon only a *φάσις* against guardians might be preferred; but the *σύνδικοι* were the presiding magistrates in all cases of appropriation of public property *sine justo titulo* [SYNDIKOI, 2], and the *ἐπιμεληταὶ τοῦ ἐμπορίου* in all cases of offences against the import and export laws, whilst offences relating to the mines and customs and cases of false accusations came before the thesmothetae. All *φάσεις* were *τιμητοὶ ἀγῶνες*. In prosecutions against fraudulent guardians the *τίμημα* went to the wards (Pollux, *l. c. τὸ τιμηθὲν ἐγίγνετο τῶν ἀδικουμένων εἰ καί τις ἄλλος ὑπὲρ αὐτῶν φήνειεν*: Schömann, *Antiq. Jur. Publ.* p. 271, n. 4, the prosecutor probably receiving a share of it); in other cases it was shared by the state and the prosecutor; sometimes a severer punishment than a fine was inflicted (Dem. *c. Phorm.* p. 918, § 37, *τὰ ἔσχατα ἐπιτίμια*: cf. Lyc. *c. Leocr.* § 27), and the cargoes and ships of those contravening the export and import laws were confiscated (Boeckh, *Seeurk.* p. 230; cf. Dem. *c. Mid.* p. 558, § 133). The prosecutor was probably liable to the payment of *πρυτανεῖα*, inasmuch as he might reap advantage from the result; if he failed to obtain a fifth part of the votes, he was subject to the fine of a thousand drachmas and partial disfranchisement (Dem. *c. Theocr.* p. 1326, § 6; *Lex. Rhet. Cantabr.* p. 677, 10). Pollux (*l. c.*), it is true, says that in that case he was liable to the *ἐπωβελία*, but he very probably confounds the two fines. We have no speech left us by the Orators on the subject of a *φάσις*, but only mention of a lost speech of Lysias, *πρὸς τὴν φάσιν τοῦ ὀρφανικοῦ οἴκου* (Harpocr. *s. v.* = *fragm.* 203).

The proceedings taken against those who cut down more olive-trees than the law permitted resembled much those of the *φάσις*: the offender had to pay for each tree a fine of a hundred drachmas to the state, and a like sum *τῷ ἰδιώτῃ τῷ ἐπεξιόντι*, and the prosecutor had to pay *πρυτανεῖα τοῦ αὐτοῦ μέρους* ([Dem.] *c. Macart.* p. 1074, § 71, *lex*). (*Att. Process*, ed. Lipsius, pp. 294–302, 812). [C. R. K.] [H. H.]

PHEIDITIA. [SYSSITIA.]

PHE'NACE (*φενάκη*). [COMA, Vol. I. p. 498 *b.*]

PHERNE (*φερνή*). [DOS.]

PHI'ALA. [PATERA.]

PHONOS (*φόνος*), homicide. The feelings and customs of the Greeks with regard to homicide in general underwent a great change during the early historical period. From the Heroic age downwards, two primitive notions may be traced at work, yielding in different degrees to more modern and civilised ideas: the right and duty of private revenge, passing subsequently into public prosecution and punishment; and the feeling that all homicide, however justifiable or accidental, required a ceremonial purification (cf. Antiph. *de Caed. Herod.* § 11; DICASTERION). Both these institutions are common to primitive societies in general; they are represented by the "avenger of blood" and the "cities of refuge" in the Mosaic law; and the former, at least, is not yet extinct where society fails in the duty of repressing violence. There are still, in America, "parts of the Southern States in which homicide goes unpunished, except by the relatives of the slain" (Bryce, *Amer. Commonwealth*, iii. 150). The parallel between early Greece and early Germany, whether as described by Tacitus or in the post-Roman Teutonic codes, is instructively worked out by Grote (pt. i. ch. 20 = i. 483 ff.).

At Athens the right of private vengeance was discountenanced and driven into the background as early as the Draconian legislation. It survived only in a few special cases: the adulterer caught in the act might be put to death by the injured husband; and personal chastity might be defended, even by bloodshed, against the worst form of *ὕβρις*. The kinsmen of the deceased were no longer allowed to take the law into their own hands, but they were the legitimate and authorised prosecutors.

By the Attic law of historic times, homicide was either *ἑκούσιος* or *ἀκούσιος*, a distinction which corresponds in some measure, but not exactly, with our *murder* and *manslaughter*; for the *φόνος ἑκούσιος* might fall within the description of justifiable homicide, while *φόνος ἀκούσιος* might be excusable homicide (*Att. Process*, pp. 377–8, Lips.). According to the different circumstances under which the homicide was committed, the tribunal to which the case was referred, and the modes of proceeding at Athens, varied. All *φονικαὶ δίκαι* belonged to the jurisdiction of the *ἄρχων βασιλεὺς* as *ἡγεμὼν δικαστηρίου*. He was anciently the sole judge in cases of unintentional homicide; for such an act was considered in a religious point of view, as being a pollution of the city; and it became his duty, as guardian of religion, to take care that the pollution (*ἄγος*) was duly expiated. On the *ἐφέται*, by whom the *ἄρχων βασιλεὺς* was assisted, see EPHETAE in Vol. I. In discussing this subject we have to consider the various courts established at Athens for the trial of homicide, the different species of crime therein respectively prosecuted, the manner of proceeding against the criminal, and the nature of the punishment to which he was liable.

Solon, who seems to have remodelled the court of Areiopagus, enacted that this court should try cases of murder and malicious wounding, besides arson and poisoning (Dem. *c. Aristocr.* p. 627, § 22). One would be deemed a murderer who instigated another to commit

the deed, provided the purpose were accomplished (Dem. *c. Conon.* p. 1264, § 25; Matthiae, *de Jud. Ath.* p. 148). Besides the court of Areiopagus, there were four other courts, of which the *ἐφέται* were judges: *τὸ ἐπὶ Παλλαδίῳ*, *τὸ ἐπὶ Δελφινίῳ*, *τὸ ἐπὶ Πρυτανείῳ*, and *τὸ ἐν Φρεαττοῖ* (Harpocr. et Suid. *s. v.* Ἐφέται). To the court *ἐπὶ Παλλαδίῳ* belonged cases of accidental homicide, manslaughter, and attempts to commit murder (*βουλεύσεις*). Such a case as that mentioned by Demosthenes (*c. Neaer.* p. 1348, § 9), of an unlawful blow followed by death, would be manslaughter. It seems also that this court had a concurrent jurisdiction with the Areiopagus in charges of murderous conspiracy, which was carried into effect. The law perhaps allowed the prosecutor to waive the heavier charge, and proceed against the offender for the conspiracy only. (Harpocr. *s. v.* Βουλεύσεως: Antiph. *Tetral.* iii. *β*, § 5; Matt. p. 150.) As to the supposed origin of this court, see Harpocr. *s. v.* Ἐπὶ Παλλαδίῳ: Pollux, viii. 118. To the court *ἐπὶ Δελφινίῳ* were referred cases where the party confessed the deed, but justified it; *ἂν τις ὁμολογῇ μὲν κτεῖναι, ἐννόμως δὲ φῇ δεδρακέναι.* Demosthenes calls it *ἀγιώτατον καὶ φρικωδέστατον* (*c. Aristocr.* p. 644, § 74; Harpocr. *s. v.* Ἐπὶ Δελφινίῳ: Pollux, viii. 119). In the court *ἐπὶ Πρυτανείῳ* the objects of prosecution were inanimate things, as wood, stone, or iron, which had caused the death of a man by falling on him (Apsychon Dikê; add to references *Att. Process*, p. 131, Lips.; Suidas, *s. v.* Νίκων: Aeschin. *c. Ctes.* § 244). Matthiae (p. 154) thinks there was an ulterior object in the investigation, viz. that, by the production of the instrument by which death was inflicted, a clue might be found to the discovery of the real murderer, if any. The court *ἐν Φρεαττοῖ* was reserved for a peculiar case; where a man, after going into exile for an unintentional homicide, and before he had appeased the relations of the deceased, was charged with having committed murder. He was brought in a ship to a place in the harbour called *Φρεαττώ*, and there pleaded his cause on board ship, while the judges remained on land. If he was convicted, he suffered the punishment of murder; if acquitted, he suffered the remainder of his former punishment. The object of this contrivance was to avoid pollution (for the crime of the first act had not yet been expiated), and at the same time to bring the second offence to trial. (Dem. *c. Aristocr.* p. 646, §§ 77–79; Harpocr. *s. v.* Ἐν Φρεαττοῖ: Pollux, viii. 120; Matth. p. 155.)

To one or other of these courts all *φονικαὶ δίκαι* were sent for trial; and it was the business of the *ἄρχων βασιλεὺς* to decide which. The task of prosecution devolved upon the nearest relatives of the deceased; and in case of a slave, upon the master. To neglect to prosecute, without good cause, was deemed an offence against religion; that is, in any relation not further removed than a second cousin (*ἀνεψιαδοῦς*). Within that degree the law enjoined the relations to prosecute, under penalty of an *ἀσεβείας γραφή*, if they failed to do so. (Dem. *c. Androt.* p. 593, § 2; *c. Macart.* p. 1069, § 57; *c. Everg. et Mnes.* pp. 1160, 1161, §§ 68–73; Antiph. *de caede Herod.* § 48.) They might, however (without incurring censure), forbear to prosecute, where the murdered man had forgiven the murderer before he died (Dem. *c. Pantaen.* p. 983, § 59); or, in cases of involuntary homicide, where the offender gave the satisfaction which the law required; unless the deceased had given a special injunction to avenge him. (Lysias, *c. Agor.* §§ 41, 78; Matth. p. 170.) The meaning of the phrase *ἐντὸς ἀνεψιαδῶν* in these cases has been disputed, some thinking that the limit was drawn at a first cousin's son, or what is usually called a first cousin once removed. It is simpler and better to take it as including second cousins, *i.e.* all the descendants of a common great-grandfather. The distinction is not noticed in L. and S. *s. v.* (Cf. Thalheim, *Rechtsalterth.* p. 59; *Att. Process*, p. 199, n. 10, Lips.)

The first step taken by the prosecutor was to give notice to the accused to keep away from all public places and sacrifices. This was called *πρόρρησις*, and was given at the funeral of the deceased (Antiph. *de caed. Her.* §§ 10, 88; *de Chor.* §§ 4, 34;—Dem. *c. Lept.* p. 505, § 158; *c. Aristocr.* p. 632, § 38; *c. Everg. et Mnes.* p. 1160, § 69). After this, he gave a public notice in the market-place, warning the accused to appear and answer to the charge: here he was said *προειπεῖν* or *προαγορεύειν φόνου* (Dem. *c. Macart.* p. 1068, § 69; [Dem.] *c. Neaer.* p. 1348, § 9). The next thing was to prefer the charge before the king-archon. To such charge the term *ἐπισκήπτεσθαι* or *ἐπεξιέναι* was peculiarly applied (Pollux, viii. 33, 118; Harpocr. *s. v.* Ἐπεσκήψατο: Antiph. *de Venef.* § 1). The charge was delivered in writing; the prosecutor was said *ἀπογράφεσθαι δίκην φόνου* (Antiph. *de Chor.* § 36). The king-archon having received it, after first warning the defendant *ἀπέχεσθαι τῶν μυστηρίων καὶ τῶν ἄλλων νομίμων* (Pollux, viii. 66, 90), proceeded in due form to the *ἀνάκρισις*. The main thing to be inquired into was the nature of the offence, and the court to which the cognisance appertained. The evidence and other matters were to be prepared in the usual way. Three months were allowed for this preliminary inquiry, and there were three special hearings, one in each month, called *διαδικασίαι*, or (as now read after Pollux, viii. 24) *προδικασίαι* (Antiph. *de Chor.* § 42); after which, in the fourth month, the king-archon *εἰσῆγε τὴν δίκην* (Matth. p. 160). The defendant was allowed to put in a *παραγραφή*, if he contended that the charge ought to be tried in one of the minor courts (Pollux, viii. 57).

All the *φονικὰ δικαστήρια* were held in the open air, in order that the judges might not be under the same roof with one suspected of impiety; nor the prosecutor with his adversary (Antiph. *de caed. Her.* § 11). The king-archon presided, with his garland taken off (Pollux, viii. 90; cf. Lycurg. *c. Leocr.* § 122; Boulé, Vol. I. p. 310 *a*). The parties were bound by the most solemn oaths: the one swearing that the charge was true, that he bore such a relationship to the deceased, and that he would in conducting his case confine himself to the question at issue; the other declaring the charge to be false (Antiph. *de caed. Herod.* §§ 11, 90; *de Chor.* §§ 14, 16;—Dem. *c. Everg. et Mnes.* p. 1161, § 73; Matth. p. 163). The witnesses on both sides were sworn in like manner (Antiph. *de caed. Herod.* §§ 12, 15; *Att. Process*, pp. 884–7, Lips.); and slaves were allowed to appear as witnesses (*Att. Process*, p. 875, Lips.). Either

party was at liberty to make two speeches, the prosecutor beginning, as may be seen from the τετραλογία of Antiphon; but both were obliged to confine themselves to the point at issue (Lys. *c. Simon.* § 46; Antiph. *de Chor.* § 16). Advocates (συνήγοροι) were not admitted to speak for the parties anciently, but in later times they were (Matth. p. 164). Two days were occupied in the trial. After the first day the defendant, if fearful of the result, was at liberty to fly the country, except in the case of parricide. Such flight could not be prevented by the adversary, but the property of the exile was confiscated (Pollux, viii. 117; Dem. *c. Aristocr.* p. 634, § 45; p. 643, § 69; Matth. p. 167). On the third day the judges proceeded to give their votes; for which two boxes or urns were provided (ὑδρίαι or ἀμφορεῖς), one of brass, the other of wood; the former for the condemning ballots, the latter for those of acquittal. An equal number of votes was an acquittal; a point first established (according to the old tradition) upon the trial of Orestes (Aeschyl. *Eumen.* 752; Matth. p. 165).

As the defence might consist either in a simple denial of the killing or of the intention to kill, or in a justification of the act, it is necessary to inquire what circumstances amounted to a legal justification or excuse. We learn from Demosthenes (*c. Aristocr.* p. 637, § 54) that it was excusable to kill another unintentionally in a gymnastic combat, or to kill a friend in battle or ambuscade, mistaking him for an enemy; that it was justifiable to slay an adulterer if caught in the act, or a paramour caught in the same way with a sister or daughter, or even with a concubine, if her children would be free. (As to an adulterer, see Lys. *de caed. Eratosth.* §§ 25, 26; Plut. *Sol.* 23.) It was lawful to kill a robber at the time when he made his attack (εὐθὺς ἀμυνόμενος), but not after (Dem. *c. Aristocr.* p. 639, § 60). By a special decree of the people, made after the expulsion of the thirty tyrants, it was lawful to kill any man who attempted to establish a tyranny, or put down the democracy, or committed treason against the state (Lycurg. *c. Leocr.* § 125; Andoc. *de Myst.* § 96). A physician was excused who caused the death of a patient by mistake or professional ignorance (Antiph. *Tetral.* § 5). This distinction, however, must be observed. Justifiable homicide left the perpetrator entirely free from pollution (καθαρόν). That which, though unintentional, was not perfectly free from blame, required to be expiated. See the remarks of Antiphon in the *Tetralogia*, B. § 11. (Cf. Thalheim, p. 42; *Att. Process*, p. 377 ff.)

It remains to speak of the punishment.

The courts were not invested with a discretionary power in awarding punishment; the law determined this according to the nature of the crime. Wilful murder was punished with death (Antiph. *de caed. Her.* § 10; Dem. *c. Mid.* p. 528, § 43). It was the duty of the Thesmothetae to see that the sentence was executed, and of the Eleven to execute it (Dem. *c. Aristocr.* p. 630, § 31; Meier, *Att. Proc.* p. 84; Schömann, *Ant. Jur. Publ.* p. 246). We have seen that the criminal might avoid it by flying before the sentence was passed. Malicious wounding was punished with banishment and confiscation of goods (Lys. *c. Simon.* § 42; Matth. p. 148). So were attempts to murder (βουλεύσεις). How far incitements to murder, by one who did not strike the blow himself, were liable to a φόνου γραφή, is a point of some difficulty. Of a case of this kind Demosthenes says (*c. Conon.* p. 1264, § 25), ἐξέβαλεν ἡ βουλὴ ἡ ἐξ Ἀρείου πάγου. The usual explanation of ἐξέβαλεν is "banished" (A. Schaefer, *Dem. u. seine Zeit*, iii. 2, 114 n.; Sandys *ad loc.*; Meier, in *Att. Process*): Lipsius pronounces this a mistake, and insists that the word means only "expelled," *i.e.* not from the country, but from the Areiopagus. Probability, as it seems to us, from the analogy of Athenian practice and its well-known aversion to crimes of violence, is all in favour of the former view. Whenever such a crime was treated as murder, it might be punished with death, at least if it was tried in the Areiopagus; for it is doubtful whether the minor courts (except that ἐν Φρεαττοῖ) had the power of inflicting capital punishment (Matth. p. 150; Schömann, *Ant. Jur. Publ.* p. 294; *Att. Proc.* p. 386, Lips.). If the criminal who was banished, or who avoided his sentence by voluntary exile, returned to the country, an ἔνδειξις might forthwith be laid against him, or he might be arrested and taken before the Thesmothetae, or even slain on the spot (Suidas, *s. v.* Ἔνδειξις: Matth. p. 168). The proceedings by ἀπαγωγὴ (arrest) might perhaps be taken against a murderer in the first instance, if the murder was attended with robbery, in which case the prosecutor was liable to the penalty of a thousand drachmas if he failed to get a fifth of the votes (Dem. *c. Aristocr.* p. 647, § 80; Meier, *Att. Proc.* p. 278, Lips.). But no murderer, even after conviction, could lawfully be killed, or even arrested, in a foreign country (Dem. *c. Aristocr.* p. 631, § 35; p. 632, § 38). The Greek notion of humanity forbade such a practice; it was a principle of international law that the exile had a safe asylum in a foreign land. If an Athenian was killed by a foreigner abroad, the only method by which his relations could obtain redress was to seize natives of the murderer's country (not more than three), and keep them until the murderer was given up for judgment. [ANDROLEPSIA.]

Those who were convicted of unintentional homicide, not perfectly excusable, were condemned to leave the country for a year. They were obliged to go out (ἐξέρχεσθαι) by a certain time, and by a certain route (τακτὴν ὁδόν), and to expiate their offence by certain rites. Their term of absence was called ἀπενιαυτισμός: which probably does not mean, as the grammarians took it, banishment for a year only, but for a longer period [EXSILIUM, p. 817 *a*]. It was their duty also to appease (αἰδεῖσθαι) the relations of the deceased, or, if he had none within the prescribed degree (ἐντὸς ἀνεψιαδῶν, see above), the members of his clan (φράτορες), either by presents or by humble entreaty and submission. If the convict could prevail on them, he might even return before his time had expired. The word αἰδεῖσθαι is used not only of the criminal humbling himself to the relations, but also of their forgiving him (Harpocr. *s. v.* Ὑποφόνια: Demosth. *c. Pantaen.* p. 983, § 59; *c. Macart.* p. 1069, § 57; *c. Aristocr.* p. 643, § 72;—Matth. p. 170). The property of such a criminal was not forfeited, and it was unlawful to do any injury to him either on his leaving

the country or during his absence (Demosth. *c. Aristocr.* p. 634, § 44).

Such was the constitution of the courts, and the state of the law, as established by Solon, and mostly indeed by Draco; for Solon retained most of Draco's *φονικοὶ νόμοι* (Demosth. *c. Everg.* p. 1161, § 71; *c. Aristocr.* p. 636, § 51). But it appears that the jurisdiction of the *ἐφέται* in later times, if not soon after the legislation of Solon, was greatly abridged [EPHETAE]; and that most of the *φονικαὶ δίκαι* were tried by a common jury. With the progress of democratic ideas, the ordinary method of trial was, as has been seen under EPHETAE, preferred to the ancient aristocratical constitution of that court. In an inscription of the year 409–8 B.C. we find that *δικάζειν* (here meaning the *ἡγεμονία δικαστηρίου*) is the function of the *βασιλεύς*, *διαγνῶναι* (*i.e.* to give a verdict, the ordinary sense of *δικάζειν*) that of the *ἐφέται* (*C. I. A.* i. 61; *Att. Process*, pp. 16, 17, Lips.). Their jurisdiction in the courts *ἐν Φρεαττοῖ* and *ἐπὶ Πρυτανείῳ* was, no doubt, still retained; and there seem to have been other peculiar cases reserved for their cognisance (Pollux, viii. 125; Matth. p. 158; Schömann, *Ant. Jur. Pub.* p. 296). Whether the powers of the Areiopagus, as a *criminal court*, were curtailed by the proceedings of Pericles and Ephialtes, or only their administrative and censorial authority as a *council*, has been discussed under AREIOPAGUS. The strong language of Demosthenes (*c. Aristocr.* p. 641, § 65) inclines one to the latter opinion. See also Dinarchus (*c. Aristog.* init.), from which it appears there was no appeal from the decision of that court (Matth. 166; Platner, *Proc. und Klag.* i. 27; Schömann, *Ant. Jur. Pub.* p. 301; Thirlwall, *Gr. Hist.* vol. iii. c. 17, p. 24).

No extraordinary punishment was imposed by the Athenian legislator on parricide. Suicide was not considered a crime in point of law, though it seems to have been deemed an offence against religion; for by the custom of the country the hand of the suicide was buried apart from his body. (Aeschin. *c. Ctes.* § 244; Aristot. *Eth. Nic.* v. 15 (11) = p. 1138 a, 12; Becker-Göll, *Charikles*, iii. 164 f.; *Att. Process*, p. 381, Lips.)

Little is known as to the *φονικοὶ νόμοι* of other states. At Sparta, it would seem, the law of *φόνος ἀκούσιος* was more severe than at Athens: one Dracontius is mentioned as banished for life for an involuntary homicide committed when a boy (Xen. *Anab.* iv. 8, § 25; cf. Grote, pt. i. ch. 20, p. 486 n.).

(Thalheim, *Rechtsalterth.* pp. 42 f., 106, 109, 125. The references in *Att. Process* are spread through the whole work, and must be found from the Index.) [C. R. K.] [W. W.]

PHOROS (*φόρος*), the tribute paid to Athens by her allies in the 5th century B.C. Upon the formation of the Confederacy of Delos in B.C. 476, the Asiatic and insular allies undertook, with a view to carrying on the war with Persia, to pay to the Confederacy a fixed amount of ships, money, or men, as settled by Aristeides. It is not clear whether states which sent ships and men were also to send money. [Thuc. i. 96 speaks as if some were to supply the one, and some the other; so in vi. 85, vii. 57. But in vii. 57 we find states which supplied money also sending contingents (compare the inscription in *C. I. A.* suppl. to vol. i. p. 10, given in Mr. Hicks' *Manual of Greek Historical Inscriptions*, No. 28): and if the important states which at first certainly supplied ships be deducted, how could the remaining states have made up so large a sum of money as Aristeides imposed?) Be that as it may, the total annual *φόρος* was fixed at starting at no less than 460 talents (Thuc. i. 96); and this amount, as apportioned between the allies, seems to have been thought a fair one (Thuc. v. 18. Plut. *Arist.* 24 says that the allies called the *φόρος* so arranged *εὐποτμία τις τῆς Ἑλλάδος*). The treasury was to be at Delos (an old religious centre, Thuc. i. 104), where also the delegates of the Confederation were to meet. But the delegates soon ceased to meet anywhere; the League was kept together by the firmness of Athens, the strongest state in it; and the treasury was removed to Athens on the suggestion of the Samians, probably the next strongest state (Plut. *Aristid.* 25; Diod. xii. 38). Delos was probably not thought a safe place for the accumulation of bullion. The date of the removal is said to have been 461 (Justin. iii. 6); but it seems more likely to have been about 454, when the stone tables of accounts, to be mentioned below, begin. The Hellenotamiae and Logistae took charge of the funds at Athens [HELLENOTAMIAE].

Athens now of course, if not earlier, charged herself with collecting the tribute. Many states were now sending money instead of their original contingents (Thuc. i. 99; Plut. *Cimon*, 11). The League was complete in numbers and in organisation by 454; and the only states which were then still sending contingents of ships and men on the original footing were probably Samos, Chios, and Lesbos. We may fairly say that by that time the Confederacy of Delos under the hegemony of Athens had been changed into an empire of Athens (*τυραννίδα γὰρ ἔχετε τὴν ἀρχήν*, Thuc. ii. 63). Aristophanes (*Vesp.* 707) speaks of 1000 allies; the names of states actually learnt from inscriptions or other sources only amount to about 300; but many little states may have been grouped into *συντέλειαι*. The empire pretty well enclosed the Aegean. It included more or less completely the coasts of Asia Minor (from the Propontis to Lycia), Macedon, and Thrace, and most of the Aegean islands. Loosely connected with it were the Western islands of Cephallenia, Corcyra, and Zacynthos (Thuc. vi. 85), and the Peloponnesian states of Troezen and Achaia (Thuc. i. 111, 115): to these, however, the organisation of the League or empire hardly applies, nor does it seem that they paid *φόρος*.

More states joined the League, as more states were set free from Persia, and states were presently allowed to send money instead of ships, or even (as Thasos) compelled to do so after the failure of attempts to secede. In these ways, as the gross amount of the *φόρος* remained the same, the quotas of single states fell, till a re-assessment in 442 cancelled most of such abatements and so raised the total. That this was the policy of Pericles may perhaps be inferred from Plut. *Arist.* 24.

At the time of the outbreak of the Peloponnesian War (B.C. 431) the *φόρος* amounted to an average of 600 talents (Thuc. ii. 13). With this fund Athens had triumphantly brought the

Persian wars to an end, and had since expended a great deal of money in embellishing the city. The money was at first brought by the allies; later, probably collected by ἀργυρολόγοι νῆες. The tribute, for such it had now become, was no doubt thought a grievance (Aristoph. *Pax*, 621): but (except in accidental cases) it cannot really have been oppressive, if a 5 per cent. tax on exports and imports was thought likely to produce more than even a double φόρος (Thuc. vii. 28). In 425 the sum was doubled, and the φόρος raised to 1200 talents or more (Andoc. *de Pace*, § 9; Aeschin. *F. L.* § 175, confirmed by inscriptions; 1300 talents, Plut. *Arist.* 24). The assessments, however, of each state do not seem to have been uniformly doubled; some were raised more, some less.

Certain stone tables of accounts, found in pieces at Athens and since put together, give us a great deal of information on the constitution of the empire, and especially on the φόρος. They have been printed in the *C. I. A.*, and edited with explanation by U. Köhler, *Urkunden und Untersuchungen zur Geschichte des delisch-attischen Bundes*, 1870: see, too, Mr. Hicks' *Manual*. The accounts only register a percentage of the whole amount received, which percentage was handed over to Athene Parthenos, at the rate of 1 mina per talent: but we can reconstruct from them a tolerably complete table of what each ally or subject paid. The League or Empire was divided into five financial provinces, and we hear of the Ionic φόρος, the Hellespontine, the insular, Carian, and Thracian. (See the language of Thuc. ii. 9, and of Plut. *Perikles*, 17, for traces of this arrangement.) Thuc. iii. 31 speaks as if the Ionic were the most productive. The tribute was re-assessed every four years (cf. Xen. *de Rep. Ath.* iii. 5), with elaborate forms apparently borrowed from the process of legislation, and the allies affected by proposed changes were heard in defence of their interests (see Hicks' *Manual*, p. 79).

In B.C. 413 the direct tribute was turned into an indirect one, and an εἰκοστὴ or tax of 5 per cent. was imposed on all exports and imports, to be collected by Athenian agents in the harbours of the allies. By this the Athenians, then pressed for money, expected to make more (Thuc. vii. 28); but the arrangement, if ever properly carried out, did not last long. [EICOSTE.]

When an Athenian league or empire was revived about B.C. 378, the term σύνταξις was used instead of φόρος for the contributions of the allies (Harpocrat. Σύνταξις). The necessity of enforcing these again made the empire unpopular.

Ἐπιφορὰ was an extra charge which could be imposed under the first empire.

(On the φόρος generally, see Boeckh's *Staatshaushaltung der Athener*, edit. 3.) [F. T. R.]

PHRATRIA. [CIVITAS; TRIBUS.]

PHTHORA TON ELEUTHERON (φθορὰ τῶν ἐλευθέρων) is only mentioned in a spurious law in Aesch. *c. Tim.* § 12, according to which the γυμνασιάρχαι who did not keep those above the age of boys out of the palaestra at the celebration of the Hermaea were liable to this charge; cf. § 10 (*Att. Process*, ed. Lipsius, p. 411). This very feast was the occasion on which Socrates was introduced to the young Lysis (Plat. *Lys.* p. 206 D f.). [C. R. K.] [H. H.]

PHYLARCHI (φύλαρχοι, φυλάρχαι). In ancient times the tribal system prevailed everywhere in Greece; the Dorians having a threefold, the Ionians a fourfold, division of this kind. [TRIBUS.] This institution remained till the latest period, with certain modifications. The phylarchs seem originally to have been the chiefs of the various tribes (φυλαί), whether in peace or war. We have direct proofs that they discharged civil functions, from the case of Epidamnus, a colony of Corcyra. The latter as a Dorian city had the three Dorian tribes, and we may infer that its colony retained them likewise. In earlier times Epidamnus was oligarchic in constitution. The strength of the oligarchy lay in the phylarchs of the three Dorian tribes, and accordingly, when the revolution came, the oligarchic phylarchs were supplanted by a democratic boule (Aristot. *Pol.* 1301 b, 22). They probably were the same as the πρόβουλοι, whom Aristotle (*Pol.* 1299 b, 31) describes performing under an oligarchy the functions discharged by the boule under a democracy. How many of these phylarchs there were, we have no means of deciding. There were probably several from each tribe, possibly the representatives of the γένη within each tribe. We know that at Ilion each tribe had several phylarchs (*C. I. G.* 3599). When the phylarchs in the change from oligarchy to democracy lost their important civil functions, they not unnaturally retained a remnant of their military importance. As they were oligarchs they naturally represented that branch of the military organisation which was especially oligarchic, and thus it is that we find them still appearing as the commanders of the cavalry of the tribes. At Athens we do not know how many there were in early times, but probably each of the four old tribes had originally several phylarchs, but subsequently had only one each under the constitution of Solon. When Cleisthenes made his ten new tribes, he increased the number of the phylarchs from four to ten, according to Herodotus (v. 19). It has been thought that the historian should have said ten phylarchs instead of the old phylobasileis, who were four in number, one for each of the old tribes (Tittmann, *Staatsv.* 274–5). But as Herodotus probably identified phylobasileis with phylarchi, there is no difficulty in the passage. Under the constitution of Cleisthenes there were ten phylarchi: one tribe (Pollux, viii. 94) commanded the cavalry contingent (100 men) of each tribe. (Cf. αἱ φυλαὶ τῶν ἱππέων, Xen. *Hipp.* 3, 11.) They were under the control of the two hipparchi. According to Pollux (viii. 94), they were chosen from each tribe by the archons collectively. This can hardly be regarded as conclusive even on his great authority. It is more probable that they were elected by Cheirotonia, like the strategi, hipparchi, and taxiarchi. As the cavalry were citizens of the two highest classes (pentacosiomedimni and hippeis), we may infer that the phylarchs always belonged to either of these classes. The office also existed at Cyzicus (cf. Inscription in *Rev. Arch.* xxx. 93), and is mentioned as next in order after the strategi.

At Methymna likewise each tribe has its φυλάρχης (inscript. in *Bull.* iv. 439). [W. RI.]

PHYLOBASILEIS (φυλοβασιλεῖς). The origin and functions of the Athenian officials called "tribe-kings" are involved in great

obscurity. Unfortunately the data are exceedingly scanty; all that we know about the office being drawn from the four or five meagre references here given. Our oldest notice is that contained in Plutarch (*Sol.* 19), who quotes the words of the Thirteenth Axon of Solon, *ἐπιτίμους εἶναι πλὴν ὅσοι ἐξ Ἀρείου Πάγου ἢ ὅσοι ἐκ τῶν Ἐφετῶν ἢ ἐκ Πρυτανείου καταδικασθέντες ὑπὸ τῶν βασιλέων ἐπὶ φόνῳ ἢ ἐπὶ σφαγαῖσιν ἢ ἐπὶ τυραννίδι ἔφυγον.* Next comes the *ψήφισμα* of Patrocleides, quoted by Andocides (*de Myst.* § 11), the wording of which is evidently framed after the Solonian law, *ἢ ἐξ Ἀρείου Πάγου ἢ τῶν Ἐφετῶν ἢ ἐκ Πρυτανείου ἢ Δελφινίου ἐδικάσθη ἢ ὑπὸ τῶν βασιλέων, ἢ ἐπὶ φόνῳ τίς ἐστι φυγή, ἢ θάνατος κατεγνώσθη, ἢ σφαγεῦσιν ἢ τυράννοις.* There can be no doubt that the *βασιλεῖς* mentioned in these two passages cannot refer to the Archon Basileus; for in the same passage Plutarch calls them by the name *πρύτανεις*: and in the decree of Patrocleides, when reference is made to the *ἄρχων βασιλεύς*, he is called in the singular *ὁ βασιλεύς*. That these *βασιλεῖς* are the same functionaries as the *φυλοβασιλεῖς* will be made clear by Pollux, viii. 111, *οἱ δὲ φυλοβασιλεῖς, ἐξ εὐπατριδῶν ὄντες, μάλιστα τῶν ἱερῶν ἐπεμελοῦντο, συνεδρεύοντες ἐν τῷ βασιλείῳ τῷ παρὰ τὸ βουκολεῖον*: and further (viii. 120), *τὸ ἐπὶ Πρυτανείῳ δικάζει περὶ τῶν ἀποκτεινάντων, κἂν ὦσιν ἀφανεῖς, καὶ περὶ τῶν ἀψύχων τῶν ἐμπεσόντων καὶ ἀποκτεινάντων. προειστήκεσαν δὲ τούτου τοῦ δικαστηρίου φυλοβασιλεῖς, οὓς ἔδει τὸ ἐμπεσὸν ἄψυχον ὑπερορίσαι.* Finally, Hesychius says, *φυλοβασιλεῖς· ἐκ τῶν φυλῶν αἱρετοί, οἱ τὰς θυσίας ἐπιτελοῦντες.*

The connexion between the *βασιλεῖς* of Solon and the *φυλοβασιλεῖς* of Pollux is proved by the connexion of the *βασιλεῖς* in the one case, and that of the *φυλοβασιλεῖς* in the other, with the Prytaneion. We have no information as regards their number; but as they existed before the time of Cleisthenes and were elected from the tribes, and as the name itself implies that there was only one for each tribe, it is not unreasonable to infer that they were four in number. As regards their functions, we may gather something from the lex of Solon and the decree of Patrocleides. In the former three distinct tribunals are mentioned—Areopagus, Ephetae, and Basileis; and also three distinct crimes—murder, manslaughter, and aiming at sovereignty. As the Areopagus tried murder cases, and the Ephetae (in the courts called Delphinion and Palladion) cases of manslaughter, it would seem that the crime which specially fell under the jurisdiction of the *βασιλεὺς* was that of attempting to become a despot. The same three tribunals and the same three crimes are mentioned in the same order in the decree of Patrocleides. Solon had left to the Ephetae the duty of sitting as judges in certain ancient courts,—the Delphinion, the Palladion, the Court at Phreatto, and the Prytaneion. In the Prytaneion the Ephetae solemnly tried inanimate objects which had taken a human life, and over the Ephetae in this court the Phylobasileis presided; and if the object was found guilty, it was their duty to convey the polluted object beyond the frontier. This, of course, was much more a religious than a legal function. Similarly, too, they acted as assessors to the Archon Basileus, sitting along with him in the Basileion. Now, as the Archon Basileus dealt with all cases of blood-guiltiness, whether murder or homicide, it is evident that the functions of his assessors would be priestly rather than judicial. The fact that the Phylobasileis were Eupatrids is of importance, when we recollect that in cases of death by violence members of certain Eupatrid families were consulted as *ἐξηγηταί* (cf. Plato, *Euthyphro*, p. 4, D). From the priestly nature of their functions it was natural that they were left untouched, both by the reforms of Solon and of Cleisthenes. Whether their number was increased to ten by Cleisthenes when he made his ten new tribes, we cannot now tell. Hesychius seems to refer merely to their office of offering sacrifices on behalf of their tribes. That such sacrifices were offered on behalf of the tribe (just as they were offered for the phratry and genos) is very probable. With reference to their origin we may suggest that just as the Archon Basileus [cf. REX SACRORUM] represented the religious functions of the ancient king of united Attica, so these "tribe-kings" represented the priestly functions of the ancient chieftains of the several separate tribes which were ultimately fused into a single community. In Homer the title *βασιλεὺς* seems given to the chief of a tribe or clan; so, for instance, Antinous and Eurymachus and other suitors are called *βασιλῆες* (*Od.* i. 394). Many traces of these ancient chieftains can be found elsewhere in Greece as well as in Athens. For example, at Elis, there were magistrates called *βασιλᾶες* (*I. G. A.* 112), who had plainly judicial functions. So also at Cyme there was a body called *βασιλεῖς* under the aesymnetes with judicial functions. Similar bodies likewise existed in the islands of Mitylene and Siphnos, but as regards their numbers we have no information. [W. RI.]

PHYLON (*φῦλον*). [TRIBUS.]

PICTU'RA (*γραφή, γραφική, ζωγραφία*), painting. 1. *Definition of terms.*—The word *γράφω* originally implies the engraving of signs of any kind, and from this it came to be used both for painting and writing: as in Greece the art of painting was known long before the introduction of writing, it is probable that the second meaning was derived from the first, the pictorial origin of writing being an obvious connexion. The same double usage was applied to *γραφὴ* and *γράμμα*: while *γραφικὴ* indicated painting as art in the abstract. As the representation of the living thing is the farthest removed from the mere signs which constitute writing, painting as distinguished from writing came to be called *ζωγραφία* (*ζῷα γράφειν*) or *ζωγραφική*: with special names for the various branches of the art, as *μεγαλογραφία*, for large subjects; *ῥωπογραφία*, for trivial or miniature subjects; *εἰκονογραφία*, portraiture; and *σκηνογραφία*, scene-painting. In Latin we have not these distinctive terms, *pingere* and its derivatives (originally applied to embroidery) doing duty for all requirements.

It is evident that the rooted idea of the word *γράφω* includes both the elements of *drawing* and also that of colouring: of the two it seems natural to suppose that drawing is the earlier in point of origin, seeing that it forms the basis of painting: and this abstract idea is probably what we are intended to understand by the ancient legends of the origin of painting in

Greece. These legends, to which we shall presently refer, seem to suggest that the earliest "paintings" were really only outline drawings, —a fact which is, however, not borne out by the evidence of the monuments. It has been suggested that what Pliny (xxxv. 15) alludes to as the earliest form of art,—"Monochrome painting," *monochromaton*,—consisted in the filling in of such outline drawings with colour, and thus forming a silhouette, similar in idea to the paintings on the earliest vases. Donner, on the other hand, suggests that the art of writing preceded that of drawing; tablets of wax, *pugillares*, and the *stilus* may be traced, he says, back to the time of Homer. Pliny states (xxi. § 85) that the wax was coloured black with paper ash, and red with *anchusa*. From writing on these tablets people took to drawing: this, in Donner's view, is the explanation of the earliest form of art, Pliny's *monochromaton*. This explanation is obviously untenable: for one thing we have no evidence to show that such red and black drawings existed in early times: the theory that writing preceded drawing is contrary to all our preconceived notions of development; and, besides, another statement of Pliny (xxxiii. § 117; xxxv. § 64) proves that in his time *monochromata* meant something quite different, the pictures being executed in various tones of the same colour. Blümner suggests that the mere outline drawings should rather be called *monogrammata*, because μονόγραμμος is the term for a very lean man.

Another word which indicates outline rather than complete drawing is περιγραφή: and since outline must to a certain extent be said to underlie all design, it is further called διαγραφή, ὑπογραφή. Pollux gives σκιαγραφία, but in such terms as to leave it in doubt as to whether the word implies the actual shadow, or merely the outline of a shadow: in some instances it means certainly the outline of a shadow; more usually, when referring to the art of a good period, it applies to painting in strong light and shade, or is another expression for σκηνογραφία. A special word for a hasty, inefficient shadow outline or sketch is σκιαριφησμός. What we in painting call the "drawing" as opposed to the "colouring," the Greeks called γραμμή: hence γραμμὰς ἑλκύειν, ἀποτίνειν, &c. (Blümner, iv. pp. 414–24).

The importance of deciding the exact application of these various terms will be seen when we approach the question of the early history of painting as given in the ancient authorities: where, as we shall see, there is good reason for supposing that the various stages of development as described by Pliny are partly at least based on his interpretations of the terms used in the Greek authorities which formed his sources of information.

In Latin, the art of drawing in the abstract was *graphica*, and the practice of it *adumbrare* or *delineare*: what we call outlining was *circumscribere*. The outline of a picture, or even the drawing, was *linea* (hence *lineas ducere*, *lineamenta*); outline drawing, *linearis pictura*.

For the practice of drawing, various materials were used: the most general would be the tablet of wood, which was covered with wax, and the *stilus*, γραφὶς or γραφεῖον: γραφὶς was also used for a fine brush, the *penicillus*, which was employed either on wood, such as box or cedar, or on parchment: the silver point seems alluded to in Pliny (xxxiii. 98); and the usage of red pencil and of charcoal is likewise attested.

By the addition of *colour*, drawing becomes painting. For colouring matter, the ancients spoke of φάρμακον, *medicamentum*, *pigmentum*, as distinguished from χρῶμα, *color*, the actual colour prepared for use. Pollux speaks further of ἄνθη, χρώματα ἀνθηρά: a further distinction is made in the art writers between *colores floridi* and *colores austeri*. The laying on of colour is χρώζειν, χραίνειν (with compounds); also ἄνθεσι φαιδρύνειν. In a bad sense of "daubing," καταποικίλλειν and ἐναλείφειν, *inlinere*: the Latin word, however, need not always signify the derogatory sense. *Circumlinere* is the working-up of the background from which the subject stands out.

For shading, Pollux gives σκίαν ὑποτυπώσασθαι or σκιάζειν. In artistic criticism we find *lumen et umbra* used in the modern sense: *splendor*, probably for strong gleaming lights or reflexion: τόνος, the "assistance of light and shade, perhaps the general ground tone of the picture:" ἁρμογή, *commissurae et transitus colorum*, the toning of one colour into another. These terms will give some idea of the kind of effects which an ancient art-critic would probably have had principally in his mind.

2. *Technique.*—With a view to a clearer understanding of the usage of terms in the descriptions which follow, it will be well to define first of all those terms mentioned in connexion with the various classes of ancient painting; to describe the technical processes which distinguish these classes; and to enumerate the materials used, as far as they can be identified either from ancient literature or from the actual monuments.

The most convenient division of the subject is that which depends on the ground upon which the painting is laid: the principal headings will be as follows, viz. *Wall Painting*, *Easel Painting*, and *Encaustic*. Of these the first two may be treated together, inasmuch as in both we have the employment of water-colour and the brush. The subject of encaustic, in which wax and a metal tool, the *cestrum*, are the distinguishing materials, involves numerous difficult and complicated questions, and will be best treated separately in connexion with the monuments which illustrate this branch of art.

For wall and easel painting the materials of the artist in antiquity were very much the same as those of a modern painter: of brushes, γραφεῖον, γραφὶς, *penicillus* (or *-um*), he would have every variety at his disposal, the coarser ones made of bristles, *saeta*, the finer of a close-textured sponge; a larger piece of sponge would serve to erase errors or wash out the brush: a palette, or set of palettes, of which the existence is proved by numerous representations of ancient studios, but of which the ancient name is not known; and lastly, an easel precisely similar to those of to-day, called ὀκρίβας or κιλλίβας: the Latin equivalent is *machina*, but this word is also applied to the scaffold on which the fresco-painter worked.

3. *Wall Painting.*—The practice of decorating walls with coloured designs in fresco obtained in Greece long before the time at which actual

authentic records may be said to begin. The excavations at Tiryns and Mycenae, which illustrate a civilisation of origin probably considerably earlier than the poems of Homer, have brought to light specimens of wall-painting which show us that at that period, whenever it was, artists on these sites were working in a technique very similar to that of the Egyptians. The walls were plastered with clay, and covered with a coating of lime; over this a design in spirited freehand has been drawn *al fresco*. In the Tiryns specimens five colours were used, as against six which are found in Egyptian art; but the omission of the green may here be merely accidental, and in point of fact the use of green seems to be indicated in the specimens found more recently at Mycenae. Of fresco-painting in Greece proper we hear nothing further until the time of Polygnotos: that it was kept up, however, in Italy at least, we know from the wall-paintings of the tombs in some of the early Etruscan sites, such as Veii, which must date from the end of the seventh century B.C.: some of these paintings show a decided connexion with Mycenaean art, both in the style and in the character of their ornamentation. It was not until the fifth century that the great historical compositions of Polygnotos and his contemporaries raised this art to its highest level; so that in this era we hear very little of any other kind of painting. In the fourth century, the work of the greater artists, such as Zeuxis and Parrhasios, lay almost entirely in the execution of easel pictures, and henceforward wall-decoration was reduced to a subordinate position, from which it never again rose.

In the literary accounts of ancient pictures it is often extremely difficult to decide whether the description refers to a wall- or an easel-picture, because the writers have no system of terminology to distinguish the two methods. The words *πίναξ* and *tabula*, which originally applied to an easel-painting on wood, came in course of time to be loosely applied to the general meaning of "picture," without distinction of species; and to increase the difficulty, we know that the ancients both hung pictures on, and also let them into, their walls: so that *γράφειν ἐπὶ τοίχου* or *ἐπὶ τοίχῳ* can and certainly does mean any of these methods; on the other hand, it seems probable that *τοιχογραφία* is strictly only applied to fresco. The real distinction between fresco and other methods is in reality the fact that fresco demands a "fresh" or wet surface; and this is indicated by the expression *ἐφ' ὑγροῖς ζωγραφεῖν*, *udo* (*tectorio*) *pingere* or *illinere*.

The following account of the preparation of the wall and of the method of fresco-painting is taken from Blümner (iv. p. 432).

The groundwork for fresco-painting is formed by a wet stucco, *κονίαμα* or *tectorium*, laid on the wall. This stucco for fresco was specially prepared: both ancient literature and modern research show that the ancients expended greater care on this than we do in modern times. Pliny says that three layers of sand mortar and two of marble stucco were employed; but Vitruvius gives the process in fuller detail. The wall is first treated with a rough-cast of coarse mortar; then follow three layers of sand mortar, so arranged that with the aid of ruler, plummet, and square, the due level is preserved; each fresh layer being put on when the lower one is dry. On these three layers of sand mortar follow three of marble mortar (*i.e.* mortar mixed with pounded marble in such a way as to detach freely from the trowel), varying in degree from coarse to fine. This is pressed down and smoothed with wood; special care being taken that it should be durable and not liable to crack, and, above all things, that the colours laid on it while wet should bind firmly with the lime. For the adhesion of these colours depends on a chemical process, in which the water of the water-colours, combining with that already existing in the mortar, releases a part of the hydrate of lime (into which the lime in the mortar has changed by slaking); and pressing through all the layers of colour, after an interval returns to the surface; here it attracts to itself carbonic acid from the air, changes again into carbonic acid lime, and is deposited over the colours in the form of a thin crystal skin, which is hard to dissolve, and strengthens and protects them in such a way that washing (without friction) causes no injury.

The thickness of the mortar has yet another advantage. The modern fresco-painter, who works on a much thinner layer of mortar, is obliged every morning to have only just so much fresh mortar laid on as he expects to cover in the day: when he breaks off his work, he cuts away all that he has not painted on, and next morning the mason must bring his new mortar up to this mark. This system involves all sorts of inconveniences: the artist cannot work so freely as on a large space; the seams remain visible, and the new stucco has never the same surface as the old. The ancient method avoided these difficulties, since the thick mortar lasted damp much longer. The researches into the wall-paintings of Pompeii, where fresco is certainly used, show that the walls there are not made with so much care as Vitruvius prescribes; but they are nevertheless generally thicker and more carefully constructed than the modern examples.

On this surface the painting was laid with a brush and water-colours. Certain colours, however, do not suit the fresco method; in such cases, a binding medium was necessary which was otherwise not employed in fresco, such as milk or gum: thus, for *purpurissum* it is expressly stated that the ground must be painted *al fresco* with red sandyx or blue, and the purpurissum is laid on this with egg as a binding, *a tempera*. Another special process for cinnabar, which readily sets up chemical action and changes colour in sunlight, was the *καῦσις*, which will be described under *Encaustic*. In Pompeii the cinnabar does not seem to have undergone this treatment, and consequently changes colour rapidly in the sunlight. A peculiar process, which has not been rightly understood, is attributed by Pliny to Panaenus: in the decoration of the temple of Athene at Elis he is said to have mixed the stucco ground with milk and saffron; but whether the saffron had also binding properties does not appear.

4. *Easel Pictures.*— The generality of easel pictures (excluding of course those painted in the encaustic method) were probably executed on a

dry ground *a tempera* in water-colours. The materials for this ground were various: the most usual was a thin slab of wood (πίναξ, πινάκιον, sometimes σανίς, *tabula*, *tabella*), usually of box or cedar, also of cypress, pine, or larch; this was carefully dried, and, as a rule, constructed in several pieces, so as to guard against warping; finally it was primed with whitening (λελευκωμένος).

Canvas such as we now employ was probably rare; but that the ancients both knew of and used it, we see from the mention in Pliny, xxxv. § 51, of a colossal portrait which Nero ordered to be painted of himself on "linen" (*pingi in linteo*). Blümner suggests that this was either a unique instance, where the unwonted size of the portrait rendered some such material necessary, or that the portrait may have been executed in embroidery, to which the term *pingi* would equally apply. We have however, among the mummy portraits from the Fayoum, which were executed under Greek influence and date from the second and third centuries A.D., undoubted instances of paintings executed on canvas: in these cases the canvas appears to be primed with whitening of a similar character to that which was used in preparing the wood. The canvas in one case has been stretched upon a wooden panel; in another case it is formed of several sheets stuck one over the other: these instances are both painted in tempera; but the material seems also to have been in requisition for encaustic.

Lastly, we have stone and marble: the colouring of architectural mouldings and reliefs may have suggested the substitution of these members in colour alone: at any rate we have instances as early as the first half of the sixth century B.C., in which the decoration of a funeral stele is indicated in colour alone, and consists of a portrait of the deceased or other scenes which would otherwise have been chiselled. That this work was not always delegated to mere handicraftsmen we see from a statement of Pausanias (vii. 22, 6), who says that the painter Nicias executed the picture on a stele which in his time was to be found at Triteia in Achaia. The Florence sarcophagus from Corneto (*Hellenic Journal*, iv. p. 354, pll. 36–38) is an instance in which painted scenes are introduced in lieu of sculpture; on the sides are contests of Greeks and Amazons painted with great beauty in tempera directly upon the unsmoothed surface of the marble, but with only a plain tinted background. Pictures on marble or stone were used in the decoration of rooms, where they were either hung or inserted in the walls: and to this practice we owe some of the finest examples which have come down to us from Herculaneum.

The *colours* of the ancients were kept in a dry and firm condition, and when required for use would be pounded (φάρμακα τρίβειν, *colores terere*) in a stone mortar by the assistants, in preparation for the mixing (χρώματα κεράσασθαι, συμμίξασθαι, *colores miscere*), done by the master himself according to the tints he required. [COLORES.]

A binding material was necessary for fixing the colours: for this purpose they employed gum (Pliny, xiii. § 67, "Gummis fit e sarcocolla . . . utilissima pictoribus"), glue (*ib.* xxviii. § 236, "Rhodiacum glutinum fidelissimum"), and egg, which was also used in fresco for the same purpose.

Undoubtedly the ancient paintings in water-colour lacked durability, so that we meet with frequent complaints in literature of their fading and destruction: varnish as a protection of the surface was unknown, so was also the use of glass. Pliny tells us that Apelles used to lay a very fine coating of "atramentum" over his pictures after their completion: this toned down the over-bright colours, and lent reflexion to the outward appearance of the picture, besides protecting it against dust. What exactly this atramentum was, is uncertain, as it cannot imply here the ordinary sense of the word, "lampblack": Pliny says that it was a secret of Apelles, which no one after him was able to discover. Possibly he is merely repeating studio gossip, as he certainly is when he relates of Protogenes, that this artist painted his celebrated picture of Ialysos four times over, "in order that if by age or by any other injury one of the upper strata of colouring were lost, the under stratum would replace it!" The only method of protection for pictures which is known to have existed was the practice of constructing folding doors, which fitted over the picture like the triptychs of early Italian art; on Pompeian paintings the open doors of such pictures are frequently represented in perspective.

5. *Encaustic.* — If the brilliant effects and deeper tones of our modern oil-paintings were beyond the sphere of the ancient artist in tempera and fresco, these qualities were more nearly accessible to the encaustic painter; but unfortunately it happens that this branch of ancient art is precisely the method of which we know least. When Donner wrote his great work on the wall-paintings of Campania, he was unable to point to a single specimen of ancient painting which could be definitely attributed to encaustic: while, on the other hand, the statements of ancient authors, which show us how extensive and developed the practice was, leave us in doubt as to important details. It is only within the last two years that a considerable series of encaustic mummy-portraits of the Roman period have been found in Egypt, which have enabled us to examine these statements with some hope of solution.

The principal sources of our literary authorities on this subject are two passages in Pliny, *H. N.* xxxv. In the first of these (§ 122) he says, "It has not been ascertained who first devised the art of painting in wax-colours and of burning in the painting" (*ac picturam inurere*). Donner takes this as implying two distinct operations, *i.e.* first the painting with variously coloured wax; and when this is done, the burning-in of that which has been painted, from which latter process originated the name of encaustic, *i.e.* burned-in painting. If this is so, then heat was not employed in the actual painting, and the wax must have been rendered ductile by the admixture of some solvent.

The second passage is in § 149, and runs as follows: "Encausto pingendi duo fuere antiquitus genera, cera, et in ebore, cestro id est vericulo, donec classes pingi coepere. Hoc tertium accessit resolutis igni ceris penicillo

utendi, quae pictura navibus nec sole nec sale ventisque corrumpitur." This Donner, in keeping with his theory, translates, "There have been, time out of mind, two kinds of encaustic painting: with wax—also on ivory—by means of the *cestrum*, i.e. until men began to paint also the ships of war; then was adopted the third kind, that of causing the wax colours to melt over the fire, so as to lay them on with the brush." By this he understands that in the first two processes—viz. (i.) on wood (the ordinary material, and therefore not here specified), and (ii.) on ivory—ductile wax and the *cestrum* alone are employed, no heat being required; also that in these the brush was not used, because he thinks that Pliny lays special stress on the fact that it was only in the third process that liquid wax colour melted over the fire was employed and laid on with the brush.

The wax paste, he thinks, is laid on with the *cestrum*. This word has usually been described as a cutting or graving instrument (from *caedo*, "to cut" or "engrave"). Donner, however, takes it as the Latinized form of *κέστρον* or *κέστρος*, the Greek term for the betony plant, named by the Latins *serratula*, i.e. "finely dentated," because it has a lancet-shaped, dentated leaf with a long stalk. The alternative word in Pliny, *ver(r)iculum*, which had been interpreted as "a small spit" (*veruculum*), he derives from *verro*, "to furrow" or "scrape." The *cestrum* is therefore, according to him, "a lancet-shaped spatula, with a finely dentated edge and rather long handle, the point somewhat curved. The toothing of this instrument enables any agglomeration of the wax pastes to be equalised and smoothed by furrowing or scraping."

Pliny and Vitruvius (vii. 9) both describe a process which Donner thinks has some bearing on the present question, viz. the so-called *καῦσις*, by which the vermilion fresco paint on walls was protected from damage by sun or air. The painting was spread with a mixture of olive-oil and "Punic wax" melted, and, this done, the burning (*καῦσις*) took place: a *cauterium*, filled with hot wood-ashes, or a heated metal rod (*ῥαβδίον*), was passed over the surface to level it (*ut peraequetur*).

Here, Donner thinks, we have the key to the burning-in: it is merely required for the purpose of levelling down the surface of the wax, which, whether laid on with brush or *cestrum*, would present an uneven appearance; in his *cestrum* painting, moreover, it would soften the tones into one another. What "Punic wax" was, Pliny tells us (xxi. § 84): it was obtained by boiling the natural yellow beeswax three times in sea-water with an addition of a little *nitrum*, i.e. natural mineral soda, and then skimming it. The addition of the olive-oil prevents the wax from too rapidly congealing. But here comes the difficulty: too much oil would prevent the wax from drying, while a little would not render the wax sufficiently ductile. If Donner's theory is to hold good, there must have been something further added in order to make the wax in a cold state soft enough to lay on in the form of paste, while possessing at the same time the quality of hardening in a given time. This volatile matter he assumes to have been balm of Chios, the liquid resin of the *Pistacia terebinthus*, well known to the ancients. But for this assumption he can adduce no proof whatever.

It will be seen that Donner's somewhat far-fetched and elaborate explanations arise out of his supposition that Pliny's statement in xxxv. § 149 precludes the use of the brush and of heat in the first two processes there described: he therefore is forced to imagine a kind of painting in which a pasty compound is laid on with a sort of spatula, a clumsy method at best. Now, it so happens that the evidence of the mummy-portraits goes entirely against his theory; for in these pictures it is absolutely certain that the brush was used, and that the wax was laid on in a melted condition.

The difficulty is surmounted if we interpret the passage in Pliny somewhat differently. The key to its solution seems to lie in another statement of the same author. In xxxv. § 147, or only a few lines previously, he has been discussing the works of the lady painter Jaia (or Laia): "Et penicillo pinxit et cestro in ebore imagines mulierum maxume et Neapoli anum in grandi tabula, suam quoque imaginem ad speculum." Here there is no question but that the words *cestro in ebore* are to be taken together as opposed to *penicillo*: her two methods of portrait-painting are (i.) with the brush, *i.e.* probably in tempera, as Pliny elsewhere uses *penicillum* in this application; and (ii.) with the cestrum on ivory. It seems obvious that the usage of *cestro in ebore* in § 147 is the same as that of *in ebore cestro* in § 149, and that Welcker was so far right in supposing that these words in both cases must be taken together. We thus, in the two passages, have three methods of painting mentioned, viz. (i.) *cera*, i.e. encaustic painting proper; (ii.) *cestro in ebore*, encaustic painting on ivory; (iii.) *penicillo* or *tempera*. None of these terms as used by Pliny can possibly be taken as exclusive: the classification is merely popular, according to the prominent feature of each method; thus, though (i.) is called "wax," it does not necessarily imply that wax was not used in (ii.), just as the cestrum may be used in both (i.) and (ii.), and so *penicillum* may equally be used in (i.) and (iii.)*

The following account of the process adopted for the Egyptian portraits is given by Mr. Petrie (*Hawara*, &c., p. 18) as the result of close examination of over sixty originals, and consultation with various experts and artists:—"The colours in powder were ground in thoroughly with the wax (which may have been bleached by heating it to boiling-point, as I have found), and they were then placed out in the sunshine when required, so as to fuse them, or a hot-water bath may have been used in cooler weather. The wooden panel was of cedar

* This explanation renders unnecessary the assumption of Klein (*Mittheil. aus Oest.* 1887, p. 219) that Pliny, in xxxv. § 149, did not understand his own statement. Klein considers "with wax and also on ivory" as implying only one method, and that the simplified mode of painting is nothing more than the abandoning of the *cestrum* and therewith of the *tarda picturae ratio* (Pliny, xxxv. § 124). He takes the passage about Jaia as meaning, "Jaia painted both in tempera (*penicillo*) and also in encaustic (*cestro*); in encaustic, she painted both in ivory, smaller pictures, and also larger" (*in grandi tabula*, i.e. on wood).

usually, sometimes of a pine wood, and about $\frac{1}{16}$ inch thick, or occasionally as much as $\frac{1}{4}$ inch; it was about 9×17 inches in size. On this was laid a priming of distemper; then a grounding varied in tint, lead colour for the background and draperies, and flesh colour for the face; and then the surface colour was worked on, sometimes in a pasty state, more usually creamy and free-flowing. These details are shown by an unfinished attempt on a panel, which was afterwards turned and re-used; now at South Kensington. The broad surfaces of flesh were often laid on in thick creamy colour with zigzag strokes of the brush, about $\frac{1}{6}$ inch apart, just joining up and uniting in an almost smooth surface: the draperies were usually laid on freely in very flowing colour, with long strokes of a full brush; in one case we see where the full drop of purple wax at the first touch of the brush thinned out as it went down, until at the end of the long stroke the brush was pressed flat out, and every hair has left its streak of wax on the panel. In Egypt one sees white beeswax not only softened, but fused on its surface by the ordinary sun of April and May: it is therefore evident that the wax used in painting might be worked in a flowing state without any artificial means during nearly half the year, by the mere heat of the sun. It is needless to suppose a solvent of the wax to have been used, such as turpentine or oils: and the perfect freedom from yellowing in the well-preserved pictures, or indeed of any change in the tints beyond superficial decomposition, makes it apparently impossible for any changeable organic material to have been added to the wax."

It will be observed, then, that in these Egyptian examples both the brush and a stump, possibly the *cestrum*, are used: the wax is laid on in a fluid condition; and apparently no solvent or drying compound is added. This method, as Mr. Petrie points out, would answer in the hot sun of Egypt; but for the cooler climate of Italy and Greece artificial substitutes for the sun's heat would have to be adopted. In these climates it was necessary, as Varro (iii. 17, 4) says, for the encaustes to have large boxes divided into compartments (*loculatas magnas arculas*) in which the different coloured waxes were kept, doubtless in a fluid condition, as Varro's simile of the fish-ponds (*ibid.*) shows. No wonder that under such difficulties encaustic painting was looked upon as a tedious process (*tarda ratio*), that only small pictures were attempted in it, and that the portrait of a boy by Pausias was esteemed as a wonderful feat and was known as "Hemeresios," from the reason that it was painted in a single day.

The fact is, that this technique probably originated in Egypt, a climate where it presented little difficulty; and here throughout antiquity it was principally practised. The Egyptians made use of preparations of wax at least as early as the Eighteenth Dynasty for preserving paintings; and so we find that the names of most of the encaustic painters of antiquity may be traced to Alexandria or an Egyptian origin. We find a mention of the process in Greece proper in the ode, of doubtful date, falsely attributed to Anacreon: "Paint me my mistress with her soft black tresses, and, if the *wax* can do it, paint them breathing of myrrh." Otherwise it does not seem to have been mentioned in literature until the conquests of Alexander had opened a closer communication between East and West. The practice continued in use late into mediaeval times: in Eusebius it is called *κηρόχυτος γραφή*; but from the ninth century downwards its usage seems to have declined.

To return to the *preparation of the wax:* we saw that Pliny, describing the application of encaustic to walls, spoke of "Punic wax melted on the fire and mixed with a little oil." What was this oil? Pollux (*Onom.* vii. 128) describes the implements of the painter as consisting of wax, colours, *φάρμακα*, and pigments: this word *φάρμακον* is described by Suidas, *s. v.*, as *ὅπερ Μῆδοι νάφθαν καλοῦσι*, *Ἕλληνες δὲ Μηδείας ἔλαιον*: and it may be that in Greece and Italy it was usual to add some such material as naphtha to the compound, so as to enable the colours and wax to combine more readily.

As to the *colours used*, Mr. Petrie found in one grave at Hawara a set of six paint saucers, which seemed to have been the *χρώματα* of an artist, and are now in the British Museum: although these are water colours, it is probable that they would be similar to the pigments used by the encaustic painter (*Hawara*, p. 11). According to Dr. Russell's examination, they consist of (1) a *dark red*, oxide of iron with a little sand; a good burnt sienna: (2) *yellow*, ochre, oxide of iron, with hardly any alumina; becomes dark-reddish brown on heating: (3) *white*, sulphate of lime, amorphous powder: (4) *pink*, organic colour in a medium of sulphate of lime; probably madder, and can be exactly matched by that: (5) *blue*, glass coloured by copper: (6) *red*, minium, oxide of lead, with apparently some alumina.

In some of the Egyptian pictures Donner notes that a process is adopted which is a mixture of the pure wax-encaustic and egg-distemper: here he thinks the wax has been mixed with the yolk and a little white of egg, also a drop of olive-oil; and this enables the artist to add finishing strokes to the encaustic by means of the ordinary egg-distemper.

As regards the *encaustic painting on ivory*, our knowledge is very limited: it may be assumed that such pictures were small, and possibly, as has been suggested, in the nature of our miniature painting. The instance already quoted of the lady painter Jaia is the only mention of this technique in antiquity. There again the use of ivory seems to point to Africa, and the only specimen of work which it has as yet been proposed to identify with this technique is an ivory box from Egypt now in the British Museum. On the panels of this box are designs which are formed by engraving or hollowing out certain portions and filling in these spaces with a wax paste in various tones of colour. The specimen is rough in execution, but it shows that the process, if well treated, could be made very attractive. Donner thinks that this cannot be called encaustic, but that the second encaustic process attributed by Pliny to Jaia must have been something of which at present we have no representation.

The use of encaustic for the *painting of ships* was referred to in the statement quoted above from Pliny. In spite of the late date that he assigns to its use, there is no doubt that the

colouring of ships is alluded to in Homer's frequent epithet of ships as μιλτοπάρῃοι: a fragment of Hipponax (Bergk, *Poet. Lyr. Gr.* p. 519) alludes to a serpent painted along the whole length of a trireme; and in a fragment of the Myrmidons of Aeschylus (130 Dind.), according to one interpretation of a corrupt passage, the poet describes how in the burning of a vessel the sign, a Hippalektryon painted with much trouble in wax colours, drops off. The wood was probably first treated with pitch and tar, and then had the wax colours laid on. Pliny states that Protogenes was a painter of ships until his fiftieth year; whence it is argued that this was not a mechanical process: but see p. 415.

6. *Encaustic of Statues.*—After the marble statue left the sculptor's hands, it was usually handed over to an assistant or another artist to undergo the processes of waxing and colouring. In the description of the process for protecting wall-painting by Vitruvius (vii. 9, 3) already quoted, the remark is added that "it is the same process as is adopted for the preservation of nude marble statues (*uti signa marmorea nuda curantur*), and which in Greek = γάνωσις." As to this γάνωσις, Plutarch (*Quaest. Rom.* ch. 98, p. 287 B) remarks that the first duties of the Roman Censors were to provide for the feeding of the sacred geese and the γάνωσις of the statue in the temple of Capitoline Jupiter: "for the vermilion with which statues were anciently coloured quickly fades." Blümner thinks that the process of waxing is therefore separate from that of colouring, and intended to preserve it; or in cases where no colour is used, to soften the tone of the marble: the word *nuda* implying that only the flesh of statues, and not the drapery, was so treated. He thinks that the colouring of the flesh was a habit only found on the older statues, or, if on the later statues at all, only in isolated cases: while Von Rohden (in Baumeister's *Denkmäler*, p. 1345) denies altogether the colouring of the flesh. With regard to the mere toning of the marble by means of wax, it is pointed out that the "Punic" wax ordinarily used, as Vitruvius (vii. 9, 3) says, for the γάνωσις of statues, had undergone a special bleaching process; such wax would therefore not perceptibly affect the gleaming whiteness of marble. Treu, who has made a special study of the subject, considers that the toning of the marble by wax alone is out of the question; that the alternative lies between a dazzling whiteness, or, as is more probable, a transparent or opaque tone of colour for the flesh: these tones may be sometimes found side by side, or even one over the other, on the same statue. We shall have to consider this question further under the head of

7. *Polychromy of Sculpture.*—The question, formerly much discussed, as to whether the Greeks coloured their statuary, is no longer open to doubt: it is generally admitted that a statue in flawless white marble could never have suited Greek ideas, and that the chill and staring effect of modern sculpture is mainly due to the fact that the ancient originals which inspired the art of the Renaissance had, at the time of their discovery, retained no evidence of their former colouring. But while the Greeks certainly employed colour, this was only done within the strictest limits of artistic requirement, and never with the idea of aping nature or a wax figure. The surface of marble, as they treated it, presented a warm transparency of effect which recalled, without imitation, the human skin, a slight toning indicating the difference between the various surfaces of the body. It is evident that the prudent application of these laws demanded an artistic sense and experience of high order. Hence we can understand the point of the remark attributed to Praxiteles, who, when he was asked which of his statues he most admired, answered, "Those to which Nicias (the great painter) had lent his hand" ("quibus Nicias manum admovisset"); so highly, says Pliny (xxxv. § 133), did Praxiteles esteem the *circumlitio* of that painter. We know from other passages that this word *circumlitio* implied, not a process like γάνωσις, the mechanical treatment of the entire surface alike, but the decoration of details such as the borders of dress, &c. (Quintil. i. 11, 6). Plato (*de Republ.* iv. p. 420 C) speaks of οἱ ἀνδριάντας γράφοντες, "the statue painters," as a well-known profession: the word ἀνδριὰς no doubt implied originally any kind of portrait, but in the time of Plato it could only have meant a statue; and the scope of the art is well defined in the remarks which follow: he says that it is not by applying a rich or beautiful colour to any particular part, but by giving its local colour to each part that the whole is made beautiful (ἀλλ' ἄθρει εἰ τὰ προσήκοντα ἑκάστοις ἀποδιδόντες, τὸ ὅλον καλὸν ποιοῦμεν). The colouring was in fact applied only to certain parts, such as the lips, eyes, hair, and decoration of the dress, while the remaining surface of the flesh was treated with a toning of wax; and this is borne out by the dialogue in Lucian (*Imag.* 5–8), where it is clearly, though indirectly stated, that the Cnidian Aphrodite of Praxiteles, and other celebrated statues, were not coloured, although they were ornamented in parts and covered with an encaustic varnish. In *Anthol. Pal.* vii. 730, γραπτὸς τύπος evidently refers to a painted relief; and there are frequent passages in ancient literature in which certain parts of a statue are mentioned as coloured.

The distinct process of toning, γάνωσις, is alluded to in Plutarch (*de Gloria Ath.* 6) as ἀγαλμάτων ἔγκαυσις: where it is expressly distinguished from the colouring, ἀγαλμάτων ἐγκαυσταὶ καὶ χρυσωταὶ καὶ βαφεῖς, *i.e.* "the waxers, gilders, and painters of statues." That a sculptor sometimes did the waxing himself we see from the inscription of an artist Aphrodisios (in Loewy, *Inschr. Gr. Bildh.* No. 551), who signs his name as ἀγαλματοποιὸς ἐγκαυστής.

Turning now to the monuments, we see that the earliest traditions of the Greeks, strongly influenced as they were by the gay colouring of the East, were naturally in favour of a system of polychromy; and further, that the meanness of the materials in which the earliest sculptures were executed, such as wood, terra-cotta, and limestone, rendered necessary a scheme of colour which should conceal this inferiority. A third important reason was the close connexion that existed between the arts of the sculptor and the architect. Greek architecture, as we shall show, was invariably coloured, more or less; and in order to adapt a statue or relief to the temple or other building for which it was

intended, it was necessary to bring it also into the general scheme of the colouring of its surroundings. One result of this was an entirely conventional system of colour for sculpture, often far removed from that of nature: thus in the early pedimental sculptures in *poros* stone recently discovered on the Acropolis, the beards of two of the figures are coloured a bright blue, and the iris of their eyes green. Herein the advantages of colour were manifold: thus, for figures intended to stand in the background, painting often took the place of the more detailed modelling; and on reliefs such as the frieze of the Parthenon, details of dress, weapons, &c., could be indicated in this method. The sculptor was thus enabled to dispense with trivialities, and his work gained proportionately in breadth of style. The colouring of architectural marbles was necessarily subject to strict laws, dependent upon that of the architecture of the time: in these cases probably even the flesh was usually coloured, and the general effect was very much what we have in the terra-cotta statuettes of Tanagra. In case of independent sculpture, which had no tectonic intention, the artist had freer scope; and here probably, in the best period at any rate, most sculptors were content with *circumlitio*: thus the Hermes of Praxiteles, when it was first discovered, showed only traces of red and gold on the sandals.

The scale of colours employed in sculpture, originally restricted, became enlarged in later times, especially when under the Ptolemaic rule intercourse with the East became more established; and in Roman times it was no longer restrained by the prudent reserve of the Greeks. In Etruria, again, where from the earliest period sculpture had principally been executed in terra-cotta, a separate scheme of colours obtained; the more Oriental tastes of the Etruscans leading them to prefer lively primary colours, as we see in their wall-paintings and in the series of sarcophagi with reliefs which have come down to us from them. While for the *γάνωσις* a wax process was employed, it seems clear that the colour was laid on usually in tempera; and this probably accounts for the fact that so few traces of it have survived. The surfaces intended for this colour were generally left unpolished; thus in the head of Athene (*Ant. Denkm.* Taf. 3) the white skin is left unpainted and is polished smooth, while the coloured portions are worked with the tool and left rough. Gilding played an important part in polychromy; some have gone so far as to say that in the Parthenon, for instance, all the colour was laid on a ground which had been gilt. Probably the work of the *χρυσωτὴς* (see above) lay principally with bronzes, but certain portions of the marble, such as jewellery, as we see also in the Tanagra statuettes, were gilded: the Eros of Thespiae by Praxiteles had gilt wings; and we read frequently of the renewal of faded gilding on cult-statues, the cost of which had been borne as an *ex voto* by some pious devotee. Polychrome effects in bronzes were produced principally by this method, or by inlaying; and here only to distinguish those parts from one another which demanded it, such as the decoration of dress, the lips, and the eyes. The stories in the classics bearing on this point are misleading; thus we cannot credit the statement of Plutarch (*Qu. Conv.* v. 1, 2), who says of the statue of Iocasta that the face was rendered so as to represent a dying person, by the admixture of silver with the bronze: such stories were probably due to a misunderstanding of the terms applied to plating or inlaying. In sculpture also, inlaying was sometimes applied to give polychrome effect: the chryselephantine statues of gold and ivory had early given the idea of a mixture of materials, and we find in the marble statues such details as wings and armour sometimes added in metal. In Roman times realistic effects were frequently attained by composition in marbles of different colours; so that, as in a cameo, the helmet of a figure might be in one marble, the flesh in a second, and the drapery in a third: such processes did more credit to their ingenuity than to their taste.

8. *Polychromy of Architecture.*—As in the previous subject, so here also the main difficulty lies in the lack of material: one thing only seems certain, that while no Greek temple was left uncoloured, the colouring was applied only to certain parts and under strict laws of distribution. As in sculpture too, the usage differed considerably according to period and locality: in the best period, when marble was the principal material employed, very little colour was added; in the early period, and again in the later when stucco was freely introduced, colour was necessary in order to conceal the poverty or dissimilarity of materials. Broadly speaking, colour was reserved throughout for those members which projected from the surface, such as the cymatium, triglyphs, &c., and for those parts of the actual surface which gave a background for the sculptures: the background of a frieze or tympanum of a pediment being usually either red or blue. In the interior, the wooden roof was certainly coloured; but what these colours were, we cannot now judge, except from the imitations in stone which have come down to us, principally in Athens. Of the colouring of Ionic architecture still less is known than that of Doric; in such few traces as have survived, it seems to accord mainly with the principles of Doric. The colouring serves principally as a background for moulding; and as the moulding grows richer and higher in relief, the more compensation in colour is demanded. In Corinthian architecture, with its richer capitals due possibly to the Egyptian palm capitals, the colouring is still further enriched: a tendency which in Roman architecture shows itself in the use of mosaics, wall-paintings, and variously coloured marbles. The colours were probably for the most part laid on in the encaustic process: in the inscription from Athens which records the building accounts of the Erechtheion (*C. I. A.* i. 324 *a*, l. 42) occurs the entry of a sum paid to the encaustic painters for having painted the cymatium on the epistylium of the interior: *ἐγκαυταῖς· τὸ κυμάτιον ἐγκέαντι τὸ ἐπὶ τῷ ἐπιστυλίῳ τῷ ἐντός.*

9. *Mosaic.*—This subject is most naturally included under the head of Painting, for it is upon the major art that it depends for its inspiration as well as its intention, which is the representation of decorative and pictorial effects in floors and walls by the arrangement in them of coloured stones and glass.

In Greek we meet with no term for this branch of art until quite a late period, descriptions of mosaics in Greek authors usually showing, by the roundabout phrases employed, that there was no such term known. In Roman writers we find the words *ἔμβλημα* and *λιθόστρωτον*, which they seem to have adopted, with the process, from the Greeks; but it is a question whether these were not specially applied to distinct classes of mosaic.

The best known term is *opus musivum* or *pictura de musivo* (also *museum* or *musium*, hence *musiarii*, *musivarii*, and our "mosaic"); but this does not appear until late, and its derivation is unknown.

Of the history of mosaic little is known: the Romans certainly borrowed the idea from the Greeks, probably in the time of Sulla; but there is no evidence as to whence, or when, the Greeks themselves adopted the process. It is natural to connect it with the brick and tile constructions of Egypt and Mesopotamia. Inlaying in various coloured glazes was of course known to the Egyptians from an early period, as the tiles of Tell el Yahoudiyeh show (Birch, *Anc. Pottery*,[2] p. 50): it was equally familiar to the Assyrians and the Persians. The recent researches into the architecture of Persepolis have moreover shown that the bricks in these buildings were made in two tones of colour, and so disposed as to form a literal mosaic pattern. In all probability, then, Greek mosaic was inspired from the East, after the conquests of Alexander. The evidence for this date rests upon the fact that neither in literature nor the monuments can we prove the existence of any mosaic in Greece before this time. The earliest mosaic as yet known is that which decorates the floor of the pronaos of the temple of Zeus at Olympia, which, as has been shown (*Arch. Zeit.* 1879, p. 153), cannot be earlier than the first half of the fourth century B.C., and is probably considerably later. An anecdote of the cynic Diogenes mentioned by Galen (i. p. 19 k) refers to a floor in which the likenesses of gods were represented by arrangements of different kinds of *tesserae* (*ἔδαφος ἐκ ψήφων πολυτελῶν . . . θεῶν εἰκόνας ἔχον ἐξ αὐτῶν διατετυπωμένας*); but probably this, in common with most of the anecdotes of Diogenes, is a late invention. On the other hand, most of the literary notices of mosaic point to the period of the Diadochi: we hear of it in connexion with the names of Demetrius Phalereus and Hieron II., and with the Pergamene empire. In Greece proper a noted instance is given at Delphi: the Scholiast to Lucian *περὶ ὀρχήσεως*, 38, says that beside the *omphalos* at Delphi two eagles were represented in mosaic (*γεγράφθαι ἀπὸ συνθέσεως λίθων*); and Wieseler has suggested with great probability that this decoration must have originated at the restoration of the shrine after the Phocian War, when the golden eagles that formerly stood there had been looted and the ground torn up by treasure-seekers. Everything then points to the third century B.C. for the introduction of mosaic into Greece: probably it was never practised to any great extent there; we do not even know whether the Greeks were familiar with the various classes of mosaic which the Romans distinguished from each other.

The only artist in mosaic whose name is mentioned in ancient literature is Sosos of Pergamon (probably about the middle of the third century B.C.; Pliny, xxxvi. § 184), who made a mosaic which became famous as the *οἶκος ἀσάρωτος*, "the unswept house," representing a floor covered with the remnants of a banquet: several reproductions of this have come down to us; one of these, now in Rome, is signed by the artist, *Ἡράκλειτος ἠργάσατο*. It is possible that representations of the objects likely to be found on an actual floor may have led to the imitation of figured scenes in mosaic: one such mosaic in the British Museum represents strewn leaves. On the other hand, it has been suggested that these floor pictures were due to another reason: in the time of the Diadochi in Alexandria the practice grew up of decorating the walls with marble slabs of different colours; and as there was in this case no space for pictures on the walls, these were supplied in the floor. One of the finest Pompeian mosaics, signed by Dioscorides of Samos, reproduces a wall-painting found at Pompeii; and the great mosaic at Naples of the Battle of Issus was probably inspired by the painting by a Graeco-Egyptian lady Helena. The Egyptian origin of the art is further marked by the occurrence of Egyptian landscapes reproduced in ancient mosaics: the finest is the Palestrina mosaic, ascribed to the first century A.D.

The connexion between wall-painting and tapestry hanging is obvious: and the same connexion may be traced between mosaic and textiles; both directly, from carpets, and indirectly, as at Pompeii, through wall-paintings. This connexion is further illustrated when we examine the Egyptian textiles, of which the design, colouring, and even the treatment are often exactly parallel to those of mosaic work.

The successive stages of the development of mosaic are well illustrated at Pompeii: the simplest kind is that in which different geometric or floral patterns of white rectangular stones are set in a floor of pounded brick and lime; gradually the inlaid portion becomes larger and richer, the *tesserae* smaller and more coloured, and less of the actual floor is seen; until finally the ground, as well as the design, is constructed also of mosaic *tesserae*.

The simplest kind of mosaic consisted in laying in a simple pounded cement a *pavimentum testaceum* or *opus signinum*, i.e. a series of patterns, figures, or inscriptions in white or coloured *tesserae* or *tessellae*. These *tesserae* are in later Greek called *ψῆφοι*, *ψηφῖδες* (hence *ψηφολόγημα*, a mosaic pavement; *ψηφοθέτης*, a mosaic worker): we also have *ἀβακίσκοι*, which however seems to correspond more to *abaculi* or *crustae*, i.e. slabs of marble for inlaying. They were made of all kinds of material: besides marble, stone of different kinds and colours, terra-cotta of various degrees of baking and mixed with other substances, glass of all shades of colour; the gilding of glass *tesserae*, frequent in Byzantine work, was only rarely employed in Roman mosaic. In the earlier and simpler kind they are as a rule square in form, but the imitation of elaborate designs made special cutting necessary.

In preparing the ground, Vitruvius recommends the employment of three layers, viz. (i.) the lowest foundation, *statumen*; (ii.) on

this a rough mass of mortar, *rudus;* and (iii.) topmost of all, the cement proper, *nucleus*, of pounded brick and lime, in which the *tesserae* are laid: this seems to have been mixed further with a binding material such as bitumen.

Of the ordinary mosaic, the finest kind was the *opus vermiculatum*, so called probably because in this work *tesserae* of the minutest proportions are arranged in long wavy lines suggesting the movement of worms, *vermes*. Possibly the Greek λιθόστρωτον corresponds to this finest work, inasmuch as the passages in which it occurs invariably refer to a luxurious pavement. It was used not only for floors, but also for walls, columns, and even vaults, where the difficulty of attachment made special preparations necessary.

Opus sectile was, broadly speaking, a mosaic made of slabs of different coloured marbles: these slabs were of different sizes, and cut in triangles, shields, squares, and other geometric forms. A special kind of this class was the *opus Alexandrinum*, in which only two kinds of marble were used, generally speaking red and green, porphyry and Lacedaemonian marble. This is said to have been introduced by Alexander Severus, and to have been named after him; but there is no doubt that it was of much older origin: probably it came originally from Alexandria. Under this head is also included a process of mosaic in which figures, &c., are imitated, not with *tesserae*, but with variously coloured slabs: the flesh for instance of a figure being cut out in one stone, the clothes in another, and the hair in another. A notable instance of this class is given in a mosaic representing the Rape of Hylas, from the Basilica of Junius Bassus (Consul A.D. 317), engraved in the *Archaeologia*, xlv. (1880), pl. 47.

10. *Mosaic reliefs.* — Raoul-Rochette, in his *Peintures antiques*, pl. xii., gives a specimen of a mosaic figure in relief, said to have been found at Metapontum: he pronounces it to be of pure Greek style, intended for insertion in a wall. A similar specimen is in the Wilton House Collection, of which Michaelis (*Ancient Marbles*, p. 678) remarks: "After the thorough disquisition of R. Engelmann (*Rhein. Mus.* xxix. pp. 561–589) it can no longer be doubted that mosaic relief is an invention of the last century only, and that all the known examples are impostures, forged at that period. Again, the style of the setting of the several stones, so that broad white seams of cement are to be seen between them, is not antique."

11. *Vase Painting.*—The art of painting fictile vases with decorative subjects was in antiquity a separate art, peculiar to the Greeks; although the idea may have been in the first place borrowed from the Egyptians, it was never extensively practised except among the Greeks, and may be said to have lived and died among that people. The Etruscans, it is true, were large importers of Greek vases, and produced occasional imitations of their ware; and recent evidence seems to show that, for a brief period, Latin (possibly Roman) artists were following their example: but these imitations were as a rule clumsy or vulgar, and can be readily distinguished from the ware to which they owed their origin. The figured scenes on Greek vases commence towards the end of the seventh century B.C., and continue down to the first half of the third century B.C.; and within this period we now have, scattered in the different museums and private collections, many thousands of examples, which form a most important running commentary on every conceivable phase of Greek life and thought. Of the mine of information thus afforded, much yet remains to be explored: and the history of Painting, in the earlier stages at any rate, looks to ceramography as its principal witness. While therefore we must fully recognise the importance of this branch of the subject, it must not be forgotten that vase-painting among the Greeks was only a subsidiary art, or rather a handicraft; and that, of the century or so of vase-painters whose signed works we possess, there is not one name mentioned in the whole field of classic literature. Their works were mainly intended for the temple, for sacred or semi-sacred functions such as the great games, and for the tomb: vase artists and painted vases alike were a class apart. For this reason, and in order to prevent overcrowding this article with a separate voluminous subject, Greek ceramography is treated in a distinct article, VAS; to which the reader must be referred for the numerous allusions which will be found in the course of the present article.

12. *Vases painted in Encaustic.*—There is, however, one class of vase-paintings mentioned in Athenaeus (v. 200 b), which, if the passage is rightly understood, seem to have been a separate class, distinct from the true ceramography of the Greeks. That writer, in describing the *pompa* of Ptolemy Philadelphus, says that among other elements of the procession were 300 boys carrying κεράμια κεκηρογραφημένα χρώμασι παντοίοις (vessels painted in wax with colours of all kinds). It does not seem at all clear, however, what these vessels were. Birch (*Hist. of Pottery*, p. 427) proposes to identify them with a fabric of which specimens were found at Centorbi and elsewhere: the specimen he describes is of terra-cotta, "the colours on which are prepared in wax and laid upon a rose-coloured ground: it is ornamented with gilding, and is of a late style and period." Raoul-Rochette (*Peintures antiques*, p. 430, pl. xiii.) gives a specimen of this fabric: but even supposing that this process is really encaustic, it is not likely that it was ever extensively practised, nor does it seem certain that these examples illustrate the passage in Athenaeus: the "vessels" there alluded to are probably of wood; the habit of painting polychrome decorations on vases of wood was common in Egypt in later times, and the encaustic process would be more appropriately applied to wood than to terra-cotta. Blümner suggests that the κηραγγέες of Maneth. iv. 332 are to be explained as the painters of such vessels.

13. *Drawings on other Materials: Bronze.*—The outline drawings on bronze must be referred to here, as giving important evidence of the ancient art of design, although the subject is more fully treated under SCALPTURA. The earliest examples of engraved design on bronze are the celebrated swords found at Mycenae, of which the blades are decorated with lion-hunts and other scenes in engraving. These, however, form a class by themselves, being inlaid as well

in various metals; a process which as yet is unknown in subsequent Greek art. Of engraved design pure and simple we have a fine specimen of Greek work of the sixth century B.C. in the bronze cuirass (*Bulletin de Cor. Hell.* vii. pp. 1–5, pll. 1–3), and smaller specimens from Olympia: there is no doubt that the art flourished in Greece, although very few examples have been found there, while great numbers have come from Etruria. These Etruscan specimens consist mainly of mirrors and *cistae* dating from the fourth century B.C. downwards; principal among the latter being the Ficoroni *cista*, of which an engraving is given in Vol. I. p. 440, Vol. II. p. 213: the subjects represented on these mirrors are for the most part of Greek origin, though treated in an Etruscan dress and accompanied by Etruscan inscriptions. Probably, if more specimens of the pure Greek engraving had survived, we should recognise the qualities of spirited and firm drawing which are reflected in the best Etruscan specimens, and which ancient critics admired in the works of the great Greek artists.

14. *Boxwood.*—Pliny tells us that the great painter Pamphilus gave lessons in drawing on boxwood; and the words πυξίον (named by Pollux, x. 59, among the implements of the painter) and πυξογραφεῖν (Artemid. i. 53) are referred to as further evidence of this process: but neither of these words in themselves necessarily imply reference to a distinct art; they may allude merely to the tablet of box which, as was before mentioned, was one of the principal grounds on which the easel painter worked. In a tomb in the Crimea (*Ant. de Bosp. Cimm.* pl. 79) certain slabs were found which were engraved with fine drawings in the style of the early part of the fourth century B.C., the lines being filled with colour. The material of these slabs was supposed to be boxwood, and they were adduced as illustrations of the process of Pamphilus: but Stephani (*Compte Rendu*, 1866, p. 6, n. 2) says that this is an error, and that they are in reality slabs of ivory. It is quite possible that the Greeks practised the art of engraving designs on boxwood, just as they did graving upon ivory (see also above under *Encaustic*) and on bronze; but it does not seem necessary at present to consider that the teaching of Pamphilus meant more than the rudiments which every easel painter would have to know as a preliminary to painting on boxwood.

15. *Parchment.*—It would appear from a statement of Pliny that sketches or cartoons for pictures were sometimes executed by the great masters on parchment, and, as in the subsequent history of art, were handed down for the tuition and profit of successive ages of artists (xxxv. § 68: "et alia multa graphidis vestigia extant in tabulis ac membranis ejus, ex quibus proficere dicuntur artifices;" see *infra*, p. 412). Here also belongs the subject of illustrated MSS.: unfortunately, we have scarcely any illustrated classical MS. which does not date from a debased age: "although we know that doctors and architects were in the habit of adding explanatory illustrations to their scientific works, and that M. Varro, for instance, adorned his great biographical work the *Imagines* with 700 portraits of Greek and Roman celebrities."

16. *History.*—The history of Painting in classical antiquity is one which is difficult to treat comprehensively within the limits of an article like the present, on account of the wide field of speculation which it offers, and with which a close student of the subject must necessarily be familiar. As in the case of Sculpture, so here, our knowledge must be based upon the examination of the statements of ancient authors in the light of modern remains: but whereas in the study of Sculpture we have before us an almost complete series of the works of the greatest masters, in that of Painting we are met by the fact that no single example of a great masterpiece has come down to us; nay more, that of one great branch of the art, that of easel-painting, not a single specimen (if we except a few late Roman portraits) has survived. And yet we have every reason to believe that the Greeks achieved as signal success in Painting as they had done in the sister art: the art critics of antiquity, whose judgment we can test in the light of the actual monuments, are no whit less enthusiastic, nor less explicit, about their painting; and although in some branches the ancient painters may not have attained to the technical perfection of modern times, yet we may be sure that, within the limits which they set themselves, the masterpieces of the Greek painters were worthy to rank beside the marbles of Pheidias or the bronzes of Lysippus.

In default therefore of any evidence at first hand, we are forced to accept such other monumental evidence as we can collect of objects which illustrate or reflect the major art. Of such fortunately a fairly large supply has come down to us. This secondary evidence consists of painted vases, painted works in stone or marble, mosaics, and principally the large store of mural paintings which have been rescued, mainly from the buried cities of Pompeii and Herculaneum. It is true that the great majority of these echoes of Greek painting are of a late date and were executed under Roman influence; but as both in sculpture and in painting the art of the Romans is hardly separable from that which Greek artists had taught and were still teaching, it will be convenient in this article to treat the two nationalities together.

With regard to the other peoples of Italy, such as the Etruscans, the same system will equally hold good. If Etruscan painting had for a brief period an independent existence, it was nevertheless subject to much the same influences, and exhibits a similar development during this period to that of the Greeks; while in any case the time soon came when it was first impregnated, and finally absorbed, in the influence which spread abroad from the Greek colonies in Magna Graecia: and though both in Italian and Etruscan art there are certain local elements always separable, these are not of sufficient importance to demand a separate treatment here.

In studying ancient painting, it is necessary to keep constantly in view the parallel between it and sculpture. The problems which are involved in the questions as to which was the earlier art of the two, and as to how much the Greeks borrowed from the Egyptians and Assyrians, are out of the present sphere, and not much is gained by their elucidation. It is sufficient to know that the Greeks were the first people to raise to the level of independent arts what had previously been merely descriptive and

decorative processes; and though in Greece sculpture may be said to have reached its culminating point more than a century sooner than painting, yet both are throughout closely allied, and are constantly acting and reacting upon each other. In reliefs especially painting plays a prominent part, and in statuary even of the best period its growing influence is clear: painting was in fact of the sister arts that which led the way in the whole history of Greek development; and when Winckelmann, following Pliny's statement that there was no painting in Greece at the time of the Trojan War, says that sculpture has the earlier origin, this statement is true only in so far that painting did not attain its full development until the end of the fourth century, whereas the bloom of sculpture is assigned to the middle of the fifth century B.C.

The great difficulty of our inquiry is that of reconciling the literary records with the monumental remains, and of establishing accurately the continuous connexion between them. The wealth of new material which has accumulated, especially during the past ten years, and the more scientific methods of investigation which have thus been rendered possible, have together produced this result—that we are now in many respects in a better position to judge of Greek art than were the art critics and historians of antiquity. The literary records of painting indeed, scanty as they are, are not to be accepted without the closest scrutiny: thus it is now generally accepted that Pliny, our chief informant as to the early history of Painting, adopted without criticism and often without understanding the statements of his authorities; these authorities being apparently for the most part certain Greek works περὶ εὑρημάτων: that he seems to ignore everything but easel pictures: and that his historical arrangement is altogether untenable. Pliny connects each successive improvement in the early history of Painting with the name of a master: even when these names have an appearance of reality, it is probable that they represent, not the inventors of definite steps, but pictures associated with their names which showed the first instances of these improvements.

Under these circumstances, it is obvious that the traditions of ancient writers as to the commencement and earliest development of the art of painting in Greece must not be taken as literal contributions to the history of our subject: in some points, indeed, it is quite impossible to reconcile them with the evidence of the monuments of this period which are before us. The principal authority is Pliny in his *H. N.* xxxv. § 15 foll., who himself acknowledges the uncertainty of his subject. "The Egyptians," he says, "falsely claim to have invented painting 6000 years before it crossed into Greece: of the Greeks, some ascribe the invention to Sicyon, others to Corinth, but all agree that the first step consisted in tracing the shadow of a man with lines. This was followed by the introduction of single colours, so called *monochromaton;* and even after the art had advanced, this style was still carried on. Linear drawing was invented by Philocles the Egyptian or Cleanthes of Corinth, and was first practised by Aridices of Corinth and Telephanes of Sicyon: even these made no use of colour, but scattered lines within their paintings (*spargentes lineas intra*), and attached the names to the figures of their paintings. It was Ecphantus of Corinth who first invented those (pictures?) of the colour of pounded potsherd: this was not the Ecphantus who is said by Cornelius Nepos to have followed Demaratus into Italy."

Painting had already an independent footing in Italy. "Even to this day there are pictures in the temples of Ardea of which the date is earlier than the foundation of Rome; also at Lanuvium are two pictures of Atalante and Helena by the same artist; and at Caere some still earlier: so that the connoisseur may well say that no art was more speedily brought to perfection (*consummata*), seeing that in Trojan times it appears to have had no existence." Pliny then proceeds briefly to note celebrated painters or works of art: the picture of Bularchus, in which was a battle of the Magnetes, of such merit that Candaules paid for it its weight in gold (*repensam auro*): the painters of monochrome (*monochromatis*) Hygiainon, Dinias, Charmadas, who must have lived shortly before, but whose period is not given: Eumarus of Athens, who first in painting distinguished male from female and dared to imitate every sort of figure ("qui primus in pictura marem a femina discreverit, ... figuras omnis imitari ausum"): and lastly, Cimon of Cleonae, who developed the inventions of his predecessor: he found out "catagrapha, hoc est obliquas imagines, et varie formare voltus, respicientis, suspicientisve vel despicientis. Articulis membra distinxit, venas protulit praeterque in veste rugas et sinus invenit." (The difficulties of this passage will be referred to later on.)

In *H. N.* vii. § 205, Pliny says further, that painting was a discovery of the Egyptians, but was in Greece invented by Eucheir, kinsman of Daedalus: so also says Aristotle: Theophrastus, however, ascribes it to Polygnotus of Athens. Athenagoras (*Leg. pro Chr.* 14, p. 59, ed. Dechair) relates how in the days before sculpture and painting and statuary were Saurias of Samos, and Craton of Sicyon, and Cleanthes of Corinth, and a Corinthian maiden: shadow-pictures, σκιαγραφία, were invented by Saurias of Samos, who traced the outline of his horse in the sun: and painting (γραφική) by Craton, who smeared in (ἐναλείψαντος) the shadow of a man and woman on a whitened slab (ἐν πινάκι λελευκωμένῳ). The legend of the "Corinthian maiden" is referred to by him (*ibid.*) as the origin of the koroplastic art; and Pliny (*H. N.* xxxv. § 151) refers to the same story: the legend related how the daughter of a certain Butades, a Sicyonian potter at Corinth, struck by the shadow of her lover's face cast by her lamp upon the wall, drew its outline (*umbram ex facie lineis circumscripsit*) with such force and fidelity that her father cut away the plaster within the outline and took an impression from the wall in clay, which he baked with the rest of his pottery.

The main difficulty which confronts us in these various descriptions is that of distinguishing between linear (*i.e.* outline) drawing and silhouette. It will be best to take the statements as to the inventions first, and afterwards to examine in detail the artists' names. We may for the present disregard the reference to Egypt: the name Philocles being a Greek and not an Egyptian name, it is suggested that the author of this statement had seen the work of an

Egyptising Greek, possibly that of an inhabitant of Naucratis, a Greek colony founded in Egypt in the seventh century; or that some such work, originally painted by Philocles in Greece, had been exported to Naucratis, and, being still on view there, had caused the mistake of describing the artist as an Egyptian. We may also disregard the name of Polygnotus in this connexion, wrongly introduced here by Pliny: Theophrastus only meant that Polygnotus was the first who developed monumental painting. The remaining list of inventors points almost exclusively to Corinth and Sicyon: this is in keeping with the intimate connexion which we know existed between these two cities, and the importance of their art, in the sixth century B.C.; they lay close together, and used almost identical alphabets; and the rule of a powerful dynasty of tyranni in each place gave scope for the artistic activity of the "Daedalidae" to flourish there. The extensive spread of this Corinthian-Sicyonian art may well account for such legendary wanderings of artists as that of Eucheir, Eugrammus, Diopus, and Ecphantus (Pliny, *H. N.* xxxv. § 152) into Italy: on the other hand, there is no reason why these artists should belong wholly to legend: we know of the actual existence of a Eucheir in antiquity; and the other names present no further difficulty. There is no reason to suppose the priority of either city: in fact the Butades legend suggests an attempt to compromise this question, by making him a potter of Sicyon working at Corinth.

Pliny says, "All agree that the first step consisted in tracing the shadow of a man with lines": it is evident that in the various accounts no distinction is intended as to the priority of drawing over painting or *vice versâ;* on the other hand, the expression *umbra lineis circumducta* certainly seems to imply outline drawing; and all the accounts except that of Craton seem to refer to the priority of linear drawing, a fact which is not borne out by the evidence of the monuments. The best suggestion for the explanation of this difficulty is that of Klein, who points out that the real distinction between these various "inventions" lies, not in the *method*, but in the *subject* adopted by the legendary artists; and shows that each legend may be respectively traced to one of the different terms applied in Greek to "painting." Thus, the existence of a term σκιαγραφία would suggest a general basis for the various shadow-theories: ζωγραφία, as distinguished from γραφική, might mean the drawing of animals, ζῶα, as opposed to the drawing of the human figure, and hence the legends of the horse of Saurias, and the man and woman of Craton. The story of the Corinthian maiden is really more connected with fictile art than with painting, though drawing is doubtless equally at the basis of such works in terra-cotta as are here referred to: the elements of this legend are all supplied in the term for terra-cotta modelling, κοροπλαστική. As to this Corinthian maiden, we have two conflicting accounts: Athenagoras says that the lover was asleep, and that the terra-cotta was in his time still preserved in Corinth: whereas Pliny describes the lover as departing, says that the face only was outlined, and that it fell a victim in the sacking of Corinth in B.C. 146: it has been thought, therefore, that the source of Athenagoras' information must have been earlier, that of Pliny later, than B.C. 146: but probably there is no need for supposing the work to have existed except in legend: the circumstantial character of the narrative, as is demonstrable in other similar cases, proves nothing.

With the names of Cleanthes, Aridices, and Telephanes, we come to more definite ground, apparently of the seventh and sixth centuries; before however we approach this period, wherein literary and monumental evidence are both available, we must first go back to the far earlier period which we know only from the actual monuments.

As to the actual origin of painting in Greece, various theories have equally been advanced in modern times. One critic argues that the idea was originally suggested by polychrome embroidery or textile work, and points to the fact that in Homer no mention of painting occurs, while on the other hand mention is more than once made of scenes woven on garments, such as the robe of Helen and of Odysseus, and the veil of Hera; and that two of the earliest recorded names of artists are those of Acesas and Helicon, weavers of Salamis in Cyprus. In this connexion we shall see that the influence of Oriental tapestries is largely felt in the Greek paintings, especially of the coast and islands of Asia Minor, but this probably did not take effect until the end of the seventh century B.C. [see VAS].

Another theory is that of Klein and Milchhöfer, who suggest that both sculpture and painting are jointly preceded by coloured relief. Klein says, "Sculpture and painting are in the earliest period united in a coloured and flat style of relief, which Greece received from Asia Minor and developed (*e.g.* the Cypselus chest and the throne at Amyclae). Painting is at first intended to do no more than replace the actual colour of the metal or wood stuff, in the character of a surrogate. The technical process of engraving (where this is unnecessary) of the painted figure and its surroundings, points still more clearly to an imitation of the hammered, beaten out, and inlaid work: and this explains the striving after gaudiness;" herein referring to the class of "Protocorinthian" paintings in which these characteristics occur, and which he suggests are the result of imitation of inlaid metal. The suggestion may be perfectly true of this particular class of paintings: but these by no means represent the first beginnings of the art in Greece.

Strictly speaking, the subject of Painting embraces every material, even to the humblest, to which it is applied; and for the earliest beginnings of the art, we may accept the evidence of vases where other evidence fails. The earliest painted vases in Greece are a class which come at the end of the Hissarlik and at the commencement of the Mycenae period [VAS]. These show the first introduction of painted ornament, at the point where it takes the place of the primitive engraved patterns with which the decoration of Greek pottery begins. First it occupies itself with decorative devices borrowed from marine fauna and flora; afterwards, in the bloom of Mycenaean art, a wonderful dexterity is attained, which leaves little in the range of nature unattempted. In Mycenaean art we see for the first time the elements of that artistic

selection and dramatic force which it was the mission of the Greeks first to introduce; we see these qualities strongly marked in the scenes inlaid and engraved on the famous bronze swords found at Mycenae: especially on one which represents a scene of panther-like animals chasing birds by a river-side; although executed in metals, this is a complete picture of animal life, of which even the requisite colours are indicated by the various metals employed. But the more recent excavations at Tiryns and Mycenae have given us still clearer evidence of the pictorial art of this period. In both these sites fragments have been discovered of wall-paintings which seem to have formed parts of extensive compositions in fresco. The largest fragment represents a bull charging, coloured white with red spots on a blue background: above the bull's back is the figure of a man, whose peculiar position has been explained as that of an acrobat, but is more probably due to a defect of perspective. Besides this are on other fragments part of a frieze of figures with animals' heads, warriors, female figures, &c. The range of subjects is that which we are accustomed to meet with on the so-called "island gems" which begin in this period [SCALPTURA], and which perhaps more than anything show us the connexion between Mycenaean art and the art of later Greece. These subjects are marked by a strong native originality, tinged with the influence partly of Egypt, partly of Asia Minor: in the bronze swords and the wall-paintings the influence of Egypt is especially noticeable, both in point of technique and in the treatment of subject; so that perhaps Pliny's authority was unconsciously correct when he asserted that the art of painting had crossed from Egypt into Greece; though it is certain that his information could never have extended so far back as the times of Mycenae and Tiryns.

With the downfall of the Mycenaean power, the progress of art in Greece doubtless received a check. We see this especially in the vases: the brilliant ware of Mycenae gives place to the rude Geometric system of the conquerors, and survives only in a degraded ware which represents the decadence of the earlier art. In Greece proper the heritage of Argos and Mycenae was doubtless passed on to the neighbouring towns of Corinth and Sicyon; a process which is reflected in the legends narrated by Pliny and others referred to above. On the other hand, the traditions of Mycenae had passed to Asia Minor and the islands: the early pottery of Rhodes shows that late down into the seventh century B.C. vase-painters were still employing a floral system which was a direct survival from Mycenae; and the Euphorbus pinax found at Camirus in Rhodes shows, in the Argive inscriptions which it bears, a direct connexion of this style with Argolis. Unfortunately, we know as yet very little of the early painting in the Greek cities of Asia Minor; but the little evidence which we do possess seems to show that in the seventh century B.C. this style of painting was practised throughout an extensive area of Eastern Hellas. Probably, as the early Greek sites of Asia Minor become more thoroughly explored, we shall see that the painting of this period, like the sculpture and the poetry, centred in some one or more of these cities of the border. Recent excavations at Naucratis, a city in Egypt colonised principally from this district, have shown us what the conditions of this art were in the end of the seventh century; and we have still further important evidence from the locality in question. From Clazomenae has come a series of terra-cotta sarcophagi painted with figured decorations in the style of these schools. These sarcophagi are of various dates, which cover a considerable period; the earliest was probably not made before the first half of the sixth century B.C.; but it seems to represent a tradition which traces its origin back to a period considerably earlier. In these paintings the reddish clay is first covered with a yellowish white pigment, upon which the design is first outlined, and afterwards filled in, in a brownish black. The subjects are for the most part friezes of animals, combats of warriors, and hunting scenes.

The technique of the sarcophagi corresponds with that of the earliest class of the so-called Protocorinthian and Corinthian vases, in which, if their attributions to Corinth are correct, we may trace an unbroken line of connexion between the art of Corinth and that of Mycenae. The most important evidence of this art is afforded by the painted *pinakes* found at Penteskuphia [FICTILE]. Here we have a series of actual pictures, painted as pictures and not as mere decoration, which throw an interesting light on the various branches of art in the seventh century, and illustrate the close connexion then existing among them. These, dedicated principally to Poseidon, are the combined product of the painter and the potter; one of them is signed by an artist already otherwise known to us as a vase-painter; some of the plaques have moulded decoration; and the scenes represent episodes in the arts of the potter, the painter, the sculptor, and possibly also the bronze worker. This close connexion is very much what is reflected in the versatility imputed to the Daedalidae in the early traditions respecting the first art-workers, wherein the members of one family furnish the representatives of all the various branches of art. The range of myths here depicted is as yet small, as in the Hesiodic shield; the time is not yet come for that fulness of mythological material which is set forth in the famous description of the Chest of Cypselus [STATUARIA], equally a work of Corinthian origin.

With the end of the seventh century we reach a more definite standpoint, and it is here that we seem for the first time to find a historical background for the early artists of literary record. Again, in the absence of other evidence, we are obliged to turn to vase-paintings; but inasmuch as vase-painting in its later history certainly reflects the influence and the progress of the major art, we may take this analogy as true of the earlier periods also.

After the invention of linear drawing, Pliny mentions ARIDICES of Corinth and TELEPHANES of Sicyon, *sparyentes lineas intra*, and who also attached the names to their figures; the term *lineas* has usually been misunderstood as an allusion to the inner markings of the figure, giving the "drawing of the eyes, nostrils, all in short which goes beyond mere silhouette." We cannot, however, suppose that all previous artists drew their figures as blind; and it is obvious

moreover from vases, that inner markings must have been adopted long before the practice of writing in the names. Klein therefore suggests that this expression in Pliny refers to the linear ornaments, borrowed probably from the imitation of textile fabrics, which fill in the background in the designs of the end of the seventh and beginning of the sixth centuries B.C. And though this explanation upsets the chronological sequence of Pliny's statements, we need not reject it on that ground, for in this, as well as many other points, Pliny is demonstrably incorrect.

Next comes ECPHANTUS of Corinth, with whose name are associated the pictures of the colour of pounded potsherd: probably this expression merely refers to the deep purple colour which is added in the earliest vase-paintings of Corinthian style, and which to Pliny's authority may have seemed their most striking characteristic: that writer may have seen some early painting signed by Ecphantus, and was thus led to connect this improvement with his name. Like Eucheir and Eugrammus, he is said to have come out of Corinth with Demaratus. Pliny tries to explain away this difficulty by the stock method of imagining two Ecphanti; but while the journey is of course legendary, there is no reason why we should not accept Ecphantus as a real personality; it is even possible that we possess a monumental record of this very artist in the Columna Naniana (Löwy, *Inschr. Gr. Bildh.* No. 5), of which the inscription runs thus:—

Παῖ Διός, Ἐκφάντῳ δέξαι τόδ' ἀμεμφὲς ἄγαλμα
Σοὶ γὰρ ἐπευχόμενος τοῦτ' ἐτέλεσσε γράφων.

It seems likely that this column, which was found at Melos, and which, from its inscription, dates from the seventh century, supported a painting; possibly this was a Melian vase-painting, by the artist Ecphantus, who thus dedicates his own handiwork.*

CLEANTHES of Corinth is by Pliny ranked among the inventors of linear drawing; but Pliny's order cannot be accepted here, for it seems clear that the place of Cleanthes is at least posterior to that of Ecphantus. In this case we are not left to Pliny's information alone. Strabo (viii. 343) notes two works by this master in the temple of Artemis Alpheia: an Iliupersis, and a Birth of Athene. Of the first of these pictures we know nothing more: the Birth of Athene, however, is further mentioned by Athenaeus (viii. 346 c), who describes in this picture the figure of Poseidon "offering a tunny fish to Zeus in travail." This is of course an error; the tunny is merely the attribute of Poseidon, whose type is thus distinguished on the Penteskuphia pinakes; and the whole description seems to point to a votive pinax of this kind, dating probably from the seventh century. In all probability it was one among many in this temple. Strabo couples with this picture another from the same temple by AREGON, representing Artemis on a Gryphon; this type, however, seems inconsistent with what we know of the methods of this period, and it is likely that either Aregon was of a much later date, or that Strabo's information was incorrect.

CRATON of Sicyon painted a man and woman on a whitened pinax; we are naturally led to think of the vase-paintings in black figures on a white ground: the term λελευκωμένος, however, need not imply more than the practice common to all the paintings of this period, which obtains equally in the Penteskuphia tablets and in the Clazomenae sarcophagi, of preparing the ground of the design with a yellowish-white pigment. The "man and woman" of Pliny's statement suggests the symmetrical pairs of figures which are commonly mentioned in the descriptions of works of this period, such as the Chest of Cypselus and the Spartan basis.

Of HYGIAINON, DINIAS, and CHARMADAS, Pliny tells us that his information supplies no date; they are painters in "monochrome," a technique which is mentioned nowhere except in Pliny, and which he himself does not seem to understand: if it means anything, it may mean that the colouring of their pictures had faded, or else that they worked in one colour with the natural background, as in the vases with black or red figures. In the latter case, these artists must necessarily range much later in date.

Among the painters of this period we may now include those whose names we know from monuments which they have signed, and who are apparently Corinthian artists of the first half of the sixth century,—BIAS, CHARES the son of Bias, and TIMONIDAS, who signed one of the Penteskuphia pinakes.

EUMARUS of Athens was the first who distinguished male from female, and who "dared to imitate every sort of figure." On the vases with black figures we can trace the epoch at which a white colour is gradually introduced to indicate the flesh of female figures. It is not necessary that this should be precisely the change initiated by Eumarus, but it must evidently have been something analogous to this.* The two facts we are told of Eumarus thus lead us naturally to think of the early Athenian vases with black figures. While the Corinthian and Chalcidian painters probably went on using their creamy white background, the Athenians used for background the natural brilliant red of their clay, and laid the white in their design on a surface of black paint. The white on these vases is a feature sufficiently striking to have attracted Pliny's informant; and the wealth of mythological material lavished on the François vase by CLITIAS and ERGOTIMUS, and their boldness in attempting difficult motives, may well have justified his expression *figuras omnis*. Like these two artists, Eumarus was also an Athenian; and in the recent excavations on the Acropolis an inscription has been found which seems to mention his name, and fixes his date, if this identification be correct, at the Solonic period in which Athenian art is beginning to take a foremost place. The vases and pinakes show us the influence of Corinthian painting on Athens at this period.

Pliny's description of CIMON of Cleonae presents grave difficulties. Most critics agree to the general conclusion that the inventions ascribed to him are represented broadly by what we see in the red-figured vases of the

* No. 25 *ibid.* is the fragment of a similar dedication by a Melian (vase) painter Ka - - -.

* See, however, Murray in *Hellenic Journal*, x. p. 243.

school of EPICTETUS, the date of which is now assigned to the age of the Peisistratidae. With the growing popularity of the athletic exercises of the palaestra, comes in the preference for representation of the nude figure, in attitudes and movements hitherto untried; the innovations in the drawing of dress, the improved treatment of the eye, the fine inner markings indicating veins and muscles, are all to be traced to these vases.

Catagrapha in this connexion is difficult to explain. Pliny's interpretation, which represents Cimon as the inventor of profile drawing, seems altogether untenable; in early sculptures in relief, figures which would naturally be in profile are frequently represented in full face; but there is no evidence of any such priority of full-face treatment in Painting. On the other hand, it is probable that the great paintings of this time must have consisted of outline drawings with washes of colour, as on the alabastos of Pasiades in the British Museum. One explanation refers it to linear perspective, or what we should term "projection!" The most generally accepted interpretation refers it to the practice, common in the vase-paintings of this period, of indicating the outline of the body underneath the dress, which adapts itself to the movements of the figure.

A notable monument of this period is the Stele of Lyseas, an inscribed marble shaft of about 550–525 B.C., with an inscription stating that it is the tombstone and portrait of Lyseas; on the front is painted the full-length figure of the deceased, holding in one hand a cantharus, in the other the twigs of lustration; the chiton is purple, the himation white with a coloured edge, the twigs green, the cantharus black. The outline was first drawn in a dark colour, and the background is red. Below is a minute figure of a galloping horseman. The similarity of this figure to the carved stele of Aristion shows the close connexion that then existed between marble painting and marble relief. Probably such paintings were much in vogue, though naturally very little beyond mere fragments of them have come down to us. The technique corresponds most nearly to that of the black-figured vases. Loeschcke has tried to show that the change from black to red figures in vase-painting was brought about by the influence of marble paintings, such as the Stele of Lyseas; but this suggestion has been generally opposed (see Klein, *Euphronios*,[2] p. 30, and *Arch.-Epig. Mitth.* 1887, p. 209). We referred above to the statement of Pausanias (vii. 22, 6) that the great artist Nicias painted a sepulchral stele at Triteia: this is important as showing that, even if the Stele of Lyseas is not by a great master, it belongs to a class of work which was not beneath the dignity, and probably reflects the methods, of the great masters.

Another interesting monument, which may probably be referred to this period, has recently been discovered in or near Athens; it is a disk of white marble pierced with two bronze nails for attachment to a wall; on it is painted* a bearded man seated in a chair, and around the picture is an archaic inscription recording that this is the monument of the excellent physician Aineos or Aineios. The name is an uncommon one, and has been identified with that of the great uncle of the famous Hippocrates; assuming this to be a contemporary portrait, the date would thus fall at about 520 B.C.

The decoration of walls by designs painted on them had probably a direct descent in Greece from the time of Mycenae; unfortunately we have no Greek Pompeii to tell us in what this decoration in early times consisted. There have recently been found at Athens two fragments of a marble painting intended for insertion into the wall, probably of a tomb, which give us, perhaps better than anything else, an idea of the methods employed in decorative painting previously to Polygnotos; it also offers strong confirmation of the close connexion between those methods and the methods of vase-painters. The groundwork is a creamy yellow, on which is painted a warrior charging; his figure is drawn in outline, and filled in with different-coloured washes for the various parts and for the drapery. The drawing is strong and spirited, though still retaining traces of archaism; in the field is an inscription which seems to connect it with the vase-painters of the last quarter of the sixth century (Ἐφ. Ἀρχ. 1887, pl. 6).

But if wall-paintings are thus seldom found in Greece, this lack of material is in some degree compensated for when we turn to Italy. It is true that, here again, the actual houses and temples of early times have not survived; but the Etruscans were accustomed to decorate the chamber of their dead as much as possible to resemble that of the living; and the tombs of Veii, Caere, and Tarquinii have given us valuable series of early wall-paintings. These paintings, if not always the work of Greeks, are the living reflection of Greek art. All internal evidence goes to show this, and it further enables us to control the statement of Pliny. In order to show that the Ecphantus of Cornelius Nepos cannot be the same as that early painter of Corinth, he says that already (in the time of Demaratus) painting had attained an independent footing in Italy, and mentions a series of fully-coloured paintings at Ardea, Lanuvium, and Caere, which existed before the foundation of Rome. Pliny's statement is here affected by his sense of patriotism; the vases found in Italy show us beyond a doubt that the earliest Italian paintings were executed under foreign influence. The wall-paintings of Italy are the only class of remains beside vases which enable us to trace the development of the art continuously through all phases; allowance being of course made for the time which must elapse before each innovation of the Greeks could make way among the tomb decorators of Italy.

It is generally accepted that the earliest examples of the art in Italy are the wall-paintings from tombs at Veii; these consist principally of friezes of animals, conventionally or fantastically drawn with long bodies and long slender legs,—a style of art which we know to be essentially Oriental, and which is doubtless connected with the tapestry work of Mesopotamia. In keeping with this textile idea, the groundwork is filled in with conventional designs, which at Veii take the

* In the Ἀρχ. Δελτίον, 1889, p. 151, this portrait is said to be painted in *encaustic*, but this is certainly an error; it is probably painted in tempera, like the Stele of Lyseas.

form of floral devices: these floral devices are drawn in many respects identical with the flora of Mycenaean art; it seems therefore that the art of Veii represents the same stage as that which we saw in the vase-paintings of Eastern Hellas at the end of the seventh century B.C., in which the traditions of Mycenae were being combined with the lessons derived from Oriental tapestry. The presence of Mycenaean elements may imply that this form of art traced its origin to a much earlier date, as it certainly also lasted down to a much later period in Etruria. In the Polledrara tomb at Vulci were found a series of imported objects of Egyptian character, including a scarab of Psammetichus I., which probably fixes the date to B.C. 656–611. Among these objects was a large amphora painted in a developed form of the Veii style, and a hydria of a ware which is apparently Graeco-Egyptian, painted in red and blue with a Graeco-Egyptian rendering of the Minotaur legend; a connexion with the Egyptian town of Naucratis, which this same Psammetichus gave to the Greek traders, seems an obvious deduction. The Naucratian traders came principally from the coasts of Asia Minor; so that we have, at the end of the seventh century, evidence of a combined Egypto-Asiatic influence on Italian art. It is this influence which we may suppose reflected in Pliny's statement about Philocles quoted above, p. 400.

The same influence was also communicated through another channel, that of Phoenician trade. The site of Caere in Etruria marked a Phoenician settlement, and had been known in earlier times by the Phoenician name Agylla; and the general character of Phoenician importations would be very much what is found in the Polledrara tomb. At present the earliest paintings which we have from Caere are certain *terra*-cotta slabs, of which a series of five is in the British Museum; another series, somewhat later in date, is in the Louvre. These slabs served as the wall-decorations of a tomb, so that they may be considered in reality as wall-paintings. The surface is covered with a white slip, on which the design is laid in outline, with washes in reds and blacks; the white ground is left to stand for the flesh of women, while that of the men is coloured red. The technique is thus very much the same as that which we have on the Corinthian vases of the seventh century. The subject consists of a frieze of figures who seem to represent mourners, and carry various offerings to the dead. On each side of the doorway stood a slab painted with a large Sphinx, the drawing of which bears an analogy to that of the animals of Veii, while that of the human figures seems to show the artist's want of familiarity with this class of subject. It would seem then that these slabs must be very little, if at all, later than the Polledrara hydria, and in publishing them Mr. Murray suggests B.C. 600 as an approximate date for them (*Hellenic Journal*, x. p. 247). This date brings us to the period when Etruscan art may have been stimulated by the advent of the artists escaping from the rule of the Cypselidae at Corinth, always supposing that this journey had any ground in fact. In any case, these artists probably chose Etruria as being a district already advanced in art; and this would be some ground for crediting Pliny's statement (xxxv. § 17) as to the antiquity of the art at Caere. In the details of these paintings Mr. Murray finds traces of a marked Asiatic influence, which, coming primarily from Assyria and Chaldaea, was communicated either by the Asiatic Greeks settled in Egypt, or, more directly, from the Greeks of Asia Minor. The Etruscans themselves claimed a Lydian origin, and some such influence is at least apparent in their early art. Dümmler has tried to establish a connexion with Aeolis in the early pottery of Caere. From this site has come a series of vases which are closely related to certain fragments from Cyme, and which seem to have been imported, possibly from Phocaea; in Etruria they gave rise to a local fabric [VAS], which represents the decadence of this imported style.

Though Etruscan art is everywhere characterised by a certain sturdy realism which is unmistakable, it is always based upon the conceptions and technique which it borrowed principally from the Greeks; it has justly been compared with the art of the Tuscan School of the Renaissance, "which sought to bring its own realistic feeling for form into harmony with the results of a renewed study of classical antiquity." The transition from native realism to Greek idealism is especially marked in the comparison between the earlier and later paintings of Corneto (Tarquinii), the best of which seem to point to a period corresponding to, though not necessarily contemporary with, the art of Polygnotus. Of this painter, and of the school of Greek painters who followed him, an account will be found below on pages 407 and 408.

From the dawn of the fifth century we begin to hear the names of painters in Italy, but at first, at any rate, these are exclusively Greeks. In the time of the kings at Rome, painting seems to have been principally in use for the decoration of works in terra-cotta, an example of which has been already mentioned, the vermilion-coloured Jupiter of the Capitol. The earliest painters named in connexion with Rome are DAMOPHILUS and GORGASUS (Plin. *H. N.* xxxv. § 154): these were both painters and modellers, and decorated in both branches of their art the temple of Ceres at the Circus Maximus; this temple was dedicated in 493 B.C., and this date has consequently been assigned to them; Urlichs, however, thinks that Damophilus is to be identified with the teacher of Zeuxis (mentioned *ib.* § 61), and in this case his date would be about 460 B.C., or contemporary with Polygnotus. Pliny's description leaves us uncertain as to the nature of the paintings of Damophilus and Gorgasus: he says that when the temple was restored *crustas parietum excisas tabulis marginatis inclusas esse*, an expression which certainly seems to imply that they were wall-paintings which were at a later date cut out and framed. That this plan of preserving the works of old masters was not unusual in antiquity we know from examples at Pompeii and elsewhere. From this time forward we hear little of painting in Rome: there were no local artists of any importance, and communication with the outside world was cut off on the one hand by the wars with Veii, on the other by the Volsci. Nothing further is heard of

Roman painting until the middle of the third century B.C.

Returning now to the history of the art among the Greeks themselves, we have seen that in the sixth century B.C. the most important centres were in, or bordering upon, Asia Minor, and that it was only towards the end of this century that Athens began to take a foremost part. This is borne out in the little that we know from literary sources of the painters of the sixth century. Candaules, king of Lydia (died B.C. 708), is said to have purchased at a high price a painting of BULARCHUS, which represented a Battle of the Magnetes (xxxv. § 55). It would appear from the expression of Pliny (vii. § 126) that Candaules paid the painter as much gold as would cover the picture (*repensam auro*). The tradition, however, is very doubtful: it was probably borrowed without understanding from a book by Cornelius Nepos, and is mentioned by Pliny on account of the correspondence between the dates of the death of Candaules and that of Romulus.

The old Ionic or Asiatic painting, the "genus picturae Asiaticum," as Pliny terms it, most probably flourished at the same time with the Ionian architecture, and continued as an independent school until the middle of the sixth century B.C., when the Ionians lost their liberty. Herodotus (i. 164) mentions that when Harpagus besieged the town of Phocaea (B.C. 548) the inhabitants collected into their ships all their valuables, their statues and votive offerings from the temples, leaving only their *paintings*, and such works in metal or of stone as could not easily be removed, and fled with them to the island of Chios; from which we may conclude that paintings (probably wall-paintings) were not only valued by the Phocaeans, but were also common among them. Long, however, before the conquest of Ionia, Samos seems to have become a prominent seat of the arts (Herod. iii. 60, iv. 152). We know that a school of sculpture was early in existence there; and although the so-called "invention" of Saurias of Samos is legendary, he may well have had a real existence as a painter. Painting and sculpture went hand in hand in those early times, and the island that boasted the sculptor Theodorus would probably have made its mark in painting as well. Pausanias indeed twice mentions cursorily a celebrated Samiote painter CALLIPHON, who painted the Homeric battle of the ships in the Artemision at Ephesus: the terms used by Pausanias clearly point to the art of the first half of the sixth century B.C. In the temple of Hera at Samos was the celebrated picture dedicated by Mandrocles, a native of the place; we are not told the name of the (doubtless local) artist; it was painted for Mandrocles, who had constructed for Darius Hystaspes the bridge of boats across the Bosporus, and represented the passage of Darius' army, with the king seated on a throne reviewing the troops as they passed. Such a dedication would be quite in keeping with what we know of Samian art tradition, and there is nothing in the epic character of the subject which would make it impracticable. The date of the bridging of the Bosporus must fall between 516–514 B.C., and the picture must have been nearly contemporary with this date. Another painter, possibly also a Samian,* is mentioned by Athenaeus (v. p. 210 *b*)—SILLAX OF RHEGIUM, whose pictures in the Stoa at Phlius had been described by Polemo; his importance is marked by the fact that his name is recorded in the poetry both of Epicharmos and Simonides; and this fact would mark his date at about B.C. 470. The contemporary sculptor Pythagoras of Samos (Rhegium) is stated to have begun life as a painter (*ab initio pictor*); another instance of the close connexion then existing between the arts. We may conclude the list of Samian painters in the fifth century with the name of AGATHARCHUS, SON OF EUDEMUS: unfortunately of this painter not a single work is described in literature, and we know no more of him than what can be inferred from the three anecdotes which different writers associate with his name. The first is given in Vitruvius (vii. praef. 10), who says that Agatharchus "primum Athenis, Aeschylo docente tragoediam, scaenam fecit et de ea commentarium reliquit." From this it has been supposed that this artist invented scene-painting, and that from him, therefore, dates the feeling for landscape in art and the striving after pictorial illusion. On the other hand, this statement does not coincide with that of Aristotle (*Poet.* 4), that Sophocles invented scene-painting; nor with what we know of the later painter Apollodorus. Klein proposes, in the light of recent discoveries as to the history of the Greek theatre, to refer *scaenam fecit* to the innovation brought about by the addition of the σκηνή (the stage proper) to the old dancing ring: this expression might well have been misunderstood by Vitruvius, whose references to treatises left by artists and architects are rarely to be trusted. The second anecdote represents him as set down by a reply of the celebrated younger master Zeuxis, to whom he had boasted of his rapid rate of work (Plut. *Pericl.* 13). The third anecdote relates how Agatharchus, refusing on the score of overwork to decorate the house of Alcibiades, was locked up by him until the decoration was completed; or, according to another version, until the artist escaped. We thus see, at any rate, that Agatharchus was a contemporary of Aeschylus, of Zeuxis, and of Alcibiades; Aeschylus died in B.C. 456, and the speech of Andocides recording the Alcibiades story was probably delivered in B.C. 416. It has therefore been supposed that there must have been two Agatharchi (see *Dict. Biogr.* s. v.), but this supposition is not generally accepted.

Here for the present ends our information about the Samian School: between this time and the period of the Diadochi, when Theon comes forward, Samos is only represented by one or two insignificant names. But that Samos preserved always the tradition of a great school of painting, we see from the act that the famous contest between Parrhasius and Timanthes took place there; moreover, the temple of the Samian Hera was a perfect storehouse of pictures, which lasted even down to the time of Strabo (xiv. p. 637 C), who says, "The ancient shrine and

* Klein (*Arch.-Epig. Mitth.* xii. p. 87) claims Sillax as a Samian, but on no very strong grounds. He is contemporary with Pythagoras and Clearchus, both of whom are called "of Rhegium," but are in reality of Samos.

large temple of Hera is now a picture gallery [PINACOTHECA]; and besides the quantity of pictures here exhibited, there are also other galleries and little shrines which are full of specimens of ancient art." We saw that Agatharchus' sphere of activity lay in Athens, and it is to Athens on the one hand, to Colophon and Ephesus on the other, that the heritage of Samian painting is now passed.

The art of the sixth century at Athens has unfortunately offered hitherto but little direct monumental evidence either to the ancients or ourselves. The recent excavations on the Acropolis have brought to light, however, monuments which, fragmentary as they are, yet throw a brilliant light upon a period of which the ancients knew but little. The sack of the Acropolis by the Persians in B.C. 480 must have destroyed most of what would otherwise have served for the art history of pre-Persian times. Possibly some scattered pieces were saved from the wreck, and may have been set up at the time of Cimon's administration in the pinacotheca of the Propylaea; and on these chance survivals the knowledge of the ancients was principally based. "If therefore such a painter as Clitias is not named by Pliny as well as Eumarus, this is merely owing to the chance that the father of art history found no picture by this artist on the Acropolis." Art and handicraft are originally, as we have seen at Corinth, not separated; and probably the early red-figured vases, made at Athens and exported thence to various sites, reflect the art of the painters of Peisistratid times; a developed drama did not yet exist; and it would appear that these artists, both great and small, drew their inspiration from the Cyclic and the Lyric poets. As time went on, the gulf between art and handicraft gradually widened; and the genius of POLYGNOTUS, in the middle of the fifth century, finally raised painting to a level far above that of the handicraftsmen.

With Polygnotus the history of Greek painting as an independent art may be said to begin, and in this sense we may accept the statement of Theophrastus (*ante*) that this artist was the "inventor" of painting. It is the period of the great reaction at Athens succeeding to the Persian wars, and for the first time we hear of great historical compositions, and of painters recognised as public characters. The limited space of this article necessarily precludes anything like a general notice of all the various productions of Greek painters incidentally mentioned in ancient writers. With the exception, therefore, of occasionally mentioning works of extraordinary celebrity, the notices of the various Greek painters of whom we have any satisfactory knowledge will be restricted to those who, by the quality or peculiar character of their works, have contributed towards the establishment of any of the various styles of painting practised by the ancients. A fuller account of each artist will be found under their respective names in the *Dictionary of Greek and Roman Biography*.

The fame of Polygnotus is chiefly associated with Athens; he was born at Thasos, and came of a family of Thasiote artists; his father Aglophon, and his brother Aristophon, being both recorded as painters of note. Of the details of his life we know very little; just as his great contemporary Pheidias started life as a painter, so Polygnotus is spoken of as having had some experience in sculpture: an association between the two arts which is clearly reflected in the sculpture of the time. His period of activity seems to have lain between B.C. 475 and 430. Attracted to Athens among the artists whom Cimon was employing for the reconstruction and adornment of the city, he won for himself the freedom of that city, and a special honour from the Amphictyons, by his gratuitous work at Athens and at Delphi. He became the leader of a school of painters who worked on the same monuments, and probably much in the same manner, as himself; principal among these were Panaenus, a relation of Pheidias, and Micon, like his leader both sculptor and painter, and, like him too, of Ionic origin.

Unfortunately, in many cases where these artists were employed conjointly, we cannot always decide which subjects to assign to each of the respective masters. In all probability, the earliest works which can with certainty be attributed to Polygnotus were the large compositions with which he decorated the Lesche or assembly hall of the Cnidians at Delphi, representing the Sack of Troy and the Vision of Hades. These paintings are celebrated in an epigram of Simonides: now we know that in B.C. 477 the poet went to Sicily, and that in B.C. 467 he died; so that the paintings were probably executed at least before B.C. 470. Pausanias devotes seven chapters (x. 25–31) to their description, and from this we can gather a very fair idea of the general character of the compositions. The figures were arranged in an extended form of frieze, but grouped on different levels, and lacking that pictorial unity which a definitive background supplies in modern painting. Each figure had the name written over it, and the wall was covered with distinct groups, each telling its own story, but all contributing together to relate the tale of the general composition. They were in fact painted histories, and each group was no further connected with the contiguous groups, than that they all tended to illustrate different facts of the same story. Intended as they were for the decoration of architecture, they were subservient to tectonic laws; as in sculpture in relief, what was not absolutely necessary to illustrate the principal object was indicated merely by symbolism: thus, in default of more elaborate scenery, locality was suggested rather than expressed,—a tree, a house, or a piece of water representing what the knowledge of each spectator would easily supply for himself.

If we consider the narrow limits thus imposed on Polygnotos by his obedience to ancient laws and canons not yet broken through, we shall expect to find his real claims to the advancement of art more set forth in the details of his style and treatment of his subject; and this is precisely what is most noted of him by ancient writers. While he inherits the strength and firmness of his more archaic predecessors, he adds a breadth of style and an æsthetic beauty which is less external than inherent within the character of his subject. This is what Aristotle means when he (*Poet.* c. 6) speaks of him as an ἀγαθὸς ἠθογράφος, an excellent delineator of

moral character, and assigns to him in this respect a complete superiority over Zeuxis; and again (*ibid.* c. 2), speaking of imitation, when he remarks that it must be either superior, inferior, or equal to its model, illustrating his point by the cases of three painters: "Polygnotus," he says, "paints men better than they are, Pauson worse than they are, and Dionysius as they are."

Pliny says (xxxv. § 58) that he was "the first to paint women with translucent drapery, and to decorate their heads with various coloured head-dresses; but that his greatest contributions to painting were those of opening the mouth, showing the teeth, and that he gave expression to the countenance by altering its archaic stiffness." It is in these last characteristics that we see the revolution brought about by Polygnotus; he endeavours, in the whole treatment of the body, to impart an individual character; especially in the face, so that a poet of the Anthology (*Anth. Gr.* iii. 147 B) might say of his Polyxena that "in her eyelids lay the whole of the Trojan war." It is probably more than a coincidence that in his works we have the first glimpse of portrait painting in the modern sense. The artist loved Elpinice, the sister of the great Cimon; and her portrait, as Laodice, figured among the Trojan women represented by him in the Stoa.

With Polygnotus the art of Painting was in point of conception and spiritual beauty at its zenith; but, unlike sculpture, it was as yet lacking in technical power; as Woermann (p. 43) says, "It truly entered into possession of its full technical means in a later generation, when the arts of Greece were no longer bent upon their ideal mission in the same high earnest as of old." The range of colours was scanty;* and though we hear of special local tints being applied (*e.g.* the Eurynomus in the Nekyia coloured blue-black, like a carrion fly, as Pausanias says), there is no suggestion of a transition of tones or of local light and shade. Indeed, this is the more natural when we remember that no determinate background was used, but probably the figures stood out on the white ground of the wall.

If we wish to realise the spirit of Polygnotus' paintings, it is principally to the sculptures of the time that we must look; and specially to the series of reliefs upon the marble lekythi and sepulchral stelae, which breathe the same qualities of pathos that underlay the paintings of this master, and the bloom of which art falls just in his time. Possibly even the motives of these sculptures may suggest the types which Polygnotus had created for his great picture of Hades. The influence which his art exercised upon sculpture is best shown in the frieze of the Graeco-Lycian monument of Gjölbaschi, where more than one motive (*e.g.* the Slaying of the Suitors by Odysseus) is directly inspired by the painting of the same subject. But as far as mere types are concerned, much is probably still to be obtained from the study of vases. The gulf between art and handicraft is widening, and "the polychrome vase-paintings (on a white ground) are a last attempt to keep pace with the greater art, but for the most part are not worthy of the simple colouring of Polygnotus." On some red-figured vases, however, of the time of Meidias,* it is now shown that the scenes depicted have a close relationship with the painter,—a fact borne out by the inscriptions which they bear, and which are written in the Parian-Thasian, and not the Attic, alphabet. Dümmler has collected as many as six such instances, and more will doubtless be now identified.

For a list of the various works of Polygnotus and his contemporaries, we must refer the reader to Overbeck's *Schriftquellen*. It is sufficient to say here that their principal sphere seems to have been Athens, and the wealth of Athenian local myths supplied them with the most varied and extensive themes. It was a time when the luxuriance of Ionic art was taking a hold upon Athens, not in painting alone, but in the whole range of Attic culture; and this movement is continued in the greatest of the colleagues of Polygnotus, Micon and Panaenus.

Both had, like their leader, strong instincts in the direction of sculpture. Panaenus was of the family of Pheidias; MICON was himself a sculptor. He is the only great painter of whom we have as yet a direct monumental record; and, curiously enough, this record is concerned, not with a picture, but with a statue. At Olympia a square base was found (Löwy, *Inschr. Gr. Bildh.* No. 41) which had supported a bronze statue; the inscription showed that this statue had recorded the victory in the pancration of "Callias, son of Didymion, an Athenian;" and added *Μίκων ἐποίησεν Ἀθηναῖος*. This very statue is described by Pausanias (vi. 6, 1), who gives further in another passage (v. 9, 3) the date of Callias' victory as the 77th Olympiad (B.C. 472–469); the statue must have been set up soon after this date. Another inscribed base (Löwy, No. 42), found at Athens, records a statue made by "Micon, son of Phanomachus," thus correcting the form of the name (Phanochus) given in the Scholiast to Aristoph. *Lysist.* 679. These statues of Athletes remind us of Pliny's statement that Micon was specially esteemed for this class of work ("Micon athletis spectatur").

Of Micon's birth and life we know otherwise very little. In spite of the evidence afforded by the Olympia base, he has usually been considered as of un-Attic origin, on account of the Ionic character of his writing. But the evidence of his work all points to his being an Athenian; the subjects both of his sculpture and of his painting are Attic, and it is here that his activity was chiefly displayed. Six of his works are known to us, viz. (1) Battle of Amazons, and (2) Battle of Marathon, both in the Stoa Poikile; (3) an Argonautic scene, possibly the funeral games of Pelias, in the Anakeion; (4) Battle of Amazons, (5) Battle of Centaurs, and (6) The Recognition of Theseus, all in the Theseion. In describing this last, Pausanias goes on to relate the end of Theseus; and this has generally been considered as the description of a seventh picture: Klein, however, shows good reason for the opinion that this is merely an excursus of the garrulous topographer, and must not be included among Micon's paintings. The

* Cicero says he used only four colours; Plutarch names *ὦχρα, σινωπίς, μέλας, μηλιάς*.

* It is worth noting that one vase-painter of this period is named Polygnotus: a vase signed by him is in the British Museum.

close connexion existing between the great artists of this period, and the probable similarity of their style, is shown in the fact that the Marathon ascribed to Micon (No. 2) was probably painted by Panaenus, and that some of the works in the Theseion are in one author attributed to Polygnotus.

PANAENUS, if, as is nearly certain, he was the brother* of Pheidias, probably in that case began his training under their father Charmides, who must have been also a painter. His personality is overshadowed somewhat by the superior claims of his greater brother; but the fact of his being chosen to paint the Battle of Marathon, and to decorate the throne rails and walls of the great temple of Olympian Zeus, show the high esteem in which his art was held. From the description which Pausanias gives (v. 11, 5) of his Olympian paintings, it is evident that his method corresponded to that of his contemporaries already described. With him we hear for the first time of those contests of painters which seem to have attracted the great masters in subsequent times to exhibit competitive works usually at the great games or religious festivals. Panaenus is recorded by Pliny (xxxv. § 58) as having been defeated in such a competition at the Pythia by Timagoras of Chalkis, an Ionic master who is otherwise unknown. Probably Pliny had derived this story from a copy that he may have seen of a metrical inscription of Timagoras, and this would explain the "Timagorae vetusto carmine" in the passage of Pliny.

Of ARISTOPHON the brother of Polygnotus, and by Plato reckoned as his equal, some well-known pictures are quoted in Pliny and Plutarch: of these a *numerosa tabula* is probably to be identified as the principal scene of an Iliupersis, in which Priamus, Helena and Πειθώ, Ulixes and Ἀπάτη, and Deiphobus appear, possibly (as *numerosa* would seem to imply) as an excerpt from a large composition. Besides this, we have an Astypalaea grieving for her son Ancaeus, wounded by a boar (suggestive of Adonis and Aphrodite); a Philoctetes (probably the same which Pliny saw in the Pinacotheca of the Propylaea at Athens); and a picture commemorating the agonistic victories of Alcibiades. This last subject has given rise to much discussion; one author (Satyrus) makes of it two pictures, the one representing Olympias and Pythias crowning Alcibiades, the other Nemea sitting with Alcibiades in her lap. The other authority (Plutarch) names simply Nemea seated with Alcibiades in her arms, and adds that it caused quite a *furore* in Athens; but "the elders took it ill, as savouring of tyrannia and lawlessness (παρανόμοις)." Klein explains the παρανόμοις as referring to a psephisma of the Athenians forbidding any one from attaching to a female slave or hetaira the name of a Penteteris. The terms of the description make it clear that it was one picture. Satyrus says that the painting was Ἀγλαοφῶντος γραφήν: if this is so, we must imagine an Aglophon the second, for it is not possible that the father of Polygnotus could have lived so long. Probably either Satyrus or his quoter (Athenaeus) must have omitted the name of the son, and the quotation should run Ἀριστοφῶντος τοῦ] Ἀγλαοφῶντος.

Two more painters must be named here, the tragedian EURIPIDES (B.C. 480–406), who began life in this profession, and whose pictures were to be seen at Megara; and PAUSON, whose name is thrice mentioned by Aristophanes in plays which give for him a margin of date between B.C. 426–389; only one work of Pauson is recorded, a horse painted to order, which from one aspect appeared to be galloping, and when inverted seemed to be rolling in the dust; but he is brought by Aristotle into comparison with Polygnotus in the passage already quoted (*Poet.* 2), where he says that Polygnotus painted men as better, Pauson as worse than reality, while DIONYSIUS (of Colophon) represented them as they are. Of this last painter, we learn from Aelian (*Var. Hist.* iv. 3) that he imitated the technique and style of Polygnotus in everything except its grandeur (μεγέθους); while from Plutarch (*Timol.* 36) it would seem that his method was lacking in ease.

With APOLLODORUS of Athens a new epoch is commenced, of such importance that Pliny says of him that he was "the first to give the appearance of reality to his pictures (*exprimere species*), and to bring the brush into just repute." The great discovery here alluded to is the invention of aërial perspective, the treatment of different planes, the right management of chiaroscuro and the fusion of colours (Plut. *de gloria Ath.* 2, ἐξευρὼν φθορὰν καὶ ἀπόχρωσιν σκιᾶς), so that he earned the title of σκιαγράφος, and Pliny can say that before him no easel picture (*tabula*) had existed fit to charm the eyes of the spectator. Doubtless the school of Polygnotus had paved the way for this change: such a detail as that in the "Vision of Hades" by Polygnotus, representing the river of Acheron with fish and pebbly bed seen through the water; his practice of placing his figures on different levels; and the figures on upper levels half hidden by a line of hill,—these seem to bespeak a step immediately preceding that of true perspective; and it was Apollodorus who took this step. The scarcity of actual records of his works prevents our knowing whether his great fame (ὁ κλεινὸς ἀν' Ἑλλάδα πᾶσαν, says Nicomachus the painter-historian) is due to their individual excellence as much as to the value of his new discovery. Two of his works are recorded; a priest in prayer, and an "Ajax struck by lightning, at Pergamon." This last picture has been quoted as an example of the pictorial treatment of Apollodorus; as if it had shown Ajax in his ship, with startling effects of light and shade. Furtwängler, however, is probably right in suggesting that it was not Ajax, but the picture itself, that had suffered disaster; the same thing had happened to a painting of Parrhasius: Pliny records (xxxv. § 69) that a painting of this artist at Rhodes had been thrice struck by lightning and not consumed (*miraculo*). Possibly the Ajax picture also contained the picture of Odysseus, of which the Scholiast to *Il.* x. 265 says that this artist was the first to represent him wearing a seaman's cap, *pilos* (πρῶτος ἔγραψε πῖλον

* Strabo calls him the ἀδελφιδοῦς, which would seem to mean "nephew," of Pheidias. Pausanias, Pliny, and Plutarch, on the other hand, call him the "brother;" and this would seem better to suit the chronology, seeing that he painted in the Stoa Poikile contemporaneously with Polygnotus and Micon.

'Οδυσσεῖ). His date is specially given by Pliny (xxxv. § 60) as the 93rd Olympiad (B.C. 408–405); but if we may judge from his relations with Zeuxis, it must go back considerably before that time. It is from this age that the establishment of easel-painting may be supposed to date; for although paintings on slabs of marble and terra-cotta were naturally in vogue from early times, it is only now that they begin to occupy the front place, hitherto held by the monumental paintings of Polygnotus; and this is the meaning of Pliny's statement, "neque ante eum tabula ullius," &c.; apart from which, Pliny's sources of information seem to deal with easel pictures alone, and to practically ignore the great epoch of monumental painting.

During the period which now terminates, Athens takes the lead in painting, under Polygnotus and Apollodorus, as she had done under Pheidias in sculpture. Though the artists who brought this about were not all Athenians by birth, Athens was the chief seat of their industry; and even afterwards, when by the Peloponnesian wars Athens had lost her supremacy, she still continued an important centre, although the art of painting now branches off into other directions, and is no longer so centralised. It has been customary to consider the sequence of the new schools as (1) Ionian, (2) Sicyonian, and (3) Theban-Attic. But since Athens continues to have an important share, it is better to accept two main branches only, viz. (1) the Helladic, of which Athens is the centre, as opposed to (2) the Asiatic.

Chief of the successors of Apollodorus was ZEUXIS of "Heraclea." Of the many towns of this name, we cannot be sure which one is meant. Most critics have explained it as the town in Lucania, on account of the subsequent connexion of Zeuxis with that region, the pictures he painted for Agrigentum and Kroton, and because his teacher is named Damophilus of Himera. Klein, however, points out that this Heraclea was not founded until B.C. 432, whereas Aristophanes already in the *Acharnians* (l. 991) names a picture by Zeuxis; the date of this play is B.C. 426, so that the picture mentioned must have been painted in the seventh year of his age. Klein thinks that the Heraclea in Pontus is referred to, the "Heraclea" *par excellence*, and that would account for his being taught by a Thasian, Neseas. At any rate, he came early to Athens, and Xenophon tells us of the warm interest which Socrates felt in the young artist. In the *Protagoras* of Plato he is spoken of as a *νεανίσκος*, just arrived at Athens from Heraclea; this would give us a date for the youth of Zeuxis as between Ol. 89–90 (B.C. 424–417). Pliny, following some chronological authority, says that Zeuxis "entered the doors of art which had been opened by Apollodorus in Ol. 95. 4; ... others assert falsely Ol. 89."* It is evident at any rate that he belongs to the last years of the fifth and beginning of the fourth century. That he adopted and extended the improved methods of Apollodorus is evident; and that he won for his art a social standing far above what had hitherto been attained, is shown by the anecdotes recorded of him: how that he gave away his works as being beyond all price (usually, it is true, to the most influential patrons); how he composed an epigram *μωμήσεταί τις μᾶλλον ἢ μιμήσεται*, "easier to carp than to copy;" and how he acquired so much wealth "ut in ostentatione earum (opum) Olympiae aureis litteris in palliorum tesseris intextum nomen suum ostentaret." This has usually been explained as implying that Zeuxis wore at Olympia a robe in which his name was woven in gold letters. Such an interpretation involves a difficulty, both in the ablative *ostentatione* of the MSS. (which must then be altered to the accusative), and also in the plural *palliorum*. Klein's explanation gets rid of this difficulty: Zeuxis really exhibited his treasures at Olympia, and the *pallia* allude to the curtains hung in front of his pictures there. That curtains were thus used is shown by the well-known story of the curtain painted by Parrhasius, and by the passage in Lucian where Zeuxis, indignant at the dull comprehension of his picture by the public, tells Miccion his pupil to draw the curtain over it (*περίβαλε ἤδη τὴν εἰκόνα*).

Of the style of Zeuxis we have one excellent criterion in the detailed description of one of his paintings by Lucian, a Centauress nursing her young upon a meadow: the Centaur, half seen upon an elevation overlooking the scene, looks smilingly down, holding in his right hand, uplifted above his head, a lion cub to frighten the children. Two monuments have come down to us, which, though they do not bear out the actual words of this passage, yet seem undoubtedly inspired by the style of Zeuxis, and possibly by some such picture. The one, a Centauress suckling her young, is known only from the description of Philostratus, ii. 3; the other is a fine mosaic of the Alexandrine time from the villa of Hadrian (*Mon.* iv. 50). This also represents a scene from Centaur life, but in this case we have, as it were, the antithesis of Zeuxis' picture: a lion and tiger have overthrown and killed the Centauress; the Centaur, rushing up, has killed the lion, and swings over his head with both hands a mass of rock to strike the tiger which growls over its victim. On a rocky ledge above the scene on the left is a second tiger couched ready to spring. The mixture of idyllic and heroic motive combined in these pictures, in a strikingly novel situation, corresponds perfectly with what we can otherwise gather of the method of Zeuxis.

The most famous perhaps of his paintings was the Helena, executed for the temple of Hera Lakinia at Croton; in Cicero's time this picture was in Rome. Urlichs thinks that Pyrrhus must have removed it from Croton to Ambracia, that Fulvius Nobilior brought it thence to Rome (cf. Pliny, xxxv. § 66), and that it was removed from the temple of Hercules there by Philippus, and placed in the colonnade (*porticus*) built by him, where in Pliny's time it still was standing. In Cicero (*de Invent.* ii. 1, 1) we have the story in full. Zeuxis wished to paint a consummate pic-

* The same idea in a poetic form is expressed in a verse of Babrius (see *Rhein. Mus.* 1850, p. 479). Klein suggests that the Apollodorus mentioned in the second part of Pliny's passage, "in eum Apollodorus supra scriptus versum fecit," was not the painter, but the chronologist of that name; this does away with the necessity of supposing personal relations to have existed between the painter Apollodorus and Zeuxis, and disposes of the grave difficulties which remain in the passage even if we accept the emendation *ipsi* for *ipsis*.

ture, and asked the Crotoniates for the five most beautiful of their maidens, in order that he might combine the fairest qualities of each in his picture. Like Rosalind, his Helena

> "of many parts
> By heavenly synod was devised;
> Of many faces, eyes and hearts,
> To have the touches dearest prized."

He was therefore allowed to choose out of all the maidens the five whose names, Cicero says, "many poets have handed down to memory." In Cicero's account there are apparently two versions combined; in the one case Zeuxis inspects all the maidens, in the other he only sees their brothers in the palaestra. Probably both stories are legendary. Klein suggests that they may have arisen in this way. We cannot, he says, suppose that the Helena picture was a solitary figure; no one woman, however composed, could represent her adequately to the Greek mind; in the Iliupersis of Polygnotus Helena is accompanied by five women (Paus. x. 25, 4); and on a vase-painting from Kertch, which is certainly influenced by the style of Zeuxis (*Compte Rendu*, 1861, pl. v. 1), we have a representation of her among her women, who are drawn in various stages of nudity. "If we imagine some such picture painted for the people of Croton, if we think of names written over the figures of the maidens, if we conceive them clothed as in the Kertch vase, we have the elements together of which the Crotoniate legend might be, I might almost say, must be, composed." *

It seems certain that there existed a second Helena by Zeuxis, which stood in the Corn Exchange (*στοὰ ἀλφίτων*) at Athens (Eustath. *ad Il.* p. 868, 37); and it is difficult to say to which of the two some of the references in literature, which are not distinctly specified, apply. It was doubtless the Athenian picture which was exhibited for gate-money, and which therefore received the nickname "Hetaira:" such an exhibition would certainly be better suited to a *stoa* than to a temple; and it was this to which Plutarch and Aelian must allude in the anecdote of the carping critic who did not admire the picture, and was set down by the reply of Nicomachus, "Take my eyes, and the godhead will be manifested to you." Brunn suggests that the Athenian picture was a copy, or else a replica by Zeuxis of the original at Croton; at any rate we have no means of deciding whether it was different in any particular.

In Pliny, xxxv. § 62, an Alcmene is mentioned which the artist gave to the people of Agrigentum; and an Infant Heracles strangling the Snakes. Most critics had been led to make two distinct pictures out of this sentence, especially on the strength of a Pompeian painting of the latter subject (*Arch. Zeit.* 1868, Taf. 4). The question seems to be finally settled, however, by a vase-painting recently acquired by the British Museum (see Murray in the *Classical Review*, 1888, p. 327), which represents the infants and snakes, the Zeus (*magnificus Juppiter*), the assembly of gods (*adstantibus dis*), and the Alcmene who throws one arm around the neck of Zeus and with the other points vigorously down to the scene below, an action which may well correspond with the *matre pavente* of Pliny. The *magnificus Juppiter in throno* at first sounds out of keeping with the homely natural touch of Zeuxis; but in the vase-painting the Olympus is treated with just this absence of stiffness which we may well imagine is inspired by the painting of Zeuxis.

From other pictures mentioned as of Zeuxis, the Pan, Marsyas, and Eros crowned with roses, Brunn seeks to show that his easel pictures seem to have been confined to a few figures and isolated situations. But there is nothing to prove that these figures are not merely extracts from larger subjects; and this would suit better the method of the artist as we know it from the few pictures already identified, and also the vase-paintings of the time, in which as a rule preference is shown for elaborate compositions. When Zeuxis first reached Athens, the traditions of Polygnotus were giving place to the more purely pictorial technique of Apollodorus; to an imaginative genius such as his, a new world of art was disclosing itself; it was natural that he should open up new paths, new ways of looking at the real and at the unreal. Lucian says that he did not paint *τὰ δημώδη καὶ τὰ κοινὰ πάντα*, such as his predecessors had done, heroes, or gods, or wars, but was always trying some new creation, *ἀεὶ δὲ καινοποιεῖν ἐπειρᾶτο*. Aristotle sets him up as an instance of the *πιθανὸν ἀδυνάτον*: the old fantastic creations of mythology, which had existed as little more than abstract ideas either in poetry or in art, have henceforward imparted to them a new life of their own; the same idyllic treatment will soon be applied to the world of gods as of men; and in Zeuxis we see already the germ of the ideas which are later to blossom out into the art of the Alexandrine age.

Beside the other painted works of Zeuxis, Pliny mentions specimens of his work in two other classes of art: his *monochromata ex albo*, which probably simply means pictures from which the colours had perished, leaving only the outlines sketched in; the same mistake had been made in modern times. At Herculaneum were found a series of drawings in red upon stone, the finest of which is signed by Alexander, an Athenian. It was always supposed that these represented a special technique, but in 1872 a similar slab was found at Pompeii, which showed within red outlines the perfectly distinct remains of a complete painting in colours: these colours have since almost entirely vanished. Besides these *monochromata*, Pliny also mentions certain plastic works of Zeuxis (*figlina opera*), which were alone left behind in Ambracia when Fulvius transferred the other art treasures thence to Rome (cf. Liv. xxxviii. 9, and xxxix. 5). Klein thinks that these were probably paintings on terra-cotta slabs, let into the wall, and therefore difficult to remove. They may have been, like the picture of Pan, painted for the decoration of the palace of Archelaus at Pella, and taken by Pyrrhus to Ambracia when he became master of Macedonia.

The greatest rival of Zeuxis was PARRHASIUS of Ephesus. It is true that some late authors represent him as an Athenian, but there seems no ground for supposing that, like Polygnotus, he obtained the freedom of Athens. He began

* A vase in the British Museum (E 241) of this period shows ΕΛΕΝΗ at her toilet assisted by a small Eros and seven maidens.

life at Ephesus under his father's (Euenor's) tuition, and went early to Athens, which was the principal sphere of his activity. It was doubtless here that he came into contact with Zeuxis; their rivalry, which is by some authors declared to have been in favour of Parrhasius, appears to have been based principally on the difference in their methods of art. After the Peloponnesian wars, he seems to have left Athens, for we hear of him at Rhodes and Samos. About twenty pictures in all are attributed to him, among which some appear to have been of the character of genre, others mythological; in the latter class he seems to have come under the influence of Euripidean tragedy (Robert, *Bild und Lied*, 35); as, for instance, in the pictures representing the Healing of Telephus, the Madness of Odysseus, and Philoctetes on Lemnos.

In the personal traits recorded of Parrhasius, his Ionian character is strongly marked. His genial self-consciousness comes out in his love of luxury, in his purple mantle and gold crown; his wit, and his gift of poetry. In his own verse he calls himself ἁβροδίαιτος ἀνήρ; which is turned by a contemporary into ῥαβδοδίαιτος, "living by his pencil": and he says that he is *Apollinis radice ortum*, that is, through Ion, founder of the Ionian race, sprung from the god. As to his artistic style, Brunn thinks that he can trace a radical contrast to that of Zeuxis: in Zeuxis the pictorial element had predominated; Parrhasius displayed a treatment of form highly finished in the drawing and modelling. Milchhöfer draws attention to his partiality for subjects depicting the emotion of pain, and points out the peculiar power which such a picture as his "Demos of Athens" must have demanded, of representing in one and the same figure the most contrary psychological effects.

In Pliny, xxxv. § 68, it is stated that Parrhasius left behind "et alia multa graphidis vestigia in tabulis ac membranis eius ex quibus proficere dicuntur artifices."* The passage has given rise to much discussion; that traces of the *graphis* should remain in the easel pictures does not surprise us, but what are the *membrana*? Klein proposes to refer them to the sketches which Parrhasius is known to have made for works of toreutic art; from Pausanias and Athenaeus we learn that more than one metal-worker were occupied in reproducing in his craft the designs of this artist. Athenaeus further gives (xi. p. 782 b) the epigram on a skyphos of Heraclea, which represented the Iliupersis:

Γράμμα Παῤῥασίοιο, τέχνα Μυός, ἐμμι δὲ εἰκὼν
Ἰλίου αἰπεινᾶς ἂν ἔλον Αἰακίδαι.

Moreover Pausanias (i. 28, 2), in describing the work on the shield of Athene Promachos, says that it was executed by Mys (τορεῦσαι Μύν): "the designs of Mys for this and all other of his works were drawn by Parrhasius son of Euenor." It is clear, then, that there was a close connexion between the great painter and the toreutic art, and it is probable that the emphatic stress laid on the excellence of Parrhasius' drawing is mainly due to the existence of these *graphidis vestigia*. Pliny especially praises his skill in terms which would suit drawings of this nature, and quotes as his authority two writers who are known to have published books on the toreutic art. It is therefore highly probable that the eulogia bestowed upon Parrhasius for his drawing refer specially to this branch, and are not to be taken as detracting from his merit in the other branches of his profession. The evidence indeed is rather to the contrary. Of his colouring we learn from Diodorus (xxvi. 1) that "Apelles and Parrhasius in the skilful mixing of colours brought Painting to its highest point;" Parrhasius is in fact the immediate predecessor of the perfected colouring of Apelles; not yet indeed absolutely perfect himself, so that he is not included among those *in quibus iam perfecta sunt omnia*; but, on the other hand, not to be classed in this respect with Zeuxis, Polygnotus, and Timanthes, "who did not use more than four colours" (Cicero, *Brutus*, 18, 70).

Quintilian, in a comparison between Zeuxis and Parrhasius, says of the latter that "he so circumscribed everything that they call him the Lawgiver, because the types which he has handed down of gods and heroes are followed, as of necessity, by all other artists." Klein seeks to show that gods and heroes were in fact his principal theme; his heroes, in the mentions of them that have come down to us, appear to have been mainly single portrait figures; of his gods, only two are named, a Dionysus with Arete (the artist's favourite patroness) and a Hermes. Whether or no this Hermes was painted by the artist from his own portrait, it shows us at any rate the close relation which obtains now between the portrait and the ideal type.

The main difficulties of technique are now overcome, and the period of struggling with material is well-nigh past; with the new facilities opening out, it is natural that we should now hear of a number of new claimants to fame: principal among these stand the representatives of the Sicyonian school. We saw already that Sicyon had been one of the earliest afoot in the field of Painting; and there seems no doubt that the tradition had been carried on there uninterruptedly; but it is in the age following Zeuxis and Parrhasius that its sphere of activity is most strongly marked. The great sculptor Polycleitus had been a Sicyonian, and doubtless had left his mark on the character of the training which was imparted, for high prices, at the Sicyonian school.

In this school we may include the name of TIMANTHES, who is indeed expressly called "the Sicyonian painter" by Eustathius (*ad Il.* p. 1343, 60).* Pliny tells us that he successfully competed at Samos (doubtless at one of the annual art exhibitions already mentioned) with Par-

* Brunn thinks that this was the reason why Pliny includes Parrhasius in the list of authors which he gives in the 35th Book, since no writing by him is otherwise alluded to. Klein supposes that Pliny must have had in mind the verses which Parrhasius wrote about himself and his works, and for this reason considered him as an author.

* Quintilian (*Inst. Orat.* ii. 13, 12) speaks of him as *Cythnius*, which Brunn and others have taken to mean that he originally hailed from Cythnos; Klein suggests that this writer misread his authority, taking ΣΕΚΥΟΝΙΟΣ for ΚΥΘΝΙΟΣ. It is possible that the painter Timanthes of Sikyon recorded in Plut. *Arat.* 32, 3, and who must have lived towards the end of the third century B.C., was a descendant of this artist.

rhasius. Parrhasius' picture on this occasion represented the contest between Ajax and Odysseus for the arms of Achilles; and when beaten, he complained that Ajax had again been defeated by an unworthy opponent (*i.e.* in Homer, by Odysseus, and at Samos, by Timanthes). We are not told what was the subject of Timanthes' picture on this occasion; but it is clear that it could not have been, as Brunn supposes, the same as that of Parrhasius. Of the four other pictures ascribed to him, the Palamedes is uncertain, the "hero" in the temple of Pax at Rome tells us nothing, and the Sleeping Cyclops is probably not by him: Pliny (xxxv. § 74) describes it as "a Cyclops sleeping, a tiny picture; to bring out the colossal size of the monster, the artist inserted figures of Satyrs, measuring his thumb with a thyrsos." The whole idea of this picture seems out of keeping with the age of our artist, and to belong rather to that idyllic time which treats the Cyclops from the idyllic point of view as the lover of Galatea. The "Timanthes" therefore who painted this may have been some much later artist of the same name.

We are thus left, for our estimate of Timanthes, to the most famous of his pictures, the Sacrifice of Iphigeneia, and the one with which he overcame in competition Colotes of Teos. The maiden was represented standing before the altar on which she was about to be offered up, and grief is exhibited in the faces of the bystanders. The intensity of emotion is graduated in the different faces, culminating in the climax with the father Agamemnon, whose head is veiled from view. More than one monument has come down to us which seems to have been inspired by this picture (see *Wiener Vorlegebl.* v. 8–10; the mosaic in *Arch. Zeit.* 1869, pl. 14; and Overbeck, *Her. Bildw.* p. 314 fol.): the most important of these is the Pompeian wall-painting (Overbeck, *ib.* pl. xiv. 10), which agrees in most of the important details with the description. The detail which appears constant throughout, the veiled grief of Agamemnon, is what seems most to have caught the fancy of the ancients; and it is possibly this fact which has inspired Pliny's estimate of his *ingenium*, so that he says of Timanthes that in his works the spectator sees more than is actually there (*intelligitur plus semper quam pingitur*). Apart, however, from oratorical gush, we may obtain a real idea of the grandeur of Timanthes' conception, which would seem to place him on a level higher than that of his contemporaries.

EUPOMPUS of Sicyon is named by Pliny as belonging to this period (*hac aetate*), but that he was later than Timanthes we see from the fact that his pupils belong to a considerably later date. Of his pictures we know scarcely anything; but his importance is emphasised by the statement of Pliny, who says that "on his account" the schools of painting were now reckoned as three—viz. Ionic, Sicyonic, and Attic. It is evident from what has gone before that this cannot mean that Eupompus "founded" the Sicyonic school; it had existed from time immemorial; it merely means that from this time the Sicyonic painters begin to raise themselves as a separate class above the level of the rest of the "Helladic" school. The fame of the Sicyonic training spread so much that under PAMPHILUS the fee was raised to a talent for twelve years' instruction, and even the great Apelles was among his pupils. It is difficult to say wherein this great local superiority consisted, which tempted, moreover, wealthy amateurs like Ptolemy II. and Attalus to purchase at enormous prices galleries of specially Sicyonian old masters. Plutarch uses a special term for it, χρηστογραφία, which is usually explained as indicating the reaction in art against the methods of Zeuxis and his contemporaries. Klein thinks that the special revolution effected by the Sicyonic masters was their development of the encaustic method. It is certain, at any rate, that it was only from the time of Pamphilus that encaustic took its place on equal terms beside the ordinary methods. We have seen that under the Ptolemies the method found favour in Egypt; and that it took a lasting hold there we saw on p. 392 in the large series of such pictures which have been found in the Fayoum. It is thus that we shall understand the tirade of Petronius against the *audacia* of the Egyptians, which invented a shortened method (*compendiariam*) of obtaining the effects belonging to the great art of painting. This shortened method Klein understands as the abandonment of the use of the *cestrum*, and therewith of the *tarda picturae ratio* which encaustic had hitherto involved. If this is so, it is natural that the fame of these first reformers should rest more upon their method and their teaching powers than on their actual paintings. Of Pamphilus we only know four works, and these only by the barest mention of their subjects.

The same estimate is true also of his pupil MELANTHIUS, whose superiority in composition is said to have been conceded by his fellow-pupil Apelles: of him, again, we only know one picture, which represented Aristratus, the Tyrant of Sicyon in Philip's time, standing beside the chariot of Nike: when under Aratus all effigies of Tyrants were subsequently destroyed, the figure of Aristratus was scraped out, and a palm-tree inserted in its place.

Another of the pupils of Pamphilus, PAUSIAS, may be considered to have done most to develop the capabilities of the new method (Pliny, xxxv. § 123, "primum in hoc genere nobilem"). Striking effects of transparency, such as the face of his Methe visible through the glass out of which she drank; of gradations of single colours, so that in his famous Sacrifice picture the entire body of a bull seen in foreshortening was coloured black: such were the features of his work; which, moreover, seems to have been limited in other directions by the tediousness of the encaustic method; so that his pictures were almost all on a small scale, and occupied with subjects appropriate to the size, such as scenes of child life (*pueri*) and even (for the first time) flower subjects. Pliny tells a story of his restoring the mural paintings of Polygnotus at Thespiae, and adds that he was not very successful, "quoniam non suo genere certasset." We have, however, seen that Pliny neither knew nor cared anything about the great mural paintings; the "Thespiae" here is a mistake for Delphi, so that we can place no reliance on this evidence of Pausias' practice with the brush.

From this point the history of Painting seems

to branch off. Brunn, and most critics following him, have thought to be able to trace a new school existing side by side with the Sicyonian, of which the name of Aristeides stands at the head, and which includes Nicomachus, Euphranor, and Nicias. This school was termed the "Theban Attic," for this reason: Aristeides is frequently termed Thebanus, and we hear of a picture by him in Thebes; after the decline of Theban power the school is supposed to have taken root at Athens; and a contrast is drawn between the "severe academic exactness and thoroughness" (*χρηστογραφία*) of the Sicyonian school, and the "greater ease and versatility, and invention more intent upon the expression of human emotion" of the Theban-Attic. This conclusion, which has been generally accepted, certainly appears to rest on very insufficient grounds, and it leaves us with an impression of the narrowness and one-sidedness of the Sicyonic school which is hardly warrantable in fact. Klein, who has subjected each of the artists of the period now succeeding to a searching examination, advances a theory which seems to do away with the difficulty. He traces the whole of these artists back in two pedigrees to the tutelage of the two artists, Aristeides and Pausias; he finds that Aristeides the "Theban" belongs no less to the Sicyonic school than Pausias or than Pamphilus "of Amphipolis;" that most of these artists can be more or less directly associated with Sicyon. "The powerful reaction which tradition, intelligibly enough, connects with Sicyon, . . . is only comprehensible by the knowledge that it was preceded by a freshening and permeation of the ancestral parent stock with Northern Greek blood. From North Greece it acquired the technique of encaustic, which it developed to the highest perfection; and thence arose the idea that Aristides and Pamphilus were the first artists in encaustic." From what we know of these artists it would appear that all spheres of art, from the highest to the lowest, were handled by them; but there is no reason to suppose that the traditions of technique and style which marked the Sicyonic school were not preserved in painting as they were in sculpture.

The most important figure is now ARISTEIDES, *Thebanus*. The facts which Pliny gives point to two masters of this name, of whom the one is the father (formerly read as Aristiaeus), the other the son, of Nicomachus. The statements in Pliny concerning these two Aristeidae are so hopelessly confused that it is impossible to distinguish between them with any certainty. If the grandfather can be identified with the pupil of Polycleitus, we may take about B.C. 330 as a convenient date for him, and about B.C. 280 for that of his grandson. It is possible that the epithet *Thebanus* is intended to distinguish the older Aristeides; but even here Pliny is confused, for he sometimes calls one and the same person *Thebanus* and contemporary with Apelles. The same confusion is probably traceable in his estimate of style: "is omnium primus animum pinxit et sensus hominis expressit, quae vocant Graeci ethe, item perturbationis (*πάθη*)." Perhaps we should assign to the elder the quality of ethos, to the younger that of *πάθος* and of being *durior paulo in coloribus;* and according to these qualities we may assign some of the pictures. The Dionysus was probably painted by the older and more famous of the two; its great estimation is shown by the fact that Attalus is said to have paid 100 talents for it, and Mummius afterwards sent it to Rome: also the picture of a sacked town, which Alexander acquired at the looting of Thebes, and of which one episode represented a dying mother, with her infant still suckling her breast. To the younger may be assigned the Battle with Persians, the *Leontion Epicuri* and the *anapauomene* (see *Arch. Zeit.* 1883, p. 41).

Of NICOMACHUS, the son of the elder Aristeides, we know very little. He painted, like Melanthius and his pupils, for the Tyrant Aristratus of Sicyon, who was a contemporary of Philip of Macedon; also a portrait of Antipatros, probably about Ol. 115. Among his other works we read of a Rape of Persephone; a Sleeping Maenad surprised by Satyrs (*Arch. Zeit.* 1880, p. 149); a Victory driving a quadriga heavenwards; and other pictures of gods and mythological scenes.

EUPHRANOR, the Isthmian, is mentioned as a pupil of Aristeides (probably about B.C. 360), and, like others of his predecessors, worked both in sculpture and painting; according to Pliny (xxxv. § 128), he was *docilis ac laboriosus ante omnis*, and in both branches of art excelled all his contemporaries. Of his pictures we hear specially of three great compositions for a stoa in the Ceramicus, representing the charge of the Athenians against the Thebans before the battle of Mantineia, pictures of the twelve gods, and a Theseus. Of this last, Pliny says *in quo dixit* that "the Theseus of Parrhasius looked as though fed on roses, while that of Euphranor seemed fed on beef." The *dixit* is usually taken as alluding to Euphranor; Klein suggests that it was a remark more appropriate to Parrhasius; the same confusion of Pliny comes out in his attribution of a "madness of Odysseus" to Euphranor in the same passage. After describing the three works in the Stoa, he adds, "nobilis eius tabula Ephesi est, Ulixes . . ." Now we know from Plutarch that Parrhasius painted a picture of this subject, and it seems absurd to suppose that Euphranor would have painted the same idea for the home of Parrhasius, Ephesus. The *eius* should properly refer to Parrhasius, who alone painted this subject, and the whole passage has been inserted here by Pliny in error. Of Euphranor's style we cannot judge; we only know that he devoted his attention to the canon of proportions, and is said to have written on this subject; but it remains uncertain whether or no he is to be considered as the predecessor of Lysippus in this study.

With NICIAS of Athens we are brought fully into the Alexandrine age. Plutarch narrates a story of his having refused to sell one of his pictures (the Nekyia) at sixty talents to king Ptolemy; on the other hand, we hear of him as a contemporary of Praxiteles: so that his sphere of activity must have lain between about B.C. 340–300. From a statement in Demetr. Phaler. (*de Elocut.* 76) we gather that he tried to bring about a reaction in style against the follies of contemporary artists, who "frittered away their art in painting birds and flower pieces;" and laid down the principle of the importance of choosing a fine subject, such as a

battle-piece. Following this principle himself, we find him occupied with more than one subject of the Polygnotan school: the Nemea, probably a personification of the Nemean games, whom he represented bearing a palm and seated on a lion; and a Vision of Hades (Pliny, xxxv. § 132, *necyomantea Homeri*), the picture which he refused to Ptolemy and presented to Athens. It is interesting in connexion with this last to note that an ancient treatment of this subject has come down to us in the famous Odyssey landscapes excavated on the Esquiline in 1848–50 (Woermann, *Antiken Odysseelandschaften*): these six pictures are almost exact illustrations of the Homeric text (*Od.* x. 80 to xi. 600), and though decorative in idea are examples of complete landscape painting, showing due observance of aërial perspective. Their execution dates, as the masonry of the walls on which they were found shows, from the last years of the Republic; but from their style the designs may probably be referred to the Hellenistic period. Among the *grandis tabulas* of Nicias, Pliny mentions an Io, a subject of which several replicas exist at Pompeii; it is probable that the largest and finest of these, found on the Palatine, reproduces the general form of the composition of Nicias (see Woltmann, p. 56). Besides his large pictures, principally of heroines ("diligentissime mulieres pinxit"), he seems to have worked in encaustic; the Nemea was a specimen of this technique, on which the artist inscribed the statement that he had "burned it in" (*inussisse*); and to this style we may perhaps refer his pictures of animals and dogs, as well as the chiaroscuro and quality of relief for which he is praised. Connected also with his encaustic work was doubtless the *circumlitio* of the statues of Praxiteles which has already been dealt with on p. 395; and the painted scene on the sepulchral monument at Triteia which Pausanias describes (vii. 22, 6).

We now enter definitely upon the new phase of Hellenistic life in Greece, and among the many painters of this epoch one stands unquestionably at the head, APELLES, son of Pytheas of Colophon. His father was apparently not a painter, for he was sent to receive his first instruction from Ephorus of Ephesus; at a later age, when he was already beginning to be famous, he went to Sicyon, attracted there by the fame of the teaching of Pamphilus. Under Philip of Macedon he took up his residence at Pella, and continued as "court painter" under Alexander; when Alexander started on his Asiatic campaigns, he returned again to Ephesus. After this we hear of him at various times in Rhodes, where he is brought into contact with Protogenes; at Alexandria, at the court of Ptolemy Soter; and possibly at Cos. The numerous anecdotes and sayings attributed to him, such as *manum de tabula, nulla dies sine linea, ne sutor ultra crepidam*, must be considered merely as indications of his extensive popularity rather than as detailed evidence of his style. We cannot with certainty connect any picture by him with the material that has come down to us, so that we are left to the scraps of art criticism in ancient authors for an estimate of his style. As might be expected, by far the majority of his works seem to have been in the sphere of portraiture. Pliny says that it is useless to try and enumerate the many portraits by him of Alexander and Philip: besides these we hear of a Cleitos putting on his helmet; an Archelaus in a family group; an Antigonus arranged in profile, so that his defective eye was not seen; besides many others, principally of people connected with the Macedonian court. Perhaps most characteristic of him were the series of personifications of abstract ideas of the mind, represented generally as female figures in action. Such a picture was the Calumnia, which he painted at the court of Ptolemy in Alexandria, in punishment of his detractors there, and of which we have a detailed description in Lucian. To the same category may be referred the pictures of Charis and of Tyche; and the allegorical personifications of the phenomena of nature, as Bronte (thunder), Astrape (lightning), and the thunderbolt, Keraunobolia. His mythological pieces are comparatively few; by far the most important was doubtless the Aphrodite Anadyomene painted for the people of Cos: she was seen rising from the water, a type which may be compared with numerous marbles which have come down to us. Augustus carried the picture to Rome, remitting to the Coans a hundred talents of the tribute due, as compensation; by the time of Nero it had suffered so much that it had to be restored, a work which was carried out by a certain Dorotheus. As we should expect from an artist whose bent lay in portraiture, his talent lay less in large or elaborate compositions than in refinement and the complete study of nature. The stories that we are told of him seem to point to a great dexterity and lightness of touch, with the charm and grace of manner which was the natural outcome of his period.

His greatest contemporary was PROTOGENES of Caunus, an insignificant town on the Carian coast, subject to Rhodes, where the artist took up his abode (see *supra*, p. 395). Mr. Torr (*Classical Review*, 1890, p. 231) suggests that the artist had been accustomed to paint pictures of ships, as thank-offerings for escapes at sea. At any rate, it was probably mainly due to Apelles that his work came to be known and appreciated: on the other hand, this seems inconsistent with the fact that Pliny places him among those who practised sculpture as well as painting. Besides a few portraits, of Philiscus, Antigonus, and the mother of Aristotle, and one work in Athens, his chief themes seem to have been drawn from the local traditions of Rhodes; an often repeated anecdote records his presence at the sacking of Rhodes by Demetrius in B.C. 304, which we may take as a central point of his chronology. Demetrius spared the town from burning in order to save the picture by Protogenes of the Rhodian hero Ialysus. In this picture occurred the dog, the effect of whose foaming mouth was said to have been attained by Protogenes throwing his sponge in desperation at the picture; and the partridge, which though a mere detail attracted so much attention that the artist, in annoyance, erased it. To attain this high degree of realism, he is said to have worked very slowly, and it was against this impression of laboriousness that the criticisms of Apelles were directed.

ANTIPHILUS was by birth an Hellenistic Egyptian, who was already established at Alex-

andria when Apelles went there. Quintilian calls him *facilitate praestantissimus*, and his versatility is shown in the subjects of his works: these included large pictures in tempera, genre pictures, such as a boy blowing the fire (probably encaustic), and even caricature. The type of one of his works, a Satyr probably dancing, with a panther-skin, and snapping his fingers (*quem aposcopeuonta appellant*), is probably reflected in statuary, for example in the bronze "Dancing Faun" found in the "Casa del Fauno" at Pompeii (Overbeck, *Pompeii*,[4] p. 550).

The principle of illusion was now becoming an end in itself, and the higher aims of art were neglected in the reproduction of ignoble and unworthy themes: a representative of the age was THEON of Samos, of whose *phantasies* the most famous is described by Aelian; it represented a warrior fully armed, charging out of the panel; when exhibiting this picture, the artist would have a flourish of trumpets sounded, and then draw the curtain. Other painters of this time are: AËTION, who painted a marriage of Alexander and Roxane,* which has been fully described by Lucian; in this picture little Erotes are introduced, playing with the king's armour, a motive thoroughly characteristic of the Hellenistic age;—HELENA, daughter of Timon the Egyptian, said to have painted the Battle of Issos which has inspired the famous Pompeian mosaic; and the school of painters in little, which, like the Dutch school of the same kind, occupied itself with genre and still life. Chief of these was PEIRAÏCUS, whose speciality was "barbers' shops, cobblers' booths, asses, eatables," and the like, from which he received the nickname *rhyparographos* (i.e. rag and tatter painter, a parody on *rhopographos*, a painter of small and trivial objects): in spite of the contempt felt for such art, it seems to have commanded high prices, probably on the score of technical finish.

In the centuries following B.C. 300 few artists stand out with any individuality: to study the ideas of this time, we must look at the Hellenistic reliefs, and at the wall-paintings, as they are reflected in Roman imitations. The only artist of the period who won considerable fame is TIMOMACHUS of Byzantium, of whom Pliny says that Julius Caesar paid a large sum for two of his pictures; but we cannot follow Pliny in making Timomachus contemporary with Caesar: he probably belongs to an earlier century. The most famous of his pictures were: the Madness of Ajax, a Medea about to kill her children, and his Orestes and Iphigeneia in Tauris. Of the Medea picture, celebrated in antiquity no less than the Aphrodite of Apelles, we have several suggestions in wall-paintings, sarcophagi, and elsewhere; perhaps the finest is the picture of Medea herself in *Mus. Borb.* x. 21, in which the conflict of emotions in the mother's mind is admirably represented. It is this power of expressing the emotions and character with delicacy and depth that seems to characterise the works of Timomachus, and probably earned him his fame.

* It is natural to think of the so-called "Aldobrandini marriage," one of the most famous of the ancient paintings which have come down to us; but the conception and style of this picture seem to reflect an original type belonging to a time far earlier than the period of Aëtion.

With Timomachus the history of Greek painting proper may be said to have come to an end. Under the successors of Alexander, the art had become cosmopolitan, and under the Romans the chief interest was finally transferred to Italian soil. During the last years of the Republic, and under the Emperors, the art treasures of ransacked Greece poured with a steady flow into Italy, and it is here that we must study its latest developments. But throughout antiquity, painting continued to be an essentially Hellenic art. It is true that we hear occasionally the names of Roman artists:—FABIUS PICTOR (B.C. 304), a member of the illustrious *Fabia gens* whose wall-paintings in the temple of Salus are praised, but whose profession was considered to have degraded his caste; PACUVIUS, the tragedian (B.C. 219–129); JAIA or LALA, whose work in encaustic has been already mentioned (about B.C. 100); TURPILIUS, who painted with his left hand; TITIDIUS LABEO, a former praetor and proconsul, who made himself ridiculous with his *parvis tabellis*; Q. PEDIUS, a boy of good family, who, being born dumb, was put to learn painting—he became proficient, but died young; and, lastly, FABULLUS (Amulius), who lived in the time of Nero, and whom Pliny describes as *gravis ac severus idemque floridus pictor*. But even in Roman times the majority of the names are Greek in form, and it is quite certain that the majority of the subjects painted are referable to pictorial originals of Greek and Hellenistic art. It is true that in only a very few instances we are able to trace these Italian paintings back to an original described in literature; but Helbig's researches have proved beyond a doubt that such an origin is to be sought for them. The Greek creations were everywhere circulated and reproduced, in the form of cheap frescoes, and occasionally as the leading motive in works of sculpture.

The large number of scenes from daily life which occur in Italian paintings are divided by Helbig into two main classes, the Hellenistic genre pictures and the Romano-Campanian realistic scenes. The Hellenistic group, the most charming of all these pictures, are probably the nearest reflections we have of the genre spirit of the painters of the Alexandrine period. The subjects are ideal treatments of daily life, principally of women, youths, and children; girls with Erotes, or with Pan; toilet scenes and love scenes; much the same range of subjects in fact as those which we have in the idyllic poetry of the time, and in the terra-cotta statuettes; and filled with the same fresh and simple beauty.

The other class, which represent more directly the art of the time to which they belong, were subjects apparently inspired by the fancy of the handicraftsman; mechanics at their occupations, incidents of the market, bakers, fishmongers, gladiatorial scenes, usually appropriate to the locality in which they stand, and painted with a certain rough realistic dexterity. In these two classes we see reflected the two main styles of the Alexandrine painters, the ideal sensual style of Aëtion and the *rhyparography* of Peiraïcus.

Of mythological scenes in Italian painting we have not many examples. The most important of these have been already noted in connexion

with the Greek artists whom they illustrate; we may specially mention here the series of four paintings on marble slabs from Herculaneum (Helbig, *Wandgem.* Nos. 170 b, 1241, 1405, 1464), of which the colours have faded, but the fine drawing in red outlines still survives (see *ante*, p. 411). On the finest of these, which represents five maidens inscribed with mythical names, of whom two are kneeling at the game of *astragali*, the artist has inscribed his name, Ἀλέξανδρος Ἀθηναῖος ἔγραφεν.* Marble paintings such as these (and possibly also paintings on wood) were at one period of Italian art used in the decoration of walls, being let into the surface of the wall amidst the other purely decorative designs; sometimes, as in the Roman house on the Palatine, with the object of imitating real views seen through open windows in the wall.

The majority of the mythological scenes now in use are chosen principally from the point of view of their affording scope for the insertion of *landscape:* such as Mount Ida, with the Judgment of Paris; the Caucasos, with the Freeing of Prometheus; Ariadne on Naxos; the Icarian Sea, with Daedalus and Icarus; and the Odyssey landscapes already quoted. The gradual growth of a feeling for landscape has been traceable through the history of the Greek painters. The tectonic, semi-sculptural painting of Polygnotus, with its anthropomorphic ideas and formulae of suggesting locality, had given way to the introduction of a definitive background, until finally, in the Hellenistic time of the Diadochi, landscape had become an end in itself. We see how strong this growing influence was, in the effect it had upon sculpture: from the pictorial scenes on the Gjölbaschi frieze to the Hellenistic reliefs, and such wall-decorations in sculpture as the Destruction of the Niobides, or the Apotheosis of Homer, both in the British Museum: in both these cases the side of a mountain is represented, with the figures, of diminutive size, placed at various levels. The art of landscape painting, first made possible by Apollodorus, was brought into repute by Antiphilus. Commencing with such mythological subjects which easily lent themselves to it, it soon came to the idyllic scenes of mere decoration; shrines in the open air, from the simple tree hung with dedications, to great temples and elaborate buildings, vistas of city architecture thronged with people, village landscapes with goatherds and sheep, and coast scenes; among which, as a reminiscence doubtless of the originals by the Greek painters of Alexandria, Egyptian landscapes also occur. As an instance of this last, we may quote the celebrated Palestrina mosaic; here, in a bird's-eye view, is a town flooded by the Nile, with a background of desert; negroes hunting fabulous monsters, islands with palms and cypresses, and covered with buildings of all kinds, hippopotami and crocodiles. In this connexion we have the name of a Roman painter, contemporary of Augustus, in an interesting passage of Pliny (xxxv. § 116); he says that LUDIUS (or Sextus Tadius?) was "the first * to bring in a singularly delightful fashion of wall-painting; villas, colonnades, examples of landscape gardening, woods and sacred groves, reservoirs, straits, rivers, coasts, all according to the heart's desire; and amidst them passengers of all kinds on foot, in boats, driving in carriages or riding on asses to visit their country properties; furthermore, fishermen, bird-catchers, hunters, vintagers; or again, he exhibits stately villas, to which the approach is through a swamp, with men staggering under the weight of the frightened women whom they have bargained to carry on their shoulders; and many another excellent and entertaining device of the same kind. The same artist also set the fashion of painting views, and that wonderfully cheap, of seaside towns in broad daylight." The name of Ludius has a special interest in the fact that he is the only artist mentioned in antiquity of whose painting a specimen has probably come down to us. In the Villa of Livia at Rome were found in 1863 the four walls of a room on which taken together the entire plan of a garden is painted (one of the walls is given in colours in *Antike Denkmäler*, i. Taf. 11; another in outline, *ib.* Taf. 24). "As this kind of garden piece is emphatically attributed to Ludius by Pliny, and as the villa belonged to the Imperial family in his time, and would doubtless therefore have been put into the hands of the decorator most in repute; and lastly, as the technical finish of the work surpasses that of all other existing antique wall-paintings, the opinion advanced by Brunn, that it is from the hand of Ludius himself, must not be hastily set aside" (Woltmann).

If we examine ancient landscapes in the light of our modern knowledge, the great difference that strikes us is the ancient lack of feeling for the charm of atmosphere. As a rule the horizon was placed abnormally high, and the various parts of the subject were distributed over the space in clear and equable light: this is generally toned off towards the sky-line, but special effects of light are rare. In an Endymion subject we have rays of moonlight; in the Odyssey underworld a special ray of light is introduced through an aperture in the rock; and in one case we have a sunset effect: but these are isolated instances. Moreover, the perspective, both aërial and linear, is seldom perfect. But in all these cases we must remember that the specimens before us are merely the work of decorators and handicraftsmen, usually executed in fresco, and that possibly in the works of the great Greek masters these criticisms would not apply.

It will be seen that almost all the paintings by which we can test the Hellenic art were executed in Italy. Very few have as yet been found there of the Republican period. In Rome the pictures found mostly belong to one style. In Pompeii the majority belong to the last ten years before the destruction of the city in A.D. 79,

* Helbig points out that this signature may possibly refer to the original painter who designed the composition; it is clear, at any rate, that all four of these paintings are copies of earlier pictures, possibly by the same hand.

* Pliny's zeal for the honour of his countrymen has led him into an exaggeration here: Ludius was certainly not the first; he may have revived the art in Rome, and perhaps have invented some of the motives which Pliny mentions and which Vitruvius (vii. 5) does not allude to as belonging to the "ancient" style of decoration. The translation of the Pliny passage is taken from Woltmann and Woermann.

but within this limit of date there is great variety of style. Vitruvius (vii. 5), writing at about the time of Augustus, gives a sketch of the history of mural decoration from the Alexandrian age. Formerly, he says, the ancients used to imitate marble incrustations* in combination sometimes with architectural members. Later, it had been customary to paint upon the walls imitation buildings, columns and pediments, landscapes and mythological subjects: such as "harbours, promontories, shores, rivers, fountains, aqueducts, temples, groves, mountains, herds and herdsmen; or in some places specimens of *Megalographia*, such as mythological scenes, Trojan battles, or *wanderings of Odysseus arranged in panels*" (see the Odyssey landscapes above quoted). All these subjects were suitable, "because Painting is the representation of what exists or might exist." But now subjects taken from reality are despised. "We see upon our walls nowadays not so much copies of actual things, as fantastic monstrosities: thus reeds take the place of columns in a design; ribboned and streamered ornaments, with curling leaves and spiral tendrils, take the place of pediments; diminutive temples are supported upon candelabra; vegetable shapes spring from the top of pediments and send forth multitudes of delicate stems, with twining tendrils and figures seated meaninglessly among them; nay, from the very flowers which the stalks sustain are made to issue demi-figures having the heads sometimes of human beings and sometimes of brutes."

Assisted by this criticism of Vitruvius, we are able to trace differences of style in the development of wall decoration, corresponding to the different epochs. (1) The regular and stable painted semi-columns and pilasters, the *topia* of Vitruvius, like the Odyssey scenes. (2) Reed-like supports, which are gradually developed until (3) a network of these constructions covers the whole intermediate space, the structural idea being lost sight of.

Taken all in all, our direct monumental evidence of Greek painting is very small; for our literary evidence, we have mainly to rely on Pliny, who, as we have seen, is as a recorder of bare facts often untrustworthy, and as an independent art critic deplorable. The true art critic of antiquity, Lucian, who in matters of taste and understanding shows excellent judgment, has left a few precious descriptions which give a real insight as far as they go. If Pliny had been gifted with the critical faculty and insight of Lucian, we should now be better able to decide the question as to how far the standard of painting of the ancients was worthy to compare with that of their sculptures. If in technical correctness they were imperfect, we may be sure that their artistic instinct would have served in a great measure to cover this defect, and that in drawing and composition, at least, they did not fall short of the greatest masterpieces of modern times.

17. *Authorities.* — The principal literary sources of information upon the history, methods, and achievements of ancient painting are Pliny the elder, in his *Naturalis Historia*, Pausanias, and Quintilian; the writings also of Lucian, Plutarch, Athenaeus, Aristotle, Aelian, Cicero, the elder and younger Philostratus, and Vitruvius, contain many incidental remarks which are of great value in the history of a subject like Painting, in which so little has survived to us from antiquity.

The whole of the ANCIENT PASSAGES relating to Painting are catalogued under the names of the artists or of the period to which they refer, in Overbeck's *Die antiken Schriftquellen*, Leipzig, 1868.

Of the numerous tracts which have been devoted to the elucidation and emendation of these texts, we may select the following:—Urlichs, *Chrestomathia Pliniana*, 1857, and the same author in *Rhein. Mus.* xxv. p. 507, &c.; Oehmichen, *Plinianische Studien*, Erlangen, 1880; Furtwängler in Fleckeisen's *Jahrbücher für cl. Ph.* Spbd. 9; Kroker, *Gleichnamige Künstler*, Leipzig, 1883; Robert, *Archäologische Märchen*, Berlin, 1887; Holwerda in *Mnemosyne*, "De Pictorum historia apud Plinium," 1888; and especially Klein's two articles in *Arch.-Epig. Mittheilungen aus Oesterreich-Ungarn*, xi. pp. 193–233, "Die Sikyonische Schule," and xii. pp. 85–127, "Die Helladische und Asiatische Schule."

In the following works a more or less GENERAL TREATMENT of the subject has been attempted:—Raoul-Rochette, *Peintures antiques Inédites*, Paris, 1836 (somewhat out of date); Brunn, *Geschichte der Griechischen Künstler*, 2nd edit., vol. ii., 1889; Woltmann and Woermann, *History of Painting* (English edition, edited by Sidney Colvin), 1880; and the article "Malerei" in Baumeister's *Denkmäler*.

For the study of individual details, see the following:—

TECHNIQUE.—Blümner, *Technologie und Terminologie der Gewerbe und Künste bei Griechen und Römern*, 1874–87, esp. iv. p. 414 fol.; the article in Baumeister, already quoted; and Helbig und Donner, *Untersuchungen über die Campanische Wandmalerei*, 1873.

ENCAUSTIC.—Helbig und Donner, *loc. cit.*; Blümner, *loc. cit.* iii. p. 200 fol.; Cros et Henry, *L'Encaustique*, 1884; Donner in *Beilage zur Allgemeine Zeitung* (Munich), 1888, pp. 2641–3; Petrie, *Hawara, Biahmu, and Arsinoe*, 1889, pp. 17–21, 37–46.

POLYCHROMY OF SCULPTURE AND ARCHITECTURE.—Baumeister's *Denkmäler*, s. v. "Polychromie;" Boeckler, *Die Polychromie in der antiken Sculptur*, 1882; Treu, *Sollen wir unsere Statuen bemalen?* Berlin, 1884, and in *Arch. Jahrbuch*, 1889, p. 18.

MOSAIC.—Raoul-Rochette, *loc. cit.* pp. 345–6; Engelmann in *Rhein. Mus.* xxix. pp. 561–89; Blümner, *loc. cit.* iii. p. 323; and Baumeister's *Denkmäler*, s. v. "Mosaik."

HISTORY.—Studniczka in *Arch. Jahrb.* 1887, pp. 135–168; Dümmler in the same, 1887, pp. 168–178 (on Polygnotus); *Wiener Vorlegeblätter* for 1888, pll. x.–xii. (for restorations of the Iliupersis of Polygnotus); Schreiber, *Die Hellenistischen Reliefbilder*, 1890; Wustmann, *Apelles' Leben und Werke*, Leipzig, 1870; Woermann, *Die Landschaft in der Kunst der antiken Völker*, 1876; Helbig und Donner, *Wandgemälde der vom Vesuv verschütteten Städte*, 1868; Urlichs, *Die Malerei in Rom vor Cäsar's Dictatur*, Würzburg, 1876; Woermann, *Die antiken Odysseelandschaften* (six plates in colour), Munich, 1875; Mau, *Geschichte der decorativen Wand-*

* *Crustas parietum*; the marble slabs with paintings, which were let into walls.

malerei in Pompeii, 1882; Niccolini, *Le Case ed i Monumenti di Pompeii*, 1854, fol.; Overbeck, *Pompei*, 4th edition. For the Galleries of the Philostrati, see Fleckeisen's *Jahrbücher*, Spbd. 4, pp. 179–306, and Spbd. 5, pp. 135–181; *Philologus*, xxxi. p. 585; Bougot, *Philostrate l'ancien*; and *Magazine of Art*, v. p. 371. For reproductions of Mural Paintings, see *Monumenti dell' Inst. Arch.* throughout; Bartoli and Bellori, *Le Pitture antiche della Grotta di Roma*, 1706; Bartoli, *Gli antichi Sepolcri*, 1727; Barré et Roux, *Pompei et Herculaneum*, 1840, &c. (7 vols.).

For a fuller bibliography of the subject, see Brunet's *Manuel du Libraire*, tom. vi. pp. 1688–9, and especially E. Hubner's *Bibliographie der klassischen Alterthumswissenschaft*, Berlin, 1889. [C. S.]

PIGNUS. A thing is said to be pledged to a man when it is made security to him for the satisfaction of some debt or obligation due to him, the creditor acquiring a right in the thing pledged available against third parties as well as against the pledger, though the latter remains owner of the thing. Thus the right of pignus or pledge belongs to the class of *jura in re aliená*.

The progress of the Roman law of pledge can be clearly traced. In the law of the Twelve Tables there was no independent right of pledge as distinct from a right of ownership, the only mode of giving security in early times being by a transfer of Quiritarian ownership of the thing to the creditor by mancipation or *in jure cessio*, on condition of its being re-conveyed when the debt was paid (*ut remancipetur, in jure cedatur*). [FIDUCIA.] The creditor who failed to re-convey when the debt was paid might be sued by a personal action, called *actio fiduciae*, for breach of faith; but as the debtor had parted with the ownership of the thing, he had no real action against third parties in respect of it. The first step in advance from this clumsy contrivance of a conveyance and a re-conveyance was the establishment of pignus, using this term in its strict sense: pignus was constituted by the simple delivery of a thing to the creditor as security for his debt without conveying the ownership of it to him. The creditor acquired by the delivery legal possession of the thing, being protected by possessory interdicts, but he had no real action (*actio in rem*) against third parties; moreover he could not dispose of the pignus to obtain satisfaction of his claim, nor could he make use of it while in his possession, but had simply a right of retention. It was a common practice, however, for the parties to a pledge to make a condition, called Lex Commissoria, by which, if the debt was not paid, the thing became the property of the pledgee. It will be seen that this form of security was less advantageous to a creditor than that of a conveyance with a fiducia, and that, on the other hand, it did not interfere so much with the rights of the debtor, since he remained owner of the pignus and was able to vindicate it from any third party.

Ultimately the praetor made a great reform in the law of pledge by allowing a pledge to be constituted by simple agreement (*nuda conventio*); thus making delivery a matter of option, and by giving an *actio in rem* to a pledgee without depriving the pledger of his ownership. This change was first instituted to enable a landlord to recover the property (*invecta et illata*) of his farming tenant (*colonus*) which had been pledged to him for his rent (*pro mercedibus fundi*), the remedies for this purpose being the *interdictum Salvianum* [INTERDICTUM] and the *actio Serviana in rem*. The latter remedy was extended under the name of *actio quasi-Serviana* or *hypothecaria*, generally to creditors who had things pignerated or hypothecated to them, whether by delivery or simple agreement. The creditor also acquired the power of selling the thing pledged if his debt was not satisfied.

The term *pignus* may signify generally a thing pledged in any way, but in a strict sense it means a thing pledged by delivery, hypotheca being the proper term for a thing pledged by mere agreement (Dig. 13, 7, 9, § 2; Isid. *Orig.* 5, 25; see also Cic. *ad Fam.* xiii. 56). Gaius (Dig. 50, 16, 238) says that pignus is derived from pugnus "quia quae pignori dantur, manu traduntur." This is one of several instances of the failure of the Roman jurists when they attempted etymological explanation of words [MUTUUM]. The element of pignus (pig) is contained in the word *pa[n]go* (Gr. πήγνυμι) and its cognate forms.

Having traced the history of pledge, we proceed to give some account of the law on the subject as it appears in Justinian's legislation. A right of pledge or mortgage cannot arise or continue unless there is some principal obligation to which it is accessory. The principal obligation may be of any kind, as for money borrowed (*mutua pecunia*), or for dos, letting and hiring, mandate; it may be conditional or unconditional, for part of a sum of money as well as for the whole (Dig. 20, 1, 5). It could be one not enforceable by action, but only binding *naturaliter* (Dig. 20, 1, 14, § 1). [OBLIGATIO.] The amount for which a pledge was security depended on the agreement: it might be for principal and interest or for either; or it might comprehend principal and interest, and all costs and expenses which the pledgee might be put to on account of the thing pledged (Dig. 13, 17, 8, § 25). Anything could be the object of pignus which could be an object of commerce (Dig. 20, 1, 9; Dig. 20, 3, "quae res pignori vel hypothecae datae obligari non possunt"), movable as well as immovable things, even things which are consumed by the use. It might be a thing corporeal or incorporeal, a single thing or an entire property. If a single thing was pledged, the thing with all its increase was the security, as in the case of a piece of land increased by alluvio. If a shop (*taberna*) was pledged, all the goods in it were pledged; and if some of these were sold and others bought in, and the pledger died, the pledgee's security was the shop and all that it contained at the time of the pledger's death (Dig. 20, 1, 34). If all a man's property was pledged, the pledge comprehended also his future property, unless such property was clearly excepted. A man might also pledge any claim or demand that he had against another. It is to be noticed that the objects of pledge were much extended by the establishment of the principle of hypotheca, since previously only such property could be pledged as was capable of delivery. The act of pledging required no particular form. Nothing more was requisite to establish the validity of a pledge than proof of the agree-

ment of the parties to it. It was called *contractus pigneratitius* when it was a case of pignus; and *pactum hypothecae*, when it was a case of hypotheca: in the former case, as we have seen, delivery was necessary. A man might also by his testament make a pignus (Dig. 13, 7, 26). A man could only pledge a thing when he was the owner and had full power of disposing of it. If a man pledged a thing which was not his, he did not make the thing a pignus, but the creditor had the right of bringing an actio Publiciana for its recovery, if the pledger could maintain this action. If the pledger afterwards became owner of the thing, the pledge became a valid one under certain circumstances (Dig. 13, 7, 20; 20, 2, 5: cf. Windscheid, *Pandekten*, 1, § 230).

A pignus might be created by law; that is, there was among the Romans an implied hypothec (*tacita hypotheca, pignora tacite contracta*), which existed not by consent of the parties but by rule of law (*ipso jure*), in respect of particular kinds of obligations (Dig. 20, 2, "In quibus causis pignus vel hypotheca tacite contrahitur"). These hypothecae had either for their object some particular things belonging to the debtor—special hypothec; or his entire property, present and future—general hypothec.

The following are instances of special hypothecae:—1. The lessor of a building or land not intended to be used for agricultural purposes had a hypotheca, in respect of his claims arising out of the contract of hiring, on everything which the lessee (*inquilinus*) brought upon the premises for constant use (*invecta et illata*). 2. The lessor of agricultural land had an hypotheca on the farm as soon as they were collected by the lessee (*colonus*) for claims arising from the lease (Dig. 20, 2, 7; 19, 2, 24. From this rule of Roman law the old Scotch law of hypothec seems to have been derived). 3. A person who lent money to repair a ruinous house had an hypotheca on the house for the amount of his money which had been laid out on such repair. (This hypothec was established by a senatusconsultum under the Emperor Marcus.) 4. Pupilli had a hypotheca on things which were bought with their money, but not in their name. (Constitution of Severus and Caracalla.) 5. A legatee had a hypothec on any property which the person charged with the legacy had derived from the estate of the testator.

The following are the cases of general hypothecae:—1. The fiscus had a general hypotheca on the property of its debtors in respect of all claims for penalties. (For the history of the law on this subject, see Dernburg, i. §§ 41, 43.) 2. The Emperor personally and the Empress on goods of their debtors (Dig. 49, 14, 6, § 1). 3. The husband on the property of him who promised a dos. 4. The wife on the property of her husband for recovery of dos and parapherna in her husband's possession, and in respect of claims arising from *donatio propter nuptias*. 5. Minors and lunatics on the property of their guardians. 6. Children under certain circumstances against the estates of their father or mother (Windscheid, *Pandekten*, ii. § 232). 7. Churches on the property of their emphyteutic tenants for enforcing liabilities on account of waste (Nov. 1, c. 3, 2).

Pignus might be created by a judicial sentence, as for instance by the decree of the praetor giving to a creditor power to take possession of his debtor's property (*missio creditoris in bona debitoris*); either a single thing or all his property, as the case might be. But the permission or command of the magistratus did not effect a pledge, unless the person actually took possession of the thing. The following are instances:—The *immissio damni infecti causa* [DAMNUM INFECTUM]; *legatorum servandorum causa*, which had for its object the securing of a legacy which had been left *sub conditione* or *die* (Dig. 36, 4); *missio ventris nomine in possessionem*, when the pregnant widow was allowed to take possession of the inheritance for the protection of a postumus. The right which a person obtained by such *immissio* was called *pignus praetorium*. *Pignus judiciale* was when the judex ordered the goods of a person to be taken as security for the satisfaction of a judgment (*ex causa judicati*).

The person who had given a pledge was still owner of the thing that was pledged. He could therefore use the thing and enjoy its *fructus*, if he had not given up possession. But the agreement might be that the creditor should have the use or profit of the thing instead of interest, which kind of contract was called *antichresis* or mutual use: if there was no agreement as to use, the creditor could not use the thing even if it was in his possession. The pledger could also sell the thing pledged, unless there was some agreement to the contrary, but such sale could not affect the right of the pledgee (Dig. 13, 7, 18, § 2). If the pledger sold and delivered a movable thing that was pignerated or was specially hypothecated, without the knowledge and consent of the creditor, he was guilty of furtum (Dig. 20, 1, 13, 2; 47, 19, 6; 66, 4). If the pledger at the time of a pignus being given was not the owner of a thing, but had the possession of it, he could still acquire the property of the thing by usucapion, while it was in the possession of the pledgee, for the pledging was not an interruption of the usucapion [POSSESSIO]. The pledgee might either have possession of the thing from the first by delivery, or might have taken possession subsequently on account of the default of the debtor. In either case he was entitled to keep possession till his demand was fully satisfied. For the purpose of obtaining possession of the pledge he had the actio hypothecaria or actio quasi-Serviana against every person who was in possession of it; his right to recover in this action was derived from the title of the person who had pledged the thing to him. If a pledgee could not obtain possession of the thing pledged, or was evicted on account of some defect in the title of the pledger, his only remedy was a personal action against the latter. A creditor who had a pignus had also a right to the *interdicta retinendae et recuperandae possessionis*. [INTERDICTUM.]

A pledgee could pledge the thing that was pledged to him; that is, he could transfer the pignus (Dig. 20, 1, 13, § 2). In case his demand was not satisfied at the time agreed on, the pledgee had a right to sell the thing and pay himself out of the proceeds (*jus distrahendi sive vendendi pignus*). (Dig. 20, 5; Cod. 8, 27, 28.) This power of sale might be qualified by the terms of the agreement; but the creditor could

not be deprived of all power of sale, nor could he be compelled to exercise his power of sale. Gaius (ii. 64) illustrates the proposition that a person who was not owner of a thing could in some cases alienate it, by the example of the right of a pledgee to sell the thing pledged; but he adds that the right of sale in this case may perhaps be referred to the consent of the debtor or owner, who by entering into a contract of pledge agreed that the pledgee should have such right. In case of a sale the creditor, according to the later law, must give the debtor three separate notices of his intention to sell; and after the last of such notices, he must wait two years before he could legally make a sale. If anything remained over after satisfying the creditor, it was his duty to give it to the debtor; and if the price was insufficient to satisfy the creditor's demand, his debtor was still debtor for the remainder. If no purchaser at a reasonable price could be found, the creditor might become the purchaser, but still the debtor had a right to redeem the thing within two years on condition of fully satisfying the creditor (Cod. 8, 34, 3).

An agreement that a pledge should be forfeited in case the demand was not paid at the time agreed on was originally very common; but it was declared by Constantine, A.D. 326, to be illegal. [COMMISSORIA LEX.]

A pledgee who had acquired possession of a pignus was under an obligation to restore it to the pledger on payment of the debt for which it had been given; and up to that time he was bound to take such care of it as a careful person would take. On payment of the debt, he might be sued by the pledger in a personal action called *actio pignoratitia*, for the restoration of the thing, and for any damage that it had sustained through his neglect. The remedy of the pledgee against the pledger for his proper costs and charges in respect of the pledge, and for any dolus or culpa on the part of the pledger relating thereto, was by an *actio pignoratitia contraria*.

If there were several creditors to whom a thing was pledged which was insufficient to satisfy them all, he whose pledge was prior in time had a preference over the rest ("potior est in pignore qui prius credidit pecuniam et accepit hypothecam," Dig. 20, 4, 11). There were some exceptions to this rule: for instance, when a subsequent pledgee had lent his money to save the thing pledged from destruction, he had a preference over a prior pledgee (Dig. 20, 4, §§ 5, 6). This rule has been adopted in the English law as to money lent on ships and secured by bottomry bonds. Certain hypothecae had a preference or priority (*privilegium*) over all other claims. Of these claimants, the *Fiscus* came first in respect of taxes and contracts; then the wife in respect of her dos; and then those who had been put to some expense in repairing or restoring a thing. In the case of unprivileged creditors, the general rule, as already observed, was that priority in time gave priority of right. But a hypotheca which could be proved by a writing executed in a certain public form (*instrumentum publice confectum*), or which was proved by the signatures of three reputable persons (*instrumentum quasi publice confectum*), had a priority over all those which could not be so proved. If several hypothecae of the same kind were of the same date, he who was in possession of the thing had a priority. The creditor who had for any reason the priority over the rest was entitled to be satisfied to the full amount of his claim out of the proceeds of the thing pledged. A subsequent creditor could obtain the rights of a prior creditor in several ways. If he furnished the debtor with money to pay off the debt, on the condition of standing in his place, and the money was actually paid to the prior creditor, the subsequent creditor stepped into the place of the prior creditor (Dig. 20, 3, 3). Also if he purchased a thing on the condition that the purchase money should go to satisfy a prior creditor, he thereby stepped into his place. A subsequent creditor could also, without the consent either of a prior creditor or of the debtor, pay off a prior creditor, and stand in his place to the amount of the sum so paid. This arrangement, however, did not affect the rights of an intermediate pledgee (Dig. 20, 4, 16).

The pledge was extinguished by a release of it on the part of the creditor, also by the destruction of the thing, for the loss was the owner's; it was also extinguished if the thing was changed so as no longer to be the same, and not capable of being restored to its former state (Dig. 13, 7, 18, § 3); further, it was extinguished by confusio — that is, when the right of ownership and right of pledge were merged in the same person, and lastly by a prescription of ten or twenty years under certain conditions.

(Dig. 20; Cod. 8, 14–35; Gesterding, *Die Lehre vom Pfandrecht*, &c.; Sintenis, *Handbuch des gemeinen Pfandrechts;* Bachofen, *Das römische Pfandrecht*, &c.; Dernburg, *Das Pfandrecht nach den Grundsätzen des heutigen römischen Rechts;* Windscheid, *Pandekten*, § 224, &c.; Puchta, *Inst.* i. § 246, &c. There is an English treatise entitled *The Law of Pledges or Pawns as it was in use among the Romans*, &c., by John Ayliffe, London, 1732, &c.) [E. A. W.]

PILA, PILA LUSORIA (*σφαῖρα*), a *ball*. In this article it is proposed to include an account, not merely of the different kinds of balls, but of the exercises and also the games for which they were used by the Greeks and Romans. The subject has been somewhat complicated in modern treatises by regarding as *games* what what were merely gymnastic or medico-gymnastic exercises. It will be more convenient to keep them apart. Exercise merely for the sake of bodily health and vigour and grace of movement was more commonly sought at all times of life among these nations than exercise primarily for the sake of amusement, whereas the converse is now the case: and there can be no doubt that the majority of Greeks and Romans who indulged in so-called "games" at ball were practising and exercising their muscles, not, as we should say, "playing": still, there were some notable exceptions, which will be classed as games.

As regards the historical view of these exercises and games, we find the earliest mention in two passages of the Odyssey (vi. 100; viii. 370). In the former, where Nausicaa is playing with her attendant maidens, the ball is merely tossed from one to the other, as a graceful and

healthy exercise, while (probably) they danced in measured time (Athen. i. p. 14 d): in the passage of Apollonius (iv. 952), who no doubt had this scene in his mind, he speaks of maidens playing *σφαίρᾳ περιηγέϊ*, where Becq de Fouquières is certainly right in taking the adjective to mean, not round, but circulating from hand to hand. In the other passage of the Odyssey we have two performers dancing rhythmically, throwing up a ball, and catching it as they danced: in fact, they may be classed as jugglers. As far as we can trace the earliest Greek ball-play, it seems to have been of the nature above described, a sort of adjunct to the dance and music, forming, in fact, part of what we may call the figures of the dance. According to Athenaeus, the practice long remained; for he cites (i. 24 b) Carystius of Pergamum as saying that it was still in vogue among the women of Corcyra. It seems likely that the name *βαλλαχράδαι*, applied to Argive boys keeping festival, had something to do with this choric ball-play (see Krause, *Gymnastik*, i. p. 300; Grasberger, *Erziehung*, i. p. 89). It is useless to discuss the question whence came these amusements or exercises to the Greeks: various opinions are given in Herod. i. 68, Athen. i. 14 d. Without, however, accepting as better than any other the theory that the Spartans invented it (Athen. *l. c.*), we may notice that it early had a strong hold, with other gymnastic exercises, at Sparta. This is also indicated by the term *σφαιρεῖς* applied to Spartan youths, *i.e.* those who were passing out of the stage of *ἔφηβοι*, and were not yet reckoned as *ἄνδρες*. The name was, no doubt, applied to them because the ball-play formed an important element in the gymnastic training at that precise age, probably accompanied with music, as part of the *choric* exercise of the Spartans (Pausan. iii. 14; *C. I. G.* 1386, 1432; Gilbert, *Staatsalt.* i. 68; Schömann, *Antiq.* 264). From whatever country it was introduced the exercise was highly regarded by the Athenians, who recognised the value for general bodily health and development, afterwards elaborately insisted upon by Galen and other medical authorities. The gymnasia had therefore a special room (*σφαιριστήριον*) for the purpose [GYMNASIUM]; and Athenaeus (i. 19 a) tells of the distinction given to Aristonicus of Carystus, the *συσφαιριστὴς* of Alexander, who was made a citizen of Athens and honoured with a statue. The fondness of Dionysius of Syracuse for the exercise is noticed by Cicero (*Tusc.* v. 20, 60).

That it took root quite as strongly at Rome is abundantly shown in Latin literature. It was, as Krause, Becker, and many others particularly notice, played by all ages: men, and even old men, as well as boys, "without loss of dignity." This fact cannot, however, at any rate now, be made, as even recent writers make it, a point of distinction between ancient and modern customs. Among notable instances we may mention Augustus, who took exercise with the *pila* and *folliculus*, until he was too old for anything but the litter or a gentle walk (Suet. *Aug.* 83). (For similar record of other emperors cf. Suet. *Vesp.* 20; [Capitol.] *M. Ant.* 4; Lamprid. *Alex. Sev.* 30.) Pliny (*Ep.* iii. 1, 8) tells us of Spurinna, who made this exercise one of his careful methods for preserving a green old age: Seneca (*de brev. Vit.* 13) complains that many made such exercises the main object of their life. In the well-known line of Horace (*Sat.* i. 5), when Maecenas goes to play at ball, Horace and Virgil do not join him, on the ground that "pila lippis inimicum et ludere crudis." It is a curious comment on this passage, that Galen specially notes that those who use other gymnastic exercises become, "like the Litae of Homer, *χωλοί τε ῥυσοί τε παραβλῶπές τ' ὀφθαλμώ*, while those who play judiciously at ball escape such maladies." It is necessary to point out that the exercise was not indigenous at Rome. The old Roman followed the severer exercises of hunting and riding: the *pila* came in with Greek customs (Hor. *Sat.* ii. 2, 10). The Byzantine emperors combined the two in a sort of "polo," which will be described below. The Thermae at Rome had their *sphaeristerium* for games at ball [BALNEAE, Vol. I. p. 283 *a*]: this exercise was taken *before* the bath (Hor. *Sat.* i. 6, 125; Mart. vii. 32, xiv. 163). Attached to large country-houses there was a similar court (cf. Plin. *Ep.* ii. 17, v. 6; VILLA). Where greater space was wanted, the play was in the Campus Martius.

The Apparatus for playing.—In Oribasius, i. p. 529, we find five kinds of balls mentioned, *μικρά, μέση, μεγάλη, εὐμεγεθής, κενή*. Mistakes have been made in the endeavour to construe the description which is there given of the uses of these balls as though they were games, whereas they are merely medical gymnastics: in many cases something like extension exercises with dumb-bells, since the ball does not leave the hand at all. It is probable, however, that we may assume the five sizes of balls to have been used in different games as well as for exercises, and may *possibly* take five Roman names for balls—(i.) *harpastum*, (ii.) *pila trigonalis* or *trigon*, the pila *par excellence*, (iii.) *arenaria*, (iv.) *paganica*, (v.) *follis* to correspond; but it is more probable that *arenaria* is only another name for the *harpastum*, the name being given because the rules of the game permitted taking it at the rebound, which was not allowed in trigon. Martial, in the *Apophoreta*, mentions only the other four without naming the arenaria. The ordinary ball was stuffed with hair; see *Anth. Pal.* iv. 291:

> λίην ἔντριχός εἰμι· τὰ φύλλα δ' ἐμοῦ κατακρύπτει
> τὰς τρίχας· ἡ δὲ τρύπη φαίνεται οὐδαμόθεν.
> πολλοῖς παιδαρίοις ἐμπαίζομαι· εἰ δέ τίς ἐστιν
> εἰς τὸ βαλεῖν ἀφυὴς ἵσταται ὥσπερ ὄνος.

The last line does not, as some writers state refer to a term belonging especially to *σφαιριστική*: the word *ὄνος* is used of the vanquished in many trials of skill. [BASILINDA; OSTRAKINDA.] The "quarters" or lappets (here called *φύλλα*) were often coloured (Ov. *Met.* x. 262, *pictae;* Petron. 27, *prasina*). Seneca uses the word *commissurae* for the seams where they were sewn together (*Q. N.* iv. 11). The hair-stuffed ball was no doubt either of the two smallest sizes: the *μικρὰ σφαῖρα* was the smallest and hardest of the balls, and is in Latin the *harpastum* (Pollux, ix. 105); and the pila arenaria probably = the "pulverulentum harpastum." The next in size, also a hard ball, is the especial pila, the *pila trigonalis;* and then follows the *paganica* (probably the *μαλάκη* of Pollux), which was stuffed with feathers, and

according to Martial (xiv. 45) was "tighter" (*i.e.* harder as well as smaller) "than the *follis* and less so than the *pila*." Its name was probably, as Marquardt thinks, derived from its being used at games between the country *pagani*, though it was not confined to them (Mart. vii. 32). Lastly we have the follis, the κενή, or air-blown ball, in its construction like our football, but not so used; for there is no trace of football among the Romans.*

Beyond the balls and the court, or the measured space out of doors, and perhaps armguards for the follis, neither Greeks nor Romans had any apparatus for ball-play, as far as we know, until the late Byzantine age. There is no trace of any sort of racquet or bat; for in the passage of Ovid, *Art. Am.* iii. 361, the *reticulum* is a network bag holding balls. Galen in his treatise περὶ τῆς σμικρᾶς σφαίρας makes a special point of its economy as needing nothing πλὴν σφαίρας μόνης, and in contrasting the amusements which require more apparatus he does not mention any game at ball: all our accounts speak of striking with the hand or arm; and Martial, if any sort of bat had existed, would have mentioned it in the *Apophoreta*. It may also be noticed that the game of tennis was called "lusus pilae cum palma" in 1356 (Littré, s. v. *paume*), whence our deduction would be that the use of the racquet is later, and that the name (*cum palma*) was given to the game when "fiving," or striking with the palm, was the only stroke, to distinguish it from those in which catching was allowed. Possibly the arm-guards, before referred to, may have been the genesis of a bat in later times; but whether the "polo" which existed at Byzantium before the 11th century (see below) was the first game in which the ball was struck with any implement, it is impossible to say.

Technical Words.—It is necessary to explain shortly certain words used technically of these exercises in Greek and Latin, and the more so because many writers have imagined separate games in words which are merely descriptive of the method in which the ball was thrown, whatever game might be played. Many terms also which are distinguished should really be taken as synonymous. Thus, to *throw* a ball to another is διδοναι, βάλλειν, ἀφιέναι, *dare, mittere, jactare:* to *catch* it, λαμβάνειν, δέχεσθαι, *accipere, excipere, captare:* and so *datatim ludere* means "to play at catch," *i.e.* merely toss backwards and forwards (Plaut. *Curc.* ii. 13, 17; Naev. *ap.* Non. 96, 15). The words *remittere* and *reddere* (ἀντιπέμπειν, ἀνταφιέναι) mean to *throw* the ball back to the sender. But there is a totally different stroke when the ball is "fived;" that is, is struck with the palm of the hand and either returned or sent sideways, without being first caught and then thrown: in Latin this is expressed by *repercutere* (Sen. *de Ben.* ii. 17); when the ball is "fived" back to the sender—(Marquardt in the *Privatleben* wrongly, we think, renders it *zurückwerfen*)—and when the ball is struck sideways to a fresh player, by the words *expulsare* (Mart. xiv. 56) or *expellere* (Petron. 27). One would naturally suppose that the Greek word ἀπόρραξις had the same meaning; and though Pollux (ix. 105) and Eustathius (*ad Od.* ix. 376) limit its use to making the ball rebound from the floor, it seems to us that there can be little doubt that the *primary* technical sense was *striking* with the hand instead of throwing, and that it belonged to that sort of stroke applied variously in various games or exercises, whether making the ball rebound against floor or wall, or "fiving" it to other players. We must also differ from other writers who limit the words *expulsim ludere* to this striking against a wall. (Johann Marquardt is still further from the truth in making it = the βαλεῖν εὐτόνως of Galen, for that is simply a strong throw.) *Expulsim ludere* expresses the stroke with the palm or the fore-arm: in its simplest form it is the hitting repeatedly against a wall (one sort of ἀπόρραξις); as in the picture given by Varro (*ap.* Non. 104, 27), "videbis Romae in foro ante lanienas pueros pila expulsim ludere": but it refers to the *method* of the stroke, not to the game, and it means therefore to strike the ball in that way of which the words *expulsare* or *expellere* and also *repercutere* are used. Similarly "*raptim* ludere" merely expresses the method of play adopted by one who (like the *medicurrens* in *harpastum*) *rapit* or ἁρπάζει: that is, catches the ball while it is flying between two other players. Lastly, the feint of pretending to throw the ball to one person and actually throwing it to another is probably expressed by the word φενίνδα (which also gave one name to a game: see below), and also by ἐκκρούειν (Athen. i. p. 15 a), and in Latin by *fallere* (Prop. iii. 4, 5). In the lines of Saleius Bassus (?), *de laud. Pis.* 172 (*Poet. Lat. Min.* i. 233), "volantem aut geminare pilam juvat aut revocare cadentem, Et non sperato fugientem reddere gestu," the *geminare* must = *repercutere*, to return to the sender by a stroke with the hand (cf. Ter. *Ad.* ii. 1, 19); the "revocare cadentem" to catch it near the ground, and the last line to *throw* it back after a difficult catch when the return had not been expected (*not* = φενίνδα, where *mittere* rather than *reddere* would be used).

Ball-exercises.—Here we must class (i.) οὐρανία, *datatim ludere*, which is the simple practice of "catch," and has its name because the ball is usually thrown high in the air (Pollux, ix. 106; Eustath. *l. c.*; Phot. *s. v.*), just as a high throw is now sometimes called a "skier": it might or might not be made a rhythmical exercise by accompanying music and dance, as often is the Greek οὐρανία; (ii.) various forms of making the ball rebound against a floor or wall, as described above; (iii.) various kinds of posturing with the ball or throwing it forward with no object, except muscular exercise and extension, which Antyllus describes (*ap.* Oribas. i. p. 528: see Becq de Fouquières, *Jeux des Anciens*, 195.)

Sphaeromachiae or *games at ball:* i.e. those in

* For the use of this ball, see FOLLIS: probably its fitness for the old (Mart. xiv. 47) depended on the fact that there was little running about, and no grappling (as in the harpastum), and not so quick a return (since the ball was much less elastic) as in the trigon. Though absolute proof is lacking, it is probable that the game was played with an arm-guard, as shown on a coin of Gordian; and it is a fair inference that the modern *pallone*, played with similar *blown* balls and with armguards, is a descendant of the *follis*, though possibly with altered and more elaborate rules. For an account of *pallone*, see Story, *Roba di Roma*.

which there are *sides* which win or lose. i.) The game called *ἐπίσκυρος* (also *ἐφηβικὴ* and *ἐπίκοινος*: Poll. ix. 104, Eustath. *l. c.*). In this game the ground was marked by two base lines (*γραμμαὶ κατόπιν*) and another line drawn parallel to them through the middle of the ground, presumably more than a stone's throw from them, which was called *σκῦρος* or *λατύπη*, because it was marked with finely-broken stones. The ball was placed upon this line (whence the name *ἐπίσκυρος*), and the players started at the same moment from their respective base lines. The player who could first seize the ball threw it as far as he could towards the enemy's base line*: the object was to force the line of enemies back by constantly returning the ball further and further over their heads until they were driven over their own base line. Clearly, getting the first throw by fast running at the start must have been an enormous advantage (cf. Schol. *ad* Plat. *Legg.* i. p. 633 C). It is not improbable, though there is no proof of it, that the contest of the pagani (whence the name *paganica* for the third-sized Roman ball) was a game of this kind. It seems to have been regarded as a game for the young (*ἐφηβική*), and for large numbers (*ἐπίκοινος*). Nothing can have been less like golf, to which Becq de Fouquières (p. 203) seems to compare it, when he says, "on le retrouve encore en Écosse."

(ii.) *Harpastum* (or, by the older name, *Phenínda*; in Athen. and Eustath. *φαινίνδα*; in Clem. Alex. *φενίνδα*; in *Etym. Mag. φεννίς, φενίνδα, φενακίνδα*).—This game cannot with certainty be reconstructed, but the following seems to us an outline most consistent with our authorities. (Galen, *περὶ τῆς σμικρᾶς σφαίρας*: Sidon. Apoll. v. 17; Mart. iv. 19, vii. 32, xiv. 48; Athen. i. p. 25; Eustath. *l. c.*; Poll. ix. 105.) We have clearly two sides (*i.e.* it was a *sphaeromachia*), for Galen lays stress on the fact that there is emulation (*φιλοτιμία*), which exercises the *ψυχή*, as well as movements which exercise the limbs and the eye: there are presumably base lines as goals, without which it is hard to understand what he says about generalship (*στρατηγία*), and positions won and lost (*φυλάττειν τὸ κτηθὲν ἢ ἀνασώζειν τὸ μεθεθέν*). The ground was then probably rectangular, the two ends being base lines, and it was divided by a line in the centre (the *trames* of Sidonius) into two equal camps. There was always one "middle player," a special feature of the game, called *medicurrens* (Sidon.), or *ὁ μεταξύ* (Galen: cf. *vagus*, Mart. vii. 32), each side being probably so represented in turn: how the "innings" of the medicurrens ended, we do not know, but perhaps he gave up his place to one of the other side whenever a point was scored against his side. One would fain imagine *two* "middle players," one for each side, but the persistent use of the singular both in Greek and Latin authorities would seem to preclude this, and to necessitate some such explanation as is here attempted. It is probable that (as also in the quite distinct modern *pallone*) a ball dropping *dead* (*i.e.* falling again after the first rebound) was a point against that side in whose camp it dropped, and that a point was scored by that side which could send it so as to drop over the base line of the enemy: whether a certain number of points, or the highest score in a given time, decided the victory, we do not know. That the ball could be caught, either as a volley or at the first rebound, is clear from Mart. xiv. 48, and agrees with the epithets *pulverulenta* and *arenaria*. The ball was, no doubt, started from one of the base lines, and the object of the medicurrens was to catch it as it went past ("praetervolantem aut superjectam," Sidon.), in which case he would have a great advantage in either throwing it over the enemies' line or into some unguarded spot of their camp, where it would fall dead, or throwing it to some friend who was advantageously posted. The *feint* of throwing, expressed by *φενίνδα*, would clearly often be employed, as also the *φυγὴ* (Eustath.) or *καταστροφὴ* (Antiphanes and Sidon.), *i.e.* turning hastily back after an advance, so as to defend an unguarded spot; for, as seems clear from Galen, the rest of the players could post themselves forward or back as seemed best. They were also permitted to rush upon the medicurrens, and grapple or wrestle with him, or one another, in any way they chose, one side trying to spoil his catch, the other to protect him and foil his assailants (cf. Galen, *ὅταν συνιστάμενοι πρὸς ἀλλήλους καὶ ἀποκωλύοντες ὑφαρπάσαι τὸν μεταξύ, κ.τ.λ.*). For this purpose they may use *τραχηλισμός, ἀντιλήψεις παλαιστρικαί*, &c. The *τραχηλισμὸς* [LUCTATIO, p. 84] explains Martial's description of the game, "grandia qui vano colla labore facit." The view here proposed will explain Galen's words when he eulogises this game for *all ages*, on the ground that you can choose what sort of muscles, and to what amount, you wish to exert:—"It exercises one set of muscles in the advance, another in the retreat, another in the spring sideways . . . also the hands when they try in various postures to catch the balls . . . it also practises the eye, for if one does not accurately mark the course of the ball one must miss the catch . . . while in the wrestling part of it the *θώραξ, ὀσφύς*, &c., are exerted, or you can take running . . . but if you are old and want milder exercise (*τὸ πρᾷον*) you may exercise your arms and rest your legs by throwing from a distance" (*i.e.* by playing *back*), "and you can take as little of the wrestling as you please." The *σφοδρότατον*, which involves throwing, running and wrestling, is the place of medicurrens; the wrestling alone is the part of those who try to thwart him: for the rest of the players the advance and the *καταστροφὴ* supply the running, without much throwing, while others can stand almost at rest near their base and merely throw when the ball comes to them. It is illustrated by the description of Sidonius, where a bystander at the side is jostled into the middle of

* This is clearly the sense of *προανελόμενοι ῥίπτουσιν* in Pollux, which Johann Marquardt misunderstands; he is also in error when he says that the players might *kick* the ball as well as throw it (he strangely cites as his authority Becq de Fouquières, though that writer quotes no passage to prove it). We must repeat that we cannot discover any trace of "football" in Greek or Latin writers; and, further than this, Galen speaks of the exercise in these games, to the muscles *of the arms by throwing*, but *of the legs by running*: had kicking the ball been within the rules, he would certainly have mentioned it.

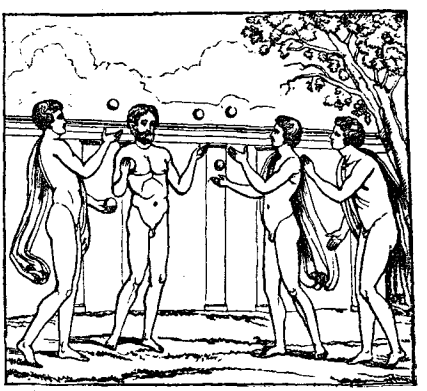
the game, "medicurrentis impulsu," and then knocked over by a rush in the *catastropha*. We have ventured to differ altogether on this point from Johann Marquardt, who imagines three distinct games for three ages and strengths: Galen's language points to one game in which different parts are taken; and it is clear from Pollux ix. 105 and from Clem. Alex. *Paed.* iii. 10, 50, that ἡ μικρὰ σφαῖρα is regarded as a definite well-known game, not several games. As to the identity of pheninda with harpastum we have the positive statement of Athenaeus that it was the old name of harpastum, the belief of Pollux that it was, and the fact that in some places (Clem. Alex., *l. c.*) it still went by that name; and, moreover, no writer mentions both games as distinct. It is no doubt possible that the harpastum which Athenaeus played may have been more elaborate in its rules than the pheninda, of which he quotes a description from Antiphanes. It seems sometimes to be forgotten that the interval between these two writers was as long as between Chaucer and our own time. The play in Antiphanes seems to be as follows:—

There are several players; A (possibly = medicurrens) has caught the ball and intends to throw it to B, which he eventually does, but meantime he slips away from C (τὸν δ' ἔφευγε), misleads D (τὸν δ' ἐξέκρουσε), and calls E's name as a feint (πλαγκταῖσι φωναῖς), though he has no intention of throwing it to him: the last two lines express the flight of the ball passing over and beside the medicurrens, and the verbs should probably be imperatives, giving the actual cries of the players. It gives only a fragmentary view of the game, but so far as it goes might be describing a portion of the harpastum of later authors. For the spelling φενίνδα and its connexion with φενακίζω, see Johann Marquardt, p. 15, note; *Hermes*, iii. p. 455; Grasberger.

(iii.) *The Trigon.* — This favourite Roman game was not strictly a sphaeromachia (cf. Stat. *Silv.* praef.), since there were not *sides*, but each played for himself; still it was a legitimate game, played for winning and losing. The following description may, as it seems to us, best meet the accounts which we have. There were three players standing in the form of an equilateral triangle: each player had one ball to start with, and played for his own score; he would wish both his fellow-players to miss their strokes, and drop the ball as often as possible. He might send his ball to either player (presumably there was some rule about sending it fairly within their reach), and he might do so either by catching the ball which came to him and throwing it, or by "fiving" it, so as either to strike it back to the sender (*repercutere*) or sideways to the third player (*expulsare*). Obviously the most disastrous position would be receiving three balls nearly at the same time—if, for instance, his own ball is smartly "fived" back to him, and almost simultaneously the two others have been sent to him; obviously, also, his easiest position was to receive only one ball at a time with a fair interval before the next. This may explain the vexed passage of Mart. xii. 82 about the flatterer Menogenes—

"Captabit tepidum dextra laevaque trigonem
Imputet acceptas ut tibi saepe pilas."

To say, with Becker, that Menogenes was showing off *his own* skill must be wrong; that would be the worst flattery; but, by catching right and left two balls (not, of course, simultaneously, but as nearly so as possible), instead of returning them sharply he could throw them gently at certain intervals to his patron, so giving him time to deal with the stroke of the third player, without dropping any of them. It is an often repeated error, founded on a misconception of Mart. vii. 72, xiv. 46, that the stroke in the trigon was necessarily left-handed. The left-handed strokes are merely the test of a good player. Probably all players who can make a good stroke left-handed, can do so also with the right hand, but the converse does not hold good. In this game the *pilicrepus*, or juggler (see below), was employed somewhat like a marker at tennis or racquets, to count the won and lost strokes at the end of a "rest" or "rally" ("non quidem eas quae inter manus lusu expellente vibrabant, sed eas quae in terram decidebant," Petron. 27). The inference is that the catches had not a positive value, but the winner was he who least often allowed the ball to drop. As is the case with our markers, the pilicrepus, whose profession led him to exhibit in the Thermae, often gave instruction to the inexperienced; and in games he was probably the umpire of doubtful strokes. This is, we think, the true explanation of the cut from the baths of Titus, which represents four players and six balls. It is not a game at all, but the pilicrepus, who alone is a bearded man, is teaching the art of playing trigon to three young players, throwing in balls in succession, to practise hand and eye; one of his pupils is learning to catch two balls "dextra laevaque." The game would be much faster than this lesson to tirones, and the pilicrepus would stand aside, and count the failures aloud. Seneca, complaining of the noise of ball-play at the baths, says, "Si vero pilicrepus supervenit et numerare coepit, actum est."



Lesson in Trigon. (From the Baths of Titus.)

(iv.) *The Equestrian Sphaeromachia.*—From Cinnamus (*Hist.* vi. 4) it will be seen that the game played on horseback by the Byzantine princes differed little from polo as it is now played. The Emperor Manuel Comnenus (A.D. 1143-1180) plays at this game, "an exercise customary for emperors and princes for a long time past" (ἀνέκαθεν), in which a number of

mounted players, divided into two equal sides, throw down a leathern ball, "about the size of an apple," into a measured ground. The ball is placed in the middle: the players start at full speed from their base lines towards it, "each holding in his right hand a long stick of a certain length, with a broad curved end" (*καμπή*); this *καμπὴ* has a network of catgut; the object is to strike the ball over the base line (*πέρας*). The game is "dangerous, as the rider has to stoop low (*ὑπτιάζειν*) from his horse and turn quickly according to the turns of the ball." Manuel's horse fell and rolled upon him, and, though he tried to remount and continue the game, he was forced to take to his bed and defer an intended campaign. [See also FOLLIS.]

It remains only to speak of the *pilicrepus*, or juggler with balls (also called *pilarius*), who, as shown above, also acted as marker. We have many representations of single performers, male and female, tossing up several balls; even throwing and catching them with the feet ("reddere planta," Manil. v. 165). A misunderstanding of this has perhaps caused the utterly erroneous notion that the Romans played football. Ursus Togatus (Momms. *Ephem. Epigr.* i. 55) was a juggler of this kind ("vitrea qui primus pila lusi decenter"). It is an error of Krause (*Gymnastik*, p. 303) to deduce (with Burette) from this passage that the pilicrepus merely = "joueur de paume;" and a still greater error to suppose that the *games* of trigon, &c., could be played with glass balls. Ursus Togatus (as Marquardt and Becq de Fouquières rightly point out) was a juggler who introduced glass balls in his performance as a novelty. As a pilicrepus he tells us that he not only showed off his skill in the Thermae, but also taught the art of playing at ball.

[On this whole subject many different opinions may be found in Krause, *Gymnastik*, 299–315; Grasberger, *Erziehung*, 88 ff.; Marquardt, *Privatleben*, 841–847; Becker-Göll, *Gallus*, iii. 169–183; Becq de Fouquières, *Jeux des Anciens*, 176–211; Johann Marquardt, *de Sphaeromachiis Veterum* (1876).] [G. E. M.]

PILA. [MORTARIUM.]

PILENTUM, a state four-wheeled carriage with cushions, which conveyed the Roman matrons, *flamines*, and Vestals in sacred processions and to the public games (Verg. *Aen.* viii. 666; Hor. *Ep.* ii. 1, 192; Claudian, *de Nupt. Hon.* 285; Isid. *Or.* xx. 12). It had a covered roof (as a *currus arcuatus*) similar no doubt in shape to that which is represented in the woodcut of LECTICA on p. 15 (see also under CARPENTUM and CAMERA); but it was open all round. The well, or body of the carriage, was called *arca* (Macrob. *Sat.* i. 6, 15), or *capsus* (Vitruv. *x.* 9, 2; Isid. *l. c.*), which corresponds to the Gallic word *ploxenum* of the small Gallic carriage [CISIUM]: here were placed cushions for the occupants, and also any sacred vessels which they were conveying. This explains the account in Macrob. *l. c.*, of a boy looking at the procession out of a garret window and seeing how the *secreta sacrorum* were set out *in arca pilenti*. The distinction of using the pilentum was granted to the Roman matrons by the senate on account of their giving gold and jewels to the state at the time of the fall of Veii (Liv. v. 25; cf. CARPENTUM). As regards the use of it by the flamines, see Liv. i. 21; for the Vestals, Prudentius, *contra Symm.* ii. 1089. The pilentum is distinguished from the carpentum by having four wheels (Isidore, *l. c.*) and by its not being covered in with curtains at the sides, as was, at any rate sometimes, the case with the carpentum. The two-wheeled carriage drawn by lions which Rich gives as a pilentum from a medal of the Empress Faustina must be a carpentum; and its explanation may be found in the fact that in the *pompa circensis* the figures of deceased empresses were taken in a carpentum (Marquardt, *Staatsverw.* iii. 511). Suetonius (*Claud.* ii.) mentions that Livia's was drawn by elephants. It is possible, however, that the lions may be merely a fanciful emblem. (Ginzrot, *Wagen*, cap. liv.; Marquardt, *Privatleben*, 735; Becker-Göll, *Gallus*, iii. 17.) [J. Y.] [G. E. M.]

PILI'CREPUS. [PILA.]

PILL'EUS or PILL'EUM. The art of making felt by beating hair or flocks of wool into a compact mass seems to be at least as old as the art of weaving. It was practised in antiquity by the peoples of Greece and Italy, and in fact seems to have been known over the greater part of both Europe and Asia. No details of the processes of manufacture itself have come down to us, though the products are frequently mentioned by Greek and Roman writers from the earliest time. The art (*ἡ πιλητική*, Plato, *Polit.* p. 280 C; *ars coactilaria*, Capitol. *Pertin.* 3, 3) was a recognised industry for a "maker of woollen felt" (*lanarius coactilarius*, Orelli, 4206 [*I. R. N.* 6848]; *lanarius coactor*, Gruter, 648, 3) and is mentioned in Roman inscriptions.

Felt was put to a large number of different uses, such as to provide not only a covering for the sheds of military engines (Aen. Tact. 33), but also garments (cf. Plato, *Polit.* l. c.; Pliny, *H. N.* viii. § 191), as Caesar's soldiers did when they were in need of arrow-proof jerkins (*B. C.* iii. 44). Boots or socks [UDONES] were also made from felt. By far the most important use of it, however, was to provide a covering for the head in the shape of hats and caps. Among the Greeks and Romans of the classical period it was most unfashionable to wear anything, except perhaps a helmet, when out-of-doors, at any rate in a town. Doubtless this was partly due to the prevailing custom of taking a siesta or remaining in the shade during the hottest time of the day, but the reason Lucian puts in the mouth of Solon seems still more plausible. Anacharsis had complained that, wishing not to appear a stranger at Athens, he had left his hat at home and was feeling the heat (*de Gymn.* 16, *τὸν γὰρ πῖλόν μοι ἀφελεῖν ἔδοξεν, ὡς μὴ μόνος ἐν ὑμῖν ξενίζοιμι τῷ σχήματι*), and Solon explains that it was their gymnastic training which enabled the Greeks to do without any head-gear.

The practice, however, of going bare-headed was, as we shall see, far from universal, and apparently characteristic of the well-to-do and leisured rather than of the labouring classes, who for the most part wore caps. Even the upper classes, when hunting or travelling, or otherwise exposed to rough weather, resorted to them, as did sickly or delicate folk. The general name for all such hats was *πῖλος* or *κυνῆ*, both words being applied not only to caps

of felt and skin respectively, but even to helmets of metal.

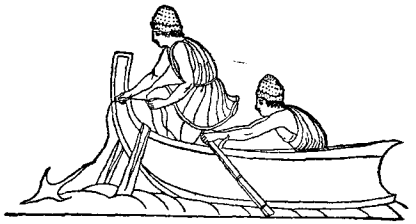
In Homer πῖλος is used of the felt which lined the helmet (κυνέη) of hide which Odysseus wore. Elsewhere the κυνέη is of bronze, or, if nothing else, strengthened and protected with it (cf. Liddell and Scott, *s. v.*); but in the Odyssey we find Laertes wearing a κυνέη of goatskin while working on the farm (*Od.* xxiv. 231). This was probably not far different from the πῖλος ἀσκητὸς which Hesiod recommends for rainy weather (*Op.* 546), and indeed peasants of every period wore caps of this kind often of skin, but also of felt. (Cf. Athen. vi. p. 274: the Romans wore προβατέων δερμάτων πίλους δασείς).

They were like a fez, of a conical or sugar-loaf shape, with a crown like the end of an egg, and were loose enough to be dragged over one's ears to keep off the cold or rain (Hesiod, *l. c.*). A sower in the painting of a cylix of Nicosthenes in the Berlin Museum (Catalogue, No. 1806; cf. Gerhard, *Trinkschalen u. Gefässe*, Taf. 1; Blümner, *Leben u. Sitten*, iii. fig. 48) is represented in a hat of this description. The celebrated cylix by Sosias in the same collection (Catalogue, No. 2278; *Mon. d. I.* i. 24, 25; Blümner, *ib.* iii. fig. 22) shows the wounded Patroclus, who has taken off his helmet, wearing a skull-cap of felt, which unmistakably acts as a lining, reminding one irresistibly of the πῖλος in the κυνέη of Odysseus.

This sugar-loaf or fez-like shape of felt cap seems to have been known as the πιλίδιον (= *pilleolum*), though modern archaeologists are in the habit of giving it the name πῖλος, which, when we consider the very general way in which this word is used, can scarcely be said to have classical warrant.

The cap itself was worn universally by artisans and sailors, along with the ἐξωμίς, and accordingly appears with it in art as their characteristic costume; and, in the case of mythological persons, is worn by Hephaestus and Daedalus as craftsmen and by Charon and Odysseus as seafarers (cf. preceding cut from a statuette in Winckelmann's *Mon. Ined.* ii. 154). In the case of Odysseus, we are told by Pliny that Nicomachus was the first to give him the πῖλος (*H. N.* xxxv. § 109, "Ulixi primus addidit pilleum"); but Schöne maintains (*Hermes*, vi. 125) that this was to represent him feigning to be mad, and not necessarily as a sailor. However this may be, it is difficult, with the evidence of vase-paintings of the perfect Attic style before us, to believe that there can have been any novelty in giving him a cap at such a late date.

Odysseus offering wine to the Cyclops.



Sailors with πιλίδιον. (From a vase-painting.)

The πιλίδιον or fez-shaped πῖλος was frequently worn with a band, which made it fit tighter on the head. Below the band there is naturally a piece of the edge left free, and by a perfectly natural process this becomes a brim. As a result we see on the monuments hats with brims of every conceivable width, from those that are little more than a fez, with a band tied round, to the broadest of wide-awakes.

Those with the incipient brim are frequently seen on the monuments as worn by warriors, but it is in most cases difficult to say if it was really of felt and not of bronze. Both were worn, for we hear of πῖλοι Λακωνικοὶ ἢ Ἀρκαδικοί, which were doubtless of felt, as were the πῖλοι, which protected the Spartans at Pylos so badly from the Athenian arrows (Thuc. iv. 34, 3: cf. Iwan Müller, *Handbuch*, iv. p. 254); while, on the other hand, a πῖλος χαλκοῦς is mentioned in Aristophanes (*Lys.* 562). A good instance of a πῖλος worn by a warrior which might possibly be felt is the relief from a tomb in *Bullet. de Corr. Hell.* pt. 7 (cf. Blümner, *ib.* i. fig. 6), while

Warrior in πῖλος and ἐξωμίς, from a relief. (Blümner.)

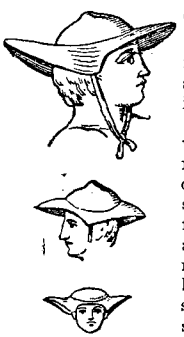
brazen πῖλοι are worn by the soldiers on the frieze from Xanthus in the British Museum (Nos. 32 and 37).

The wide-awake was known by the distinctive name of *πέτασος*, and the fashion of wearing it came from Thessaly along with the *χλαμύς*, which it accompanies almost as invariably as the *ἐξωμὶς* does the *πιλίδιον*, the two forming the characteristic costume of the Athenian youth when serving in the cavalry. Many of the *ἔφηβοι* in the Panathenaic procession on the Parthenon frieze wear this dress, which is also one of the commonest in Greek vase-paintings of the perfect style, a figure from one of which is given in the accompanying cut.

πέτασος and *χλαμύς*. (From a vase.)

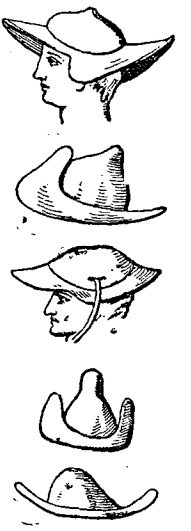
From the earliest time the *πέτασος* was the constant attribute of Hermes in art, though frequently its brim is so narrow that it scarcely deserves its name. In Greek art of the later part of the fifth century Hermes' hat is occasionally winged, in later times more frequently and in Roman art invariably so. In early art it is only the *κυνέη αἴδου* worn by Perseus that is winged. From a passage in the *Oedipus Coloneus* of Sophocles, where Ismene wears a *θετταλὶς κυνῆ*, which can only mean a *πέτασος*, it would seem as if women occasionally wore it when travelling.

The *πέτασος*, as worn by travellers and hunters, had not only a band which fastened it tightly round the head, but a strap which passed under the chin, and enabled the wearer, who, not being accustomed to it, naturally felt its weight, to let it hang down his back. This is very frequent in works of art, often doubtless because it enables the artist to show the outline of the head more sharply. The Hermes on the celebrated drum of a column from the temple of Artemis at Ephesus is a familiar instance of the fashion.



The brim of the *πέτασος* was usually not even all round, but cut into various convenient or fantastical shapes, of which examples from ancient vase-paintings are here given, after Blümner, the most common being one of *quatrefoil* shape, in which the two side leaves, if one may use the term, could be used as lappets tied over the ears by a chin strap. The brim could also be turned up behind, at one or both sides, giving it quite as many picturesque forms as a *sombrero* or other modern felt hat.

In Hellenistic times a Macedonian variety of the *πέτασος*, called *καυσία*, was worn, but chiefly as an emblem of power [CAUSIA].



The *pilleus*, which was practically identical with the conical *πῖλος*, was worn by the Etruscans, and frequently appears both on men and women on their monuments. (Cf. for this and other detailed information, Helbig in *Sitzungsberichte der phil. Classe der Münchener Akad.*, 1880, pp. 487–554.)

It must have been used in very early times at Rome, for it was the characteristic headgear of the Pontifices, Flamines, and Salii on solemn occasions. It is, however, even better known as the symbol of Liberty, occurring as such on many coins, but especially on the denarius of Brutus and L. Plaetorius Cestianus, where it is represented on the reverse standing between two daggers, with the inscription EID. MAR. below (cf. Dio Cass. xlvii. 25). This use must not be confounded with the pair of *pilei* surmounted by twin stars which also appear on coins, but as the attributes of Castor and Pollux (*pilleati fratres*, Catullus, 37, 2). The symbol is doubtless derived from the fact that it was the garb of slaves who had been freed, on leaving the temple (cf. Serv. *ad Aen.* viii. 564: "(Feronia) etiam libertorum dea est in cuius templo capite raso pilleum accipiunt"). Hence *pilleum capere* (Plautus, *Amph.* 462) means to gain freedom. Saturninus raised a *pilleum in modum vexilli* (Val. Max. viii. 6, 2) as a signal for the slaves to take up arms, and *vocare ad pilleum* (Liv. xxiv. 34, 9; Sen. *Ep.* 47; Suet. *Tib.* 4) was a recognised expression for raising a revolt. Gladiators on being discharged were given the *pilleus*, two years after they had received the *rudis* (Ulpian, *Coll. leg. mos.* tit. 11, leg. 7). It was in fact so well understood to be a symbol of recovered liberty that foreign kings like Prusias (Liv. xlv. 44), who wished to display themselves as *liberti* of the Roman people, appeared in public with shaven head wearing the *pilleus* (cf. Plut. *de Alex. fort.* 2, 3). So too, after the death of Nero, the whole plebs wore it (Suet. *Nero*, 57), just as they were accustomed to, during the Saturnalia (Mart. xi. 6, 4; xiv. 1, 2). Among other customs connected with the *pilleus* is the curious one of selling slaves whom the master did not wish to warrant with it on (Gell. vii. 4, 1).

The meaning of *pilleus* was a very general one, like *πῖλος*, not confined to felt caps alone. Thus, Suetonius (*ap.* Serv. *ad Aen.* ii. 683) says that the *apex tutulus* and *galerus* worn by the

priests were all *pillei*. *Pilleolum*, however, like πιλίδιον, was the specific name for ordinary caps. [APEX.] As to caps of skin, apart from the *galerus*, Vegetius tells us that soldiers, when not using their helmets, wore *pillei pannonici* of skin (*Milit.* i. 20), and Polybius (*v. supra loc. cit.*) mentions the same. Caps of cloth made from old cloaks (Statius, *Silv.* iv. 9, 13, "usque adeone defuerunt caesis pillea suta de lacernis") seem to have been the pillei worn at the Saturnalia; and Martial sends a friend one as a present, with the jocular regret that he cannot afford to give away the whole cloak (xiv. 132).

The Romans, like the Greeks, seldom wore any covering on the head, though this is truer of the upper than the lower classes. Horace, for instance, speaks of a tribesman carrying his slippers along with his cap on the way to a feast ("ut cum pilleolo soleas conviva tribulis," *Ep.* i. 13, 15); and Nero used to wear one as a disguise at night (Suet. *Nero*, 26). In Imperial times the custom of using hats became much more common; and Augustus in his later life never went out of doors without a *petasus* (Suet. *Aug.* 82), and Caligula allowed them to be worn in the theatre as a protection against the sun (Dio Cass. lix. 7). Even in Cicero's time messengers wore the Greek *petasus* (*ad Fam.* xv. 17, 1), which, as well as the *causia*, is mentioned in Plautus, so that the Greek forms must have been well known, even if not worn, at Rome.

There does not seem to be anything to show that the *pilleus* differed in shape from the πιλίδιον, except the fact that those shown on Etruscan monuments are longer and more peaked than the Greek forms. The varieties seen on coins with the *virga* and chin-straps are the ceremonial caps of priests, rather than those worn in every-day life. [APEX.]

(Becker-Göll, *Charikles*, iii. 262, and *Gallus*, iii. p. 224; Hermann-Blümner, *Privatalterth.* p. 180; Marquardt, *Privatleben*, p. 554; Iwan Müller, *Handbuch*, iv. pp. 405, 805, 879, and 929; Daremberg and Saglio, arts. *Causia* and *Cilicium*; Helbig in *Sitzungsberichte d. Bayr. Akad. d. Wissensch., Hist. phil. Klasse*, 1880, iv. p. 487; Blümner, *Technologie*, i. p. 211 f.; Yates, *Textrinum Antiquorum*, pp. 388–411; Blümner in Baumeister, *Denkmäler*, art. *Kopfbedeckung*.) [W. F. C. A.]

PILUM. [HASTA.]

PINACOTHE'CA (πινακοθήκη, Strab. xiv. p. 367), a picture-gallery. Marcellus, after the capture of Syracuse, first displayed the works of Greek painters and sculptors to his countrymen, whose taste for the fine arts was gradually matured by the conquests of L. Scipio, Flamininus, and L. Paullus, and grew into a passion after the spoils of Achaia had been transported by Mummius to Rome. Objects of this description were at first employed exclusively for the decoration of temples and places of public resort (Cic. *Verr.* i. 21, 55); but private collections were soon formed, and towards the close of the Republic we find that in the houses of the more opulent a room was devoted to the reception of paintings and statues (Varro, *R. R.* i. 2, 59; Cic. *Tusc.* v. 35, 102). In the time of Augustus, Vitruvius includes the pinacotheca among the apartments of a complete house for a rich man, and gives directions that it should be large and lofty, facing the north, in order that the light might be equable and not too strong (Vitruv. i. 2; vi. 5, 7; cf. Plin. *H. N.* xxxv. § 4). The pictures were either let into the wall or hung against it (Cic. *Verr.* iv. 55, 122; Plin. xxxv. §§ 26, 118). A special attendant, called *a pinacotheca*, was employed to look after the collection in great houses (*C. I. L.* x. 692, 6638). (Becker-Göll, *Gallus*, ii. 275; Marquardt, *Privatleben*, 611; Friedländer, *S. G.* ii. 168.) [W. R.] [G. E. M.]

PIPER (πέπερι) was used as a seasoning both by Greeks and Romans, though not, as far as our evidence goes, among the former before the period of the Middle Comedy, and it is unlikely that we should hear nothing of it in Aristophanes if it was in common use in his time. The Romans probably began to use it after their conquest of Greece. It was brought from India (Plin. *H. N.* xii. §§ 26–29), but by way of Alexandria, where it was transferred from camels and sent by sea to Rome (Pers. v. 136; Mayor on Juv. xiv. 293). The two kinds of pepper, black and white, were obtained merely by different treatment of the berry (Plin. *l. c.*; cf. Hor. *Sat.* ii. 4, 74). The pepper-box (*piperatorium*) is mentioned by Paulus (*Sent.* iii. 6, 86) among *vasa argentea*. The woodcut represents

Piperatorium. (British Museum.)

a small silver piperatorium, probably of the 2nd century A.D. (see *Gazette Archéologique*, 1885, p. 335) found at Chaourse in France, and recently (1889) acquired by the British Museum. It is formed of the figure of a negro slave clad in a *paenula* with a hood, having small holes drilled in the head. [G. E. M.]

PISCATO'RII LUDI. [LUDI PISCATORII.]

PISCI'NA (κολυμβήθρα, δεξαμενή) is properly a fish-pond, either of salt water or of fresh; see the passages in Forcellini and the Dictionaries. It denotes also any kind of reservoir, especially those connected with the aqueducts and the baths (AQUAEDUCTUS, p. 149 *a*; BALNEAE,

p. 275 *b*, note). Conversely, the Greek *κολυμβήθρα* was by no means confined to its original meaning of a swimming-bath, but included the various senses of *piscina*.

Reservoirs were made, as in modern times, by damming up the lower end of a valley. One of the largest and finest was constructed at Agrigentum and is described by Diodorus (xi. 25), though in his time it had ceased to exist; it was seven stadia in circumference, twenty cubits deep, an ornamental sheet of water abounding with fish and swans: he calls it *κολυμβήθρα*, a good example of this use of the word. The hollow of the hill which this reservoir occupied is still plainly to be distinguished, especially from the Temple of Castor and Pollux (cf. EMISSARIUM).

The Romans, with their unbounded command of water-tight cement, were particularly successful in the excavation of underground reservoirs; and having to deal with the highly calcareous water from the Apennines, they had learnt how to get rid of the sedimentary deposits. In the so-called *Sette Sale* on the Esquiline, a still existing reservoir attached at first to the Golden House of Nero, afterwards to the Baths of Titus, the water was made to flow through no less than eighteen subdivisions, in as devious a course as possible, so that any sediment it contained might be deposited on the way (Middleton, *Anc. Rome in* 1885, p. 352).

An unrivalled work of this description is the *Piscina Mirabile* as it is now called, on the road between Baiae and the promontory of Misenum, and still in perfect preservation. This reservoir is excavated out of the tufa rocks on the seacoast, and was used for watering the fleet in days when the naval head-quarters were at Misenum; it is not mentioned by Pliny or any other Latin writer, but it is referred by Winckelmann with great probability to the time of Augustus, and to Agrippa as its constructor. It is 223 *feet long* and 83 broad, with a vaulted roof of massive masonry, supported by 48 large cruciform pilasters, arranged in regular lines of 12 each, and forming 5 distinct galleries or compartments. It is entered at the two extremities by stairs of 40 steps each, one of which has been repaired and made accessible. In the middle of the piscina is a depression or sink, extending nearly from wall to wall, for collecting the sediment from the water. The roof is perforated by square openings, which probably served for ventilating the interior. The walls and pilasters are covered with a calcareous deposit as high as the spring of the arches. It was supplied by the Julian aqueduct from Lake Serino in the Apennines, whose waters have within the last few years been re-introduced into Naples; the traces of the aqueduct entering the piscina may be seen near the entrance.

(Murray's *Handbook of Southern Italy*, ed. 1883, p. 330; *Handbook of Sicily*, s. v. *Agrigentum*; personal observation.) [W. W.]

PISTILLUM. [MORTARIUM.]

PISTOR (*ἀρτοποιός*), a baker. Both with the Greeks and Romans the bread was originally prepared and baked at home. In large households this practice was long continued. In the Hellenistic period and under the Roman Empire there were numerous slaves skilled as bakers and confectioners (cf. Athen. iii. 112 c); and several of the private houses at Pompeii have baking-rooms on the premises (see Overbeck-Mau, *Pompeii*, 4th ed., pp. 301, 385, Casa di Sallustio; pp. 328 f., 386, Casa di Pansa; p. 343, Casa del Laberinto). There is no mention of the baker's trade in Homer. The flour mentioned in the Homeric poems is of two kinds: coarse barley-flour (*ἄλφιτα*) and wheat-flour (*ἀλείατα=ἄλευρα*). It was from the latter that bread was generally made (see Buchholz, *Die hom. Realien*, ii. pt. 1, p. 108 f.; ii. pt. 2, p. 168 f.; cp. Riedenauer, *Handwerk in den hom. Zeiten*, § 5). Schliemann (*Troja*, p. 44; *Ilios*, pp. 234, 235) appears to assert that grain could not have been made into bread into Homeric times, but it is difficult to see the grounds for such a view. The Homeric words for bread are *σῖτος*, *ἄρτος*, and *πύρνον* (specially wheaten-bread). *Ἄρτος* seems to signify the baked loaves; *σῖτος* is a more general term, used *e.g.* for food in opposition to drink.

At Athens as early as the 5th century B.C. we find working-bakers (*ἀρτοκόποι*) who sold their wares in the market and streets through female vendors (*ἀρτοπώλιδες*), who enjoyed a reputation for abusive language (Aristoph. *Ran.* 858; *Vesp.* 1389, &c.). At Rome (according to Pliny, *H. N.* xviii. § 107) there was no baker's trade till about B.C. 172. Many freedmen are found engaged in the trade, and under the Republic it was one of the duties of the aediles to see that the bread was properly prepared and correct in weight. A bakers' guild (*corpus* or *collegium pistorum*), which long existed, was organised by Trajan, and this body, through its connexion with the *cura annonae*, became of much importance and enjoyed various privileges. There were guilds of *pistores* and *clibanarii* at Pompeii (Overbeck-Mau, *Pompeii*, 4th ed., p. 470). A great increase in the number of bakeries (*pistrinae*, *officinae pistoriae*) afterwards took place at Rome, owing probably to the action of Aurelian in introducing a daily distribution of bread instead of the old monthly distribution of grain that had been usual since the time of the Gracchi. This daily distribution also took place at Constantinople. The businesses of the miller and baker were usually combined: cf. Serv. *ad Aen.* i. 179 (*pistores*, *pinsores*, from *pinsere*, to pound the grain); and authorities in Blümner, *Technol.* i. p. 16, note.

Confectioners and makers of the finer kinds of bread-stuff are distinguished by various names, as *πλακουντοποιός*, *πεμματουργός*, *ποπανοποιός*, *pistores candidarii* (Orelli, 4263), *siliquiarii* (*C. I. L.* vi. 22), *clibanarii* (*C. I. L.* iv. 677), (*pistor*) *Persianus* (Orelli, 4264; cf. Plin. *H. N.* xviii. § 105), *dulciarii* (Mart. xiv. 222, &c.), *libarii*, *crustularii* (Senec. *Ep.* 56, 2), *fictores* (makers of sacrificial cakes), &c. The cakes and confectionery of the pastrycooks had already a literature of their own in antiquity, and are described in Athenaeus, xiv. 643 e, f, and Pollux, vi. 75 ff. Some were made specially for religious festivals and sacrifices (see Lobeck, *De Graecorum placentis sacris*).

A Pompeian painting (Jahn, *Abh. der Sächs. Ges. der Wissensch.* v. pl. 3 = Baumeister, *Denkmäler*, "Bäckerei," fig. 225) shows us a baker's shop-table or counter, and shelves behind piled with loaves of circular form. The shopman

sits raised up behind the counter, giving a loaf to a customer. A baker's shop at Pompeii has as its sign a relief of a mill turned by a mule (Overbeck-Mau, *op. cit.*, p. 379, fig. 186). The plan of a bakery at Pompeii is given in Overbeck-Mau, *op. cit.*, p. 386, fig. 189 (cf. also the view, *ib.* p. 385, fig. 188). The working-rooms are there situated in the back part of a tolerably large building. Four large mills have been found there, and on the right is the oven, connected with two rooms, in one of which the kneading of the dough probably took place. Other rooms in the house are shops, sleeping-apartments, &c.

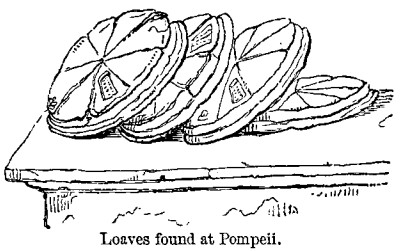
Wheat was the grain chiefly used for bread by the Greeks and Romans. Barley was also used, but at Rome barley-bread (*panis hordeaceus*) was the food only of slaves, soldiers, and barbarians (cf. Plin. *H. N.* xviii. § 74). Spelt (ζειά, *far*) was also sometimes used for bread, especially by the Romans at an early period A coarse bread was made from *alica*, a kind of spelt (corresponding to the Greek χόνδρος), which was grown in Verona, Campania, and many parts of Italy (cf. Plin. *H. N.* xviii. § 106). Rye (*secale*) was considered unwholesome by the Romans.

As with us, several kinds of flour were produced from the same grain, differing according to the action of the mill and the use of sieves (κόσκινα, κρησέραι, *cribra*) of greater or less fineness. Bread made of pure and finely sifted wheat-flour was called by the Greeks ἀλευρίτης, γυρίτης, κρησερίτης, &c., and was described as "white" bread (λευκός, καθαρός). By the Romans the bread made of pure wheat-flour (*simila, similago*) was called *panis siligineus*. If the bran was mixed with the wheat-flour, the bread was called by the Greeks συγκομιστός, αὐτόπυρος, πύρνον (or πιτυρίας = bread of bran only), and was spoken of as ἀκάθαρτος, ῥυπαρός, &c. By the Romans, bread made of coarse flour or of flour with the bran was called *panis cibarius, plebeius, castrensis, sordidus, rusticus, secundus, furfureus*, &c.

The dough was prepared by moistening the flour with water (Senec. *Ep.* 90, &c.), by adding salt, and by careful kneading (μάττω, φυράω, *subigo, depso*) in a kneading-trough (μάκτρα, μαγίς, σκάφη, κάρδοπος, *alveus*), which was generally made of wood, but sometimes of stone or pottery (Phot. p. 243, 17, *s. v.* μάκτρα). The kneading seems usually to have been done with the hand, though from some monumental representations (see Blümner, *Technol.* i. p. 63) it would appear that a simple machine worked by men or by an animal was sometimes used for the work.

Both fermented and unfermented bread were known to the ancients, but the fermented was the kind usually made. The leaven (ζύμη, ζύμωμα, *fermentum*) for mixing with the dough was produced in several ways (see Plin. *H. N.* xviii. § 102, &c.). If required in small quantities for immediate use, it was prepared from cakes of barley and water which were roasted on the hearth, and then put in covered vessels till the fermentation took place; or, the baked dough from the previous day's baking was taken and kneaded with salt, and a decoction made from it, which was allowed to stand till it became fermented. Leaven in large quantities, which could be kept for a year, was made during the vintage time by kneading millet with must, or by kneading wheat-bran with must and drying it in the sun. The dough when prepared was placed on a board and shaped, generally with the hand, but sometimes in moulds (*artoptae*). It was then by means of a shovel (*pala*) placed in the oven (ἰπνός, *furnus:* for the shape cf. an oven at Pompeii, Overbeck-Mau, 4th ed., fig. 192; Blümner, *Technol.* i. 65, 66). The dough was occasionally baked on the hearth among the embers, or on a spit; or it was sometimes placed in a vessel (κλίβανος or κρίβανος), usually of pottery, provided with a cover and pierced with small holes. Hot embers were then heaped up round it till the heat penetrated.

The loaves of the Greeks and Romans were usually flat, circular, and indented into four or more parts (ἄρτος βλωμιαῖος, τετράτρυφος,



Loaves found at Pompeii.

panis quadratus). Loaves were also made in other forms, such as cubes (κύβοι). The shape of the Roman loaf is well known to us from the Pompeian paintings, and from actual specimens discovered at Pompeii (Baumeister, *Denkmäler*, "Bäckerei," fig. 225; Overbeck-Mau, *op. cit.*, p. 385).

A representation of the bread-making processes is to be found on the relief of the tombstone of Eurysaces, a large baker at Rome of the Augustan period or earlier (*Monum. d. Inst.* ii. 58; O. Jahn, *Annali*, x. p. 231 ff.; *C. I. L.* i. n. 1013–1017). Here is shown the grinding of the corn, the sifting of the flour, the kneading and shaping of the dough, the depositing of the dough in the oven, and finally the bringing out of the loaves in baskets to be weighed.

(*Authorities.*—Full references to the ancient authorities are given in an excellent chapter of Blümner's *Technologie*, i. 1 ff.; see also Mommsen-Marquardt, *Handbuch der röm. Alt.* vii. p. 398 ff., and Blümner, art. "Bäckerei" in Baumeister's *Denkmäler.*) [W——K W——H.]

PISTRI'NUM. [MOLA; MORTARIUM.]

PITHUS (πίθος). [DOLIUM.]

PLAGA. [RETE.]

PLA'GIUM. This crime was the subject of a Lex Fabia, which is mentioned by Cicero (*pro Rabirio Perd.* 3, 8), and is assigned by some writers to the consulship of Quintus Fabius and M. Claudius Marcellus, B.C. 183; but without sufficient reason. The chief provisions of the lex are collected from the Digest (48, 15, 6: cf. Paul. *Sent. Rec.* v. 30, 13): "If a freeman concealed, kept confined, or knowingly with dolus malus purchased an ingenuus or libertinus against his will, or participated in any such acts; or if he persuaded another person's male or female slave to run away from a master or mistress, or without the consent or knowledge

of the master or mistress concealed, kept confined, or purchased knowingly with dolus malus such male or female slave, or participated in any such acts, he was liable to the penalties of the Lex Fabia." The penalty of the lex was pecuniary, and the consequence was infamia; but this fell into disuse, and persons who offended against the lex were punished, either by being sent to work in the mines or by crucifixion if they were *humiliores*, or with confiscation of half of their property or perpetual relegation if they were *honestiores*. These punishments were imposed by the praefectus urbi and the praesides provinciarum (Paul. *l. c.* and *Coll.* xiv. 2, 2: "Et olim quidem hujus legis poena nummaria fuit; sed translata est cognitio in praefectos urbis; itemque praesidis provinciae extra ordinem meruit animadversionem"). The crime of kidnapping men became a common practice, and required vigilant pursuit (Suet. *Aug.* 32). For a remarkable instance, which has been introduced in modern romance, see Socrates, *Hist. Eccl.* v. 8, cited by Marquardt. A senatusconsultum ad legem Fabiam did not allow a master to give or sell a runaway slave, which was technically called *fugam vendere;* but the provision did not apply to a slave who was merely absent. A bonâ-fide possessor of a slave or freeman could not be made liable on account of plagium. The name of the senatusconsultum by which the Lex Fabia was amended, does not appear. The word *plagium* is said to have come from the Greek πλάγιος, "oblique," "indirect," *dolosus*. But this is doubtful. Schrader (*Inst.* iv. 18, § 10) thinks that the derivation from *plaga* (a net) is more probable. He who committed plagium was *plagiarius*, a word which Martial (i. 53) applies to a person who falsely gave himself out as the author of a book; and in this sense the word has come into common use in our language. (Dig. 48, 15; Cod. 9, 20; Paulus, *ll. cc.*; Geib, *Das Röm. Strafrecht*, p. 52; Rein, *Das Criminalrecht*, p. 386; Rudorff, *Rom. Rechtsg.* ii. § 117; Mizerski, *de Crimine Plagii*, Berol. 1865; Marquardt, *Privatleben*, i. 168.) [G. L.] [E. A. W.]

PLANETAE, s. STELLAE ERRANTES (πλανῆται s. πλανώμενοι ἀστέρες as opposed to τὰ ἀπλανῆ τῶν ἄστρων). The popular astronomy of the early Greeks was chiefly confined, as is pointed out elsewhere [ASTRONOMIA], to a knowledge of the morning and evening risings and settings of the brightest stars and most remarkable constellations, since upon these observations the formation and regulation of the primitive calendars in a great measure depended. No single star was more likely to attract attention under such circumstances than the planet Venus, and accordingly *The Morning Star* (Ἑωσφόρος) is placed first among the stellar progeny of Erigeneia in the *Theogony* (381)—

τοὺς δὲ μέτ' (sc. ἀνέμους) ἀστέρα τίκτεν Ἑωσφόρον
Ἠριγένεια
ἄστρα τε λαμπετόωντα τά τ' οὐρανὸς ἐστεφάνωται,

while both the *Morning Star* (Ἑωσφόρος) and the *Evening Star* (Ἕσπερος) are named in the Homeric poems (*Il.* xxii. 318, xxiii. 226: cf. *Od.* xiii. 93), where they are evidently regarded as distinct from one another, and there is no hint that they are unlike the other stars in their nature. According to Apollodorus, in the second book of his work Περὶ θεῶν, Pythagoras (about B.C. 612) was the first who surmised that Φωσφόρος and Ἕσπερος were one and the same, but by Favorinus the honour of this discovery is ascribed to Parmenides. The latter certainly looked upon this body, which he called both Ἕῳος and Ἕσπερος, as altogether different in its nature from the fixed stars, for he placed it in his highest region, or aether; below it, but also in the aether, was the sun, and below the sun, in the fiery region (ἐν τῷ πυρώδει) which he calls οὐρανός, were the fixed stars. Achilles Tatius assigns the discovery to Ibycus (circ. B.C. 540). The term πλανῆται seems, if we can trust Plutarch and Stobaeus (*Ecl. Phys.* i. 24), to have been recognised as early as the epoch of Anaximander, according to whom the sun stood highest in the universe; next below was the moon, and then the fixed stars and the planets (ὑπὸ δὲ αὐτοὺς τὰ ἀπλανῆ τῶν ἄστρων καὶ τοὺς πλανήτας). Empedocles supposed the fixed stars to be imbedded in the crystalline sphere which, according to his system, enveloped all things, but the planets to be detached from it, thus implying the necessity felt for some theory which should account for their erratic course. Democritus wrote a treatise Περὶ τῶν πλανητῶν, among which he reckoned the sun, the moon, and Φωσφόρος, but, as yet, their number had not been determined. This is expressly affirmed by Seneca (*Quaest. Nat.* vii. 3), "Democritus subtilissimus antiquorum omnium suspicari ait se plures stellas esse quae currant; sed nec numerum illarum posuit, nec nomina, nondum comprehensis quinque siderum cursibus. Eudoxus ab Aegypto hos motus in Graeciam transtulit." But, although Eudoxus may have been the first to communicate scientific details with respect to the orbits and movements of the planets, Philolaus, a Pythagorean, who flourished more than a century earlier, was certainly acquainted with the whole five, for he maintained that there was a central fire around which the ten heavenly bodies (δέκα σώματα θεῖα) revolved. Of these, the most remote from the centre was οὐρανός, that is, the sphere containing the fixed stars, next in order were the planets, then the sun, then the moon, then the earth, and, below the earth, the Antichthon (ἀντίχθων, see Arist. *de Caelo*, ii. 13), thus completing the number ten if we reckon the planets as five. In the *Timaeus* of Plato (p. 38), the planets are mentioned specifically as five in number (ἥλιος καὶ σελήνη καὶ πέντε ἄλλα ἄστρα ἐπίκλην ἔχοντα πλανητά), and, in the same passage, we for the first time meet with the name *Hermes* as connected with one of these (Ἑωσφόρον δὲ καὶ τὸν ἱερὸν Ἑρμοῦ λεγόμενον). It is not, however, until we come down to the Epinomis (p. 987), the work of some disciple of Plato, that the whole five are enumerated, each with a distinguishing appellation derived from a god: τὸν τοῦ Κρόνου, τὸν τοῦ Διός, τὸν τοῦ Ἄρεος, τὸν τῆς Ἀφροδίτης, τὸν τοῦ Ἑρμοῦ. In the tract Περὶ κόσμου, found among the writings of Aristotle, although probably not from his pen, we are furnished with a second set of names (p. 392a, 23)—Φαίνων for the star of Kronus; Φαέθων, for that of Zeus; Πυρόεις, for that of Ares; Φωσφόρος, for that of Aphrodite; Στίλβων, for that of Hermes: and these seem to have been the ordinary designations employed by men

of science. It is here stated also, that Πυρόεις was by some termed the star of Herakles, and that Στίλβων was by some termed the star of Apollo. Pliny gives additional variations, for in his list they are catalogued as SIDUS SATURNI, JOVIS, MARTIS s. HERCULIS, VENERIS s. JUNONIS s. ISIDIS s. MATRIS DEUM (*Lucifer, Vesper*), MERCURI s. APOLLINIS; and these may be still further increased from Achilles Tatius, the grammarians and the lexicographers.

The Pythagoreans, regarding the earth as the centre of the universe, assumed the place of the five planets to be between that of the fixed stars on the one hand, and the sun and moon on the other, a doctrine followed by Plato (cf. Martin, *Timée de Platon*, ii. p. 64), Eudoxus and Aristotle (cf. Proclus, *in Tim.* p. 257 F). Archimedes, however, employing a fuller knowledge of mathematics (Macrob. in *Somn. Scip.* i. 19, § 2), assigned the following order:—1. Saturn; 2. Jupiter; 3. Mars; 4. The Sun; 5. Venus; 6. Mercury; 7. The Moon; and this order was generally adopted, *e.g.* by Cicero (*de Div.* ii. 43, 91), Manilius (i. 803, 6), Pliny (*H. N.* ii. § 6), &c. Macrobius says that the Pythagoreans learnt their doctrine from the Egyptians, whereas the latter was the view of the Chaldaeans (cf. Lewis, p. 246 f.).

Saturnus was believed to perform a complete revolution in thirty solar years, Jupiter in twelve, calculations approaching very nearly to the truth. The period of Mars was fixed at two years, a determination less accurate than the two former, but not very wide of the truth. As to Venus and Mercury, not even an approximation was made, for they were both believed to perform their revolution in exactly or very nearly the same time as the sun (cf. Cicero, *Somn. Scip.* 4). Pliny, who affects great precision in this matter, fixes 348 days for Venus and 339 days for Mercury, the true period being nearly 225 days for the former, and about 88 days for the latter.

Saturnus being thus removed to a great distance from the source of heat was naturally viewed as possessing a cold and icy character (*gelidae ac rigentis naturae; frigida stella Saturni*); Mars, on the other hand, as of a hot and fiery nature; while Jupiter, which lay between them, enjoyed a temperature made up by the combination of the extremes. The astrologers caught up these notions, and, uniting them with the legends of mythology, adapted them to their own purpose, uniformly representing the influence of Saturnus as malign, and that of Jupiter as propitious.

"Haec tamen ignorat, quid sidus triste minetur Saturni."—(Juv. vi. 569.)

"Saturnumque gravem nostro Jove frangimus una." (Pers. v. 48.)

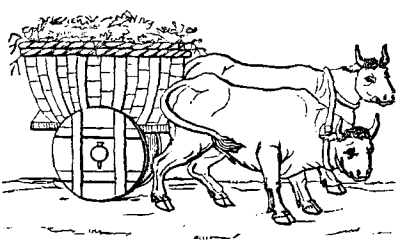
"Te Jovis impio
Tutela Saturno refulgens
Eripuit."—(Hor. *Carm.* ii. 16, 22.)

It must be understood that, in the above remarks, we have confined ourselves entirely to the popular notions which prevailed among the ancients, without attempting to trace the progress of scientific observation, a subject which belongs to a formal history of astronomy, but does not fall within our limits. (Plut. *de Placitis Philos.* ii. 14–16; Stob. *Ecl. Phys.* i. 23, § 1; 25, § 1; Diog. Laert. viii. 14, ix. 23; Arat. *Phaen.* 454; Gemini, *Elementa Astron.* c. 1; Achill. Tat. *Isag. ad Arat. Phaen.* xvii.; Lydus, *de Mens.* v., &c.; Cic. *de Nat. Deor.* ii. 20, 51–54, with Mayor's notes; Plin. *H. N.* ii. 6, 8; Tac. *Hist.* v. 4; Macrob. *Somn. Scip.* 4; cf. Lewis, *Astronomy of the Ancients*, pp. 62, 144, 152, 245, &c.) [W. R.] [A. S. W.]

PLANIPES. [MIMUS, p. 172.]

PLASTICA. [STATUARIA.]

PLAUSTRUM or PLOSTRUM, a cart or waggon. The plaustrum, strictly so called, was a heavy two-wheeled cart (Isid. *Or.* xx. 12): the four-wheeled waggon was properly distinguished as *plaustrum majus* (Cato, *R. R.* x. 2; Varro, *R. R.* i. 20). The plaustrum was of simple construction—a platform of boards, with a strong pole projecting from it, fastened upon the pair of wheels and axle. The blocks of stone or other things to be carried were either laid upon this platform without any other support, or were secured by upright boards forming sides to the platform (ὑπερτερία, Hom. *Od.* vi. 70; Plat. *Theaet.* p. 270 A), or open-work rails (*palae*, Varr. *L. L.* v. 140); or a large wicker basket was fastened on the platform (*scirpea*, πείρινς). The annexed woodcut shows a cart the body of which is supplied by a basket.



Plaustrum, from a Roman bas-relief. (Ginzrot.)

The wheels ordinarily had no spokes (*non sunt radiatae*, Prob. *ad* Verg. *Georg.* i. 165), but were solid, of the kind called *tympana* or "drums," nearly a foot in thickness, and made either by sawing them whole from the trunk of a tree or by nailing together boards of the requisite shapes and size. These wheels were fastened to the axle, which moved within wooden rings (*arbuscula*, ἁμαξόποδες) attached to the under-side of the platform (Vitruv. x. 20, 14; Varro, *R. R.* iii. 5; Verg. *Georg.* ii. 444). Although these wheels were excellent for the preservation of the roads, they turned with a long circuit, and advanced slowly and with a creaking sound (*stridentia, gementia*, Verg. *Georg.* iii. 536, *Aen.* xi. 138). They were drawn usually by oxen, but sometimes by mules (Oppian. *Hal.* v. 20). They could, of course, upon a necessity, be used for transporting people as well as goods, but we are not to conclude from Liv. v. 40, that it was constructed for that purpose, nor (as Ginzrot does) that the plaustrum there mentioned differed from the ordinary kind. The *plaustrum majus*, or four-wheeled waggon, had sometimes solid wheels, sometimes spoked wheels, and sometimes also a body of open-work rails (*palae*), as shown in the cut under AMPHORA, representing part of a plaustrum majus carrying wine-skins.

The Greek ἅμαξα corresponded both to the

plaustrum and the plaustrum majus. The four-wheeled ἅμαξα is mentioned in *Od.* ix. 241; Herod. i. 188: but the word also was used to express a vehicle to convey people (Herod. i. 31, &c.). [HARMAMAXA.] Probably it had usually four wheels, differing little from the ἀπήνη [APENE], used for travelling (*e.g.* Diog. Laert. viii. 73), for the use of the bride in weddings (Poll. x. 33, &c.), in processions [DIONYSIA, Vol. I. p. 639]. Baumeister (*Denkm.* Taf. xc.) shows boat-shaped ἅμαξαι, which he conceives to have been used at some time in processions. (Ginzrot, *Wagen*, i. 166, 228; Guhl and Koner, 277; Marquardt, *Privatleben*, 732; Becker-Göll, *Charikles*, ii. 16.) [J. Y.] [G. E. M.]

PLEBEII LUDI. [LUDI PLEBEII.]

PLEBES or PLEBS, PLEBEII. The word *plebes* is formed from the same root as appears in *compleo*, *impleo*, *plenus*, πλῆθος, &c. It properly signifies "the multitude," "the common people," as opposed to any eminent or privileged classes. This, its natural sense, was to a certain extent obscured (as in the case of our own "Commons") by the circumstance that many of the noblest and most powerful men in Rome belonged to the plebeian order, in its technical sense of non-patrician: this order was indeed in later days the whole state less two or three score of families. Nevertheless the natural sense of the word survives, as when Livy says (xxxix. 17, 6) that certain of the Bacchanalian ringleaders were "ex plebe Romana," or when Cicero speaks of Verres as "solitus virgis plebem Romanam concidere" (*in Verr.* i. 47, 122). Under the Empire, after the functions of the plebs as a political corporation had fallen into disuse, the word was used very nearly in its etymological sense of the poorer citizens who were qualified to receive corn largesses (*plebs frumentaria*), as when Augustus is said by Tacitus (*Ann.* i. 8) to have bequeathed money "populo et plebi" (*i.e.* partly to the state-chest, partly to the needy citizens); and again more generally of the common people in distinction from senators and knights, as when Pliny (*H. N.* xxxiii. § 29) says, "anuli distinxere alterum ordinem a plebe," and Horace (*Ep.* i. 1, 57), "Si quadringentis sex septem millia desunt, Plebs eris."

The origin of such a multitude of non-privileged citizens at Rome is wrapped in obscurity. Our ancient authorities, on the one hand, give us a plebs as coeval with Romulus, and, on the other hand, represent it as consisting wholly of the clients of the patricians. Now the term *plebs* implies citizens, but citizens excluded from a privileged class. It is therefore not applicable to the days when the word *patricius* actually meant what it says, and a patricius alone was capable of becoming a paterfamilias. In those days the patricius was the only citizen, because he alone could exercise the rights of a father over his legitimate child, or of a master over his property, and he alone was recognised as having a standing in the Roman law-courts. The client while he remains in his original position, though he may be protected by religion or custom from the actual treatment of a slave, is not really a free man, but rather to be assimilated to those informally emancipated persons who in later times were said "domini voluntate in libertate morari, et tantum metu serviendi liberari" (from the "Consultatio veteris Jurisconsulti," quoted by Ortolan, *Inst. Just.* ii. § 55).

The subsequent process is best described in the words of Mommsen (*Staatsr.* iii. p. 66): "Out of a condition destitute of rights there was developed a capacity for rights, a guaranteed freedom, which was recognised by the state and its courts, ordinarily with the co-operation of the patron, but which in the last resort was enforced even against him. It was a legal status which, though at every given moment definite, seems as we look back on it continually in flux. Even though we had fuller knowledge of it, we could only characterise it as wavering between two extremes, so that the element of servitude, the clientship, is always waning; that of freedom, the plebeiate, always increasing; until the process ends with the conversion of the half-free into the full freeman." If we reckon up all the legal capacities which the freeman possesses while they are denied to the slave, the acquisition of each will serve to mark a possible stage in this development. The freeman has a legal right to property, whereas the slave holds a peculium merely on the sufferance of his lord. A corollary to the possession of property is the power to alienate it, and to make binding contracts regarding it. The next step is a recognised standing in the law-courts, the power to sue and be sued in one's own person. On another line we have the power to contract a legal marriage; from this would follow the patria potestas over the children born of such a marriage, and from thence the agnatic relationship and the rights of succession bound up with it. Next comes the right and duty of serving in the armies of the state, and probably in close connexion with this the right to vote in the comitia. Last of all we have the eligibility to office. It is possible that, in spite of the hereditary nature of clientship, these rights were acquired first of all by clients who had been born in that station, and that they were only afterwards claimed by those who had been themselves released from actual slavery or who had placed themselves as homeless strangers under the protection of a citizen. It is possible likewise, as Mommsen suggests, that some of these privileges may have been exercised first in fact, and only afterwards have obtained formal recognition. In any case it is difficult to draw the line, and to lay down that here a man ceases to be a client and becomes a free plebeian. Perhaps we may say, that in the sphere of private rights the most distinctive characteristic of independence is the capacity to sue and be sued in one's own person, and that of public rights the most significant indication of citizenship is that of voting as a member of the sovereign populus. We have no means of ascertaining when the descendants of the clients attained to the first of these privileges, but of the second we can say with confidence that it was assured to them at least as early as the era known by the name of Servius Tullius, when the Comitia Centuriata with its elaborate grades of military service was organised. The arrangement of the infantry, at least, recognises no distinction in fighting or in voting between patricians, plebeians, and clients.

Though the clients undoubtedly won their way to the position of plebeians, it does not follow that the clients were the only or the

most important element of the plebs. We find in very early times two relationships established amongst the kindred communities of Latium, the *jus commercii* and the *jus exulandi*. The first relates to the privileges mutually accorded to the citizens of the contracting states, when trading or temporarily sojourning in each other's territory. The second grants the right of permanent settlement and transfer of civic allegiance to those who wish to renounce their old state and to migrate to a new home ("solum vertere exilii causa"). The legal position of such an *exul* after his transfer of domicile is a matter of dispute, and the question will best be considered in connexion with the privileges enjoyed by such persons before their migration. A Praenestine, while he remains a Praenestine, has the full right of commercium with Rome. This right is explained by the clause in the second Treaty of Rome with Carthage (Polyb. iii. 24, 12), regarding the Romans who go to trade in Sicily: πάντα καὶ ποιείτω καὶ πωλείτω ὅσα καὶ τῷ πολίτῃ ἔξεστιν· ὡσαύτως δὲ καὶ ὁ Καρχηδόνιος ποιείτω ἐν Ρώμῃ. The privileged foreigner then has the same right to acquire property and the same standing in the law-courts as a citizen. He is thus in a different position from the *hostis* in the old sense of the word (Varr. *L. L.* v. § 3), "peregrinus qui suis legibus uteretur." The latter has a status only under the laws of his own country, which of course are not enforceable at Rome (see, however, the contrary view in Mommsen, *Röm. Forsch.* i. p. 349): he is incapable of using Roman law, and if he is wronged can sue only in the name of some citizen. He must secure this representation either by entering into an equal contract of hospitality with a Roman, in case he can promise him in turn similar assistance in his own home, or else by subjecting himself to the protection of the Roman, if he be a homeless outcast (see Mommsen, *Röm. Forsch.* i. p. 357). From any such necessities the privileged foreigner who has an independent standing in the Roman law-courts is free. Now let us suppose that our Praenestine by virtue of his *jus commercii* has acquired land in Roman territory, which he can hold, alienate by Roman methods, and defend in his own person in a lawsuit. Suppose next that the Praenestine afterwards finds it convenient to exercise his *jus exulandi*, to renounce his connexion with Praeneste, and to settle in Rome. Are we to believe that he thereby forfeits all his previous rights? Mommsen answers the question in the affirmative (*Staatsr.* iii. p. 58). The rights, he contends, belonged to the man as a guest of the community, and "a domiciled guest is an absurdity." What the *jus exulandi*, he argues above (p. 50, n. 1), guarantees to the fugitive is not the full citizenship, but protection. This may be true in the sense that political as distinct from private rights would not necessarily accrue to the *exul;* but it seems difficult to uphold that the granting of protection consisted in the withdrawal of the privileges which he had previously possessed. Mommsen holds (*ib.* p. 64) that every such *exul* would be obliged to put himself under the protection of a Roman citizen as his client. He defends this view (*ib.* p. 57) by the well-known passage from Cicero, *de Or.* i. 39, 177: "quid quod item in centumvirali judicio certatum esse accepimus, qui Romam in exilium venisset, cui Romae exulare jus esset, si se ad aliquem quasi patronum applicavisset, intestatoque esset mortuus . . . . nonne in ea causa jus applicationis," &c. Now this passage shows that *applicatio* was possible for an *exul*, not that it was obligatory. "Si se applicavisset" is put parallel to the death without a will, as something which might, not which must occur, and the phrase "quasi-patronum" seems to indicate something irregular in the transaction. It is probable that the legal controversy in this case turned on the inconsistency between *exilium* and *applicatio*, and that it was this which made the patron's claim to the inheritance doubtful. As the deceased had the *jus exulandi*, which guaranteed him the rights of a freeman in Rome, was not his act in placing himself in the quasi-servile position of a client void *ab initio?* or, on the other hand, was his voluntary *applicatio* to be taken as a valid renunciation of his rights as an *exul?* Cicero does not inform us what was the answer.

If Mommsen's view be correct, the *exules* would merely swell the numbers of the clients: if the opposite theory be maintained, we have here an independent and more honourable source for the plebs. While the mass of fugitives who come from whence no man knew, would arrive in Rome without rights, and could gain protection only by subjecting themselves to a citizen, those who were openly exercising the *jus exulandi*, secured to them by the common law of Latium, would be under no such necessity. They might set up at once as patresfamilias on their own account, and we must consider them as from the first citizens, though citizens of an inferior order. It is obvious that the existence of such a class, distinct from and yet personally independent of the ruling citizens, would render more easy the acquisition of a similar status by the clients of the latter.

The same question occurs with regard to the people of conquered towns deported to Rome. One of the best attested facts of the Regal period is the destruction of Alba and the transfer of its inhabitants to Rome. Mommsen believes (*Staatsr.* iii. pp. 57 and 67) that in such cases the new comers would necessarily undergo an *applicatio* to some Roman citizen of their choice. This seems hardly probable. The existence of such families as that of the Julii shows that some Albans were, as Livy (i. 28, 7) says, admitted to the patriciate, and it is difficult to believe that the *civitas* which he ascribes to the rest was nothing more than the choice of a master.

Closely connected with the question, whether the original plebeians were all clients, is the question whether a plebeian can be a *gentilis*. According to Scaevola's definition (Cic. *Top.* 6, 29), the descendant of a slave (or client), though he may belong to a gens and so have gentiles, can never himself be a gentilis: he is excluded by the clause "quorum majorum nemo servitutem serviret" (see Ortolan, *Inst. Just.* iii. § 1038). But Scaevola's definition says nothing about the patriciate as a qualification for gentilitas. Many of the later plebeian families could trace a descent in which there was no taint of servile blood. Marius could never (according to the definition) attain to

gentilitas, because his family had been clients of the Herennii (Plut. *Marius*, 5); but there is no reason why Cicero (who claimed to spring from a Volscian royal family) should not have been a gentilis. We have the undoubted cases of the plebeian Minucii, who had a right to gentile inheritances (Cic. *in Verr.* i. 45, 115), and of the plebeian Popillii, who supplied the leading case (Cic. *de Leg.* ii. 22, 55) in the law of gentile sepulchre. There seems no reason to follow Mommsen (*Staatsr.* iii. pp. 66 and 74) in ascribing only a quasi-gentilitas to these plebeian houses, and in asserting that they had only a *stirps* and not a real gens of their own. If the view maintained above as to *exilium* be correct, the descendants of the first *exul* would satisfy every point of Scaevola's definition. They would therefore have a gens of their own; and if their house ever came in turn to have its own freedmen and clients, its pure-born members would be gentiles to the descendants of these, and have rights of succession and guardianship over them. The same would be the case with those patricians who had renounced their birthright and had been admitted as members of the plebeian order (see below). When Livy (x. 8, 9) makes Decius Mus say, "Semper ista audita sunt eadem .... vos solos gentem habere," he is not to be taken as admitting the claim, but rather as illustrating the insolence of the patricians, who spoke as if all the plebeians were their clients and ignored the more respectable origin which belonged to many of them. The famous lawsuit mentioned in Cicero, *de Or.* i. 39, 176, "Quum Marcelli ab liberti filio stirpe, Claudii patricii ejusdem hominis hereditatem gente ad se rediisse dicerent," illustrates an exception which proves the rule. When there was a patrician and a plebeian family of the same name, it seems to have been the legal presumption that the latter had once been the clients of the former. The Claudii Marcelli had of course long ago extinguished their clientship by attaining to curule office (Plut. *Marius*, 5), but the original taint in their blood precluded the possibility of their ever being gentiles. It is obvious from Cicero's statement that the Marcelli lodged no claim to succeed *patronatus jure*, as they would undoubtedly have done had the deceased been their freedman. The right of the patron to inherit extended in the later Republic only over the actual freedman or applicant, not over his descendants (see Ortolan, *op. cit.* iii. § 1045). The inheritance of the son of a freedman would therefore be determined by the *legitima successio* of the Twelve Tables, which provided, "si agnatus nec sit gentiles familiam habento." The patrician Claudii were clearly the only persons who could claim *gente*, but the Marcelli seem to have maintained that, when they attained to independence of their patrician namesakes, they founded a *stirps* which had rights of inheritance similar to those of the gens over the descendants of their own clients. It is not known whether the patricians in this case made good their claim; but even if they did, it would prove nothing against the gentilitas of plebeians in whose case no ancestral clientship could be established.

It was probably owing to the admixture of servile blood in their order, that the plebeians were so long debarred from the right of intermarriage with the patricians. The prohibition of conubium is first mentioned as part of the law of the Twelve Tables; but there can be no doubt that this law only formulated and confirmed a more ancient disqualification. Marriage between the orders was soon afterwards legalised by the Lex Canuleia of B.C. 445.

The struggle of the plebeians for admission to the magistracies of the Roman People occupies a large portion of the internal history for the first two centuries of the Republic. The quaestorship was held for the first time by a plebeian in B.C. 409, the consulship in B.C. 366, the dictatorship in B.C. 356, the censorship in B.C. 351, and the praetorship in B.C. 337. The priestly colleges were not opened to plebeians till B.C. 300. From that time onwards, though certain disqualifications survived on the one side and on the other [see PATRICII], the members of the two orders were on a footing of practical equality, and the distinction between them remained only as an historical reminiscence with the smallest possible effect upon practical politics.

But in the meantime the plebeians had formed themselves (on their secession to the Mons Sacer in B.C. 494) into an exclusive order, with magistrates and assemblies and powers of corporate action of their own. From that time to the end of the Republic *plebs* generally means not so much the vague and lowly multitude as this clearly defined body, which comprised families as honourable and powerful, though not as ancient, as those of the purest patrician stock. The constitution and political powers of the plebs in its corporate capacity will be more conveniently discussed in the articles PLEBISCITUM and POPULUS. Here it will be sufficient to say a few words on the qualifications for membership.

Every Roman who was not a patrician belonged to this order, so that, unlike the patriciate, the plebeiate was constantly being recruited. All newly-made citizens, whether they had formerly been slaves or foreigners, passed at once and without any special act of admission into this body. A person born a patrician became a plebeian if he underwent the "minima capitis deminutio" by being dismissed from his ancestral house by *emancipatio*. The same result would of course occur if he became by adoption the son of a plebeian. But besides these indirect methods of transfer, the plebeians had (unlike the patricians) a corporate assembly of their own, and so were able to admit new members by their own act. This is the process properly called "transitio ad plebem," by which a patrician renounces his old order and sues for admission to a new one. It is best described by Zonaras (vii. 15), *εἰ δέ τις τὸ τοῦ γένους ἀξίωμα ἐξωμόσατο καὶ πρὸς τὴν τοῦ πλήθους μετέστη νόμισιν, ἀσμένως αὐτὸν προσεδέχοντο. καὶ συχνοὶ τῶν σφόδρα εὐπατριδῶν ἀπείπαντο τὴν εὐγένειαν ἔρωτι τοῦ μέγα δυνηθῆναι καὶ ἐδημάρχησαν.* As far as can be gathered from the somewhat obscure notices, Clodius at first attempted to become a plebeian in this way; but finding opposition too powerful, he afterwards effected his object by the machinery of adoption. Some genealogists of the time of Augustus invented for the plebeian Octavii a history of this sort, which the emperor himself

was sensible enough to ignore; see Suet. *Aug.* 2: "Ea gens a Tarquinio Prisco rege inter minores gentis adlecta in senatum, mox a Servio Tullio in patricias traducta, procedente tempore ad plebem se contulit."

(The best modern authorities on the points discussed in this article are Mommsen, *Römische Forschungen*, vol. i., and *Staatsrecht*, vol. iii.; and Ortolan, *Explication historique des Instituts de l'Empereur Justinien.* The principal references have been given *passim.*) [J. L. S. D.]

PLEBISCI'TUM is the name for the decrees passed by the corporation of the plebs in answer to the *rogatio* of one of their own magistrates. When in later times these decrees acquired the force of law, the term *lex* was likewise applied to them: so we have repeatedly in the Agrarian Law of B.C. 111 (*C. I. L.* i. p. 175), "ex lege plebive scito quod C. Sempronius Ti. f. tr. pl. rog." But, though sanctioned by official usage, this identification was always recognised as not strictly correct: "ne leges quidem proprie sed plebiscita appellantur, quae tribunis plebis ferentibus accepta sunt" (Laelius Felix in Aul. Gell. xv. 27).

The plebs as a self-governing corporation asserted from the first the power to pass decrees binding on all its members: "evenit ut plebs in discordiam cum patribus perveniret et secederet sibique jura constitueret, quae jura plebiscita vocantur" (Pomponius in Dig. 1, 2, 2, 8). The most important of these were the *leges sacratae* by which the plebeians affirmed the *sacrosanctitas* of their officers, and bound themselves every man to avenge instantly any outrage directed against them. Another clause of the same shows that the plebeians claimed from the first a recognition from the whole state that obedience to these rules must override the ordinary course of law: "Nam lege tribunicia prima cavetur 'Si quis eum qui eo plebiscito sacer sit, occiderit, parricida ne sit.'" (Festus, p. 318, s. v. *Sacer.*) These ordinances were held to have binding force down to the last days of the Republic, for Cicero (*post Red. in Sen.* 13, 33) complains that Clodius and he were not fighting on equal terms: "tribunicii[que] sanguinis ultores esse praesentes, meae mortis poenas judicio et posteritati reservari." The plebeians also claimed to be judges in their own quarrels and to direct the vengeance of their order against its enemies. The story of Coriolanus represents the tribunes as attempting at first to try him for his life before the plebeian assembly, and there are several instances later on where consuls who have opposed its interests are fined by the plebs after they go out of office (Liv. ii. 52, 54, 61; v. 12). All such matters may be held to come within the somewhat elastic category of self-regarding acts, and in the earliest times the plebs seems not to have gone beyond this, and never to have claimed the right to legislate in matters relating to the whole nation.

The history of the later Roman republic presents us with a widely different picture. We find that by the time of the Punic wars the whole power of sovereignty has been delegated to the plebeian assembly. Side by side with the old sovereign, the populus, a new sovereign, the plebs, exercises in its exclusive concilium, under its own magistrates and with its own forms of procedure, precisely the same powers of legislation as the first: "et ite factum est ut inter plebiscita et legem species constituendi interesset, potestas autem eadem esset" (Pomponius, *ib.*). All the legal writers, our best authorities on such a point, ascribe the delegation of these enormous powers to a law of the dictator Hortensius, B.C. 287, "pro legibus placuit et ea observari lege Hortensia" (Pomponius, *ib.*), and "lex Hortensia lata est, qua cautum est ut plebiscita universum populum teneret, itaque eo modo legibus exaequatu sunt" (Gaius, *Inst.* i. 3).

The difficulty is that Livy gives us, beside the Hortensian law, two previous enactments to precisely the same effect, "ut plebiscita omnes Quirites tenerent," or "ut quod tributim plebs jussisset populum teneret" (Liv. iii. 55, viii. 12). These are attributed to the consuls Valerius and Horatius, B.C. 449, and to the dictator Publilius Philo, B.C. 339.

Mommsen (*Röm. Forsch.* vol. i. p. 211) has sufficiently disposed of the theory that the decrees of the plebs were equal to those of the populus from the consulship of Valerius and Horatius onwards, and that the Lex Publilia and the Lex Hortensia were mere re-enactments of the ordinance of B.C. 449. Mommsen's own conjecture is that the laws of B.C. 449 and of B.C. 339 should be struck out of the history or plebiscita altogether: he thinks that they really referred to the "comitia populi tributa," and were applied to the plebs by a mere blunder of Livy [see COMITIA]. This hypothesis seems very hazardous. Such a blunder on Livy's part is not indeed impossible, but there is not a particle of evidence that he was actually guilty of it.

Apart from the respect due to the ancient authority, we should expect from the nature of the case to find successive enactments on this subject, and to see some share in legislation for the community allowed to the plebs under checks and conditions, before it attained the unlimited power conferred by the Lex Hortensia. This opinion is confirmed by a glance at the history. We find numerous laws called by the names of the tribunes who proposed them (which they could only do of course in a plebeian assembly) which nevertheless relate to matters obviously of national concern. Such, to take a single instance, was the proposal to remove the habitation of the Roman people to Veii. Most of these laws fall in the century between the Valerio-Horatian and the Publilian Law (B.C. 449–339); but two—the Terentilian proposal *de legibus conscribendis*, which led to the codifying of the Roman law in the Twelve Tables, and the Lex Icilia *de Aventino publicando*—are previous to the earliest of our three epochs. The protracted contests over these laws seem, however, to point to some power possessed by the patricians of checking and limiting the force of the decrees which originated with the tribunes.

The "answer to the riddle" is to be found, according to Mommsen (*Röm. Forsch.* i. 211), in the words in which Appian describes Sulla's law about the powers of the tribunes (*Bell. Civ.* i. 59): εἰσηγοῦντο μηδὲν ἔτι ἀπροβούλευτον ἐς τὸν δῆμον ἐσφέρεσθαι, νενομισμένον μὲν οὕτω καὶ πάλαι παραλελυμένον δ' ἐκ πολλοῦ. He takes this to mean that, in forbidding for the future

any measures to be brought before the plebs without consent of the senate, Sulla revived a definite law which had existed in early times; that is to say, before the dictatorship of Hortensius. "It is probable," says Mommsen (*Staatsr.* iii. p. 157), "that (we know not when, but some time previous to the law of the Twelve Tables) it was enacted by a decree of the populus analogous to that afterwards carried by Hortensius, that a bill brought before the plebs with the assent of the senate, if accepted by the former, bound the whole body of the citizens just as if the populus had commanded it in its comitia." This view is accepted by Soltau, and with some modifications by Willems and Borgeaud. It seems, however, to rest on a very slight foundation. The historical reference in the passage of Appian (*νενομισμένον μὲν οὕτω καὶ πάλαι*, &c.) applies more naturally, not to the days of the early Republic, but to the century of the Punic wars. During this period the senate had asserted, not by positive enactments, but by indirect means, a customary and constitutional right to be consulted before any magistrate proposed a measure for the acceptance of the popular assemblies. For generations this claim was enforced by means of the tribunician veto; but Sulla had been taught by the record of Gracchus, of Saturninus, and of Sulpicius, that the employment of the veto was an insufficient sanction. It had repeatedly failed to guard this most necessary prerogative of the senate against the attacks of a popular tribune. Sulla therefore naturally wished to establish the constitutional claim of the senate on the firmer basis of definite enactment. Appian's reference to an ancient precedent being thus abundantly justified by the usage of which we have ample independent evidence, it seems wrong to invent for its explanation a supposed legal right otherwise unknown to us. The silence of Cicero in the passage of the *de Legibus* (iii. 11, 26) in which he criticises the tribunician power, is a strong negative argument against the existence of any such legal right of the senate over plebiscita.

Nor does the assumption of the modern historians seem to be necessary in order to explain the historical development of plebeian legislation. The known powers of the sovereign populus, of its officers the consuls, and of their advisers the senate, supply sufficient material for a probable answer to the question how the legislative capacity of the plebs may have been gradually established.

A record of the process of tribunician legislation in early times has fortunately been preserved to us in a single case, in which Dionysius has followed the account derived by him from an ancient document. The case is that of the Lex Icilia *de Aventino publicando* (B.C. 456), which was preserved on a brazen column in the temple of Diana on the Aventine. "Icilius," says Dionysius (x. 31), "approached the consuls then in office and the senate, and requested them to pass the preliminary decree for the law that he proposed, and to bring it before the people." By threatening to arrest the consuls he compelled them to assemble the senate, and Icilius addressed it on behalf of his bill. Finally the senate consented; *ἔδοξε διδόναι τῷ δήμῳ τὸν τόπον* (Dionys. x. 32). Then, after auspices and sacrifices, "the law was passed by the Comitia Centuriata which were convened by the consuls." Where, then, does the vote of the plebs come in? It is not mentioned by Dionysius, nor is there any place for it in the proceedings after Icilius has approached the consuls. It seems to follow that it must be placed at the very beginning before the detail of Dionysius' story begins. Icilius must have been armed already with the petition of the plebs when he demanded to plead their cause before the senate.

In this order of proceedings, the formal legislative power lies solely with the populus Romanus. The vote of the corporation of the plebs is not then in early times a legislative act at all. It is merely a strong and formal petition, an appeal to the sovereign assembly to grant their request. But this sovereign assembly can be convened and the question put to it only by a consul. The consul may refuse to put any such bill to the vote, or even so much as to entertain the question as an open one, by taking the opinion of his authorised advisers, the senate, as to how he ought to act. Thus the consultation of the senate, not as a legally necessary preliminary, but as a means of stimulating the official action of the consul, becomes a point on which the reformers are bound to insist; and to bring it about the tribunes must use their powers of compulsion over the consul.

After the matter has been thus forced on the consideration of the senate, an adverse vote in that body would of course justify the consuls in their resistance, and the delay might be prolonged until the plebeians were reduced to their last resort, the threat of secession. In practice the senate commonly yields before this crisis is reached. The petition of the plebs is backed by the recommendation of the senate; and the consuls, though under no legal obligation, cannot, without grave responsibility, now refuse to put the question to the populus. By this time the controversy has been long ago threshed out. All the powers which the nobles could bring to bear against the carrying of the proposal in a popular assembly, whether by tribunician intercession, or by alarms of war, or by violent interference, or by their own influence with the voters (Liv. v. 30), would naturally have been exhausted at an earlier stage of the proceeding while the proposal was still before the plebeian assembly. No instance is recorded of the sovereign populus negativing a bill so brought before it.

The chief objection to our accepting this as the order of proceeding is that Livy seems sometimes (cf. iv. 1, 6 with 3, 4) to represent the conflict over the tribunician bills, the negotiations with the senate, and the compromises frequently arrived at, as all matters which occurred before the voting of the plebs. It may be replied that in Liv. v. 30 we have a proposal, which had certainly not received the sanction of the senate, actually brought to the vote of the plebs and rejected by them; in another case (iv. 49) the refusal of the senate to approve a measure gains effect only by means of the *intercessio* of a tribune. It may also be urged that Dionysius repeatedly speaks of the efforts made to induce the senate *προβουλεῦσαι τὸν νόμον* (x. 26, 48, 52; xi. 54, 59, 60), and

that he cannot be understood to mean that such a προβούλευμα was to be followed by a vote in the plebeian assembly, because he has clearly laid down (ix. 41) that no προβούλευμα was necessary for that assembly as organised by Publilius Volero in B.C. 471. The truer answer, however, probably is that neither Livy nor Dionysius really intend to commit themselves at all definitely regarding the legal procedure. They seem rather to desire to reproduce as far as possible in their picture of these early contests a copy of the dissensions between optimates and populares which vexed the later Republic. This tendency may have led them somewhat to mix up the order of events, and so to leave it doubtful whether the vote of the plebs was, or was not, in the earlier time final and conclusive.

If the process of legislation before the age of the decemvirs were really such as has been sketched in the preceding paragraphs, it is not difficult to see that it might be assisted by a series of laws which rendered one or other of its stages more easy. Any of these laws might be roughly described as giving legislative power to the plebs. What precise obstacles were removed by each law can only be conjecturally determined. We may perhaps say that the mere right of petitioning required no legal sanction, and that the powers of the tribunate were sufficient (as the story of Icilius makes them) to force the consuls to advise with the senate about the petition. Possibly the law of Valerius and Horatius formally recognised this position, and laid down that the consul must so consult the senate, or it may even have forbidden him arbitrarily to disregard a recommendation of the senate (should such be obtained) that he should put the question to the populus. It is a reasonable conjecture likewise that the law of Publilius Philo (B.C. 339) may have struck out the intervening consultation of the senate, and may have required the consul to bring the petition of the plebs at once before the populus. If such were the tenor of the Publilian law, it would be only a very slight inaccuracy to describe it as conferring legislative power on the plebs. The majority in the two assemblies being substantially the same persons, the reference to the one of a proposal already affirmed by the other would be little more than the repetition of a foregone conclusion. The Hortensian law, which formally transferred the sovereign power to the plebs, would thus be a change greater *de jure* than *de facto*. In formal law it was a mighty revolution. It was natural and even necessary that the jurists should refer to this law as the source of the legislative power of the plebs. On the other hand, historians and politicians might with equal reason refer the change to the time when it practically took place—to the time, that is, when a vote of the plebs really decided the fate of a measure beyond the possibility of effective appeal. This power, if the theory here put forward be correct, was placed within the reach of the plebeians by the law of Valerius and Horatius, and was fully secured to them by the law of Publilius Philo.

(The view of plebiscita maintained in this article is more fully explained in the *English Historical Review*, Nos. 2 and 19. The question is fully discussed in Mommsen's *Römische Forschungen*, vol. i., and in the *Staatsrecht*, vol. iii. It has been the subject of special treatises by Soltau, *Gültigkeit der Plebiscite*, and by Borgeaud, *Histoire du Plébiscite*.) [J. L. S. D.]

PLECTRUM. [LYRA.]

PLEMO'CHOAE. [ELEUSINIA, Vol. I. p. 720.]

PLETHRON. [MENSURA, p. 162.]

PLINTHUS (πλίνθος), a brick or tile [LATER], or a squared stone for building; so of the marble blocks for the walls of the Erechtheum (*C. I. G.* 160, l. 10). The word is especially used by Vitruvius (also *plinthis*) and in modern architectural works, to denote the square block that sometimes forms the lower member of the base in the Ionic and Corinthian orders. In the best known Attic instances of the Ionic order no plinth exists. See SPIRA, COLUMNA. [E. A. G.]

PLUMA'RII were understood by Becker (whom Göll now corrects) to be persons who made stuffs of feather embroidery, presumably like those for which the Azteçs were famous: but Marquardt has shown that the *opus plumatum* or *opus plumarium*, which these workers made, was embroidery of needlework in plain stitch as opposed to the embroidery of the *Phrygiones*, which was in cross stitch. In the *opus plumatum* the stitches were laid lengthwise, so that they seemed to overlap one another, like the feathers in the plumage of a bird: it might therefore be translated "feather-stitch work" (Rock, *Textile Fabrics*, 116). An analogous use of *pluma* appears in Verg. *Aen.* xi. 770, of the lorica "*in plumam* squamis auro conserta." The idea of Georges (*Philolog.* xxxii. 530) that it was woven work is founded on certain passages where the words *texere*, *textrina* are used loosely, and is disproved by an edict of Diocletian (xvi. 38), where the plumarius works at stuffs already woven, obviously embroidering them by hand. The work is mentioned first by Varro (*ap.* Non. p. 162, 27): it was often, though not necessarily, in gold thread, as "pars auro plumata" (Lucan, *Phars.* x. 125; cf. Procop. *Just.* iii. 1, p. 53). The plumarii (ποικιλτὴς ὃν λέγομεν πλουμάριον, Schol. *ad* Aeschin. *Tim.* § 97) are mentioned in many inscriptions (*C. I. L.* vi. 9813, &c.). (Marquardt, *Privatleben*, p. 538; Blümner, *Technologie*, vol. i. p. 210; Becker-Göll, *Charikles*, vol. ii. p. 338.) [W. S.] [G. E. M.]

PLUMBUM ALBUM, PLUMBUM NIGRUM. [METALLUM, p. 168 *a*.]

PLU'TEUS signified in general any kind of upright, unroofed protection or shelter, and was hence used in the following special significations. 1. A fixed breastwork, whether of planking or of wicker work, and sometimes covered with hides to prevent it from catching fire. These breastworks, *mantlets*, or *blinds* were used to shelter combatants *on board ship* (= παραρρύματα), Caes. *Bell. Civ.* iii. 24: *on towers*, where they sheltered the soldiers in the various *tabulata*, or stories, the battlements or shelter on the top being, strictly, *pinnae* (Caes. *B. G.* vii. 25): *on ramparts*, as in Caes. *B. G.* vii. 41 and 72. In the latter passage the plutei include the whole breastwork of loricae and pinnae and the vallum behind them, the whole shelter in fact placed on the agger, and the *commissurae pluteorum* are the points where this work of wood and wattles rose from the earthen agger. 2. A movable

shelter for the besiegers, distinguished from the *vineae* and *musculi* by being unroofed (Liv. xxi. 61, xxxiv. 17; Fest. *s. v.*; Ammian. xxi. 11; Isid. *Or.* xviii. 18). It is particularly described in Veget. iv. 15, as being semicircular (in the form of an apse), of wicker work covered with hides, and with three wheels, one in the fore-part or middle of the curve, and two at the extremities: it was thus rolled towards the walls, the working party advancing under its cover (cf. Marquardt, *Staatsverw.* ii. 530). 3. The board at the side of a bed [LECTUS, p. 18]. 4. Some kind of shelf for holding busts and other ornaments (Juv. ii. 7), or books (Sidon. Apoll. *Ep.* ii. 9): it probably had a high ledge to prevent the article placed there from falling off, and so gained its name. Some refer the "*pluteum* caedit" of Pers. i. 106 to a bookshelf or a desk, but it is probably merely the ordinary pluteus of the reading couch [LECTUS, p. 19]. 5. A low wall like a breast-work, closing up spaces between columns (Vitruv. iv. 4). [W. S.] [G. E. M.]

PLYNTE'RIA (πλυντήρια), a festival celebrated at Athens in the month Thargelion, in honour of Athena (Phot. *s. v.* Καλλυντήρια: Plut. *Alcib.* 34; Harpocr., Suid. *s. v.*). Dodwell (*de Cyclis, p.* 349) gives the 22nd of the month as the day: A. Mommsen, with more probability, takes the ἕκτῃ φθίνοντος of Plutarch to mean that the 25th was the great day of a festival which lasted several days, probably from the 21st to the 25th, as the 20th was the torch-race of Bendis. (He conjectures a date about three weeks earlier, at the rising of the Pleiads, for the prehistoric Plynteria, as a festival for the beginning of the corn harvest: *Heort.* p. 11.) The festival, traditionally connected with the death of Agraulos, who had during her life performed these duties for the goddess, was really a rite partly of purification, partly of expiation, at the beginning of the harvest, to propitiate the favour of the goddess. The temple (Erechtheum) was shut off by a rope (Poll. viii. 141, περισχοινίσαι), to guard it from profane entrance; the sacred image of Athena Polias (τὸ παλαιὸν βρέτας or ἄγαλμα, τὸ ἀρχαῖον ἕδος, Müller, *Eum.* p. 171) was stripped, the πραξιεργίδαι taking off the helmet and spear (Hesych. *s. v.*), and the two female attendants called λουτρίδες or πλυντρίδες (Phot.) removing the dress (πέπλος), which it was their duty to wash, and covering over the statue in the meantime (cf. Plut. *Alcib.* 34, where the πραξιεργίδαι have the general direction of the whole ceremony). The image itself was bathed,—some think within the Erechtheum, others at the fountain of Callirrhoe—but against this we have the statements of Suidas (*s. v.* νομοφύλακες), who says that the nomophylaces arranged the procession ὅτε κομίζοιτο τὸ ξόανον ἐπὶ τὴν θάλασσαν, of Xenophon (*Hell.* i. 4, 12), and of an inscription (*Ephem.* 4098) cited by Mommsen, which gives Phalerum as the place. The statue and the clothes were taken in a chariot attended by the priests and priestesses and followed by *ephebi* and the general crowd: late in the evening it was brought back by torchlight. In the procession strings of figs were carried (παλάθη ἠγητηρία or ἠγητορία), which may merely symbolise fruitfulness, or may, as Mommsen thinks, have also a more mystical reference to an ancient sacrifice of maidens to Athena, as in the Thargelia the victims were garlanded with figs. The pedestal of the image was washed by a καταν(ί)πτης (*Etym. Mag.*). We hear also of a πλυντήρια at Paros (*C. I.* 2265); and we may compare also the Argive λουτρὰ Παλλάδος in the Inachus, described by Callimachus, and the later Roman ceremony of the Megalesia. The day of the procession at Athens was one of the ἡμέραι ἀποφράδες (*dies nefasti*), on which no legal business could be done, as though the city were on that day without its protecting deity. (A. Mommsen, *Heort.* 436 f.; Preller, *Gr. Myth.* i. 166.) [L. S.] [G. E. M.]

PNYX. [ECCLESIA.]

PO'CULUM. [CALIX.]

PO'DIUM is the name given to the continuous base that forms the lower part of a wall or building. Thus it is used for the side of the substructure on which a temple is raised (Vitruv. iii. 3), for the marble panelling or "dado" round the lower part of a wall (Vitruv. vii. 4; Plin. *Ep.* v. 6, 22), for the lower part of the scena-wall in a theatre, on which columns rested (Vitruv. v. 7), or for the wall surrounding the arena in an amphitheatre, and forming a basis for the seats of the spectators [AMPHITHEATRUM]. [E. A. G.]

POENA. The original sense of this word, which is derived from the Greek ποινή (Curtius, *Gr. Etym.* No. 373), seems to have been composition paid by a delinquent to the party injured by him, or to his kinsmen, in order to escape vengeance (Dig. 50, 16, 131 pr., "poena est noxae vindicta;" cf. the expressions "poenas solvere, pendere"). (Rubino, *Untersuchungen über röm. Verfassung*, p. 460; Ihering, *Geist. d. R. R.* i. 126.) When crimes came to be visited with punishment by the state, the word *poena* meant a penalty or punishment threatened by the law on account of offences, whether such penalty was exacted at the suit of the injured party, as in the case of theft, or was a consequence of a judicium publicum.

The conception of poena differs from that of *multa*, as Ulpian exclaims in a well-known passage of the Digest (Dig. 50, 16, 131, § 1). *Multa* or *mulcta* was a pecuniary penalty ("cujus animadversio hodie pecuniaria est"), though by the law of the Twelve Tables it had been pecuaria or a certain number of oxen and sheep. (Plin. *H. N.* xviii. § 12; Festus, s. vv. *Multam, Peculatus.*) It was one of the modes of punishment by which the higher magistrates enforced their supreme executive authority, but the right of imposing a multa on offenders was extended to inferior magistrates, and in Ulpian's time belonged to every person who was invested with judicial power in civil or administrative matters, such as municipal magistrates and praesides provinciarum ("item multam dicere potest, cui judicatio data est"). A multa was imposed according to the discretion of the magistrate, and its amount was determined by the pleasure of him who imposed it, unless a maximum amount was fixed by law. On the other hand, a poena was only inflicted when it was imposed by some lex or some other legal authority (*quo alio jure*). (Cf. Paulus in Dig. 50, 16, 244 (Labeo): "Si qua poena est, multa est; si qua multa est, poena est." (Paulus): "Utrumque eorum falsum est; namque harum rerum dissimilitudo ex hoc quoque apparet,

quod de poena provocatio non est. Ex hoc quoque earum rerum dissimilitudo apparere poterit, quia poenae certae singulorum peccatorum sunt, multae contra, quia ejus judicis potestas est, quantum dicat, nisi cum lege est constitutum quantum dicat.") A poena was not necessarily pecuniary, but might affect a person's caput and existimatio. Cicero enumerates the following kinds of poenae, viz. *damnum*, *vincula*, *verbera*, *talio*, *ignominia*, *exilium*, *mors*, and *servitus* (Cic. *de Leg. Aug. C. D.* xxi. 12; *de Or.* i. 43, 194; *de Off.* iii. 5, 23; *pro Caec.* 34, 100). A poena might be inflicted by any one whose function it was to take cognisance of crimes. When no poena was imposed, then a multa might be the punishment. [G. L.] [E. A. W.]

POLEMARCHUS (πολέμαρχος). There is probably no official title which was more widely diffused in Greece than that of Polemarchus. It is known at Athens as the name of the third archon [ARCHON], among the Dorians of Sparta, the Aeolian peoples of Thessaly and Boeotia, in Aetolia, Arcadia, and Euboea. It does not appear to have existed (at least, we have no evidence as yet) in any of the cities of Magna Graecia on the one hand, or in those of Asia Minor on the other; in other words, the title does not seem to have struck root in colonies. As its name implies, it originally meant a leader in war (cf. πολέμαρχος Ἀχαιῶν, Aesch. *Cho.* 1072); and, as we shall see, probably was an offshoot of the office of the king in his capacity of commander-in-chief of the forces of the state. Everywhere alike we see its original military character continuing to attach itself to the office, for we find the polemarchs either holding actual commands in war, or superintending the military organisation and defence of the state in time of peace. As the polemarch at Athens was the survival of the military side of the ancient kingly office, so we find at Sparta the polemarchs playing an important part in its organisation. When we first hear of them, they appear as forming the immediate military staff of the king. They have no particular body of men under them; for the λόχος is under its λοχαγός. But in cases where a force took the field, of which the king in person did not hold the command, one of the polemarchs was appointed to lead it in his place. Thus the Spartan force sent to Tempe before the advance of Xerxes was commanded by Evaenetus, one of the polemarchs (ἐστρατήγει δὲ τῶν Λακεδαιμονίων Εὐαίνετος ὁ Καρήνου, ἐκ τῶν πολεμάρχων ἀραιρημένος, γένεος μέντοι ἐὼν οὐ τοῦ βασιληΐου, Herod. vii. 173). From this passage we may likewise infer that it was not usual to appoint any of the polemarchs to such a command unless they were of the blood royal, and at the same time that, whilst the polemarchs were usually members of the kingly house, they were not necessarily so. It was natural that, when the duties of the kings as commanders-in-chief increased, they would find it necessary to have lieutenants or adjutants to aid in organising the forces, and for such important duties they would naturally employ persons connected with themselves by the close tie of clanship. The polemarchs continued in this position until the reorganisation of the Spartan army into six *morae* in 404 B.C. Thus Thucydides (v. 66), when describing the organisation of the Spartan army when in the field, says that the supreme command was vested in the king if he was with the troops; the king gave the necessary orders to the polemarchs, and they in turn gave them to the *lochagi*. Thus they evidently came next to the king, and were superior to the *lochagi*, over whom they were placed to command *lochi* on important occasions. Thus, at the battle of Mantinea (418 B.C.), we find two polemarchs in command of two *lochi*, doubtless detailed by king Agis for this special occasion (Thuc. v. 71). From this occasional supersession of the λοχαγοὶ by the polemarchs, the change to the new organisation (in 404 B.C.) is the natural step, when the polemarchs are now made the regular commanders of the new *morae* (six in number), each *mora* containing two *lochi* under *lochagi*. Thus we find the polemarch Praxitas with his *mora* garrisoning Sicyon (Xen. *Hell.* iv. 4, 7). Xenophon (*Resp. Lac.* 12, 6) speaks of a πρῶτος πολέμαρχος, who may possibly be the same officer whom he calls (*op. cit.* 13, 7) πρεσβύτατος τῶν περὶ δαμοσίαν. That they formed part of the damosia, or king's body-guard, we may perhaps infer from Xen. *Hell.* vi. 4, 14.

The polemarch was assisted by officers called συμφορεῖς (Xen. *l. c.*) When not in active service, the polemarchs had to superintend the Phiditia or public messes at home. We infer from Xenophon (*Resp. Lac.* 13, 6) that they were six in number under the organisation which existed in his time, as there was one for each *mora*. As the Spartans of the same *lochi* messed together, we may infer that the polemarch exercised a general control over the commissariat of the men who formed his own *mora*. In the various cities of Boeotia the office of polemarch was universal. There were usually three in number, though in some cases two only appear. For instance, at Thebes, at the time when Phoebidas the Spartan general got possession of the Cadmeia (482 B.C.) by the aid of Leontiades, one of the polemarchs, Xenophon speaks as if there were only two (πολεμαρχοῦντες μὲν ἐτύγχανον Ἰσμηνίας τε καὶ Λεοντιάδης, διάφοροι δὲ ἀλλήλοις καὶ ἀρχηγὸς ἑκάτερος τῶν ἑταιριῶν, *Hell.* v. 2, 25).

We can infer from Xenophon (*Hell.* v. 4, 30) that the polemarchs had the control of the military organisation, having under them the λοχαγοί, who commanded the λόχοι, into which, as we know from Thucydides (iv. 91), the army was divided. The πολέμαρχος had a secretary (γραμματεύς, ὁ γραμματίδδων, Xen. *Hell.* v. 4, 2; Plut. *Pelop.* 7; Larfeld, *Inscript.* 169). At Thebes the polemarchs had the power of arresting any one who had done an act worthy of death (Xen. *Hell.* v. 2, 30). We know of the existence of πολέμαρχοι at Thespiae from Plutarch (*Demetr.* 39), and from an inscription (*Bullet.* viii. 413). At Acraephium there were three πολεμαρχίοντες and their γραμματίδδων (Larfeld, 184), and a similar board at Hyettus (Id. 144); at Copae (Id. 170), where there were only two in number; at Orchomenus (Id. 13, 17, 18, 21, 22); and at Chaeronea (*Mittheil.* viii. 355). They seemed to have had certain financial duties at Orchomenus, and to have presided in the popular assembly. They commanded the contingents from their several towns, being under the control of the boeotarchs, who were the highest officers of the League.

There were also polemarchs at Aegisthena and Megara, at the latter place probably representing the στραταγοὶ of an earlier date. We likewise find three πολέμαρχοι at Eretria in Euboea (*C. I. G.* 2144). In Thessaly the League (τὸ κοινὸν τῶν Θετταλῶν) consisted of four ancient divisions called τετράδες. Each τετρὰς had its polemarch, who with the πέζαρχοι under him commanded the contingent of infantry which his τετρὰς contributed to the army of the League. We may infer the existence of the office of polemarch (or polemarchs) at Phlius from the existence in that city of a πολεμάρχειος στοά (Müller, *Fragm. H. G.* iii. 133). The office also existed at Phigalia (τὸ πολεμάρχειον, Polyb. iv. 79), at Mantinea (Thuc. v. 47), and at Cynaetha, where their functions were described by Polybius (iv. 189): κλείειν τὰς πύλας καὶ τὸν μεταξὺ χρόνον κυριεύειν τῶν κλείθρων, ποιεῖσθαι δὲ καὶ τὸ καθ' ἡμέραν τὴν δίαιταν ἐπὶ τῶν πυλώνων). In the days of the Achaean League there were still πολέμαρχοι at Dyme, whilst there is also evidence for the office at Thuria in Messenia. That there was a polemarch in the island of Paros, we know from inscriptions (*C. I. G.* 2374, 2379).

Finally, the office seems to have existed both in Ambracia (*C. I. G.* 1797) and in Aetolia (Polyb. iv. 79). As in many of these places above specified we find mention likewise of an archon, we may, on the whole, infer that the duties of the polemarchi corresponded very closely to those of the strategi at Athens, and, in fact, we saw that at Megara they were called στραταγοὶ at an earlier period. [W. Ri.]

POLENTA. [Puls.]

POLE'TAE (πωληταί). The poletae at Athens were a board of ten officials or magistrates which formed one of the departments of the Treasury. They were chosen by lot, one from each tribe (Harpocration, *s. v.* πωληταί). They were under the supervision of the Boule of Five Hundred, and its ratification was required to give validity to their proceedings. It was their duty to let out to farmers by a kind of auction the revenues arising from all tolls, customs, and taxes; to let on lease public lands, and plots of ground for mining purposes at Laurium. They superintended the Architecton in giving out the contracts for works to be done for the state, such as the building and repairing of the walls (*C. I. A.* ii. 167). They likewise put up to public sale the property of public debtors who had failed to discharge their obligations to the state within the appointed time, and of those who were in arrears with their income-tax (εἰσφορά), as well as the property and persons of such aliens who had been convicted on a γραφὴ ξενίας of usurping the rights of citizenship, and of metoeci, who had been convicted on a charge of not having enrolled themselves under a προστάτης (γραφὴ ἀπροστασίου), or on a charge of having failed to perform their obligations to their προστάτης (γραφὴ ἀποστασίου), and for not having paid the resident alien tax of 12 drachms (τὸ μετοίκιον). [Metoeci.] They likewise put up for sale all property confiscated (δημιόπρατα, δήμευδόμενα). They had also the duty of setting up public inscriptions (στῆλαι, *C. I. A.* i. 61), and under the direction of the Archon Eponymus, who supervised the property of orphans, let out on leases the property of minors. They elected a president (πρύτανις); and their office, where they put up for auction the various kinds of property, was called τὸ πωλητήριον (cf. [Dem.] *c. Aristog.* 787, § 57, τὸ πωλητήριον τοῦ μετοικίου).

We find the office of πωλητὴς in other parts of Greece, as, for instance, at Halicarnassus (*Bullet.* v. 212), where there seems to have been but a single poletes instead of a board; whilst at Cos we find on an inscription a board of poletae letting out the contract for the setting up of a proxenia-decree on a pillar (Cauer,[2] 160), and a similar board of poletae giving out a contract for the engraving of a similar pillar accords to the agreement drawn up by the Architecton (Cauer,[2] 181). Finally, we find at Epidamnus, the colony of Corcyra, a functionary called poletes, elected annually. Plutarch (*Quaest. Gr.* 29) says that the Epidamnians being neighbours of the Illyrians, and finding that their citizens became corrupted in their trading with the barbarians, elected a poletes through whom all bargains and barterings were carried out. [W. Ri.]

POLITEIA, POLI'TES (πολιτεία, πολίτης). [Civitas.]

POLITOPHY'LACES. [Tagus.]

POLLICITA'TIO. [Obligationes.]

POLLINCTOR. [Funus.]

POLUS (πόλος), a word of various meanings, all however connected in some way with a sphere of revolution, the root of the word being the same which appears in πολέω and πέλομαι, which implies motion, especially motion round a centre. It is only the scientific meanings which will here be noticed, of which the best known is that which has reference to astronomy; the other, much rarer and derived from the former, referring to a part of the sun-dial [Horologium]. In astronomy, again, by far the most common meaning of *polus* or πόλος is the heavenly sphere or spheres, or vault of the sky, originally conceived of as solid: thus in the earliest passage in which πόλος occurs (Aesch. *Prom.* 427) Atlas is represented as supporting this sphere on his shoulders. Probably the word was not very ancient in the time of Aeschylus, for in Aristophanes (*Av.* 179–182) there is a formal explanation of it, and it is in his contemporary, Euripides, that it first becomes frequent (*Orest.* 1685; *Ion*, 1154, &c.). The account of the heaven accepted among Greek philosophers generally (though with variations) represented it as formed of concentric spheres, the outside sphere being that which contained the fixed stars, while the inner spheres, each having its own proper motion, contained the sun, moon, and five principal planets (which alone are visible to the naked eye). See Plato, *Timaeus*, p. 38, and the second book of Aristotle, *de Caelo*; in which book, especially in the latter half, are to be found acute observations, mixed with obscure reasonings. But it is to be remarked that both in *Timaeus*, 40 B, and *de Caelo*, ii. 14, πόλος is used, not for the entire heaven, but for the axis of heaven and earth, around which the whole revolved. Again, in the *de Caelo*, ii. 2, the πόλοι are the poles, north and south, in our sense of the word; and the same meaning is common in Latin, when the entire heaven is not intended (Plin. *H. N.* ii. § 63). Another mean-

ing altogether, the *orbit* of a star, is found in [Plat.] *Epin.* 986 C. (Cf. [Plat.] *Axioch.* p. 371 B; Alex. *ap.* Athen. p. 60 a; Ukert, *Geog. d. Griech. u. Röm.* vol. i. pt. ii. p. 115: and for the conception of heaven among the Greeks, Whewell, *Hist. of the Inductive Sciences*, vol. i. pp. 153 *sqq.*; Cornewall Lewis, *Astronomy of the Ancients*, which moreover takes notice of the point next to be mentioned.)

Connected with the most common astronomical meaning of πόλος, the revolving heavenly sphere, is the use of the word to mean a dial. The first scientific attempt to mark the time of day with exactitude was by constructing a hollow hemisphere, so placed as to catch the sun's rays on its interior surface, the axis of the hemisphere being parallel to the polar axis of the heavens. Then on this interior surface the path of the sun was marked by means of the shadow of a bead fixed on the axis of the hemisphere, or (which comes to the same thing) by the extremity of an index (γνώμων) reaching to the same point. The simple index or γνώμων, in the sense of an upright rod, had no doubt been used from very early times as a means of roughly measuring the time of day, by the length and direction of the shadows. But when to the γνώμων was added the above-described hemisphere, or πόλος as it was naturally called, from its being the counterpart of the heavenly πόλος, the result was a scientific sun-dial. Herodotus (ii. 109) uses the two words, πόλον καὶ γνώμονα, together, to describe the compound instrument, and he tells us, no doubt correctly, that the Greeks derived it from the Babylonians. (See Ideler, *Handbuch der Chronologie*, vol. i. p. 233, referred to by Grote, vol. ii. p. 155, in editions after the first; also Bahr's note on Herodotus *ad loc.*, with his references to Bailly, Delambre, Letronne, and Creuzer.) Vitruvius (ix. 9) tells us that this form of sun-dial (*hemicyclium*) was invented by Berosus, who lived at Babylon at the end of the fourth, and during the first part of the third, century B.C. But this, considering the passage in Herodotus, can hardly be correct; though Berosus may no doubt have improved the instrument, and his bust is represented on the base of a dial found at Palestrina. Besides Herodotus, Aristophanes mentions the πόλος in a fragment of the Gerytades, where it clearly means a sun-dial, and is explained as such (ὡρολόγιον) by Pollux (ix. 46), to whom we owe the fragment. Lucian (*Lexiphan.* 4) speaks of the γνώμων as overshadowing the middle of the πόλος, which shows clearly the relation between the two. (See also Alciphron, *Ep.* iii. 4.) Some interesting remarks on ancient sun-dials, with pictures in which the πόλος and its hour-lines are well illustrated, and another of a different make of dial, will be found in Mrs. Alfred Gatty's *Book of Sun-dials* (London, 1889), pp. 1–13, 391–404. [P. S.] [J. R. M.]

POLY'MITA. [TELA.]

POME'RIUM or POMOE'RIUM. As regards the spelling of the word, the latter, which accords more nearly with the etymology, is retained by Madvig, but most modern authorities have agreed that *pomerium* is the more correct (see Mommsen in *Hermes*, x. 40). The pomerium was a space left vacant on the inner side of a city wall (*post-moerium*): it did not, however, necessarily run parallel with the line of fortification; where it did not do so, and preserved only a religious significance, it was marked by a line of stone pillars (*cippi pomerii*, Varro, *L. L.* v. 143; *lapides*, Tac. *Ann.* xii. 24), which indeed, no doubt, were placed at intervals over its whole course. The original pomeria, it may be conjectured, followed the original ring-walls of associated bodies of citizens: hence if by conquest or federation new citizens were brought in and a larger *urbs* became necessary, the ring-wall, and with it the pomerium, was enlarged. It is probable that the first intention was to leave a clear space immediately within the walls for military reasons, that the defenders might have freedom of movement: and that what had become an invariable custom in the builders of walled cities, became a religion. The custom was common to Latins and Etruscans, and a town in the earliest times was founded as follows: —a bullock and a heifer were yoked to a plough, and a furrow was drawn round the place which was to be occupied by the new town, in such a way that the clods fell inwards: the furrow marked the ditch, the mound the ring-wall within it, and within that again was a certain space called the pomerium, its width marked by *cippi*, upon which no buildings could be erected. It is true that Livy (i. 44) states the pomerium to have been a space left vacant *both within and without* the wall; but Mommsen has shown good reason for rejecting this view, which rests on Livy alone, and for imagining that author to have been misled about a point of antiquarian knowledge (Mommsen in *Hermes*, x. 40; *Röm. Forschung.* ii. 23; *Staatsrecht*, i.³ 63). The language of Varro, "qui (orbis) *quia erat post murum*," &c., is decidedly against Livy's view; and so is the "per totius urbis circuitum pone muros" of Gellius, xiii. 14: the word itself can be only naturally explained on the theory that it was something "behind" the walls, *i.e.* protected by them (with which postliminium is probably to be compared); and moreover the fact that the Aventine, though within the Servian walls, remained outside the pomerium, can hardly allow us to conceive the pomerium as on the outer side of the fortifications.

Whatever may have been its first intention, the aspect in which the pomerium comes before us is its religious aspect. The space within it was called *ager effatus*, so named, according to Varro, vi. 53, "because the augurs have declared thereby where the limit for urban auspices should be in the direction of the fields without the city" (such is Mommsen's rendering), *i.e.* beyond what point the auspices would no longer be *urbana auspicia* (cf. Gell. xiii. 14; Varro, v. 143). The distinction is seen in the auspices for Comitia Curiata being within the pomerium, those for Comitia Centuriata outside, because this in its origin was a military levy: the general starting for a campaign must take them within the pomerium, but the bellica auspicia *after* his imperium began must be taken outside, in the camp, on the field of battle, &c. Crossing the pomerium did away with the effect of the military auspices; hence, if he came back to Rome, he must take the urbana auspicia over again for his return, and the bellica auspicia after he reached his army. This explains the obscure expression in Tac. *Ann.* iii. 19 (see Mommsen, *Staatsrecht*, i.³ 99; AUSPICIA). The

pomerium then included in its circle the dwellings of the urbs proper, but practically Rome soon went further, and was expressed technically by "urbs et urbi continentia aedificia."

The *antiquissimum pomerium*.—This ran within the old walls of the Palatine city, taking therefore a somewhat square form, and Mommsen is of opinion that this shape belonging to the templum was to some extent preserved in the subsequent pomeria, from their connexion with auspices; so that, when the Servian walls became more circular, the *cippi* left wider spaces here and there, even excluding great portions (such as the Aventine), and gave a more rectangular shape to the ager effatus. Tacitus (*Ann.* xii. 24) describes the pomerium of Romulus by four points—Ara Maxima, Ara Consi, Curiae veteres, and Sacellum Larium: the first three seem to mark the S.E., S.W., and N.E. corners of the Palatine (O. Richter). There is some difficulty in the "sulcus" including the Ara Maxima which seems to be outside the actual walls of the Palatine city; and it is also strange that if Servius extended the pomerium, he left the old cippi standing. Mommsen inclines to the opinion in Jordan, *Top.* ii. 26, that the cippi which Tacitus describes were placed later, to show the boundaries used for the lustration of the Palatine [LUPERCALIA]. Of the Servian cippi we have neither remains nor record, except that they did not include the Aventine, though his walls did: Gellius (xiii. 14) says that Remus made the Aventine unlucky for auspices: Varro (v. 43), that on this hill stood the temple of Diana common to Latins and Romans: Mommsen's theory, mentioned above, suggests another cause.

Enlargement of the Pomerium.—The *jus proferendi pomerii* belonged to the king who had added territory to Rome, and, even if this passed theoretically to dictator or consuls who "auxerunt fines imperii," it was never exercised after Servius until the dictatorship of Sulla (Dionys. iv. 13; cf. Liv. i. 44). It is true that some Latin writers speak as if we might expect it after any conquest (Sen. *de brev. vit.* 3; Tac. *Ann.* xii. 23; Gell. xiii. 14): but Tacitus himself in the next chapter mentions Sulla as the only conqueror under the Republic who did so. What his extension was, we do not know. Caesar professed to follow his example (Cic. *ad Att.* xiii. 20), but, if we believe Tacitus, did not do so, prevented perhaps by death. Detlefsen (*Hermes*, xxi. 513) takes Gell. *l. c.* and Dio Cass. xliii. 50, xliv. 49, to show that he carried out his proposal: see, however, on the other side, Mommsen, *Staatsrecht*, II.[3] 738. The same writer (ii.[3] 1072) gives good reasons for holding that Augustus did not enlarge the pomerium: if so, it may have been from reluctance to assume the *kingly* state; and so he instead constituted the fourteen regions. Of the emperors:—1. Claudius, after adding Britain and Commagene to the Empire, proceeded to enlarge the pomerium, including within it the Aventine, probably with a view of determining afresh the *templum* of the city (cf. Hulsen in *Hermes*, xxii. 615). Four of his *cippi* have been discovered (*C. I. L.* vi. 1231): they seem to bring his line nearly up to Mons Testaceus, to the inner border of the Campus Martius, and to the Porta Salaria. An inscription gives his claim "auctis populi Romani finibus pomerium ampliavit terminavitque." 2. Nero (Vopisc. *Aurel.* 21). 3. Vespasian and Titus, two of whose stones have been found with a similar inscription and numbered xxxi. and xlvii., one beyond the Pincian gate, the other near the Porta Ostiensis (*C. I. L.* vi. 1232). Hadrian did not extend the pomerium, but only marked it afresh (*C. I. L.* vi. 1233); one of his cippi was found not far from that of Claudius on the edge of the Campus Martius, and another near the Pantheon: it would appear that the Campus Martius was, at least till after Hadrian, outside the pomerium. The inscription tells us that the limits of a pomerium were arranged by the college of augurs, which agrees with Cic. *de Div.* ii. 35, 75. It will be seen that these extended pomeria, from Claudius onwards, were an ideal unwalled city; their limits were in some places beyond even the site of the later Aurelian walls, though in others considerably short of it. (Jordan, *Topog.* i. 323 ff.; Mommsen in *Hermes*, x. 40 ff.; *Röm. Forsch.* ii. 23 ff.; *Staatsrecht*, ll. cc.; O. Richter in Baumeister, *Denkmäler*, s. v. *Rom.*) [L. S.] [G. E. M.]

PO'NDERA (*σταθμοί*). In recent years the subject of Greek and Roman weights has received much attention, especially in connexion with the history of the coinage; and the researches of Boeckh, Hultsch, Mommsen, and Brandis have thrown light over what was before their time a most obscure field. The method of these inquirers, especially that of the two latter, has been scientific induction. In the ancient world coins were always struck on one or another of the weight-standards in use for commercial purposes, and in Greece the stater of gold or silver always bore a simple and definite relation to the talent and mina in use in the state where they were struck. In Rome the as was originally merely a pound of copper. Thus it is by weighing great quantities of coins that we are enabled to recover the weights in use in Greece and Italy, and trace the historical succession and the derivation of the various standards. When we have thus reached definite results, we can turn to the works of ancient writers on metrology with better hope of understanding them.

Weights of Babylon.—It is known from the testimony of cuneiform inscriptions that at a very remote period the people of that city developed an elaborate and scientific system of numerical notation, and applied it to the reckoning of time, of weights, and of measures. The basis of this system of notation was neither decimal nor duodecimal, but sexagesimal; that is to say, the first figure in the line represented units, the second sixties, the third 60×60, three thousand six hundreds, and so forth. The convenience of this system will be clear if we consider that sixty is divisible by both ten and twelve.

Of the sexagesimal division introduced by the Babylonians into the reckoning of time, traces remain to our own day: still sixty seconds make a minute and sixty minutes an hour. We also inherit from the Babylonians the division of a foot into twelve inches. This system of division was used by the Babylonians, and after them by the Greeks in the case of weights.

For the verification of Babylonic standards, we are not left to conjecture. Mr. Layard brought from the ruins of Nineveh a number of

weights, some in the shape of a lion and some in that of a goose or duck. These weights bear upon them complete and satisfactory legends, stating what they are, partly written in the cuneiform character, and partly in the Aramaic character which was commonly used in Asia Minor at the time of the Assyrian dominion. The name of the king in whose reign they were made is added, so that our information regarding them is of the most definite character.

A detailed account of these weights is given by Mr. E. Norris in the *Journal of the Royal Asiatic Society*, vol. xvi., by Dr. Brandis (pp. 43 *sqq.*), and in the ninth *Report of the Warden of the Standards*. The facts established by them may be briefly put. They show that under the Assyrian Empire there were in use in Mesopotamia, Syria, and Asia Minor two principal standards of weight. The minas of these two standards were related one to the other in the proportion of 2 to 1. The mina of the heavier standard weighed about 1010 grammes or 15,600 grains troy; the mina of the lighter standard, 505 grammes or 7,800 grains. Whether the two standards had different origins, or represent only a different mode of calculation, is obscure.

It can scarcely be a coincidence that the sixtieth parts of these two minae, the heavier sixtieth weighing 260 grains (16·8 grammes) and the lighter weighing 130 grains (8·4 grammes), were the weights according to which many of the earliest gold coins of Asia Minor were struck. This fact seems to prove that the weights in question had long been in use in that district for the precious metals, before coins were invented. According to the view of Brandis, accepted by Mr. Head, the heavier sixtieth was the accepted unit in Phoenicia; whereas the lighter travelled overland to Lydia, and thence reached the Greek colonies of the coast of Asia Minor.

On the ground of Homer's mention of the talent, which mention proves at any rate that fixed standards of weight for gold and other metals were in his time current, Mr. Ridgeway has maintained (*Journal of Hellenic Studies*, viii. 133) that by the Greeks, even in the Homeric age, gold bars of the weight of 130 grains were regarded as the equivalent of an ox, and gold bars of 260 grains as the equivalent of a yoke of oxen. But granting the probability of the fact, it seems most likely that the Greeks did not arrive at the gold bar of 130 grains by an empirical process, but derived it directly from some metrological system in force among their neighbours, and perhaps arbitrarily regarded it as equivalent to an ox under ordinary circumstances. If either gold or oxen became abnormally scarce, of course the equation would no longer hold good.

From the gold shekel of 130 or 260 grains, whencesoever the weight was derived, the peoples of Asia Minor and of Syria seem to have formed metrological systems. By multiplying by 50, they formed minae of 6,500 and of 13,000 grains, and from these minae again talents of sixty times those weights. All this appears to have taken place before coins were in use, while the currency of the precious metals consisted only of bars or rings.

It is clear that in the circulation of the precious metals two plans might be adopted. Either bars both of gold and of silver might be current of the weight of the shekel, which would exchange against one another at any time or place according to the proportion between the value of silver and that of gold; or else different standards of weight might be adopted for the two metals, and bars of gold and of silver issued of such weight that a round number of the silver bars would exchange for one of the gold. In point of fact, both these courses were adopted at various periods in the countries of Western Asia and Europe.

In his list of the Persian tribute (iii. 89 *sqq.*), Herodotus reckons the proportionate value of gold to silver as 13 to 1. This proportion seems to have been fixed by custom, and not to have changed during the Assyrian and Persian empires. Mommsen and Brandis, however, agree that the relation would be more exactly expressed by the figures $13\frac{1}{3}:1$ or $40:3$. In practice the rule of Herodotus might be maintained in small transactions, but there seem to be grounds for holding that in dealing with large sums the fraction was taken into account. Had the fixed proportion been 12:1 or 10:1, bars of gold and silver of the same weight would have exchanged conveniently one against the other. Indeed, in Greece at various periods, this did take place. But the awkwardness of the relation 13 or $13\frac{1}{3}$ to 1 necessitated in Asia the adoption of a different standard for silver, in order that a round number of the current bars of silver should exchange for one of gold.

According to the theory of Brandis the Phoenician standard for silver, which was certainly in use from early times to late times, was formed on this principle from bars of gold weighing 260 grains. Multiply 260 by $13\frac{1}{3}$, and we get the weight of the silver equivalent of this unit, 3466 grains. Dividing this again by 15, we get a convenient bar of silver of the weight of 231 or 230 grains of the value of the fifteenth part of a gold shekel. Thus four gold shekels would be equivalent to 60 bars of silver formed on this new unit. We have reason to believe that the silver currency in Syria and Phoenicia before the invention of coining was, in accordance with the standard afterwards followed in the earliest coins, composed of bars of metal of about 230 grains each, of which fifteen went to a gold shekel.

In Asia Minor and Lydia the ordinary unit of value in gold weighed but half this amount, 130 grains. Its silver equivalent was 1720 or 1730 grains. This sum was represented in the currency by ten bars of about 172 grains each, which would together be equal in value to a bar in gold. From this new silver unit, 172 grains, were formed, by multiplying by 50, a mina of about 8,600 grains and a talent of 516,000 grains, which were known among the Greeks as the Babylonian silver talent and mina. Dr. Brandis tries to show that these were in use in Mesopotamia as early as the 16th century before our era. In any case, it is clear from the testimony of Herodotus that they were in use in Persia for estimating the tribute paid in silver by subject nations. The passage, indeed, in which Herodotus sums this tribute (iii. 89) is perplexing, and certainly corrupt, since his

totals do not represent the sum of his items. As the passage stands, the Babylonian talent is said to be equivalent to 70 Euboic minae. But Mommsen, by an emendation universally accepted (*Röm. Münzwesen*, p. 22), alters the figures to 78, so making Herodotus consistent. 78 Euboic minae give a weight nearly equal to that above attributed to the Babylonic silver talent.

In Egypt, in early times, the weights used were the *kat* and the *outen* or *ten*, which was its tenfold. Various metrologists have given different values of the kat; and as existing Egyptian weights vary considerably in force, no accurate determination is possible. The generally received values are, for the kat about 9 grammes or 140 grains, and for the ten 90 grammes or 1400 grains. Various attempts have been made to derive from these Egyptian weights those current in historical times in Greece. And in fact the smallness of the difference between the kat and the lighter shekel of Babylon seems to indicate that they had either a common or a parallel origin. We cannot, however, prove that Egyptian weights were used out of Egypt, while the Aramaic inscriptions on the Assyrian weights prove that they were in use in countries where the Aramaic writing was used; that is to say, in Asia Minor or N. Syria. Brandis also has argued that when certain weights of precious metal are recorded in Egyptian inscriptions as paid by way of tribute by the peoples of Syria, the sum, though expressed in Egyptian weights, almost always consists of a round number of Babylonish shekels. So far therefore as research has at present gone, it would seem that the monetary systems of Syria, Asia Minor,

	Part of Talent.	Heavy System.				Light System.			
		Grammes.	Grains.	Avoirdupois. lbs.	oz.	Grammes.	Grains.	Avoirdupois. lbs.	oz.
I. Babylonic Talent for weighing goods.									
Talent	1	60,600	936,000	133 1/2		30,300	468,000	66 6/7	
Mina	1/60	1,010	15,600	2	3 2/5	505	7,800	1	1 5/16
Sixtieth	1/3600	16·83	260		9/16	8·41	130		3/16
II. Babylonic Gold Talent.									
Talent	1	50,490	780,000	111 3/7		25,245	390,000	55 5/7	
Mina	1/60	841·5	13,000	1	13 3/7	420·7	6,500		14 6/7
Shekel	1/3600	16·83	260		9/16	8·41	130		7/16
III. Babylonic Silver Talent.									
Talent	I	67,320	1032,000	147 3/7		33,660	516,000	73 5/7	
Mina	1/60	1,122	17,200	2	7 1/3	561	8,600	1	3 2/3
Shekel	1/3600	22·4	344		4/5	11·2	172		2/5
IV. Phoenician Silver Talent.									
Talent*	1	44,700	690,000	98 4/7		22,350	345,000	49 2/7	
Mina	1/60	745	11,500	1	10 2/3	372·5	5,750		13 1/4
Shekel	1/3000	14·9	230		1/2	7·45	115		

* Brandis (p. 103) reckons the Phoenician talent at 43,650 grammes, remarking that the Phoenician standards were somewhat debased from those of Babylon; but as a matter of fact the coins struck on the Phoenician standard often weigh for the shekel 230 grains.

Greece, and Italy were derived rather from Babylon than from Egypt.

The silver talent in use among the Jews was that of the Phoenicians in its heavier form. To quite a late date the Jewish mina weighed 11,500 grains and the shekel 230. This is sufficiently proved by the statements of Epiphanius (Hultsch, *Metrolog. Script. reliqq.* p. 265) as well as from the testimony of a Jewish stone weight with the legend PONDO . CXXV. TALENTVM SICLORVM III.: whence it appears that the Jewish talent weighed even in Roman times as much as 125 Roman pounds, 637,500 grains, which is but a little below the heavy Phoenician standard (see table); and contained 3,000 shekels.

We have reason to believe that the Phoenician weight was in use also at Carthage; having doubtless accompanied the emigrants from the mother-country. For the coinage of Carthage, which does not however begin at an early period, is chiefly struck on the Phoenician standard, and slightly heavier than the money of Tyre and Sidon. And no doubt the Carthaginians, like the Phoenicians, applied the same standard they used for money in weighing other articles.

Derivation of Greek Monetary Standards.— We have already seen what were, before the invention of coinage, the principal monetary standards in use in Western Asia. These we will briefly recapitulate, and assign them names, in order that we may cite them with more convenience hereafter. First, there was the heavy Babylonian gold standard, with its shekel of 260 grains. Next there was the light Babylonian gold standard, with its shekel of 130 grains. Next there was the Babylonian silver standard, of which the unit weighed 172 grains. Last, there was the standard called by Brandis Graeco-Asiatic, but which, as it originally spread from Phoenicia, we shall prefer

to call the Phoenician. It was used only for silver, and its unit weighed about 230 grains. It is probable that from one or other of these four units all monetary systems, except those of the ancient Chinese and the modern French, have been derived.

Considering the vigorous commercial activity of the Phoenicians in the eighth and ninth centuries before our era, it cannot appear surprising if the standards adopted by them spread more rapidly and obtained wider currency than the standards which were transmitted by land only. In particular they spread to the Greek cities of the Asiatic coast, which were at this time far superior in wealth and splendour to the cities of Greece proper. Ephesus and Miletus, Phocaea and Smyrna, learned to accept as units of value the heavy Babylonian gold shekel of 260 grains, and the Phoenician silver shekel of 230 grains. And from Ephesus and Smyrna the Phoenician silver standard passed to Sardis, the wealthy capital of the Lydian kings, though the greater part of the Lydian money was minted on the Babylonian standard which reached the country by land.

The credit of inventing the idea of money—that is, of stamping an ingot of metal of fixed weight with an official die, which should guarantee its quality and value—belongs to the Lydians. Herodotus (i. 94) states that this people were the first to strike coin in gold and silver. But probably the earliest coins were neither of gold nor of silver, but of electrum, which is a natural mixture of those two metals, found in the bed of the Pactolus and other rivers of Asia Minor, and reckoned by the Greeks as a separate metal. [See ELECTRUM.] Whether ingots of electrum unstamped had previously been current, we cannot say; but it is likely. If we are to suppose, with Brandis, that by a fixed convention the value of the Lydian electrum was regarded as $\frac{2}{3}$ of that of gold, gold standing to silver in the relation of $13\frac{1}{3}$ to 1 as regards value, electrum would appear to have stood to silver in the relation of 10 to 1. In this proportion recent metrologists have found an explanation of the fact that the electrum was struck upon the standard used for silver and not that used for gold, each of the new coins of electrum passing for ten of the previously used bars of silver. We must, however, observe that the proportion of value between gold and electrum cannot be regarded as ascertained fact.

The claim of the people of Lydia to have invented money is usually allowed by numismatists. The invention appears to belong to the seventh century, when Lydia was ruled by the Mermnadae. It spread to the towns of the Ionian coast, and thence with decreased rapidity south and west. The great bulk of the early electrum coins are struck on the Phoenician silver standard. In their division the duodecimal system prevails; the third, fourth, sixth, twelfth, and twenty-fourth parts of the stater being usual. Some of the early coins of Lydia are on the Babylonic silver standard. This, however, was not used out of Lydia. Electrum pieces on the Phoenician standard, on the contrary, were struck in a host of cities; including Sardes, Miletus, Chios, Samos, Lampsacus, and even the distant Aegina. A few cities, such as Samos and Eretria, seem in the earliest times to have struck electrum coins on the Babylonic gold standard. For further details as to the early electrum coinage, see ELECTRUM and the authorities there cited.

The city of Phocaea, which enjoyed great wealth and prosperity during the half-century previous to its destruction by Harpagus, the general of Cyrus, issued at that period coins of dark electrum, containing a considerable proportion of gold, minted on the heavy Babylonian gold standard,—coins which seem during the earlier half of the sixth century to have pushed their way on the Asiatic coast, and in many places to have taken the place of the Milesian electrum. (Head, *Numismatic Chronicle*, xv. 272.)

The supersession in Asia of the electrum coinage by one of gold and silver has been generally regarded as the work of Croesus. This able and wealthy monarch is supposed to have recognised the fact that electrum, in consequence of its varying purity and value, is ill-fitted to be a measure of value, and so to have stopped the issue of electrum coins in the mint of Sardes, and in the place of them to have substituted pieces of pure gold struck on the light Babylonian gold standard (126 grains) and pieces of fine silver struck on the Babylonian silver standard (168 grains). Of these coins, which bear as type the head of a lion and the head of a bull, many specimens survive to our day. Ten of the silver pieces were equal in value to one of the gold, being considerably heavier. It is, however, the view of M. Six that this monetary reform was the work not of Croesus, but of his Persian conqueror, Cyrus (Head, *Historia Numorum*, p. 546). Darius, son of Hystaspes, regulated the internal affairs of the Persian Empire, and introduced a state coinage on the model of that of Lydia, which continued unchanged until the overthrow of the Persian Empire by Alexander the Great.

The coinage of gold he claimed as his own peculiar privilege, and insisted on his exclusive right in this matter with so much vigour that it became a settled principle of Persian rule that no power in Asia, save the Great King only, had the right to issue money of gold. The staters of Darius were in weight identical with those of Croesus (128–130 grains). They were called Darics, perhaps from the king who instituted them; also *τοξόται*. [See DARICUS.] Darius issued also silver coin, in shape and type similar to the gold. He adopted as his monetary unit the half of that of Croesus, at the same time somewhat raising the standard. Thus the silver pieces called *σίγλοι* or shekels weighed about 86 grains, and twenty of them were equivalent in value to a Daric. [See SIGLUS.] But the right of issuing silver money was not reserved exclusively to the king. Satraps, especially when in command of military expeditions, were allowed to strike in silver, to adopt any types or devices they might think proper, and even to place their names on the coin. The cities of the Asiatic coast, of Lycia, and of Cyprus were allowed to have coins of their own. In these cases the standard was the same as that of the siglos, but the pieces issued were usually of the weight of two sigli (about 172 grains). The cities of Phoenicia, on the other hand, which issued silver coin in great abundance, retained, Aradus excepted,

their ancient silver standard. Such was the general nature of the Asiatic issues of coin until the Persian Empire fell.

But we must now trace the rise of coining in Greece proper; and for this purpose return to a period before the date of Darius. We have already mentioned that, probably as early as the seventh century B.C., the cities of Euboea minted electrum on the Babylonian gold standard (130 grains), and Aegina on the Phoenician silver standard (230 grains). At this period the cities of Euboea, together with Corinth and Aegina, were the great commercial states of Greece. So it is not surprising that with these issues in electrum all the coinage of Greece proper took its rise. A coinage in electrum, however, could not exist long in Greece, for the substance of which it was formed had to be imported from Asia Minor. Silver, on the contrary, was abundant in Hellas, being procured in large quantities and many places, especially in Thrace. [See ARGENTUM.] It was therefore natural that the cities of Greece proper should have adopted silver for their currencies. But in so doing they adhered in the main, as we shall see, to the standards which had reached them from Asia.

Herodotus states that it was Pheidon, king of Argos, who regulated the measures of the Peloponnese (Herod. vi. 127); and Ephorus, quoted by Strabo (viii. pp. 358 and 376), says that he struck *νόμισμα τὸ τε ἄλλο καὶ τὸ ἀργυροῦν* at the island of Aegina. Certainly some of the earliest of the coins of Greece proper were the electrum and silver money of Aegina, bearing the type of a tortoise. According to Herodotus (vi. 127), Pheidon's son was one of the suitors of Agariste, daughter of Cleisthenes of Sicyon. If this be true, his date must be brought down to that of Cleisthenes, about 600–580 B.C.; and we agree with Unger, who has discussed the whole question of the date of Pheidon in the *Philologus* (vols. 28, 29), that there is good reason to believe that there was a Pheidon ruling in Argos at that period. The testimony of Herodotus is too clear and explicit to be rejected. And this king it must certainly have been who introduced coins into Greece. It is contrary to all evidence to place that introduction at so early a period as the eighth Olympiad.

Whether it was this Pheidon who also regulated the measures of the Peloponnese may be considered more doubtful. That the same ruler regulated the weights also is not stated by Herodotus, but is probable. That there was an earlier Pheidon is proved by a mass of testimony; and the explicit statement of Pausanias (vi. 22, 2) that he presided at the eighth Olympic festival appears too definite to be disputed. The conjecture of Weissenborn, who wishes to substitute twenty-eighth for eighth, is rightly rejected by Unger, and has indeed nothing in its favour, besides being quite inconsistent with the testimony of Herodotus; and it may be this earlier Pheidon who regulated Peloponnesian weights and measures.

In any case we may allow the truth of the tradition that silver coin was first struck in Hellas proper in the island of Aegina. Of this very primitive coinage we possess many specimens. Their type is a turtle, the emblem of the Phoenician goddess of trade. One specimen in the British Museum weighs 211 grains, but few weigh more than 200 grains. It is difficult to determine whence the Aeginetans or Argives derived this standard, which is called the Aeginetan. It is possible that it is merely a slightly degraded form of the Phoenician. Argos had been from early times in constant commercial intercourse with the Phoenicians, and long before the invention of coinage the Argives must have been in the habit of using bars of metal of fixed weight. It is possible that Pheidon, in regulating the weight of the Aeginetan stater, thought best to adapt it to the Babylonic gold standard, which was already in use, as we shall see, in some parts of Greece for silver. The Babylonic stater weighing 130 grains, he may have lowered the standard of Phoenicia (supposing that to have been in use at Argos) so that his new staters should weigh 195 grains, and two of them exchange for three of the Babylonic staters. Of late years attempts have been made to deduce the Aeginetic mina from the water-weight of the cube of the Olympic foot, and so to connect it with Hellenic systems of metrology.

These, however, are speculations; what is certain is, that the scale of the coins with the tortoise on them, a scale henceforward called Aeginetan, spread with great rapidity over Greece. It was in the sixth century used everywhere in Peloponnesus except at Corinth, and was the customary standard in the Cyclades; in Thessaly, Boeotia, and the whole of Northern Greece, except Euboea; and some parts of Macedon. Its weights are as follows:—

	Grammes.	Grains.
Talent	37,800	585,000
Mina	630	9,750
Stater (didrachm)	12·60	195
Drachm	6·30	97
Obol	1·05	16

It will be seen that we here reach new terms,—stater, drachm, and obol. The first is but a rendering of the Semitic word *shekel* [see STATER]. But the other terms are of Greek origin. The drachm became in Greece the unit in which calculations of weight and of money were made, and the obol, which was the sixth part of the drachm, was the coin used for small payments. [See DRACHMA.]

The only other standard in use in Greece proper before the time of Solon was the Euboic. This was identical with the light Babylonian gold standard. The silver staters struck on the Euboic standard at Chalcis and Eretria weighed about 130 grains. This Euboic standard obtained currency in some other parts, such as the island of Chios. Herodotus in his account of the tribute paid by the Persian Satrapies (iii. 89) states that the gold was measured by the Euboic standard, clearly identifying it with the Persian official standard according to which the Darics were coined. In the course of the fifth century B.C. we find Cumae in Campania and other Euboean colonies striking on a standard which is apparently the Euboic, the coins weighing from 120 to 110 grains. But about the middle of the sixth century B.C. the Attic standard arose, and it is impossible to distinguish henceforth the history of the Euboic from that of the Attic standard.

In the time of Solon the standard used at Athens for weighing both merchandise and the precious metals was the Aeginetan. Whether actual coins were minted then at Athens is uncertain; at all events, none survive to our day. It is probable that Athens was still trading with bars of silver of Aeginetan weight, or adopting the rude coins issued in quantities by Aegina and copied in all parts of Greece. Solon, as we are told by Plutarch (*Solon*, 15), introducing his laws for the relief of debtors, the celebrated σεισάχθεια, ordered that the standard of the drachm should be lowered to $\frac{73}{100}$ of what it had previously been; that is to say, that the weight of the drachm should be lowered from 95 grains to 68, but that debts contracted in the old currency might be discharged in the new, the debtors thus gaining 27 per cent. The Aeginetan *mina* was still retained as a weight for merchandise, as we know both from several surviving specimens of Athenian weights, and from the testimony of a popular decree of later time (Boeckh, *C. I.* 123), which reckons the commercial mina at 138 silver drachmas. Further, Priscian states the larger Attic (commercial) talent, which was of course equal to 60 of its own minae, to be equivalent to 83⅓ of the ordinary minae. These three testimonies agree then accurately as to the relations of the pre-Solonic and the Solonic weights of Attica; and as the coins of Athens of the Solonic standard survive in great quantities, there is nothing in the above account which admits of any doubt. It may indeed excite surprise that Solon should have lighted on so strange a proportion as $\frac{27}{100}$ for the reduction of the coin. Most recent writers have supposed that his motive was to assimilate the new standard to the Euboic, which it only slightly exceeds in weight; but there is here room for doubt. For it does not appear why, if such were his intention, he should not have at once adopted a depreciation of 33 per cent. If he had issued the new coin of two-thirds the weight of the old coins or bars, he would have given greater ease to debtors, have lighted on an easy and simple proportion, and almost exactly adopted the existing Euboic weight. Attention is due to an ingenious suggestion put forth by Mr. Poole (*Dict. of the Bible*, art. "Weights and Measures") that the new Solonic standard is more likely to have been borrowed from Egypt than from Asia Minor. We have already seen that the Egyptian unit of weight, the kat, weighed about 9 grammes or 140 grains, and the Solonic drachms of Athens are thus nearly of the weight of half a kat. The intercourse between Egypt and Attica was in Solon's time very close; and it is far from improbable that in departing from the national standard of the Greeks he should adopt that of Egypt.

The weights of the units of the Solonic standard, henceforward known as the Attic, are as follows:—

	Grammes.	Grains.
Talent	26,400	405,000
Mina	440	6,750
Drachm	4·40	67·5
Obol	·73	11·25

The ordinary coin was the tetradrachm of about 270 grains.

The only remaining standard early used in Greece proper was the Corinthian. This has the same unit of value as the Euboic; namely, a stater of 130 grains, the weight of which rises under Athenian influence to 135 grains. But in the subdivisions of this stater the Corinthian mint took a line peculiar to itself. With it the drachm was not half but a third of this unit, and the obol again a sixth part of that:—

	Grammes.	Grains.
Stater	8·80	135
Drachm	2·93	45
Obol	·49	7·5

As many of the Corinthian coins bear marks of value, this fact cannot be disputed. Also Thucydides (i. 27) mentions the Corinthian drachm as a thing apart. The reason of this method of division has been disputed. Mommsen (p. 61) is inclined to see in it a reminiscence of the Asiatic origin of the weight. But it is not improbable that the Corinthian drachms of 45 grains were intended to pass as Aeginetan hemidrachms, of which the weight was about the same. The money of Aegina and Athens would naturally meet in the market of Corinth; and the Corinthian coin seems to have been specially adapted to mediate between the two.

We must now follow the course of the invention of money westwards to Italy and Sicily. It is almost certain that when the people of Phocaea migrated to Velia in Italy, about B.C. 543, they took with them the art of coinage. But at about this period the Achaean cities of Southern Italy—Sybaris and Poseidonia, Rhegium and Caulonia, with Croton, Tarentum, and other towns—were already issuing money much of which still remains in our Museums, and is remarkable for bearing the same type on both sides; on one side in relief, on the other in intaglio. This money is apparently struck on the Euboic standard which the people of Chalcis and Corinth had already introduced in these regions. At some cities the drachm is half the stater, as in Euboea; in some a third of it, as at Corinth. Its date is certain, for we have specimens minted at Sybaris and Siris, which were destroyed not later than B.C. 510. At about the latter date Syracuse as well as Zancle, Naxos, and other Chalcidian colonies in Sicily began to issue coin. The Chalcidian cities, for some unexplained reason, began by issuing pieces weighing about 90 grains, which must therefore either be drachms of the Aeginetan, or, more probably, didrachms of the Corinthian standard. But they soon adopted—as Syracuse, Gela, and Leontini did from the first—the Attic standard, and struck coins as follows:—

Tetradrachm	270	grains.
Didrachm	135	,,
Drachm	67·5	,,
Hemidrachm	33·75	,,
Obol	11·25	,,

But, in addition to the obol, we find at Syracuse a litra weighing about 13½ grains. In order to explain its relation to the other coins, it is necessary to give some account of the systems of weighing and the monetary systems of Italy and Sicily. (See below, p. 455.) Among the purely Greek cities of these regions we do not find, until a comparatively late period, any

standards in use for money except the Euboic and the Attic.

Monetary Standards of Greece at the time of the Peloponnesian War.—If we attempt a general survey of the standards employed by the Greeks for money, say at about the year B.C. 420, we must confine ourselves carefully to generalities. The monetary history of each city is a study, sometimes an intricate one, and we might often fail to find reasons for the adoption of this or that standard in turn. But a more general survey is not impossible. In Sicily, as has already been stated, the Attic standard was universal; the ordinary coin was the tetradrachm; didrachms, hemidrachms, and obols were in use, and decadrachms occasionally struck. [See DAMARETEION.] In Italy, that is, the Greek colonies of S. Italy, the Euboic standard, appreciably lower than the Attic, was in general use; but the standard coin was not the tetradrachm, but the didrachm, which is said at Tarentum to have been called *νοῦμμος*. [See NUMMUS.] In Hellas proper, including Epirus and Thessaly, the Aeginetan standard was almost universal. The exceptions were Athens, where the Attic standard prevailed; and Corinth, together with the Corinthian colonies in Acarnania, which minted as was natural on the Corinthian standard. The iron money of Laconia was of Aeginetan standard, the *πέλανορ* being of the weight of an Aeginetan mina. Crete and the islands near the European coast also used the Aeginetan weights. In Macedonia several standards were in use. The kings of Macedon in the fifth century used the Persian silver standard for their coins; but the cities of Chalcidice mostly used the standard of their Euboean mother-city, somewhat raised, in fact raised nearly to the Attic level; and the rude tribes of Mount Pangaeum, who coined very largely, used a somewhat degraded form of the Persian or Babylonian silver standard, their staters not weighing more than 160 grains.

On the shores of the Black Sea the Persian standard was almost universally in use; Sinope, Amisus, and other cities issuing large numbers of coins of the weight of the Persian siglus,—that is, of about 86 grains. Probably three of these prices went in exchange for an Attic tetradrachm. In other parts of Asia Minor, in some of the Ionian cities, as Colophon, in Lycia and Cyprus, the same Persian standard was in use; but in the southern district the double siglus of 170 grains or thereabouts was more usual than the single one. Some of the great cities of the west coast retained the Phoenician silver standard, which, however, varied somewhat from place to place. At Ephesus the stater sometimes exceeded 230 grains; at Samos it seldom weighed more than 205 grains. The Samian standard ruled in the African colony of Cyrene. The cities of Phoenicia about this time began to strike coins on their original standard. At this time no gold coin except the Persian Darics was anywhere current. But electrum coin was issued in great quantities by the city of Cyzicus. The standard used by that city was the Phocaic of 260–250 grains, and the denominations issued were the stater and the hecte or sixth. [See STATER and HECTE.] Lampsacus also issued electrum coin.

History of Coinage in the Levant after B.C. 420.—In 408 B.C. the city of Rhodes was founded. The origin of this city coinciding so nearly with the humiliation of Athens by Lysander, the commerce of Rhodes spread rapidly over all seas. The Rhodians adopted from the first a standard of their own, which seems to have been a variety of the Phoenician. Their tetradrachm weighed at first 240 grains, though in the course of a century it sank to 220 grains. This standard made its way in the fourth century rapidly among Greek states. King Mausolus of Caria adopted it. And even the distant Olynthus, head of the Chalcidian league, struck money on the same standard: thence it was adopted by Philip of Macedon for his silver coin.

The early years of the fourth century saw a copper or rather bronze coinage spring up in most cities of Greece proper and the Greek colonies in Italy and Sicily. Hitherto for small change the Greeks had used minute pieces of silver. Pieces of the weight of two grains troy, representing two chalci or the fourth part of an obol, were commonly used at Athens, and survive to our day. Copper money was at first scouted, as we see from the language of Aristophanes (*Eccles.* 818), but it gradually made its way by its superior convenience. At about the same time gold was first minted by Greeks. Small pieces first make their appearance in Sicily; but before the middle of the fourth century gold staters struck on the Attic standard were issued in considerable numbers by Olynthus, Panticapaeum, Athens, Lampsacus, Cius, Rhodes, and other cities, eventually driving out of circulation the electrum money of Cyzicus and Lampsacus.

When Philip of Macedon acquired the gold mines of Thrace, he began issuing large quantities of gold coins with his own types. And as in the case of his issues in silver, so in those in gold, he adopted the standard already current in Chalcidice, the wealthiest and most civilised part of his dominions. That is to say, he minted gold didrachms of the Attic standard, those didrachms which soon became notorious all over the world. They opened to Philip the gates of many a Greek city, they constituted the greater part of the wealth of the capitalists in Greece and Italy, and they were copied by the barbarous nations on the northern frontiers of Greece and even by the remote tribes of Gaul and Britain.

But, as in other departments of Greek activity, so in the coinage, the greatest of epochs is furnished by the life of Alexander the Great. Alexander adopted throughout his vast dominions the Attic standard of weight for both silver coins and gold. We must pause for a moment to consider his objects in taking this measure. Hitherto almost all cities which issued both gold and silver, Athens excepted, had used a different standard for the two metals. The ratio of value between gold and silver being, as we have above seen, as $13\frac{1}{3}$ to 1, it was necessary that the standards should be different in order that a round number of silver staters should exchange for one gold stater. In Asia the Euboic standard was in use for gold, and either the Babylonic silver standard or the Phoenician for silver. Gold was seldom minted in Europe; but the states, such as the Olynthian league and Macedon, which did issue gold coin, minted

it of Attic weight, at the same time that they adopted for their silver one of the Asiatic standards. This procedure was obviously desirable so long as the old relation of value between gold and silver was maintained. But in the time of Philip of Macedon, consequently on the active use made by that king of the rich gold mines of Thrace, the value of gold in proportion to that of silver fell. Alexander seems to have perceived that in consequence it was impossible to maintain a double standard and to secure that a certain number of silver staters should always pass for a gold one. He therefore minted both metals on one standard, in order that when the ratio of value of silver to gold was 1:12 a gold didrachm should exchange for six silver tetradrachms, when the ratio was 1:10 a gold didrachm should exchange for 5 tetradrachms, and so forth. It was no doubt stated or else implied in all promises of payment whether gold or silver was to be the metal employed.

Gold continued to be minted in the name and with the types of Alexander in many cities of Asia for many years after his death, and silver for more than a century longer.

The successors of Alexander coined in their various cities immense quantities of money in gold and silver. The Ptolemies of Egypt used the Phoenician standard for both gold and silver, but the Attic standard was the one in general use by the kings of Macedon, Syria, Pergamus, Bithynia, Bactria, and India, as well as by the Parthians. But it would be a mistake to suppose that all issues except regal ones came to an end, either in Asia or Europe. In Asia we find cities like Ephesus, Miletus, Colophon, and Rhodes, continuing their old coinages, with types and even standards unchanged. In European Greece some cities, such as Athens, Corinth, and Elis, continue their issues as of old, altering the style of their coins to suit the taste of the age. But a new feature is presented by the federal coinages of the new political leagues. The cities of the Achaean league issue a uniform series of coins, only bearing at each city a different monogram or mint-mark. Their silver coins are Aeginetan hemidrachms, or, which is the same thing, Corinthian drachms. The Acarnanian and Aetolian leagues follow the Aeginetan standard.

The only great innovation which takes place after this in the coinage of Asia Minor is the introduction of the coins called Cistophori, on account of their type, which is the *cista mystica* of Dionysiac worship. These coins were first

GREEK COINAGE.

	No. of drachms or part of a drachm.	Phoenician, Rhodian.	Babylonic, Persian.	Samian.	Aeginetan, Cistophoric.	Euboic.	Attic.	Corinthian.
Dodecadrachm.	12	690						
Decadrachm .	10	575					675	
Octadrachm .	8	460						
Tetradrachm .	4	230		210		260	270	
Tridrachm .	3							135
Didrachm . .	2	115	172	105	194	130	135	
Trihemidrachm	1½							67·5
Drachm . .	1	57·5	86	52·5	97	65	67·5	45
Tetrobol . .	⅔	38·3	57·3	35		43·3	45	
Hemidrachm .	½	28·7	43	26·2	48·5	32·5	33·7	22·5
Diobol . . .	⅓	19·2	28·6	17·5	32·3	21·6	22·5	15
Trihemiobol .	¼	14·3	21·5	13·1	24·2		16·8	11·2
Obol . . .	⅙	9·6	14·3	8·7	16·1	10·8	11·2	7·5
Tritartemorion	⅛	7·2	10·7		12·1		8·4	
Hemiobol . .	1/12	4·8	7·1	4·3	8	5·4	5·6	3·7
Tetartemorion	1/16	2·4	3·6		4		2·8	1·8

Attic Standard.

	Gold.			Electrum.			Silver.		
	£	s.	d.	£	s.	d.	£	s.	d.
Talent . . .	3375	0	0	2531	5	0	210	18	9
Mina . . .	56	5	0	42	3	9	3	10	3¾
Decadrachm .	5	12	6	4	4	4½	0	7	0½
Tetradrachm .	2	5	0	1	13	9	0	2	2¾
Didrachm . .	1	2	6	0	16	10½	0	1	5
Drachm . .	0	11	3	0	8	5¼	0	0	8¼
Hemidrachm .	0	5	7½	0	4	2¾	0	0	4⅛
Obol . . .	0	1	10½	0	1	5	0	0	1½
Hemiobol . .	0	0	11¼	0	0	8½	0	0	0¾

	Aeginetan.			*Phoenician.*					
	Silver.			Electrum.			Silver.		
	£	s.	d.	£	s.	d.	£	s.	d.
Talent . . .	303	2	6	2156	5	0	179	13	9
Mina . . .	5	1	0½	35	18	9	2	19	10¾
Decadrachm .	0	10	1¼	3	11	10½	0	6	0
Tetradrachm .	0	4	0½	1	8	9	0	2	4¼
Didrachm . .	0	2	0¼	0	14	4½	0	1	2⅛
Drachm . .	0	1	0	0	7	2¼	0	0	7⅛
Hemidrachm .	0	0	6	0	3	7	0	0	3½
Obol . . .	0	0	2	0	1	2½	0	0	1¾
Hemiobol . .	0	0	1	0	0	7¼	0	0	0¾

Persian (silver standard).

	Gold.			Electrum.			Silver.		
	£	s.	d.	£	s.	d.	£	s.	d.
Talent . . .	4300	0	0	3225	0	0	268	15	0
Mina . . .	71	13	4	53	15	0	4	9	7
Decadrachm .	7	3	4	5	7	6	0	8	11¼
Tetradrachm .	2	17	4	2	3	0	0	3	7
Didrachm . .	1	8	8	1	1	6	0	1	9¼
Drachm . .	0	14	4	0	10	9	0	0	10⅜
Hemidrachm .	0	7	2	0	5	4½	0	0	5⅛
Obol . . .	0	2	4⅜	0	1	9½	0	0	1⅝
Hemiobol . .	0	1	2¼	0	0	10¾	0	0	0¾

struck in the times of the later kings of Pergamus, and were peculiar to the West and Interior of Asia Minor. They follow the Aeginetan standard, with the variety that what was called a didrachm in the case of the Aeginetan coins was usually called a tetradrachm in the case of the Cistophori. The Cistophoric drachm was therefore equivalent to an Aeginetan hemidrachm, or a Corinthian drachm. How this standard originated is not known, but the coins struck on it formed the main part, together with the drachms of Rhodes, of the currency of Asia Minor during the first century B.C., and pieces of the same class were issued even under the earlier Roman emperors. And by this time the drachms of Rhodes had sunk to the weight of the quarter of a Cistophoric tetradrachm.

When the Romans conquered Asia, they introduced a tariff according to which the various coins in circulation exchanged against the denarius.

The first set of the preceding tables gives the approximate weights of the Greek coins in general use; the others give the values of those coins, roughly, in English money; reckoning gold at the value of 2*d.* a grain Troy, silver at 5*s.* an ounce Troy, and electrum at 1½*d.* a grain: for although as a matter of fact electrum seldom contains ¾ of gold, yet it is supposed that the ancients valued it on that basis.

In this way we get the *metal* equivalents of the ancient coins. Their equivalents in purchasing power cannot be determined. We can only say quite roughly that in many respects a silver drachm in Greece would go almost as far as a sovereign with us. The daily pay of a mercenary in later Greece was four Attic obols, equal in weight to a sixpence. The younger Cyrus gave his soldiers a daric (£1 1*s.* 6*d.*) a month. Probably these mercenaries were able after a few years' service to retire on a competency. Any attempt at closer comparison between ancient and modern prices can only serve to mislead.

Greek Systems of Weight for Commodities.—The history of the weights used by the various states of Greece can thus be established by induction. From the testimony of a few coins we can easily discover the weight of the talent and mina according to which they were minted. And as a rule the talents and minae used for coins were those used for other goods. But to this rule the exceptions were very numerous. There is no reason to think that peculiar monetary standards, such as those of Rhodes and of Samos, were ever applied to the weighing of merchandise. And there are reasons for supposing that whereas the standard used for coins had at all times a tendency to fall, the standard used for merchandise had often a tendency to rise. So even if originally at any place money and merchandise were governed by the same weights, a process of differentiation would soon set in.

There is indeed, for determining the weights in use in the Greek markets, a mass of material available in the shape of extant Greek weights of lead or bronze. But hitherto this material has not been used in a sufficiently methodical manner. And there are very great difficulties inherent in its use. Firstly, weights of lead, unlike gold and silver coins, lose weight in the course of ages by decay or gain weight by oxidation or accretion, so that the original weight of any extant specimen is very hard to determine. Secondly, very few existing weights have inscriptions sufficiently exact to determine their date, locality, and denomination. And, thirdly, we have reason to believe that the standards which prevailed in any city or district were not carefully adhered to by the shopkeepers, who used considerable licence.

The statements of ancient writers on metrology are useful to us in the case of two cities, Athens and Alexandria. But they are of little authority unless we can verify them by an appeal to extant monuments, since the authority of these writers is small, and numbers are notoriously liable to alteration and corruption in the MSS.

Under these circumstances we shall venture to do little beyond giving a sketch of the metrological systems of Athens and Alexandria. Lists of extant weights will be found in the papers of Schillbach (*Annali dell' Instituto*, 1865), Murray (*Numismatic Chronicle*, 1868), Longpérier (*Annali dell' Inst.*, 1847), R. S. Poole (*Dict. of the Bible*, art. "Weights"), and elsewhere.

Athens.—In the case of this city we know from existing inscriptions and extant weights what standards were used for weighing various articles.

First, there was the usual Attic or Solonic standard, corresponding in use to our Troy weight. This is the standard on which all the coins of Athens from first to last were struck. It was also used for weighing all precious articles of gold and silver. This we know from the lists of the treasure stored in the Parthenon, which are still preserved. The same standard was used for their drugs, not only by the physicians of Attica, but by those of Alexandria and other cities. In the writings of Galen, for example, the weights are given according to the Solonic standard. Of the extant leaden weights of Athens, many conform to this standard.

Others among the existing weights of Athens are regulated according to a standard just double the weight of the Solonic. One of them marked ΤΡΙΤΗ weighs 4,440 grains, one marked ΤΕΤΑΡΤ 3,218 grains, and one marked ΗΜΙΤΕΤΑΡΤ 1770 grains. These are clearly fractions of a weight equal to two minae of Attic standard, but used as a unit for certain purposes (12,800 to 14,200 grains). The excess in case of the heavier specimens need not trouble us; it is extremely common to find Greek weights somewhat above the standard; and an inscription quoted below may partially explain the fact. What is important at present is the use at Athens of a standard of double weight. Probably it was used for certain specified kinds of goods only. It is not mentioned by writers or in inscriptions.

The third standard in use at Athens was the Commercial or Emporic. This also is followed in many extant weights. It was identical with the Aeginetan standard for coins of which we have already spoken, with a mina of about 9,700 grains (628·5 grammes). It corresponded in use to our weight avoirdupois, being the ordinary weight in use in the market. There is a very important Athenian inscription (*C. I. G.* 123) which throws much light on the use of the Solonic and the Emporic standards at Athens, as well as on other matters connected with

weights. It runs thus:—"The Emporic mina (*μνᾶ ἐμπορική*) shall weigh 130 drachms of the Stephanephoros, according to the weights preserved at the mint, and there shall be added (thrown in) twelve drachms of the Stephanephoros; and all bargains shall be regulated by this mina, except in cases where silver-weight is specially mentioned, the scales being balanced so that the rod is level, against a weight of 150 drachms of the Stephanephoros." The inscription goes on to say that in every Emporic *πεντάμνουν* (5 minae) one Emporic mina shall be thrown in, and in every Emporic talent five minae.

From this inscription, the date of which is somewhat doubtful, but must be as late as the third century B.C., and is probably not later than the first, we learn (1) that the Solonic mina and drachm were called *τοῦ Στεφανηφόρου*. The Stephanephoros was an Attic hero or daemon in whose temple the mint was in early times placed; thus the drachms called after him were drachms of money: on the weights the Solonic mina is called *μνᾶ δημοσία*: (2) that the proportion between the Aeginetan or Attic commercial mina and that of the mint remained at 138·100 (just as it had been fixed by Solon) throughout Athenian history: but (3) that Greek weights were sometimes arbitrarily raised by authority, at least in democracies. In this case it is acknowledged that the commercial mina does not exceed 138 drachms; yet all sellers are ordered to act as if it weighed 150 drachms. This will account in part for the curious fact that ancient weights so often exceed their nominal standard. The *ῥοπή*, or weight thrown in, is less in proportion in the higher denominations. In the case of the *πεντάμνουν* 20 per cent. is to be added; in the case of the talent, only 8 per cent. The democratic origin and intention of this distinction are obvious.

That the Emporic mina was also called the mina of the Agoranomi is shown from the inscription of a weight found at Athens which weighs 335 grammes, ΗΜΙ ΑΓΟΡΑΝΟ (*Ann. dell' Inst.*, 1865, p. 199).

A fourth talent of quite a different character was in use at Athens in later times. It is mentioned by the poet Philemon, who writes (*Etym. M.* s. v. *τάλαντον*), *Δύ' εἰ λάβοι τάλαντα, χρυσοῦς ἓξ ἔχων ἀποίσεται*. From which it appears that this talent was made up of three Attic gold staters or didrachms. Six drachms of gold may very well have been equivalent to a talent of copper of 6,000 drachms.

In Greece proper it is very probable that the Attic and Aeginetan standards were in general use from early times to late. Indeed the Aeginetan was for most classes of goods probably almost universal. But as we have few or no weights bearing marks of value which we can with certainty attribute to cities of Hellas, we are unable to establish this by the satisfactory method of induction.

Alexandria.—The only city of the Levant besides Athens in which we can fully trace the systems of weight in use is Alexandria. In this case our guides are less existing weights than the statements of late writers. As these generally use for their standard the weight of the Roman denarius, which is certain, their meaning can usually be fixed with accuracy. By comparing the table which bears the name of Cleopatra, but really belongs to a later date (Hultsch, *Metrolog. Script. Reliqq.* p. 109), with that of Galen, the eminent physician (Hultsch, p. 79), and with others, we reach the following results:—(1) The standard in most general use at Alexandria seems to have been based on the Attic mina. In the prescriptions of doctors this was universal until a late time. The table of Cleopatra calls it *ἡ μνᾶ par excellence*. Its weight was 16 Roman ounces or 6,800 grains. (2) For money and perhaps other things the standard usually employed was the Ptolemaic. The Ptolemaic mina contained the weight of 100 Ptolemaic drachms, which, as we have seen, were struck on Phoenician weight. After the time of Nero this mina was sometimes called the Attic, because it contained 100 of the denarii of Nero, which were commonly considered as Attic drachms. Its weight was that of 12½ Roman ounces or 5,500 grains. Besides these two minae and the Roman libra, three other systems of weight were in use. (3) That also called Ptolemaic, which was, as Hultsch points out, an Egyptian weight of great antiquity. Its mina contained 18 Roman ounces, 7,650 grains, and it is apparently nothing but the old native Egyptian standard. (4) That called Alexandrian. Its mina contained 20 ounces (8,500 grains), and it is identical with the [Babylonian or] Persian silver standard. (5) *Τάλαντον ξυλικόν*, used for wood only, and said to be ⅓ heavier than the Ptolemaic standard. It was a local weight, *τάλαντον ἐπιχώριον*. It was very nearly equivalent to the Attic weight.

The following table gives the values of the weights thus in ordinary use in Greece and in Egypt during the age of their autonomy:—

	Part of Mina.	Attic—Solonian.		Attic—Double.		Aeginetan, Attic commercial.		Ptolemaic, Late Attic.	
		Grammes	Grains	Grammes	Grains	Grammes	Grains	Grammes	Grains
Talent	60	26,436	408,000	52,872	816,000	37,700	582,000	21,384	330,000
Pentamnoun.	5	2,203	34,000	4,406	68,000	3142·5	48,500	1,782	27,500
Dimna	2	881·2	13,600	1762·4	27,200	1257	19,400	712·8	11,000
Mina	1	440·6	6,800	881·2	13,600	628·5	9,700	356·4	5,500
Hemimnaion	½	220·3	3,400	440·6	6,800	314·2	4,850	178·2	2,750
Tritemorion	⅓	146·9	2,266	293·8	4,532	209·5	3,233	118·8	1,833
Tetartemorion	¼	110·2	1,700	220·4	3,400	157·1	2,425	89·1	1,375
Pemptemorion	⅕	88·1	1,360	176·2	2,720	125·7	1,940	71·2	1,100
Hemitetartemorion	⅛	55·1	850	110·2	1,700	77·6	1,212	44·5	687
Tetradrachm	$\frac{2}{25}$	17·6	272	35·2	544	25·1	388	14·2	220
Drachm	$\frac{1}{100}$	4·4	68	8·8	136	6·2	97	3·5	55
Hemidrachm	$\frac{1}{200}$	2·2	34	4·4	68	3·1	48	1·7	27
Obol	$\frac{1}{600}$	·7	12	1·4	23	1·0	16	·6	9

When we pass from Athens and Alexandria to Asia Minor, Syria, and other parts of the Levant, we find insurmountable difficulties in the way of ascertaining the standards of weight in general use. The number of published weights coming from those regions and bearing inscriptions, sufficiently clear and satisfactory to enable them to be used as the basis of induction, is very small. And even of these it is very difficult to determine how far the actual weight has been diminished or increased by burial in the ground and consequent chemical action. It is probable that in obscure collections and museums in Europe and the Levant there may be many unpublished weights which would help us to reach a securer standing ground. But this is of course mere matter of conjecture. At present we can quote little more than the weights mentioned by M. de Longpérier (*Ann. dell' Inst.* for 1847), by Brandis (pp. 154–6), and by Schillbach (*Beiträge zur Gewichtskunde*). All of these appear to belong to the period subsequent to the expedition of Alexander. We add a table of the most important specimens.

VARIOUS INSCRIBED GREEK WEIGHTS.

Place.	Date B.C.	Inscriptions.	Weight.	*Mina.*	
			Grammes.	Grammes.	Grains.
1. Antioch in Syria.	194	ΜΝΑ ΑΝΤΙΟΧΕΙΑ	498·6	498	7,700
2. „ „ .	175–164	ΜΝΑ	516	516	7,960
3. „ „ .	57	ΜΝΑ ΔΗΜΟΣΙΑ	1068·2	1,068	16,490
4. „ „ .	62–29	ΗΜΙΜΝΑΙΟΝ ΔΗΜΟΣΙΟΝ	535·1	1,070	16,520
5. Seleucia . . .		ΤΕΤΑΡΤΟΝ	109·4	437	6,740
6. Antioch in Caria.		ΤΕΤΑΡΤΟΝ	122	488	7,530
7. Chios		ΔΥΟ ΜΝΑΙ	1124·1	562	8,680
8. „		ΜΝΑ	547	547	8,450
9. Lampsacus . .		Η[ΜΙ]	270	540	8,340
10. Cyzicus . . .		ΚΥΣΙ ΜΝΑ	466·5	466	7,200
11. Smyrna . . .		ΤΕ]ΤΑΡ[ΤΟΝ	180	720	11,110
12. Alexandria Troas		ΑΛΕ ΤΕΤΑΡΤΟΝ	99·8	400	6,200
13. Bisanthe . . .		ΒΙΣΑΝ ΜΝΑ	556	556	8,590

It will be at once seen that these weights fall into different categories and belong to various systems. Nos. 3 and 4 give very clear and decisive evidence as to the market weights in use at the Syrian Antioch at the period when they were cast. They give a *μνᾶ δημοσία* of about 1070 grammes, or 16,520 English grains. All the other weights, except No. 11, coming from several parts of Asia Minor and Syria, appear to belong to the same system. The mina of this system would appear to have weighed some 540–560 grammes, and therefore to have been as nearly as may be half as heavy as that according to which 3 and 4 were regulated. On referring to the table of Babylonian weights (p. 446), we shall see that in the Babylonian system for weighing silver the two minas, according to heavy and light standard, respectively are 1122 and 561 grammes. These two weights are certainly strikingly like those which we have just reached. Induced by this correspondence, Brandis (p. 155) suggests that the mina of our weights is that of the Babylonian silver standard. This standard was adopted by the Persian kings for their silver money, as has already been mentioned. After the conquest of Persia by Alexander it ceased, except in some outlying parts of the Empire, such as the Euxine Sea and India, to be used for money, but Brandis supposes that it still persisted as a weight for goods. As in many parts of the Persian Empire it was somewhat lowered, a mina of 1070 grammes might very well belong to this standard. But in this case the term *Δημόσιος* would still remain to be explained; as things changed very slowly in the East, it is scarcely likely that the Persian silver standard which belonged in an especial degree to silver coin or bars should so have superseded the original Babylonian weights which were used for the weighing of goods other than silver in Mesopotamia and Syria, as to become the usual or normal standard.

Referring again to our table (p. 446), we shall see that of this ordinary Babylonian system for general weighing the minas weighed respectively 1010 and 505 grammes. It is *à priori* far more probable that a mina called *δημοσία* should belong to this standard than to another. And further it is to be observed that although weights used for coin have a strong tendency to fall, yet weights used for other purposes do not experience this tendency in anything like the same force. Indeed, the instance above quoted from the laws of Athens shows that the interest of the purchaser tended sometimes successfully to raise weights in market use. And further, weights of lead which have been long buried vary decidedly from their normal strength. It is then best, on the whole, to leave it undecided whether the public mina of Antioch was derived from the Babylonian system for weighing silver or that used for other articles.

Weight No. 11 in the Museum of Smyrna was probably in use not far from that city, and appears to follow the Phoenician standard.

We learn from an anonymous Alexandrian writer (Hultsch, *Metrologici*, i. p. 301) that wood was at Antioch weighed on a system of its own, by a *ξυλικὸν τάλαντον*, which appears from its equivalent of 375 Roman librae to have been considerably heavier than any of the

talents above mentioned. Hultsch reckons it at 128,400 grammes (*Metrologie*, p. 591). The existence of this weight is interesting, as showing that in ancient times bulky articles were sometimes weighed on a different scale from lighter goods: and in fact this custom has held in most countries.

In late Imperial times most of the weights in use in the Levant gave way to the Roman libra, inscribed specimens of which are found in Asia Minor and Syria.

It is thus clear that the cities of Syria, Asia Minor, and Mesopotamia did not, in adopting the Attic system for their coinage, as they did mostly in or soon after the time of Alexander, adopt the same system for weighing goods, but adhered to their ancient standards. For a general review of the systems of weighing actually in use, materials entirely fail.

Italian Systems of Weight.—The Roman libra or pound was from the earliest times used alike for money and for other commodities. It remained unchanged in standard to a very late period. At first pieces of copper were cast in all Roman parts of Italy of the weight of a pound, and of the various fractions of a pound. Soon, as we have seen (under As), the standard of the coins fell rapidly. But the weight continued unchanged. When, at a far later period, the coinages of silver and gold were introduced at Rome, the gold and silver pieces were struck so many to the pound. Even to the time of Diocletian and Constantine the Roman *libra* as a weight remained undiminished; and the late metrologists of Alexandria appeal to it as an unchangeable standard, testing by reference to it the weight of the various Greek talents and minas.

The dominion then of the *libra* as a weight is as durable and extensive as the dominion of Rome herself. Of the *libra* of money we have spoken under As. The weight of the Roman *libra* has been investigated by Boeckh, Mommsen, and Hultsch. The materials for ascertaining it are threefold: (1) existing weights, (2) copper coinage, (3) gold and silver coinage. It is the latter alone which gives consistent and satisfactory results; for the weights vary unaccountably, and the copper coinage very soon sank in weight to a lower level. Letronne made a calculation of weight on the basis of gold coin; and his results with slight modification are accepted by the three metrologists above named. We may safely accept their results. They fix on 327·453 grammes, about 5050 grains, as the true or normal standard. The weights of the fractions of the *as*, with their signs in Roman notation, are as follows:—

Denomination.	Part of *libra*.	Part of *uncia*.	Weight. Grammes.	Weight. Grains.	Sign in notation.
Libra or As	1	12	327·45	5,050	I
Deunx	$\frac{11}{12}$	11	300·16	4,629	S = = -
Dextans	$\frac{5}{6}$	10	272·88	4,208	S = =
Dodrans	$\frac{3}{4}$	9	245·59	3,787	S = -
Bes	$\frac{2}{3}$	8	218·30	3,366	S =
Septunx	$\frac{7}{12}$	7	191·02	2,946	S -
Semis	$\frac{1}{2}$	6	163·73	2,525	S
Quincunx	$\frac{5}{12}$	5	136·44	2,104·1	= = -
Triens	$\frac{1}{3}$	4	109·15	1,683·3	= =
Quadrans	$\frac{1}{4}$	3	81·86	1,262·5	= -
Sextans	$\frac{1}{6}$	2	54·58	841·6	=
Sescuncia	$\frac{1}{8}$	$1\frac{1}{2}$	40·93	631·2	- ℒ
Uncia	$\frac{1}{12}$	1	27·28	420·8	-
Semuncia	$\frac{1}{24}$	$\frac{1}{2}$	13·64	210·4	ℒ, Σ
Sicilicus	$\frac{1}{48}$	$\frac{1}{4}$	6·82	105·2	Ↄ
Sextula	$\frac{1}{72}$	$\frac{1}{6}$	4·54	70·1	ℒ, ~
Scripulum	$\frac{1}{288}$	$\frac{1}{24}$	1·13	17·5	ℨ, ⋿

The only modification which ever took place in this system occurred in connexion with the weighing of drugs in Imperial times. As we have seen, at Alexandria and in the Levant generally, drugs were regulated by Attic weight. But under Roman influence the denarius was regarded as the equivalent in weight of the Attic drachm. The denarius, as we have shown under As, weighed $\frac{1}{84}$ of a pound from the time of the Punic wars to those of Nero, and $\frac{1}{96}$ of a pound after that. The Greek divisions of the drachm were applied to the denarius as a weight. We thus obtain two systems of weight for drugs.

Denomination.	First System.			Second System.		
	Part of *uncia*.	Weight. Grammes.	Weight. Grains.	Part of *uncia*.	Weight. Grammes.	Weight. Grains.
Uncia	1	27·28	420·8	1	27·28	420·8
Sicilicus	$\frac{1}{4}$	6·82	105·2	$\frac{1}{4}$	6·82	105·2
Drachma	$\frac{1}{7}$	3·90	60·1	$\frac{1}{8}$	3·41	52·6
Scripulum				$\frac{1}{24}$	1·14	17·5
Obolus	$\frac{1}{42}$	·65	10	$\frac{1}{48}$	·57	8·7
Siliqua				$\frac{1}{144}$	·19	2·9
Chalcus	$\frac{1}{336}$	·08	1·25	$\frac{1}{384}$	·07	1·1

It is a remarkable fact that, although at Rome the *as* was probably never minted of the full weight of a pound of twelve ounces, yet in some of the Roman colonies, such as Ariminum and Hatria, it was issued of the weight of 14 ounces (5,900 grains). It is doubtful how this change may be accounted for. But it is noteworthy that this heavier weight comes near the standard (5,750 grains; see above, p. 446) of the silver talent of Phoenicia. We are inclined to think, then, that the Roman pound, which, as Hultsch has shown, was not in its origin in any way connected with the Roman measures of length, was derived from the Phoenician mina, as was probably the national or Aeginetan standard in Greece. In both cases a considerable reduction took place, before the weight was fixed for all future time in Greece by Pheidon of Argos, and at Rome by the Decemviri.

Of the Roman librae which have come down to us, many are considerably above standard. One in the Museum of Smyrna, for instance, weighs 374 grammes; others as much as 390 grammes. After what has been above observed as to the tendency of weights to rise in use, this need not surprise us.

It must not be supposed, however, that either in earlier or later times the Roman libra possessed anything like a monopoly in the markets of Italy. There, as in Greece and Asia, local customs largely prevailed. The Greek colonies in South Italy used, until they were absorbed by Rome, the weights which they had brought with them from Greece, the standards of Phocaea, of Athens, and of Corinth. At a later time we find proof of the use of various Italian minae (Hultsch, *Metrologie*, p. 672):—A mina of 16 Roman ounces, 436·6 grammes, which seems to govern the extant weights of Pompeii and Herculaneum. A mina of 18 Roman ounces, 491·2 grammes, called in an ancient metrological table Ἰταλικὴ μνᾶ. A mina of 20 Roman ounces, 545·8 grains, the existence of which is proved by a Roman inscribed weight found in the Danube. A mina equal to two Roman pounds, mentioned by Vitruvius, x. 21. Compared, however, with the libra, these minae had but little historical importance.

Sicilian Weights.—In Sicily the pound of copper was the unit of value in very early times, and was adopted to some extent by the Greek colonies. These, however, as we have above seen, adopted late in the sixth century B.C. the Attic standard for coinage, and struck silver on it of the denomination of tetradrachm, didrachm, drachm, hemidrachm, and obol. Into this system by a peculiar process they incorporated the *litra* or pound of copper. The weight of this litra is not known from direct testimony. But we have means of fixing the weight of its equivalent in silver. The silver litra was a coin in use at Syracuse and other Sicilian cities; and its weight was a tenth part of that of the Corinthian stater (135 grs.), which was called δεκάλιτρος στατήρ (Pollux, iv. 174), and a fiftieth part of that of the Damareteion (*q. v.*). Hence it is safe to assume that the weight of the silver litra was 13·5 grains. Multiplying this amount by 250, which represents the proportion in Italy and Sicily between silver and copper, we reach a sum of 3,387 grains. This is just half the weight of the Attic silver mina. Mommsen (p. 80) concludes on this basis that the weight of the Sicilian litra was 3,387 grains or 217·5 grammes, nearly the weight of 8 Roman ounces. And since he wrote, the researches of Deecke (*Etruskische Forschungen*, Part II.) have made it probable that the same system of the litra in silver and copper passed in the fifth century from Syracuse into Etruria, and is the base of the whole of the later Etruscan coinage. The Etruscan silver pieces which bear marks of value, are all multiples of a litra of the Sicilian weight (13·5 grains), and the Etruscan *aes grave* is of the standard of eight Roman ounces, 3,366 grains. This latter fact seems of sufficient importance to finally establish the theory of Mommsen as to the litra. The Athenian origin of the latter is more than probable. It was divided, like the Roman libra, into twelve parts; but the names of the parts were different, a fact which must have caused some confusion in the minds of the Italians. The names of these parts are given by Aristotle as quoted by Pollux, iv. 174.

	Grammes	Grains	Written	Corresponds to Roman
Litra . .	219·5	3,387	λίτρα	libra
Hemilitron .	109·75	1,693	ἡμίλιτρον	semis
Pertuncium	91·5	1,410	πεντώγκιον	quincunx
Tetras . .	73·2	1,128	τετρᾶς	triens
Trias . . .	84·9	846	τριᾶς	quadrans
Hexas . .	36·6	564	ἑξᾶς	sextans
Uncia . .	18·3	282	οὐγκία	uncia

Thus the tetras corresponds to the Latin triens, and the trias to the Latin quadrans; a most confusing correspondence. The talent, if equal to the Athenian, contained 120 litrae originally. But we are able to trace its rapid degradation. For Aristotle (Pollux, ix. 87) speaks of the older Sicilian talent (τὸ μὲν ἀρχαῖον) as equivalent to 24 nummi, and the later as equal to 12. The nummus here stands for the litra. By the time of Aristotle, then, there had been two reductions in the weight of the litra as applied to money, and it had fallen to a tenth of its early value. But analogy bids us suppose that this reduction did not affect the litra except as money. [P. G.]

PONS (γέφυρα), a bridge. One central idea, round which many curious beliefs and pieces of ritual are grouped, is that the erection of a bridge is an impious act—an injury done to the god of the river, who, by the substitution of a safe method of crossing instead of the primitive fording or swimming, is robbed of a certain number of victims—travellers who without a bridge would have been drowned. This belief has existed among many different races at an early stage of their religious development, and, vaguely understood, still survives in many parts of Europe and Asia. In Greece, Albania, and other countries traditions even now exist of the offering of human sacrifices at the founding of a new bridge; and in many parts of the Moslem world the inhabitants look upon the erection of a bridge as an extremely impious act. Mr. J. G. Frazer, in the *Journal of Philology*, xiv. pp. 156–7, has collected a curious list of examples of this wide-spread belief. Thus, in Germany, when a man is drowned the people say, "The

river-spirit is getting his annual victim" (see Grimm, *Deutsche Mythologie*, p. 499); and in part of England the superstition exists that the spirit of the Ribble receives and is satisfied with a human victim every seven years (see Henderson, *Folk-lore of the Northern Counties*, p. 265). Thus, in ancient Rome, the most primitive duty of the *pontifex* or bridge-builder was to propitiate Father Tiber by regular annual sacrifices; and also by special extra sacrifices whenever the one early bridge of Rome, the Pons Sublicius, required repairs (see Varro, *L. L.* v. 15; Dionys. iii. 45; and Plut. *Num.* 9). In early times human victims were offered annually by being flung into the Tiber from the Sublician bridge; but in later times thirty figures or dummies called ARGEI, made of rushes, were solemnly thrown into the Tiber by the Pontifices and Vestal Virgins on the Ides of May, as is recorded by Ovid (*Fast.* v. 622):

"Tunc quoque priscorum virgo simulacra virorum
Mittere roboreo scirpea ponte solet."

Another notion, connected with the same class of ideas, is that a light and, as it were, temporary structure is less offensive to the river-god than a more permanent bridge. Hence the primitive reason for building the Sublician bridge of wood, not fastened together with iron in any form, having, as Pliny records, its "contignatio sine ferreis clavis" (*H. N.* xxxvi. § 100). Dionysius (iii. 45) goes further, and speaks of it as *τὴν ξυλίνην γέφυραν, ἣν ἄνευ χαλκοῦ καὶ σιδήρου θέμις ὑπ' αὐτῶν διακρατεῖσθαι τῶν ξύλων*: but in sacred matters the use of iron was often specially prohibited, as being a more recent invention than bronze, and therefore devoid of its hieratic associations (cf. Plutarch's Life of Numa). Thus the college of the Fratres Arvales were obliged to offer an expiatory sacrifice if ever an iron tool were used within the precincts of their sacred grove, near Rome (see Marquardt, *Römische Staatsverwaltung*, iii. p. 459; ARVALES). In a similar way the use of flint knives for sacrificial purposes survived long ages after the Stone period had passed away.

It should be observed that the Romans themselves had, by the first century B.C., forgotten what appears to be the main reason for the rules and ritual connected with their ancient bridge, and explain its unsubstantial character by the risk of attack; as had happened when Horatius Cocles with so great difficulty held the Etruscan army at bay while the bridge was being demolished. And this may possibly have been at one time a secondary reason for the same thing, though not the chief one.

The oldest bridge of which we have any record, that at Babylon, was also of wood, though built on stone piers. This, according to Herodotus (i. 178–186), was built across the Euphrates to unite the two portions of Babylon by Queen Nitocris, *c.* 606 B.C. The piers were of large blocks of stone fixed with iron clamps, run with lead; and the river is said to have been temporarily diverted from its course during their construction. The superstructure was of wood, part of which was arranged so as to be removed every day at nightfall. The same queen also built a massive river embankment made of burnt brick.

Temporary floating bridges (*σχεδίαι*) for military operations appear to have been used in very early times, boats being used for the points of support, with cables of twisted flax (*λευκολίνου*) and papyrus (*βυβλίνων*), tightly strained by the help of windlasses, to support the intermediate planking. A bridge of this kind was thrown across the Thracian Bosporus by Darius; its engineer being a Samian Greek, named Mandrocles (see Herod. iv. 83, 85, 87, and 88). A similar bridge, constructed for Xerxes across the Hellespont between Sestos and Abydos, was immediately destroyed by a storm (Herod. vii. 34, 35). Xerxes decapitated its constructors, and ordered another bridge to be made of more careful construction. This was done by the help of 674 triremes and penteconters, moored by anchors, and united by six strong cables tightly strained from ship to ship. On these cables the roadway rested, made of thick planks covered with brushwood and earth beaten down. On each side was a high bulwark to prevent the horses from being frightened at the sea (see Herod. vii. 36). The Persian army crossed safely on this second bridge; and thus Xerxes was enabled to accomplish, for a time, his projected invasion of European Greece.

In Greece, partly owing to the insignificant size of the rivers, permanent bridges do not appear to have been constructed till after the Roman conquest. No remains now exist which can be attributed to the period of Hellenic autonomy. And yet it appears probable, from the mention of bridges by various Greek writers, that in some form wooden structures for crossing streams when swollen by rain were of no uncommon occurrence. Simple trestles with movable boarding are even now used in some parts of Italy for temporary emergencies; and most of the Greek bridges were probably structures of this light and unsubstantial class. The religious ideas already described may have tended to prevent any more solid structures from being erected in Greece during its most flourishing period.

Throughout the Roman dominions, especially during the Imperial period, stone bridges with wide-spanning arches of the most massive kind were erected in great numbers. Many of these bridges were of remarkable size, and show in a very striking way the great constructional skill of the Roman engineers. The bridge over the Acheron, which was a thousand feet in length (Plin. *H. N.* iv. 1), and that which united the island of Euboea to the mainland, must have been striking examples of this. The Roman bridges were as a rule rather narrow in proportion: the central roadway for horses and vehicles was called the *iter*; at the sides were slightly raised foot-paths (*decursoria*), defended on the outside by a low parapet wall. In the more handsome bridges, such as the Pons Aelius in Rome, pedestals for statues or honorary columns were set at regular intervals along the parapet. The main arches were decorated with simple mouldings adapted from Greek buildings; and between them, over each pier, a smaller arch was very frequently introduced to relieve the pressure of water during flood-time. Rows of corbels were very commonly inserted at the springing of each arch, the use of which was to support the wooden centering while the arch was being

built; thus doing away with the necessity of tall supports resting in the water. In most cases these corbels were not cut away at the completion of the bridge, but were left, so that repairs or rebuilding could be easily carried out. This very useful system was applied not only to bridges, but to all lofty arched structures, such as aqueducts or tall palaces, like that of Severus on the Palatine hill in Rome. In many cases a gate-tower was built as a defence at each end of the bridge: this was the case with more than one of the bridges in Rome, though no remains of these towers now exist.

The chief Roman bridges were built either of brick and concrete, or of solid stone masonry, carefully fixed with iron clamps and lead. In many cases, as for example in Rome itself, a hard "weather stone" was used for the facing, the inner masonry being of some softer and less expensive stone.

Under the later Roman Empire the city of Rome possessed the following bridges:—

1. The *Pons Sublicius*, so called from the *sublicae* or wooden beams of which it was constructed. Till the second century B.C. this was the only bridge in Rome: some of the sacred rites which were connected with it have already been described. According to tradition, the Sublician bridge was originally erected by Ancus Martius, its special purpose being to connect the main city with the long walls which led from the right bank of the river up to the isolated fortress on the Janiculan hill, where the church of S. Pietro in Montorio now stands. The approach to the bridge on the other side was close by the Porta Trigemina, just inside the line of the Servian wall. No traces of it now exist: the ruined piers visible in dry summers by the Marmoratum, under the Aventine hill, belong most probably to the "bridge of Probus," the last mentioned in the Catalogue of the *Curiosum*. The epithet *roboreo*, used by Ovid in the passage quoted above, shows that even in the time of Augustus the bridge was still of oak. In A.D. 69 it was carried away by a flood (Tac. *Hist.* i. 86), and appears not to have been rebuilt. The mistaken notion that the Pons Sublicius was identical with that known as the Pons Lapideus or Aemilius arose from the misunderstanding of a passage in Plutarch (*Num.* 9), and from the statement of the spurious Publius Victor, whose catalogue is a mediaeval forgery. The Roman bridges appear to have been a favourite resort for beggars (see Senec. *de Vita beata*, 15): hence Juvenal (xiv. 134) uses the phrase *aliquis de ponte*, as meaning a beggar (cf. Juv. iv. 116).

2. The first stone bridge in Rome, called on that account the *Pons Lapideus*, was also known as the *Pons Aemilius*. It was begun in 179 B.C. by M. Fulvius Nobilior and the censor M. Aemilius Lepidus, when the conquest of Etruria and the defeat of Hannibal had put an end to all fears of invasion. It was not, however, completed till the time of the censors Publius Scipio Africanus and L. Mummius (Achaicus): see Liv. xl. 51; Juv. vi. 32; and Plut. *Num.* 9. The *Fasti Capranici* describe it as being "ad theatrum Marcelli;" and the *Cosmographia* of Aethicus as "ad Forum Boarium." These indications, and the recent discovery of an ancient basalt-paved road leading up to the mediaeval Ponte Rotto, show that the last-named bridge occupies the site of the Pons Aemilius. The three arches which still exist of the "broken bridge" appear not to be older than the thirteenth century; the present bridge having been mainly rebuilt after its destruction by a flood during the pontificate of Honorius III., 1216–1227. In 1598 about half was swept away by another flood, and the gap is now bridged over by a modern iron structure. The name *Palatinus*, as applied to the Pons Aemilius, appears to be a mediaeval invention.

3. The *Pons Fabricius*, which unites the Insula Tiberina to the left bank of the river, was built in 62 B.C. by L. Fabricius, one of the *curatores viarum*, as is recorded in inscriptions deeply cut in large letters across the face of its arches. Part is now illegible, but the full inscription (repeated over both arches) is given by Pirro Ligorio in his MS. notes on Ancient Rome, *c.* 1570 (Bodleian, *Cod. Canoniciani Ital.* 138): L. FABRICIVS C. F. CVR. VIAR. FACIVNDVM COERAVIT EIDEMQVE PROBAVIT; and in smaller letters over the intermediate arch for storm-water, Q. LEPIDVS M. F. M. LOLLIVS M. F. COS. S. C. PROBAVERVNT. This last inscription records its restoration by the consuls Q. Aemilius Lepidus and M. Lollius in 21 B.C. Like the other existing bridges of Rome, this is built of peperino and tufa, faced on both sides by massive blocks of travertine, which is also used for the corbels at the springing of each arch. A fragment still exists of the parapet; namely, a marble pilaster crowned by a quadruple head, *Janus quadrifrons*, from which the bridge takes its modern name of the *Ponte dei quattro capi*. The pilaster is grooved to receive an open bronze screen or *cancellus*, which formerly filled up the intermediate spaces between the pilasters. This bridge is shown on the reverse of a contemporary denarius, *c.* 62 B.C., with the *legend* L. FABRICIVS, and a snake to indicate the proximity of the Temple of Aesculapius on the Tiber island. It is also represented on a bronze medallion of Antoninus Pius (see Froehner, *Med. Rom.* p. 52; also Dio Cass. xxxviii. 45). During the Middle Ages this bridge was often called the *Pons Judaeus*, from its proximity to the Ghetto or Hebrew quarter.

4. The *Pons Cestius*, which joins the Insula Tiberina to the right or Janiculan side of the Tiber, was probably built by L. Cestius, Praefect of the City in 46 B.C. (see Dio Cass. xxxvii. 45). On one of the large marble slabs which form the parapet is a long inscription recording the restoration of the bridge in A.D. 370 by Valentinianus, Valens, and Gratian. The Pons Cestius consists of one arch only, with an opening for flood-water on each side of it. At present it is called after the adjacent church of S. Bartolommeo, which probably stands on the site of the Temple of Aesculapius.

5. The *Pons Aelius*, modern *Ponte di S. Angelo*, was built in A.D. 135 by Hadrian to connect his mausoleum and circus with the Campus Martius (see Dio Cass. lxix. 23; and Spartian, *Hadr.* 19). It is shown on bronze coins of Hadrian dated from his third consulship. The Einsiedeln MS. gives its dedicatory inscription, which is now lost, IMP. CAESAR DIVI TRAIANI PARTHICI FILIVS DIVI NERVAE NEPOS TRAIANVS HADRIANVS AVG. PONT. MAX. TRIB. POT. XVIIII.

(A.D. 135) COS. III. P. P. FECIT. The name of the bridge was derived either from Hadrian's family name Aelius, or else from his son Aelius Caesar, who died before his father. The five arches of this noble bridge are of peperino faced with travertine; near it, along the left bank, are extensive remains of the ancient embankment wall, built of massive blocks of peperino, now doomed to destruction for the sake of the new quay. This is the bridge mentioned by Dante, *Infer.* xviii. 28–33, as being thronged with pilgrims in the Jubilee year 1300.

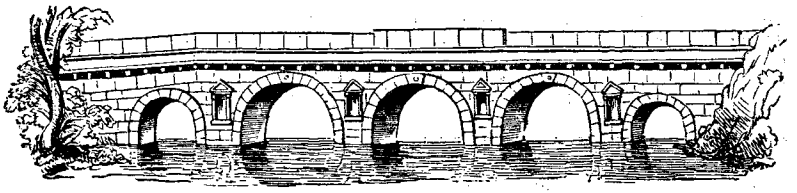
6. The *Pons Aurelius*, mentioned in the *Notitia*, was probably on the site of the modern Ponte Sisto. The date of its foundation is not known, but Marlianus (*Topogr. Rom.* cap. cxxi.) gives an inscription (now lost) which recorded its restoration in the reign of Hadrian. The names *Janicularis* and *Antoninianus*, which are sometimes given to this bridge, appear to be inventions of the mediaeval topographers. This is possibly the bridge which, in a recently discovered inscription, is called the *Pons Agrippae*; see *Bull. Com. Arch. Rom.* 1888, p. 92.

7. The *Pons Neronianus* or *Vaticanus* was begun by Caligula and completed by Nero, to give access to the *Horti Agrippinae* and the great circus which stood by the present Basilica of St. Peter. The foundations of its piers still exist, and are visible in summer a little way below the Pons Aelius. It is probable that this is the bridge to which the title *Pons triumphalis* was sometimes applied.

8. The *Pons Mulvius*, modern *Ponte Molle*, is about a mile and a half outside the Aurelian wall of Rome, higher up the river, where the Via Flaminia crosses the Tiber. It was built by the censor M. Aemilius Scaurus, 109 B.C. (see Aur. Victor, *de Viris illust.* xxvii. 8). It was on this bridge that Cicero arrested the ambassadors of the Gaulish Allobroges during the Catiline conspiracy (Cic. *in Cat.* iii. 2). And in A.D. 312 it was the scene of the utter defeat of Maxentius by Constantine. As at the present day, the Pons Mulvius was under the Empire a favourite pleasure resort for the lower classes of Rome (see Tac. *Ann.* xiii. 47).

A very large number of fine stone bridges still exist throughout the greater part of the Roman empire, in various states of preservation. One of the most perfect in Italy is that at Ariminum (modern Rimini), consisting of five massive stone arches, as is shown in the annexed cut. An inscription on it records that it was begun by Augustus and completed by Tiberius.

The bridge over the Nera, at the modern town

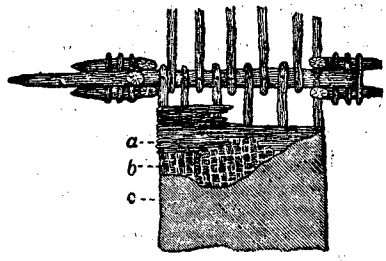


Bridge at Rimini.

of Narni, to the north of Rome, though partly destroyed, is still a very noble piece of engineering. The arches are more than 100 feet high, and their spans are of unusual width. The combined aqueduct and bridge which crosses the river Gard near Nîmes (Nemausus), commonly called the *Pont du Gard*, is remarkable for its size and stately height, consisting of three superimposed tiers of arches, still well preserved, to a height of 190 feet. Another fine Roman bridge still exists near Brioude, over the Allier; it consists of one arch with a very wide span, and 70 feet high from the water to the soffit of the arch.

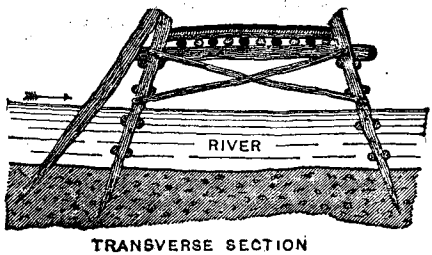
In Spain remains exist of a very magnificent bridge across the Tagus at Alcantara, which when perfect consisted of six arches, reaching nearly 200 feet in height and 670 feet in length.

The temporary bridges of the Romans, built for military purposes, were no less remarkable for the engineering skill shown in their construction. Julius Caesar describes (*Bell. Gall.* iv. 17) a wooden bridge which he constructed across the Rhine in the almost incredibly short space of ten days. It was supported on a series of double piles, formed of two baulks of timber, each 18 inches square (in section), pointed at one end, and driven into the bed of the river by machines called *fistucae*; they were set in a sloping direction, so as to resist the force of the current. A corresponding parallel row of piles was driven in at a distance of 40 feet, thus forming a very wide roadway for the Roman army. The cross-pieces were 2 feet thick, and were supported by cross struts so as to diminish the bearing. A



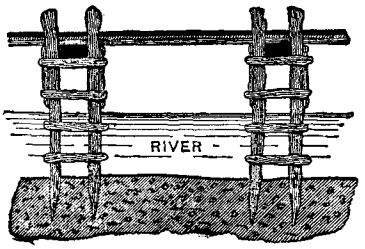
PLAN

Caesar's Bridge over the Rhine.
(*a*) Rough joists.
(*b*) Wattle-work.
(*c*) Roadway of earth.



TRANSVERSE SECTION

little higher up the stream a third row of piles was fixed to support "fenders," to secure the main structure from injury in case the enemy set heavy trees to float down the river and strike

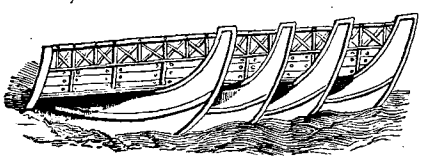


LONGITUDINAL SECTION.

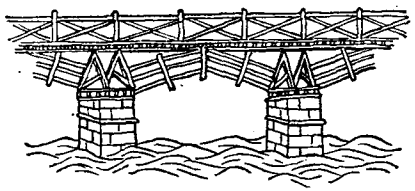
against the supports of the bridge. Fra Giocondo of Verona, Palladio, and other architect-scholars of the sixteenth century have published drawings of this bridge, devised from Caesar's description; but not as a rule with much success (see Giocondo's edition of the *Commentaries*, dedicated to Giuliano de' Medici in 1510; and Palladio, *Architettura*, Venice, 1570, lib. iii. cap. 6).

Other temporary bridges were supported on floating casks (*dolia* or *cupae*): see Herodian, viii. 4, 8; and Lucan, iv. 420. Vegetius (iii. 7) states that it was customary for the Roman army to carry with them small boats or "dug-outs" (*monoxyli*), hollowed out of a tree-trunk, together with planks, ropes, and nails to form the roadway. During the Mithridatic war Pompey crossed the Euphrates on a bridge of this kind (Florus, iii. 5). [RATIS.]

The annexed woodcut, from a relief on Trajan's Column, shows the construction of this sort of


Bridge on boats. (From Trajan's Column.)

floating bridge. Another relief on the same column shows a more permanent kind of military bridge, which was constructed by Trajan across the Danube (Dio Cass. lxviii. p. 776, and


Part of the Bridge across the Danube. (From Trajan's Column.)

Plin. *Epist.* viii. 4). This bridge consists of stone piers supporting very skilfully designed trusses of wood, framed like a low-pitched roof. Much ingenuity is shown by the way in which the engineer has spanned wide spaces with short pieces of timber. The engineer who designed this bridge was the celebrated Apollodorus of Damascus, whose criticism on Hadrian's design for the Temple of Venus and Rome by the Sacra Via is said to have irritated the emperor so much that he put the critic to death (see Dio Cass. lxix. 4).

There appears to be no truth in this story: on the contrary, it is evident that Hadrian had the good sense to adopt the suggestions of Apollodorus. According to Dio Cassius, Hadrian demolished Apollodorus' bridge on the pretence that it might facilitate the incursions of the barbarians into the Roman provinces, but really from jealousy at the success of so great an undertaking. This latter supposition is probably quite untrue.

The reverses of many *first brasses* of the Empire have representations of important bridges: as, for example, one of Gordianus III. with the bridge over the Maeander at Antiochia ad Maeandrum in Caria (see Head, *Num. Hist.* p. 520).

The word *pons* was also applied to any sort of wooden gangway, such as the *pons suffragiorum* by which the file of voters at the Comitia passed into the enclosure (*ovile* or *saepta*); and also to the movable gangway used to give access to the deck of a ship: hence in modern Italian *ponte* has come to mean the deck itself. (See Mayerhöfer, *Die Brücken im alten Rom*, 1884; Zippel, *Jahrbücher für klass. Phil.* 1886, p. 481; Becker, *De Romae vet. muris*, &c., 1842; Jordan, *Topog. der Stadt Rom*, 1875–80; Piale, *Antichi Ponti* in the *Atti d. Pont. Acad.* 1831. Urlichs, *Codex Rom. topog.* 1871, gives the various *Regionary Catalogues*, with lists of the bridges in Rome. [J. H. M.]

PO'NTIFEX (ἱεροδιδάσκαλος, ἱερονόμος, ἱεροφύλαξ, ἱεροφάντης). The origin of this word is explained in various ways. Q. Scaevola, who was himself pontifex maximus, derived it from *posse* and *facere*, and Varro from *pons*, because the pontiffs, he says, had built the Pons Sublicius, and afterwards frequently restored it, that it might be possible to perform sacrifices on each side of the Tiber. (Varro, *L. L.* v. 83, ed. Müller; Dionys. ii. 73.) This statement is, however, contradicted by the tradition which ascribes the building of the Pons Sublicius to Ancus Martius (Liv. i. 33), at a time when the pontiffs had long existed and borne this name. Göttling (*Gesch. d. Röm. Staatsv.* p. 173) thinks that *pontifex* is only another form for *pompifex*, which would characterise the pontiffs only as the managers and conductors of public processions and solemnities. Others have suggested (cp. Plut. *Num.* 9) that the word is formed from *pons* and *facere* (in the signification of the Greek ῥέζειν, to perform a sacrifice), and that consequently it signifies the priests who offered sacrifices upon the bridge. The ancient sacrifice to which the name in this view alludes, is that of the Argeans on the sacred or Sublician bridge, which is described by Dionysius (i. 38; cf. ARGEI). But as the word *pons* originally meant "way" (Curtius, *Princ. Etym.* i. 323), it is very probable that *pontifex* meant "those who make the roads and bridges" (cp. Lange, *Röm. Alt.* i.^{3} 371), and are therefore possessed of mathematical and engineering skill (Mommsen, *R. H.* i. 178: cf. Jordan, *Topog. Roms*, i. 1, 397). Marquardt prefers to regard the name as coming from the root *pu*, "to purify," in a participial form. No explanation is satisfactory which

does not account for the fact that the title was used in many other Italian towns besides Rome.

The Roman pontiffs formed the most illustrious among the great colleges of priests. Their institution, like that of all important matters of religion, was ascribed to Numa. (Liv. i. 20; Dionys. ii. 73; Cic. *de Orat.* iii. 19, 73.) According to Livy (x. 6), the original number of pontiffs were four: it has been commonly assumed that this was exclusive of the pontifex maximus, and that Cicero (*de Rep.* ii. 14, 26) is including him when he says that Numa appointed five pontiffs. But it seems probable that there was no pontifex maximus under the monarchy, the king himself discharging the functions, which afterwards were fulfilled by him. Besides, the number three seems to have been attached to this office as well as to that of the augurs, being retained in the case of colonies, which often keep faithful to the earliest type. Hence we must assume that Livy is in error in the account which he gives of the changes made by the Ogulnian law; and instead of supposing with Niebuhr that *four* pontiffs represent the two earliest tribes, the Ramnes and the Tities, it will be better to assume that the six, including the king, represent the *three* tribes. But we really cannot get beyond conjectures on this point. In the year B.C. 300, the Ogulnian law raised the number of pontiffs to eight, or, more probably according to the researches of Bardt, to nine, and four of them were to be plebeians (Liv. x. 6). The pontifex maximus, however, continued to be a patrician down to the year B.C. 254, when Tib. Coruncanius was the first plebeian who was invested with this dignity (Liv. *Epit.* xviii.). This number of pontiffs remained for a long time unaltered, until in 81 B.C. the dictator Sulla increased it to fifteen (Liv. *Epit.* lxxxix.), and Julius Caesar to sixteen (Dio Cass. xlii. 51). In both these changes the pontifex maximus is included in the number. During the Empire the number varied, though on the whole fifteen appears to have been the regular number.

The mode of appointing the pontiffs was also different at different times. It appears that after their institution by Numa, the college had the right of co-optation; that is, if a member of the college died (for all the pontiffs held their office for life), the members met and elected a successor, who after his election was inaugurated by the augurs (Dionys. ii. 22, 73). This election was sometimes called *captio* (Gellius, i. 12; cf. FLAMEN). But at some time in the course of the third century B.C. the practice sprang up, we do not know more precisely how or when, that the choice of the pontifex maximus from the other members should be made by the votes of seventeen of the tribes, a minority of the whole number, determined by lot. This was the case with the election after the death of L. Lentulus in B.C. 212 (Liv. xxv. 2, 5), and with other later instances (Liv. xxxix. 46, 1; xl. 42). The ordinary pontiffs were still co-opted. An attempt to deprive the college of its right of co-optation, and to transfer the power of election to the people, was made in the year B.C. 145, by the tribune C. Licinius Crassus; but it was frustrated by the praetor C. Laelius. (Cic. *de Am.* 25, 96; *Brut.* 21, 43; *de Nat. Deor.* iii. 17, 43.) In 104 B.C. the attempt was successfully repeated by the tribune Cn. Domitius Ahenobarbus: and a law (Lex Domitia) was then passed, which transferred the right of electing the members of the great colleges of priests to the seventeen tribes; that is, the people elected one from a list of candidates approved by the college, who was then made a member of the college by the *cooptatio* of the priests themselves, so that the *cooptatio*, although still necessary, became a mere matter of form. (Cic. *de Leg. Agr.* ii. 7, 18; *ad Brut.* i. 5; Vell. Pat. ii. 12, 3; Suet. *Nero*, 2.) The Lex Domitia was repealed by Sulla in a Lex Cornelia de Sacerdotiis (81 B.C.), which restored to the great priestly colleges their full right of *cooptatio*. (Liv. *Epit.* lxxxix.; Pseudo-Ascon. *in Divinat.* p. 102, ed. Orelli; Dio Cass. xxxvii. 37.) In the year 63 B.C. the law of Sulla was abolished, and the Domitian law was restored by a plebiscite of Labienus, which prescribed that in case of a vacancy the college itself should nominate two candidates, and the people elect one of them (*Dio* Cass. xxxvii. 37). This mode of proceeding is expressly mentioned in regard to the appointment of augurs, and was, no doubt, the same in that of the pontiffs (Cic. *Philip.* ii. 2, 4). Julius Caesar modified but slightly this Lex Domitia, but M. Antonius is said to have again restored the right of *cooptatio* to the college (Dio Cass. xliv. 53). Mommsen (*Staatsr.* ii.[2] 29) doubts the accuracy of this statement. Under the Empire the right of appointment belonged formally to the senate, but virtually to the emperor.

The college of pontiffs had the supreme superintendence of all matters of religion, and of things and persons connected with public as well as private worship. A general outline of their rights and functions is given by Livy (i. 20) and Dionysius (ii. 73). This power is said to have been given to them by Numa; and he also entrusted to their keeping the books containing the ritual ordinances, together with the obligation to give information to any one who might consult them on matters of religion. They had to guard against any irregularity in the observance of religious rites that might arise from a neglect of the ancient customs, or from the introduction of foreign rites. They had not only to determine in what manner the heavenly gods should be worshipped, but also the proper form of burials, and how the souls of the departed (*manes*) were to be appeased; in like manner what signs either in lightning or other phenomena were to be received and attended to. They had the judicial decision in all matters of religion, whether private persons, magistrates, or priests were concerned; and in cases where the existing laws or customs were found defective or insufficient, they made new laws and regulations (*decreta pontificum*) in which they always followed their own judgment as to what was consistent with the existing customs and usages (Gell. ii. 28; x. 15). They watched over the conduct of all persons who had anything to do with the sacrifices or the worship of the gods; that is, over all the priests and their servants. The forms of worship and of sacrificing were determined by the pontiffs, and whoever refused to obey their injunctions was punished by them, for they were "rerum, quae

ad sacra et religiones pertinent, judices et vindices." (Fest. s. v. *Maximus pontifex;* cf. Cic. *de Leg.* ii. 8, 12.) The pontiffs themselves were not subject to any court of law or punishment, and were not responsible either to the senate or to the people. The details of their duties and functions were contained in books called *libri pontificii* or *pontificales, commentarii sacrorum* or *sacrorum pontificalium* (Fest. s. vv. *Aliuta* and *Occisum*), which they were said to have received from Numa, and which were sanctioned by Ancus Martius. These were preserved under the charge of the pontifex maximus in the regio. Ancus is said to have made public that part of these regulations which had reference to the *sacra publica* (Liv. i. 32); and when at the commencement of the Republic the wooden tables, on which these published regulations were written, had fallen into decay, they were restored by the pontifex maximus C. Papirius (Dionys. iii. 36). One part of these *libri pontificales* was called "Indigitamenta," and contained the names of the gods as well as the manner in which these names were to be used in public worship (Serv. *ad* Verg. *Georg.* i. 21). A second part must have contained the formulas of the *jus pontificium* (Cic. *de Rep.* ii. 31, 54). The original laws and regulations contained in these books were in the course of time increased and more accurately defined by the decrees of the pontiffs, whence perhaps their name *commentarii* (Plin. *H. N.* xviii. 3; Liv. iv. 3; Cic. *Brut.* 14, 55). Another tradition concerning these books stated that Numa communicated to the pontiffs their duties and rights merely by word of mouth, and that he had buried the books in a stone chest on the Janiculum. (Plut. *Num.* 23; Plin. *H. N.* xiii. 27; Val. Max. i. 1, 12; August. *de Civit. Dei*, vii. 34.) These books were found in 181 B.C., and one-half of them contained ritual regulations and the *jus pontificium*, and the other half philosophical inquiries on the same subjects, and were written in the Greek language. The books were brought to the praetor urbanus Q. Petilius, and the senate ordered the latter half to be burnt, while the former was carefully preserved. Respecting the nature and authenticity of this story, see Hartung, *Die Relig. d. Röm.* i. p. 214. The *annales maximi* were records of the events of each year kept by the pontifex maximus, from the commencement of the state to the time of the pontifex maximus P. Mucius Scaevola, B.C. 133 (Cic. *de Orat.* ii. 12, 52).

As to the rights and duties of the pontiffs, it must first of all be borne in mind that the pontiffs were not priests of any particular divinity, but a college which stood above all other priests, and superintended the whole external worship of the gods (Cic. *de Leg.* ii. 8, 20). One of their principal duties was the regulation of the *sacra* both *publica* and *privata*, and to watch that they were observed at the proper times (for which purpose the pontiffs originally had the whole regulation of the calendar: see CALENDARIUM, Vol. I. p. 342 *b*, &c.), and in their proper form. In the management of the *sacra publica* they were in later times assisted in certain performances by the tres viri epulones [EPULONES], and had in their keeping the funds from which the expenses of the *sacra publica* were defrayed [SACRA].

The pontiffs convoked the assembly of the curies (Comitia Calata or Curiata) in cases where priests were to be appointed, and flamines or a rex sacrorum were to be inaugurated; also when wills were to be received, and when a *detestatio sacrorum* and adoption by *adrogatio* took place. (Gell. v. 19, xv. 27; ADOPTIO.) Whether the presence of the pontiffs together with that of the augurs and two flamines were necessary in the Comitia Curiata also in cases when other matters were transacted, as Niebuhr thinks (i. p. 342, ii. p. 223), does not appear to be quite certain. The curious circumstance that after the decemvirate the pontifex maximus was commanded by the senate to preside at the election of tribunes of the people, is explained by Niebuhr (ii. p. 359: cf. Schwegler, iii. 66, and Mommsen, *Röm. Staatsr.* ii. 34, note).

As regards the jurisdiction of the pontiffs, magistrates and priests as well as private individuals were bound to submit to their sentence, provided it had the sanction of three members of the college (Cic. *de Harusp. Resp.* 6, 12). In most cases the sentence of the pontiffs only inflicted a fine upon the offenders (Cic. *Philip.* xi. 8, 18; Liv. xxxvii. 51, xl. 42), but the person fined had a right to appeal to the people, who might release him from the fine. In regard to the Vestal Virgins and the persons who committed incest with them, the pontiffs had criminal jurisdiction and might pronounce the sentence of death (Dionys. ix. 40; Liv. xxii. 57; Fest. s. v. *Probrum*). A man who had violated a Vestal Virgin was according to an ancient law scourged to death by the pontifex maximus in the comitium, and it appears that originally neither the Vestal Virgins nor the male offenders in such a case had any right of appeal. Incest in general belonged to the jurisdiction of the pontiffs, and might be punished with death (Cic. *de Leg.* ii. 19, 47). In later times we find that even in the case of the pontiffs having passed sentence upon Vestal Virgins, a tribune interfered and induced the people to appoint a quaestor for the purpose of making a fresh inquiry into the case; and it sometimes happened that after this new trial the sentence of the pontiffs was modified or annulled (Ascon. *ad Milon.* p. 46, ed. Orelli). Such cases, however, seem to have been mere irregularities founded upon an abuse of the tribunician power. In the early times the pontiffs were in the exclusive possession of the civil as well as religious law, until the former was made public by C. Flavius. [ACTIO.] The regulations which served as a guide to the pontiffs in their judicial proceedings, formed a large collection of laws, which was called the *jus pontificium*, and formed part of the *libri pontificii*. (Cic. *de Orat.* i. 43, 193; iii. 33, 134; *pro Domo*, 13, 34: JUS.) The new decrees which the pontiffs made either on the proposal of the senate, or in cases belonging to the *sacra privata*, or that of private individuals, were, as Livy (xxxix. 16) says, innumerable. (Compare Cic. *de Leg.* ii. 23, 58; Macrob. *Sat.* iii. 3; Dionys. ii. 73.)

The meetings of the college of pontiffs, to which in some instances the flamines and the rex sacrorum were summoned (Cic. *de Harusp. Resp.* 6, 12), were held in the *domus regia* on the Via Sacra, to which were attached the offices of the pontifex maximus and of the rex sacrorum. (Suet. *Jul.* 46; Serv. *ad Aen.* viii. 363;

Plin. *Epist.* iv. 11.) As the chief pontiff was obliged to live in a *domus publica*, Augustus, when he assumed this dignity, changed part of his own house into a *domus publica* (Dio Cass. liv. 27). All the pontiffs were in their appearance distinguished by the conic cap called *tutulus* or *galerus*, with an apex upon it, and the toga praetexta.

The pontifex maximus was the president of the college and acted in its name, the full rights of the king in religious matters having descended to him (Mommsen, *R. Staatsr.* ii. 17–70). He was generally chosen from among the most distinguished persons, and such as had held a curule magistracy, or were already members of the college (Liv. xxv. 5; xl. 42). Two of his especial duties were to appoint (*capere*) the Vestal Virgins and the flamines [VESTALES; FLAMEN], and to be present at every marriage by *confarreatio*. When festive games were vowed or a dedication made, the chief pontiff had to repeat over before the persons who made the vow or the dedication, the formula with which it was to be performed (*praeire* or *praefari verba*, Liv. iv. 27, v. 41, ix. 46). During the period of the Republic, when the people exercised sovereign power in every respect, we find that if the pontiff on constitutional or religious grounds refused to perform this solemnity, he might be compelled to do so by the people.

A pontifex might, like all the members of the great priestly colleges, hold any other military, civil or priestly office, provided the different offices did not interfere with one another. Thus we find one and the same person being pontiff, augur, and decemvir sacrorum (Liv. xl. 42); instances of a pontifex maximus being at the same time consul are very numerous. (Liv. xxviii. 33; Cic. *de Harusp. Resp.* 6, 12; cf. Ambrosch, *Studien und Andeutungen*, p. 229, note 105.) But whatever might be the civil or military office which a pontifex maximus held besides his pontificate, he was not allowed to leave Italy. The first who violated this law was P. Licinius Crassus, in B.C. 131 (Liv. *Epit.* 59; Val. Max. viii. 7, 6; Oros. v. 10); but after this precedent, pontiffs seem to have frequently transgressed the law, and Caesar, though pontifex maximus, went to his province of Gaul.

The college of pontiffs continued to exist until the overthrow of paganism (Arnob. iv. 35; Symmach. *Epit.* ix. 128, 129); but its power and influence were considerably weakened as the emperors, according to the example of Caesar, had the right to appoint as many members of the great colleges of priests as they pleased (Dio Cass. xlii. 51, xliii. 51, li. 20, liii. 17; Suet. *Caes.* 31). In addition to this, the emperors themselves were always chief pontiffs, and as such the presidents of the college; hence the title of pontifex maximus (P. M. or PON. M.) appears on several coins of the emperors. If there were several emperors at a time, only one bore the title of pontifex maximus; but in the year A.D. 238, we find that each of the two emperors Maximus and Balbinus assumed this dignity (Capitol. *Maxim. et Balb.* 8). The last traces of emperors being at the same time chief pontiffs are found in inscriptions of Valentinian, Valens, and Gratianus (Orelli, *Inscript.* n. 1117, 1118). The last formally renounced the title in A.D. 382. From this time the emperors no longer appear in the dignity of pontiff; but at last the title was assumed by the Christian bishop of Rome.

There were other pontiffs at Rome who were distinguished by the epithet *minores*. Various opinions have been entertained as to what these *pontifices minores* were. Niebuhr (i. p. 302, n. 775) thinks that they were originally the pontiffs of the Luceres; that they stood in the same relation to the other pontiffs as the *patres minorum gentium* to the *patres majorum gentium*; and that subsequently, when the meaning of the name was forgotten, it was applied to the secretaries of the great college of pontiffs. This supposition is contradicted by all the statements of ancient writers who mention the *pontifices minores*. Livy (xxii. 57; compare Jul. Capitol. *Opil. Macrin.* 7), in speaking of the secretaries of the college of pontiffs, adds, "quos nunc minores pontifices appellant;" from which it is evident that the name *pontifices minores* was of later introduction, and that it was given to persons who originally had no claims to it; that is, to the secretaries of the pontiffs. The only natural solution of the question seems to be this. At the time when the real pontiffs began to neglect their duties, and to leave the principal business to be done by their secretaries, it became customary to designate these scribes by the name of *pontifices minores*. Macrobius (*Sat.* i. 15), in speaking of minor pontiffs previous to the time of Cn. Flavius, makes an anachronism, as he transfers a name customary in his own days to a time when it could not possibly exist. The number of these secretaries seems to have been, at least after the time of Sulla, three (Cic. *de Harusp. Resp.* 6, 12). The name cannot have been used long before the end of the Republic, when even chief pontiffs began to show a disregard for their sacred duties, as in the case of P. Licinius Crassus and Julius Caesar. Another proof of their falling off in comparison with former days, is that about the same time the luxurious living of the pontiffs became proverbial at Rome (Hor. *Carm.* ii. 14, 26, &c.; Mart. xii. 48, 12; Macrob. *Sat.* ii. 9). (Cf. Bouché-Leclercq, *Les Pontifes de l'anc. Rome*, Paris, 1871; Marquardt, iii. 227–238; Madvig, *Verf. u. Verw.* ii. 612–633; Mommsen, *R. Staatsr.* ii. 18–70.) [L. S.] [A. S. W.]

PONTIFICA'LES LUDI. [LUDI PONTIFICALES.]

PONTIFI'CIUM JUS. [JUS.]

POPA. [CAUPONA; SACRIFICIUM.]

POPI'NA. [CAUPONA.]

POPLIFU'GIA or POPULIFU'GIA, the day of the people's flight, was celebrated on the 5th of July, according to Varro (*L. L.* vi. 18), in commemoration of the flight of the Romans, when the inhabitants of Ficuleae and Fidenae appeared in arms against them, shortly after the burning of the city by the Gauls; the traditional victory of the Romans, which followed, was commemorated on the 7th of July (called the *Nonae Caprotinae* as a feast of Juno Caprotina), and on the next day was the *Vitulatio*, supposed to mark the thank-offering of the pontifices for the event. Macrobius (*Sat.* iii. 2), who wrongly places the Poplifugia on the nones, says that it commemorated a flight before the Tuscans, while Dionysius (ii. 76) refers its origin to the flight of the people when Romulus disappeared

from the earth. (Marquardt, *Staatsverw.* iii. 325.) [W. S.] [G. E. M.]

POPULA'RES. [NOBILES.]

POPULA'RIA. [AMPHITHEATRUM, Vol. I., p. 112 *a*.]

PO'PULUS. Populus is the collective name for the whole citizens of Rome, of whatever rank and class. There was probably a time when the ancestors of those who retained to the end the title of *patricii* were the only persons who possessed the rights of citizens. At that time the assemblies (*comitia*) of the populus would consist wholly of patricians. It is possible, likewise, that the outsiders, after they had attained to the rights of citizens in private law, were for a time excluded from active participation in the assemblies of the populus. They would then be in the position of the *cives sine suffragio* of later days. It is not impossible (though here we come into dangerous collision with the ancient authorities) that the non-patrician Romans were admitted to a vote when the populus assembled in its military capacity (*comitia centuriata*) before the same privilege was accorded to them when the populus met in peaceful fashion within the walls (*comitia curiata*). But all this relates to pre-historic times. There is no evidence that, from the expulsion of Tarquin onwards, the plebeians were ever excluded from any kind of assembly of the populus Romanus. In all the history of the contest of the orders, we never hear of this privilege as a thing which remained to be fought for.

The populus Romanus is in theory sovereign in all matters. Every difficulty can be solved in the last resort by its interposition, and its command is law: "Lex est quod populus jubet atque constituit" (Gaius, i. 3). It cannot be bound even by its own previous decisions: "quod populus postremum jussisset, id jus ratumque esto" (Law of Twelve Tables). It may ordain and alter what it pleases in its own constitution, or in the powers and tenure of its magistrates, or in the delegation of rights to other persons or bodies, or finally in the ordinances of religion itself. This very omnipotence necessitated caution in the use of such unlimited authority. Especially the Roman people must be careful not to ordain anything which is likely to cause the withdrawal of the blessing of heaven on their actions. The populus by its own act (for there is none above it) protects itself against its own possible mistakes by attaching to each decree a saving clause, "si quid sacrosancti est, quod non jure sit rogatum, ejus hac lege nihil rogatur" (see for references and explanation Mommsen, *Staatsr.* iii. p. 43, n. 3, and p. 335, n. 2). In order to determine what may safely be commanded in the sphere of religion, the people naturally takes the advice of learned men, pontiffs and augurs, who are supposed to have special knowledge in these subjects.

In order to utter its supreme command the people must be properly summoned and have the question properly put to it ("consul populum jure rogavit"). The Romans always recognised the necessity for order and discipline: "ubicunque multitudo esset, ibi et legitimum rectorem multitudinis censebant debere esse" (Liv. xxxix. 15, 11). The magistrate, selected by the community to be its leader and to consult the gods on its behalf, is the only person who can elicit its sovereign will by putting the question with the proper solemnities (*auspicato*). The initiative residing in the magistrate is thus of the highest practical importance. The assembly can only answer Yes or No to his *rogatio*. But while fully admitting the great influence of the magistrate in the comitia, we must be careful not to exaggerate his formal attributes, or to forget that he does not ordain, but only requests the people to ordain ("Velitis jubeatis, Quirites"). We can hardly hold then, with Mommsen (*Staatsr.* iii. 304, 312), that it is of the essence of a *lex rogata* to be an agreement between two independent powers, the magistrate and the people. Other writers have gone further than this. Borgeaud, for instance, approves the doctrine that sovereignty legitimately resides in the magistrate rather than in the people, and that law in its truest conception is something imposed on the people from above: "The fact that the magistrate of ancient Rome, elected though he may be, does not hold his power from the assembly of the people, is a truth which criticism establishes each day more and more. We think that it will establish, likewise, that the law is on the same footing" (*Hist. du Plébiscite*, p. 114). "In the time when the magistrate and the law are by divine right there is no other sovereign than the magistrate, consecrated by the auspices of heaven and clothed with the imperium" (*ib.* p. 167). Such theories are in admitted contradiction with the ideas which the Romans of historical times entertained as to the basis of their own institutions. These institutions are represented as given indeed by the first king, who was also the founder of the state. Before Romulus, the Roman people did not exist, so that it could not of course be depicted as electing its first king or instituting its own senate or assembly. But with this exception, the Roman tradition is essentially republican in spirit. If the Romans had believed in the divine right of monarchy, they would certainly have enshrined it (as did the Spartans) in a heroic family. If they had imagined that the magistrate was inspired to dictate laws to them, they would have ascribed to him and not to the comitia the authority to override the sentence of the law in favour of a condemned criminal, and to undertake an offensive war, and to enable the citizen to dispose of his property to persons other than his natural heirs. It is just in such extreme cases that we can see where sovereignty really resides. Because the power of the magistrate is limited, the unlimited power of the people has to be called upon to intervene in such circumstances.

The practical activity of the populus is at every stage of Roman history hampered and restricted. In early times there was little to be done in the way of government beyond the command in war and the administration of justice, both of which were included in the imperium of the magistrate. The authorised body of advisers attached to the magistrate would likewise make the frequent consultation of the people unnecessary. Later on, the difficulties in the way of a magistrate who wished to put a question to the people were ever on the increase, and every such difficulty might be an obstacle between the people and the utterance of its will. In the presence of this practical nullity the

persistence of the doctrine that the People is the fount of power and the fount of law becomes the more remarkable. The magistrate (even the king) is represented as having not a co-ordinate but a derived power. His ministerial functions are necessary for the proper utterance of the voice of the people, but it is the people and the people alone whose commands are absolute. The *sic volo sic jubeo* which is the essential characteristic of sovereignty is to be found here alone. It is open, of course, to the critic to point out that our authorities for this presentation of the Roman constitution are of late time, and that they may have read into the early history ideas which belonged to a subsequent period. This may be a reasonable ground perhaps for scepticism, but hardly *for* setting up by conjecture a system of doctrines which were unknown to the Romans themselves. We can only present the Roman constitutional theory as it appeared to the Romans of historical times.

The assemblies of the populus Romanus are occasionally called by the general name of *concilia*, but their distinctive title is *comitia*. *Concilium* is more appropriately used of those assemblies which have no right to the more dignified and specific title of *comitia*. The populus Romanus assembles in historical times in three ways,—by curies, by centuries, and by tribes. The most concise account is that of Laelius Felix in Aul. Gell. xv. 27: "Is qui non universum populum sed partem aliquam adesse jubet, non comitia sed concilium edicere debet. Tribuni autem neque advocant patricios neque ad eos ferre ulla de re possunt . . . . Cum ex generibus hominum suffragium feratur curiata comitia esse, cum ex censu et aetate centuriata, cum ex regionibus et locis tributa." [See COMITIA.]

From the time of the secession to the Mons Sacer, the populus Romanus has side by side with it another great corporation, that of the plebs. The two corporations, though consisting in the main of the same persons, remained to the end of the Republic distinct in law. But the fact that the assemblies of both are popular assemblies, and that both the words *populus* and *plebs* may be used in a loose and general as well as in a technical sense, causes much confusion when we are dealing with the expressions, not of lawyers, but of politicians or historians. The confusion may best be illustrated by a passage of Livy (xxvii. 5, 16) where the distinction is alternately remembered and forgotten: "Decrevit senatus ut consul, priusquam ab urbe discederet, populum rogaret, quem dictatorem dici placeret, eumque quem populus jussisset, diceret dictatorem; si consul noluisset, praetor populum rogaret: si ne is quidem vellet, tum tribuni ad plebem ferrent. Quum consul se populum rogaturum negasset, quod suae potestatis esset, praetoremque vetuisset rogare, tribuni plebis rogarunt plebesque scivit, ut Q. Fulvius . . . dictator diceretur." So far the words are used with absolute correctness; but immediately afterwards he makes the senate send for the other consul "ut diceret, quem populus jussisset, dictatorem."

By the Hortensian law of B.C. 287 the decrees of the plebs received equal force with those of the populus [see PLEBISCITUM]. Those writers who view even the legislative capacity of the populus as a setting aside of ancient doctrine, and as an usurpation by the secular power in the province of divine right, consider the power accorded to the decisions of the plebs as a further step on the path of impiety. "Religion," says Borgeaud (*op. cit.* p. 154), "lends its force to the consular or praetorian law, made under the auspices of Heaven. The spear makes the plebiscite equal to the law." "In setting itself up as equal to the holy Law, it a lay and profane thing, the plebiscite secularises law; it emancipates it definitely from religion; it makes it human" (*ib.* p. 192). There is little to justify this contrast. The plebeians were as religious as they knew how to be. Their magistrates are not indeed qualified to take the auspices of the patricians which are those of the Roman people, and so their assemblies cannot be held *auspicato*. The plebs came into existence in an age when it was not at all easy for them to invent auspices of their own and fresh augurs to interpret them. But they went as near to this as possible. They had their consecration of the Sacred Mount, their solemn oaths in the presence of Heaven, the *sacrosanctitas* conferred on their magistrates. These rites were doubtless acquiesced in with contempt by the patricians, much as Sudra rites would be despised though not disallowed by Indian Brahmins, but they were none the less religious. Even supposing that we deny any religious sanctity to the decrees of the plebs as such, it must be remembered that since the Lex Hortensia they could claim a derived right. The law of Hortensius was an enormous act of sovereignty on the part of the populus Romanus. The populus saw fit in the plenitude of its power to decree that an *alter ego* should be set up in the person of the plebs. Whoever then denies the competence of the plebs, limits the power of the populus, and sets at nought all the sanctity which the law may have acquired from the regal prerogatives of the dictator's office, and from the auspices and prayers with which doubtless Hortensius commenced the business of the day.

The equivalence of the powers of the two corporations naturally increased the tendency to use indiscriminately the technical terms belonging to each; and the contrast between *populus*, *comitia*, *lex*, *jubere* on the one hand, and *plebs*, *concilium*, *plebiscitum*, *sciscere* on the other, is practically disregarded. This confused usage has led in one instance to a serious difficulty of interpretation. The corporation of the plebs, which before the law of Publilius Volero in B.C. 471 probably assembled by curies, after that date assembled by tribes, and by tribes only. Thus, while in the case of a curiate or a centuriate assembly we know at once that the body which is meeting must be the populus, in the case of a tribute assembly it is not always clear whether the populus or the plebs is intended. Some modern writers (*e.g.* Madvig, *Verfassung des röm. Staates*, 3, § 5) have imagined that not only was there a confusion of expression, but that there was actually only one such assembly. The ancient authorities seem, however, conclusive on this point. The assembly by tribes which is

called together by the tribunes cannot be an assembly of the populus Romanus, for "populi appellatione universi cives significantur, connumeratis etiam patriciis" (Gaius, i. 3), and "tribuni neque advocant patricios neque ad eos ferre ulla de re possunt" (Laelius in Aul. Gell. xv. 27). On the other hand, the assembly of the plebs cannot be that tribute assembly which confers the lesser *auspicia patriciorum* [see MAGISTRATUS], which is presided over by a patrician magistrate (see Cic. *ad Fam.* vii. 30, "Caesar, qui tributis comitiis auspicatus esset," &c.), and which passes laws on the *rogatio* of a consul. (See the preamble to the law in Frontinus, *de Aquis*, ch. 129: "T. Quinctius Crispinus consul populum jure rogavit populusque jure scivit in foro pro rostris aedis divi Julii pri. k. Julias. Tribus Sergia principium fuit, pro tribu Sex. L. f. Varro primus scivit.") There seems no escape from Mommsen's conclusion that the two corporations remained distinct; though the plebs always, and the populus sometimes, assembled by tribes.

Each of the two corporations had of course the election of its own officers, and by a special *regulation* of the Twelve Tables the *populus*, and the populus assembled in centuries, was alone competent to hear an appeal from the sentence of a magistrate affecting the life of a citizen. With these exceptions the assembly of the populus by way of tribes or of centuries and the assembly of the plebs were equally competent to pass sovereign decrees in all matters, and there are both leges and plebiscita relating to all manner of subjects of legislation. Even in the few reserved matters, the two approach each other as nearly as possible. The plebs may not indeed elect a consul or a praetor, but it may appoint a man to act *pro praetore* or *pro consule* (Liv. xxxi. 50, 11). It may not deprive a citizen of his *caput*, but it may decree that he shall be held to have deprived himself ("videri eum in exilio esse," Liv. xxv. 4, 9), or it may authorise the senate to try him (Liv. xxvi. 33, 12), or it may itself pronounce a capital sentence against him, conditionally on the finding of a jury. It is a tribune of the plebs, Fufius, of whom Cicero (*Paradox.* iv. 2, 32) says to Clodius: "Familiarissimus tuus de te privilegium tulit, ut si in opertum Bonae Deae accessisses exulares."

The distinction between populus and plebs, all important for the antiquarian and the constitutional lawyer, was practically of no significance for the statesman. Polybius in his elaborate account of the working of the Roman constitution does not so much as mention it. The practical effect of doubling the sovereignty was merely to commit the initiative to the tribunes as well as to the consuls and praetors. This parcelling out of power was probably a convenience as long as the senate kept a firm hand over all the magistrates; it added one more element of anarchy when this constitutional control was set aside. [J. L. S. D.]

PORISTAE (*πορισταί*). Very little has come down to us concerning the constitution and functions of this magistracy. All that we know is that it was at Athens a sort of financial board, appointed probably only from time to time when necessary for the purpose of raising extraordinary supplies (*πόρους πορίζειν*). The office is thus described: *πορισταί εἰσιν ἀρχή τις Ἀθήνησιν ἥτις πόρους ἐζήτει* (Bekker, *Anecd.* 294, 19). From this we may infer that they were a kind of committee who discussed how the money required for a special purpose might best be raised (by some special means). They were evidently regarded as belonging to the Treasury department, as we find the term united with *ταμίαι* in Demosthenes (*Philipp.* i. 49, § 33), and in like manner Antiphon classes them with the poletae [POLETAE] and practores [PRACTORES]. (*De Chor.* § 14.)

They were probably a committee of ways and means appointed to deal with such an emergency as that which forms the subject of the First Philippic. Hence it is that Demosthenes urges the Athenians to become their own poristae and treasurers. If such an institution no longer existed at Athens, there would have been no force in the allusion. We may also infer from an allusion in Aristophanes (*Ran.* 1505) that the office existed in his time. It is likewise not improbable that the assumption by robbers of the euphemistic name poristae arose from an allusion to an actual official body of that name (Arist. *Rhet.* iii. 2, 10, *οἱ λῃσταὶ αὑτοὺς πορισταὰς* — commissioners of ways and means—*καλοῦσι νῦν*). Hitherto no record of the existence of a like board elsewhere in Greece has reached us, either in the ancient texts or inscriptions. [W. RI.]

PORNAE (*πόρναι*). [HETAERAE.]

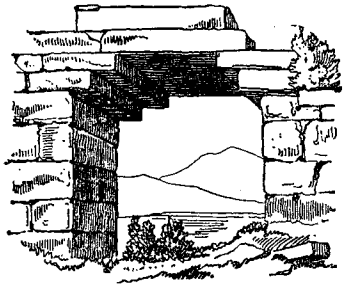
PORPE (*πόρπη*). [FIBULA.]

PORTA (*πύλη*), the gate of a city, citadel, or other open space enclosed by a wall, in contradistinction to JANUA, which was the door of a house or any covered edifice. The word *πύλη* is often found in the plural, even when applied to a single gate, because it consisted of two leaves (Thuc. ii. 4, &c.).

In tracing out the walls of an Italian city with the ceremony described under POMERIUM, the plough was lifted and carried across the openings to be left for the gates. The number and position of city gates in ancient Greece and Italy naturally varied according to circumstances. The old Etruscan custom was to give three gates to a walled city, dedicated to the three chief deities of the Etruscans: the same custom may possibly be seen in the three gates of Roma Quadrata (Plin. *H. N.* iii. § 66, where an alternative tradition of four gates is mentioned): two of these were the Porta Mugonia and Porta Romanula (Varro, *L. L.* v. 164). The ancient walls of Paestum, Sepianum, and Aosta enclose a square: in the centre of each of the four walls was a gate; the arrangement, however, was obviously affected by the nature of the ground, and the size of the city. Thus Megara had five gates; Thebes seven; others, as Rome, many more.

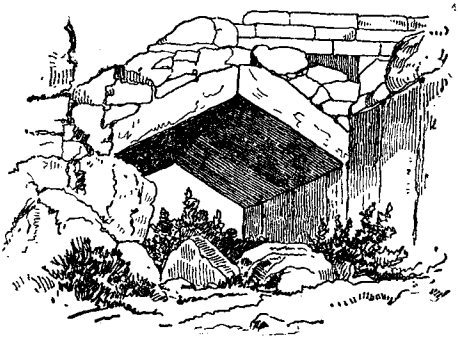
The gates in ancient Greek walls were formed in various ways, showing progressive art in building. We may give, from Reber (*Gesch. d. Baukunst*, 231), four distinct methods:—1. The simple straight lintel, consisting of a long and massive block, as in the "Lion" Gate of Mycenae (see woodcut on p. 185). 2. Stones projecting one beyond another in a step form from each side, and so gradually approaching till they can be topped by a flat lintel: an example is afforded

by a gate at Phigalia. 3. A gable shape, formed



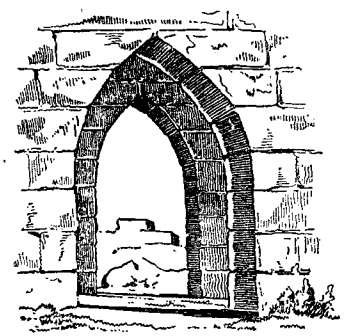
Gate at Phigalia.

by two massive stones meeting in an angle, as shown in a gate at Delos. 4. A refinement on



Gate at Delos.

No. 2, where the stones approach gradually, cut into shape, sometimes with a slight curve, till they join at the apex: they sometimes begin their slope from the ground, as in the gates of Missolonghi and Thoricos, shown by Baumeister (*Denkm.* Taf. xv.), or, in a more developed form, they are straight in their lower part, as the gate of Ephesus. When the arch was intro-



Gate at Ephesus.

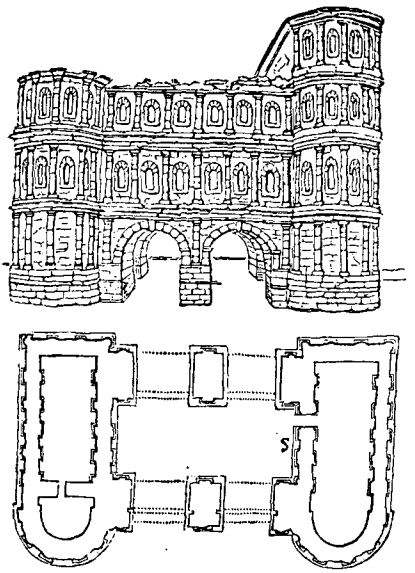
duced [ARCUS], the construction of the gate itself varied only as regards its size: but there were many differences and improvements as regards its defence. From early days the importance of flanking bastions had been seen; these were at first simple projections of the wall at right angles (see an example of the gate at Orchomenus in Guhl and Koner, p. 64), from the summit of which the defenders could shoot, and this developed into bastions formed by circular swellings of the wall on each side of the gate, and thence into regular flanking towers, round or square [TURRIS], often with additional defences, such as are shown in the gate of Posidonia, or Paestum [MURUS, p. 186]. An additional security to the entrance was given by a double gateway, having an outer and inner gate with a space between. At Messene the space between was circular, so that the wall at that part had the shape of a round tower pierced by two opposite openings (see plan in Guhl and Koner, p. 65). This system of double gates was very early, as in the second and third gateways of the fortress at Tiryns (see Plan, Vol. I. p. 655); and it is instructive also in this early fortress to see how the besiegers were exposed to fire when they forced one gateway and passed round to the next. Care was taken here, and elsewhere, that the right or unshielded side should be towards the wall in their approach.

At Como, Verona, and other ancient cities of Lombardy, the gate contains two passages close together, the one designed for carriages entering, and the other for carriages leaving the city. The same provision is observed in the magnificent ruin of a gate at Trèves. (See woodcut.) In other instances we find only one gate for carriages, but a smaller one on each side of it (*παραπυλίς*, Heliodor. viii. p. 394) for foot-passengers. Each of the fine gates which remain at Autun has not only two carriage-ways, but exterior to them two sideways for pedestrians. (Millin, *Voyage dans les Départemens*, &c., vol. i. ch. 22; Atlas, Pl. 18, figs. 3, 4.) Such sideways are well seen in the Porta d'Ercolano of Pompeii, of which there is a woodcut in Vol. I. p. 384. When there were no sideways, one of the valves of the large gate sometimes contained a wicket (*portula*, *πυλίς*: *ῥινοπύλη*), large enough to admit a single person. The porter opened it when any one wished to go in or out by night. (Polyb. viii. 20, 24; Liv. xxv. 9.)

The contrivances for fastening gates were in general the same as those used for doors [JANUA], but larger in proportion. The wooden bar placed across them in the inside (*μοχλὸς*) was kept in its position by the following method. A hole, passing through it perpendicularly (*βαλανοδόκη*, Aen. Tact. 18), admitted a cylindrical piece of iron, called *βάλανος*, which also entered a hole in the gate, so that, until it was taken out, the bar could not be removed either to the one side or the other (Thuc. ii. 4; Aristoph. *Vesp.* 200; *βεβαλάνωται*, *Aves*, 1159). Another piece of iron, fitted to the *βάλανος* and called *βαλανάγρα*, was used to extract it (Aen. Tact. *l. c.*). When the accomplices within, for want of this key, the *βαλανάγρα*, were unable to remove the bar, they cut it through with a hatchet (Thuc. iv. 111; Polyb. viii. 23, 24), or set it on fire (Aen. Tact. 19). [For the portcullis, see CATARACTA.]

The gateway had commonly a chamber, either on one side or on both, which served as the residence of the porter or guard. It was called *πυλών* (Polyb. viii. 20, 23, 24). Its situation is shown in the following plan. (See woodcut.)

The Porta Ostiensis, the finest and best-preserved of the gates in the Aurelian wall, affords an instance of the more elaborate kind:—"The central part of the gate with its arched doorway is of travertine, the outer arch is grooved, to receive a portcullis [CATARACTA], and from the inner and higher arch two travertine corbels project, which received the upper pivots of the doors, the lower ones being let into holes in a massive travertine threshold. Above this stone archway is a battlemented wall of brick-faced concrete, pierced with a row of 7 arched windows, opening into a gate chamber with similar windows on the inside. On each side are two brick-faced towers with semicircular projections on the outside." (Middleton, *Rome*, p. 494.) In the gates of Como and Verona the gatehouse is three stories high. At Trèves it was four stories high in the flanks, although the four stories remain standing in one of them only, as may be observed in the annexed woodcut. The length of this building is 115 feet;



Gate at Trèves.

its depth 47 in the middle, 67 in the flanks; its greatest height, 92. All the four stories are ornamented in every direction with rows of Tuscan columns. The gateways are each 14 feet wide. The entrance of each appears to have been guarded, as at Pompeii, first by a portcullis, and then by gates of wood and iron. [CATARACTA.] The barbican, between the double portcullis and the pair of gates, was no doubt open to the sky, as in the gates of Pompeii. The gate at Trèves was probably erected by Constantine. (Compare also Guhl and Koner, i. 62, ii. 48; Baumeister, *Denkm.* 804; Reber, *Hist. of Ancient Art*, 189, E. T.) [J. Y.] [G. E. M.]

PORTENTUM. [PRODIGIUM.]

PO'RTICUS (*στοά*) is a building of which the roof is supported at least on one side by columns; it is thus open to the air, but protected from sun and rain. The simplest form of portico has one row of columns on the outside, and a wall at the back; in this form *στοαὶ* frequently surround temples or enclose an open space, such as an *ἀγορά*: especially in Ionia these porticoes surrounding the *ἀγορὰ* were erected with great magnificence. A *στοὰ* might also have one or two interior rows of columns, dividing it into two or three aisles, and thus an extensive covered space was provided; in this case it was usual for the intervals between the interior columns to be double that between the exterior ones. Another form was divided by a wall instead of a row of columns, and thus two single porticoes were produced, set back to back (Paus. vi. 24). *Στοαὶ* were frequently adorned with paintings, either on the back wall or affixed to it; hence the name *ποικίλη* is applied to one at Athens, and another at Olympia: this last, as well as one at Hermione, had also the name of the Echo-stoa from its acoustic properties (Paus. v. 21; ii. 35). Statues were frequently placed in front of porticoes, and sometimes were placed, to adorn the portico itself, above the columns; so figures of Persians at Sparta (Paus. iii. 11). Greek stoae were named from their character, *ποικίλη*, *μακρά*, *Περσική*, or from their purpose, *βασίλειος*, where the archon basileus held his court, *ἀλφιτόπωλις*, probably at the Piraeus (Schol. Ar. *Ach.* 547); later also from those who erected them, as those of Eumenes and Attalus in Athens. Beside their official or commercial uses, *στοαὶ* in Athens also served as covered resorts for meeting and conversation; thus Zeno frequented the Stoa Poecile, after which his followers were called the Stoics. Porticoes were also attached to gymnasia and to baths.

The numerous porticoes in Rome were erected in imitation of the Greek, and served similar purposes, both public and private. Some were already erected during the later centuries of the Republic (*e.g.* Octavia, 168 B.C.; Metelli, 146 B.C.). But especially in imperial times they were constructed of extraordinary extent and richness. They were also a favourite addition to the private houses of rich Romans. Porticoes in Rome were usually named after their founder, the temples or other buildings they were near, their use (e.g. *argentaria*) or their decoration (*argonautarum*). When they surrounded a forum, Vitruvius observes (v. 1) that the intercolumniation should be wider than in Greek examples, for facility in seeing spectacula. [See AGORA; DOMUS.] [E. A. G.]

PORTI'SCULUS, a hammer or truncheon with which, as well as with his voice, the *pausarius* (=*κελευστής*) regulated the motion of the oars, and made the rowers advance or stop rowing. So Ennius (*ap.* Non. 151, 26): "tonsamque tenentes Parerent, observarent, portisculu' signum quum dare coepisset." The pausarius is also called *hortator* (Plaut. *Merc.* iv. 2, 5; cf. Ov. *Met.* iii. 618). His duties and his station in the stern of the ship are thus described by Silius Italicus (vi. 360):

> "Mediae stat margine puppis
> Qui voce alternos nautarum temperet ictus
> Et remis dictet sonitum."

[W. S.] [G. E. M.]

PORTITO'RES. [PORTORIUM; PUBLICANI.]

PORTO'RIUM. 1. Transit-dues or tolls on goods carried through a country or over a bridge,

or a toll on travellers (Suet. *Vit.* 14; Seneca, *de Const. Sap.* 14; Digest. 19, 2, 60).

2. Duties paid on goods imported, and no doubt on goods exported too. (Our evidence here is very defective; but see Cic. *Verr.* ii. 74, 182, and perhaps *pro Leg. Manil.* 6, 14.) According to legends the duty was levied under the kings, and removed by T. Valerius Poplicola as a means of attaching the plebs to the new order of things (Liv. ii. 9; Dionys. v. 22; Plut. *Popl.* 11). It must, however, have been restored before long, and in a more historical age the censors of B.C. 179 instituted *portoria et vectigalia multa* (Liv. xl. 51). G. Gracchus extended the system further (Vell. Pat. ii. 6). It was, of course, spread over Italy by Roman conquest; see *e.g.* Liv. xxxii. 7 for dues paid at Capua and Puteoli in B.C. 199. In B.C. 60 all portoria were done away with in Italian harbours by a Lex Caecilia of the praetor Q. Metellus Nepos (Dio Cass. xxxvii. 51; Cic. *Att.* ii. 16, 1); but Caesar *peregrinarum mercium portoria instituit* (Suet. *Jul.* 43), apparently for foreign goods only, *i.e.* goods imported from outside the Empire. The triumvirate introduced new τέλη (Dio Cass. xli. 34), which may mean *portoria* (but see under VECTIGALIA), and Augustus introduced further new ones and increased some of the old. The subsequent emperors increased or diminished this branch of the revenue as necessity required.

Like other vectigalia, the portorium was farmed out by the censors to the publicani, who employed portitores to collect it [VECTIGALIA; PUBLICANI]. Later, we hear of imperial procuratores for portoria [see STATIONES FISCI].

As a rule, the Romans took over in the provinces the existing import (and export?) duties; but they tended to group the provinces into more or less natural unions each of which reckoned as one customs-district, on whose frontiers duties were paid. The following districts (among which Sicily and Asia were specially productive, Cic. *Verr.* ii. 75, 185; *pro Leg. Man.* 6, 14) are known to us—Italy, Sicily, Gaul (including Alpes Cottiae and Alpes Maritimae), Spain, Britain, Illyricum, Asia, Bithynia (with Pontus and Paphlagonia), Africa, and Egypt. In some few cases the Romans allowed a town or island to raise portoria for its own benefit, stipulating that Roman citizens and socii Latini should be exempted from payment; *e.g.* Ambracia (Liv. xxxviii. 44) and Rhodes (Cic. *Q. F.* i. 1, 33); cf. *C. I. L.* i. 204 on Termessus. But this is perhaps rather to be looked on as an octroi than as a customs-duty.

As regards the articles subject to duty, the rule was that all commodities (including slaves) which were imported to be sold again paid the portorium; whereas things which a person brought with him for his own use were exempt. A list of taxable articles is given in the Digest (39, 4, 4, 16; cf. Cic. *Verr.* ii. 72, 176). Many things, however, which were rather luxuries than necessities, such as eunuchs and handsome youths, had to pay import-duty, even though they were imported by persons for their own use (Suet. *de clar. Rhet.* 1; Cod. 4, 42, 2). Things imported for the use of the state were exempt. But the governors of provinces, when they sent persons to purchase things for the use of the public, had to write a list of the things for the portitores, to enable the latter to see whether more things were imported than were ordered (Dig. 39, 4, 4). Respecting the right of portitores to search travellers and merchants, see PUBLICANI. Such goods as were duly stated to the portitores were called *scripta*, and those which were not, *inscripta*. The latter were confiscated on discovery (Dig. 39, 4, 16).

As to the amount of the duty we have but few statements in ancient writers. The Sicilian portorium in the time of Cicero was 5 per cent. (*vicesima*) of the value of the taxable articles (Cic. *Verr.* ii. 75, 185); and, as this was a familiar rate in Greece (see EICOSTE, and Boeckh's *Staatshaushaltung der Athener*, ed. 3, bk. 3, 6), it may have been the sum levied in other provinces too. But the amount may have varied with the place and time. We hear of 2 per cent. (*quinquagesima*) in Spain (*C. I. L.* 2, 5064), 2½ per cent. (*quadragesima*) in Gaul (Wilmanns, *Exempla Inscriptionum Latinarum*, 1295, 1398) and Asia (Suet. *Vesp.* 1). There are traces also of a fixed tariff for single wares (Wilmanns, 2738, for Africa). At a late period the exorbitant sum of one-eighth (Cod. Just. 4, 42, 2) is mentioned as the ordinary import-duty, but it is uncertain whether this was the duty for all articles of commerce, or merely for some (possibly for articles of luxury or for articles imported from or exported to places beyond the Roman empire).

The nature of the *portorium circumvectionis* (Cic. *Att.* ii. 16, 4) is not clear. [F. T. R.]

PORTUNA'LIA (a more correct spelling than *Portumnalia*), a festival celebrated in honour of Portunus on the 17th of August. It is called also *Tiberinalia* (Fast. Philocal.), and Mommsen thence deduces that Portunus = Tiberinus (*C. I. L.* i. p. 399); but Marquardt is probably right in taking Portunus not to be the River God, but the protecting deity of the wharves on the Tiber at Rome and of those at Ostia. He was "deus portuum" (Cic. *de Nat. Deor.* ii. 26, 66; cf. Verg. *Aen.* v. 241). The festival was celebrated in two places: at Rome by the Pons Aemilius (*Cal. Amit.*), and at Ostia (Varro, *L. L.* vi. 19). The connexion of Portunus with Tiberinus, the son of Janus, and therefore of his worship with that of Janus, may explain his being also termed "deus portarum" (Fest. *Ep.* p. 56, 6). [L. S.] [G. E. M.]

POSCA, vinegar mixed with water, was the common drink of the lower orders among the Romans (Suet. *Vitell.* 12), of slaves (Plaut. *Mil.* iii. 2, 23), and of soldiers on service (Spart. *Hadr.* 10). As to the theory that the celebrated *acetum* of Liv. xxi. 37 was *posca* (see Capes *ad loc.*), it is well known that some rocks, as limestone, can be split by any cold liquid poured over them when they are hot, and so more easily cut into a roadway (see Blümner, *Technol.* iii. 71). Hennebert (*Annibal*, ii. p. 253; Paris, 1878) tries elaborately to establish an explosive property for some composition called ὄξος or *acetum*. [W. S.] [G. E. M.]

POSSE'SSIO. Paulus (Dig. 41, 2, 1) gives the following account of the etymology of this word:—"Possessio appellata est a sedibus, quasi positio, quia naturaliter tenetur ab eo, qui ei insistit." We shall probably be right in taking as the elements of *possidere* the Latin equivalent of the preposition προτί (πρός) and *sedes* (see Corssen, *Beitr.* 87; Curtius, *Gr. Etym.* 286). Possessio, in its primary sense, is the control

which a man has over a corporeal thing, so that he is able to deal with it at his pleasure, and to exclude other persons from meddling with it. Such possession becomes possessio in a juristical or legal sense, when it is protected by certain legal remedies in case of interference with it. Still even in this sense possessio is not in any way to be confounded with ownership. A man may have possession of a thing in the legal sense without being the owner; and a man may be the owner of a thing without having possession (Dig. 43, 17, 1, § 2: "separata esse debet possessio a proprietate; fieri etenim potest, ut alter possessor sit, dominus non sit, alter dominus quidem sit, possessor vero non sit; fieri potest ut et possessor idem et dominus sit"). Ownership is the legal right to exercise control over a thing according to a man's pleasure, and to exclude everybody else from doing so; but though the owner has the *jus possidendi* or right to the possession, he has not possession unless he is actually exercising his right. Whether control of a thing gives a person possession in the legal sense depends on the intention of the person exercising it. If his intention is to hold the thing for himself (*animus sibi habendi*), then as a rule he has such possession; but if he intends to hold for another, as is the case with a person who borrows a thing, and with one who holds a deposit, he has not possessio but only detention (Dig. 41, 2, 18 pr.: "Nec idem est possidere et alieno nomine possidere; nam possidet, cujus nomine possidetur, procurator alienae possessioni praestat ministerium"). The Greek expression signifying the intention of a possessor to hold the thing for himself or as owner is ψυχὴ δεσπόζοντος (Theoph. *ad* Inst. ii. 9, 4, iii. 29, 2; Basil. 50, 2, 7), for which *animus domini* has been used as an equivalent by later commentators.

To have possession in the legal sense, the *animus domini* is generally required, though "in certain exceptional cases a person who held a thing for another, and who therefore had not the *animus domini*, was possessor in the legal sense (see *infra*). A possessor who has a thing under his control exercises a right of ownership, whether he is entitled to exercise such right or not. The legal notion of possession implies a thing which can be an object of ownership, and it also implies that the possessor has a capacity of ownership, which explains why a person in the power of another could not possess on his own account (Dig. 41, 2, 49, 1: "Qui in aliena potestate sunt, rem peculiarem tenere possunt, habere, possidere non possunt quia possessio non tantum corporis, sed et juris est"). Actual control being involved in the notice of possession, it follows that only one person at a time can possess a thing as a whole, but a number of persons can hold a thing in common, sharing the advantages of possession, though not the possession itself.

Though incorporeal things are not strictly speaking capable of possession, yet the actual enjoyment of them, as for instance in the case of servitudes, is sometimes equivalent to possession of a corporeal thing, and is called *juris quasi possessio*. The objects of this *juris quasi possessio* are certain real and personal servitudes and some *jura in re aliena*, which do not belong to the class of servitudes, of which SUPERFICIES is the only proper instance.

A man who has possession or even the bare detention of a thing has the advantage attached to the position of a defendant (*commodum possessoris*) in being free from the burden of proof, and in being entitled to retain the thing as a lien for certain claims. Thus in a vindicatio the defendant is named possessor, though he has not necessarily possession in a legal sense, the plaintiff being called *petitor*. The procedure by the vindicatio was also adapted to the case of an hereditas; and here also the term *possessor* was applied to the defendant.

The rights attached to possession in the legal sense were the following:—

(1) Such possession gives a right to the possessor to the protection of the possessory interdicts (*interdicta retinendae—recuperandae possessionis*) against interference with his possession and dispossession. The right to these interdicts is simply founded on legal possession, in whatever way it may have originated, as even by an act of theft, except that it must not have originated *vi, clam*, or *precario* with respect to the person against whom the interdict is claimed. [INTERDICTUM.] Thus, simply by virtue of being possessor, the possessor has a better right than anyone who is not possessor, and is only obliged to surrender the thing to the owner who proves his superior title in the proprietary action called *vindicatio*. In the possessory interdict itself the owner was not allowed to set up his title as a defence, and hence an interdict might be successfully maintained against him. The protection of the interdicts is also extended to *juris quasi possessio*.

(2) Possession for a certain time may give a title to ownership by usucapion, but usucapion requires, besides *possessio* in a legal sense (*i.e.* interdict possession), other circumstances to be present, as that the possession must have been *bonâ fide*—that is, acquired by a person without knowing that any one else has a better right to possess than himself—and that it must have been *justa causa*. He who buys a thing from a man who is not the owner, but whom he believes to be the owner, and obtains possession of the thing, is a *bonâ fide* possessor with a *justa causa*. [USUCAPIO.]

(3) Possession of a *res nullius* gives rise to ownership at once by title of occupancy.

The term *possessio* occurs in legal writings in various senses. There is possessio generally and possessio civilis and possessio naturalis. Possessio civilis is possession when it has the conditions necessary for acquiring ownership by usucapion, and all other possessio as opposed to *civilis* is *naturalis*. Hence possession as the foundation of the interdicts is possessio naturalis in this sense, as well as mere detention, which is not protected by any possessory remedies. Interdict possession is always expressed by *possessio* simply: and this is the meaning of *possessio* when it is used alone and yet in a technical sense. There is therefore a twofold possessio in the legal sense: possessio civilis, or possession for the purpose of usucapio; and possessio or possession for the purpose of the interdicts. Possessio is included in possessio civilis, which only requires more conditions than possessio. If, then, a man has possessio civilis, he has also possessio, that is, interdict possession, but the converse is not true. Possessio naturalis has two significations, but they are both negative,

and merely express in each case a logical opposition; that is, they are respectively not possessio civilis or possessio (ad Interdicta). The various expressions used to denote bare detention are "tenere," "esse in possessione," "corporaliter possidere." Some eminent modern writers reject the above explanation of the terms, which is that of Savigny. Thus, according to Vangerow and Windscheid, possessio civilis and possessio are identical in meaning, signifying interdict possession as opposed to naturalis possessio, which is mere detention (Vangerow, i. § 199, Anm.; Windscheid, i. § 149, n. 12).

We have next to consider how interdict possession is acquired and lost. In order to acquire possessio, apprehension (*corpus*) and intention (*animus*) are necessary (Dig. 41, 2, 3, § 1: "adipiscimur possessionem corpore et animo neque per se animo, aut per se corpore"). The apprehension of a corporeal thing is such a dealing with it as enables the person who intends to acquire the possession to exercise control over the thing to the exclusion of all other persons. Actual corporeal contact with the thing is not necessary to apprehension; it is enough if there is some act on the part of the person who intends to acquire the possession, which gives him the physical capacity to control the thing at his pleasure. Thus in the case of a field he who enters upon part is considered to have entered upon the whole. A man may acquire possession of what is contained in a warehouse or granary by delivery of the key which gives him access to the contents (Dig. 18, 1, 74). The delivery of the key is not a symbolical delivery, as some have supposed, but it is the delivery of the means of getting at the thing. (Compare Lord Hardwicke's remarks on this matter, *Ward* v. *Turner*, 2 Ves.)

The question whether there is sufficient to constitute apprehension can only be determined by reference to particular circumstances, which vary in different cases. If a thing is in the possession of some one, possession of it can be acquired either by his voluntary act of delivery (*traditio*) or by depriving him of it against his will. It was a positive rule that possession of land in the legal sense was not acquired by a secret act of dispossession. The animus consists in the will to treat as one's own the thing that is the object of apprehension (*animus domini*). But persons who are legally incompetent to will—such as infantes, furiosi, and juristic persons—could acquire the rights of possession by means of their representatives. If a man has merely detention of a thing, he can acquire the possessio by the animus alone, for the other condition has been already complied with. Possessio could be acquired without the *animus domini*, so that a person holding property from another was entitled to the possessory interdicts, in the following exceptional cases:—

1. When a thing was delivered to a creditor as security for his debt.

2. When a person held a thing at the leave of another (*precarium*).

3. When a thing was deposited with a person to hold as *sequester*.

4. When a person held land as emphyteutic tenant (*jus in agro vectigali, emphyteuta*), though this case is a doubtful one.

In these cases of derivative possession the usucapion possession belonged to the person for whom the interdict possessor held the property, except in case of sequestration, which interrupted possession. In all the cases of *juris quasi possessio*, the acquisition and the continuance of quasi-possessio depend on the corpus and animus; and the animus is to be viewed in exactly the same way as in the case of possession of a corporeal thing, though the intention here is not to control the thing as a whole, but only in certain limited respects (Randa, *Der Besitz*, §§ 24–36). A person might acquire possession by means of those who were subject to his power (*potestas*), what was delivered to such persons being considered as delivered to their superior, since they were incapable of possessing for themselves.

An extraneous agent acquired possession for his principal, if the agent did the necessary acts, and with the intention of acquiring the possession for the other, and not for himself, but there had always to be the animus on the part of the principal to acquire possession. In order to show such animus it was not necessary that the principal should expressly commission the agent to take possession of a thing, or that he should know of the fact of possession having been taken on his account. It was enough that the agent took possession for the principal, and that his act was within the scope of his commission (cf. Inst. ii. 9, 5: "per procuratorem etiam ignoranti acquiritur;" Windscheid, i. § 155). A person who is already the representative of another, and has the possessio of a thing, may by the animus alone cease to have the possessio for himself and have it for that other, retaining only the bare detention.

Every possession continues so long as the corpus and the animus continue. If both cease or either of them ceases, the possession is gone (Dig. 41, 2, 44, § 2). The animus or the corpus can, however, only be put an end to by a contrary act (Dig. 50, 17, 153: "ita nulla amittitur, nisi in qua utrumque in contrarium actum [est]"). Hence possession may continue under circumstances which could not have given rise to its acquisition. As to the corpus, the possession is not lost because there is not the present and immediate possibility of operating on the thing at pleasure, but only by the existence of some circumstance which prevents any further operating on it: *e.g.* possession of land is not lost by the possessor having ceased for a time to exercise acts of ownership over it, but only by adverse possession on the part of some one else. In the case of land there was also a positive rule of Roman law that, if in the absence of the possessor another occupied his land without his knowledge, he was not to use possession till he had knowledge of the occupation, and did not thereupon put an end to it.

In the case of movable things, the possession is put an end to when another person has got hold of them, either by force or secretly, or if they are lost. In the case of possession being lost by the animus only, there must be a determination on the part of the possessor no longer to hold the thing for himself. This determination may either be expressly declared or it may be implied from conduct. The possession is lost *corpore et animo*, when the possessor gives up a thing to another to possess

as his own or when he abandons it (*derelictum*). In the case of a *juris quasi possessio*, as well as in that of possessio proper, the continuance of the quasi-possessio depends on the corpus and animus together. There can be no such possessio without the *animus possidendi;* and if there be merely an *animus possidendi*, the *juris quasi possessio* must cease. Possessio can be lost by means of a person who represents the possessor. It may be thus lost either by the person represented ceasing to have the intention to possess or by the representative ceasing to intend to hold the things for the person he has previously represented, or by his ceasing to have the thing under his control. It was, however, ultimately settled by Justinian after some question that the mere abandonment of a thing by a representative did not deprive the person he had previously represented of the possession.

It was necessary that the intention of the representative to hold the thing for himself or for some one else should be expressed in some way, in order to change the possession. According to a prevalent opinion, the possession of a movable thing was not affected unless there was a handling of the thing (*contrectatio*) on the part of the representative for himself or another.

Possession, as a legal relation concerning objects of ownership, has a close connexion with proprietary relations, and so in many of the systematic treatises of Roman law is properly treated as introductory to the theory of ownership. [DOMINIUM.] Savigny regards possession both as a fact and a right—a fact in so far as *de facto* control of a thing apart from any right to possess is the foundation of it, a right in so far as rights are connected with the existence of such control; the only right arising from bare possession is a right to the interdicts. On what ground, he asks, is bare possession protected by the law, when the possessor has not a right to possess? The answer he gives is, that possession cannot be disturbed except by force, and force is not allowed. The fundamental notion then is this: a violent disturbance of possession is an attack on a man's personality, on his freedom; hence engendering an *obligatio ex delicto.*

Another explanation is, that possession is presumptive ownership, *i.e.* the law protects the possessor because he is probably owner. Ihering in an exhaustive treatise on the subject tries to prove that the ground of the possessory interdicts is the proper protection of ownership. As a rule, he says, the possessor is owner, and possessory remedies are more beneficial to an owner than proprietary, since in making use of them he is not called on to prove his title, often a difficult matter to prove; but this benefit of possessory remedies cannot be given to a possessor who is owner without also being given to a possessor who is not owner.

Again the protection of possession by interdicts is often based on the general ground that it is a consequence of the freedom of the will, each man being entitled to exercise his will as he pleases in respect of external objects without interference, until it is shown that his individual will is in conflict with the general will, *i.e.* with the law. (For an examination of these and other theories on this subject, see especially Ihering, *Ueber den Grund des Besitzesschutzes.*)

It is shown in the article AGRARIAE LEGES, that the origin of the Roman doctrine of possession may probably be traced to the possessio of the ager publicus. *Possessio*, *possessor*, and *possidere* are the proper technical terms used by the Roman writers to express the possession and enjoyment of the public lands. A person who occupied such lands by lease of the state had not quiritarian ownership, the ownership being in the state; but it is probable that he was maintained in his possession against third parties by interdicts. The Interdicta uti possidetis and unde vi, which relate only to land, may have been first established in respect of such possession.

The nature of the precarium is explained, when we know that it expressed originally the relation between the patronus and the cliens who occupied the possessio of the patronus as a tenant at will, and could be ejected by the Interdictum de precario if he did not quit on notice. Property in provincial soil came to be called *possessio;* such property was not quiritarian ownership, but it was a right to the exclusive enjoyment of the land [PROVINCIA]. Thus the word *possessio*, which properly means the fact of possession, sometimes signifies a right to the possession of land, *i.e.* a right of property; it is also used to signify the object of the right: ager was a piece of land which was the object of quiritarian ownership, and possessio was of land that could not be the object of quiritarian ownership, such as provincial land (Javolenus, Dig. 50, 16, 115) and the old ager publicus. The expression *bonorum possessio* does not mean the actual possession of property, but the peculiar character of the praetorian as opposed to the civil inheritance. [HEREDITAS.]

(Dig. 41, 2; Cod. 7, 32; Savigny, *Das Recht des Besitzes;* Bruns, *Das Recht des Besitzes im Mittelalter und in der Gegenwart;* Lenz, *Das Recht des Besitzes und seine Grundlagen;* Puchta, art. *Besitz* in Weiske's *Rechtslexicon;* Windscheid, *Pandekten*, i. § 148; Büchel, *Ueber die Natur des Besitzes;* Ihering, *Ueber den Grund des Besitzesschutzes*, and *Der Besitzwille*, i.) [G. L.] [E. A. W.]

POSSE'SSIO CLANDESTI'NA. [INTERDICTUM.]

POSTI'CUM. [JANUA.]

POSTLIMI'NIUM, JUS POSTLIMI'NII. "There are," says Pomponius (Dig. 49, 15, 14, pr.), "two kinds of Postliminium, for a man may either return himself, or recover something;" and similarly Paulus says (Dig. *ib.* 19, pr.) that Postliminium "is the right of recovering a lost thing from an *extraneus* and of its being restored to its former status, which right has been established between us (the Romans) and free peoples and kings by usage and statutes (*moribus ac legibus*): for what we have lost in war or even apart from (*citra*) war, if we recover it, we are said to recover *postliminio*: and this usage has been introduced by natural equity, in order that he who was wrongfully detained by strangers should recover his former rights on returning to his own territories (*in fines suos*):" and Paulus adds, "A man seems to have returned by postliminium when he returns into our territory, just as he is lost when he leaves it; and even if he has come

into a state in alliance or friendship with Rome, or to a friendly or allied king, he appears to have at once returned by postliminium, because he then first begins to be safe under the name of the state." These extracts are given in order to clear up the etymology of the term, which was derived by Scaevola from *post* and *limen*, a derivation accepted by Festus, Boethius, and Isidorus, but questioned by Servius Sulpicius: for "what has been lost by us and has come to an enemy, and as it were gone from its own *limen*, and then has afterwards (*post*) returned to the same *limen*, seems to have returned by postliminium" (Cic. *Top.* 8, 36; Inst. i. 12, 5). According to this explanation, the *limen* was the boundary or limit within which the thing was under the authority of Rome and her law: similarly Servius (on Verg. *Aen.* xi. 267) speaks of the *limen imperii*. Mr. Poste (in his note on Gaius, i. 129) suggests that the word is derived from *pot*, the root of *potestas* or *possessio*, and *limen* or *stlimen* = *ligamen*, and therefore would denote the bridging over of the interval of captivity by a fiction of continued capacity or possession, as a doorway is bridged over by a lintel (*limen*): but this begs the question as to the derivation of *limen* itself, and we cannot discover that this etymology is favoured by any consensus among modern scholars. There is a fanciful explanation of the subject by Plutarch (*Quaest. Rom.* 5) in his answer to the question, Why those who have been falsely reported to have died in a foreign land are not received into the house through the door in case of their return, but are let down through an opening in the roof?

As a principle of law, postliminium seems in origin to have been derived from the Jus feciale, as indeed is suggested by the passage of Paulus in Dig. 49, 15, 19, cited above. Speaking generally, it relates to the rights of Roman subjects who were captured in war and subsequently returned to their own country, and to ownership (or analogous rights) over things or persons who after similar capture were recovered from the enemy. As Pomponius remarks, it has two aspects—one active, and the other passive.

As regards the former—if a Roman citizen during war came into the power of an enemy, he underwent *capitis deminutio maxima*, and all his civil rights were in abeyance, because he thereby became a slave. But if he returned to his own country, he was held (subject to certain conditions) to recover by postliminium all the rights which belonged to him at the time of his capture or which had accrued to him since; a doctrine which was based on the fiction that he had never been absent from home: "perinde omnia restituuntur ei jura ac si captus ab hostibus non esset" (Dig. 49, 15, 5, 1). Thus he recovered his freedom and civitas (Cic. *pro Balbo*, 11, 12, 27-30; *de Orat.* i. 40, 181), his own property and rights over the property of others, and his potestas over children who would have been in his power had he never been captured. If he died a captive, it was a question in Gaius' time (i. 129) whether the filiifamilias dated their release from power from the capture or the decease: Justinian, following Ulpian, decided in favour of the former (Inst. i. 12, 5). Originally marriage was dissolved by the capture of either party, and it could not be restored by postliminium, a fresh consensus being required if the captive returned (Dig. 49, 15, 14, 1), but eventually captivity was regarded as in no way differing from ordinary absence, proof being required of the absent party's death before the other could lawfully marry again (*Nov.* 117, 11). These rights, however, were none of them recovered by a returned captive unless he had been taken with arms in his hands, or if he returned during an armistice; and their recovery must have been intended (Dig. 49, 15, 5, 3). Finally, if a man made a will before he was taken prisoner, and afterwards returned, the will was upheld by postliminium notwithstanding his intermediate slavery: if he died in captivity, it was held good by the *fictio* of the Lex Cornelia, a statute passed by Sulla B.C. 80, which imposed penalties on those who forged wills of persons who died in captivity, and thus implicitly recognised their validity (Inst. ii. 12, 5; Dig. 28, 1, 12). If a Roman was ransomed by another person, he became free, but he was in the nature of a pledge to the ransomer, and the *jus postliminii* had no effect till he had repaid the ransom money.

Sometimes a man was given up bound to an enemy by an act of the state; and if the enemy would not receive him, it was a question whether he had the *jus postliminii*. This was the case with Sp. Postumius, who was surrendered to the Samnites, and with C. Hostilius Mancinus, who was given up to Numantia: the latter was restored to his civic rights by a lex, so that the better opinion was that postliminium had no operation (Cic. *de Orat.* i. 40, 141; *de Off.* iii. 30, 109; *Top.* 8, 36; *pro Caec.* 34, 98;—Dig. 49, 15, 4; 50, 7, 18).

The Romans acknowledged capture in war as the source of ownership in other nations, as they claimed it in their own case. Accordingly things taken by the enemy lost their Roman owners: but (in its passive aspect) postliminium operated to subject certain things and persons to the dominion and power under which they had been at the time of capture if recovered. Thus free persons in potestas, if they returned from captivity, fell again under the power of their paterfamilias (Dig. 49, 15, 14, pr.; Inst. ii. 1, 17); and the same principle was applied to land, slaves, ships, horses and mules (Cic. *Top.* l. c.; Dig. 49, 15, 2, 3: cf. Festus, s. v. *Postliminium*). Arms were not included, for it was a maxim that they could not be honourably lost (Dig. *l. c.*). In analogy with a rule already stated, the owner of a thing (*e.g.* a slave) which was ransomed by another person was not entitled to it till he had repaid the ransom; but there may seem to be some difficulty in adjusting the rights of the parties if we suppose that one civis recaptures property subject to the rule of postliminium which had belonged to another Roman citizen. But this may be solved by the observation that in time of war no civis could individually be considered as acting on his own behalf under any circumstances; whatever he did was the act of the state. The rule of the *jus gentium* that enemies' property is *res nullius*, and belongs to him who first seizes on it, only applied to hostile property within the territory of the other belligerent (Dig. 41, 1, 51): what was taken from the enemy on his own soil belonged to the state, and vested in individuals

only by sale or grant (Dig. 49, 15, 28; Dionys. vii. 63). From this principle, however, the things subject to postliminium which have been enumerated above, were excepted (Liv. v. 16;—Dig. 49, 15, 19, 10; ib. 28, 30); the actual taker was regarded as the agent of the state, and the state itself restored them to their previous owners.

The law of Postliminium applied to times of peace as well as of war, when the circumstances were such that the person or thing could become the property of another nation (Dig. 49, 15, 5), as, for instance, of a nation which had neither an *amicitia*, *hospitium*, or *foedus* with Rome: for it might be thus related without being *hostis;* for a nation was not *hostis*, in the later acceptation of the term, till either it or Rome had declared war against the other. Robbers and pirates were not *hostes*, but they had no political organisation, so that capture by them did not change the legal position of the person or property seized: the persons continued free in law, and the property never ceased to belong to its rightful owners, so that no occasion arose for the application of postliminium.

[The best treatises on this subject are those of Hase (Halle, 1851) and Bechmann (Erlangen, 1872), both called *Das jus Postliminii und die Fictio legis Corneliae.* For the influence of the principle in International Law the reader may refer to an article on the subject by F. Brockhaus in Holtzendorff's *Rechtslexicon.*] [J. B. M.]

POSTSIGNA'NI. [EXERCITUS, Vol. I. p. 807 *b.*]

PO'STUMUS. [HERES.]

POTESTAS. [PATRIA POTESTAS.]

PRA'CTORES (*πράκτορες*), officers who collected the fines and penalties (*ἐπιβολὰς* and *τιμήματα*) imposed by magistrates and courts of justice, and payable to the state. There seems little doubt that at Athens there were ten *πράκτορες*, chosen by lot, one from each tribe. It has been objected that an inscription of Imbros gives *three* as the number (Kirchhoff, *Monatsber. d. Berl. Akad.* 1865, 121); but Fränkel justly points out in his note on Boeckh (*Staatshaush.* ii.[3] 39*) that this refers to a *cleruchia*, which was Athens on a reduced scale, with fewer officials, just as it had only three proedri. The Athenian *πράκτορες* were not, as seems to be implied by Pollux, viii. 114, mere subordinates; for they formed an *ἀρχή.* (Arist. *Pol.* vii. 8; Bekker, *An.* 190, 26.) The magistrate who imposed the fine, or the *ἡγεμὼν δικαστηρίου*, gave notice thereof in writing to the *πράκτορες.* He was then said *ἐπιγράφειν τὸ τίμημα τοῖς πράκτορσιν*, and the debtor's name *παραδοθῆναι τοῖς πράκτορσιν.* If the fine or any part thereof was to go to a temple, the like notice was sent to the *ταμίαι* of the god or goddess to whom the temple belonged. (Aesch. *c. Timarch.* § 35; Andoc. *de Myst.* § 73; [Dem.] *c. Theocr.* p. 1328, § 20; 1337, § 47; Dem. *c. Macart.* p. 1075, § 71.) The name of the debtor, with the sum which he was condemned to pay, was entered by the *πράκτορες* in a tablet in the Acropolis. Hence the debtor was said to be *ἐγγεγραμμένος τῷ δημοσίῳ*, or *ἐν τῇ ἀκροπόλει.* It was the business of the *πράκτορες* to demand payment of this sum, and, if they received it, to pay it over to the *ἀποδέκται*, and also to erase the name of the debtor in the register (*ἐξαλείφειν* or *ἀπαλείφειν*). Such erasure usually took place in the presence of some members of the senate. An *ἔνδειξις* lay against any man who made or caused to be made a fraudulent entry or erasure of a debt. (Harpoc. and Suidas, *s. v. ἀγραφίου, ἀποδέκται, ψευδεγγραφή*: Andoc. *l. c.*; [Dem.] *c. Aristog.* i. p. 778, § 28; *c. Theocr.* p. 1338, § 52.) The collectors took no steps to enforce payment; but after the expiration of the ninth *πρυτανεία* of the year [*i.e.* during the tenth] (or in case of a penalty imposed on a *γραφὴ ὕβρεως*, after the expiration of eleven days), if it still remained unpaid, it was doubled, and an entry made accordingly. (Aesch. *c. Timarch.* § 16; Dem. *c. Pant.* p. 973, § 22; [Dem.] *c. Theocr.* p. 1322, § 1; *c. Neaer.* p. 1347, § 7.) Thereupon immediate measures might be taken for seizure and confiscation of the debtor's goods; but here the *πράκτορες* had no further duty to perform, except perhaps to give information of the default to the senate. There were no doubt in many, if not most, Greek states officers bearing this title with similar duties. We find them in inscriptions at Tenos, Sikinos, and Ios. (*C. I. G.* 202, 2447; *N. Rhein. Mus.* xxii. p. 294.) In the Phocian cities Medeon and Stiris the form of the word is *πρακτῆρες.* (*Bull. Cor. Hell.* v. 45.) (Gilbert, *Staatsalt.* i. 228; Boeckh, *Staatshaush.* i.[3] 189.) [EPIBOLE; TIMEMA.] [C. R. K.] [G. E. M.]

PRAECI'NCTIO. [AMPHITHEATRUM, Vol. I. p. 110 *b.*]

PRAECO, a crier. Of these there were two distinct kinds—those in private employment, and those employed and paid by the state as subordinate attendants. The *praecones* of the former kind were (1) criers of lost goods (Plaut. *Merc.* iii. 4, 78; Petron. 97), and (2) especially auctioneers: they were not, it is true, the chief superintendents of the auction [*see* AUCTIO]; but besides advertising the time, place, and conditions of sale, they also acted the part of a modern auctioneer so far as calling out the biddings and amusing the company, though the property was knocked down by the *magister auctionis.* (Hor. *Ars. Poet.* 419; Cic. *ad Att.* xii. 40; *de Off.* ii. 23, 83.) The official *praecones* were those whose duty it was to attend (*apparere*) certain magistrates, for purposes mentioned below. We have evidence from inscriptions of a *collegium* with three decuriae of *praecones*, to attend on consuls and censors (the first, or "Julian," decuria for consuls): also for curule aediles, quaestores aerarii, and tribunes (*C. I. L.* vi. 1944, 1945, 1869, 1847; cf. Liv. xliii. 16; Auct. *ad Herenn.* iv. 55, 68): perhaps also for other magistrates, since, as Mommsen remarks, their low status may account for slighter mention of them in inscriptions. They attended the same magistrates in the provinces (Cic. *in Verr.* ii. 10, 27; Liv. xlv. 29).

Their duties were to act in all cases required as the voice through which the magistrate on whom they attended conveyed his orders or remarks to the people: therefore (1) to summon the people to comitia or contiones (Liv. *i.* 59; vii. 4; xxiv. 8, &c.); (2) to proclaim silence (Auct. *ad Herenn.* l. c.; Liv. xxviii. 27, &c.); (3) to announce the bill which was to be voted on, when the *scriba* dictated [*subicit*] the words already written down which the *praeco* was to announce aloud (*pronuntiare:* Ascon. *in Cornel.*

58): we often find the scribe alone mentioned as reading (Appian, *B. C.* i. 11), but, according to Mommsen, we are to understand that he reads through the voice of the *praeco;* (4) to announce the votes of different sections at an election (Cic. *de Leg. agr.* ii. 2, 4) or the decision of the majority (Cic. *pro Mil.* 35, 96; Gell. xii. 8, 6); (5) to summon the senators to the senate-house (Liv. i. 47; Suet. *Claud.* 36); (6) to make known the orders of the magistrate, the *edictum* being "spoken out" by the *praeco*, and so, for instance, in ordering slaves to quit the theatre or foreigners the city (Cic. *de Harusp. Resp.* 12, 26; Liv. ii. 37). (7) In trials they summoned the accuser, the accused, and the witnesses (Suet. *Tib.* 11; Liv. viii. 32; Cic. *pro Flacc.* 15, 34): they announced the conclusion of the pleadings, gave the dismissal of the judices (by the word *ilicet*), and ordered the executioner to do his office (Liv. xxvi. 15). (8) At the public funeral (*funus indictivum*) they summoned those who were to take part with the formal words: "Ollus Quiris leto datus: exsequias ire, cui commodum est, jam tempus est. Ollus ex aedibus effertur." It is clear that the *praeco* comes in here because it is a *state* funeral, by order of the senate and arranged by a quaestor or praetor. (See Fest. p. 106; Cic. *de Leg.* ii. 24; Becker-Göll, iii. 496; Marquardt, *Privatl.* 351.)

The official dress of the *praeco* was marked by the *angustus clavus* (see Mommsen, *Staatsrecht*, iii. 218). The *praecones* were of a low grade, with little education (Mart. v. 56, 10), as far as can be gathered from inscriptions, of the freedman class: and the contempt in which their office (*praeconium*) was held is seen not only from such passages as Juv. iii. 33, vii. 6 (cf. *κήρυξ*, Theophrast. xvi. 10, and Jebb's note), but also from the law (Lex Julia) forbidding those who had exercised it to hold office in the municipia (Tab. Heracl. 54 = *C. I. L.* i. 206; Cic. *ad Fam.* vi. 18, 2). Nevertheless the office (probably the auctioneering part of it) was often very profitable, and made it possible for the *praeco* to become a rich man: for instances, see Mayor's note on Juv. vii. 6; among them the Gallonius mentioned in Hor. *Sat.* ii. 2, 47. (Mommsen, *Staatsrecht*, i.^{3} pp. 363–366.) [W. S.] [G. E. M.]

PRAECO'NIUM. [PRAECO.]

PRAEDA signifies movable things taken by an enemy in war: when captured by a Roman army, they were either distributed by the general among the soldiers (Liv. ii. 42, vi. 13; Sallust, *Jug.* 68), or sold by the quaestors, the proceeds being paid into the Aerarium:—

> "istos captivos duos,
> Here quos emi de praeda de quaestoribus."
> (Plaut. *Capt.* i. 2, 1.)

Property so acquired was regarded by the early Romans as belonging to the individual who had purchased it, or to whom it had been awarded, by the highest and most indefeasible of titles: "Maxime sua esse credebant," says Gaius (iv. 16), "quae ex hostibus cepissent."

The difference between Praeda and Manubiae is explained by Gellius (xiii. 24) to be this: Praeda denotes the things themselves that are taken in war, while Manubiae is "pecunia per quaestorem populi Romani ex praeda vendita contracta:" nor can any objection to this explanation be derived from the words of Cicero (*de Lege agrar.* ii. 22, 59). The etymology of praeda may perhaps be *prae-hida* from *praehendere, prendere* (root *hed*), which would form a connecting link between the term and many other primitive Roman legal words, such as mancipium: see Pott, *Etymologische Forschungen auf dem Gebiete der Indo-Germanischen Sprachen*, i. pp. 142, 199.

When prisoners were sold, they were said to be sold *sub corona;* the true explanation of which expression is probably that given by Gellius (vii. 4). The mode of sale of other things than slaves was at first probably in detail, but afterwards in the lump: that is, the whole praeda might be sold to the highest bidder, or it might be sold in large lots or aggregates which contained a great number of separate things, in which cases the whole or minor aggregate would pass to the purchaser as a universitas, and he might retail it if he chose. This mode of sale was called *sectio* (Cic. *de Invent.* i. 45, 85), and the purchaser was called *sector.* It was the practice to set up a spear at such sales, which was afterwards used at all sales conducted by a magistratus in the name of the people [SECTIO].

Corresponding to the acquisition of movable things in warfare, and their becoming private property, is the transfer of ager Publicus, which was acquired in war, to individuals, by a Lex Agraria de Coloniis deducendis, or by a sale by the quaestors (*ager quaestorius*). [G. L.] [J. B. M.]

PRAEDIA'TOR. [PRAES.]

PRAEDIATO'RIUM JUS. [PRAES.]

PRAE'DIUM etymologically seems to be derived from the root *hed* (PRAEDA), through either *praes* or *praeda:* with the first it is connected by Varro, who says that it originally signified any property which was made security to the state by a *praes* ("praedia dicta, item ut praedes, a praestando, quod ea pignori data publice mancupis fidem praestent," *L. L.* v. 40): by others it is brought into relation with *praeda:* "quod antiqui agros quos bello ceperant ut praedae nomine habebant" (Gromat. Veter. ed. Lachmann, i. p. 369). Subsequently the term was limited to signify land generally, being used in contrast with *fundus* or *solum* especially when the situation of the land, or the purpose for which it was used, was in contemplation: thus *praedia rustica* are parcels of land devoted to tillage or pasture, even though they may be partly built upon, while *praedia urbana* are those which are not used for the production of the fruits of the earth, but for residence and commercial ends: though from different points of view a piece of land might be considered at once both *urbanum* and *rusticum* (Dig. 20, 2, 4, 1; 50, 16, 198). Rights over land which, though less in orbit than dominium, are yet real in their nature (*e.g.* rights of way), were mostly called *jura praediorum:* see SERVITUTES.

Provincialia praedia were called either *stipendiaria* or *tributaria*, because the land tax was termed *stipendium* in those provinces which were considered to belong to the populus, and *tributum* in the provinces of the emperor (Gaius, ii. 21: cf. Dig. 50, 16, 27, 1). This distinction, however, was merely nominal even in Gaius'

time, and ceased entirely about the end of the second century. [J. B. M.]

PRAEFECTU'RA. [COLONIA, Vol. I. p. 483.]

PRAEFECTUS, a title given to various officials, appointed, not directly by the people, but by the delegation of some magistrate, to discharge special functions. Hence the *praefectus* was not included in the lists of magistrates, although in certain cases he enjoyed the insignia of a magistrate. The most important are as follows. [A. S. W.]

PRAEFECTUS AEGYPTI. Egypt was not included by Augustus either in the senatorial or in the imperial provinces, but was reserved for his more immediate control. None of the senators or *equites illustres* were allowed to set foot in it without the special permission of the emperor (Tac. *Ann.* ii. 59; Dio Cass. li. 17); it was governed for him by a *procurator* of equestrian rank, who, however, as holding a superior position to that of an ordinary procurator and an *imperium ad similitudinem proconsulis* (Dig. 1, 17, 1), was entitled *praefectus Aegypti* (Tac. *Hist.* ii. 74, &c., and often in inscriptions), or in Greek ἡγεμών. His staff consisted of freedmen of the emperor. Everything but the fixing of the revenues and the right of appointment to certain posts was in his hands: the administration of finance, the judicial authority, and the supreme military command. He reported directly to the emperor, and the tenure of his office depended on the emperor's pleasure. Thus Seius Strabo, the father of Seianus, held this post for only a few months, but his successor, Vitrasius Pollio, for sixteen years. (Marquardt, *Röm. Staatsv.* i. 285.) This praefectus held rank second in the scale of the non-senatorial dignities, coming after the praefectus praetorio, but before the praefectus annonae. (Mommsen, *Staatsr.* ii. 997, 2.) [A. S. W.]

PRAEFECTUS AERA'RII. [AERARIUM.]

PRAEFECTUS ALIMENTORUM. [ALIMENTARII.]

PRAEFECTUS ANNO'NAE. Livy (iv. 12, 13) relates that in B.C. 440 L. Minucius was appointed praefectus annonae to deal with the difficulties arising in a time of scarcity, either for a year, being re-elected the next, or for an indefinite period: "Nihil enim constat, nisi in libros linteos utroque anno relatum inter magistratus praefecti nomen." Nothing more is heard of such an appointment under the Republic, and hence it has been not unreasonably argued that Licinius, from whom Livy is here drawing (*Hermes*, v. 266), introduced the title by mistake.

The superintendence of the corn-market throughout the whole Republic was at a later period entrusted to Pompey for a period of five years (Dio Cass. xxxix. 9; Cic. *ad Att.* iv. 1; Liv. *Epit.* 104); and in accordance with this example Augustus took the same superintendence upon himself, and commanded that two persons who had been praetors five years before should be appointed every year for the distribution of the corn. (Dio Cass. liv. 1; *curam frumenti populo dividundi*, Suet. *Aug.* 37.) Subsequently Augustus assigned this duty to two persons of consular rank (Dio Cass. lv. 26, 31). But he also created an officer under the title of *praefectus annonae* to take charge of the more important duty of seeing to the due supply of the corn-market. Under him worked *procuratores* in the provinces and at Ostia, and a large staff of clerks (*tabularii*) and superintendents of granaries (*horrearii*). This office was a permanent one, and only held by one person at a time: he had jurisdiction over all matters appertaining to the corn-market, and, like the praefectus vigilum, was chosen from the Equites, and was not reckoned among the ordinary magistrates. (Tac. *Ann.* i. 7; Dio Cass. lii. 24; Dig. 1, 2, 2, 33; 14, 1, 1, 18; 14, 5, 8; 48, 2, 13.) The praefectus annonae continued to exist till the latest times of the Empire: respecting his duties in later times, see Walter, *Gesch. des röm. Rechts*, § 360, 2nd ed. Cf. FRUMENTARIAE LEGES, and Hirschfeld in *Philologus*, xxix. 1–96. [W. S.] [A. S. W.]

PRAEFECTUS AQUA'RUM. [AQUAE DUCTUS.]

PRAEFECTUS CASTRO'RUM, praefect of the camp, is first mentioned in the reign of Augustus. There was one to each legion. Hence there were often more than one in a camp. (Vell. Pat. ii. 112; Tac. *Ann.* i. 20, xiv. 37.) We learn from Vegetius (ii. 10) that it was his duty to attend to all matters connected with the making of a camp, such as the vallum, fossa, &c., and also to the internal economy of it. He seems to have taken rank between the tribunes and the centurions. (Cf. Wilmanns in *Eph. Epig.* i. 81 ff.) [W. S.] [A. S. W.]

PRAEFECTUS CLASSIS. This title was frequently given in the times of the Republic to the commander of a fleet (Liv. xxvi. 48, 7, xxxvi. 42, 1, as contrasted with *praefecti navium*, the commanders of the several ships); but Augustus appointed two permanent officers with this title, one of whom was stationed at Ravenna on the Adriatic and the other at Misenum on the Tuscan sea, each having the command of a fleet. (Suet. *Aug.* 49; Veget. iv. 32; Tac. *Ann.* iv. 5, *Hist.* iii. 12.) These were also of equestrian rank, in some cases even freedmen (Tac. *Ann.* xiv. 3; *Hist.* ii. 100). [W. S.] [A. S. W.]

PRAEFECTUS FABRUM. [FABRI.]

PRAEFECTUS JURE DICUNDO. [COLONIA, Vol. I. p. 483.]

PRAEFECTUS PRAETO'RIO was the commander of the troops who guarded the emperor's person. [PRAETORIANI.] This office was instituted by Augustus, and was at first only military, and had comparatively small power attached to it (Dio Cass. lii. 24, lv. 10; Suet. *Aug.* 49); but under Tiberius, who made Seianus commander of the praetorian troops, it became of much greater importance, till at length the power of these praefects became second only to that of the emperors. (Tac. *Ann.* iv. 1, 2; Aurel. Vict. *de Caes.* 9.) The relation of the praefectus praetorio to the emperor is compared with that of the magister equitum to the dictator under the Republic. (Dig. 1, 11.) He was, as the officer of highest rank, always present at court, the natural medium through which the emperor issued his orders and carried out his decisions, although his actual influence would naturally depend mainly on his personal character. From the reign of Severus to that of Diocletian, the praefects, like the vizirs of the East, had the

superintendence of all departments of the state, the palace, the army, especially in Italy, the finances, and the law: they also had a court in which they decided cases (Dig. 12, 1, 40), mainly as the representative of the emperor in appeals from the provinces. (Mommsen, *Staatsr.* ii. 932.) Hence the office of praefect of the praetorium was in later times not confined to military officers; it was filled by Ulpian, Papinian, Paulus, and other distinguished jurists.

Originally there were two praefects (Dio Cass. lv. 10); afterwards sometimes one and sometimes two; from the time of Commodus sometimes three (Lamprid. *Commod.* 6), and even four. (Mommsen, *Staatsr.* ii. 831, 3.) They were as a regular rule chosen only from the equites (Dio Cass. lii. 24; Suet. *Tit.* 6; Lamprid. *Commod.* 4); but from the time of Alexander Severus the dignity of senator was always joined with their office (Lamprid. *Alex. Sev.* 21).

Under Constantine the praefects were deprived of all military command, and changed into governors of provinces. He appointed four such praefects: the one (praefectus Orientis) who commonly attended on the imperial court had the command of Thrace, the whole of the East, and Egypt; the second (pr. Illyrici) had the command of Illyricum, Macedonia, and Greece, and usually resided first at Sirmium, afterwards at Thessalonica; the third (pr. Italiae) of Italy and Africa, residing usually at Milan; the fourth (praefectus Galliarum), who resided at Trèves, of Gaul, Spain, and Britain. (Zosimus, ii. 33.) These praefects were the proper representatives of the emperor, and their power extended over all departments of the state: the army alone was not subject to their jurisdiction. They were co-ordinate with the praefects of the two capital cities of Rome and Constantinople. (Walter, *Gesch. des röm. Rechts*, §§ 269, 341; Gibbon, *Decline and Fall*, c. 17.) [W. S.] [A. S. W.]

PRAEFECTUS SOCIO'RUM. (EXERCITUS, Vol. I., p. 786.]

PRAEFECTUS VI'GILUM. [EXERCITUS, Vol. I., p. 795.]

PRAEFECTUS URBI, the title given to the deputy who, under the kings, was named to represent the supreme authority during his absence in war, or for any other reason. Lydus (*de Magistr.* i. 34, 38) says that he was originally called *custos urbis;* but this name is inappropriate to the office in its earlier stages, and is probably incorrectly applied (Mommsen, *Staatsr.* i. 639). The office is said by Dionysius (ii. 12) to have been held along with that of Princeps Senatus, and the same statement appears in a still more incorrect form in Lydus (*de Mens.* i. 19), but is quite erroneous. Whether he had the right to convoke the assembly of the populus, is doubtful, but on any emergency he might take such measures as he thought proper; for he had the imperium in the city. (Tac. *Ann.* vi. 11; Liv. i. 59, iii. 24.) Romulus is said to have conferred this dignity upon Denter Romulius, Tullus Hostilius upon Numa Marcius, and Tarquinius Superbus upon Sp. Lucretius. The statement of Lydus (*de Magistr.* i. 38) that in 487 B.C. it was elevated into a magistracy, to be bestowed by election, is wholly to be rejected; his evidence is worthless, and such a notion is foreign to the very nature of the office. All good authorities speak of the praefectus as nominated by the consul who last left the city (Liv. iii. 3, 5, 24; Dionys. vi. 13, viii. 64, x. 23, 24; Tac. *Ann.* vi. 11). Persons of consular rank were alone eligible; and down to the time of the Decemvirate every praefect that is mentioned occurs previously as consul. The only exception is P. Lucretius in Livy (iii. 24), but recent editors here read L. Lucretius, holding the MS. reading an error for this very reason. (Cf. Niebuhr, ii. p. 120, note 255.) In the early period of the Republic the praefectus exercised within the city all the powers of the consuls, if they were absent: he convoked the senate (Liv. iii. 9; Gell. xiv. 7, § 4), held the comitia (Liv. iii. 24), and, in times of war, even levied civic legions, which were commanded by him.

When the office of praetor urbanus was instituted, the wardenship of the city was swallowed up in it (Lydus, *de Mens.* 19, *de Magistr.* ii. 6), or rather became needless, as in the absence of the consuls the praetor acted for them. Mommsen believes that the right of nominating a *praefectus urbi* was expressly taken away by the Licinian law (i. 644). But as the praetor himself was absent during the Latin festivals, which lasted for several days, a *praefectus urbi feriarum Latinarum* was still annually appointed, solely for this period, and thus held a mere shadow of the former office. This praefectus had neither the power of convoking the senate nor the right of speaking in it; as in most cases he was a person below the senatorial age, and was not appointed by the people, but by the consuls. (Gell. xiv. 8.) When Varro, in the passage of Gellius here referred to, claims for the praefectus urbi the right of convoking the senate, he is probably speaking of the power of the praefect such as it was previously to the institution of the office of praetor urbanus. Of how little importance the office of praefect of the city had gradually become, may be inferred from the facts, that it was always given to young men of illustrious families (Tac. *Ann.* iv. 36), and that Julius Caesar even appointed to it several youths of equestrian rank under age (Dio Cass. xlix. 42; xliii. 29, 48). During the Empire such praefects of the city continued to be appointed so long as the Feriae Latinae were celebrated, and even assumed, though perhaps hardly seriously, some kind of jurisdiction. (Tac. *Ann.* vi. 11; Suet. *Nero*, 7, *Claud.* 4; Dio Cass. liv. 17; J. Capitol. *Antonin. Phil.* 4.) On some occasions, however, no praefectus urbi was appointed at all; and then his duties were performed by the praetor urbanus. (Dio Cass. xli. 14, xlix. 16; comp. Marquardt, *Staatsverw.* iii. 285; Mommsen, *Staatsr.* i. 638–649.)

An office very different from this, though bearing the same name, was instituted by Augustus on the suggestion of Maecenas (Dio Cass. lii. 21; Tac. *l. c.*; Suet. *Aug.* 37), and because a permanent post of great importance under Tiberius. This new praefectus urbi was a regular magistrate, whom Augustus invested with all the powers necessary to maintain peace and order in the city, which he exercised even when a praetor or indeed a consul was present at Rome. But his functions were inactive when Augustus was in Italy. It was

only during the long absence of Tiberius during the last eleven years of his reign, that the praefectus urbi became a permanent official of great power. He came to be included among the magistratus, and even imperium was accorded to him (Dig. 2, 4, 2). None but consulars were appointed to the office, and it was often the crowning point of a distinguished political career, answering somewhat to the censorship of the Republic. He had the superintendence of butchers, bankers, guardians, theatres, &c.; and to enable him to exercise his power, he had distributed throughout the city a number of *milites stationarii*, whom we may compare to a modern police. These composed the cohorts x., xi., and xii. of the *cohortes urbanae*, their number being afterwards increased. He also had jurisdiction in cases between slaves and their masters, between patrons and their freedmen, and over sons who had violated the *pietas* towards their parents (Dig. 1, 12, 1, 5–14; 37, 15, 1, 2). His jurisdiction, as being based upon a general duty of looking after the peace and prosperity of the city, thus became gradually extended; and as the powers of the ancient republican praefectus urbi had been swallowed up by the office of the praetor urbanus, so now the power of the praetor urbanus was gradually absorbed by that of the praefectus urbi; and at last there was no appeal from his sentence, except to the person of the princeps himself, while anybody might appeal from a sentence of any other city magistrate, and, at a later period, even from that of a governor of a province, to the tribunal of the praefectus urbi. (Vopisc. *Florian.* 5, 6; Suet. *Aug.* 33; Dio Cass. lii. 21, 33; Dig. 4, 4, 38.) His jurisdiction in criminal matters was at first connected with the *quaestiones* (Tac. *Ann.* xiv. 41, with the note of Lipsius), and to avoid collisions with the praetor it was decided that that court should hear a case before which it might first have been brought; but from the third century he exercised it alone, and not only in the city of Rome, but at a distance of one hundred miles from it, and he might sentence a person to *deportatio in insulam.* (Dig. 1, 12, 1, 3 and 4.) During the first period of the Empire and under good emperors, the office was generally held for a number of years, and in many cases for life (Dio Cass. lii. 21, 24, lxxviii. 14; J. Capitol. *Antonin. Pius*, 8; Lamprid. *Commod.* 14; Vopisc. *Carin.* 16); but from the time of Valerian a new praefect of the city occurs almost every year.

At the time when Constantinople was made the second capital of the Empire, this city also received its praefectus urbi. The praefects at this time were the direct representatives of the emperors; and all the other officers of the administration of the city, all corporations, and all public institutions were under their control. (Cod. 1, tit. 28, s. 4; Symmach. *Epist.* x. 37, 43; Cassiod. *Variar.* vi. 4.) They also exercised a superintendence over the importation and the prices of provisions, though these subjects were under the more immediate regulation of other officers. (Cod. 1, tit. 28, s. 1; Orelli, *Inscript.* n. 3116.) The praefects of the city had every month to make a report to the emperor of the transactions of the senate (Symmach. *Epist.* x. 44), where they gave their vote before the consulares. They were the medium through which the emperors received the petitions and presents from their capital. (Symmach. *Epist.* x. 26, 29, 35; Cod. 12, tit. 49.) At the election of a pope the praefect of Rome had the care of all the external regulations. (Symmach. *Epist.* x. 71–83.) [L. S.] [A. S. W.]

PRAEFERI'CULUM was clearly some sort of brazen dish or bowl used in sacrifices, our only definition being, "vas aeneum sine ansa patens summum velut pelvis quo ad sacrificia utebantur" [perhaps in the original *utuntur*] (Fest. *Ep.* p. 248): it was part of the apparatus for sacrifice belonging to the state-priests, and was kept in the Regia in the Sacrarium of Ops (Fest. p. 246; cf. Jordan, *Topog.* i. p. 427). It is strange that, in spite of the distinct *sine ansa*, many should identify it with the jug *with* a handle, used for pouring wine into the patera, as shown among the sacrificial utensils, on a relief from the Arcus Argentariorum (so Guhl and Koner, ed. 5, pp. 721, 733). We think Baumeister rightly doubts this (*Denkm.* p. 1109), and suggests that the shield-like object on the same relief, which is combined with the axe [see cut under SECURIS], is more probably the praefericulum. [The same writer, p. 1384, however, interprets the similar jug (probably the CAPIS), which appears on a coin of Pompey with an augur's staff opposite it, as being a praefericulum.] It may be suggested that its connexion with *ferculum* indicates its use, whether for offering the firstfruits or the cakes (*fercta;* cf. Fest. 85, "ferctum, genus libi dicitur quod ad sacra ferebatur, nec sine strue .... quae qui afferebant strufertarii appellabantur"), or, lastly, to carry the mola salsa for the sacrifice of the victim at a state festival (cf. the formula "Jupiter, macte isto *ferto* esto," Serv. *ad Aen.* ix. 641). It may be conjectured that the "niger catinus" of Numa (Juv. vi. 343) was an ancient earthenware praefericulum. [G. E. M.]

PRAE'FICAE. [FUNUS.]

PRAEFU'RNIUM. [BALNEAE, Vol. I. p. 273; FORNAX.]

PRAEJUDI'CIUM. This word, as appears from its etymology, has a certain relation to Judicium, to which it is opposed by Cicero ("de quo non praejudicium, sed plane jam judicium factum," *Div. in Caecil.* 4, 12) and P. Syrus, 248, 249: "grave judicium est, quod praejudicium non habet: grave praejudicium est, quod judicium non habet." The commentator who goes by the name of Asconius observes on the words cited from Cicero, that a praejudicium is something which when established becomes an *exemplum* for following judges (*judicaturi*, to be guided by): but this leaves us in doubt whether he means something established in the same cause, by way of preliminary inquiry, or something established in a different but similar cause, which would be what we call a precedent. Quintilian (*Inst. Orat.* v. 1, 2) states that the word is used in two senses: in that of a precedent, in which case it is rather *exemplum* than *praejudicium* ("res ex paribus causis judicata"); and in that of a preliminary inquiry and determination about something which belongs to the matter in dispute ("judiciis ad ipsam causam pertinentibus"), whence also comes the name Praejudicium. This latter signification, which

is in conformity with the meaning of *praejudicialis actio* or *formula* (Inst. iv. 6, 13; Gaius, iv. 44), appears to be that which the term properly bears in Roman legal language. A "prejudicial" action was one whose object was merely to judicially ascertain facts which were of legal importance, or the existence of alleged legal relations, and whose formula (in the formulary period of Roman civil procedure) consisted consequently simply of an Intentio, by which the judex was instructed to inquire into the truth of the alleged fact, or the existence of the alleged legal relation (Gaius, *l. c.*): there was no condemnation or absolution, as in other actions, but the judge simply declared his conclusion on the matter in a *pronuntiatio* (e.g. Dig. 40, 12, 27, 1): cf. Aurel. Victor. *Ars rhet.* iii. 5, "simplex petitio, cum quaeritur, in quo jure sit res aut persona." The name of the action was derived from the fact that the decision of the judge formed, or might form, the basis of subsequent litigation (*e.g.* it having been ascertained by praejudicium that So-and-so is the illegitimate child of A, the mother can proceed by action against A for its maintenance); as to its legal character, the lawyers seem to have doubted. Justinian says (Inst. iv. 6, 13), "praejudiciales actiones *in rem* esse videntur": they are real, not personal, because there is no *obligatio* between the person who sets the law in motion and his adversary, or, as Gaius would perhaps have said, because the latter is not named in the Intentio: but in Dig. 6, 1, 1, 2; 44, 7, 37, praejudicia are opposed to *vindicationes* or real actions, and in Dig. 3, 3, 35, 2, to *actiones* in general.

Among the questions which were raised in the form of a praejudicium were whether a man was free or not (Inst. *loc. cit.*), or a libertus or not (Gaius, iv. 44; Dig. 2, 4, 8, 1): whether he was the child of So-and-so (Dig. 25, 3, 3, 2): whether he had given to the sureties he was taking for such and such a debt the information required by the Lex Cicereia (Gaius, iii. 123): what was the amount of So-and-so's *dos*, &c. Some *praejudiciales actiones* belonged to the civil law, though Justinian says, in the paragraph already referred to, that perhaps the only one in his time which had a *legitima causa* was that in which a man's freedom was in question, and which we know (from Dig. 1, 2, 2, 24) was older than the Twelve Tables: the rest, according to him, were praetorian in origin.

The *pronuntiatio* of the judge in a prejudicial action was binding on, and conclusive against, not merely the person who in it played the *rôle* of defendant, but on all persons generally (Dig. 1, 5, 25; 25, 3, 2, 3, pr.): but (at any rate in those relating to status) the decision could be disputed by any one within five years on the ground of collusion (Dig. 40, 16), and by persons actually wronged by it at even a longer interval of time (Dig. 40, 12, 42).

The reason why praejudicium is sometimes opposed to *actio* is probably that sometimes the term was used in the sense of a defence, the defendant pleading that the suit ought not to be proceeded with because its decision would prejudge a more important cause. Such a plea was originally expressed in the form of a PRAESCRIPTIO (*pro reo*), but later was formulated as an *exceptio* (Gaius, iv. 133). Examples may be found in the allegation that a single judex is trying a suit which ought to go before the centumviri (Cod. 3, 31, 12, pr.), or recuperatores trying a matter which ought to be made the subject of a criminal prosecution (Cic. *de Invent.* ii. 20, 59; *in Verr.* iii. 65, 152; Dig. 47, 10, 7, 1): cf. also Plin. *Ep.* vii. 6. This seems to be the signification of the term *praejudicium* from which has arisen our own legal phrase "without prejudice to other matters in the cause." (Gaius, iii. 123, iv. 44; Paul. *Sent. rec.* v. 9, 1;—Dig. 22, 3, 8; 43, 30;—Inst. iv. 6, 13; and Theophilus, *Paraphr.*) [G. L.] [J. B. M.]

PRAELU'SIO. [GLADIATORES.]

PRAENO'MEN. [NOMEN.]

PRAEPETES. [AUGUR, Vol. I. p. 250.]

PRAEPO'SITUS, which means a person placed over, was given as a title in the later times of the Roman Empire to many officers: of these the most important was the *Praepositus Sacri Cubiculi*, originally a freedman (cf. Suet. *Dom.* 16), but afterwards of high rank as chief chamberlain in the emperor's palace (Cod. 12, tit. 5; Cod. Theod. 6, tit. 8). Under him was the Primicerius, together with the Cubicularii and the corps of Silentiarii, commanded by three decuriones, who preserved silence in the interior of the palace. (Cod. 12, *tit.* 16; Friedländer, *S. G.* i. 54; Walter, *Gesch. des röm. Rechts*, § 340, 2nd ed.) [W. S.]

PRAEROGATI'VA. [COMITIA.]

PRAES. According to Ausonius (*Idyll.* xii. 9), Vas was one who gave security or went bail for another in a *causa capitalis*, and he who gave security for another in a civil action was called Praes: similarly Festus (s. v. *Vadem*) says that Vas is a sponsor in a *res capitalis*. But the application of the word Vadimonium in civil causes (*e.g.* Gaius, iv. 184–187) shows that this distinction is not perfectly accurate, and Varro (*L. L.* vi. 74) defines Vas as any person who promised Vadimonium or security for another in any legal proceeding: so that possibly Vas may have both a general and a specific sense, in the latter of which it is occasionally (as by Ausonius and Festus) contrasted with Praes (cf. Sallust, *Jug.* 35, 61; Hor. *Sat.* i. 1, 11, and Heindorf's note). Praes really seems to be a contraction of *prae-vas* (Rivier, *Untersuchungen über die cautio praedibus praediisque*, p. 14), and Vas itself may relate to the freedom which the party obtains by means of the security given ("Vades ideo dicti quod qui eos dedit potestatem vadendi id est discedendi habet," Acron *ad* Hor. *loc. cit.*: cf. Gellius, vii. 19), or more probably, as Rivier holds, it is connected with the old Norse *ved* and high German *wetti*, words denoting "pledge," so that *vas* would mean a surety, and *prae-vas* perhaps a surety who besides pledging his person pledges his property [PRAEDA; PRAEDIUM] for the discharge by another of his obligations, or his appearance in court. Another but very dubious etymology of the word is given by Festus (s. v. *Manceps*), who says that Manceps signifies him who buys or hires any public property, and that he is also called Praes because he is bound to make good his contract (*praestare quod promisit*) as well as he who is his Praes (see also Varro, *l. c.*), so that according to this Praes is a surety of one who is under some liability to the state. The passage of Festus explains some lines in the life

of Atticus (Cornelius Nepos, 6), in which it is said that he never bought anything at a public auction (*ad hastam publicam*), and never was either Manceps or Praes. The use of Praes as a surety in a civil action occurs under the Legis actio as well as the formulary procedure: in the Sacramentum the defendant, to whom interim possession of the property in dispute was awarded, had to give "praedes litis et vindiciarum" (Gaius, iv. 16); and under the later formulary system, when a real action was tried *per sponsionem*, the security given by the defendant was called "pro praede litis et vindiciarum" (Gaius, iv. 91, 94 *a*): so too in some MSS. of Dig. 10, 3, 6, 7, the reading is *praedibus* or *praediis cavere*, but in the latest edition of Krüger and Mommsen *pro dedibus* is adopted as correct. According to the Pseudo-Asconius (*in Verr.* i. 54, 142) the goods of a Praes were called Praedia (see PRAEDIUM), and in Cicero (*l. c.*) and Livy (xxii. 60) "praedibus et praediis" come together (Rivier's treatise on the topic has been already referred to): but it is clear from Varro that this use of *praedia* is confined to the case of a debtor to the state, whose sureties were liable both in their persons (*praedibus*) and their property (*praediis*). If, in such a case, the debtor did not pay, the property of the surety was sold by auction under the authority of the state, and the purchaser (*praediator*, Gaius, ii. 61) became owner *ex jure Quiritium*, though the surety might recover it by an anomalous form of usucapio (Gaius, *l. c.*). The chief authority on the *jus praediatorium* is now the Lex Municipalis Malacitana, cap. 63–65. [J. B. M.]

PRAESCRIPTIO. In its original signification, as a legal term of art, this word seems to denote a component part in the formulae of some Roman actions at law, the name being derived from the fact that this part stood first and before all others: "praescriptiones appellatas esse ab eo quod ante formulas praescribuntur plus quam manifestum est" (Gaius, iv. 132). Such praescriptiones might be inserted in a formula in the interest either of the plaintiff (*actor*) or of the defendant (*reus*). "Praescriptiones pro actore" occur in the formulae of actions in which the plaintiff is entitled from the defendant to a number or variety of acts *primâ facie* hanging together, but of which one only, or at least not all, are claimed in the present suit: and by the praescriptio beginning "*ea res agatur*, let the present trial relate exclusively to so and so," the plaintiff reserved his right of action upon the other acts, or those subsequently to fall due, it being a presumption of Roman law (capable, however, of being rebutted by the insertion of a praescriptio in the formula) that when a man instituted an action, it comprised all his claims against the defendant, prospective no less than present, so far at least as they related to the present ground of action, and already had at least a potential existence. Two examples are given by Gaius (iv. 131). In the one, a man to whom an annuity is payable, say every six months, sues for a half-year's instalment, using the praescriptio "ea res agatur cujus rei dies fuit" (cf. Cic. *de Orat.* i. 37, 168); in the other, the purchaser of an estate, claiming its conveyance to him by the form of Mancipatio, reserves to himself the right of subsequently demanding its bare traditio by a praescriptio in the form "ea res agatur de fundo mancipando." Such "praescriptiones pro actore" seem to have been in use throughout the formulary period of Roman civil procedure, from *circ.* 170 B.C. to 294 A.D.

"Praescriptiones pro reo" were the mode of expressing in the formula of an action certain defences against the plaintiff's case. These defences resembled exceptiones in that they were not allowed to be urged at the hearing of the cause unless they had been embodied in the formula of the action, and also in their nature as the allegation of a countervailing right, vested in the defendant, not a direct traverse or denial of the plaintiff's argument: they resembled "praescriptiones pro actore" in being prefixed to the formula, and also apparently in always being introduced by the same words "ea res agatur" (Gaius, iv. 133–137). Among them were the pleas that the suit in question ought not to be tried at all, because its decision would prejudge a *causa major*, Gaius, iv. 133 [PRAEJUDICIUM], and that the action was beyond the jurisdiction of the court ("praescriptio fori," Dig. 2, 8, 7, pr.), or barred by lapse of time ("praescriptio temporis"). It is difficult to see why the Roman law required some defences by way of countervailing right to be stated in the form of a praescriptio and others in that of an exceptio. The difference between them was partly formal, partly material. An exceptio was placed in the formula between the Intentio and the Condemnatio: a Praescriptio, as Gaius observes, was prefixed to and stood at the head of the formula, its object being to indicate to the judex that he was first to examine into the truth or falsehood of the defence advanced, and if he found it well grounded to suspend the hearing either altogether, or at any rate (*e.g.* in praescriptio praejudicii) until the obstacle was removed. Consequently in practical result an exceptio was more favourable to a defendant than a praescriptio; for if a defence so formulated was established, the defendant was entitled to judgment in his favour, and the plaintiff could not sue again (Gaius, iv. 123), whereas in the case of a praescriptio the trial of the action was only suspended, so that the defendant might possibly be condemned after all. But even as early as the time of Cicero (*de Invent.* ii. 20, 59), the practice had commenced of expressing in the form of an exceptio defences which strictly should have been formulated as praescriptiones, the praetor perhaps himself favouring the change because "facilius reis succurrit quam actoribus" (Gaius, iv. 57); and Gaius says (*ib.* 133) that in his time "praescriptiones pro reo" were entirely obsolete: "in speciem exceptionis deducuntur." The result was that the original difference in meaning between the terms exceptio and praescriptio was gradually forgotten, so that they came to be used as practically synonymous, and in the Corpus Juris of Justinian this is shown by Savigny to be the case (see *e.g.* Dig. 5, 1, 52, 3; 31, 34, 3; 44, 2, 29; 46, 3, 91; 48, 5, 15, 7), though for some defences one of them was more commonly and consistently employed than the other. (See Savigny, *System*, iv. 309; v. 163.)

One of these praescriptiones, the original nature and history of which have thus been

briefly sketched, has furnished general jurisprudence with one of its most famous terms, viz. the Praescriptio temporis, or plea by the defendant that an action is barred or prescribed by lapse of time. Under the older Roman law all suits were, as it was said, *perpetuae;* there being no Statute of Limitations, to use an English phrase, or other rule of law providing that rights of action should be barred unless sued upon within a definite period from their accrual. The praetor, however, ordained that many of the new actions which he introduced through the Edict should lie only within an *annus utilis* from the moment at which the right of bringing them first accrued (Gaius, iv. 110; Justin. *Inst.* iv. 12, pr.). Far the most important of these *annales actiones* were the praetorian penal actions, with the exception of that on *furtum manifestum* [FURTUM], which was *perpetua* because it substituted a pecuniary penalty for capital punishment (Gaius, iv. 111): though even these were *perpetuae* so far as they were *rei persecutoriae*, i.e. were brought only to deprive the delinquent of any benefit he had derived from his wrong (Dig. 44, 7, 35, pr.). Praetorian actions which merely compensated the plaintiff at the cost of the defendant's pocket (*e.g.* the *actio doli*) were prescribed in a year if *contra jus civile* (Dig. *l. c.*): interdicts, so far as they were penal, were similarly limited: actions for the recovery of property which had been for a defined time in the hands of a bonâ-fide possessor with *justus titulus* without being acquired by usucapio were barred in ten or sometimes twenty years [USUCAPIO], and certain actions on sales, which were introduced through the Edict of the curule aedile, had a prescription of twelve or six months (*actiones redhibitoria* and *aestimatoria:* see EMPTIO VENDITIO). In course of time, too, a period of prescription was fixed by disconnected legislation for other suits, especially one of five years for the *querela inofficiosi testamenti* [TESTAMENTUM] (Cod. 3, 28, 36, 2); and in Gaius' time (iv. 110) actions which fell under the original rule of non-limitation were called *perpetuae*, those which were limited by any of these periods *temporales*.

More systematic legislation upon the subject commenced with Constantine, who enacted that all real actions which were not already limited might be repelled by an exceptio unless brought within forty *anni continui* (Cod. 7, 39, 2), which subsequently seem to have been reduced to thirty (Symm. *Epist.* v. 52). Theodosius II. (A.D. 424) subjected to this same thirty years' limit all actions whatsoever, with a few exceptions, which had hitherto been *perpetuae* (Cod. *ib.* 3); and his law was retained by Justinian, the only actions of importance which were not governed by it being *vindicatio in libertatem* (Cod. 7, 22, 3), fiscal claims for unpaid taxes (Cod. 7, 39, 6), and the *actio hypothecaria*, to which last an additional ten years only was allowed. Consequently, in Justinian's compilations *actio perpetua* means not what it did in Gaius' time, but an action which is barred in not less than thirty years.

For the history of the "Praescriptio longi temporis," which gradually developed into a mode of acquisition, and so gave rise to our term "Prescription" as a title to property and "real" rights less than ownership, see USUCAPIO. (Savigny, *System*, v. §§ 237–255; Puchta, *Institutionen*, § 208.) [J. B. M.]

PRAESES. [PROVINCIA.]

PRAESUL. [SALII.]

PRAETE'RITI SENATO'RES. [SENATUS.]

PRAETEXTA. [TOGA.]

PRAETOR. This title, which Cicero (*de Legg.* iii. 3, 8) connects with *praeire*, is found among the Latin races, and is used by Livy as equivalent to that of strategus with the Achaeans. Among the Romans we first read of it immediately after the expulsion of the kings: for a single hereditary ruler they substituted two annually elected magistrates, first known as Praetors, and only later as Consuls; whence Cicero, in the passage referred to, represents the title as properly descriptive of the Consuls as leaders of the armies of the state; and the familiar use of "Praetorium" in connexion with military command, and the meaning which it bears in Livy of the period and powers of the consular office, are also indicative of the original character of this magistracy.

As distinct from the consulship, the praetorship proper is said by Livy (vi. 42, vii. 1) to have been instituted B.C. 366, though the truth would seem to be that so long as the military tribunate was in existence two consuls were from time to time elected in lieu of tribuni militares, and that when this was the case a third magistrate was always appointed, called praetor, to assist them in their duties. However this may be, the praetor, probably even at this period called praetor *urbanus* in allusion to the older magistracy of the custos urbis whom he superseded (Joan. Lydus, *de Mens.* 19; *de Magistr.* ii. 6), was, as soon as the office became permanent, elected annually from the patricians only, who secured a monopoly of the new office as a compensation to themselves for being compelled to share the consulship with the plebeians (Livy, *l. c.*), none of the latter attaining the praetorship till B.C. 337; he was termed "collega" of the consuls, and was elected with the same auspices at the Comitia Centuriata (Liv. vii. 1, xlv. 44; Gellius, xiii. 15). His chief functions were judicial (*jus in urbe dicere*, Liv. vi. 42; *jura reddere*, ib. vii. 1), it being to relieve the consuls (who according to the passage of Cicero referred to were called *judices a judicando*) of this class of business that his office was established; but the consuls in the earlier Roman history being so constantly engaged on active military service, he frequently had to take their place in the city (Liv. xxiv. 9; Cic. *ad Fam.* x. 12; Dio Cass. xlvi. 14, cix. 24), in the senate (Gell. xiv. 7; Liv. viii. 2, &c.), and in the Comitia (Liv. xxii. 33, xxv. 27), and in some cases of emergency even commanded the Roman armies. He was a curule magistrate and had the imperium, though in a less degree than the consuls (Gell. xiii. 15; Liv. xliii. 14; Val. Max. ii. 8, 2; Cic. *ad Att.* ix. 9), to whom he owed obedience and all the external marks of reverence (Liv. x. 25, xxvii. 5; Dio Cass. xxvi. 24; Polyb. xxiii. 1; Aurel. Victor, *de Vir. illust.* 72). His insignia of office were six lictors (Appian, *de reb. Syr.* 15), whence he is called by Polybius ἡγεμὼν or στρατηγὸς ἑξαπέλεκυς, and sometimes simply ἑξαπέλεκυς. Plu-

tarch (*Sulla*, 5) uses the expression στρατηγία πολιτική. At a later period the praetor had only two lictors in Rome (Censorinus, c. 24). As appears from Livy, the praetorship was at first given to a consul of the preceding year, and L. Papirius was praetor after being consul (Liv. x. 47).

Unlike the consulship, the office was one to the number of whose holders additions might be constitutionally made as circumstances required (Cic. *de Legg.* l. c.), and accordingly in B.C. 246 a second praetor was created, who for distinction's sake was called Praetor Peregrinus, for the administration of justice in all disputes between peregrini or peregrini and cives (Dig. 1, 2, 2, 28; Joan. Lydus, *de Magistr.* i. 38, 45; Liv. *Epit.* 19), and from this time onward the two offices seem to have been regularly divided between the patricians and plebeians (Niebuhr, *Röm. Geschichte*, iii. 177), it being determined by lot which of the two should be urbanus and which peregrinus, though if either was required for military command the functions of both within the city were discharged by the other (Liv. xxiv. 44, xxv. 3, xxvii. 36). When the territories of Rome were extended beyond the limits of Italy, new praetors were created for the government of the provinces: two in 227 B.C. for the administration of Sicily and Sardinia (Liv. *Epit.* 20; Dig. 1, 2, 2, 32) and two thirty years later for the Spanish provinces (Liv. xxxii. 27): it being settled by lot which of the praetorian provinces each of the four praetors who went abroad was to govern. Later it became common for the praetor urbanus or peregrinus, after he had discharged his judicial functions for one year, to be sent to govern a province for another; a period which in many cases was prolonged until by the Lex Julia of Caesar it was provided that no governor should administer a praetorian province for more than one year (Cic. *Phil.* i. 8, 19). In connexion with the institution of *quaestiones perpetuae* for the trial of crimes, Sulla increased the number of praetors from six to eight, all of whom as a rule exercised judicial functions at Rome during their proper year of office, becoming propraetors in the provinces for the following year: under Caesar the number was raised successively to ten, twelve, fourteen, and sixteen (Sueton. *Jul.* 41; Dio Cass. xlii. 51, xliii. 47, 49, 51; Dig. 1, 2, 2, 32), and by Augustus reduced to twelve and earlier to ten (Dio Cass. liii. 32, lvi. 25); but under Tiberius there were as many as sixteen (Dio Cass. lviii. 20, lix. 20). Subsequently additional praetors were created for special departments of legal business: two by Claudius (reduced by Titus to one) for all suits relating to fideicommissa, when the business in this department of law had become considerable (Dig. *l. c.*; Sueton. *Claud.* 23), and one by Nerva for the hearing of actions between the fiscus and subjects of the Empire (Dig. *ib.*): so that, as Pomponius (speaking of his own time), says in Dig. 1, 2, 2, 34, "eighteen praetors *jus dicunt* in the state." According to Capitolinus (*Marc.* 10), M. Aurelius added a nineteenth praetor for matters relating to guardianship, upon whose duties Ulpian wrote a *liber singularis* (Dig. 27, 1, 3, 5, 9).

It will be clear from what has been said that the main business of the praetors was judicial; the praetors urbanus and peregrinus had the control of the whole system of Roman civil judicature, in connexion with which their work is sufficiently described under other articles, especially those on EDICTUM, JUDEX, and JURISDICTIO. Sometimes, however, extraordinary duties were imposed on them: *e.g.* in B.C. 144 the praetor peregrinus was commissioned by a senatusconsultum to look after the repair of certain aqueducts and prevent the improper use of the water (Frontinus, *de Aquaeduct.* lib. i.): so too, though the appointment of guardians was no constitutional part of the praetor's province (Dig. 26, 1, 6, 2), it was conferred, within the city of Rome, on the praetor urbanus and the majority of the tribuni plebis by a lex Atilia (Gaius, i. 185). It was part of the same magistrate's duties to superintend the Ludi Apollinares, and so close an application to business was required from him that he was permitted to leave the city for only ten days at a time. With criminal prosecutions he had originally no more to do than any other magistrate; but when in 149 B.C. (Cic. *Brut.* 27, 106) L. Calpurnius Piso established the first *quaestio perpetua* for the trial of extortion (*repetundae*), one of the praetors was permanently entrusted with its supervision, and the same practice was followed with the *quaestiones* instituted by Sulla and others for the trial of Ambitus, Majestas, Peculatus, Falsum, Parricidium, &c. Though a praetor presided over the criminal proceedings in these cases, the judges were selected from the senators, knights, or tribuni aerarii at different periods of history, the condemnation or acquittal of the accused being determined by a majority of their votes. [JUDICIUM.]

Any place in which the praetor might by law or custom exercise his magisterial functions was called *jus* (Dig. 1, 1, 11). Some of these, however, could never be performed elsewhere than *pro tribunali*, where his curule chair was set upon the comitium, the patrician portion of the Forum, and where he sat with his friends and assessors: contrasted with the tribunal were the *Subsellia*, or part occupied by the judices or other persons who were present (Cic. *Brut.* 84, 290).

Other judicial acts, however, could even tolerably early be performed by him anywhere (Gaius, i. 20), viz. acts of the *voluntaria jurisdictio*, such as legitimation of manumissions, *in jure cessio*, &c. In such cases he was said to exercise jurisdiction *de plano*, and the volume of business so transacted increased so steadily that at length regular *sessiones de plano* were held (fragm. Vat. 161), at which the praetor sometimes heard and adjudicated upon disputes: the rule as to what occasions required him to sit *pro tribunali*, and for what a *de plano* jurisdiction sufficed, may be gathered from Dig. 38, 1, 3, 8; 38, 15, 2, 1; 1, 16, 9, 1.

The office of the praetor continued to exist throughout the imperial period, though his activity in the issue of annual edicts must have slackened considerably at the fall of the Republic, and ceased altogether on the publication of the Edictum perpetuum of Salvius Julianus [EDICTUM]. In the Eastern Empire there were at first two praetors only, which number was gradually raised to eight, and then

reduced to three, each of whom was distinguished by a special name, *e.g.* Constantinianus, triumphalis (Cod. Theod. 6, 4, 5, 13, &c.); they were selected by the senate, but the selection had to be confirmed by the emperor (Cod. Theod. 6, 4, 8, 9, 10, &c.). They still possessed *jurisdictio*, though their importance in the earlier imperial period was greatly diminished by the development of the emperor's own jurisdiction and of a regular system of appellate courts: under Justinian, and in fact from the abolition of the formula (A.D. 294) onward, the office seems to be merely that of a judge of first instance.

A person who had been ejected from the senate could recover his rank by being made praetor (Dio Cass. xxxvii. 30; Plut. *Cicero*, 17). Sallustius was made praetor *ἐπὶ τῷ τὴν βουλὴν ἀναλαβεῖν* (Dio Cass. xlii. 52). [J. B. M.]

PRAETORIA COHORS. [EXERCITUS, Vol. I. p. 791.]

PRAETORIANI. [EXERCITUS, Vol. I. p. 793.]

PRAETO'RIUM in its primary sense was the tent of the general (*praetor*), the headquarters in the camp (Mommsen, *Staatsrecht*, ii.[3] 74) [CASTRA, Vol. I. p. 373]. Hence we find it used for the palace of a provincial governor, not only when his official title was praetor (as in Cic. *Verr.* iv. 28, 65), but also when the residence of a proconsul or even of a procurator is meant (cf. John xviii. 28): for the palace of a foreign prince, as Prusias (Juv. x. 161), or Herod (Acts xxviii. 35). It was used also for any large country-house (Juv. i. 75; Mart. x. 79; Suet. *Aug* 72, *Tib.* 39, *Calig.* 37), but it would not rightly be used of a house at Rome, however "palatial" it might be. It is no doubt the case (as Professor Mayor points out in his note on Juv. *l. c.*) that the original idea of head-quarters on active service is retained. The *villa* was the whole property, dwelling-house, gardens, farm, &c.; the house itself, as the head-quarters of the owner, was the praetorium. The word may, however, also be applied (as Bishop Lightfoot shows on *Ep. ad Philipp.* pp. 101 ff.) to a body of men forming the council of war which met in the general's tent (Liv. xxvi. 15; xxx. 5), and later to the imperial body-guard, the attendants on the holder of the imperium, who represented the praetor or general of an earlier period (Tac. *Hist.* ii. 11; Suet. *Ner.* 9). A legionary is said to serve *in legione*, a guardsman *in praetorio* (Plin. *H. N.* xxv. § 17; Tac. *Hist.* i. 20, iv. 46). These *praetoriani* or praetorian guardsmen [EXERCITUS, Vol. I. p. 793] were by Tiberius concentrated in a camp outside the Colline gate (Tac. *Ann.* iv. 2; Merivale, *Rom. Hist.* v. 221); but this camp was not, as has sometimes been stated, called praetorium, but *castra praetoria*, *castra praetorianorum*, or *castra praetorii* (Tac. *Hist.* i. 31; Plin. *H. N.* iii. § 67). These quarters of the praetorian guard were destroyed by Constantine, when he disbanded the guard itself; but he left the outer walls of the camp, because they had been made part of the Aurelian Wall (Burn, *Rome and Campagna*, p. 61). [W. S.] [G. E. M.]

PRAEVARICA'TOR. [SENATUSCONSULTUM TURPILLIANUM.]

PRA'NDIUM. [CENA, Vol. I. p. 395.]

PRECA'RIUM. [INTERDICTUM.]

PRELUM, part of the oil and wine press [TORCULAR]. The name is also given to other presses, as (1) that used in making paper (Plin. xiii. § 77; cf. LIBER): (2) the press for clothes used at the end of the fuller's process [FULLO], when the clothes were sprinkled (Sen. *Q. N.* i. 3, 2) and laid in presses, whence they were taken out ready to send home (Ammian. xxviii. 4, 19). The prela in Mart. ii. 46, 3; xi. 8, 5; Claud. *Epithal. Pal.* 101, are similar presses in the houses for keeping the clothes smooth and ready for wear. The Greek name was *ἵπος* (Poll. x. 135; cf. vii. 41); and a later synonym was *pressorium* (Ammian. *l. c.*; Blümner, *Technologie*, i. 173). [L. S.] [G. E. M.]

PRIMICE'RIUS, a name given to various officers and dignitaries under the later Roman empire, is explained by Suidas (s. v.) to be the person who holds the first rank in anything. The etymology of the word is doubtful: it is supposed that a person was called *Primicerius* because his name stood first in the wax (*cera*), that is, the tablet made of wax, which contained a list of persons of any rank.

The word Primicerius does not seem to have been always applied to the person who was at the head of any department of the state or army, but also to the one second in command or authority; as, for instance, the *Primicerius Sacri Cubiculi*, who was under the *Praepositus Sacri Cubiculi*. [PRAEPOSITUS.] Various Primicerii are mentioned, as the *Primicerius Domesticorum* and *Protectorum* (Cod. 12, 17, 2), *Fabricae* (Cod. 11, 9, 2), *Mensorum* (Cod. 12, 28, 1), *Notariorum* (Cod. 12, 7), &c. [W. S.]

PRIMIPILA'RES. [EXERCITUS, Vol. I. p. 800.]

PRIMIPILUS. [EXERCITUS, Vol. I. p. 799.]

PRINCEPS (Gk. *ἡγεμών*: *Mon. Anc. Gr.* vii. 9, *ἐμοῦ ἡγεμόνος*), the title of courtesy customarily given to the Roman emperors of the first century, and less commonly to those of the second and third. The use of the term, as one which conveniently expressed the pre-eminence of a single citizen, was familiar to the writers of the later Republic, and the term itself is thus applied to both Pompey and Caesar. [The ideal "princeps civitatis" sketched by Cicero (Augustin. *de Civ. Dei*, vi. 13), in a lost book of the *de Republica*, was evidently drawn with a direct reference to Pompey: cf. *ad Att.* viii. 11. Comp. also *ad Att.* viii. 9, "nihil malle Caesarem quam principe Pompeio sine metu vivere"; Sallust, *Hist.* iii. fr. 81, ed. Kritz, "Pompeium malle principem volentibus vobis esse, quam illis dominationis socium." And for Caesar, Cic. *ad Fam.* vi. 6, "esset hic quidem clarus in toga et princeps"; Suet. *Jul.* 26, "difficilius se (Caesarem) principem civitatis a primo ordine in secundum detrudi."] Its significance as accorded by popular consent to Augustus and his successors was the same. It was not an official title, and formed no part of the official designation of the emperors. It did not connote the tenure of any special office or prerogative, nor was it conferred by any formal act of senate or people. It was a title of courtesy pure and simple; marking out its bearer as the "first citizen" (*princeps civium*, Mommsen, *Staatsr.* ii. 733, note 3), or rather as the "foremost man of the state" (*princeps civitatis;* see the passages quoted above), and

implied not only a general pre-eminence, as distinct from a specific magisterial authority (Tac. *Ann.* iii. 53, "non aedilis aut praetoris aut consulis partes sustineo, majus aliquid et excelsius a principe postulatur"), but a constitutional pre-eminence among free citizens as opposed to despotic rule. (Tac. *Hist.* iv. 3, "ceterum ut princeps loquebatur, civilia de se, de republica egregia;" Plin. *Paneg.* 55, "sedem obtinet principis ne sit domino locus;" Dio Cass. lvii. 8, *δεσπότης τῶν δούλων, αὐτοκράτωρ τῶν στρατιωτῶν, τῶν δὲ δὴ λοιπῶν πρόκριτός εἰμι.*) For the objections to the view, once commonly held, that the title is only an abbreviation of "princeps senatus," see Mommsen, *Staatsrecht*, ii. 733, notes; Pelham in *Journ. Phil.* viii. p. 323. This view is, however, restated in a modified form by Herzog, *Gesch. u. System d. röm. Verfass.* ii. p. 133.

Principatus.—The title princeps exactly expressed the characteristic features of the position occupied by the emperor, under the Augustan system—a position which depended, not on the tenure of any one great office, still less of any newly-created office, but on the fact that certain powers had been conferred upon an individual citizen by senate and people, in virtue of which he was for the time raised above the heads of his fellows. It was moreover a position created by constitutional means for each holder in turn, and involved an explicit recognition of the continued existence of a free commonwealth.

The principate dates, properly speaking, from January B.C. 27. The summer of B.C. 29 found Octavian the undisputed master of the Roman world (*Mon. Ancyr.* vi. 14); nor probably by any section of Roman society was it considered either desirable or possible that he should literally resign the wide authority he wielded. But while the experience of the last fifty years had amply shown that some concentration of the executive authority was imperatively necessary, if the empire was to hold together, it was scarcely less important in the interests of peace and order that this authority should be legitimised, and as far as possible harmonised with republican institutions and traditions. After twenty years of anomalous or provisional rule, public opinion demanded a government which should be not only strong, but outwardly at least regular and constitutional. The first step towards satisfying this demand was taken by Octavian, when in his sixth consulship (B.C. 28) he put an end by edict to the provisional régime of the triumvirate, laid down the extraordinary authority he had held since B.C. 43, and formally gave back the government of the Commonwealth to the senate and people (*Mon. Ancyr. Lat.* vi. 13; Tac. *Ann.* iii. 28; Dio Cass. liii. 2; cf. Suet. *Aug.* 28). This restoration of the Republic was followed in Jan. B.C. 27 by a settlement of Octavian's own position, a settlement planned unquestionably by himself. By a vote of the senate and people, he was legally re-invested with the essential elements of his former authority. He was given a command, limited indeed both in area and duration, but which yet in both points was unprecedentedly wide. The "province" now assigned to him included with one exception the important frontier provinces. It carried with it the sole command of all the armies of Rome, and the exclusive right of levying troops, of concluding treaties, and of making war and peace (Dio Cass. liii. 12, 17; Suet. *Aug.* 47, "provincias validiores ipse suscepit, ceteras proconsulibus permisit;" Lex Vespasiani, Wilmanns, 917: cf. Strabo, p. 840; PROVINCIA). Finally, it was given to him for a period of ten years, at the expiry of which it was renewable (Dio Cass. liii. 13, 16). But had Octavian rested content with this "consulare imperium" alone, he would have been merely a powerful proconsul, with wider powers indeed than even those held by Pompey under the Gabinian and Manilian laws, but still only a proconsul. As such he would have had no *locus standi* in Rome, and would have been only the equal and not the superior of the proconsular governors of the provinces not included within the area of his own imperium. Nor could the old difficulties arising from the separation between the chief military command abroad and the highest magistracies at home have failed to reappear. (The proconsul lost his imperium on re-entering the city, Cic. *ad Fam.* i. 9; Dig. 1, 16, 16; cf. also Vell. Pat. ii. 31, of Pompey's imperium in B.C. 67, "imperium *aequum* in omnibus provinciis cum proconsulibus.") These disadvantages and difficulties Octavian escaped by retaining the consulship, and by wielding his imperium as consul. As consul he was chief magistrate of the state, with precedence, not only over all other magistrates at home, but over all proconsuls and propraetors abroad (Cic. *Phil.* iv. 4, 9; *ad Att.* viii. 15); while unlike any consul of later times, excepting only Pompey in B.C. 52, the province of his imperium was not confined to Rome and Italy, but extended over a great portion of the Empire. It was a return, in a sense, to the practice of the early Republic, when the consuls were at once the highest civil and the highest military authorities of the state. His control of the administration at home was further confirmed by his retention of the *tribunicia potestas*, granted to him for life in B.C. 36 (Dio Cass. xlix. 15), though it is doubtful what use, if any, he made of the prerogatives attached to it at this stage (Tac. *Ann.* i. 2, "posito iiiviri nomine, consulem se ferens, et ad tuendam plebem tribunicio jure contentum"). Finally, in recognition of his great services, and to mark his pre-eminent dignity, he was invested by senate and people with the cognomen of Augustus (*Mon. Ancyr. Lat.* vi. 16; *C. I. L.* i. p. 384; Ov. *Fast.* i. 590).

For four years Augustus continued to exercise the primacy at home and abroad assigned to him in the restored Republic, under the old constitutional form of the consulship. But in B.C. 23 a change was made which gave to the principate a somewhat different shape, and one which in the main it retained down to the time of Diocletian. (See esp. Herzog, *op. cit.* ii. p. 141; Pelham, in *Journ. Phil.* xvii. p. 27.) On June 27 in that year Augustus laid down the consulship which he had held year after year since B.C. 31 (Dio Cass. liii. 32; *C. I. L.* vi. 2014). His "consulare imperium," with its wide province, he still retained, but he now held it only *pro-consule;* and it therefore ceased at once to be valid in Rome and Italy, *i.e.* within the sphere assigned to the actual consuls. He further lost both the precedence (*majus impe-*

rium) over all other magistrates and pro-magistrates which a consul enjoyed, and the various rights in connexion with senate and assembly attached to the consulship. He had, lastly, no further claim to the consular dignity and insignia. These losses, which would have seriously impaired the reality and completeness of his "primacy," were now made good by the following measures:—(*a*) He was exempted from the disability attaching to proconsular tenure of the imperium, and was allowed, though no longer consul, to retain consular imperium in Rome (B.C. 23) as proconsul. (*b*) His imperium was to rank as "majus" over that of proconsuls abroad (B.C. 23). (*c*) He was given the consul's prior right of convening the senate (B.C. 22), and of introducing business (B.C. 23), though the latter extended only to one "relatio," *περὶ ἑνός τινος* (Dio Cass.), "jus primae relationis." (*d*) He was granted (B.C. 19) equal rank in Rome with the actual consuls by the bestowal of the twelve fasces, and by the permission given him to sit between the consuls on an official seat (Dio Cass. liii. 32; Liv. iii. 10; Lex Vespasiani (Wilm. 917), ll. 4 *sqq.*; Dig. 1, 16, 8). But Augustus seems to have been unwilling openly to rest his position in Rome on that "proconsular imperium" which, until the exemption made in his own favour, had only been exercised abroad, and was associated with the absolute methods of rule prevalent in the camps and the provinces. Hence he brought forward into special prominence his *tribunicia potestas*. This now appears for the first time among his titles, and appears sometimes alone ("summi fastigii vocabulum: qua cetera imperia praemineret;" Tac. *Ann.* iii. 56; Dio Cass. liii. 32; Cohen, *Médailles*, i. Nos. 342 *sqq.*; Mommsen, *Staatsr.* iii. 752). A number is appended indicating for how many years it has been held, and the thirty-seven years of the tribunician power of Augustus are reckoned from B.C. 23 (*Mon. Anc. Lat.* i. 29; Tac. *Ann.* i. 9). On this power Augustus declared that he relied for carrying out the administrative reforms pressed for by the senate, and on this ground refused the extraordinary offices which were offered him (*Mon. Ancyr. Gr.* iii. 19). Henceforward the tribunician power ranked highest among the prerogatives voted to the princeps; higher even than the imperium itself (Mommsen, *Staatsr.* ii. 1050; Dio Cass. liii. 32, liv. 12). To sum up the results of these changes. The "consulare imperium" voted in B.C. 27 gave Augustus the immediate and exclusive control of the frontier provinces, the troops, and the foreign relations of the Empire. From B.C. 27 to B.C. 23 he wielded this imperium as consul, and thus united with this military command that general primacy in the state which belonged of right to the consuls. From B.C. 23 onwards he held it not as consul, but *pro-consule*; and hence the designation of it afterwards current, as *imperium proconsulare*. But he was nevertheless allowed to hold it in Rome, and was, moreover, specially granted the consul's rights of precedence over other magistrates. As if, however, to conceal the startling fact, that there was now in Rome, by the side of the annual consuls, a holder of consular imperium, fully their equal in rank and power at home, and vested besides with a wide command abroad, the *tribunicia potestas* was put forward as the outward sign and symbol, at least in Rome, of the pre-eminence of the princeps. The new form thus given to the principate it retained as long as it lasted: for the future the position of princeps is only occasionally and accidentally connected with the tenure of what continued to be in theory the chief magistracy of the state; and the princeps is, strictly speaking, not a magistrate at all; he stands by the side of the consuls and over the heads of all other magistrates, with a definite province of his own, but vested also with a pre-eminent authority in all departments of state. One more result of importance may be assigned to this resettlement of the principate in B.C. 23: the prerogative of Augustus was now determined by a series of grants conferring upon him various powers, privileges, and exemptions; and so in the case of each succeeding princeps, the question was not one of electing him to an established office with well-understood prerogatives, but of conferring upon him certain powers. Of these a customary list was gradually formed; and embodied in a single statute, under the terms of which the citizen designated for the principate received from the hands of the senate and people the powers, honours, and privileges once voted to Augustus, and after him to each successor in turn. (Of this statute a fragment survives in the so-called Lex Vespasiani: see Pelham in *Journ. Phil.* xvii. pp. 45–51.)

This "Augustan settlement" was in form, possibly in intention, a compromise, which aimed at securing the needed centralisation of the executive authority with the least possible disturbance of the traditional machinery of the Republic. But it was a compromise, which was from the first unreal. The powers vested in Augustus were too wide to make the existence of any other substantial authority possible, and the independence of consuls and senate was even in his own lifetime a fiction, which it became increasingly difficult to respect. Though, however, there is from the first a gravitation of all administrative work towards the princeps as the one real power in the state, yet even in the latter half of the third century the original theory of his position was not entirely discarded. The princeps of the time of Ulpian was still in strictness only a citizen invested by senate and people with certain powers. His position remained always extra-magisterial, and was created only for each princeps for his life. No constitutional provision was ever made for the transmission of his powers to any successor, nor was any one method of selecting a successor legally recognised. The principate died with the princeps: necessity alone determined that some citizen must be selected to fill the position first given to Augustus: accidents, such as kinship by blood or adoption to the last princeps, military ability, or popularity with the senate, determined the selection; and even the invitation "suscipere imperium" might come indifferently from distant legions, from the praetorian guards, or from the senate. Once, however, selected and designated, the citizen received the powers which legally made him princeps, from senate and people, according to the form handed down from the days of Augustus (Mommsen, *Staatsr.* ii. 1038; *Vita Hadr.* 6, "esse respublica sine imperatore non potest;"

Vit. Taciti, 3, "imperator est deligendus quia cogit necessitas:" cf. Tac. *Hist.* i. 16; Mommsen, *l. c.* 1039; *Journ. Phil.* xvii. 47).

But, although the principate remained so far true to its original character, it underwent in other respects important changes during the three centuries which separated the accession of Augustus from that of Diocletian. These changes may be conveniently summed up under the following heads:—(1) The enlargement of the area placed directly under the control of Caesar: (2) the transformation of his *majus imperium* into a direct control even over those departments of administration not properly included within his province: (3) the subordination to him of the originally co-ordinate authority of the regular magistrates and the senate: (4) the increasingly monarchical character not only of the methods of government employed by Caesar, but also of the outward accessories of his position. Of these changes the first two were mainly brought about by the necessities of administration, and are sufficiently explained by the words of Ulpian when describing the institution of the *praefectura vigilum*. Dig. 1, 15, "Salutem reipublicae tueri nulli magis convenire . . . nec alium sufficere ei rei quam Caesarem." The two last were the inevitable result of this process of centralisation which at once rendered impossible the existence of any independent authority by the side of that possessed by Caesar, and elevated Caesar himself to a position where the limitations imposed by republican usage and tradition fell away of themselves.

To the "consulare imperium" as held by Augustus was assigned, according to established custom, a definite area or province, within which he was as exclusively supreme as Cicero in Cilicia, or Pompey in Asia. It included (*a*) the command-in-chief of all the forces of the state, and with this the sole right to levy troops and promote or discharge soldiers. [That the taking of a census in the provinces was from the first a prerogative of Caesar is almost certain (Mommsen, *Staatsr.* ii. 945), and it was probably directly connected with the levying especially of auxiliary troops (*ib.* ii. 393; Henzen, 6453; Plin. *H. N.* iii. § 28).] (*b.*) The sole right to declare war and peace, and to conclude treaties. (*c.*) The right to coin gold and silver. (*d.*) The "jus edicendi": *Lex de Imp. Vesp.* 6. (*e.*) The government of certain specified provinces.

The distinction between the department properly belonging to Caesar, and those left to the care of other authorities, had not wholly disappeared even by the close of the third century: but Caesar's province from the first steadily increased in extent. After the transference of Illyricum to Augustus in B.C. 11, and the separation of Numidia from the proconsular province of Africa in 37 A.D. (Strabo, p. 840; Dio Cass. liii. 12, lix. 20; Tac. *Hist.* iv. 48), even the immediate command of regular troops passed absolutely into the hands of Caesar's officers. The senatorial provinces are with Tacitus the "provinciae inermes." In the time of Dio Cassius the proconsuls were even forbidden to wear the military *paludamentum* (Dio Cass. liii. 17), and Gallienus finally excluded senators from all posts in the army (Aurel. Vict. *Caes.* 33). There is some reason for thinking that under the earlier emperors, a census, though ordered by Caesar, was in provinces other than his own carried out by the proconsul; but after Hadrian there is no trace of this distinction, and the whole work throughout the Empire is in the hands of Caesar's servants. The unimportance of the copper coinage was probably the reason why in this case the limits originally imposed upon the emperor were retained until the time of Aurelian (Schiller, *Gesch. d. Kaiserzeit*, i. 867).

The number of provinces originally assigned to Caesar was eight. But inasmuch as all provinces created subsequently were also placed under his authority, the number rose rapidly. At the close of the first century there were already twenty-five provinces of Caesar, including the most populous and wealthy districts of the Empire, and stretching in an almost unbroken line along its frontiers. Outside this area, in the so-called senatorial provinces, and in Rome and Italy, Caesar laid his hand on one department after another. In the case of the former, Caesar possessed from the first exclusive control over the troops, over foreign relations, and over the census. But the proconsul's area of authority was further limited by the appropriation to Caesar of a certain portion of the revenues drawn from his province; and the amount of these steadily increased [FISCUS]. Their collection and management were entrusted to imperial procuratores [PROCURATOR], who from being at first merely private agents, with no official status or powers, gradually came to form a distinct financial executive, virtually independent of the proconsul, with which he is recommended by Ulpian (Dig. 1, 16, 9) to have as little as possible to do. To Caesar lastly belonged the right, even in senatorial provinces, of founding colonies, of granting charters of incorporation to communities, of raising or lowering their status, and of conferring both Latin rights and the Roman franchise. (See CIVITAS, and Mommsen, *Staatsr.* ii. 828 *sqq.* That in the first century questions affecting the status of communities had not yet passed wholly into Caesar's hands may be inferred from the occasional mention of senatusconsulta and of discussions in the senate respecting them: Suet. *Tib.* 37; Tac. *Ann.* xi. 23, xii. 58, 61.)

Rome and Italy lay, like the senatorial provinces, outside the proper province of Caesar, but here too one department of administration after another was brought within the area of his authority, at the cost either of the magistrates in Rome or of the municipal officials. In some cases the transfer was made directly, in others the change was broken by the creation in the first instance *ex senatusconsulto* of senatorial *curatores*. But these curatores were all sooner or later either replaced by imperial praefecti and procuratores, or made so dependent upon Caesar as to differ only in name from his actual servants. The care of the corn supply (ANNONA; Hirschfeld, *Verwaltungsgesch.* 139), of the aqueducts (Id. 164), of the public buildings, the banks of the Tiber, and the cloacae (Id. 149–161), had all by the time of Claudius passed into Caesar's hands. The *praefectura vigilum* [PRAEFECTUS] dates from A.D. 6. The far more important *praefectura urbis* became a permanent

office in the reign of Tiberius; and as early as the reign of Domitian, its holder exercised a wide criminal jurisdiction in Italy as well as within the city [PRAEFECTUS URBI].

In Italy the area of direct Imperial government widened more slowly than in Rome. The exclusive military authority vested in Caesar from the first made him, it is true, responsible not only for the levying of troops (Mommsen, *Staatsr.* ii. 797) and for the protection of the Italian coasts and harbours (the fleets at Misenum and Ravenna date from Augustus, and Ostia and Puteoli were special objects of imperial care: Suet. *Claud.* 25), but also for the suppression of such disorders as required the intervention of military force. (Cf. *milites stationarii*, Suet. *Aug.* 32, *Tib.* 37; Tac. *Ann.* xiv. 17.) But Septimius Severus first quartered a legion (II. Parthica) in Italy; and the imperial *correctores*, for the maintenance of order in the various districts of the peninsula, do not appear as a regular institution before the reign of Aurelian. [For further details on this subject, see PROVINCIA.] Closely connected with the maintenance of order in Italy was the care of the main roads [VIAE], the lands of Caesar, and other revenues accruing to him [FISCUS; PROVINCIA]: as regards his control by means of the *curatores reipublicae* over the local government of Italian towns, see PROVINCIA and COLONIA.

Enough has been said to show how enormously the area assigned to the direct imperium of Caesar had expanded since B.C. 23. Outside the limits, wide as they were, of the imperial provinces, in the provinces of the senate and people, and in Rome and Italy, there were prerogatives reserved exclusively for Caesar, and departments of administration controlled absolutely by himself and his own officials.

The settlement of B.C. 23 declared that the *imperium* of Augustus should rank as *majus* over that exercised by all other holders of imperium; excepting only, it is probable, the consuls; and the use made of this *majus imperium* did even more than the extension of Caesar's own proper domain to make him absolute, and to render little more than nominal the distinction between Caesar's department and those of the regular magistrates of the state. The possession of this "greater authority" entitled Caesar to claim from the praetors and lower magistrates in Rome, and from the proconsuls abroad, the deference due in republican times to the consul; and as Caesar became stronger, and the need for administrative unity increased, this deference was easily transformed into a complete subordination, which placed praetors and proconsuls almost as entirely under Caesar's control, as his own legates, prefects, and procurators. The effectiveness of this weapon is best illustrated by the relations between the emperor and the proconsular governors of the senatorial provinces. The proconsul, as holding an independent magisterial authority, derived ultimately from senate and people, was in theory and at first in practice in a wholly different position to the imperial legate. In particular he was responsible not to Caesar, but, like Caesar himself, to the consuls, senate, and people of Rome. And there are instances in which the earlier emperors almost ostentatiously abstain from exercising authority over proconsuls and proconsular provinces outside the limits of the rights specially reserved to them. Deputations from such provinces sent to Caesar are by him referred to consuls and senate (Suet. *Tib.* 31). Administrative questions affecting them are discussed in the senate, and decided by senatusconsulta (Tac. *Ann.* ii. 47, iii. 60; Plin. *Ep. ad Traj.* 72; Mommsen, *Staatsr.* iii. 1211). Nero declared that appeals from these provinces should go to the judgment-seat of the consuls (Tac. *Ann.* xiii. 4). A proconsul charged with extortion was as late as the reign of Trajan ordinarily tried by consuls and senate; and finally the instances in which the maladministration of a proconsular province led to its transference to Caesar, or to the sending thither of a special imperial legate, indicate that down at least to the end of the 1st century Caesar's control over these provinces was less absolute and direct than over his own (Mommsen, *Staatsr.* ii. 227; Plin. *Ep.* 8, 24; *C. I. L.* iii. 567; Wilmanns, *Exempla*, 874). But in the course of the second century the distinction, though retained in form, gradually ceased to have any practical importance; and on the strength of his *majus imperium* Caesar's control over proconsuls was virtually as complete as his control of his own legates. The appeal to consuls and senate disappeared in favour of the appeal to Caesar. Instances of the trial of a proconsul before the senate are rare after the time of Trajan (Mommsen, *Staatsr.* ii. 110). Dio Cassius represents the exercise of this jurisdiction by the senate as a concession on the part of the emperor (Dio Cass. lxxi. 28; *Vita Marci*, 10). Under Commodus, a proconsul of Sicily was tried by the imperial praefectus praetorio. Septimius Severus heard such cases himself (*Vit. Sev.* 4, 8), and Ulpian clearly contemplates Caesar's tribunal as the only one in question. It is no less certain that at least after Hadrian the proconsul was, equally with the imperial legate, controlled, directed, and instructed in the work of administration by the rescripts, edicts, and constitutions of Caesar. The right to do so, derived from the *majus imperium*, and confirmed apparently by a special clause of the Lex de Imperio (see *Lex de Imp. Vespas.* 6; *C. I. L.* vi. 930; Mommsen, *Staatsr.* ii. 843 *sqq.*), was both possessed and exercised by Augustus; but while by the earlier emperors it was sparingly used, in the second and third centuries there is a marked and rapid increase in the numbers of imperial edicts, and in the Digest they are the authorities mainly quoted on points affecting the government of senatorial no less than imperial provinces (Dio Cass. lxx. 3; Euseb. *Hist. Eccl.* 4, 8; Dig. 1, 16, 4, 6, 10; 48, 6, 5, 8, 4, &c.). For the recognition in earlier times of the quasi-independent authority of the proconsul, see the decree of Norbanus (Joseph. *Ant.* xvi. 6, 6).

The increasing intensity and force of Caesar's *majus imperium*, coupled with the rapid extension of the area placed directly under his authority, told with equal effect upon the regular *magistratus cum imperio* in Rome. Their degradation from their original position as the chief executive officers of the state to that of municipal officials of the city of Rome began under the Republic, with the practice of assigning the commands of legions and provinces to proconsuls and propraetors, and was only completed by the transference to Caesar of one department of adminis-

tration after another even in Rome and Italy. But this process, the converse of that which gradually raised Caesar's private servants to the rank of state officials, scarcely involved so marked a departure from the ancient constitution, or even from the principles of the Augustan system, as the virtual transformation of these theoretically independent colleagues of Caesar into subordinate officials. The two changes were indeed closely connected; for, with the increasing restriction of consuls and praetors to unimportant or purely departmental work, while the general administration and to a great extent the higher jurisdiction both in the city and in Italy was transferred to Caesar and to his officers, the theory of their supremacy and even of their equality with Caesar became an untenable fiction.

The Augustan system left the consulship still the supreme magistracy of the state, and this pre-eminence was formally recognised throughout the first century (Tac. *Ann.* iv. 19, "consulis, cujus vigiliis niteretur ne quod respublica detrimentum caperet:" cf. Suet. *Tib.* 31; Plin. *Pan.* 59, "summa potestas"). Even in the third century there was no appeal to Caesar from the jurisdiction of consuls and senate (Ulpian, Dig. 49, 2, 1), and one right at least attaching to their old position, that of giving their names to the year, remained with the consuls (*i.e.* with the *consules ordinarii:* see CONSUL, and Mommsen, *Staatsr.* ii. 86) in post-Diocletian times. But the Augustan system, in placing by the side of the consuls a holder of consular imperium, brought the nominal supremacy of the consuls into unequal conflict with the wide authority of the princeps. The course of events robbed the consuls of all but purely domestic duties, while it entrusted to the princeps the general guardianship and government of the Empire. Even Tiberius could claim for the princeps a general control, distinct from the limited sphere belonging to the consul (Tac. *Ann.* iii. 53). In Pliny's panegyric the older and newer views of the relative position of the two are both represented. On the one hand, the consulship is still regarded as the "highest authority" and as on a level with that of Caesar (*Pan.* 59); on the other, it is merely the highest post open to a private citizen (*Pan.* 64; *Ep.* ii. 1) as distinct from the sovereign dignity of the principate, and the limited and domestic character of its duties is contrasted with the wider imperial sphere belonging to Caesar (*Pan.* 79). Rather more than a century later in the Digest the subordination of the consulship is complete. The consuls have only specific departmental duties to perform, and the duties are not infrequently spoken of as assigned to them by the emperor (Mommsen, *Staatsr.* ii. 96; CONSUL), while not only Caesar, but Caesar's prefect of the city, ranks above them (Ulpian, Dig. 49, 1, 1, 3; cf. Dig. 5, 1, 12; PRAEFECTUS). In the case of the praetorship there was from the first no question of equality with Caesar, for to the consular rank and imperium of Caesar the praetor owed deference as to the actual consuls. We consequently find the praetors, even under the early emperors, filling a strictly subordinate place. Their jurisdiction was gradually restricted to certain well-defined departments marked out for them by Caesar (Mommsen, *Staatsr.* ii. 204, 206; PRAETOR); and such titles as *praetor tutelaris* and *praetor hastarius* clearly indicate the purely departmental nature of their duties.

This transformation of the originally supreme "magistratus cum imperio" into subordinate officials, with limited and almost entirely municipal duties, was assisted by the control which the emperors obtained over their appointment, and which reduced them to the position of imperial placemen. This control, based as it was on the right of nomination, which the emperor's consular imperium gave him co-ordinately with the consuls (Tac. *Ann.* i. 81), and on that of "commendation" (*ib.* i. 15. It was formally granted to Vespasian, *Lex de Imp.* 4; whether it was ever used in the case of the consulship is doubtful: Mommsen, *Staatsr.* ii. 865 *sqq.*), was already well established and frankly recognised in the time of Trajan. [Plin. *Pan.* 77, "ipsum (sc. Caesarem) qui consules facit:" cf. Id. *Ep.* iv. 15, *ad Traj.* 12. The election of the lower magistrates was still something of a reality, and involved canvassing (Id. *Ep.* ii. 9), corruption (Id. *Ep.* vi. 19), and even disorderly contests (Id. *Ep.* iii. 20).] In the third century the whole business of appointing the "magistrates of the Roman people" is treated by Ulpian as one which concerned Caesar alone (Dig. 48, 14).

The final change by which these magistracies were, with the exception of the consulship, robbed of all imperial significance, by losing their value as qualifications for high provincial and military commands, was not completely carried out until after Diocletian.

For the gradual change in the relations of the emperor and the senate, see SENATUS: by the end of the second century the senate had lost all importance as Caesar's partner; by the end of the third it was virtually discarded even as an instrument of his government.

The changes described above, the extension of the area of government, assigned directly to Caesar, and the complete subordination to him of all other constituted authority within the state, brought about a corresponding change in his personal position. The more absolute he became in fact, the more difficult it was to treat him as anything but a monarch. This natural tendency to clothe Caesar with the attributes and surround him with the accessories of a legitimate monarchy shows itself even under Augustus; but it was undoubtedly strengthened by a growing feeling that the exceptional and provisional nature of his authority was a real source of weakness, both at home and abroad. The organisation of the principate as a regular and permanent office, with a settled mode of succession, was desirable not only in the interests of good government, but as a check upon the ambition of pretenders; while in the East, at any rate, it was important that the Roman Caesar should be able to challenge comparison in personal splendour and majesty with the kings of Parthia or Persia. To secure the first of these ends was the aim of the ablest emperors of the second century. The endeavour to secure the second lies at the root of much in the policy of Aurelian and Diocletian. It was a policy so far similar in its motives to that which created the Queen of England Empress of Hindostan, and it was encouraged not only by the

language and maxims of lawyers, like Ulpian, of Eastern birth, but by the ever-increasing influence of Oriental habits and beliefs in the imperial court and in Roman society.

The original theory that the princeps is nothing but a citizen on whom definite powers have been conferred by senate and people for a limited time, was one never strictly carried out in practice; and by the close of the third century little remained to witness to it, but the formal "lex de imperio" and the absence of any recognised mode of succession. The history of this change it is impossible to follow in detail, and only the main outlines can be traced here.

The limitation of time, observed in form throughout the reign of Augustus, disappeared at his death. Tiberius and his successors received the imperium for life, and only the celebration of the decennalia preserved the memory of the original arrangement [IMPERIUM]. The distinction between the various powers and privileges granted to the princeps, as well as the purely individual nature of the grant, were easily obscured when, as was done first in the case of Gaius, they were not only conferred *en bloc* at one time, but transferred with little or no alteration from one emperor to another (Mommsen, *Staatsr.* ii. 744, and the references given there). The notion thus developed of a single and permanent authority wielded by each emperor in turn, and consequently of a prerogative inherent in the principate, was strengthened when the functions of the censorship were, after the time of Domitian, exercised in virtue only of the general authority belonging to the princeps (Mommsen, *Staatsr.* ii. 1013; CENSOR). The authority conferred upon Augustus was not only built up out of various distinct powers, but was limited by the extent of these, and was subject to the laws, except where its holder had been specially exempted from their operation. In this latter respect also a change took place. At any rate at the close of the second and in the third century the authority of the princeps was regarded not only as single, but as plenary and absolute. The emperors are exempted from the laws (Dio Cass. liii. 18), and it is their privilege to give laws, not receive them (*Vit. Caracall.* 10); a view springing naturally both from the virtual irresponsibility of Caesar as a life ruler and from his monopoly of the work of law-making, and which was finally and authoritatively adopted in the fifth century (Justin. *Nov.* 105, 4; Mommsen, *Staatsr.* ii. 714, note. It appears, however, as early as Pliny, *Paneg.* 65, "ipse te legibus subjecisti, quas nemo principi scripsit").

But it is not only in this unrepublican theory of his prerogative that the tendency to transform Caesar into a monarch is observable. It is as clearly seen in the elevation of his family and friends above the level of private persons, and of his personal servants and agents to that of state officials. These changes, which involved a complete departure from republican principles, commenced with Augustus and were completed in the fourth century. The family of Caesar (*domus Caesaris*) had not properly, any more than that of an ordinary magistrate, any public rank or privileges. Augustus set his face against attempts to pay them honour as a royal house; and though provincials even in his reign coupled with Augustus himself his wife, children and family (Wilm. *Ex.* 104), there was no regular public recognition of the *domus Caesaris* till later. That in the time of Nero the praetorian guards already took the oath to the "whole house of Caesar," is implied by Tacitus (*Ann.* xiv. 7). Under the Flavian emperors the *domus* is associated with Caesar in the *vota publica* (Mommsen, *Staatsr.* ii. 776). The phrase "domus Augusta" occurs in an inscription of the year 159 A.D (Orelli, 4092). "Domus divina" appears first under Commodus (Wilm. 120), and is frequent afterwards (see Orelli-Henzen, *Indices*, p. 57). A similar tendency is observable in the treatment of the individual members of Caesar's house. In the case indeed of the males, republican usage was so far adhered to, that for the most part they have only the rank which followed legitimately from the tenure of public office, though permitted to hold these offices at an earlier age and in more rapid succession than ordinary citizens (Mommsen, *Staatsr.* ii. 772 *sqq.*). To the females, for whom these more legitimate marks of distinction were out of the question, honours of a distinctly royal character were given. The title of "Augusta," first given to Livia, was by the end of the first century commonly granted not only to the wife of the reigning princeps, but to his sisters and daughters. The "empress," as she now became, was in the second century further distinguished by the appellation "mater castrorum," first borne by the younger Faustina. Julia Mammaea in the third century is "mater castrorum et senatus et patriae et universi generis humani" (Wilmanns, 1005). The honour of deification, for which also the first precedent was set in the case of Livia, was freely granted in the second century (Mommsen, *Staatsr.* ii. 780, 781), and after the time of Domitian the heads of the wife and even of other female members of Caesar's house appear frequently on the coins. (For other marks of honour, *e.g.* the special body-guard, the torch-bearers, &c., see Mommsen, *Staatsr.* i. 346, ii. 775.)

More significant is the manner in which not only blood-relationship with Caesar, but even the tie of friendship came in time to confer a definite public status, and ultimately official authority. Augustus himself was obliged to check the tendency to place his "friends" above the laws (Suet. *Aug.* 56: cf. Tac. *Ann.* ii. 34, of Urgulania, "supra leges amicitia Caesaris extulerat"). Under Tiberius the "cohors amicorum" assumed a definite shape. It was divided into classes, with varying privileges; admission to it was a formal act (Tac. *Ann.* vi. 9), expulsion from it a penalty equivalent in its consequences to exile (Suet. *Tib.* 56; Tac. *Ann.* iii. 12, 24). At Rome it constituted a court, with a regular ceremonial and scale of precedence (Plin. *H. N.* xxxiii. § 41; Sen. *de Benef.* vi. 34, *de Clem.* i. 10). From this body were usually chosen the travelling companions (*comites*) of Caesar, to whom fixed allowances were given (Suet. *Tib.* 46), and also the trusted advisers with whom Caesar took counsel (Suet. *Tib.* 55, *Tit.* 7). Val. Max. ix. 15 uses the phrase "cohors Augusta:" the office *a cura amicorum* existed as early as A.D. 51 (Orelli, 1588). In the second century the term *amici* denoted broadly

the regular frequenters of the imperial court, and more specially the innermost circle of these, whether chosen confidants or high dignitaries whom the emperor honoured with this title. A more definitely official position was acquired by the *comites*. These "companions" were carefully selected for each expedition; distinct quarters were assigned them in the camp, and in rank they stood above the provincial governors To have been selected as a *comes* was an honour duly recorded on inscriptions along with the legitimate *honores*, such as the consulship. Finally not only Caesar himself, but other members of his family had also their circle of "friends," and their retinue of chosen "companions." (See for a full discussion of the question, Friedlaender, *Sittengeschichte*, i. 118 *sqq.*; Mommsen, *Hermes*, iv. 120 *sqq.*) The *comites* of post-Diocletian times no doubt differed widely in position from those of the second and third centuries; but the fact that high state officers bore this as their distinctive title significantly marked the complete identification of the service of the state with the personal service of Caesar.

The monarchical tendency shown in the elevation of Caesar's family, friends, and companions from a private to a public and quasi-official position, reappears in the similar promotion which awaited both his household servants and his subordinate agents. The household service of Caesar was, like that of private persons, limited at first to slaves and freedmen. But even under the early emperors, and especially under Claudius, some at least of the household offices rose, as regards the extent and importance of the duties connected with them, to the level of the highest magistracies of state (*e.g.* the *liberti a rationibus, a libellis, ab epistulis:* see Friedl. *Sittengesch.* i. 160; Hirschfeld, *Verwalt.-gesch.* 30). In the second century the freedmen are replaced in the principal of these *ministeria principatus* by free-born Roman knights [PROCURATOR]; while among those which still continued to be filled by "liberti," one at least, the post of chamberlain, acquired an importance, savouring strongly of Eastern monarchies; and which grew, as Oriental fashions gained a greater hold, till it reached its highest point in the "praepositus sacri cubiculi" of the later Empire [PRAEPOSITUS]. (Friedl. i. 99 *sqq.*) But no change did so much at once to consolidate Caesar's power, and to invest his rule with a genuinely monarchical character, as the gradual organisation and diffusion throughout the Empire of a strictly imperial service, distinct from that of the state, and which finally ousted the latter from all but an insignificant share in the administration of the Empire. The history of the growth of this new official hierarchy has been traced elsewhere. (PROCURATOR: see also Hirschfeld, *Verwalt.-gesch.* passim, esp. pp. 240 *sqq.*; Liebenam, *Die Laufbahn d. Procuraturen*, Jena, 1886.) But the fact must be noted here that by the close of the second century we find spread over Rome, Italy, and the provinces an army of officials, who are in the strictest sense the servants only of Caesar. From this service senators were excluded; its members, except in the lowest ranks, were "equites Romani." There was a regular system of promotion upwards from the less important *procurationes* to the procuratorship *a rationibus*, and finally to the coveted prefectures of Egypt or the praetorian guard; and throughout promotion came from Caesar alone. This theoretically private service constituted the really effective part of the machinery of government. It attracted the ablest men; and even emperors, as for instance Pertinax, rose from its ranks (*Vit. Pertin.* 1, 2).

It only remains to notice how even the outward attributes and accessories of monarchy were gradually assumed. The designation of the early emperors adhered tolerably closely to republican usage, except that the gentile nomen was dropped by Augustus, Tiberius, and Gaius. But from the Flavian emperors onwards the case was otherwise. On the one hand the personal majesty of Caesar was magnified by the gradual multiplication of high-sounding cognomina; and on the other there was an evident attempt to disguise the real nature of the principate and to give it the appearance of a permanent office, handed on in legitimate succession from one holder to another, partly by the conversion of originally proper names into official titles (*e.g.* Caesar, Pius), partly by the recitation of a fictitious descent through several generations. Under the Flavian emperors "Imperator Caesar" took the first place, and the only official cognomen was that of Augustus. Trajan set the precedent of assuming cognomina commemorative of his victories; "Pius," originally the proper cognomen of Antoninus, was subsequently adopted as part of the permanent titulature. "Felix" was added by Commodus. "Invictus" first appears under Septimius Severus. By the middle of the third century the regular form was "Imperator Caesar—Pius Felix Invictus Augustus." "Semper Augustus" is found on an inscription of Claudius Gothicus, and towards the close of the third century "dominus noster" frequently preceded "Imperator Caesar;" while the addition of complimentary epithets, such as "pacificator orbis," "restitutor orbis," &c., became more common. The recitation of descent from preceding emperors began with Trajan, the adopted son of Nerva, and had a basis in the fact of adoption, in the case of the Antonine Emperors. It was continued as a useful fiction by Septimius Severus and Caracalla. [With the simple "Imperator Caesar divi filius Augustus," compare the lengthy titles of Caracalla (Wilmanns, 994): "Imp. Caesar (M. Aurelius Severus Antoninus) pius felix Augustus Parthicus maximus, Britannicus maximus, Germanicus maximus . . . divi Septimi Severi . . . filius divi M. Antonini nepos divi Antonini Pii pronepos divi Hadriani abnepos divi Trajani et divi Nervae adnepos dominus noster invictissimus Augustus."] In the list of *honores* the only change of importance was the significant insertion, dating from Septimius Severus, of the title "proconsul," which occurs occasionally in inscriptions of Trajan, Hadrian, and Marcus Aurelius (Mommsen, *Staatsr.* ii. 736, notes): Diocletian first used it on coins: it emphasised the extraordinary character of Caesar's imperium as distinct from that of the regular magistrates, and, as used in Italy, implied that this imperium was paramount there, as in the provinces.

The language used in addressing the emperor, or in speaking of him, departed even more

rapidly and widely from republican practice. The use of the term "dominus" as a mode of address, against which Augustus and Tiberius protested, was rapidly becoming common in the time of the younger Pliny. It first found its way into official documents under Severus, and its use was definitely sanctioned by Aurelian (Mommsen, *Staatsr.* ii. 721, 722). By Greek writers and on Greek inscriptions the emperor is not unfrequently styled βασιλεύς, as early as the commencement of the second century. The Graeco-Oriental training of Ulpian and a century later of the Scriptores Hist. Augustae introduced such epithets as "regia," "regale" (imperium) into Latin literature (Mommsen, *ib.* 724, note 3). The influence of Caesar-worship is seen in the phraseology even of the time of the Antonines. Trajan is described as "sacratissimus princeps" (Wilm. 693). Rescripts of Antoninus Pius are "caelestes literae" (Wilm. 693). Somewhat later we find "indulgentia sacra" (cf. Severus Alexander, *C. I. L.* v. 1837), "auctoritas sacra" (Wilm. 100, A.D. 244), "appellationes sacrae" (Wilm. 1220, A.D. 253). But not until the time of Aurelian was the emperor directly and officially styled "deus" ("deus et dominus" on coins: Eckhel, vii. 482; Mommsen, *Staatsr.* ii. 720, and note).

Even in the ceremonial and general arrangements of the court the emperors at least of the third century approached very nearly to the semi-Oriental state of the age of Constantine. While the households of the earlier emperors differed from those of great Roman nobles mainly by their greater numbers and magnificence, and the best emperors at any rate eschewed the elaborate ceremonial with which Eastern monarchs fenced round their persons, the courts of Caracalla, of Elagabalus, and even of Severus Alexander are genuinely Oriental in character. We have already the host of court officials, chamberlains, cup-bearers, keepers of the imperial robes, &c., the jealously guarded royal chamber, with its hanging curtains and attendant guards, and even the prostration of the subject before his royal master. (Elagabalus suffered himself "adorari regum more Persarum," *Vit. Sev. Alex.* 18. It is mentioned as a proof of Severus Alexander's moderation that he allowed himself to be saluted "quasi unus e senatoribus *patente velo admissionalibus remotis*," *ib.* 4. He also limited the extravagance of the imperial establishment, *ib.* 41: cf. generally Friedlaender, i. chap. 11, and the Appendix, pp. 177 ff.)

The dress and insignia of the emperors of the first two centuries are all of republican origin, and only became distinctive in so far as the emperor was exempted in the use of them from the restrictions which bound the regular magistrate, or as their use was reserved for him alone. The consular chair and lictors were granted to Augustus in B.C. 23. The right to wear the ordinary magisterial toga was probably conferred at the same time, and down to the close of the second century this was the regular dress of the emperor when in Rome or Italy. (*Vit. Hadr.* 22. In this point, as in others, Severus Alexander returned to the practice of earlier times: *Vit. Sev. Alex.* 40.) On the other hand, the triumphal robes which Augustus was authorised to wear in Rome on special occasions (Dio Cass. liii. 26) became, with the right of celebrating a triumph, the monopoly of Caesar, and were commonly worn by later emperors at public festivals and games in the capital. Domitian wore them in the senate (Dio Cass. lxvii. 4). The purple *paludamentum* belonged from the first to Caesar, in virtue of his exclusive and supreme military authority; and this "imperial purple" was in the first century distinctive of the emperor. In the third century it was frequently worn, even in Rome and Italy, and its assumption was the recognised symbol of accession to the principate (Herodian, ii. 8; Eutrop. 9, 26; Mommsen, *Staatsr.* i. 349). The laurel wreath, of the *vir triumphalis*, was possibly from the first reserved, like the triumphal robe, for Caesar alone; and only he had the right to wear in Rome and Italy the sword and dagger of military authority. But not until the close of the third century did the Roman Caesar openly copy in his dress the fashions of Eastern monarchs. The *corona radiata*, occasionally found at an earlier period, regularly appears on coins after the time of Aemilianus (A.D. 249). The more distinctively Oriental diadem was, according to Victor (*Epit.* 35), first worn by Aurelian [DIADEMA]. Mommsen, however, *Staatsr.* i. 345, rejects the statement: Caligula, the Elagabalus of the first century, is credited with a premature attempt to introduce both the *corona radiata* and the diadem (Suet. *Cal.* 22). Gallienus anticipated the Eastern splendour of the Byzantine emperors, by appearing in Rome with a barbaric display of gold and precious stones (*Vit. Gall.* 16, "gemmatis fibulis aureisque, tunicam auratam, caligas gemmeas"), and much the same is said of Aurelian (Victor, *Epit.* 35). By Eutropius, however (ix. 26), the introduction of these unrepublican and un-Roman novelties is ascribed to Diocletian: "Ornamenta gemmarum vestibus, calceamentique indidit, nam prius imperii insigne in chlamyde purpurea tantum erat." [H. P.]

PRINCEPS JUVENTU'TIS. [EQUITES.]

PRINCEPS SENATUS. [SENATUS.]

PRINCIPA'LIS PORTA. [CASTRA, Vol. I. p. 372.]

PRI'NCIPES. [EXERCITUS, Vol. I. p. 784.]

PRINCI'PIA. [EXERCITUS, Vol. I. p. 784.]

PRIVILE'GIUM. [LEX, Vol. II. p. 33 *a*.]

PROAGOGEIAS GRAPHE (προαγωγείας γραφή), a prosecution against those persons who performed the degrading office of pimps or procurers (προαγωγοί: cf. Plat. *Theaet.* p. 150 A). By the law in Aeschin. *c. Tim.* the heaviest punishment (τὰ μέγιστα ἐπιτίμια, § 14), viz. death (§ 184), was inflicted on such a person (ἐάν τις ἐλεύθερον παῖδ' ἢ γυναῖκα προαγωγεύῃ). According to Plutarch (*Sol.* 23), Solon imposed a penalty of twenty drachmas for the same offence. To reconcile this statement with that of Aeschines, Platner (*Proc. u. Klag.* ii. p. 216) supposed that the law mentioned by Plutarch applied only to prostitutes. This is very unlikely; more probably the punishment was at a later period made more severe, as in the δίκη βιαίων (Plut. *Sol.* 25, a hundred drachmas; but Lys. *de caed. Erat.* § 32, διπλῆν τὴν βλάβην ὀφείλειν: cf. Dem. *c. Mid.* p. 528, § 44). A prosecution of Patrocles ἐπὶ προαγωγείᾳ by Hyperides is mentioned in Pollux, viii. 27; cf. Hyp. ed. Blass,[2]

fr. 141–8. The charge brought against Aspasia by Hermippus in his prosecution for *ἀσέβεια*, of getting freeborn women into her house for the use of Pericles, was *προαγωγεία* (Plut. *Per.* 32: cf. Aristoph. *Acharn.* 527), and probably also that against Euthymachus, who was put to death for taking an Olynthian girl to a brothel (Din. *c. Dem.* § 23). (*Att. Process*, ed. Lipsius, p. 410 f.) For the low state of morality amongst the Byzantines, cf. Aelian, *V. H.* iii. 14, and Athenaeus, x. p. 442 c. [C. R. K.] [H. H.]

PRO'BOLE (*προβολή*), an accusation of a criminal nature, preferred before the people of Athens in assembly, with a view to obtaining their sanction for bringing the charge before a judicial tribunal. It may be compared in this one respect (viz. that it was a preliminary step to a more formal trial) with our application for a criminal information; though, in regard to the object and mode of proceeding, there is not much resemblance. The *προβολή* was reserved for those cases where the public had sustained an injury, or where, from the station, power or influence of the delinquent, the prosecutor might deem it hazardous to proceed in the ordinary way, without being authorised by a vote of the sovereign assembly. In this point it differed from the *εἰσαγγελία*, that in the latter the people were called upon either to pronounce final judgment or to direct some peculiar method of trial; whereas in the *προβολή*, after the judgment of the assembly, the parties proceeded to the trial in the usual manner. The court before whom they appeared, however influenced they might be by the *praejudicium* of the people, were under no legal compulsion to abide by their decision; for the view of Libanius (*argum.* Dem. *c. Mid.* p. 509), whom Bake (*Schol. Hypomn.* iii. p. 43 ff.) and in a modified form Hermann (*Quaest. de prob.* p. 8 ff.) follow, viz. that the court merely fixed the penalty (*περὶ ὑποτιμήσεως*), is proved to be erroneous by passages like Dem. *c. Mid.* p. 546, § 97, p. 578, § 199, p. 580, § 204 ff., which speak of the possibility of an acquittal; and by p. 562, § 151, which distinguishes the two votes of the court (*καταψηφίζεσθαι* and *τιμᾶν*). The complainant was not bound to follow up the judgment of the popular assembly by proceeding to trial; this is evident from Aeschin. *c. Ctes.* § 52: on the other hand, it seems doubtful, though Platner is of a different opinion (*Proc. u. Klag.* i. p. 382), whether, if the people refused to give judgment in favour of the complainant, he might still proceed against his adversary by a *γραφὴ* or a private action, according to the nature of the case.

The cases to which the *προβολή* was applied were complaints against magistrates for official misconduct or other wrong-doings (Harpocr. *s. v.* *καταχειροτονία*; Bekk. *Anecd.* p. 268, 27 ff.); against those public informers and mischief-makers who were called *συκοφάνται* (Isocr. *de Permut.* § 314; Aeschin. *F. L.* § 145, and Schol. *ad l. c.*; Pollux, viii. 46), and against those who outraged public decency at certain religious festivals. This probably does not exhaust the list of cases in which the *προβολή* might be resorted to; however, the beginning of Pollux's (viii. 46) paragraph, *προβολὴ ἡ κλῆσις εἰς δίκην κατὰ τῶν κακόνως πρὸς τὸν δῆμον διακειμένων*, cannot be taken to mean that disaffection to the state was one of the cases, as the following words show, *προβολαὶ δὲ γίγνονται*, etc., and *Lex. Rhet. Cantabr.* p. 676, 24 f., *κατὰ τῶν τὰ δημόσια μέταλλα ὑπορυττόντων*, etc., refers to *φάσις* (Meier *ad l. c.*).

With respect to magistrates, Schömann (*de Comit.* p. 231 f.) thinks that the *προβολαὶ* could only be brought against them at those *ἐπιχειροτονίαι* which were held at the first *κυρία ἐκκλησία* in every prytany, when the people inquired into the conduct of magistrates, with a view to continuing them in office or deposing them, according to their deserts. An example of magistrates being so deposed occurs in [Dem.] *c. Theocr.* p. 1330, § 27 f. The people (says Schömann) could not proceed to the *ἐπιχειροτονία* except on the complaint (*προβολή*) of some individual; the deposed magistrate was afterwards brought to trial, if the accuser thought proper to prosecute the matter further. Platner (*l. c.* p. 385) objects to limiting the *προβολὴ* against magistrates to these particular occasions. It seems more probable, however, that this kind of *προβολή* against magistrates never existed at all, there being no need for it by the side of the *ἐπιχειροτονίαι*, and the grammarians who mention it in all probability use the term inaccurately.

An example of a *προβολή* against sycophants is that which the people, discovering too late their error in putting to death the generals who gained the battle of Arginusae, directed to be brought against their accusers (Xen. *Hell.* i. 7, § 34; cf. Fränkel, *Att. Geschworenger.* p. 88). Another occurs in Lys. *c. Agor.* § 65, where the words *καὶ ἐν τῷ δήμῳ καὶ ἐν τῷ δικαστηρίῳ συκοφαντίας αὐτοῦ κατέγνωτε* describe the course of proceeding in this method of prosecution.

But the *προβολή* which has become most celebrated, owing to the speech of Demosthenes against Meidias, is that which was brought against persons who had been guilty at certain festivals of such an offence as would fall within the description of *ἀδικεῖν περὶ τὴν ἑορτήν* (p. 514, § 1, less technically *ἀσεβεῖν*, p. 578, § 199; p. 587, § 227; and Schol. Aeschin. *F. L.* § 145: cf. the instances in Dem. *c. Mid.* p. 571, § 175 ff.; p. 584, § 218). The *προβολαὶ* were enjoined against such persons by special laws: thus the *νόμος περὶ τῶν Διονυσίων* was not yet in force at the time when Alcibiades acted as choregus (p. 562, § 147), and the same enactment was later on extended to the Mysteries (p. 571, § 175), and probably to other festivals. (Pollux says in general, *περὶ τῶν ἐξυβρισάντων ἢ ἀσεβησάντων περὶ τὰς ἑορτάς.*) The law inserted in p. 517, § 10, which Foucart (*Sur l'Authenticité de la Loi d'Evegoras*, *Revue de Philol.* 1877) defends as genuine against Westermann's (*de litis instrum. quae extant in Dem. or. in Mid.*) criticisms, enumerates *τὰ Διονύσια ἐν Πειραιεῖ, τὰ Δήναια, τὰ Διονύσια ἐν ἄστει* and *τὰ Θαργήλια*, thus omitting the Anthesteria from, and mixing up the Thargelia with, the *νόμος περὶ τῶν Διονυσίων* (cf. Philippi, *Adnot. ad leg. form. quae in Dem. Mid. extant*). A riot or disturbance during the ceremony, an assault, or other gross insult or outrage, committed upon any of the performers or spectators of the games, whether citizen or foreigner, and even upon a slave, much more upon a magistrate or officer engaged in superintending the performance; an attempt to im-

prison by legal process, and even a levying of execution upon the goods of a debtor, during the continuance of the festival, was held to be a profanation of its sanctity, and to subject the offender to the penalties of these statutes.

The complaint was made (*προβάλλεσθαί τινα*), probably in writing, to the Proedri, who had to bring forward the charge as soon as possible at an assembly of the people (that of misbehaviour at the Dionysia, at an assembly held in the theatre of Dionysus, *μετὰ τὰ Πάνδια*, Dem. *c. Mid.* p. 517, § 9; *C. I. A.* ii. No. 554 b; *τῇ ὑστεραίᾳ τῶν Πανδίων*, *lex* in Dem. *l. c.* § 8; cf. also Aeschin. *F. L.* § 61), those cases excepted for which the senate was empowered to impose a fine (*ὅσαι ἂν μὴ ἐκτετισμέναι ὦσιν*, *lex l. c.*). Both parties were heard (Dem. *c. Mid.* p. 580, § 206), and then the people proceeded to vote by show of hands. Those who voted in favour of the prosecution were said *καταχειροτονεῖν*: those who were against it *ἀποχειροτονεῖν*. The people having given their sentence for the prosecution, the complainant might either drop the prosecution, if content with having gained his point before the popular assembly, or bring the case into the court of Heliaea. In certain cases of a serious nature the defendant might be required to give bail for his appearance, or (in default thereof) go to prison (Xen. *Hell.* i. 7, 34). The persons on whom the *ἡγεμονία δικαστηρίου* devolved were, according to Pollux (viii. 87), the Thesmothetae: that this information is correct is evident from Dem. *c. Mid.* p. 524, § 32 (*τῶν θεσμοθετῶν τούτων*). The dicasts had to pronounce their verdict on the guilt of the party, and, after this, probably the complainant proposed a penalty (death or a fine), which they had to assess. The trial, it seems, was attended with no risk to the prosecutor, who was considered to proceed under the authority of the popular decree. (*Att. Process*, ed. Lipsius, pp. 335–344; p. 229, n. 81.) [C. R. K.] [H. H.]

PROBOULEUMA (*προβούλευμα*). [BOULE, Vol. I. p. 311 b.)

PROBOULI (*πρόβουλοι*), a name applicable to any persons who are appointed to consult or take measures for the benefit of the people. Thus, the delegates who were sent by the twelve Ionian cities to attend the Panionian council, and deliberate on the affairs of the confederacy, were called *πρόβουλοι* (Herod. vi. 7). So were the deputies sent by the several Greek states to attend the congress at the Isthmus, on the occasion of the second Persian invasion (Herod. vii. 172); and also the envoys whom the Greeks agreed to send annually to Plataea (Plut. *Arist.* 21). The word is also used to denote an oligarchical body, which in oligarchies performed the functions discharged by the *βουλή* in democracies, being a sort of committee for initiating measures. Where it co-existed with the *βουλή*, it was established as a check upon it to prevent more democratic tendencies. (Arist. *Pol.* vi. 15, 11 = p. 1299; vii. 8, 17 = p. 1322.) Such was the government at Corinth after the fall of the Cypselids (Müller, *Fr. Hist. Gr.* iii. 394). A body of men called *πρόβουλοι* were appointed at Athens, after the end of the Sicilian war, to act as a committee of public safety (Thuc. viii. 1; Aristoph. *Lysist.* 467; Lys. *c. Erat.* § 65). Thucydides calls them *ἀρχὴν τινα πρεσβυτέρων ἀνδρῶν, οἵτινες περὶ τῶν παρόντων ὡς ἂν καιρὸς ᾖ προβουλεύσουσι*. They were ten in number (Suidas, *s. v.* **Πρόβουλοι**). Whether their appointment arose out of any concerted plan for overturning the constitution, is doubtful. The ostensible object at least was different; and the measures which they took for defending their country and prosecuting the war appear to have been prudent and vigorous; it is clear, however, from the words of Lysias, that their appointment was regarded by him as tending to oligarchy. Their authority did not last much longer than a year; for a year and a half afterwards Pisander and his colleagues established the council of Four Hundred, by which the democracy was overthrown. (Thucyd. viii. 67; Wachsmuth, vol. i. pt. 2, p. 197.) There is no sufficient ground for the conjecture that the *ξυγγραφῆς αὐτοκράτορες* were the same persons as the *πρόβουλοι*. (See Grote, *Hist. of Greece*, viii. 46; Gilbert, *Staatsalt.* ii. 90, 315.) [C. R. K.] [G. E. M.]

PROCHEIROTO'NIA (*προχειροτονία*). [BOULE, Vol. I. p. 312.]

PRO'CHOUS (*πρόχους*). [URCEUS.]

PROCLE'SIS (*πρόκλησις*). [DIAETETAE, Vol. I. p. 622.]

PROCONSUL. The office of proconsul was one resting on the theory of delegated authority. Delegation of the powers exercised by the supreme magistracy of Rome, for certain specific purposes, was a theory always recognised by the Roman commonwealth; although, after the supreme magistracy had been limited, such delegation was not permitted within Rome itself, the *imperium domi* being always vested in a duly elected magistrate. Without the walls, however, this principle did not extend, and consequently, for purposes of administration outside Rome itself, the full consular imperium, on the condition that it did not extend to administrative duties within the city, might for a temporary purpose be conferred on an individual, who was then said to act in the consul's stead (*pro consule*). But, although the theory of the proconsulate was one of delegated authority, in practice this delegation usually assumed the form of a prolongation of existing command (*prorogatio*). Such a prolongation was really a dispensation from the existing term of office recognised by the constitution; and, although such a dispensation was not permitted within the city walls, outside the walls the consul's imperium might, for some purpose, be regarded as indefinitely prolonged: and the proconsulate was, as a rule, such an indefinite prolongation of a pre-existing consular imperium (*prorogare imperium*), recognised by the powers of the state, and extended, as regards its exercise, to the world outside the Roman *pomerium* (Mommsen, *Hist. Rome*, i. pp. 261, 326). It is true that the earliest instance of a magistrate with the title *pro consule* shows us, not a prolongation, but a direct delegation of office by its possessor. It is applied by Livy (iii. 4) to the commander of the reserve of the Roman army as early as the year 464 B.C.; and Dionysius (ix. 12), who calls this magistrate *ἀντιστρατηγός*, says that the appointment was in the hands of the consuls for the year (viii. 64). This is probable enough, but Niebuhr (*Hist. Rome*, ii. p. 123) supposes that the title *pro consule* as applied to this

office is an anachronism, and that the real proconsulate did not commence until many years later. The first instance of the proconsulate as a delegation of the full consular powers outside Rome that we meet with was effected by the prolongation of the consular imperium. In 327 B.C. at the commencement of the second Samnite war the consul Q. Publilius Philo had his imperium prolonged, in order that he might continue the conduct of the war, after he had ended his usual term of office (Liv. viii. 23, 12). As a mere recognition of imperium existing in his person, the office was not conferred by the usual elective comitia, but by the really sovereign body, the *comitia tributa plebis* (loosely called *populus* by Livy), on the motion of the tribunes, who themselves acted on the advice of the senate. This was the usual constitutional procedure, originally observed in the *prorogatio:* but in the very next instance of the proconsular command that we meet with, that of the consul L. Fabius Maximus in 308 B.C. (Liv. ix. 42, 2), the senate alone is mentioned as giving its sanction to the *prorogatio*, without a plebiscitum: and Mommsen regards this as having been the constitutional practice from this time forward (*Hist. Rome*, i. p. 326). Subsequently to this, however, when the proconsulate was conferred on L. Volumnius in 296 B.C., the plebiscitum and the senatusconsultum are both mentioned as having been employed for the purpose (Liv. x. 22). It is possible, therefore, that the proconsulate of 308 B.C. was the first in which the senate had definitely taken the initiative, and that the plebiscitum was passed so entirely as a matter of course, on the advice of the senate, that Livy regards the case as practically a prolongation by the senate alone. The senate was, no doubt, constitutionally the proper body for taking the initiative in this matter, as in all matters of foreign administration; but during the second Macedonian war (197 B.C.) we find a tribune interfering with the senate's provisions, insisting that a new consul should not be sent out, and getting the consul's imperium prolonged (Liv. xxxii. 28).

A proconsul thus appointed had only the military imperium, which was incapable of exercise, and therefore of recognition, within the city walls. But for a Roman commander to triumph he must be invested with the imperium domi: otherwise he has no legal status as a magistrate within the walls. For the consul to triumph, during his year of office, a simple decree of the senate was sufficient, recognising his full possession of the imperium with which he was already invested. But the proconsul had no imperium within the walls; consequently, for him to triumph, a special decree of the people was necessary, conferring the imperium on him for the occasion. The constitutional procedure in this case was for the senate, on recognising the proconsul's claim to a triumph, to ask the tribunes of the people to propose the matter to the concilium plebis, and get a plebiscitum sanctioning the arrangement (Liv. xxvi. 21): this was done *ex auctoritate senatus;* and sometimes the senate committed the duty of making the request of the tribune to one of the other magistrates, such as the praetor (Liv. xlv. 35).

Previous possession of the consular imperium, however, was not necessary to qualify a man for the exercise of proconsular powers. In theory it was a delegated authority; and although the system of *prorogatio* was usually adopted and had become the constitutional manner of creating a proconsul, it did not exclude the procedure of delegation. When this office was delegated to a person who did not possess the imperium at all, the procedure was one of election. Thus, in the first known case of the proconsulare imperium being vested in a person who had exercised no previous imperium, the proconsul was elected in the Comitia Centuriata, the regular comitia for consular elections. P. Cornelius Scipio was created proconsul in this way, in 211 B.C. (Liv. xxvi. 18); the case was altogether exceptional ("extraordinaria cura deligendum esse," Liv. *ib.*), constitutional precedent was set aside, and a definite election to the proconsulship was made by the populus. The extraordinary nature of the imperium so conferred was felt especially when a triumph was to be decreed to a proconsul elected in this manner, "quia neminem ad eam diem triumphasse, qui sine magistratu res gessisset, constabat" (Liv. xxviii. 38: cf. xxxi. 20). These difficulties were not, however, felt when the proconsulship was conferred on a magistrate who was not a consul, but had yet exercised the imperium as praetor, of which there are several instances; among them that of M. Marcellus in 216 B.C. (Liv. xxiii. 30) and Ti. Claudius in 177 B.C. (Liv. xli. 12). At a later period of the Republic we find a propraetor, in the exercise of provincial duties, invested with the title of Proconsul, because he governed a proconsular province, as in the case of Q. Metellus Celer, governor of Cisalpine Gaul in 62 B.C. (superscription to Cic. *ad Fam.* v. 1).

Proconsular appointments, such as those mentioned above, were originally created only for a temporary purpose, such as the necessity of prolonged command in war. But with the creation of the Roman provinces outside Italy the prolongation of proconsular command became a definite constitutional necessity. Special administrators (*praetores*) were appointed for the first four transmarine provinces of Rome: but no more were created for this purpose; and, when the number of provinces increased, their administration was divided between the four home offices, the two consuls and the two city praetors. But such a combination of home and foreign functions was impossible without a regular prolongation of their imperium for the purpose of foreign administration; and so, in the interval between the second Punic war and the reforms of Sulla, we find the proconsulship becoming an annual institution, created for the purpose of administering those provinces where the largest military forces were required, but with no definite legal rules to regulate it, either in defining the length of its tenure, or in establishing any complete separation between home and foreign commands. With the institution of the proconsulate as a regular magistracy, the right of the senate to confer it and to assign its functions became unquestioned, and the necessity for the plebiscitum originally required to sanction its creation had entirely disappeared. (For the arrangement of proconsular provinces and for proconsular administra-

tion within the provinces, see PROVINCIA.) But there had always been a formal sanction on the part of the whole people, required for the conferring of this kind of imperium, which still continued in force. This was the Lex Curiata, a law passed in the assembly of the curies: which was originally, as Cicero believed, in the nature of a vow of allegiance tendered to the "magistratus cum imperio," when entering on their office, as it had been tendered to the king (Cic. *de Rep.* ii. 13, 25); it was thus required by formal law as a recognition of the imperium vested in the proconsul, as well as in any of the other magistrates who possessed the imperium (Cic. *de Lege Agr.* ii. 11, 26; ii. 12, 30;—Mommsen, *Staatsrecht*, i. pp. 51, 54, 55, notes). It has been supposed from a passage in Cicero's letters (*ad Fam.* i. 9, 25) that the law of Sulla *de provinciis ordinandis* dispensed with the necessity of this law in the case of proconsular appointments confirmed by the senate. The proconsular provinces were always fixed by the senate previously to the election of the consuls who were to fill them by a Lex Sempronia (C. Gracchi) passed in 123 B.C. (Cic. *de Prov. Cons.* 2, 3). Sulla confirmed this enactment; and although he did dispense with the *necessity* of a Lex Curiata where the proconsular provinces were so conferred, he did not do away with its *constitutional advisability* ("legem curiatam consuli ferri opus esse, necesse non esse," Cic. *ad Fam.* i. 9, 25). As the formal popular recognition of the imperium, it still continued down to the end of the Republic; although its necessity seems to have been still further diminished by the senatusconsultum of 52 B.C. (Dio Cass. xl. 30 and 46), by which a proconsul was not assigned a province until five years after he had held office at Rome (Caes. *Bell. Civ.* 1, 6).

The proconsular imperium, since it was exercised without the walls, was unlimited by any of the restrictions—such as the right of appeal, the veto, and even the definite limit of time—that were imposed on it within Rome itself. Outside the walls it maintained all its original *regal* character (Cic. *de Rep.* i. 40, 63; *de Leg.* iii. 3, 6). It was necessarily limited in the proconsul's provincial administration by the definite rights of the *civitates* with which he came into contact (Cic. *ad Att.* v. 11, 2; Tac. *Ann.* ii. 53, 3). But in the field it was unlimited, and hence the extreme severity of the old martial law, from which there was no appeal (Cic. *de Leg.* iii. 3, 6). But between the time of the Second Punic War and the war with Jugurtha, a considerable mitigation of this martial law is known to have taken place; the right of appeal (*provocatio*) seems to have been extended to Roman citizens on service (Sall. *Jug.* 69): and it is not improbable that this limitation of the summary military jurisdiction of the proconsul was brought about by the direct extension of the law of C. Gracchus, "ne de capite civis Romani injussu populi judicetur," to Roman citizens on military service.

After the creation of the provinces, the duration of the proconsulate had been fixed generally at one year, for the purpose of provincial government: and so, although there was no definite regulation respecting it before the time of Sulla, the usual separation of command had been one year in Rome as consul, a second in the provinces as proconsul. Sulla (in 81 B.C.) defined this arrangement by law (Lex Cornelia de provinciis ordinandis), and so established a complete separation betweeen home and foreign commands. Another constitutional rule that had settled itself was that a provincial governor should retain his command until relieved by his successor; this was also recognised by Sulla's law, with the additional enactment that he should leave his province within thirty days after the arrival of his successor, and that he should retain his imperium until he re-entered Rome (Cic. *ad Fam.* xii. 4, 2; i. 9, 25). Really, however, at this time Italy itself was the boundary of a proconsul's exercise of his imperium, through the large extension of the Roman franchise. Pompey, coming from the East, disbanded his army as soon as he reached Italy, and Caesar's crossing the Rubicon with an armed force was practically a declaration of war.

The duration of proconsular government was, after Sulla, annual (Cic. *ad Fam.* ii. 7, 4); this rule continued until the time of Caesar, who fixed the tenure of consular provinces at two years (Cic. *Phil.* i. 8, 19; B.C. 46). Augustus restored the original limit of one year (Tac. *Ann.* iii. 58), and this rule remained in force. The date at which the proconsul entered on his office during the Republic is uncertain: Caesar's second command in Gaul began on March 1st (Cic. *de Prov. Cons.* 15), and this may have been theoretically the proper date for a proconsul to go to his province, being regarded as the commencement of the official year. The date of the actual commencement of his official functions never really corresponded to this date; but depended partly on the time at which he quitted the consular office at home, which from the year 153 B.C. ended with Dec. 31st, partly on the time at which he chose to go out within the year after his consular office had expired (Cic. *ad Att.* v. 16, 4); for the previous governor had to retain the command, or delegate it to an officer within the province, until his successor arrived (Dig. 1, 16, 10; Cic. *ad Att.* vi. 6, 4). Before the year 51 B.C. the two consuls never went out to the provinces assigned them before their election, until ten months after their nominal tenure of them. For instance, in the ordinary course of things the proconsular command which commenced on March 1st, 49, would be assigned to the consul designate for 49 (elected in 50); he, however, could not actually *enter* on the province until his year of office as consul had come to an end, that is, until Jan. 48: his predecessor meanwhile holding the province until his arrival. Hence arose Caesar's dispute with the senate. After the senatusconsultum of 52 B.C. by which proconsular governorships were not filled up until five years after the consulship was held, a proconsul might be sent out at any time: Cicero's government of Cilicia began on July 31st (*ad Att.* v. 16, 2); and from this power of filling up proconsular governments at the earliest date at which they were legally vacant, Caesar would have had to resign his province before March 1st, 49, instead of before Jan. 1st, 48 B.C.: which he refused to do, appealing to the pre-existing constitutional custom (Caes. *Bell. Civ.* 1, 85; Cic. *de Prov.*

Cons. 15). Under the Empire the date varied from time to time, but there was a fixed date for the filling up of such commands. Under Tiberius this date was June 1st, under Claudius April 1st (Dio Cass. lvii. 14, 60, 11;—Mommsen, *Hist. Rom.* iv. p. 350; *Staatsrecht*, ii. p. 255).

With the Empire, and the new division of the provinces into senatorial and imperial that accompanied it [PROVINCIA], there came certain alterations in the mode of appointment and powers of the proconsul. The regulation as to the five years' interval between home and foreign commands, originating in 52 B.C., was enforced by Augustus (Dio Cass. liii. 14), but not strictly adhered to. Some consulares were set aside by the senate, others by the emperor (Tac. *Ann.* iii. 71; iii. 32), while the "jus liberorum" gave the preference to some over others (Dio Cass. liii. 13, 2). Proconsuls were now confined to the senatorial provinces, and the governors of these provinces had the title, even though they may only have been praetors (Dio Cass. liii. 13, 3). This title carried with it in one respect only a formal *proconsulare imperium*, because the provinces were non-military, but within the province they had *majus imperium* over everyone except the princeps. The two great senatorial provinces, Asia and Africa, were always given to consulares, and hence the title *proconsul consularis;* the other proconsuls were only *praetorii*. In Africa, as one of the corn-supplying provinces, the senatorial proconsul had a legion, sometimes two; but when real military power was to be conferred on him, the appointment, instead of being regulated as usual by allotment among the senior consulares, was thrown on the princeps (Tac. *Ann.* iii. 35, 74). Each senatorial proconsul had three *legati pro praetore*, nominally chosen by himself, but approved by the emperor (Dio Cass. liii. 14, 7); he had a salary from the treasury (*salarium proconsulare*, Tac. *Agr.* 43, 3), first given to provincial governors by Augustus; he was attended by lictors, and had the other insignia of his rank, but "did not wear the sword nor the military dress" (Dio Cass. liii. 13, 3), to show that his command was not a military one, and in deference to the full proconsular imperium vested in the emperor, although technically, as the possessor of the proconsular imperium, he was the colleague of the emperor.

Subordinate command is incompatible with the idea of the proconsular imperium. A praetor may have this imperium, in republican times, as in the cases quoted above, or in imperial times, if sent to govern one of the minor senatorial provinces; but never, in either case, when he goes as a subordinate to another official. For this reason the consulares who governed the imperial provinces were never called proconsuls, but *legati pro praetore*, because their command was not an independent one. The only exception to this rule is where, for a special purpose, a proconsul is granted imperium majus over other proconsular governors (Cic. *ad Att.* iv. 1, 7; Tac. *Ann.* ii. 43, 2). Hence, under the Empire, a commander gifted with proconsular imperium, together with full power to exercise it in a military capacity, was a colleague of the emperor (*collega imperii*), and the conferring of this honour was one of the most distinctive modes of nominating a successor to the principate. The proconsular imperium was the legitimised basis on which the emperor's position as commander of the military forces rested; but it was more or less legitimate according to the way in which it was assumed. As conferred by the senate, it was a strictly constitutional power: it was so conferred on Tiberius, and on his colleagues in the Empire, Germanicus and Drusus (Tac. *Ann.* ii. 43, 2; i. 14, 4), and Vitellius also dated his *dies imperii accepti* from the date at which the *soliti honores* were conferred on him by the senate (Henzen, *Act. Fr. Arv.* p. 64). As conferred by the legions, it was less legitimate. Vespasian, for instance, dated his *dies imperii* from the day of his salutation by the legions as Imperator (Suet. *Vesp.* 6), which was equivalent to a recognition of his right to this imperium. The proconsular imperium of the emperor was unique, in that it did not lapse from the fact of his presence within the walls (Dio Cass. liii. 17, 6; 32, 5). But this privilege did not extend to his colleagues: Germanicus, who had held it in Germany, had to have it conferred again before going to the East, because he had been within the city walls (Tac. *Ann.* ii. 43, 2; cf. i. 14, 4), and Drusus could not hold it while he was within the walls as consul designate (*Ann.* i. 14, 5). (Mommsen, *Römisches Staatsrecht*, ii.[1] 90, 233, 238–246, 257; ii.[2] 811 *sq.*; *Die Rechtsfrage zwischen Caesar und dem Senat.*) [A. H. G.]

PROCURA'TOR. The term *procurator* signifies agent, and is used to denote the transaction of agency of almost any description. It was applied chiefly to the managing agents of property at Rome, and is often used in a sense almost equivalent to *vilicus* or *calculator* (Senec. *Ep.* 14, 16); although the procurator had more freedom of action than the former, and more extended functions than the latter. While one entrusts a commission to a procurator, one gives direct commands to a bailiff, or *vilicus* (Cic. *de Orat.* i. 58, 249). It is used especially of the managers of the landed property of a *dominus* or owner, who transacts business with others, manages his slaves, and directs his agricultural operations through a procurator; such an agent had the management and control, subject to direction, of one or more estates (Plin. *Ep.* iii. 19, 2). They were generally freedmen, or even favoured slaves, and, if slaves, might be transferred to another party with the sale of the house or estate to which they were attached (Cic. *ad Att.* xiv. 16).

As a term denoting a legal personality, in the civil law of Rome, procurator is a parallel term to *cognitor;* and is almost equivalent to the modern attorney [ACTIO]. Like the cognitor, he was the person through whose agency a legal action, not primarily his own, might be undertaken; the appointment was simple, only depending on the expression of will on the part of the procurator so appointed. The presence of neither of the parties to the dispute was necessary to his taking up the case; and he was thus able of himself to represent the *persona* of an absent litigant, and to become an *actor* in the legal sense (Festus, s. v. *cognitor*).

The political sense of the word *procurator* originated with the Empire, and the personal government that it brought about. In that

division of state administration which was managed by the princeps, he himself was the one supreme head; certain state functions he delegated to praefecti; most, however, were managed by the imperial agents, the *procuratores Caesaris*. They were in a strict sense the servants of the emperor, with no independent but only representative authority, appointed to perform the lesser administrative duties of the Empire (*ministeria principatus*, Tac. *Hist.* i. 58, 1). Like other parts of the emperor's household, they were originally slaves or freedmen, generally of the latter class, as is shown by Tacitus (*Ann.* iv. 6, 7), and especially by inscriptions. The holders of offices about the emperor's person, such as are described in the expressions *a libellis*, *a rationibus*, auditors and accountants, would be procurators. Pallas, for instance, one of the favourite freedmen of Claudius, was his *procurator a rationibus*. Gradually, however, as the administrative duties of the princeps extended, these posts came to be of more importance, and there came to be gradations of rank connected with them. The more responsible procuratorships were subsequently given, not to freedmen, but to equites: and this change, due in the first instance to the Emperor Vitellius (Tac. *Hist.* i. 58, 1), was more thoroughly carried out by the Emperor Hadrian (Hirschfeld, *Untersuch.* i. p. 32). The lower grades were held, without distinction, either by equites or freedmen (Dio Cass. lii. 25). The filling of the higher procuratorships gradually became one of the marks of a permanent equestrian career: so much so, that Tacitus expressly calls this office the *equestris nobilitas*. No senator, or man who had a senatorial career in view, could be a procurator; for, in the Roman world of the Empire, there were two distinct patents of nobility. The quaestorship, and certain lower offices that led to it, formed the road to senatorial nobility: a procuratorship in the emperor's household was the stepping stone to a prefecture, which was the crown of equestrian nobility. The original powers with which the procurator Caesaris was supposed to be invested are well defined in the words of Tiberius (Tac. *Ann.* iv. 15, 3), that "his procurator's rights only extended over his slaves and personal property." This reference is only to the emperor's private pecuniary agent in a senatorial province; but, as no real distinction can be drawn between the original legal relations of the fiscus and patrimonium respectively to the emperor, so the distinction between the emperor's private agent and one connected with his public concerns is a difference more of position and importance than of fact or law. It was found impossible, however, to confine the imperial agents to the limits of authority that Tiberius thus lays down. Disputes sprang up between them and the senatorial or other authorities, in the provinces; and it is given as an instance of Claudius's moderation that he requested all decisions to be confirmed that his procurator had awarded (Suet. *Claud.* 12). This points to the judicial authority that the procurators soon gained. As there was no convenient court of arbitration in the provinces that could decide on the rights of the procurator, he was, without being recognised as a proper court for the trial of private claims, empowered to settle disputes that might arise from the exercise of his financial duties (Cod. 1, 13, 1). His duties, as regards the emperor, were strictly limited and defined; he was altogether accountable to him for the use he makes of his finances or any portion of his property; he could not give, sell or transfer it, and his duties are defined as careful management of it (*diligenter gerere*) within the prescribed bounds (Dig. 1, 19, 2); but, while he keeps within these bounds, his acts have all the authority of those of the emperor himself (ib. 1, 19, 1).

There were several classes of procurators; most of them, however, being purely finance officers, may be classed under the head of *procuratores fisci*. The officer connected with the fiscus at Rome was originally a procurator, as well as the agent for collecting the Roman or Italian dues for the fiscus. A *procurator summarum* is found in an inscription of Nero's time (Henzen, 6525), who was a freedman; officials may also have been of this class, called *procuratores rationum summarum*, their position being that of keepers and auditors of the imperial accounts, although the latter title seems later to have had a restricted signification. They were originally, perhaps, the highest officers connected with the fiscus; later we find a praefectus of the fiscus, and, under Nerva, a *praetor fiscalis*. We find other names given to officials of this class who may be identified as procurators, such as *rationalis summae rei* (Cod. 3, 26, 7), *dispensator* or *dispensator summarum* (Suet. *Vesp.* 12; Henzen, 6396) and *vilicus summarum* (*C. I. L.* 5, n. 737). We find from a Greek inscription a procurator (ἐπίτροπος) appointed for the collection of Roman and Italian dues to the fiscus, such as the *vicesima hereditatium* (*C. I. G.* 2980).

It is difficult to determine the precise importance attaching to the various offices held by the procurators whose titles we know from inscriptions; and this is especially the case with the agents of the fiscus at Rome, the officers attached to it and their titles varying with each reconstruction of the imperial system of finance. It seems certain that from the time of Claudius the title *a rationibus* was reserved for the central director of the fiscus. After Hadrian it became regularly an equestrian post (Hirschfeld, *Untersuch.* i. p. 32), while the members of this central bureau, which was now completely organised, had a higher standing than their provincial colleagues. The title *procurator rationum summarum*, belonging to the second century A.D., undoubtedly denotes some high official connected with the fiscus. As it does not seem to be identical with the title *a rationibus*, it has been supposed to represent a subordinate director of the fiscus, perhaps established for the first time by Marcus Aurelius (Hirschfeld, *l.c.* p. 35). The title *rationalis*, which often in the earlier imperial times was used indiscriminately with *procurator*, and still had this wide sense in the third century A.D. (Dig. 1, 19, tit. "De officio procuratoris Caesaris vel rationalis"), seems at some period within this century to have supplanted the title *a rationibus* as the designation of the chief officer of the fiscus (Hirschfeld, *op. cit.* p. 37; Liebenam, *Beiträge zur Verwaltungsgesch.* p. 32).

Another class of procurators were confined to the imperial provinces alone; they were the finance officers in these provinces, like the quaestors in the senatorial provinces. They were connected, therefore, with the branch of the imperial treasury in the province (*fiscus provincialis*), and managed the collection of taxes due to it as well as their disbursement. There was another treasury connected with the military station in such a province (*fiscus castrensis*), with a corresponding agent (*procurator castrensis*), who superintended the payments made to the soldiers in the district (Strabo, iii. p. 167) and military expenses in general: the title *a copiis militaribus* is found in inscriptions (Orelli, 2922, 3505): and an agent of the mint (*procurator monetae*) is found, in connexion apparently with the provincial fiscus (*C. I. L.* 2, n. 4206). Other provincial procurators are found for the collection of the imperial dues that were imposed on all the provinces alike. The vectigalia with which the provincial fiscus was supplied were collected by various means; some, such as the portoria, were in the hands of the publicani, others were directly collected: and amongst these were certain perquisites which belonged exclusively to the imperial exchequer, whether they were collected in an imperial or a senatorial province: such were lapsed legacies (*bona caduca*) and the property of condemned persons (*bona damnatorum*): others were the *vicesimae manumissionum* and *hereditatium*, after the latter had been extended to the provinces, and the *centesima rerum venalium*. These dues were all collected by the imperial procurators, and accordingly we find in inscriptions such titles as *procurator a caducis* (*C. I. L.* 3, n. 1622), and other procurators connected each with the collection of a separate kind of imperial revenue. Agents of this kind were by the nature of their functions not confined to the imperial provinces: and we find, in senatorial provinces, frequent evidence of dues that fell to the emperor, and of the presence of his agents as their collectors (Tac. *Ann.* ii. 47, 3; iv. 15, 3). These imperial revenues, that extended over the provinces generally, may be divided into three classes. Firstly, there were the dues mentioned above, the *bona caduca* and the like, that fell of right to the fiscus. Secondly, there were dues that went directly to pay for certain responsibilities (*curae*) undertaken by the emperor for Rome and all the provinces,—such was the *annona* or corn-supply for Rome; the supervision of this duty was at Rome delegated to a praefectus of the emperor: and, consequently, in the provinces, the business connected with its supply must have been in the hands of an imperial agent or procurator. Again, the military defences, and the expenses consequent on them, the cost of the transport of troops and the like, fell entirely on the imperial exchequer: and the revenues necessary for the defraying of such expenses were managed by procurators in the provinces, whether senatorial or imperial, that were directly benefited by such administration. Lastly, among the imperial dues that affected all the provinces alike, comes the *patrimonium* of the emperor. The mention of a *procurator patrimonii* or *patrimonii privati* is found in inscriptions (Orelli, 3180). They would have the management of the vast imperial estates in the provinces; and together with the *procurator patrimonii* we find a *procurator rerum privatarum* of the emperor. At first sight they appear identical, and originally they were so. The institution of the twofold procuratorship does not arise until the time of the Emperor Severus (Marquardt, *Staatsverw.* ii. p. 311). There had, in all probability, always been a distinction between the *res privatae* and the *patrimonium;* the former consisting mainly of legacies that had been left to the emperor. Hence the duties of the imperial procurators as regards inheritances (Dig. 1, 19, 2; Orelli, 2921, "servus exactor haereditatum legatorum peculiorum"); but in the early Empire this distinction between *res privatae* and *patrimonium* was not recognised by any formal division of the office of procurator, and in inscriptions (Orelli, 3180) the two are found combined. There were several other unimportant posts recorded in inscriptions as being held by procurators, such as the posts of librarians, managers of spectacles and stores, of daily household expenses, and the like.

Besides the numerous procuratores fisci there was another class of procurators connected with the imperial administration of the provinces. These were the *procuratores Caesaris pro legato*, who were governors of outlying and comparatively unimportant districts, that were classed with the imperial provinces. Such a district was Cappadocia in the reign of Tiberius (Tac. *Ann.* ii. 56; Dio Cass. lvii. 17, 7), which was at first put under the government of an eques as procurator; and Judaea, which was similarly under the government of Pontius Pilate, its procurator pro legato. These procurators were more or less under the control of the nearest imperial legate (*legatus pro praetore*); Judaea, for instance, was attached to the larger province of Syria, and Pilate was deposed from office by Vitellius the governor of Syria (Jos. *Antiq. Jud.* xviii. 4, 2).

Other provinces that are known to have been placed at various times under imperial procurators are the Alps, Raetia, Noricum, Thrace, and Mauretania (Liebenam, *l. c.* p. 26).

The imperial procurators were continued in office for terms of indefinite length; and had fixed salaries from the treasury (Dio Cass. liii. 23, 1). The words *trecenarius*, *ducenarius*, and *centenarius* denote the value of these posts, according as the salary varied from one hundred to three hundred sestertia (Orelli, 946; Suet. *Claud.* 24). The salaries of the civil procurators at Rome were probably higher than those of the same grade in the provinces. Thus the *procuratio rationis privatae* was probably in Rome a *trecenaria;* in the provinces a *ducenaria;* in Italy, where it would be merely a branch-office from Rome, a *centenaria procuratio* (Liebenam, *l. c.* p. 55). The grades of rank through which the various procurators passed, their position in the imperial organisation, and the status of the individuals chosen for these offices, cannot be expressed with any certainty. The scale of rank was often broken through by sudden and extraordinary promotions, which were made through the favour of the princeps or the personal fitness of the individual promoted. Thus we find in one instance a procurator *a memoria* promoted to a praefecture

(*Script. Aug. Nigr.* 7). A more regular promotion is that of Ti. Cl. Bibianus Tertullus, who rose from the procuratorship *ab epistulis Graecis* to that *a rationibus*, and was from this second post promoted to the *praefectura vigilum* (*C. I. G.* iii. 6574); or that of Sex. Var. Marcellus, who rose through the successive grades of *procurator aquarum* and *procurator Britanniae* to the post of *procurator a rationibus*, and was then promoted to be *vice-praefectus praetorio* (Orelli, 946). The political influence of the procurators at various periods of the Empire, and the classes from which they were chosen, changed with the changing conditions of imperial government. The Empire began by being a strictly personal rule marked by undivided responsibility on the part of the *princeps*. At this time the procurators were naturally freedmen, acting as mere servants of the central head of the Roman state; and even after the change initiated by Vitellius, a return to this principle of selection might be made, as it was by the Emperor Domitian (Suet. *Dom.* 7). But with the development of the Empire, the political organisation itself began to replace in part the personal responsibility of the princeps; and we get the order of the equestrian aristocracy filling these posts. The definite political routine lessened the personal influence of these agents, which had been very great under a weak prince like Claudius, in the half-organised earlier Empire. In the later period of the Empire we find a new influence arising—that, namely, of the emperor's personal household. In the fourth and fifth centuries freedmen of the household, such as the chamberlain (*cubicularius*), had the power which in the time of Claudius was possessed by the freedmen filling the great fiscal offices (Friedländer, *Sittengesch.* i. p. 67).

(Mommsen, *Staatsrecht*, ii.[2] pp. 836 ff., 934; Marquardt, *Staatsverwaltung*, v. p. 296 ff.; Hirschfeld, *Untersuchungen auf dem Gebiete der römischen Verwaltungsgeschichte*, i. p. 30 ff.; Liebenam, *Beiträge zur Verwaltungsgeschichte des römischen Kaiserreichs*, i. p. 52 ff.; Friedländer, *Sittengeschichte*, i. p. 59 ff.) [A. H. G.]

PRODI'GIUM in its original meaning differs little from *ostentum*, *monstrum*, *portentum*. "Quia enim ostendunt, portendunt, monstrant, praedicunt, ostenta, portenta, monstra, prodigia dicuntur" (Cic. *de Div.* i. 42, 93). [It should be observed, however, that *prodigium* cannot be derived from *praedico*.] In its widest acceptation the word denotes any sign by which the gods indicated to men a future event, whether good or evil, and thus includes omens and auguries of every description (Verg. *Aen.* v. 638; Servius *ad loc.*; Cic. *in Verr.* iv. 49, 107). It is, however, generally employed in a more restricted sense to signify some strange incident which was supposed to herald the approach of misfortune, under such circumstances as to announce calamities impending over the nation rather than over private persons.

Hence the distinction of "prodigium quod in privato loco," or "quod in peregrino factum est" (Liv. xliii. 13): the rites and offerings which would in his judgment afford a *procuratio privati portenti* depended upon the owner of the house where it occurred (Liv. v. 15); so, too, as regards the Roman senate a prodigy in a colonia would be looked upon as *in peregrino loco*, and left to the magistrates of the town where it occurred. A common instance of private procuration was when anything in private property was struck by lightning [see BIDENTAL].

Such prodigies were viewed as manifestations of the wrath of heaven and warnings of coming vengeance; it was believed that the wrath might be appeased and the vengeance averted by the proper rites and sacrifices. Although it was impossible to provide for every contingency, rules for expiation applicable to most cases were laid down in the sacred books of the Etruscans (Cic. *de Div.* i. 33, 72); and when the prodigy was of an unprecedented character, recourse might be had not only to the haruspices, but to the Sibylline books or even the Delphic oracle [HARUSPICES; SIBYLLINI LIBRI]. When the senate received information of a prodigy happening *in publico loco*, the first process was either themselves to examine witnesses (Liv. xxii. 1), or to commit the examination and decision to the pontifices (Liv. i. 20). If the fact was proved, and also judged important to the state, then they were said *suscipere procurationem:* when the wrath of heaven was clearly connected with some known crime, the first necessity was atonement by punishing the criminal (cf. Liv. ii. 42; Dionys. ix. 40): the next point was to settle what deities were pointed out by the prodigy as needing appeasement: *e.g.* when the spears of Mars are shaken in the sacrarium regiae, then sacrifices of *hostiae majores* to Jupiter and Mars are indicated (Gell. iv. 6)—where no god was specially pointed to, there was a sacrifice in general terms, "deo aut deae" (Gell. ii. 28): finally, when the offended deity was, if possible, ascertained, it remained to determine what claim (*postilio*) for atonement he made. (See Cic. *de Harusp. Resp.* 10, 20; 14, 31; Varro, *L. L.* v. 148; Arnob. iv. 31, who instances *postiliones* for neglect, perhaps accidental, of duties and ceremonies.) An edict then declared how the expiation should be made, by *hostiae majores* or *novendiale sacrum* or *obsecratio;* and the matter was entrusted to the consuls. Marquardt gives abundant instances of these cases (*Staatsverw.* iii. p. 260), but he gathers from Philarg. *ad* Verg. *Georg.* ii. 162, that the carrying out of the atonement was sometimes committed to the Pontifices instead of the consuls. When in doubtful and difficult cases, as mentioned above, the haruspices or the Sibylline books were consulted, it usually followed that a greater solemnity, a SUPPLICATIO or a jejunium, was ordered (Liv. xxxvi. 37). (Müller, *Die Etrusker*, ii. 191; Hartung, *Die Religion der Romer*, i. 96; Bouché-Leclercq, *Hist. de la Divination*, p. 181; Marquardt, *Staatsverw.* iii.[2] pp. 259–264.) [W. R.] [G. E. M.]

PRO'DOMUS. [DOMUS; TEMPLUM.]

PRODO'SIA (προδοσία). Under this term was included not only every species of treason, but also every such crime as (in the opinion of the Greeks) would amount to a betrayal or desertion of the interests of a man's country; especially the attempt to subvert the constitution (κατάλυσις τοῦ δήμου) and to establish a despotism (τυραννίς). Thus Lycurgus (*c. Leocr.* § 127) speaks of the psephisma of Demophantus (κτενῶ . . . . ὃς ἂν καταλύσῃ τὴν δημοκρατίαν τὴν Ἀθήνησι, καὶ ἐάν τις ἄρξῃ τιν' ἀρχὴν κατα-

λελυμένης τῆς δημοκρατίας τὸ λοιπόν, καὶ ἐάν τις τυραννεῖν ἐπαναστῇ ἢ τὸν τύραννον συγκαταστήσῃ, Andoc. *de Myst.* § 97) as directed against traitors (*τὸν τὴν πατρίδα προδιδόντα*), yet there is no instance recorded of an attempt to subvert the constitution ever having been dealt with as *προδοσία*, and the *νόμος εἰσαγγελτικὸς* clearly distinguishes between the two crimes. In the eye of the law only the betrayal to the enemy of the state or part of the state, such as a town, a watch-post, a gate, a dockyard, a fleet, an army (Lys. *c. Philon.* § 26; Lyc. *c. Leocr.* § 59; Dem. *c. Lept.* p. 481, § 79; Aeschin. *c. Ctes.* § 171; Hyp. *pro Eux.* 18), or the entering into any kind of treasonable communication with the enemy (cf. the case of Antiphon and Archeptolemus, [Plut.] *Vitt. X. Orat.* p. 833 E), amounted to *προδοσία* [EISANGELIA]; unless when a special decree of the people extended the meaning of *προδοσία*, *e.g.* to the leaving the state in time of danger (as after the battle of Chaeroneia, Lyc. *c. Leocr.* § 53: *ἐνόχους εἶναι τῇ προδοσίᾳ τοὺς φεύγοντας τὸν ὑπὲρ τῆς πατρίδος κίνδυνον*), or when it was resolved on the motion of Critias to prosecute Phrynichus, who had been murdered by Apollodorus and Thrasybulus (*τὸν νεκρὸν κρίνειν προδοσίας*), and also to subject his defenders to the punishment of traitors in case of a conviction (Lyc. *c. Leocr.* § 112 ff.).

The ordinary method of proceeding against those who were accused of treason or treasonable practices was by *εἰσαγγελία* (only Pollux, viii. 40, speaks of a *γραφὴ προδοσίας*), as in the case of Gylon, the maternal grandfather of Demosthenes (*προδοὺς τοῖς πολεμίοις Νύμφαιον*, Aeschin. *c. Ctes.* § 171), Timomachus (*προδοὺς Κότυϊ τὴν Χερρόνησον*, Schol. Aeschin. *c. Tim.* § 56), Leosthenes (Diod. Sic. xv. 95), Philon, Theotimus (*ὁ Ξηστὸν ἀπολέσας*, Hyp. *pro Eux.* 18), Chabrias and Callistratus (Schol. Dem. *c. Mid.* p. 535, § 64; Aristot. *Rhet.* iii. 10, p. 1411, B 6, and i. 7, p. 1364, 19), etc.: cf. Plut. *Coriol.* 14, *Ἄνυτος προδοσίας περὶ Πύλου κρινόμενος*, etc. and Diod. Sic. xiii. 64. Leocrates, who left Athens after the defeat at Chaeroneia, was prosecuted by Lycurgus seven years later for desertion of his country. The defence of the accused was, that he did not leave Athens with a traitorous intention (*ἐπὶ προδοσίᾳ*), but for the purposes of trade (*ἐπὶ ἐμπορίᾳ*, § 55 and *argumentum*); he was acquitted, the votes being even (Aeschin. *c. Ctes.* § 252). A special decree of the people pronounced those traitors who fled from Athens after the battle, and empowered the council of Areiopagus to bring them to justice by a summary method (Lyc. *c. Leocr.* § 52 ff.): thus we read in Aeschin. *c. Ctes.* § 252, that they seized and put to death *on the same day* a person that tried to sail away to Samos.

The regular punishment appointed by law for treason appears to have been death, refusal of burial within Attic territory, and confiscation of property (Xen. *Hellen.* i. 7, 22: cf. Dem. *de Cor. Trier.* p. 1230, § 8 f.); and when we find instances of treason being punished by a fine, we must either suppose that the Athenians distinguished between high treason and less heinous kinds of *προδοσία* (the latter *τιμητός*), or that the writers employ the term in the respective passages not in its proper technical sense (Dem. *c. Timocr.* p. 740, § 127; *c. Theocr.* p. 1344, § 70). The sentence passed on Antiphon and Archeptolemus is preserved in [Plut.] *Vitt. X. Oratt.*: "that they be delivered to the Eleven; that their property be confiscated, and the goddess have the tithe; that their houses be razed and boundary-stones be placed on the sites with the inscription A. *καὶ* A. *τοῖν προδόταιν*;—that it shall not be allowed to bury A. and A. at Athens or in any land of which the Athenians are masters; that A. and A. and their descendants shall be *ἄτιμοι*, and he who adopts any one of the race of A. and A. shall be *ἄτιμος*: that this decree be written on a bronze column, and put in the same place where the decrees about Phrynichus are set up" (cf. Lyc. *c. Leocr.* § 117 f.; *Journal of Philol.* viii. 1–13). The bones of Themistocles, who had been condemned for treason, were brought over and buried secretly by his friends (Thuc. i. 138, 6; Marcell. *Vit. Thucyd.*). Traitors might be proceeded against even after their death, as we have done in modern times. Thus, the Athenians resolved to prosecute Phrynichus; judgment of treason was passed against him, his bones were dug up and cast out of Attica. (*Att. Process*, ed. Lipsius, pp. 419–424.) [C. R. K.] [H. H.]

PROEDRI (*πρόεδροι*). [BOULE.]

PROEI'SPHORA. [EISPHORA.]

PROEI'SPHORAS DIKE (*προεισφορᾶς δίκη*). At first, after the institution of the new census and the introduction of the *συμμορίαι* in the archonship of Nausinicus in B.C. 378–7 (Harpocr. *s. v. συμμορία*), the state collected the *εἰσφορὰ* directly from those liable to it, and those who fell in arrear were proceeded against in the same way as all debtors to the state (Lys. *c. Philocr.* § 9;—Dem. *c. Androt.* p. 609, § 54; p. 615, § 70; *c. Timocr.* p. 752, § 166). To avoid the delay necessarily arising from this, the *προεισφορὰ* was introduced, viz. certain individuals had to pay the whole tax at once and to recover the sum advanced afterwards from the others liable to the tax. Fränkel (Boeckh, *Sth.*[3] ii. p. 123, App. n. 838) supposes that at first each demus appointed one of the *δημόται* and *ἐγκεκτημένοι* to pay the whole tax at once for the demus; that, to save time, in B.C. 362–1, it was resolved that the senate (instead of the demi) should return the names of those who were to pay the taxes in advance (Dem. *c. Polycl.* p. 1208, § 8; cf. § 6, *διὰ τάχους*), and that after this date the first class of the census, the 300 richest men, had to make this advance (Dem. *c. Phaenipp.* p. 1046, § 25; cf. Schol. Dem. *Olynth.* ii. p. 26, § 29, *εἰσέφερον γὰρ οἱ πλουσιώτεροι ὑπὲρ αὐτῶν καὶ προετέλουν, καὶ ἐδέχοντο ταῦτα ὕστερον κατὰ σχολήν . . . . οὗτοι δὲ ἦσαν οἱ τριακόσιοι οἱ πάνυ πλούσιοι οἱ πρῶτοι, οἵτινες προεισέφερον*, etc. Dem. *de Cor.* p. 285, § 171). By this means the possibility of taxes falling into arrears was prevented. To recover money thus advanced was called *προεισφορὰν κομίζεσθαι, εἰσπράττεσθαι* (Dem. *c. Pantaen.* p. 977, § 37; *c. Polycl.* p. 1209, § 9), and all actions arising from it belonged to the jurisdiction of the strategi. Koehler (*Mitth. d. d. a. Inst. Ath.* vii. 1882, p. 98 ff.) discusses an inscription dating from the first half of the 4th century, referring to the actions (*διαδικασίαι*) brought to decide who were liable to

the προεισφορά: the names are arranged according to demi, and the sanctuaries of the demi are not exempted (cf. *C. I. A.* ii. No. 947).

The fact that the προεισφορὰ was introduced some time after the archonship of Nausinicus (it is first mentioned in Dem. *c. Polycl.* p. 1208, § 8; *i.e.* B.C. 362–1) throws a new light on Dem. *c. Androt.* p. 606, § 44, ὑμῖν παρὰ τὰς εἰσφορὰς τὰς ἀπὸ Ναυσινίκου, παρ' ἔτη τάλαντα τριακόσια ἢ μικρῷ πλείω, ἐλλείμματα τέτταρα καὶ δέκα ἐστὶ τάλαντα. Grote (*Hist. of Gr.* ix. p. 333) is of opinion that "a total sum of 300 talents or thereabouts had been levied by all the various property-taxes imposed from the archonship of N. down to the date of the speech," a period of about twenty-three years; but Lipsius (*Jahrb. f. cl. Phil.* 1878, p. 297 ff.) points out in the first place that the sum of 300 talents is too small, as the aggregate of all property-taxes imposed for twenty-three years; and, secondly, that since the introduction of the προεισφορὰ arrears could not possibly accrue. Hence, he concludes, the commission appointed at the instigation of Androtion to collect all outstanding arrears could only collect such arrears as had accrued between the archonship of N. and the introduction of the προεισφορά, and the sum of 300 talents represents the total sum of taxes called for within that period only. Boeckh (*Sth.* i.^{3} p. 607) thought that the 300 talents here mentioned were levied in the single year of N.; yet ἀπὸ Ναυσινίκου cannot have this meaning. Fränkel (*ad l. c.* ii. p. 120, App.), not accepting Lipsius' explanation, suspects that the reading of the passage is corrupt. [SYMMORIA.] [C. R. K.] [H. H.]

PROERO'SIA (προηρόσια), called also προαρκτούρια (Paus. x. 15), a festival in the month Boedromion, celebrated by a procession to Eleusis and offerings there to Demeter. It was held by the Athenians on behalf of all Greece, before the land was ploughed for sowing, to entreat for a plentiful harvest. (Suid., Hesych., *Etym. Mag.* s. v.; Arrian, *in Epictet.* iii. 21; Mommsen, *Heortol.* 218, Preller, *Gr. Myth.* i. 608.) [L. S.] [G. E. M.]

PROFESTI DIES. [DIES.]

PROGAMEIA (προγάμεια). [MATRIMONIUM, Vol. II. p. 136 *a.*]

PROIX (προῖξ). [DOS.]

PROLETA'RII. The state, according to the Servian constitution, was divided into those who had property (*locupletes*) arranged in classes, and those who had not and were outside these classes; these unclassed citizens were called *capite censi*, i.e. "reckoned by heads," or *proletarii*, i.e. "begetters of children" (Cic. *de Rep.* ii. 22, 40; Gell. xvi. 10). These included all who were assessed at not more than 1500 asses: the distinction in civil matters is marked by the law of the Twelve Tables, that for a proletarius any one might act as *vindex*, while for the *adsiduus* (or *locuples*) an adsiduus was required [ACTIO]. As to their military service, see EXERCITUS, Vol. I. p. 781. (Mommsen, *Rom. Hist.* i. 196; *Staatsrecht*, iii. 238.) [G. E. M.]

PROMETHEIA (προμήθεια). [LAMPADEDROMIA.]

PROMISSOR. [OBLIGATIONES.]

PROMNE'STRIAE (προμνήστριαι). [MATRIMONIUM, Vol. II. p. 136 *a.*]

PROMULSIS. [CENA, Vol. I. p. 396.]

PROMUS. [CELLA.]

PRONA'OS. [TEMPLUM.]

PRO'NUBA. [MATRIMONIUM, Vol. II. p. 143 *a.*]

PROPHE'TES. [ORACULUM.]

PROPLASMA (πρόπλασμα), the first sketch for a work in clay, preparatory to its execution in bronze, marble, or other materials. We are told that the proplasmata of Arcesilaus, an artist of the end of the Roman republic, were sold to artists for higher prices than others' finished works; and Pasiteles spoke of "plasticen matrem statuariae," &c. This was, however, a late practice. It was after the time of Lysistratus, the brother of Lysippus, that it was so general that "nulla signa statuaeve sine argilla fierent." Even then, however, the artist did not, as in modern times, leave the execution of the statues themselves to skilled workmen. (Plin. xxxv. § 45.) [E. A. G.]

PROPNIGE'UM. [BALNEAE, Vol. I. p. 279.]

PROPRAETOR. The propraetorship was, like the proconsulate, technically a delegation of the praetorian imperium where alone such delegation was constitutionally allowable—that is, outside the pomerium; but, instead of the delegation of a new *imperium militiae*, the course usually adopted was the prolongation of an imperium already existing (*prorogatio*). The title *pro praetore* seems really to be an older title than that of *pro consule*. As the title *praetor* belonged originally to all magistrates who demanded obedience from the army in virtue of their imperium (Pseud.-Ascon. *in Verrin.* p. 168; Festus, p. 161), so the title *pro praetore* was applied to an officer who had this authority delegated to him; and accordingly Dionysius (ix. 12) calls the military delegate appointed by the consuls for the command of the reserve force ἀντιστρατηγός (propraetor), which is more likely to have been the original title than proconsul, given by Livy (iii. 4). This view of the propraetorship as a delegated military imperium never died out. When, for instance, the military imperium was to be conferred on an individual who had held no magistracy, or only a minor one, it is generally conferred with the title *pro praetore*. M. Antonius, while still tribune, had this title granted him by Caesar, for the purpose of military command in Italy (Cic. *ad Att.* x. 8 a); and Octavian, who had held no magistracy, had the title *propraetor* conferred on him by the senate for the purpose of acting against Antony (Suet. *Oct.* 10).

But the propraetorship, as a standing office, originated with the necessities of provincial government. When the number of the Roman provinces increased beyond the four original provinces, for which special praetors were appointed, the prolongation of the imperium of the two city praetors became usual. Provincial government was subsequently divorced from the administration of the praetors, and the provinces divided between the past consuls and praetors, the propraetors obtaining those provinces where least military forces were required. As provincial governors they were invested with the imperium with the same ceremonies with which the imperium for military service had been confirmed: among which were especially the religious ceremonies of the *vota* and *auspicia*

(Cic. *in Verr.* v. 13, 14; Festus, *l. c.*) and the Lex Curiata, or popular sanction for all the *magistratus cum imperio* (Cic. *de Lege Agr.* ii. 11, 26). The tenure of his imperium by the praetor was now, as a rule, biennial, one year being spent in office at home, the other as governor of a province; this separation of commands was first formally recognised by Sulla (Lex Cornelia de provinciis ordinandis), and the limit of the propraetor's government of a province fixed at one year. (For the administration of the provinces by propraetors, see PROVINCIA.) The senatusconsultum of 52 B.C. affected the propraetor as it affected the proconsul [PROCONSUL]. The propraetor did not now leave Rome to take command of a province until five years after he had ended his period of office at home (Dio Cass. xl. 30, 1; 46, 2). Although the division of the provinces between the propraetors and the proconsuls was regulated by constitutional usage, and the interval between home and foreign commands regulated by law, yet the senate might by a decree interfere with the ordinary arrangements. In 51 B.C. a senatusconsultum was passed by which the senate commanded that all the praetorii who were qualified for foreign command should be sent to provinces, and that, if there were not sufficient praetorii of five years' standing, those of less standing should be sent out in the order of seniority (Cic. *ad Att.* viii. 8, 8). The effect of this decree was to debar from government consulares duly qualified by the five years' interval (Caes. *Bell. Civ.* 1, 6).

When, under the Empire, the provinces were divided into senatorial and imperial, the republican system was reversed; the military provinces were given to governors with the title *pro praetore*, the non-military to proconsuls. In the latter, however, we find the senatorial proconsuls accompanied by *legati proconsulis pro praetore*. They were assessors (πάρεδροι, Dio Cass. liii. 14, 7) of the senatorial governor, and were all alike called propraetors, though some might be consulares. For a senatorial province of the higher class, such as Asia and Africa, which were governed always by consulares, three such legati pro praetore were selected; to one of the lower class, such as Sicily and Baetica, which were governed by a proconsul who had been praetor, one such legatus accompanied the governor. They were selected by the proconsuls themselves, subject to the approval of the princeps: in the lower senatorial provinces these propraetors might be praetorii; in the higher they might be consulares (Dio Cass. *ib.*).

The title *quaestor pro praetore* is connected with senatorial government. It may mean one of three offices. During the Republic, a magistrate with this title was either (i.) one who replaced an absent or dead superior in a province for the purpose of temporary government (Sall. *Jug.* 103; cf. *ib.* 36), and, from the instances referred to, we see that the quaestor took this title, although he might be commanding in the room of a proconsul; or (ii.) one who, though still only a quaestor, was appointed to an independent command by senate or people. Cato bore this title when sent to annex Cyprus in 58 B.C. (Vell. 2, 45; cf. *C. I. L.* i. 4, 598); and (iii.) in a senatorial province, during the Empire, the quaestor, who is the finance officer in such a province, had this title, as we know from inscriptions, in which the title *quaestor pro praetore* appears by the side of that of his superior the proconsul (Orelli, 151). Two explanations of this are possible. He may have been *adlectus inter praetoris* because the other leading members of the staff, the legati, were propraetors: or, more probably, the title was given him because he was the provincial representative of the finance officer of the aerarium at Rome, which, under the Empire, was in the hands, not of a quaestor, but of a praetor.

The governors of the imperial provinces, under the Empire, were all *legati Caesaris pro praetore*. Their government was not an independent command; they were legati of the Emperor: hence they could not have the proconsulare imperium, which was vested in the princeps, and could not therefore be proconsuls. The imperial provinces, like the senatorial, were divided into a higher and a lower class. To the higher, such as Syria and the two Germanies, consulares were sent; to the lower, such as Aquitania and Galatia, praetorii; but the governors of both were called propraetors (Dio Cass. liii. 13, 5), those who had been consuls adding the title *vir consularis* or *consularis legatus*. These propraetorial governorships had no definite limit of time, and their tenure depended on the emperor's discretion (Dio Cass. liii. 13, 6; Tac. *Ann.* i. 80), their holders having fixed salaries from the imperial treasury (Dio Cass. lii. 23, 1). The imperial provinces all involved military commands; and hence the legati Caesaris wore the military dress and sword (Dio Cass. liii. 13, 6), which were not worn by the proconsuls of senatorial provinces. [A. H. G.]

PROPYLAEA (*προπύλαια*: also occasionally in the singular, *προπύλαιον*), properly the space before the gate, is the name usually applied to a porch or entrance of elaborate architectural construction. Thus it is applied by Herodotus to the "Pylons" of Egyptian temples (ii. 101, 121, &c.). The name is, however, by ancient writers used almost exclusively with reference to the great entrance of the Acropolis at Athens, built by the architect Mnesicles under Pericles (Plut. *Pericles*, 13; Suidas, *s. v.* &c.): this was begun in 437 B.C., and was provisionally completed in five years, though its original plan was never fully carried out, and though 2012 talents were spent. The Propylaea of Mnesicles took the place of an earlier building, of which the foundations and part even of the walls may still be seen. The kernel of the whole structure is a wall pierced by five doors. Of these the central is largest, and admits a carriage-way; the two on each side are raised upon five steps, as approached from the west; those at the extreme sides are smallest. The wall is of white Pentelic marble, with a base of black Eleusinian marble, such as may also be seen beneath other walls, columns, and windows in the Propylaea. On the east of this central wall, facing the Acropolis, was a Doric portico of six columns, projecting from two antae which terminate on the east the two walls which bound the entrance-way on the north and south: to the west of the five doors, there is between these two walls a rectangular court, of which the roof is borne by six Ionic columns in two rows parallel to the north and south walls: to the west of this, again, is a

portico of six Doric columns, corresponding to that upon the east face: this west portico is flanked upon the north and south by wings, fronting one another with a face of three smaller Doric columns between antae. The north wing is complete, consisting of a small hall behind the columns and a large chamber opening by a door and two windows into the hall. This chamber contained pictures by Polygnotus and others (Paus. i. 22), and is therefore sometimes called, in modern works, the Pinacothece; no trace of appliances for fixing pictures to the wall has been found. The south wing was originally intended to match this, being, however, open to the west, to face the bastion with the temple of Νίκη: but for some reason, probably priestly objections to infringement on the temenos of Artemis Brauronia, the plan was curtailed. The north face was left as originally designed, but the N.W. corner anta with its architrave was left isolated, and the roof only continued as far as the third column towards the west: the southern portion also was omitted, and a wall built to enclose a portion only of the intended hall. The principal west portico was crowned by a pediment; above this rose a second pediment, resting on the central wall, of the same height as that over the east front. The north and south wings of the west front were covered by hip roofs running down to the western corner. These wings on the west were, in the original intention, to be overlapped by two great porticoes facing the east, and occupying the whole breadth of the hill: part of the foundations of these, as well as the antae to face their columns and the arrangements for their roofing, may still be traced, but they were never erected; nor were the blocks left rough in the stones of the completed walls, to facilitate transport and fixing, ever worked off.

Character of work.—The completed parts of the Propylaea offer perhaps the most perfect example, for execution and finish, of Doric architecture of the best period. The architrave is slightly curved, as usual; not so the stylobate, because it is cut in the middle of the two principal fronts by the road, which also necessitates an exceptionally broad intercolumniation in the middle. The Ionic columns of the central hall have the most perfect specimens of the Attic Ionic capital, and served as a pattern for later examples. They are of a quite different character from those of the Erechtheum. The Propylaea are entirely without architectural sculpture. They contained, however, the statue of Hermes Propylaeus and the Charites of Socrates.

Approach.—The sacred way led from the south side of the Acropolis close under the bastion on which stands the little temple of Νίκη ἄπτερος: thence in the earliest times in a zigzag track first to the S.W. corner of the north wing (where the pedestal of Agrippa was afterwards erected), and thence to the central gate. In Pericles' time the direction was still the same, though the road was terraced up to a higher level. A broad flight of steps, with a roughed path for beasts in the middle, was added in later Roman times. The present steps are modern, and at a lower level. Probably the approach was shut off on the west by a wall, which formed the real barrier, at the foot of the slope; that now visible in this position, with a gate, is of late construction.

Imitation.—A work of such wide fame naturally gave rise to imitations; the best known are the two, the smaller and the greater, at Eleusis. Pausanias (ii. 3) also mentions one at Corinth.

(Bohn, *Die Propyläen du Akropolis zu Athen*, Berlin and Stuttgart, 1882, where earlier authorities will be found; Dörpfeld, in the *Mittheilungen d. deutschen Institut zu Athen*, 1885, x. 38 ff., 131 ff., where the original plan of Mnesicles is discussed; Penrose, *Principles of Athenian Architecture*, London, 1888; a good short account in Baumeister's *Denkmäler des klassischen Altertums*, pp. 1414–1422, with plans and elevations after Bohn and Dörpfeld.) [E. A. G.]

PROSCE'NIUM. [THEATRUM.]

PROSCLE'SIS. [DIKE.]

PROSCRI'PTIO. The word *proscriptio*, signifying primarily the "writing up" of anything, was generally used to denote a written public notice of sale; *proscriptio bonorum* was thus applied to the notice of property sold by auction: and amongst goods disposed of in this way would be the confiscated goods of persons who were declared public enemies by the state. It was this last meaning, that of the sale of goods forfeited by the outlawry of their possessors, that became specially attached to the word after the occupation of Rome by Sulla in 82 B.C. Since, however, a decree of outlawry by the state included not only the forfeit of property, but the forfeit of life ("de capite civis et de bonis proscriptio," Cic. *pro Sest.* 30, 65), the word involved both significations; and the special connotation that attached to it was that of the absence of all protection to the lives of persons so outlawed, who were themselves called *proscripti*. Sulla was the first to "proscribe" in this new sense, and to make a declaration of outlawry against political enemies a definite political measure (Vell. ii. 28, 3; App. *Bell. Civ.* i. 95). The form which the measure took was the posting up of a list setting forth the names of the victims, with certain decrees necessary for its execution attached. Thus this notice did not merely give the passive permission to take the lives of the persons so outlawed, which was recognised by the Roman law (Festus, s. v. *sacer*), but offered rewards, both for information which might lead to their death, and for their execution at the hands of either citizens or slaves; while it imposed penalties on those who should seek to protect them (App. *Bell. Civ.* i. 95). This proscription of large numbers of Roman citizens by Sulla, although an act of individual policy, and in part perhaps an act of vengeance, was yet supported by a political pretext. This was a declaration that they were *hostes*, or enemies to the state, through their complicity with its foreign foes; and enemies besides that had forfeited all claims to protection, through the breach of the covenant that Sulla had made with the consul Scipio, and which, he maintained, bound all the Marian party. All connivance with his enemies subsequent to the date of this treaty was sufficient to place a man's name on the list (App. *ib.*), and the confiscation of property was applied not only

to those proscribed at Rome, but to all who had fallen in the ranks of his opponents (Cic. *pro Rosc. Amer.* 43, 126). The fact that those proscribed were regarded as *hostes* naturally affected the status of their children and descendants who suffered a *capitis deminutio*. This loss of status was not rigorously carried out, however, and they were only disfranchised for certain purposes which were specified (Plut. *Sulla*, 31). They were debarred from all public offices in the state, but yet not entirely degraded from their social position, for one of the ordinances declared that the sons of senators, while excluded from the privileges of their order, should yet undertake its burdens (Vell. ii. 28, 3). They seem also to have been forbidden certain private rights, such as the acceptance of legacies; and the spirit, if not the letter, of the law that sanctioned Sulla's arrangements seems even to have cut them off from all active assistance at the hands of their fellow-citizens (Cic. *in Verr.* i. 47, 123). The effect was to debar them as far as possible from all chances of a public career ("a republica summoveri," Cic. *ap.* Quinct. ii. 1, 85), which, considering the hereditary policy of Roman houses, was no doubt the deliberate design of Sulla, to further the permanence of his constitution. The authorities on the Sullan proscriptions agree generally that the proscription list was published before the dictatorial power was conferred on Sulla (Plut. *Sulla*, 32; App. *Bell. Civ.* i. 97). When it was conferred, a retrospective sanction was given to his acts, and a special clause granted him the power to adjudicate on the lives and property of the citizens (Plut. *ib.*; Cic. *de Leg. Agr.* iii. 2, 7). The law which conferred these powers on Sulla was the Lex Valeria, passed by the interrex L. Valerius Flaccus (App. *Bell. Civ.* i. 98): a law, however, which was so entirely the work of Sulla, and so intimately bound up with his own subsequent legislation, that Cicero calls it indifferently the Lex Valeria or Cornelia (Cic. *in Verr.* i. 47, 123). These acts may, however, have received a further legal sanction from Sulla himself, and Cicero's language rather implies that they did (Cic. *ap.* Quinct. ii. 1, 85). The legality of these regulations was never questioned; Cicero, while affirming their injustice, never doubts their legality (*de Leg.* i. 15): and the disabilities imposed on the children of the proscribed still remained in force after many of Sulla's laws had been repealed, and was the one point in his legislation which neither the democratic nor the moderate aristocratic party ventured to assail. The number actually put to death in the Sullan proscriptions is variously given: subsequent additions were continually being made until the list was complete (App. i. 95; Plut. *Sulla*, 31), but the total of 4,700, that is given by Valerius Maximus (ix. 2, 1), of which 2,000 were senators and equites, is probably not above the mark. This proscription of Sulla was merely the legalised form of the massacre and confiscation which his opponents, the Marians, had conducted in a hardly less destructive, though more informal, manner. It was no doubt regarded by its author as necessary to his work of re-organisation; and was almost an inevitable result of the first use of the military power for this purpose. So far as it was a necessity of the times, it was rendered so by the absence of the punishment of death in Roman law, and by the growing extent of the Roman Empire, which rendered the exiling of opponents useless and even dangerous. In Sulla's case it was rendered more desirable by the necessity he was under of raising revenues to recompense his soldiers. After Sulla it was regarded as the natural, and almost necessary consequence, of any violent restoration. Had Pompey been victorious in the civil war, his victory would almost certainly have been followed by a proscription (Cic. *ad Att.* ix. 10, 6; xi. 6, 2); while the same fears were entertained, by the moderate party at Rome, of the probable conduct of Caesar, if he became master of the city (Cic. *ad Att.* ix. 7, 5; x. 8, 2). The assassination of Caesar by those whom he had spared gave an impetus to the next proscription, and a plausible excuse for its advisability (App. *Bell. Civ.* iv. 8). The precedent set by Sulla was taken up with still more vigour by the triumvirs Antony, Octavian, and Lepidus, in 43 B.C. (Suet. *Oct.* 27; App. *Civ. Bell.* iv. 5). The number of the upper classes now proscribed exceeded that of Sulla. For the party chiefly aimed at by the triumvirs was that of the *optimates* (*οἱ δυνατοί*, App. iv. 5), the strict constitutional party, whose power it was necessary to break down; and accordingly 2,000 equites and 300 senators were in the list. The proscription was carried out from motives of personal hatred, except perhaps on the part of Octavian, quite as much as from such considerations of political necessity as were recognised by Sulla. The motive of raising money by confiscation was still more present in this proscription, while private enmity and private greed played a large part in it (App. *Bell. Civ.* iv. 5). But in other respects this second proscription was directed by stricter adherence to the forms of law. It did not definitely commence until the triumvirs had been invested with their extraordinary powers *reipublicae constituendae* (Liv. *Ep.* 20, 24; App. *Bell. Civ.* iv. 7), although a preliminary proscription of sixteen persons, amongst whom was Cicero, had been carried out by the consul Pedius, on a mandate from the triumvirs. In other respects the proscription resembled that of Sulla, and was directed by the same supposed necessities, but, in that it aimed more definitely at the dissolution of a specific party in the state, its effects were more permanently felt; it assisted in destroying a section of the community that had united interests opposed to those of the rising monarchy (Tac. *Ann.* i. 2, 1). [A. H. G.]

PROSTAS. [DOMUS, Vol. I. p. 662 *b*.]

PROSTATES. [LIBERTUS; METOECI.]

PRO'STATES TOU DEMOU (*προστάτης τοῦ δήμου*) "denotes the leader of a popular party, as opposed to an oligarchical party (see Thuc. iii. 70 [82], iv. 66, vi. 35), in a form of government either entirely democratical, or at least in which the public assembly is frequently convoked and decides on many matters of importance." (Grote, *Hist. of Gr.* vii. p. 304 n.). Its meaning is practically the same as *δημαγωγός* (Stephan. Byz. *δῆμος· δημαγωγός· ὁ προεστηκὼς δήμου*: cf. Plat. *Rep.* viii. p. 565 C, *οὐκοῖν ἕνα τινὰ ἀεὶ ὁ δῆμος ἑαυτῷ διαφερόντως*

προίστασθαι ἑαυτοῦ: thus Pericles, whom Thucydides (i. 127) describes as δυνατώτατος τῶν καθ' ἑαυτὸν καὶ ἄγων τὴν πολιτείαν, is called δημαγωγὸς by Isocrates (*de Pace*, § 126; *de Permut.* § 234), and προστάτης τῆς πόλεως by Xenophon (*Memor.* i. 2, 40). Thucydides applies the word to Theramenes (viii. 89; cf. viii. 65, Ἀνδροκλέα—τοῦ δήμου μάλιστα προεστῶτα, and vi. 28, Ἀλκιβιάδῃ ἐμποδὼν ὄντι σφίσι μὴ αὐτοῖς τοῦ δήμου βεβαίως προεστάναι), Xenophon to Archidemus (*Hellen.* i. 7, 2; cf. Aristoph. *Ran.* 417), Aristophanes (*Ran.* 569) to Cleon, Plutarcy (*Cim.* 15) to Ephialtes, Aeschines (*F. L.* § 176) to Thrasybulus and Archinus, etc. And just as the person who had placed himself at the head of the people was called προστάτης τοῦ δήμου, the most influential member of the senate might be said to be προστάτης τῆς βουλῆς (Dem. *c. Androt.* p. 591, *argum.*).—In O. Müller's opinion (*Dorians*, ii. p. 149) προστάτης was also the title of a particular magistracy which existed in all the Dorian states in which the government was democratical, and G. C. Müller (*de Corcyr. Rep.* p. 49 ff.) considers as public officers the προστάται τοῦ δήμου in Corcyra (Thuc. iii. 70, 75; iv. 46), in Megara (Thuc. iv. 66), in Elis (Xen. *Hellen.* iii. 2, 27, 30), in Mantineia (*ibid.* v. 2, 3), in Argos and Heraclea (Aen. *Pol.* 11), in Syracuse (Thuc. vi. 35). Wachsmuth (*Hell. Altert.* i. 2, p. 435 ff.), on the other hand, thinks that the term is a general one, sometimes implying a particular office and sometimes not, but that even in the former case the title of the magistrate was not δήμου προστάτης, but something else, such *e.g.* as δημιουργός, which is lost to us in the general appellation. Wachsmuth is no doubt right in denying that the term always denoted a particular officer; thus Athenagoras was evidently not one, as the connexion shows: ἐν τῷ παρόντι πιθανώτατος τοῖς πολλοῖς (Thuc. vi. 35); but he goes too far in saying that προστάτης τοῦ δήμου was not the official title where a magistrate was denoted. That this was the case is evident from inscriptions; thus in a Tegean decree conferring proxenia there occur προστάται τοῦ δάμου, three in number, στρατηγοί (eleven), ἵππαρχος, γραμματεύς, and ἱερεὺς τῆς Ἀθηνᾶς (Dittenberger, *Syll. I. Gr.* No. 317), and Sauppe (*Comm. de Tit. Tegeat.* p. 4) expresses an opinion that in Argos too it was the title of a magistrate. Προστάτης was the official title of functionaries of the most different kinds. The Chaonians, whom Herodotus (ii. 56, v. 127) considers as Hellenic, whilst Thucydides (ii. 80) calls them βάρβαροι, had in the time of the Peloponnesian war two presidents (ὧν ἡγοῦντο ἐπ' ἐτησίῳ προστασίᾳ ἐκ τοῦ ἀρχικοῦ γένους Φ. καὶ Ν., Thuc. *l. c.*), whilst other tribes of Epirus, such as the Molossians, had kings; when afterwards these tribes were united probably by Tharypas ("primus leges et senatum annuosque magistratus et rei publicae formam composuit," Justin. 17, 3; cf. Plut. *Pyrrh.* 1). προστάται were the annual magistrates of the single tribes under the king, *e.g.* of the Molossians: ἐπὶ προστάτα Λευχάρου .... ἔδοξε τοῖς Μολοσσοῖς (Dittenberger, No. 322); ἐπὶ βασιλέος Νεοπτολέμου Ἀλεξάνδρου, ἐπὶ προστάτα Δέρκα Μολοσσῶν (*l. c.* No. 324), and these προστάται continued even after the abolition of royalty, *e.g.* στραταγοῦντος Ἀπειρωτᾶν Λυσυνία Καρώπου προσστατεύοντος Μολοσσῶν Ἐχελάου Παρώρου (*l. c.* No. 442; cf. No. 443). —The symmories of Teos (which were analogous rather to the *gentes* than to the phratries of Athens, as Grote suggests, *Hist. of Gr.* iii. p. 186) had each four προστάται, who held office one year (*C. I. G.* No. 306).—In some states the προστάται seem to have been a kind of executive of the βουλή, analogous to the Athenian πρυτάνεις, who drew up the decrees: thus in Calymna the decrees of politeia are usually headed, ἔδοξε τᾷ βουλᾷ καὶ τῷ δήμῳ, γνώμα προστατᾶν (*Brit. Mus. Gk. Inscr.* ii. No. 232, 233, 235, etc.); a decree of the people of Cnidus which appears to relate to the purification of a temple of Dionysus begins, ἔδοξε Κνιδίοι[ς γν]ώμα προστατ[ᾶν] (Newton, *Halicarn., Cnid. and Branch.*, p. 753, No. 36); γνώμα προστατᾶν stands in the heading of a decree of Cos about the public proclamation of a crown, etc. (Cauer,[2] No. 165). In Calymna the προστάται were charged with inscribing decrees and setting them up (*Brit. Mus. Inscr.* ii. No. 242); they had to assign by lot the new citizens to the phylae and demi (*ibid.* No. 242, 253), and kept the public seal (*ibid.* No. 299), just as the ἐπιστάτης τῶν πρυτανέων at Athens. In the decree of Iulis concerning the export of red ochre, denunciations of those contravening were to be made to the προστάται (*C. I. A.* ii. No. 546=Hicks, *Manual*, No. 108), just as the impeachment against the corn-dealers was in the first instance laid before the πρυτάνεις at Athens (Lys. *adv. Frument.*). In other states, however, the προστάται had apparently different functions. Thus in Iasus, where πρυτάνεις were the executive of the senate, they were in Hicks' opinion "a board concerned with the admission of strangers to the citizenship, and the keeping of a register of citizens" (*Journ. Hell. Soc.* viii. p. 107). Hence the προστάται were enjoined in a decree (γνώμη πρυτανέων) to bring a proposal before the βουλή for the admission of certain strangers of Priene to citizenship (*Brit. Mus.* iii. 1, No. 420; cf. the Iasian decree in *Journ. Hell. Soc.* viii. p. 112, where the προστάται and στρατηγοὶ together propose the grant of honours to Teleutias), and were charged in another decree (*C. I. G.* No. 2676) to select the place where a decree of politeia should be inscribed (cf. *C. I. G.* No. 2008=Hicks, *Manual*, No. 98, Amphipolis); hence they had to seal the boxes supplied to the six νεωποῖαι (one from each tribe), who collected the vouchers of those who attended the popular assembly, the προστάται at the close of the meeting examining the vouchers and authorising the payment of the *ecclesiasticon*. In a Thasian decree, too, a προστάτης is mentioned, who is evidently concerned with the restoration of outlawed members of the oligarchical party to civic rights upon their return (*Journ. Hell. Soc.* viii. p. 401 ff.), and Newton (*Brit. Mus.* ii. p. 114) sees in the προστάται τοὶ σὺν Χαρίνῳ in a Rhodian inscription a board "whose function was to take care of strangers and of those who had no civic rights," and similarly explains the fifteen προστάται in the epigram on the base of a statue of Hermes found by him at Cnidus (*Halicarn., Cnid. and Branch.*, p. 749, No. 31), though the Cnidian inscription No. 36 (referred to above) would rather point to προστάται having had the

function of the Athenian *πρυτάνεις*.—A decree of Dyme conferring citizenship mentions a *βούλαρχος*, a *προστάτας*, and a *γραμματιστὰς δαμοσιοφυλάκων* (Dittenberger, No. 316=Cauer,[2] No. 267): here *προστάτας* seems to denote the president of the popular assembly, just as two *προστατεύοντες τῆς ἐκκλησίας* occur in an inscription from Hypata (Rhangabé, No. 748). Two *προστάται* presided over the council (*συνέδριον*) of the Aetolian league (Rhangabé, No. 692 =Cauer,[2] No. 239 *sub fin.*). (Gilbert, *Staatsalterth.* ii. *passim.*) [H. H.]

PROSTIME'MA (*προστίμημα*). [TIMEMA.]

PROSTO'ON. [DOMUS, Vol. I. p. 662.]

PROSTY'LOS. [TEMPLUM.]

PRO'THESIS. [FUNUS.]

PROTHE'SMIA (*προθεσμία*) means generally an appointed time: thus in Aeschin. *c. Tim.* § 39, *εἴ τις ἄλλη πώποτε τοιαύτη γέγονε προθεσμία*, the scholiast explains the term *καταχρηστικῶς ἀντὶ τοῦ χρόνου*. The term is specially applied (1) to the time which was allowed by law to a defendant for paying damages, after the expiration of which, if he had not paid them, he was called *ὑπερήμερος* (Harpocr. *s. v.*; or *ὑπερπρόθεσμος*, Suid. *s. v.*; or *ἐκπρόθεσμος*, Schol. Dem. *c. Mid.* p. 540, 22); the accuser might allow the defendant a longer time than the law fixed (*ἀναβάλλεσθαι τὴν ὑπερημερίαν*, [Dem.] *c. Everg.* p. 1154, § 49 f., etc.).

(2) Prothesmia denotes the term limited for bringing actions and prosecutions at Athens. In all systems of jurisprudence some limitation of this sort has been prescribed for the sake of securing possession, and preventing vexatious litigation (cf. Isocr. *Archid.* § 26, *τὰς κτήσεις καὶ τὰς ἰδίας καὶ τὰς κοινάς, ἂν ἐπιγένηται πολὺς χρόνος, κυρίας καὶ πατρῴας ἅπαντες εἶναι νομίζουσιν*). The Athenian *τῆς προθεσμίας νόμος* corresponds to our Statute of Limitations. The time for commencing actions to recover debts,* or litigation with guardians, appears to have been limited to five years at Athens (Dem. *pro Phorm.* p. 952, § 26 f., in a *δίκη ἀφορμῆς*—*c. Nausim.* p. 989, § 17 f.; p. 993, § 27; cf. Plat. *Legg.* xi. p. 928 C, *μέχρι πέντε ἐτῶν ἐξηκούσης τῆς ἐπιτροπῆς ἔστω δίκην λαχεῖν ἐπιτροπίας*). Inheritance causes stood on a peculiar footing. When an estate had been adjudged to a party, he was still liable to an action at the suit of a new claimant for the whole period of his life (Isae. *Dicaeog.* §§ 7, 35, etc.) and his heir for five years afterwards (Isae. *Pyrrh.* § 58, and Schömann *ad l. c.* p. 257 and p. 432; cf. Dem. *c. Macart.* p. 1055, § 16, *lex*). We do not know the limit of time for claiming an *ἐπίκληρος* who had been already adjudged by the archon, but Caillemer's suggestion is very probable that she could not be claimed after having given birth to a son (*Le Droit de Succession Légit.* p. 42). The liability of bail continued only for a year, according to Dem. *c. Apatur* p. 901, § 27 (*τὰς ἐγγύας ἐπετείους εἶναι*); Caillemer (*La Prescription*, etc. p. 18 ff.) limits this law to commercial transactions, and Thalheim (*Rechtsaltert.* p. 92, n. 2) quotes *C. I. A.* ii. No. 565, l. 3, No. 1056, No. 1058, l. 20, to show that the liability for sureties for leases continued longer.* It is doubtful whether any period was prescribed for bringing criminal prosecutions,† at least for offences of the more serious kind, though of course there would be an indisposition in the jury to convict, if a long time had elapsed since the offence was committed. A charge of wounding with intent was brought four years after the affair (Lys. *c. Sim.* §§ 19, 39); Lycurgus proceeded against Leocrates nearly eight years after the latter's flight; we know from Lys. *pro Sacra Olea*, § 17, that there was no fixed time after which the liability of one who had uprooted a moria ceased, but on the other hand Lipsius concludes from Dem. *c. Aristocr.* p. 646, § 80, that there was a limit of time in a *γραφὴ φόνου*. The *γραφὴ παρανόμων* could only be brought against the proposer of a law or psephisma within a year after the propounding of it (Dem. *c. Lept.* p. 501, § 144; cf. *argum.* p. 453); and the *εὔθυναι* against magistrates were limited to a certain period (Pollux, viii. 45), viz. thirty days according to Boeckh, *Sth.* i.[3] p. 242. (*Att. Process*, ed. Lipsius, p. 963 ff., p. 838 ff.) [C. R. K.] [H. H.]

PRO'THYRON. [DOMUS, Vol. I. p. 661.]

PROTRYGAEA (*προτρύγαια*), a festival celebrated in honour of Dionysus and Poseidon (Hesych. *s. v.*; Aelian, *V. H.* iii. 41; cf. *θεοὶ προτρύγαιοι*, Poll. i. 24). The origin and mode of celebration of this festival at Tyre are described by Achilles Tatius (ii. *init.*). On the association of Poseidon, see Plut. *Symp.* 5, 1; Preller, *Gr. Myth.* i. 554. [L. S.] [G. E. M.]

PROVI'NCIA. This term had originally no geographical signification, but denoted the functions prescribed for a Roman magistrate by law, custom, or agreement (e.g. *urbana provincia*, Liv. xxxi. 6). Whether it is derived from *provincere* (as is suggested by Festus) or is an abbreviated form of *providentia*, is a moot point among scholars and need not be discussed here. Naturally enough it was employed to express a hostile district or territory assigned to a Roman general as the field of his operations, and thence acquired its special geographical meaning as a country outside Italy under Roman dominion and governed by a magistrate of Rome.

The Roman State, in its complete development, consisted of two parts with distinct organisations, Italy and the Provinces. Its provincial dominions commenced with Sicily, which became a Roman province B.C. 241 (Cic. *in Verr.* ii. 1, 2): Sardinia was added six years later, and the two Spains B.C. 179: by the time at which the Republic gave place to the Empire the Roman sway had been extended over Gaul, Illyricum, Macedonia, Greece, parts of Africa, and most of Asia: in B.C. 50 there were fourteen provinciae, a list of which is given by Mr. Watson in his edition of Cicero's Letters, p. 237, note. The

* In king Antigonus' letter to the Teians one year is fixed as limit (Dittenberger, *Syll. I. Gr.* No. 126, l. 38 ff.; Hicks, *Manual*, No. 149 A, § 7).

* For Ephesus, see Dittenberger, *Syll. I. Gr.* No. 344, l. 42 ff.; cf. the Lebadean building contract, *ibid.* No. 353, l. 25 ff. In Heraclea bail is renewed every five years (*C. I. G.* No. 5774, l. 140=Cauer,[2] No. 40, l. 140).

† In a Teian inscription (Dittenb. No. 349, l. 50 ff.) misappropriation of certain public moneys is put on a level with *ἱεροσυλία*, and consequently *προθεσμίᾳ δὲ μηδὲ ἄλλῳ τρόπῳ μηθενὶ ἐξέστω τῶν δικῶν τούτων μηδεμίαν ἐγβαλεῖν*.

organisation of a new territory, on its conquest, did not proceed upon uniform and inflexible lines. The conquering general as a rule sketched its main principles, subject to the approval of the senate (Plut. *Marcell.* 23; Appian, *de Bell. Civ.* ii. 9), though in very important cases the latter sent a commission of its own members, usually ten in number, with instructions for his guidance (Liv. xlv. 17; Appian, *de reb. Hisp.* 99, *de reb. Pun.* 135; Sallust, *Jug.* 16; Plut. *Lucull.* 35, 36). The *forma provinciae* was thus given either by a magisterial decree issued by the commanding consul or other magistrate in virtue of his imperium, or by a senatusconsultum, which in both cases was loosely known as a *lex* and named after its immediate author. The first regulations for Sicily, for instance, were made by Marcellus (Liv. xxv. 40), but more comprehensive and minute provisions were laid down B.C. 131 by P. Rupilius (Cic. *in Verr.* ii. 16, 39; Val. Max. vi. 9, 8): similarly we read of a Lex Pompeia in Pontus and Bithynia (Plin. *Ep.* x. 83, &c.), a Lex Lentuli in Cyprus (Cic. *ad Fam.* xiii. 48), and a Lex Mummia in Achaia. The arrangements made by such ordinances concerned primarily the fields of finance and judicature, and invariably comprised a very minute division of the country into districts for purposes of taxation. But when they had secured themselves against rebellion by extinguishing leagues and combinations which might endanger their supremacy, and provided for the collection of the revenue, the Romans, so far as they found it possible, left pre-existing institutions intact. In Sicily, for instance, the Lex Hieronica, the judicial and financial regulations established by Hiero the ally of Rome, were maintained in their entirety, and no Roman governor, according to Cicero (*in Verr.* iii. 6, 12–15), was known to violate them till the time of Verres. [DECUMAE.] The same policy was followed in Egypt (Marquardt, *Röm. Staatsverwaltung*, i. 279–296) and in the Greek East. It is of the organisation of Sicily that we have the fullest knowledge, from the large notices of the subject in the Verrine orations of Cicero. The island was divided into an eastern and a western district, with Syracuse as the capital of the former and Lilybaeum of the latter: a quaestor resided at each, receiving from the Roman Aerarium the sums necessary for the administration of his district, and collecting the taxes, except those which were let out by the censors at Rome. The towns were not all treated in the same manner. Messana, Tauromenium, and Netum were made FOEDERATAE CIVITATES and retained their land. Five other cities, among them Panormus and Segesta, were "Liberae et Immunes,"—that is, they paid no tithe; but it does not appear whether they were free from the burdens to which the *foederatae civitates* as such were subject by virtue of their *foedus* with Rome. Seventeen conquered towns forfeited their land, which was restored (as Possessio, not in absolute ownership) on condition of their paying the *decumae* and *scriptura*. The towns which paid tithe were called by the general name of Stipendiariae. The settlement of the municipal constitutions of the towns was generally left to the citizens; but in some instances, as in that of C. Claudius Marcellus and Alesa, a constitution was given by some Roman, at the request, as it appears, of the town. The Senate and the People still continued as the component parts of the old Greek cities. Cicero (*in Verr.* ii. 55, 137, &c.) mentions a body of 130 men, called Censors, who were appointed to take the census of Sicily every five years after the Roman fashion. The island was also bound to furnish and maintain soldiers and sailors for the service of the state, and to pay *tributum* for the carrying on of wars; and Rome also appropriated the Portoria or harbour dues, which were let out to persons in the metropolis to farm. The governor might take provisions for the use of himself and his cohors on condition of paying for them. In the condition of the two Spanish provinces there was greater diversity. Pliny (*H. N.* iii. § 7) mentions Coloniae, Municipia or Oppida Civium Romanorum, Latini veteres or towns "Latio antiquitus donata," Foederati, and Oppida Stipendiaria. The distribution of the provincial territory into *fora* or *conventus* for judicial purposes, which is spoken of below, seems to have sometimes caused great confusion, especially in the East. Strabo remarks (xiii. p. 629) that the boundaries of Phrygia, Lydia, Caria, and Mysia were confused, and that the Romans had added to the complication by not attending to the subsisting national divisions, but making the administrative divisions (*διοικήσεις*) different, in which are the Fora (*ἀγοράς*, MS.) and the administration of justice. The word *ἀγορὰ* probably represents *conventus* (as to the reading, see Casaubon's note).

The first provincial governors were praetors specially created for the purpose, in addition to the two praetors who administered justice at Rome (Liv. *Epit.* 20). They held office for a year only, except in Spain, where a Lex Baebia for some while extended their tenure of it to two years. Between the settlement of Spain and the Sullan reforms five new provinces were created, viz. Macedonia, Africa, Asia, Narbonensis, and Cilicia, and the government of these was provided for by "proroguing" for a year the imperium of the consuls and the two praetors whose functions properly lay in the city, two ex-consuls and two ex-praetors being thus annually available for provincial command. The "prorogation" was effected by a special plebiscitum. The Lex Sempronia of C. Gracchus (Cic. *de Prov. Cons.* 2 and 7; *pro Balb.* 27, 61) enacted that the senate should each year determine before the election of the consuls what provinces they were to govern, the object of this being to prevent intrigue and favouritism. Sulla added two praetors to the six already in existence, and enacted that all of them should administer justice in the city during their proper year of office: the provinces, of which there were now ten, were thus in future governed by proconsuls and propraetors, the two former as a rule obtaining those in which the largest number of troops was required (Liv. xli. 8). The exact province of each was determined by lot, though the distribution was sometimes arranged by agreement among the persons entitled to them. Sulla's statute made these governorships strictly annual, and required the holder to leave the province within thirty days after the arrival of his successor (Cic. *ad Fam.* iii. 6); but the first of these rules was practically infringed by the extraordinary commands

conferred successively on Pompey and Caesar, and by the failure of the senate to provide a successor in time: thus Verres, Fonteius, and Q. Cicero were three years each in Sicily, Gaul, and Asia respectively (Cic. *Div. in Caec.* 4, 11; *pro Font.* 10, 32; *ad Qu. Frat.* 1, 1). A law of Pompey (Sueton. *Jul.* 28; Dio Cass. xl. 56), passed B.C. 52, enacted that provinces should be given only after an interval of five years from a man's original tenure of office in Rome: this was re-enacted by Augustus after its repeal by Julius Caesar (Dio Cass. xlii. 20, liii. 14), who also ordained that a consular province should be held for two, a praetorian for one year only (Cic. *Phil.* i. 8, 19; ii. 42, 109, &c.; Dio Cass. xliii. 25). The governor might not leave Rome until he had been invested with the imperium in the ordinary manner, and had offered the usual prayers and sacrifices (Cic. *ad Fam.* i. 9, 25; *in Verr.* v. 13, 34; Caesar, *Bell. Civ.* i. 6): he could display the insignia of his rank, especially the fasces, as soon as he was outside the city gates (Dio Cass. liii. 13), but might not exercise any actual powers until he reached his province (Dig. 1, 16, 1, 4, 6). When once he had arrived there, he united in his single person both civil and military authority. The first thing he did was to issue his edict, by which, like the praetor at Rome, he stated the rules of law which he intended to apply and enforce during his year's administration. To a large extent this was based on the *lex* by which the province had received its original constitution and on the edicts of the governor's predecessors (Cic. *ad Att.* v. 21, 11, vi. 1, 2; *ad Fam.* iii. 8, 4); but large portions of the Edictum Urbanum gradually crept into the provincial edicts, and the law of the provinces was thus slowly but steadily Romanised. Cicero, for instance, when proconsul of Cilicia, says that as to some matters he framed an edict of his own, and as to others he referred to the Edictum Urbanum, on which he proclaimed that he should base his decisions where no regulations of his own had been made (*ad Att.* vi. 1, 15); so, too, he observes (*in Verr.* i. 46, 118) that the rules established by the praetor urbanus as to inheritance had been regularly transferred into their annual edicts by the governors of Sicily long before the time of Verres. Other topics with which the edict of a provincial governor dealt were the position of the publicani, and the law of civil procedure, debt, and usury.

So far as we can judge from Cicero's Letters and from Caesar's work on the war in Gaul, the former of which in particular are a storehouse of information upon the affairs with which a provincial governor was occupied, he was principally engaged with matters military and judicial. At one time he was administering justice at various centres; at others he was busy with an army exterminating bands of robbers or reducing a rebellious population. Even when the province was in profound peace he would find enough to do, as commander-in-chief, in filling up his legions with fresh levies, or directing the arrangements for billeting his troops during the winter. But the less he was occupied with active military operations, the more time could he give to the administration of justice. For judicial purposes each province was divided into a number of departments called Fora or Conventus, which latter term also denoted the chief city or place "in quem conveniebant" as well as the assize or court over which the governor presided, and which was attended by the Romans who resided in the district, and generally by all persons who had any business to settle there. It may perhaps be doubted whether this organisation was at all precise during the republican period, though even then certain towns seem to have been regarded as centres where the governor might conveniently spend some time and hold a court (*forum* or *conventum agere*, Liv. xxxi. 22;—Cic. *in Verr.* v. 11, 28; *ad Att.* v. 16). Before the time of Gaius *conventus* had also acquired the meaning of the time during which the assize lasted (Gaius, i. 20). In Cilicia, during Cicero's administration, Tarsus and Laodicea were *conventus;* in Baetica there were four, in Lusitania five. The procedure in civil causes seems to have been much the same as that in vogue at Rome during the formulary period [ACTIO]; at least the governor appointed a judex or judices to try each cause, usually from the Roman citizens who attended the assize; for him to hear and decide the case in person, so far as we can judge from the instance of Verres, was considered improper or unconstitutional (Cic. *in Verr.* v. 9, 22). Within the free and allied towns the governor had not strictly any civil jurisdiction; they had their own law, their own courts, and their own municipal magistrates, though it not unfrequently happened that these privileges were set at nought. For instance, Cicero tells us (*in Verr.* ii. 22, 53) that Verres treated with contempt an apparently well-founded claim on the part of the citizens of Bidis in Sicily to have their legacy cases determined by their own municipal law. The relations between the jurisdiction of the governor and that of the local magistrates were usually defined by the Lex Provinciae: by the so-called lex of Rupilius, Sicilians who belonged to the same town had their disputes settled according to its laws: citizens of different towns had theirs decided by judices appointed by the governor: in case of differences between an individual and a community, the senate of any Sicilian town might act as judices, if the parties did not choose to have as judices the senate of their own town: if a Roman sued a Sicilian, a Sicilian was judex; if a Sicilian sued a Roman, the judge was a Roman: but no one could be judex who belonged to the governor's cohors. Disputes between the lessees of the tithe and the Aratores were decided according to the Lex Hieronica (Cic. *in Verr.* ii. 13, 32). By the Lex Rubria de Gallia Cisalpina the magistrates of the municipia were authorised to decide all civil suits in which the sum involved did not exceed 15,000 sesterces, and the same provision occurs in the Lex Julia municipalis. The governor's judicial assistance was also largely needed for the legitimation of certain dispositions, such as manumissions, adoptions, and emancipations (*jurisdictio voluntaria*). His criminal jurisdiction was in the nature of that exercised under martial law: he decided in person on the guilt or innocence of the accused, though under the advice of a consilium formed from the leading Roman citizens of the neigh-

bourhood (Cic. *in Verr.* i. 29, 73; ii. 29, 71; v. 21, 55), and over a condemned criminal he had power of life and death, though if he were a Roman citizen he enjoyed the right of *provocatio* to the tribuni plebis, which enabled him to remove the matter to Rome (Plut. *Caesar*, 4).

The nature of the taxes paid by the provincial subjects of Rome has been alluded to in speaking of the organisation of Sicily, but this subject cannot be understood without some knowledge of the tenures by which land in the provinces was held. The general principle was that provincial soil belonged, as a whole, to the Roman state (*ager publicus*), and could not be owned *ex jure Quiritium* by individuals, but only "possessed" (Cic. *ad Att.* vi. 1, 12; Gaius, ii. 7). The great bulk of the taxes was levied on these "possessions" in the hands of the provincials, who from this point of view are termed *Stipendiarii;* though some of the *ager publicus* was differently treated, being either sold outright by the state, which imposed a nominal tax in order to show that it did not waive its right of property in the soil (*ager privatus vectigalisque*), or let out by the censors at Rome to tenants for life, who paid both *decumae* and *scriptura* (grazing tax, Varro, *de Re Rust.* ii. 1, 16). The tax levied on the Stipendiarii was either tithe (*decumae*) or stipendium. The first was not common, being found only in Sicily and Sardinia, and for some little while in Asia. The second was charged both on the land (*tributum soli*), in which case it was sometimes paid in money, as in Macedonia; sometimes in kind, as in Pontus and Cyrene; and on persons (*tributum capitis*), who were taxed on account of their incomes, trades, and professions. Besides these sources of income, the Romans derived large sums from the customs' dues (*portoria*), ship-money, mines, &c. No taxes were paid to the state by the free and allied towns, but this exemption does not seem to have extended to the Roman colonies and municipia or the "oppida Latio donata."

The practice of letting out the taxes to publicani to farm is well known, and it often happened that a firm of these capitalists engaged to pay the state a fixed sum per annum for five years in exchange for all the taxes of a province—vectigal, decimae, scriptura, portoria, &c. In such cases it would seem that the publicani paid the money over directly to the quaestors at Rome: but all taxes which were not farmed were collected by and paid to the quaestor of the province or its districts, an officer who was assigned to his province by lot, and not appointed by the governor. In theory the quaestor had the entire management of financial matters, though he was often largely interfered with by the governor, who decided, according to his own view of the local requirements, what sums should be transmitted to Rome, and who had power to remit taxation (Cic. *in Verr.* iv. 9, 20; *ad Fam.* iii. 7). Though properly a financial officer, he had jurisdiction in matters which fell under his official cognisance, like the aediles at Rome (Gaius, i. 6) and the early Exchequer authorities in England; and he had to give a full account of his receipts and expenditure on his return from the province (Cic. *in Verr.* i. 14, 36). After the passing of a Lex Julia (B.C. 61) the governor was bound to deposit two copies of his accounts in the two chief cities of his province, and to forward one (*totidem verbis*) to the Aerarium (Cic. *ad Fam.* ii. 17, v. 20; *ad Att.* vi. 7). The governor might even delegate his own powers to a quaestor, either *in toto* (*e.g.* Cic. *ad Att.* vi. 6, 3) or for a special purpose, such as the administration of justice (*e.g.* Suet. *Jul.* 7).

The *personnel* of a provincial administration comprised also (1) *legati*, of whom there were usually three in a consular, one in a praetorian province: they were appointed by the senate, very often on the nomination of the governor, who would entrust them with minor military commands or assign them a district to look after, with civil jurisdiction; (2) *comites*, appointed by the governor himself, and maintained at the public charge, presumably on the supposition that they discharged secretarial functions and employed their time in learning the business of administration; (3) *praefecti*, three in number, whom the governor seems to have employed principally as military lieutenants; and lastly a large miscellaneous body of lictors, praecones, scribae, haruspices, &c., whose duties are too unimportant to be here detailed.

Those who have read the Verrine orations of Cicero will remember what a gloomy picture he draws of the condition of the provinces under Roman rule. "It is difficult," he says in his speech for the Lex Manilia (c. 22), "to describe into what hatred we have been brought by the wrongdoing and lust of the governors whom we have sent among foreign peoples during these years." Pay was first attached to the office of proconsul or propraetor by Augustus (Dio Cass. liii. 15; Sueton. *August.* 36), so that under the Republic the governor had to pay himself as best he could during his tenure of power; and the boast of Verres recorded by Cicero (*in Verr.* iv. 1, 14) is ample proof that a magistrate whose conscience was not over-tender found numerous opportunities of filling his own pockets. The old rule that a governor and his retinue must pay for their lodging and entertainment was seldom observed, and his progresses through the province, to say nothing of the Legationes liberae, entailed vast expenditure on its inhabitants: the extortions practised by himself and his subordinates were even outdone by those of the publicani, who farmed the taxes, and the negotiatores or money-lenders; and in many of the provinces, especially in Greece and Asia, protracted wars had inflicted miseries on the people from which they could hardly hope for recovery. Practically no remedy for all these evils was afforded by the nominal control of the senate, which had the right of deciding on the number of troops which a governor should have under his command, and of altering or overriding his policy, and which, if he did not follow its instructions, could refuse to sanction his arrangements, or to grant him a triumph or supplicatio even after a successful war. But, towards the end of the Republic, it is patent that, so far from controlling the provincial governors, the senate was itself ruled by such men as Sulla, Pompey, and Caesar. The strongest check upon the misconduct of a governor ought in reality to have been found in statutory enactments. A number of these (a Lex Valeria, a Lex Julia, and Leges Porciae) were designed to protect

Roman citizens residing in the provinces from ill-treatment by him. The Lex Calpurnia (B.C. 149), the first statute against *repetundae* or extortion, was followed by a Lex Acilia (B.C. 125) and a Lex Servilia (B.C. 111) dealing with the same offence, the former of which was especially severe; and the Lex Julia defined the requisitions which a governor might make upon the inhabitants of his province without payment. The laws on the subject of Majestas and Peculatus were also weapons which on occasion might be turned against governors who abused the trust confided to them. But when we consider the condition of things described to us by Cicero, we cannot but be struck by the smallness of the result obtained by prosecutions under these statutes. There can be little doubt that this is to be explained by the political use which was made of the judicia. Between the times of C. Gracchus and Sulla, while the knights were sole judges in criminal trials, their sympathies with the publicani would prejudice them against the cause of the provincials: the venality of the senators, whom Sulla substituted for the knights, was shameless and notorious, though according to Appian (*de Bell. Civ.* 122) not more so than that of the knights themselves: in any case the senate would do its best to screen a governor for whom it was itself mainly responsible, and whose condemnation would in a way condemn itself. Some improvement was perhaps effected by the Lex Aurelia (B.C. 46), which divided the judicia between the senators, knights, and tribuni aerarii: but it was in the Empire that the provincials first found relief from oppression, and redress for wrong inflicted on them by Roman magistrates.

In the year 43 B.C. Gallia Cisalpina ceased to be a province: it was incorporated with Italy, though the term Italia was sometimes improperly used to describe it even before this date (Caesar, *Bell. Gall.* i. 54, v. 1, vi. 44, &c.; Cic. *Phil.* v. 12, 31), and a new organisation was given to it by the Lex Rubria, by which in particular jurisdiction in certain classes of suits was conferred on the municipal magistrates [RUBRIA LEX]. With the establishment of the imperial power under Augustus a considerable change was made in the administration of the provinces, the control of some of which he reserved absolutely to himself, while the rest remained under the nominal management of the senate; this being the origin of the distinction drawn by Gaius (ii. 21) and others of the older jurists between those provinces which are "propriae populi Romani" and those which are "propriae Caesaris." The division was modelled in principle upon the older one between consular and praetorian provinces: the "Imperial" provinces were those in which the chances of invasion from without or rebellion within necessitated the presence of considerable forces, especially those which formed the frontiers of the Empire; those in which peace was assured were ostensibly left to the senate (Sueton. *August.* 47; Dio Cass. liii. 12, 14, liv. 4; Strabo, xvii. p. 840). Subject to frequent interchange of provinces (Tac. *Ann.* i. 76, 80; Sueton. *Claud.* 25; Dio Cass. lx. 24; Capitol. *Marc.* 22), these arrangements subsisted until the third century. Strabo, in the passage referred to, gives the division into provinces (ἐπαρχίαι) as constituted by Augustus. The provinces of the Populus (δῆμος) were two consular (ὑπατικαί) and ten praetorian provinces (στρατηγικαί); the rest of the eparchies, he says, belong to the Caesar. Lusitania is not enumerated among the eparchies of the Populus, and if it was a distinct province it must have belonged to the emperor. The list of provinces in the "Demonstratio Provinciarum" (*Mythog. Vat.*, Bode) mentions the province of Asturia et Gallaeca Lusitania. Dio Cassius (liii. 12) states the distribution of the provinces by Augustus thus: the provinces of Africa, Numidia, Asia, Hellas (Achaia), with Epirus, Dalmatia, Macedonia, Sicilia, Crete with the Cyrenaica, Bithynia with Pontus, Sardinia and Baetica, belonged to the senate and people (δῆμος and γερουσία). Tarraconensis, Lusitania, all Gallia, Coele Syria, Phoenice, Cilicia, Cyprus, and Egypt belonged to Augustus, who afterwards took Dalmatia from the senate and gave it Cyprus and Gallia Narbonensis in exchange, while Tiberius appropriated Achaia and Macedonia without any compensation (Tac. *Ann.* i. 76), though they were restored by Claudius (Sueton. *Claud.* 25). Bithynia became definitely imperial under Hadrian. The *provinciae populi* were administered for one year according to usage (Dio Cass. liii. 12, 14; Strabo, *loc. cit.*; Sueton. *August.* 4) by the old republican magistrates; two of them, viz. Africa and Asia, by ex-consuls; and the rest by ex-praetors. The two oldest consulares cast lots for the consular, the praetors also by seniority for the praetorian provinces, though the title of proconsul belonged generally to these governors without reference to the offices which they had actually held at Rome (Dig. 1, 16). They enjoyed imperium, including unlimited jurisdictio, and the administration of justice must have been their main business, as owing to the nature of the case their military duties must have been quite inconsiderable. In the "provinciae Caesaris" the emperor was himself proconsul, but conducted their government through lieutenants, a "legatus Augusti pro praetore" having in effect the same power and authority here as a proconsul in the provinces of the people (Dig. 1, 18). These legati were selected by the emperor from those who had been consuls or praetors (whence they were called *consulares* or *praetorii*) or sometimes from senators of less rank (*e.g.* Dio Cass. liii. 13; Appian, *de reb. Hisp.* 102; Sueton. *August.* 23): they held their office at the emperor's pleasure, being mere delegates of his authority. Thus Agricola governed Aquitania for three years, in accordance with Maecenas' advice to Augustus (Dio Cass. liii. 23); but Galba was in Spain eight years (Plut. *Galba*, 4), Sabinus in Moesia seven, and Silius in Gaul apparently at least ten (Tac. *Ann.* i. 31, iv. 18). The theory of delegated authority was not, however, consistently observed; the jurisdiction of a legatus, for instance, not being regarded as *mandata*, but as belonging to him independently, so that he could himself delegate it to one of his subordinates (Dig. 1, 21, 5, pr.). These imperial governors are in the inscriptions always designated as "legati pro praetore;" but when not viewed as the emperor's agents, they were termed "provinciarum praesides" (Sueton. *August.* 23, *Tib.* 42; Vopisc. *Prob.* 13; Dig. 1, 18, 8, 20, 1, 16,

9, 6); like the praefectus urbi or praetorio, they were magistrates, but magistrates of the princeps, not of the populus (Dig. 4, 2, 3, 1), though it is true that as all the provinces tended more and more to fall under the emperor's direct control the term *praeses* came to be applied also to the governors of senatorial provinces (Dig. 1, 18, 1; Sueton. *Claud.* 17; Lamprid. *Alex. Sever.* 46). No quaestors were sent to the Imperial provinces, in which the functions entrusted to these officers in districts administered on the old system were discharged by "procuratores Caesaris" (*Dig.* 1, 19), selected from the knights or the emperor's freedmen, who had jurisdiction in financial matters (Cod. 3, 13, 1): and such procuratores are even found in provinces of the people for the purpose of guarding the interests of the Fiscus in connexion with inheritances, legacies, &c., where too they had in such concerns a jurisdiction concurrent with that of the proconsul. Sometimes an unimportant province, or an outlying portion of a considerable one, was governed by a procurator with the powers of an ordinary governor, as *e.g.* Judaea by Pontius Pilate (Joseph. *Ant. Jud.* xvii. 13, 5; xviii. 1, 1, &c.). Egypt received a peculiar organisation from Augustus (Tac. *Hist.* i. 11; Dig. 1, 17). He placed it under the government of a praefectus Augustalis, who took the place of the Egyptian king with the powers of a Roman magistrate; but the old division of the country into νομοὶ administered by native νόμαρχοι was retained (Plin. *H. N.* v. § 49), and a special magistrate for judicial purposes called *juridicus*, with the powers of a provincial governor, was assigned to Alexandria.

But notwithstanding the epithet "Senatorial" applied to those provinces which were governed by a proconsul, they were in reality hardly less under the control of the emperor from the beginning than those which were "propriae Caesaris:" from him the proconsuls as well as the "legati pro praetore" received instructions and mandata as to the administration (Dio Cass. liii. 15; Plin. *Ep.* x. 64), and in all important matters not already provided for they had to apply to him for advice. Their position in fact was so different from that of a provincial governor under the Republic or of a legate in an imperial province that, according to Tacitus (*Ann.* vi. 27), Tiberius found it difficult to get competent men to accept the office, which was one of great responsibility, and could be valued only on account of the salary which Augustus attached to it.

The "Romanisation" of the law of the provinces continued to be carried on by edicts, statutes (Ulpian, *Reg.* xi. 18;—Gaius, i. 183, 185; iii. 122), imperial enactments (Plin. *Ep.* x. 71, 72), and senatusconsulta (*ib.* 77): and even some laws passed for the citizens of Rome were expressly extended to the provincials (*e.g.* Gaius, i. 47; Ulpian, *Reg.* x. 20; Dig. 30, 41, 6;—Cod. 7, 9, 3; 7, 71, 4): but the local laws still remained outside Italy the foundation of private rights and duties until the celebrated edict of Caracalla, by which the Roman civitas was early in the third century bestowed upon all free subjects of the Empire. With the fall of the Republic more substantial alterations took place in the matter of taxation. Julius Caesar abolished the decumae in Asia and probably also in Sicily, and under Augustus a complete survey was made of the provinces, extending over more than twenty years, and a census taken of their inhabitants; both of which were of the greatest value in adjusting the taxes upon an equitable basis. The vectigal of the *ager publicus* or domain land was paid into the Aerarium or the Fiscus, according as the province belonged to the senate or to the emperor, until the time of Vespasian, who took the whole of the domain land under his charge. All the provinces seem now to be charged also with *annona*, a payment from the land in kind, which was applied to supporting the civil and military officials within them; in this form Africa and Egypt supplied in addition enough corn to feed Rome during one-third of the year (Josephus, *Bell. Jud.* ii. 16, 4). The old revenue from poll-tax (*tributum capitis*), mines, and portoria still continued: to them were added under Augustus new imposts in the 5 per cent. duty on legacies, though this was paid only by Roman citizens in Italy, until the edict of Caracalla, the centesima on *res venales*, levied apparently throughout the Empire, and a tax of 4 per cent. on all purchases of slaves. The system of farming the taxes was still followed, though with most of its abuses corrected. The emperor also derived large sums from the "patrimonium Caesaris," or his private estates in the provinces, which were of vast extent; Augustus owned all Egypt, and the Thracian Chersonese belonged to the emperors up to Trajan. The property of condemned criminals was in some cases forfeited to the Aerarium, and later to the Fiscus; and the same was done with *bona vacantia* and *bona caduca* under the Leges Julia and Papia Poppaea. But the Aerarium, though nominally the Senatorial Exchequer, was really under the control of the emperor (Dio Cass. liii. 16; cf. Tac. *Ann.* vi. 2, "bona Sejani ablata aerario ut in fiscum cogerentur, *tanquam referret*"), by whom its officials were appointed: and when the distinction between imperial and senatorial provinces ceased to exist in the time of Severus, it became the treasury of the corporation or municipality of Rome. The really heavy expenses of the State were paid from the Fiscus, which bore the costs of the naval and military forces, the civil organisation, the construction and maintenance of public works, such as roads and aqueducts, the supply of corn to Rome, &c.

After the edict of Caracalla (A.D. 215), little reason remained for preserving the old distinction between Italy and the provinces, which now entailed a grave injustice on the latter, which became liable to the vicesima on legacies and inheritances besides having to pay the old land-tax. Accordingly within half a century Italy itself was subdivided into provinciae, and had to pay tributum equally with the most distant parts of the Empire. Towards the end of the third century Diocletian completely remodelled the provincial organisation by dividing the whole Roman world into twelve διοικήσεις, each of which comprised a number of provinces with new geographical limits: thus in the διοίκησις of Britain there were four provinciae, in that of the Oriens sixteen: the total number was 101. Each διοίκησις was under the administration of a new officer called Vicarius, who was

answerable only to the praefectus praetorio as lieutenant of the emperor: the governors of the provinciae were proconsuls, consulares, or praesides, and enjoyed different ranks in the hierarchy or peerage of the Empire. The administration of justice was in a way revolutionised by Diocletian's abolition of the formulary procedure in civil causes, which applied to the provinces no less than to Rome, the magistrates being directed to hear and determine all suits in person. The Empire was resurveyed for financial purposes, and all taxation, so far as it affected the land, being based on a division of the soil into *juga*, each of which, though differing in acreage from others according to its fertility, being rated in the same value; the customs' dues were increased, and the *tributum capitis* was taken off the towns and levied chiefly on the new class of Coloni. Constantine made further administrative changes by completely separating the civil and military powers, so that the governors of provinces even on the frontiers of the Empire had nothing to do with the troops stationed in them, which were under the command of a general without any civil authority: but Justinian re-united the two sets of functions, at any rate in those provinces in which Constantine's arrangements had not worked satisfactorily (*Nov. Just.* viii. 2, 5; xxiv.—xxxi.; cii., ciii.).

It remains to give a short account of the condition and organisation of the provincial towns. In the republican period the vast majority of these were subjected absolutely to the power of the governor, and had no free municipal constitution or independent jurisdiction: these citizens were under the same authorities, financial, judicial, and military, as the purely rural population. Some of them, however, were privileged, though in their immunities there were various degrees. *Foederatae civitates*, such as Messana and Tauromenium in Sicily, and Gades in Spain, owed no duties to Rome beyond those imposed on them by their treaty with her, though these were often oppressive (*e.g.* Cic. *in Verr.* v. 19–24, §§ 48–61). Some towns were after their conquest declared free again by a lex or senatusconsultum (*populi liberi*, such as Termessus in Pisidia, Strabo, xvii. p. 839, &c.), whereby their citizens became capable of owning land within their territory, and acquired rights of self-government, especially in matters of taxation and legislation: others were *liberae et immunes*, being released from the taxes usually paid to Rome, and from the liability to have troops quartered on them during the winter months. In many provinces, again, there were colonies, either Latinae or civium Romanorum, for whose relation to the ordinary provincial administration reference should be made to the article on COLONIA; and sometimes towns, without being made to receive a colony, were endowed with the "jus Latii" (*e.g.* in Gallia Transpadana by Cn. Pompeius, Strabo, B.C. 89), which freed them from the control of the Roman governor (Strabo, iv. p. 187) and gave them the rights of self-government and having their own coinage, and other privileges described under COLONIA and LATINITAS. Under the Empire we find also numerous municipia in the provinces, *i.e.* towns on which the Roman civitas had been bestowed —*e.g.* on Gades and other Spanish towns by Julius Caesar (Liv. *Epit.* cx.; Dio Cass. xli. 24, xliii. 39), whose example was followed by Augustus (Suet. *Aug.* 47; Dio Cass. liv. 25) and his successors. These had the ordinary free municipal constitution of Italian towns, with elected duoviri or quattuorviri, who possessed a tolerably extensive civil and criminal jurisdiction, aediles, quaestors, an ordo decurionum, and assemblies for their citizens: in fact, their condition was much the same as that of the "coloniae civium Romanorum," except that the latter ranked above them in dignity (Gellius, xvi. 13). Finally there were towns endowed with the "jus Italicum," the conception of which arose after the Social war and the statutes it occasioned, and which led to the familiar opposition between municipia, coloniae, and praefecturae of Roman citizens in Italy and all other towns whatsoever (*e.g.* Lex Julia municipalis, ll. 142, 143). It does not seem to have been granted with any great freedom (Plin. *H. N.* iii. § 25; Dig. 50, 15, 1, 6–8), and apparently only to coloniae and municipia, not to oppida which were merely "stipendiaria" or had the "jus Latii" only; though this is a disputed matter, Puchta (*Institutionen*, § 95) and Zumpt (*Comm. Epigraph.* i. pp. 477–491; *Studia Romana*, pp. 337, 338) denying its possession by municipia in any case, and the latter maintaining that it was sometimes given to mere peregrini. As to its nature also there are considerable differences of opinion. Conceivably it affected the soil, the municipal constitution, the taxes, and the persons of those who inhabited the towns on which it was conferred. The soil would be released from tributum, and subjected to Quiritarian ownership with all its legal incidents. In relation to finance, the citizen of a town possessed of "jus Italicum" would have his name entered in the local census with the formula employed at Rome, and the lists would be incorporated with those of Rome herself (Lex Julia munic. ll. 142–160; Huschke, *Census*, p. 62); he would further be discharged from the payment of all taxes not paid in Italy, including tributum, annona, and the poll-tax on trades and professions. It would affect the person of the citizen by giving him the benefit of certain laws which applied to Italy alone, or at any rate conferred on persons domiciled in Italy advantages over those domiciled elsewhere (*e.g.* the rewards given to those who contracted a fruitful marriage by the Lex Papia Poppaea, and the benefits of the Lex Furia de sponsu). These consequences, and these only, are ascribed to a grant of "jus Italicum" by Schwartz (*de jure Italico*, Exerc. Academ. 1783, 1–37) and Walter (*Geschichte des röm. Rechts*, § 319); but Savigny (*Ueber das Jus Italicum*, Verm. Schriften, i. 29–80) and Puchta (*loc. cit.*) deny the last of the three, and affirm as one of the chief consequences of the "jus Italicum" a free municipal constitution, which, according to Schwartz and Walter, must have belonged to the town already.

Provincial towns which belonged to none of these privileged categories (*civitates stipendiariae*) had some sort of municipal constitution, and the Romans as a rule interfered but little with arrangements which they found already established, provided they were not a menace to their own supremacy. But such constitutions

were not *free:* they did not exclude the jurisdiction of the governor of the province. The towns had their own magistrates of various denominations: in Temnos there were praetors, quaestors, and mensarii (Cic. *pro Flacco*, 19, 44), names which doubtless are intended to represent Greek titles: in Thyatira there were *στρατηγοί*: in fact the names of the local magistrates are legion, but their functions are regarded as burdens (*munera*) rather than as privileges (*honores*), and there was no local jurisdiction, the administration of justice, civil as well as criminal, being in the hands of the governor alone. Most provincial towns seem to have had elective senates (*curiae*), an arrangement encouraged by Rome herself, who was adverse to democracies; but to be a "decurio" or senator was burdensome and expensive, and the citizens had to be expressly rewarded for undertaking or getting others to undertake the office. [For details see DECURIONES; DECEM PRIMI.] Under the Empire the electorate was controlled from Rome, no one being permitted the full local franchise unless his income reached a certain minimum; thus Dio Chrysostom (ii. 43 R) says that at Tarsus, besides the *βουλή* and the *πλῆθος*, "there was no small multitude which stood, as it were, outside the constitution." The provincial towns had no independent right of legislation, even in relation to municipal affairs, but were obliged to resort to the emperor, as is shown by the number of Rescripts on the subject; and upon nearly all matters which with us are transacted by the corporation or vestry of a town, such as the construction and maintenance of public works, they had to refer to the governor. It does not appear that the religion of the provincials was ever interfered with, nor had it been put under any restraint in the republican period.

The constitution of the provincial towns was affected in the second half of the fourth century by the establishment in all of them of a new office, that of *defensores civitatis, plebis,* or *loci.* These magistrates were chosen for five years, which Justinian reduced to two, by all the citizens of the town who possessed the franchise, but no decurio could be elected: their chief function was the protection of the town and its citizens against oppression and injustice at the hands of the imperial officials, as to which they were to address complaints to the governor of the province, or, if he were himself the offender, to the emperor or praefectus praetorio; by reason of their independence in relation to the governor they ranked above all the other municipal magistrates (Cod. i. 55, *de Defensoribus*). They were even invested with a limited jurisdiction in civil causes, which Justinian extended from matters of the amount of 50 to those of 300 solidi, and from which there was an appeal to the *praeses* (*Nov.* 15, 5); and they could appoint tutors where the property of the ward did not exceed a certain minimum in value (Inst. i. 20, 5). In the fifth or sixth century they also acquired a small jurisdiction in criminal matters (Cod. i. 55, 5; Cod. Theod. i. 29, 7; *Nov.* 15, 6).

The most complete treatment of the Roman provincial organisation and its history is that of Marquardt, *Römische Staatsverwaltung*, i. pp. 90–425. English readers will find a careful and accurate account of the matter, based upon the best authorities, in Mr. W. T. Arnold's *Roman Provincial Administration* (Macmillan, 1879), which the writer of this article has found of the greatest service. Reference may also be made to Walter's *Geschichte der römischen Rechts*, §§ 233–248, 308–320, 387–392; Puchta, *Institutionen*, §§ 66–69, 93, 94, 122, 123; Sigonius, *de Antiquo Jure Provinciarum*, lib. i.–iii.; Savigny, *Geschichte des röm. Rechts im Mittelalter*, vol. i.; and Goettling's *Geschichte der römischen Staatsverfassung.* [J. B. M.]

PROVOCA'TIO. [APPELLATIO.]

PROVOCATO'RES. [GLADIATORES.]

PROXE'NIA, PRO'XENUS. [HOSPITIUM.]

PRUDENTES. [JURISCONSULTI.]

PRY'TANES. [BOULE, Vol. I. p. 310.]

PRYTANE'UM (*πρυτανεῖον*). The nearest approach that modern usage makes to the Prytaneum of a Greek state may be found in the town-hall or *hôtel de ville;* but the religious character attaching to it gave it a much higher significance, and it had also state purposes which were peculiar to cities of ancient Greece, being non-existent even at Rome, where, as will be pointed out, we have a near parallel on the religious side. The Prytaneum, so far as our evidence goes, was a requisite for every Greek state (Paus. i. 43; v. 15); but only in the capital, not in *demes* or villages attached to it. Its archaic history appears to be as follows. Every Greek tribal settlement of primitive times (and probably the same holds good for most nations of the world) had a common hearth in the chief's house, where the fire was scrupulously preserved, because of the difficulty in those days of procuring fire at all. To pursue this question further is unnecessary here: any book on the folk-lore and customs of almost any primitive nation will supply examples: numerous references are given in a paper on the Prytaneum by Mr. Frazer (*Journal of Philology*, xiv. 28, 1885). The perpetual maintenance of this fire was the duty of the chief, but delegated by him to daughters or slaves; in Rome, no doubt, to daughters, who reappear in history as the Vestals [VESTALES]. If the settlement was moved, the firebrand was taken carefully from the hearth and carried onward, a custom which Parkman has particularly noted in the Indian tribes of America; and similarly, if a swarm of colonists went out to settle elsewhere, they took fire with them.

What had in early times been a necessity became afterwards a religious ceremony, and accordingly we find practically the same usage—even, as it seems, the *shape* of the primitive chief's dwelling—surviving in civilised Greek and Roman states. When one state or *πόλις* absorbed others, which had previously had separate *πρυτανεῖα*, the chief town alone retained a *πρυτανεῖον* common to all: that is to say, a single *βασιλεὺς* replaced the many chiefs, and his single palace contained the common hearth for the sacred fire. That this is not mere surmise may be seen from Thucyd. ii. 15; Plut. *Thes.* 24, where we are told of the abolition of the separate *πρυτανεῖα*, and the establishment of the common *πρυτανεῖον* in the *ἄστυ*: and though the single ruler at Athens became *βασιλεύς*, and not *πρύτανις*, yet

even this latter title in some states, as at Rhodes, continued to be the title of the chief magistrate. It is reasonable then to assume that the Prytaneum in Greek states was originally the house of the king or chief magistrate, and that similarly at Rome the temple of Vesta was once part of the king's house or Regia (see Middleton, *Rome*, p. 181; Frazer, *op. cit.*).

At Athens it is probable that there were several changes in the position of the Prytaneum before the building which Pausanias knew by that name under the northern side of the Acropolis (Paus. i. 18). Full discussions of these migrations of the state hearth will be found in E. Curtius, *Attische Studien*, and in an article by Schöll in *Hermes*, v. 340. We have little doubt, though it cannot be proved, that the original Prytaneum of the "Cecropian" city was upon the Acropolis, but of that no trace in the ground, and little, if any, in literature, has been discovered (Pollux, ix. 40, however, seems to allude to this Prytaneum). It may, we think, be now considered as fairly established that the historical Prytaneum was in the *old* Agora of the "Theseian" city, *i.e.* of the city formed by the aggregation mentioned above; and this Agora must be placed to the south of the Acropolis. Here it is likely that there were both the Prytaneum or state hearth and dining-place for those state-guests who will be described hereafter, and also an original Thesmothesion for the archons to dine in.

Later on, when the city spread, and the Agora was shifted (perhaps, as Curtius thinks, by Pisistratus), the Ceramicus quarter having become the centre of Athenian life and business, the *θόλος* was built near the *βουλευτήριον* (Paus. i. 57); and there the Prytanes thenceforth dined, for the obvious reason that they could not quickly pass from their business to their meals; and in that neighbourhood also, for the convenience of the Archons, was their dining-place, the Thesmothesion: here too was the *στοὰ βασίλειος*, the office of the Archon Basileus, which to some extent represented the old *βασιλεῖον* of kingly times. A very fair inference has been drawn from the shape of the Tholus, a round building with a pointed "umbrella-shaped" roof, that it preserved the orthodox shape of the old Prytaneum; and so, further, that *πρυτανεῖα* represented the primitive circular wattled huts, with peaked roof and hearth in the centre, where dwelt the chief of the tribe: if this theory is correct, it will apply also to the circular temples of Vesta. At a later time, probably after the Roman conquest, the larger building was constructed which Pausanias (i. 18) describes as the Prytaneum on the northern side of the Acropolis, containing the statue of Hestia, to represent the sacred hearth of the state, the statue of Peace and the remains of Solon's tables of law [NOMOS] which denoted its sovereign character, and some other statues.

There were then probably three Prytanea of different dates: (1) the oldest in the Acropolis of prehistoric times; (2) that in the old Agora, south of the Acropolis, which, even after the Tholos took part of its duties, remained as the Prytaneum of the classical age, and was still the state hearth from which fire was taken for colonies, having itself supplied the sacred fire kept also for the altar in the Tholos; and (3) the Prytaneum of Pausanias, which seems to have supplanted the older Prytaneum (No. 2) for all purposes, unless we are to conclude from the way in which Pausanias speaks of *τὸ ἐν πρυτανείῳ καλούμενον δικαστήριον* (i. 28), that the judicial court [see PHONOS] of that name was not transferred to the new building. It may be noted that in this court, as well as in the general term of *πρυτανεῖα* for court fees, we seem to have a relic of the old royal or palace jurisdiction.

At Athens the *πῦρ ἄσβεστον* was, according to Plut. *Num.* 9, as also at Delphi, kept up not by vestal maidens, but by aged widows (*γυναῖκες πεπαυμέναι γάμων*), who perhaps represented the female slaves of the primitive chief, as the Roman Vestals represented the daughters. As regards the supply of sacred fire for colonists starting to found a new state, see above, and compare COLONIA, Vol. I. p. 474.

Sitesis.—It will be convenient to describe here all the classes of persons who were entertained at the cost of the state, though it must be understood that it is entirely erroneous to suppose that they all dined in the Prytaneum —at any rate before the Roman conquest; whether they did so later is open to dispute. We cannot doubt that in the invitation to dine in the Prytaneum we have a relic of the custom that the *γέροντες* or chief counsellors should dine at the king's table, and that the hospitality should be extended to other honoured citizens or distinguished visitors. This custom was not peculiar to Athens; for we have record of entertainment in the Prytaneum as belonging to various Greek towns. Athenaeus mentions it in Thasos, Naucratis, and Mitylene (i. p. 32; iv. p. 149; x. p. 425): we hear of it also at Tenedos (Pind. *Nem.* xi. 8), Rhodes (Polyb. xxix. 5), Cyzicus (Liv. xli. 20), and to this list many additions can be made from inscriptions. In fact, we are brought to the conclusion that if *πρυτανεῖα* as state hearths were probably universal in Greek capital towns, the public entertainment of certain officials, citizens, or foreign guests was at least general.

As regards the regulations of this entertainment at Athens, we are able still to gather a good deal of evidence. Plutarch (*Symp.* iv. 4, 1) tells us that Celeus first had a daily entertainment of *εὐδόκιμοι καὶ ἀγαθοὶ ἄνδρες*. Looking to the connexion of Celeus with the Eleusinian rites, we may conjecture that this tradition is the attempt to explain the right of the Eleusinian priests to partake in the *σίτησις*. There is at any rate little doubt that the early rulers of Athens thus entertained three classes of persons, viz. magistrates, priests, and unofficial guests, alike distinguished Athenians and foreign princes or envoys. Those who *by right of office* dined with the king (or, after the end of the monarchy, dined together) were *σύσσιτοι* (also *ἔνσιτοι*): those unofficial persons, who were invited to dine besides, were *παράσιτοι* (cf. Plat. *Lach.* p. 179 C), but this word became limited to the subordinates of the priests [PARASITI]. The word *ἀείσιτοι* or *ἄσιτοι* is of later times (see below). We must carefully notice also a threefold division of *place* in historical times: I. the Prytaneum, in which the unofficial guests dined; II. the Thesmo-

thesion, where the Archons dined; III. the Tholos. It is of course not impossible, as Schöll thinks, that the Archons had a separate Thesmothesion for dining in the old Agora as well as in later times; but on the whole it seems more likely that before the alteration of the Agora all alike dined together in the Prytaneum; but when, as stated above, the government offices were transferred along with the busy life of Athens to the inner Ceramicus, the division of meals began, and the Archons dined thenceforth in the Thesmothesion.

I. The meals in the Prytaneum continued as before, for (*a*) foreign princes and envoys of other states, the formula for whose invitation is καλέσαι τοὺς πρέσβεις ἐπὶ δεῖπνον (or ἐπὶ ξένια) εἰς τὸ πρυτανεῖον εἰς αὔριον, *i.e.* for the day following their audience in the assembly, and as the conclusion of their mission (Poll. viii. 138; Dem. *F. L.* p. 350, § 31; [Dem.] *de Halon.* p. 81, § 20): the invitation ran in the name of the senate, ἡ βουλὴ καλεῖ (Aristoph. *Ach.* 124; Dem. *l. c.*) or the δῆμος (Dem. *Polycl.* p. 1210, § 13): Demosthenes says ἐκάλεσα (*F. L.* p. 414, § 234), as being the member of the senate who proposed it: (*b*) citizens who had done good service; *e.g.* who had returned from a successful embassy: (*c*) citizens honoured with this entertainment for life, the honour to which Socrates refers in his *Apology*. Such were (1) Olympic victors (Plat. *de Rep.* v. p. 465 D; Plut. *Arist.* 27; Athen. vi. p. 237) and victors in the other great games (*Insc. Ephem.* 29, 2). Schöll appears to be right in his view that this honour was given to an Athenian who won the chariot-race at Olympia, *or* the gymnic contest at any of the four games; (2) distinguished generals or statesmen (Aristoph. *Eq.* 709; Aeschin. *F. L.* § 80; Dem. *Aristocr.* p. 663, § 130); and lastly (3) the representatives of certain families, in which the honour was hereditary: thus we find it a privilege for the nearest representatives for the time being of Harmodius and Aristogeiton (Isae. *de Dic. her.* § 47); the nearest representatives of Demosthenes (Plut. *Dem.* 31).

Schöll (in *Hermes*, xxii. p. 561, 1887) shows that the daughters of such persons were dowered by the state.

II. The meals of the Archons, as mentioned above, were transferred to the Thesmothesion in the New Agora.

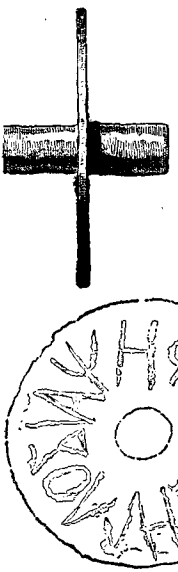
III. In the *Tholos* or *Skias*, for the same reason which made the Archons dine in the Thesmothesion, that they might be near their business, the Prytanes and certain other officials, *during their tenure of office*, took their meals together, after sacrifice offered at the state hearth; for the sacred fire was now in the Tholos as well as in the Prytaneum. Who these officials were may be gathered from the account of the ἀείσιτοι, though it is possible that the number of offices so privileged may have been greater in the period to which our extant lists belong than in earlier times.

The ἀείσιτοι (or ἄϊσιτοι) are not found under that name before the second century A.D.; and, though we cannot say when they were first so called, it is clear from Athen. vi. p. 435 that παράσιτοι was used in that sense by a pupil of Aristotle. It must be particularly observed that ἀείσιτοι does not, as is often supposed, mean, those who had this privilege for life: the element ἀεὶ in the word means *for the time of his office*: for example, ὁ ἀεὶ γραμματεύων was ἀείσιτος. No one who studies the lists of ἀείσιτοι preserved in inscriptions can doubt this for a moment. We have a number of Prytany lists dating from the middle and latter half of the second century A.D. In these we find a list of the Prytanes, and then a separate heading ἀείσιτοι, under which came, first the Eleusinian priests, ἱεροφάντης, δᾳδοῦχος, ὁ ἐπὶ βωμῷ, ἱεροκήρυξ, πυρφόρος (for these offices, see ELEUSINIA, Vol. I. p. 721); then the lay officials connected with the Prytaneis, viz. the clerk of the βουλή, the clerk of the Prytanes (ὑπὲρ τὸ βῆμα), the keeper of records (ἀντιγραφεύς), the under-clerk, the custodian (or priest) of the Tholos (ὁ ἐπὶ τῆς Σκιάδος) = apparently the priest of the Phosphori, and lastly the flute-player at the sacrifices (ἱεραύλης). Now in these lists it is noticeable that, whereas the Eleusinian priests, who held office beyond the year, appear under the same name in various years, this is not the case with the lay ἀείσιτοι. Take for instance the inscriptions, *C. I. A.* iii. 1029–1032, which range from the years 165 to 169 A.D., the four lists being shown to fit these four different years. The Hierophant Flavius of 165 appears in 166; a Julius replaces him in 167 and reappears in 168; the daduchus and hieroceryx bear the same name in all four lists. But when we come to the various clerks, we find that the same name never appears in two different years —(the inscriptions 1032 and 1034 are for the same year, 168 A.D.). The same holds good of the sacred officials of the Prytanes, the ἐπὶ σκιάδος and ἱεραύλης. It may be well, however, to say a word about the former. He was apparently both the custodian of the Tholos or Skias, and also the priest who offered the daily sacrifice at the state hearth for the Prytanes. In an inscription of 180 A.D. (*C. I. A.* iii. 1042) he is called ἱερεὺς τῶν φωσφόρων καὶ ἐπὶ τῆς Σκιάδος. Schöll explains the Phosphori as = Dioscuri, but surely it is more likely that the word should mean the Light Deities who were honoured in the torch-race [LAMPADEDROMIA], and from whom the sacred fire was derived.

The only point remaining for consideration is the condition of things in the newer Prytaneum which Pausanias describes in the second century A.D., the larger and more elaborate building north of the Acropolis, of which we have spoken above. Did the union of the separate meals follow the erection of this larger Prytaneum, so that those who were fed in the old Prytaneum and in the Tholos thenceforth amalgamated? Curtius declares that it did; Köhler (in *Hermes*, v. 340) denies it, and refers to the lists of the age of Pausanias, which seem to imply that the Prytanes and the ἀείσιτοι still dined apart in the Tholos. It cannot be said, however, that the lists distinctly prove this; and the view of Curtius may, after all, be correct. In other words, it is possible that the Tholos was still a sacred place for the offering on behalf of the Prytanes, with the ἐπὶ σκιάδος, as before, in charge of it, but was no longer used for their meals. (On the subject of the Prytaneum and the σίτησις, see Frazer in *Journal of Philology*, xiv. 28; Curtius, *Att. Stud.* ii.; Schöll in *Hermes*, v. and xxii.) [G. E. M.]

PSEPHISMA [BOULE; ECCLESIA; NOMOTHETES, p. 243.]

PSEPHUS (*ψῆφος*). In voting by ballot the Greeks used, according to Pollux (viii. 16 f., 123), sea-shells (*χοιρῖναι*) or imitations of such in metal, beans (*φρυκτοί*), *σπόνδυλοι* of metal (*φασὶ δέ τινες τῶν ἐξηγησαμένων ὅτι ἀπὸ χοιρείων ὀστῶν αὗται ἐγίνοντο*, Schol. Dem. *c. Tim.* p. 747), and *ψῆφοι* of metal (*τετρυπημέναι* and *ἀτρύπητοι*). At Athens in early times sea-shells were in use (Aristoph. *Eq.* 1332 and Schol. on 1147; *Vesp.* 332, 349), and probably also beans (Aristoph. *Eq.* 41: cf. Schömann, *Opusc.* i. p. 269 ff.), and pebbles (Aristoph. *Vesp.* 110; black ones for condemnation and white ones for acquittal, Plut. *Alcib.* 22, cf. Schol. Aeschin. *c. Tim.* § 79); in the times of the orators, however, the dicasts used *ψῆφοι* of metal. These were not balls of metal, but discs with a cylindrical axis (*αὐλίσκος*) running through the centre and projecting on either side, and this cylinder was either solid (*πλήρης ψῆφος*) for acquittal, or pierced (*τετρυπημένη*) for condemnation (Aeschin. *c. Tim.* § 79; Arist. in Harpocr. *s. v. τετρυπημένη*, cf. *C. I. A.* ii. No. 778). Rusopulos (*Ἀρχ. Ἐφημ.* 1862, p. 305) gives the following measurements of the two specimens preserved in the Collection of the Athen. Arch. Soc. Of the pierced one the diameter of the disc is 0·062 French met., thickness 0·001, length of cylinder 0·043, diameter of cylinder 0·013 at one end and 0·012 at the other. The measurements of the solid one vary but slightly: diameter of the disc 0·061, and of the cylinder 0·01. The specimen described by Vischer (*Epigr. u. Archäol. Kleinigk.* p. 16 ff.), which is reproduced below, has a somewhat smaller diameter of the disc (0·060) and shorter cylinder (0·0375). The disc bore on one side the inscription *ψῆφος δημοσία*, and on the reverse a letter (in the specimens at Athens Γ and Κ), referring to one of the ten sections of the dicasts (Wachsmuth, *Archäol. Anz.* 1861, p. 223), or more probably to the court (Arist. in Schol. Aristoph. *Plut.* 278). Special officers (*οἱ λαχόντες ἐπὶ τὰς ψήφους*) gave to each dicast one of each kind in sight of the parties, when both sides had spoken (Harpoc. *l.c.*), and the dicasts walked up to the *βῆμα* (Dem. *F. L.* p. 441, § 311) where two* boxes (*κάδοι*, *καδίσκοι*) stood, into each of which they placed one *ψῆφος* (the remark of the Schol. Aristoph. *Vesp.* 750, *τοῦ κήρυκος τὴν κληρωτρίδα προσφέροντος, ἔβαλον (οἱ δικασταὶ) τὰς ψήφους*, is contradicted by Aristophanes' words, *κἀπισταίην ἐπὶ τοῖς κημοῖς ψηφιζομένων ὁ τελευταῖος*). Of these *καδίσκοι* one, called *κύρωσ* (because the dicast put into it the *ψῆφος* by which he gave his vote), was made of metal; the other, called *ἄκυρος*, was made of wood, and into this he dropped the second *ψῆφος*. In this way that absolute secrecy was secured (*κρύβδην ψηφίζεσθαι*, in an eisangelia, Lyc. *c. Leocr.* § 146; in a *γραφὴ φόνου*, Lys. *c. Erat.* § 91; in a *γραφὴ ἀστρατείας*, Lys. *c. Alcib.* ii. § 10) which was considered a guarantee for the freedom of voting (Dem. *F. L.* p. 415, § 239). For since the old funnel-shaped top of the *καδίσκος* made of wickerwork (*σχοίνινος ἠθμός*, Cratinus, fr. 260; Schol. Aristoph. *Eq.* 1147; Bekk. *Anecd.* 275, 25; and Photius, *s. v. κημός*) had been replaced by a top of lead (*Lex. Rhet. Cant.* s. v. *κημός*), with an opening filed through large enough to admit one *ψῆφος* only (*διερριγημένον ἐπίθημα εἰς τὸ αὐτὴν μόνην τὴν ψῆφον καθίεσθαι*, Schol. Aristoph. *l. c.*), and with a rim running round (*Lex. Rhet. Cant.* l. c. *μετέωρα εἶχε χείλη ὥστε ἐπισκοτεῖν*), it is evident that if the dicast held the *ψῆφος* sideways by the two ends of the cylinder with thumb and second finger, lowered it to the opening in the lid and pushed it in with the first finger (Hesych. *κόγξ . . . . καὶ τῆς δικαστικῆς ψήφου ἦχος*: the *φιληλιαστὴς* gets up in the morning *τοὺς τρεῖς ξυνέχων τῶν δακτύλων* through being accustomed to hold the *ψῆφος*, Aristoph. *Vesp.* 94 f.), it was not possible for anyone to see if he put in the pierced or the solid one. After all had voted, the *κύριος καδίσκος* was emptied out on to a table, and the *ψῆφοι* were counted (cf. Aristoph. *Vesp.* 331 f.).* Even votes amounted to an acquittal (Antiph. *de caed. Her.* § 51; Aeschin. *c. Ctes.* § 252; Aristotle in *Lex. Rhet. Cant.* s. v. *ἴσαι αἱ ψῆφοι*, etc.). Euripides (*Elect.* 1269; *Iph. Taur.* 1470 f.) connects this principle with the trial of Orestes before the court of Areiopagus, when Athena proclaimed *νικᾷ δ' Ὀρέστης κἂν ἰσόψηφος κριθῇ* (Aesch. *Eum.* 741). As Kirchhoff (*Monatsber. d. K. Pr. Akad.* 1874, p. 105 ff.) shows, in trials for murder the *βασιλεὺς* had a vote (Pollux, viii. 90); hence Athena, who acted as *ἡγεμὼν* in Orestes' trial, having taken off her crown, voted after the eleven dicasts, and by giving her vote to Orestes brought about evenness of votes, and thus his acquittal. A heliastic court always consisted of some multiple of a hundred, + 1, to prevent even votes (Schol. Dem. *c. Tim.* p. 702, § 9): thus Pollux (viii. 48) mentions four hundred and one, two hundred and one, as the numbers of dicasts in two different cases of *φάσις* (cf. *Lex. Rhet. Cant.* s. v. *λογισταί*, Boeckh, *Seeur.* p. 464, etc.); the common way, however, of indicating the number was, for brevity's sake, to mention the variable constituent, omitting the invariable one. Even votes could therefore only come about by the default of individuals at the last moment (Schömann, *de Com.* p. 153). The total of votes in *C. I. A.* ii. No. 778 is four hundred and



Ancient *ψῆφος*.

* Pollux (viii. 123 = Schol. Aristoph. *Eq.* 1150) alone speaks of there having been one *κάδος* into which the dicast put whichever of the two *ψῆφοι* he pleased.

* Hippodamus suggested a different way of taking the verdict, viz. by means of *πινάκια* (Arist. *Pol.* ii. 5, 35).

ninety-nine; on the voting in Socrates' trial, cf. *Att. Proc.* ed. Lipsius, p. 169 n. A similar system of balloting was employed when the dicasts voted on the question of penalty (Dem. *c. Aristocr.* p. 676, § 167; [Dem.] *c. Neaer.* p. 1347, § 6); hence the verdict on the question *guilty or not guilty* or *for the plaintiff or defendant* is called *πρώτη ψῆφος* (Aeschin. *c. Ctes.* § 197; Dem. *F. L.* p. 434, § 290; [Dem.] *c. Aristog.* i. p. 795, § 83). In the time of Aristophanes a curious custom was in vogue. Each dicast had a waxen tablet (*πινάκιον τιμητικόν*, Aristoph. *Vesp.* 167; Pollux, viii. 16), on which, if he awarded the heavier penalty, he drew a long line (vertically on the tablet); if the lighter penalty, a short line (horizontally on the tablet): cf. *τιμᾶν τὴν μακράν*, sc. *γραμμήν*, Aristoph. *Vesp.* 106, and Photius, *s. v. μακρὰν τιμῆσαι*, etc.

A different system of voting was in use in the time before the archonship of Eucleides, and this seems in some cases to have been continued also in the fourth century: viz. there were two boxes, one for condemnation and the other for acquittal (*ὁ ἀπολλὺς καδίσκος* and *ὁ ἀπολύων* in Phrynichus, *Μοῦσαι*, B.C. 405; *τὸ αἱματηρὸν τεῦχος* and *τὸ ἐνάντιον κύτος*, Aesch. *Agam.* 788 f.; *ὁ θανάτου κ.* and *ὁ ἐλέου*, Scholiast. Aristoph. *Vesp.* 985), and each dicast had one *ψῆφος* only, which received its meaning from the box into which it was put. The two boxes were, we must suppose, so placed that the nearer one (*ἡ προτέρα*) was that of condemnation, the further one (*ἡ ὑστέρα*) that of acquittal: thus in Aristoph. *Vesp.* 987 ff., Philocleon acquits Labes by throwing his vote into the second (*ὕστερον*) cup (cups being here used instead of urns, 855); cf. also Xen. *Hell.* i. 7, 9. It is difficult to understand how secrecy was possible with this method of voting, and yet we are clearly told that it was so. Lysias (*c. Agor.* § 37) complains of the irregular mode of voting introduced by the Thirty in the senate: the *ψῆφοι* had to be placed on the two tables—this at once makes it open voting—instead of being put into the *καδίσκοι*, and, further, the vote of condemnation had to be placed on the further table, *i.e.* on that nearest the seats of the Thirty. The voting in Orestes' trial, too, is conceived of as secret, for the result is not known before the counting of the votes takes place. Schömann and Sauppe (*de Athen. ratione suffr. in iudic. fer.* p. 9) suppose that secrecy was secured by the two urns being so placed that the people standing around could not see into which of them the *ψῆφος* was thrown; but this explanation is insufficient, inasmuch as voting could only be said to be secret if even the other dicasts did not know how each had voted. To meet this difficulty, Lipsius suggests that each dicast had, besides his *ψῆφος*, some other token to put into the second box. It has not yet been fully established to what extent this mode of voting continued in the fourth century. Lipsius quotes two instances of it, viz. the eisangelia against Leocrates and a *δίκη ψευδομαρτυριῶν* in Isae. *Dicaearch.* § 18. As regards the former, the words of Lycurgus have been differently explained: *ὑμῶν δ' ἕκαστον χρὴ νομίζειν τὸν Λεωκράτους ἀποψηφιζόμενον θάνατον τῆς πατρίδος καὶ ἀνδραποδισμὸν καταψηφίζεσθαι καὶ δυοῖν καδίσκοιν κειμένοιν τὸν μὲν προδοσίας τὸν δὲ σωτηρίας εἶναι καὶ τὰς ψήφους φέρεσθαι τὰς μὲν ὑπὲρ ἀναστάσεως τῆς πατρίδος τὰς δὲ ὑπὲρ ἀσφαλείας καὶ τῆς ἐν τῇ πόλει εὐδαιμονίας.* Whilst Schömann, whom Lipsius follows, identifies the *προδοσίας καδίσκος* with the *ἀπολύων*, and the *σωτηρίας καδίσκος* with the *ἀπολλύς*, Sauppe supposes that the orator alludes to the *κύριος καδίσκος* and the *ἄκυρος*. Directions as to voting may be given in two ways: either the dicast is told which of the two *ψῆφοι* he is to put into the *κύριος καδίσκος*, as in Aeschin. *c. Tim.* § 79, viz. the pierced one, if he thinks Timarchus guilty, the solid one if not; or he is directed into which of the two urns to place the pierced one. Thus in the trial of Leocrates, if he places it in the *κύριος*, he condemns Leocrates and votes for the safety of the state; if on the other hand he places it in the *ἄκυρος*, he acquits Leocrates and betrays the state: and these urns may thus in a rhetorical manner be called *σωτηρίας καδίσκος* and *προδοσίας* respectively.* As for the second instance (*a δίκη ψευδομαρτυριῶν*), there the dicast had clearly but one *ψῆφος*. For when on the *ψῆφοι* being taken out of the urns it was evident that the defendant had been found guilty, the prosecutor allowed the archon *μὴ συναριθμεῖν ἀλλὰ συγχέαι τὰς ψήφους*, *i.e.* to mix up the *ψῆφοι* of the two urns (of the plaintiff and the defendant respectively), not to count those in each; if two kinds of *ψῆφοι* had been used, and therefore some of each had been placed in the *κύριος*, it would have been rather a question of *διαριθμεῖν* (Szanto, *Wiener Stud.* 1881, p. 28 f.). The same system seems to have been regularly in use, when, as in inheritance cases, there were several parties before the court, to one of whom an estate or some other thing was to be adjudged, and where it was customary to have as many boxes as there were parties, or at least parties in distinct interests ([Dem.] *c. Macart.* p. 1053, § 10, *καὶ αἱ ψῆφοι ὀλίγαις πάνυ ἐγένοντο πλείους . . . . ἐν τῷ Θεοπόμπου καδίσκῳ ἢ ἐν τῷ τῆς γυναικός*: cf. Isae. *Hagn.* § 21 f.). (*Att. Process*, ed. Lipsius, p. 934 ff.)

As regards the senate, Pollux (viii. 19) says, *ἡ βουλὴ οἱ πεντακόσιοι φύλλοις ἀντὶ ψήφων ἐχρῶντο.* This refers to the expulsion of an unworthy member by this body, the votes being written on leaves (Harpocr. *s. v. ἐκφυλλοφορῆσαι*); it was followed by a second vote where *ψῆφοι* were used (Aeschin. *c. Tim.* § 111 f. and Schol. *ad l. c.*), when the person expelled might be restored to his place in the senate (*Att. Process*, ed. Lipsius, p. 246 f.). The *Etym. Magnum*, s. v., says that beans were used at first in voting, and that leaves were substituted on account of a fraud practised with the beans. When an eisangelia was laid before the senate, they gave their verdict by secret ballot, whether the defendant was guilty or not; and if he was found guilty, they voted on a second day by show of hands (*διαχειροτονία*) whether they should sentence him to a fine of 500 drachmas, which it was competent for them to impose, or hand him over to a court ([Dem.] *c. Euerg. et*

* In public trials it would seem that only one method of voting was in use after the archonship of Eucleides, viz. that with two *ψῆφοι*.

Mnes. p. 1152, § 42 f.; Aeschin. *c. Tim.* § 35, *lex*). Secret voting in deciding the question *guilty or not guilty* was here the rule, and Lysias complains of the irregularity introduced by the Thirty, viz. that the votes should be placed, not in boxes, but openly on tables (*c. Agor.* § 37). Similarly the Thirty introduced open voting in the popular assembly (Xen. *Hell.* ii. 4, 9: cf. the action of the oligarchs in Megara in B.C. 424, Thuc. iv. 74). Here the usual method of voting was by show of hands (*χειροτονία*); but on the occasions when the ballot was employed, it was deemed important that the voting should be secret, and that the numbers should be accurately counted. Thus to pass a psephisma for the naturalisation of a foreigner ([Dem.] *c. Neaer.* p. 1375, § 89), or to grant liberty (*ἄδεια*) to speak concerning a disfranchised person or a state debtor (Dem. *c. Tim.* p. 715, § 46), it was necessary that 6,000 persons should vote in secret (not a majority of 6,000). The same regulation applied to ostracism [EXSILIUM], both as regards number of voters and secrecy of voting (*στρέφοντες τὴν ἐπιγραφήν*, Philochorus in *Lex Rhet. Cant.* s. v.). When the assembly acted in a judicial capacity, the proceedings were probably the same as those detailed in the *προβούλευμα* concerning the generals in Xen. *Hell.* i. 7, 9: *διαψηφίσασθαι Ἀθηναίους ἅπαντας* (*i.e.* the 6,000 necessary for *νόμοι ἐπ' ἀνδρί*, Fränkel, *Att. Geschwornenger*, p. 18) *κατὰ φυλάς. θεῖναι δὲ εἰς τὴν φυλὴν ἑκάστην δύο ὑδρίας· ἐφ' ἑκάστῃ δὲ τῇ φυλῇ κήρυκα κηρύττειν, ὅτῳ δοκοῦσιν ἀδικεῖν οἱ στρατηγοί . . . . εἰς τὴν προτέραν ψηφίσασθαι, ὅτῳ δὲ μή, εἰς τὴν ὑστέραν.* This mode of voting was in no way irregular, as Löschcke shows (*Jahrb. f. Philol.* 1876, p. 755 f.); the irregularity consisted, among other things, in the fact that it was proposed to vote upon the case of all the accused persons at once (*μιᾷ ψήφῳ*, Xen. *l. c.* 26, or *ἀθρόοι*, Plat. *Apol. Socr.* 23 B; cf. Lys. *c. Eratosth.* § 52), not *κατὰ ἕνα ἕκαστον* (Xen. *l. c.* 23, 34). This was, however, not specially ordained by the psephisma of Cannonus, as Grote thinks (*Hist. of Gr.* vii. p. 438 n.), but was a generally recognised principle of Attic law (Bamberg, *Herm.* 1878, p. 509 ff.; Philippi, *Rh. M.* 1880, p. 607 ff.).

Secret voting was also practised when the members of a phratry registered a new-born child or an adopted son in the *φρατερικὸν γραμματεῖον* (Dem. *c. Macart.* p. 1078, § 82; cf. the continuation of *C. I. A.* ii. No. 241 b, published in *Berl. Philol. Wochenschr.* 1889, No. 7, p. 225); when the demotae entered the name of the youth in the *ληξιαρχικὸν γραμματεῖον* (Dem. *c. Eubul.* p. 1318, § 61; Euxitheus learned the fact of Eubulides not having voted against him only from the circumstance that all had voted for him), and in a *διαψήφισις* (Suidas, *s. v.*; Dem. *c. Eubul.* p. 1302, § 13 f. speaks of *ψῆφοι*: Pollux, viii. 18, says that *φύλλα* were used on such occasions); cf. also *C. I. A.* ii. No. 578, l. 16 ff., *τῷ δὲ εὐθύνῳ μὴ ἐξεῖναι ἐξελεῖν τὴν εὔθυναν ἐὰν μὴ τοῖς πλέοσιν δόξει τῶν δέκα τῶν αἱρεθέντων διαψηφιζομένοις κρύβδην.*

The people or senate or jury were said *ψηφίζεσθαι, ψῆφον φέρειν* or *τιθέσθαι* or *διαφέρειν* (Thuc. iv. 74; Xen. *Symp.* 5, 8), *to vote, or give their vote or judgment* (*ψῆφον τιθέναι* in Dem. *de Cor.* p. 304, § 229, is *to cast accounts*). The presiding magistrate or officer, who called on the people to give their votes, was said *ἐπιψηφίζειν* or *τὴν ψῆφον ἐπάγειν* or *διδόναι* (Lys. *c. Alcib.* ii. § 2; Dem. *c. Mid.* p. 542, § 82, etc.), the people *ἐπιψηφίζεσθαι*: *ψηφίζεσθαί τινι* (Isae. *Cleon.* § 38, etc.) is *sententiam ferre pro aliquo* = *τὴν ψῆφον διδόναι* or *φέρειν τινί* (Dem. *c. Mid.* p. 575, § 188, etc.). *Ψηφίζεσθαι, to vote, to resolve, ἀποψηφίζεσθαι, to acquit*, and other derivations from *ψῆφος*, are often used metaphorically, where the method of voting was *χειροτονία*, and conversely (Schömann, *de Com.* p. 123 f.). [C. R. K.] [H. H.]

PSEUDE'NGRAPHES GRAPHE (*ψευδεγγραφῆς γραφή*). It is shown under PRACTORES that the name of every state debtor at Athens was entered in a register by the practores, whose duty it was to collect the debt, and erase the name of the party when he had paid it. The entry was usually made upon a return by some magistrate, to whom the incurring of the debt became officially known; as, for instance, on a return by the *πωληταί*, that such a person had become a lessee of public lands, or farmer of taxes, at such a rent or on such terms. In case, however, the authorities neglected to make the proper returns, any individual might, on his own responsibility, give information to the registering officers of the existence of the debt; and thereupon the officers, if they thought proper, might make an entry accordingly, though it would probably be their duty to make some inquiry before so doing. If they made a false entry, either wilfully or upon the suggestion of another person, the aggrieved party might institute a prosecution against them. It would lie also, where a man was registered as a debtor for more than was really due from him. In the case of debts to a sacred fund, where the penalty for non-payment was tenfold, the like remedy would doubtless be open to one who was falsely recorded as a debtor by the *ταμίαι τῆς θεοῦ*. Such prosecution was called *γραφὴ ψευδεγγραφῆς*, and was brought before the Thesmothetae. If the defendant were convicted, the name of the complainant was struck out of the register and that of the defendant was entered in his stead, as debtor for the same amount (Boeckh, *P. E.* p. 390 = *Sthh.*[3] i. 460). It is also probable that he had to pay a like sum as damages to the plaintiff; a conclusion to which Boeckh was led by the very precise language of an inscription (*C. I. A.* ii. 811 c, line 147; cf. *Securk.* p. 537 ff.; Fränkel, n. 607 on Boeckh; Thalheim, *Rechtsalterth.* p. 46 n.).

Some questions connected with this action have already been discussed under the very similar BOULEUSEOS GRAPHÉ (Vol. I. p. 314): (1) whether the atimia of the state debtor was in abeyance while this action was pending; and (2) against what class of persons it would lie. The conclusion there arrived at, that it lay only against the public officer who had made the false entry, not against the informer who had misled him, may be regarded as definitely established by the inscription already referred to (*Securk.* p. 538; Platner, p. 118; *Att. Process*, p. 417 n. Lips.). We may presume that on such a charge it was necessary to prove fraudulent or malicious motives; but it is reasonable also to suppose that, in any case of gross negli-

gence, fraud or malice might (as matter of course) be presumed by the dicasts. (Pollux, viii. 40, 43; Harpocr. and Suid. *s. vv.* *βουλεύσεως*, *ψευδεγγραφή*, *ψευδέγγραφος δίκη*: Boeckh, *P. E.* pp. 349, 390 = *Sthh.*[3] i. 419, 460; Platner, *Klagen und Process*, ii. 117 f.; *Att. Process*, p. 515 ff. Lips.) [C. R. K.] [W. W.]

PSEUDOCLETEIAS GRAPHE (*ψευδοκλητείας γραφή*), a prosecution against one who had falsely appeared as a *κλητὴρ* or *κλήτωρ*, *i.e.* a witness to prove that a defendant had been duly summoned, and who had thereby enabled the plaintiff to get a judgment by default. To prevent fraud the Athenian law directed that the names of the witnesses (usually two in number; CLETERES) who attended the summons should be subscribed to the bill of plaint or indictment (*ἔγκλημα*), so that the defendant, if he had never been summoned and judgment had nevertheless been given against him by default (*ἐρήμη δίκη*), might know against whom to proceed. A good example of the practical necessity for legislation on this point occurs in Dem. *c. Nicostr.* p. 1251, § 14, where we read of *ἀπρόσκλητον ἐξ ἐμφανῶν καταστάσεως ἐπιβολήν*, "a fine for non-production of property in court demanded (and even registered) without formal citation" (cf. Sandys *ad loc.*; *Att. Process*, p. 976 Lips.). The false witness (*κλητὴρ*) was liable to be criminally prosecuted, and punished at the discretion of the court. Even death might be inflicted in case of gross conspiracy (Dem. *op. cit.* p. 1252, § 18). A person thrice convicted of this offence was, as in the case of other false testimony, *ipso jure* disfranchised; and even for the first offence the jury might, if they pleased, by a *προστίμησις* inflict the penalty of atimia upon him (Andoc. *de Myst.* § 74; Meier, *de Bon. Damn.* p. 125). Here we may observe this distinction, that the proceeding against the false witness to a summons was of a criminal nature, while the witness in the cause (*μάρτυς*) was liable only to a civil action. The reason may have been that the former offence was more likely to do mischief. The magistrates before whom the defendant neglected to appear, when by the evidence of the witness it was shown that he had been duly summoned, had no discretion but to pronounce judgment against him; whereas the dicasts, to whom the witness gave evidence at the trial, might disbelieve him and find their verdict according to the truth. If the fraud was owing to a conspiracy between the plaintiff and the witness, it is probable that an action at the suit of the defendant would lie against the former to recover compensation; for, though the conviction of the witness would lead to a reversal of the judgment, still he (the defendant) might have suffered damage in the meantime, which the setting aside of the judgment would not repair. Such action might, it would seem, be a *δίκη συκοφαντίας* (*Att. Process*, p. 413, Lips.) or *κακοτεχνιῶν* (*ib.* 492–3). If the name of the witness had been fraudulently used by the plaintiff, and the witness had thereby been brought into trouble, there is evidence, as well as probability, that he had a *δίκη βλάβης* against the plaintiff (*ib.* 415; Dem. *c. Aphob.* iii. p. 849, § 16). The *γραφὴ ψευδοκλητείας* came before the Thesmothetae, and the question at the trial simply was, whether the defendant in the former cause had been summoned or not. Theopompus, in a passage which is perhaps a libel upon the Athenians, says that Athens was full *λωποδυτῶν ψευδομαρτύρων καὶ συκοφαντῶν καὶ ψευδοκλητήρων* (*ap.* Ath. vi. p. 254 b). (Pollux, viii. 40; Harpocr. *s. v.*; Bekk. *Anecd.* 317; Boeckh, *Kl. Schriften*, iv. 120 ff.; Platner, *Klagen u. Process*, i. 417; K. F. Hermann, *Staatsalterth.* § 140; *Att. Process*, p. 414 f., Lips.) [C. R. K.] [W. W.]

PSILO'THRUM (*ψίλωθρον*), in Latin authors sometimes spelt *psilotrum*, an application for removing superfluous hair, a depilatory. The favourite kind was made of heated arsenic and unslaked lime (Theophr. *H. P.* ix. 20, § 3); the arsenic is mentioned by Pliny (*H. N.* xxxiv. § 178). The roots and juices of various pungent plants were also used; the root of the wild vine, Theophr. *l. c.*: on the other hand, *lacrima vitium*, Plin. *H. N.* xxiii. § 3; *lacrima hedcrae*, id. xxiv. § 79; other vegetable substances, xx. § 90, xxi. § 118, xxii. § 134, xxiv. § 58, xxvii. § 72; animal matters, xxviii. §§ 46, 250, 255, xxx. § 132, xxxii. § 76. Several receipts are given (*H. N.* xxxii. §§ 135–6), with the remark appended that the hairs must first be pulled out [VOLSELLAE], when psilothrum will prevent their growing again. Pitch-plaster (*ῥῶπαξ*) was used for the same purpose (Mart. iii. 74, x. 65; Phrynich. p. 405 Lobeck = 488 Rutherford).

The practice of getting rid of hairs from the body (*παρατίλλεσθαι, λεαίνεσθαι*) was at first peculiar to women (Aristoph. *Ran.* 516, *Lysistr.* 82, 151; a Roman lady's toilet in Mart. vi. 93), but in later times extended to men of effeminate habits. (See quotations from Theopompus *ap.* Athen. vi. 260 e, xii. 518 a; Clearchus, *ib.* xii. 522 d; Antigonus of Carystus, *ib.* xiii. 565 f; and cf. Plin. *H. N.* xxvi. § 164.) The foppish and obscene excesses of the later Romans are well known (Suet. *Jul.* 45; Mart. iii. 74, viii. 47, x. 65; Pers. iv. 35–41; Juv. ii. 12; Clem. Alex. *Paedag.* iii. p. 261 P.). Cf. ALIPILUS; VOLSELLAE. (Hermann-Blümner, *Privatalterth.* p. 209 n.; Marquardt, *Privatl.* p. 581; Becker-Göll, *Gallus*, iii. 241.) [W. W.]

PSYCTER (*ψυκτήρ*), a vessel for cooling wine or water. Wine was also cooled more simply by putting it in wells (Athen. iii. p. 124 d; Plut. *Quaest. Conv.* 6, 4), or mixing it with snow (Athen. iii. p. 125 c), or, less commonly, with ice (Sen. *Ep.* 78). These special wine-coolers were introduced to keep the snow separate from the wine. The vessel bore various names, in Greek usually *ψυκτὴρ* or *ψυγεύς*, but also *βαύκαλις* (*Anth. Pal.* xi. 244) and *κάλαθος* (Hesych.); in Latin *calathus* (Verg. *Ecl.* 5, 71; Mart. xiv. 107) or *gillo*. In Plat. *Symp.* p. 214 A, the *ψυκτήρ*, which Alcibiades substituted for a drinking-cup, contained two quarts, but this was a small size; on the other hand the enormous *ψυκτῆρες* mentioned in Athen. v. 199 as carried in a procession and containing from 18 to 54 gallons were clearly not for ordinary use. The material was metal (silver or bronze, Athen. *l. c.* and iv. p. 142 d) as well as earthenware, and therefore the cooling cannot have depended on evaporation through a porous substance. As regards the shape, an example is given by Baumeister (*Denkm.* p. 1989), but it is not likely that they were all of one type. Pollux (vi. 99) says that it was a *δῖνος*, which implies that it

was rounded at the bottom (Schol. Aristoph. *Nub.* 1474, *Vesp.* 618; cf. Athen. iv. p. 142, where it is on a tripod), and he adds that it was distinguished from the ACRATOPHORUS by having no pedestal, but standing on little knobs (*ἀστραγαλίσκοι*), with which Ussing compares a vessel figured in *Mus. Borbon.* iii. 14. It is not improbable that the rounded shape was found convenient for the inner vessel in the double *ψυκτήρ*. The name *calathus* also may be descriptive of one of the shapes which it took (perhaps most commonly), like the ordinary pail-shape, larger at the top and diminishing towards the base. [CALATHUS.]

The name Psycter might probably be given to any vessel in which wine was cooled, even when the process was merely putting in snow, but the contrivance specially so called consisted of a smaller vessel placed within a larger one. Sometimes the wine (or water) to be iced was placed in the smaller and plunged into the larger vessel which contained snow; sometimes the snow was placed in the smaller vessel and let down into the larger vase of wine. When the wine was sufficiently iced, the smaller vessel was no doubt removed, and the wine ladled out with a *cyathus* (Athen. xi. p. 503): we have no reason to suppose that a tap was used, as seems to have been sometimes the case in the AUTHEPSA for hot drinks. A contradiction has been imagined between Suidas, who derives the name *ἀπὸ τοῦ ψύχεσθαι ἐν αὐτῷ θᾶττον τὴν κρᾶσιν*, and Pollux, who says, *ἐν ᾧ ἦν ὁ ἄκρατος*: but there is no difficulty in assuming that the wine was sometimes mixed before it was cooled, and sometimes afterwards.

Iced water, the *gelida* of Juv. v. 63 (*frigida*, Tac. *Ann.* xiii. 16), which, like the *calida*, was handed round to mix with the wine, or was used as a drink by itself (Athen. iii. p. 121 e, 122 f), was prepared in a *ψυκτὴρ* as above described (in Mart. xiv. 116, *lagona nivaria*), and a special term *decocta* belongs to it, because it was boiled first in order that it might more readily be iced afterwards (Plin. xix. § 55; Juv. v. 50, and Mayor *ad loc.*). Pliny (xxxi. § 40) says that this *decocta* was an invention of Nero's (cf. Suet. *Ner.* 48), and that the water, which had sometime previously been boiled, was placed in a glass vessel and so plunged into a larger vessel of snow, that it might escape any impurities (*vitia*) of the snow. The word *δηκόκτα* was borrowed by some Greek writers (Galen, x. p. 467; cf. Athen. iii. p. 121).

The snow for this purpose, or for use in the *colus* or *saccus nivarius*, was kept through the summer in pits covered over with chaff and woollen cloths (Plut. *Symp.* vi. 6; Augustin. *de Civ. Dei*, xxi. 4): compare the narrative of Chares (*ap.* Athen. iii. p. 124 c), who tells us that Alexander preserved snow in India by putting it in trenches and covering it with oak boughs. The method of Antiochus stated below (p. 124 e), when *ὑδρίαι κεράμεαι* were placed on straw on the top of the house at night, seems to have been the method of freezing by evaporation which is common in Persia at the present time. (See also Ussing in *Annal. d. Inst.* 1849; Beckmann, *Hist. of Inventions*, iii. 322; Becker-Göll, *Charikles*, ii. 346; *Gallus*, iii. 430; Marquardt, *Privatleben*, 333.) [J. Y.] [G. E. M.]

PUBES, PUBERTAS. [CURATOR; IMPUBES.]

PUBLICA'NI. The name was applied to the farmers-general of the Roman revenues; the word *publicum* denotes both state revenue and state service (Dig. 39, 4, 1; Tac. *Ann.* xiii. 51; Livy, xxiii. 49, 1), and publicani, which is derived from it, combines both these ideas, in its meaning of persons who served the state in the collection of its revenues. The mode of collection is shown further by the definition of publicani in the Digest as "contractors for the public vectigalia" (Dig. 39, 4, 12). From a very early period the Roman state employed a peculiar mode of getting in a very large amount of its revenues. It was a system of indirect collection by means of middlemen, a class of individuals intermediate between the government itself and the subjects of governmental taxation. Such a system was probably employed for the collection of the old port-dues of Ostia on goods exposed for sale (*promercale*), and certainly for the working of the salt monopoly, which originated as early as the year 508 B.C. (Livy, ii. 9, 6). The system was simply that of the purchase or lease by a publicanus of a prospective source of revenue, which he farmed at his own risk and for his own profit. This was the general principle, as illustrated by all the sources of revenue to which the system was applied; but its application was different, as the sources of revenue themselves differed; and we can distinguish two methods of tax-farming, which were regarded as distinct both in law and in fact. In one of these the publicanus is not directly employed in working the source of revenue, in the other he is; in the one case, therefore, the publicanus is not the *possessor* or occupant of the land, or other source of wealth, from which the revenue is derived: in the other case the *possessor* and *publicanus* are identical. It is only to the first of these two classes of tax-farmers—to those, that is, who are regarded as collecting *vectigal* from *possessores* other than themselves—that the name *publicanus* is strictly applied; the latter class are regarded in law not as publicani, but as *publicanorum loco* (Dig. 39, 4, 12, 13), although, in the current literature of Rome, they were, equally with the former class, called *publicani*.

It will be more convenient to treat the latter class of publicani first; their relations to the state were simpler, and their sphere of action more limited. To this class belong the revenue-farmers who worked certain fixed sources of wealth, such as mines, salt-works, fisheries and the like, which belonged wholly to the state, and which the state, for purposes of revenue, leased directly to the publicanus as a contractor. The publicanus is, in this case, a contractor (*conductor*) for supplying a fixed revenue to the state from such property. The terms of his contract are fixed by a *lex censoria* made with the censor as the representative of the state; and the *lex censoria*, besides specifying the revenue that the state requires him to pay, also states certain conditions under which the contract is to be undertaken. To this class of fixed sources of revenue directly contracted for by the publicanus belong fisheries (Dig. 43, 14, 7), amongst which the right of fishing in the Lucrine lake was a monopoly vested in a publicanus; salt-works, perhaps the oldest of this class at Rome (Livy, ii. 9, 6; Dig. 50, 16, 17),

the monopoly of which was continued down to a very late period of the Empire [SALINAE]; mines, in connexion with which we find certain conditions stated in the *lex censoria*, as, for instance, that not more than five hundred workmen should be employed in the gold mines of Vercellae (Pliny, *H. N.* xxxiii. § 78) by the contractor who worked them; and forest-land (*silva caedua*), which was also let to a contractor who paid a fixed revenue to the state. These were all in the nature of state monoplies; either wholly so, as in the case of the mines and saltworks, or partially, as in the case of certain fisheries retained by the state; while new monopolies might be artificially created, as were the quarries in Crete, by forbidding the exportation of such goods to any one but the government contractor (Dig. 39, 4, 15). The reason of their being worked by this class of middlemen can only be found in the incapacity of the Roman government, as it was constituted, to work them for itself. The rapid succession of magistrates and the singular absence of permanent officials at Rome accounts for its putting such sources of wealth into the hands of publicani, to the equal injury of the consumer and loss of the state. Before the powers of the senate were firmly established and distinctly recognised there was no really permanent administrative body in Rome; and when the powers of the senate were established, the system of middlemen was found established too. But this system of direct farming was not applied to remunerative monopolies only; it was applied, in certain exceptional cases, to Roman domainland. The only land in Italy believed to have been so dealt with was the Campanian land, which, for this reason, was specially exempted from the agrarian legislation of the Gracchi (Cic. *de leg. Agr.* ii. 29, 81; *ad Att.* ii. 16, 1). Certain lands in the provinces, which had been royal domains of the kings whom Rome had either conquered or supplanted, were also dealt with in this way; such were the royal domainlands in Bithynia, the lands of Attalus in the Chersonnese, those which had been the private property of the Macedonian kings Philip and Perseus, and which were, in Cicero's time, *a censoribus locati* to the publicani (Cic *de leg. Agr.* ii. 19, 50); in the same way certain portions of confiscated territory were leased to *conductores*, among which we find mentioned the territory round Corinth (*ib.* ii. 19, 51).

But, as a whole, we find the public land of Rome (*ager publicus*) dealt with in quite a different manner by the state. The greater part of the land over which the Roman state claimed dominion was either tilled land (*ager*) or pasture (*silva pascua, saltus*, Dig. 50, 16, 30; Varro, *L. L.* 5, 36). As such it was enjoyed, if tilled land, by the *possessor;* if pasture land, by the *pastor:* but the state makes no fixed bargain with either of these, it only tolerates them, and the possessor in this case is not the publicanus. The publicanus is the man who has a right to collect *vectigal* (ἀποφορά, App. *Civ. Bell.* i. 7; Plut. *Tib. Gracch.* 8) from the person who uses the land. The revenue to be paid is determined by the *lex dicta*, under which the censor sold the right to the publicanus (Lex Agraria, § 85, *ex lege dictâ, quam censores deixerunt, publicano dare oportuit*). The conditions of sale with the publicanus obviously determine what the possessor or pastor has to pay. The possessor according to Appian, paid one-tenth of the produce of sown land, one-fifth of the produce of planted (*Bell. Civ.* i. 7), although the vectigal actually collected seems to have been in most cases less. The pastor paid a vectigal, which in this case was called *scriptura* (Festus, s. v. *scriptuarius ager*). The relations between the publicanus and the occupants of the land were regulated by the *lex dicta* of the censor. The third great class of revenues collected in this manner were the custom-dues (*portoria*), which were similarly leased to the publicanus by the censor, who fixed the conditions under which they were to be collected.

A very great extension was given to the system of tax-farming by the adoption of this method in provincial administration. The first province to which the system was directly applied was the province of Asia. In Sicily and Sardinia it had been found already in force on the Roman occupation, and by the Lex Sempronia (C. Gracchi) this method of raising revenues, with a nearer approximation to the Italian system, was applied to Asia (C. Gracch. *ap.* Gell. xi. 10; Cic. *in Verr.* iii. 6, 12–14). The theory which this system implied was that most of the provincial land was *ager publicus*, and that the dominium had therefore passed to the Roman people; that its occupiers were only possessores, and should therefore pay the customary revenues, the *decumae* and *scriptura* on the land, as well as the *portoria*, all included under the generic name *vectigal* (Cic. *pro lege Man.* 6, 15), which were paid in Italy [see PROVINCIA]. While, however, in Sicily the existing Lex Hieronica was adhered to, and the tenths of the soil (*decumae*) were sold in Sicily itself (Cic. *in Verr.* ii. 25, 63; ii. 60, 147; iii. 7, 16), Asia was subject to a *lex venditionis*, which enjoined that the Asiatic taxes should be put up for sale for the province as a whole and in Rome (*in Verr.* iii. 6, 14).

For the collection of such provincial taxes the publicani made a fixed contract with the state, and then farmed the taxes at their own risk (Cic. *ad Quint. Fr.* i. 1, 11; *ad Att.* v. 13, 1); sometimes they over-estimated the resources of the province, with the result that they farmed them at a loss (Cic. *ad Att.* i. 17, 9; ii. 1, 8). The connexion of the publicani with the provinces, especially with that of Asia, was much closer than that of being merely its tax-farmers. They invested their money largely in the province (Cic. *de leg. Man.* 7, 17), and themselves carried on business as *negotiatores* there (Id. *ib.* 7, 18). This double character of public contractors and private investors gave them an opportunity for unfair exactions. The provincials were often in arrears with the publicani, either from bad years or the peculations of their own magistrates (Cic. *ad Att.* vi. 2, 5), and would have to borrow from these same publicani in their character of bankers. Another source of unfair dealing was the interest provincial governors sometimes had in these exactions. Interference with the customary modes of collection might be sanctioned, and more or less legalised by the governor's edictum perpetuum. Thus Verres' edicts in Sicily were altogether in favour of the tax-farmers (Cic. *in Verr.* iii. 10,

24), and he is accused by Cicero of sharing the profits with the decumani; and although it was illegal, or at least considered highly improper, for a Roman governor or magistrate to be a member of a society of publicani (*ib.* iii. 56, 130), yet, by collusion with a decumanus, and with the large powers a governor had of making new rules in his edict, indirect interference and profit were easily possible (*ib.* iii. 30, 71). In Asia we know that considerable interference with the conditions of the *lex dicta* was permitted, nominally for the convenience of both parties (Cic. *ad Quint. Fr.* i. 1, 12), and with this permission it is clear how the publicani could increase their exactions, when backed up by the representative of Roman authority in the province. Instances of what the additional charges of a provincial publicanus might be are given by Cicero (*in Verr.* iii. 78, 181). In this case there were charges made for the examination of the corn-dues (*pro spectatione*), for discount on foreign money (*pro collybo*), for writing materials and stamp (*pro cerario*), four per cent. (*binae quinquagesimae*) for the secretary, and six per cent. (*ternae quinquagesimae*) for an additional present to the collector. The difficulty of a Roman governor was to be in favour both with the publicani and the provincials at once (Cic. *ad Quint. Fr.* i. 1, 12); Cicero boasts to have effected this as proconsul of Cilicia (*ad Att.* vi. 25), and remarks how much easier matters were made for him, on his arrival in the province, by the fact of the arrangements between the publicani and the provincials having been already concluded (*ad Att.* v. 13, 1). Other injuries were inflicted, without the cognisance of the publicani themselves, by the lower officials employed for the actual work of collection, especially in the case of the *portoria* (Dig. 39, 4, 12; Cic. *ad Quint. Fr.* i. 1, 11).

With the Empire came a great restriction of the operations of the publicani. Tax-farming as a general mode of raising provincial revenue had ceased [PROVINCIA], and private enterprise in the working of monopolies was also largely restricted (Suet. *Tib.* 49). But publicani are still found employed for a great many public purposes in the reign of Tiberius; for the working of the *publici fructus*, such as mines, forests and the like, and for the supply of corn to the army (Tac. *Ann.* iv. 6; xiii. 51). They still, in Nero's time, collected the *portoria* (*ib.* xiii. 50); and we find, in much later inscriptions, the *conductores* mentioned by the side of the *procuratores*, for the collection of different sorts of revenue from the same province (Henzen, 6648, 6650). But they were, from this time, subject to much greater scrutiny than formerly. Nero issued an edict that the laws which regulated their several contracts should be formally published, and increased the powers of the praetors at Rome and the governors of the provinces, of dealing summarily with such matters (Tac. *l. c.*). The title in the Digest that treats of the publicani (Dig. 39, tit. 4, *De publicanis et vectigalibus et commissis*) shows us a number of laws made by later emperors on the subject, the object of most of them being to restrain the illegal exactions of the publicani: as, for instance, that the penalty for illegal claims was double the amount so exacted; or, if force had been used, quadruple (Dig. 39, 4, 9, 15); and that the publicanus was to be held responsible for the misdeeds of his slaves who were employed in collecting the revenue (*ib.* 39, 4, 12, 1).

From the earliest times we find that the publicani do not undertake their contracts singly; the extent of the undertakings, and the amount of security which the state required them to deposit, would have rendered it impossible. They worked in companies (*societates publicanorum* or *socii publicorum vectigalium*), which were composed of shareholders (*socii*), who might have a greater or smaller share in the concern (*partes* or *particulae*). These companies had a legal representative (*manceps*) who acted for the *societas* as its formal head (*princeps publicanorum*, Ps.-Asc. *in Div.* p. 113). The manceps bid for the contract, agreed to the terms imposed by the censor, saw that security (*praedia*) was deposited by the sureties (*praedes* or *fidejussores*, Ps.-Asc. *in Verrin.* p. 196; Dig. 39, 4, 9), and undertook the risk of the contract on behalf of the company. Polybius (vi. 17) mentions three stages in the business of a company of publicani: the bidding for the contract, the depositing of the security, and finally the handing of the vectigal due into the treasury. He mentions the manceps and praedes as distinct persons; they were very often so in fact, but the *manceps* himself was called *praes*, inasmuch as he was equally responsible for the fulfilment of the contract (Festus, s. v. *manceps*). The word *lustrum*, primarily denoting the ceremonies attending the taking of the census, was applied to the period during which the contract ran (Cic. *ad Att.* vi. 2, 5), which was usually a period of five years. Fresh contracts were made at the close of each lustrum, and open competition invited; the contract was purely voluntary,—no state contract was compulsory; and consequently any company that outbid all the others, when the vectigalia were put up to auction, might undertake their collection, provided it could find sufficient security (Dig. 39, 4, 9, 1, 2). The conditions of the contract were contained in a *lex censoria* or *lex dicta*, of which frequent mention has been made, and which was also called a *lex locationis* (Lex Julia Municip. l. 72). Occasionally, however, the people or senate modified the terms fixed by the census, in the interest of the publicani (Plut. *Flamin.* 19; Polyb. vi. 17; Liv. xxxix. 44), and in some cases even the tribunes of the people interfered to effect this object (Liv. xliii. 16). Each company of publicani had a central manager and banker at Rome, called *magister societatis*; these magistri were appointed annually, and handed over their accounts at the end of each year to their successors (Cic. *ad Att.* v. 16, 3; *in Verr.* ii. 74, 182). They had under them a staff of subordinate officials who were said *operas dare publicanis* or *in operis esse publicanorum* (Cic. *ad Fam.* xiii. 65), and who were also called the *familia* of the publicani, this term including not only slaves, but all subordinate officials (Dig. 39, 4, 1). Where the business of the publicani was extended to the provinces, they had a deputy in each local centre called *pro magistro*, with a corresponding *familia* under his direction (Cic. *in Verr.* ii. 70, 171; *de leg. Man.* vi. 16). There was an organised system of communication kept up between the provinces

and Rome by means of letter-carriers (*tabellarii*), of whose services general correspondents frequently availed themselves (Cic. *ad Att.* v. 15, 3; Ter. *Phorm.* i. 2, 100). The companies of publicani received their names from the respective dues it was their business to collect. Thus the collectors of *decumae* were called *decumani;* they ranked highest, and are described by Cicero as "the chiefs and, as it were, senate of the publicani" (*in Verr.* ii. 71, 173). The collectors of *scriptura* were called *pecuarii, scriptuarii* or *pascuarii* (Ps.-Asc. *in Divin.* p. 113); and the contractors for salt-works and the collectors of *portoria* were termed *socii salarii* and *portitores* respectively. There is, however, some doubt about the meaning of *portitores.* The Pseudo-Asconius classes them with pascuarii as a division of the publicani (*in Divin.* p. 113); elsewhere they are spoken of as though they were the servants or lower officials of this branch of the publicani (Plaut. *Asin.* i. 3, 7; Cic. *Off.* 1, 42, and perhaps Cic. *ad Quint. Fr.* i. 1, 11). It is not, however, impossible to reconcile these two meanings, and to suppose that the staff (*familia*) of a certain company of tax-farmers might themselves be called by the name applicable to this company. Usually each company seems to have collected but one kind of revenue; but we find an instance in which two kinds, the *portoria* and the *scriptura,* were farmed by the same company (Cic. *in Verr.* ii. 70, 171).

It only remains to touch briefly on the political position and importance of the publicani. They had always been the great capitalists of Rome, and whenever capital was needed for state purposes they were always to the front. As early as the Second Punic War we see them coming forward to offer their assistance, when the state was in pressing pecuniary difficulties; after the battle of Cannae (Liv. xxiv. 18), and again in 215 B.C., when the Scipios wrote from Spain for supplies, which the state was unable to afford them (Liv. xxiii. 48). As the representatives of capital, Cicero calls them the *firmamentum ceterorum ordinum* (*pro leg. Man.* 7, 17), and maintains that their claims should be primarily regarded in any act of state administration. Their political importance was heightened by the organisation of the capitalists of Rome as the body of Equites, probably brought about by C. Gracchus. In one respect this political organisation reacted on the administration of their provincial functions; for, between the times of C. Gracchus and Sulla (123 to 81 B.C.), the Equites formed the judicial body at Rome; and, as they consisted in great part of publicani, they had the power of approving, by their treatment of provincial governors accused of extortion, the regulations of these governors connected with the position of the provincial tax-farmers. In Cicero's letters *publicani* is used almost indiscriminately with *equites,* to denote a political power in the state (Cic. *ad Att.* i. 17, 9; ii. 1, 8). Many political actions that had the most important consequences were brought about by a representation of their claims backed by their influence, as, for instance, the passing of the Manilian law (B.C. 66): and in one instance the neglect of the claims of the publicani was the cause of a breach between the equites and the senatorial government (Cic. *ad Att.* ii. 1, 8), that helped to accelerate the downfall of the Republic. [A. H. G.]

PUBLICIANA IN REM ACTIO is the action granted by the Praetor's Edict to a person who had commenced the usucapion of a thing, and by which he was enabled to recover possession of it if lost before that usucapion was completed. Possibly the Publicius by whom it was introduced was the one who was praetor in Cicero's time (*pro Cluentio,* 45, 126). The terms of the Edict are given in Dig. 6, 2, 1, pr., and the formula of the action by Gaius (iv. 36), from whom it appears that the ground upon which the recovery proceeded was a fiction that the period of time required for a complete usucapion had run its course: "dicit (actor) rem se usucepisse, et ita vindicat suam esse" (Inst. iv. 6, 4). The action was open to the bonitarian owner [DOMINIUM] as well as to the bonâ-fide possessor, though it is disputed whether this was so under the original Edict of Publicius, or whether it was not extended to the former, with a distinct formula, by a later edict; it being in fact a moot point among civilians whether the true and original principle on which the action rested was inchoate ownership or bonâ-fide possession: in favour of the former are Huschke and Schirmer, of the latter Brinz and Bruns. Probably the first view is correct, with the proviso that a person who had commenced to acquire by *longi temporis possessio* (a merely praetorian title) was no less able to institute the action than one who had entered upon the civil law usucapion (Dig. 6, 2, 11, 1; *ib.* 12, 2): though the fact that usucapio extraordinaria was proceeding (*e.g.* of a res furtiva) was not sufficient basis for it (Dig. *ib.* 9, 5). By the classical jurists it was disputed (Dig. *ib.* 4; *ib.* 7, 2; 41, 2, 16) whether the action could be founded on a *titulus putativus,* i.e. where the possessor was mistaken as to the ground on which he had acquired possession (*e.g.* Inst. ii. 6, 11), though in the modern civil law this is generally admitted. But in no case would it lie against the real owner of the property in question (Dig. 6, 2, 16, 17), unless the latter, had he brought a real action against the possessor for its recovery, could have been himself repelled by a justa exceptio (*e.g.* doli, rei venditae et traditae, or rei judicatae); in this case, on the actio Publiciana being met by the exceptio justi dominii, the plaintiff could retort with replicatio doli, rei venditae et traditae, &c. Nor could the Publician action be effectually brought against another bonâ-fide possessor of the same property, unless the latter derived his possession from the same "auctor" as the former, but by a later act of traditio (Dig. 6, 2, 9, 4).

Even though it be admitted that the sole condition of the action was usucapion possession (civil or praetorian), it cannot be denied that it found a very large application in cases of bonitary ownership, especially where a res mancipi had been merely tradita, so that ownership in it was not transferred. Upon Justinian's abolition of the distinction between res mancipi and nec mancipi, it became useless for any other purpose than a case of bonâ-fide possession, and this seems to explain why the words "non a domino" appear in the Edict as cited in the Digest, as it

seems clear from Dig. 6, 2, 7, 1[1] (cf. Gaius, iv. 36) that they did not originally form part of it.

The action was further extended, from the recovery of a feigned ownership, to the establishment of servitudes which could not be claimed by a civil law actio in rem (Dig. 6, 2, 11, 1), and of other jura in re aliena: emphyteusis (Dig. 6, 2, 12, 2), superficies (Dig. 43, 18, 1, 3, 6) and pignus (Dig. 20, 1, 18). So, too, the bonâ-fide possessor and other persons who could bring the actio Publiciana directly could bring an actio negatoria in Publician form against persons claiming servitudes over the property in question.

(Dig. 6, 2; Gaius, iv. 36; Inst. iv. 6, 4 and 31; Huschke, *Das Recht der publicianischen Klage*, Stuttgart, 1874; Schirmer and Schulin, *Krit. V. J. Schrift.* xviii. pp. 347–362, 526–545; Brinz, *Lehrbuch*, i. §§ 178, 179; Windscheid, *Lehrbuch*, § 199; Vangerow, *Pandekten*, § 335.)

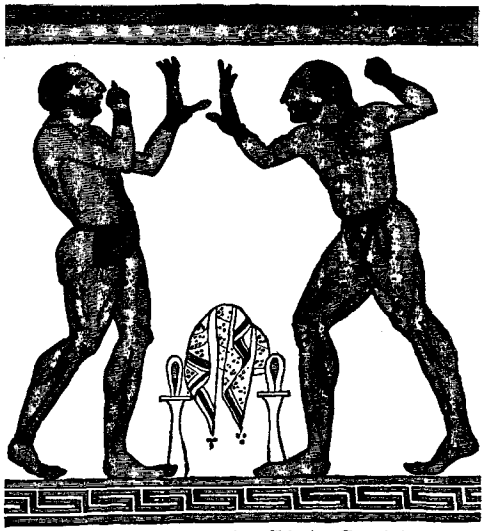
[J. B. M.]

PUGILA'TUS (*πύξ, πυγμή, πυγμαχία, πυγμοσύνη*), boxing. The fist being the simplest and most natural weapon, it may be taken for granted that boxing was one of the earliest athletic games among the Greeks. Hence even gods and several of the earliest heroes are described either as victors in the *πυγμή*, or as distinguished boxers, such as Apollo, Heracles, Tydeus, Polydeuces, &c. (Paus. v. 7, § 4; Theocrit. xxiv. 113; Apollod. iii. 6, § 4; Paus. v. 8, § 2). The Scholiast on Pindar (*Nem.* v. 89) says that Theseus was believed to have invented the art of boxing. The Homeric heroes are well acquainted with it (Hom. *Il.* xxiii. 691, &c.; compare *Od.* viii. 103, &c.). The contest in boxing was one of the hardest and most dangerous, whence Homer gives it the attribute *ἀλεγεινή* (*Il.* xxiii. 653). Boxing for men was introduced at the Olympic games in Ol. 23, and for boys in Ol. 37 (Paus. v. 8, § 3). Contests in boxing for boys are also mentioned in the Nemea and Isthmia (Paus. vi. 4, § 6).

In the earliest times boxers (*pugiles, πύκται*) fought naked, with the exception of a *ζῶμα* round their loins (Hom. *Il.* xxiii. 683; Verg. *Aen.* v. 421); but this was not used when boxing was introduced at Olympia, as the contests in wrestling and racing had been carried on here by persons entirely naked ever since Ol. 15 [cf. LUCTATIO, p. 82 *b*]. Respecting the leathern thongs with which pugilists surrounded their fists, see CAESTUS, where its various forms are illustrated by woodcuts.

The boxing of the ancients appears to have resembled the practice of modern times. It was a point of skill, we are told, not to attack the antagonist, but to remain on the defensive, and thus to wear out the opponent, until he was obliged to acknowledge himself to be conquered (Dio Chrysost. *Melanc.* ii. *orat.* 29; Eustath. *ad Il.* p. 1322, 29). It was considered a merit in a boxer to conquer without *receiving* any wounds, so that the two great points in this game were to inflict blows, and at the same time not to expose oneself to any danger (*πληγὴ καὶ φυλακή*, Dio Chrysost. *Serm.* vii. 1; Plut. *Sympos.* ii. 5; compare Paus. vi. 12, § 3).

As regards the position of the hands, no doubt it varied according to circumstances, then as now. In art representations we see sometimes the right arm guarding and the left striking, sometimes the contrary: the blows were directed against the upper parts of the body, and the wounds inflicted on the head, especially when the *μύρμηκες* [CAESTUS] were worn, were often severe (Hom. *Od.* xviii. 96; Apollon. Rhod. ii. 785; Theocrit. ii. 126; Verg. *Aen.* v. 469; Aelian, *V. H.* x. 19). The ears especially were exposed to great danger, and with regular pugilists they were generally much mutilated and broken (Plat. *Gorg.* p. 516; *Protag.* p. 342; Martial, vii. 33, 5). Hence in works of art the ears of the pancratiasts always appear beaten flat, and, although swollen in some parts, are yet smaller than ears usually are. In order to protect the ears from severe blows, little covers, called *ἀμφωτίδες*, were invented (Pollux, ii. 82; *Etymol. Mag.* s. v.). But these ear-covers were undoubtedly never used in the great public games, but only in the gymnasia and palaestrae, or at most in the public contests of boxing for boys; they are never seen in any ancient work of art.



Pugilists, from a tomb at Chiusi. (Dennis.)

Two points of distinction between ancient and modern pugilists may be noticed: (1) that, as we gather from vase-pictures, the fist was not constantly doubled, as with us, but the fingers were often merely curved over, sometimes almost extended; in some representations, however, the fists are fairly clenched: probably the differences are due to the caestus;—(2) the inarticulate sounds emitted by the boxers, instead of the modern silence: this, according to Cicero, was to add force to the blow (*Tusc.* ii. 23, 54; cf. Sen. *Ep.* 57).

The game of boxing, like all the other gymnastic and athletic games, was regulated by certain rules. Thus pugilists were not allowed to take hold of one another, or to use their feet for the purpose of making one another

fall, as was the case in the pancratium (Plut. *Symp.* ii. 4; Lucian, *Anach.* 3). Cases of death, either during the fight itself or soon after, appear to have occurred rather frequently (Schol. *ad* Pind. *Ol.* v. 34); but if a fighter wilfully killed his antagonist, he was severely punished (Paus. viii. 40, § 3; vi. 9, § 3). If both the combatants were tired without wishing to give up the fight, they might pause a while to recover their strength; and in some cases they are described as resting on their knees (Apollon. Rhod. ii. 86; Stat. *Theb.* vi. 796). The contest did not end until one of the combatants was compelled by fatigue, wounds, or despair, to declare himself conquered (*ἀπαγορεύειν*, Paus. vi. 10, § 1), which was generally done by lifting up one hand (Plut. *Lycurg.* 19).

The Ionians, especially those of Samos, were at all times more distinguished pugilists than the Dorians, and at Sparta boxing is said to have been forbidden by the laws of Lycurgus (Paus. vi. 2, § 4; Plut. *Lycurg.* 19; PANCRATIUM). But the ancients generally considered boxing as a useful training for military purposes, and a part of education no less important than any other gymnastic exercise (Lucian, *Anach.* 3; Plut. *Cat. Maj.* 20). Even in a medical point of view, boxing was recommended (Aretaeus, *De Morb. diut. cur.* i. 2).

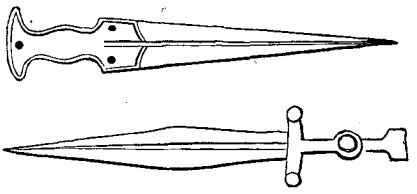
In Italy boxing appears likewise to have been practised from early times (Liv. i. 35; Dionys. vii. 72). It continued as a popular game during the whole period of the Republic as well as of the Empire (Suet. *Aug.* 45; Cic. *de Leg.* ii. 15, 38; Suet. *Calig.* 18). We gather, especially from the passage in Suet. *Aug.*, that the Greek pugilists were regarded as much more skilful than the Latin. Besides the "legitimi pugiles," there was a peculiarly Italian institution of *catervarii pugiles*, who fought, not in pairs, but in a general *mêlée* (Suet. *l. c.*; *C. I. L.* x. 1074, where they are distinguished from *pyctae*). See Krause, *Die Gymnastik und Agon. d. Hellenen*, pp. 497–534; Blümner in Baumeister, *Denk.* p. 523; Grasberger, *Erziehung*, p. 205. [L. S.] [G. E. M.]

PUGILLA'RES. [TABULAE.]

PU'GIO (*μάχαιρα*, *dim.* *μαχαίριον*; *ἐγχειρίδιον*), a dagger; a two-edged knife, commonly of bronze, with the handle in many cases variously ornamented or enriched, sometimes made of the hard black wood of the Syrian terebinth (Theophr. *H. P.* v. 3, § 2). The accompanying woodcuts show three ancient daggers. The first was found in Italy, and belongs to a primitive period. The blade is attached to the handle by eight studs (cf. the Homeric epithet of a sword, *ἀργυρόηλος*). The second and third are copied from Beger (*Thes. Brand.* iii. pp. 398, 419). The handle of the second is fitted to receive a plate of wood on each side, attached by three rivets.

Ancient Dagger.

In the Heroic ages the Greeks sometimes wore a dagger suspended by the sword on the left side of the body [GLADIUS], and used it on all occasions instead of a knife (Hom. *Il.* iii. 271, xix. 252; Athen. vi. p. 232 c). The



Ancient Daggers.

custom is continued to the present day among the Albanians, who are descended from the ancient Illyrians. The Romans (see woodcuts, Vol. I. pp. 3, 884) sometimes wore the dagger as the Persians did [ACINACES], on the right side, and consequently drew it with the thumb at the upper part of the hilt, the position most effective for stabbing. The terms *pugio* and *ἐγχειρίδιον* denote both its smallness and the manner of grasping it in the hand (*πύξ*, *pugnus*).

On some of the Roman monuments, although the arrangement appears to be inconvenient, the long sword was worn by the right side, while the shorter dagger was by the left hand. (Cf. the sepulchral reliefs of Roman Legionaries, Baumeister, *Denkmäler*, figs. 2266, 2267, 2269.) In the same way we must understand "the two swords" (*duos gladios*, Gell. ix. 13) worn by the Gallic chieftain, slain by Manlius Torquatus; and the monuments of the Middle Ages prove that the custom long continued in our own and in adjoining countries. (See Stothard, *Mon. Effigies of Gt. Britain.*) Among some of the northern nations of Europe, a dirk was constantly worn on the side, and was in readiness to be drawn on every occasion (Ovid, *Trist.* v. 7, 19, 20). The Chalybes employed the same weapon, stabbing their enemies in the neck (Xen. *Anab.* iv. 7, § 16). For the Greek horsemen the dagger was considered preferable to the long sword as a weapon of offence (Xen. *de Re Equest.* xii. 11). [J. Y.] [A. H. S.]

PULLA'RIUS. [AUGUR.]

PU'LPITUM. [THEATRUM.]

PULS was a thick gruel or porridge made of spelt (*far*, *ador*): as regards this grain, see AGRICULTURA, Vol. I. pp. 64 f. We are told that this porridge formed the staple of Roman food in early times in place of bread (Varro, *L. L.* v. 105; Plin. *H. N.* xviii. § 83): Pliny adds that for this reason puls was still used in sacred rites (cf. Juv. xvi. 39; Arnob. ii. 21). As it was a national dish of the early Romans, we find *pultiphagus* in Plaut. *Mostell.* 818, used to describe a Roman, or "barbarus" (cf. Id. *Poen. prol.* 54). It remained a common food for the poorer class or those who affected homely fare (Juv. xiv. 170; Mart. v. 78, xiii. 8; Ammian. xxv. 2, 2). This dish of puls must be distinguished from the later introduction *polenta*, which was made of barley-meal (Plin. xviii. § 72), and was borrowed from Greece, "videtur tam puls ignota Graeciae fuisse, quam Italiae polenta" (Id. *ib.* § 84). It was, in fact, the Greek *μᾶζα* in its more fluid state. The name *polenta* has now been transferred to a different substitute for puls. It is a stiff porridge of Indian meal, and is at the present

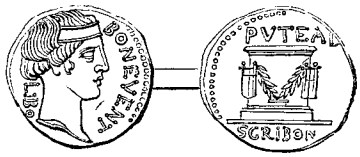
time a principal food of the peasants in North Italy. (Marquardt, *Privatleben*, p. 415; Becker-Göll, *Gallus*, iii. 313; *Charikles*, ii. 312.) [G. E. M.]

PULVI'NUS (also *pulvinar*, *culcita*, *προσκεφάλαιον*), a cushion, used for beds, couches, and litters, whether a *cervical*, to support the head in beds, or a *cubital*, to support the arm on couches. The stuffing was usually of feathers [LECTUS, p. 18 *b*]; the covering often of bright coloured silk (Hor. *Epod.* 8, 15; Mart. iii. 82). The pillow was supported on a raised framework (which is shown in the woodcut on p. 15), sometimes being merely the end of the torus, or mattress, passed over this framework. Mr. Anderson (*Class. Review*, iii. 323) has shown good reason for thinking that *fulcrum*, *fulcra*, usually taken to mean *legs* of the bedstead, really meant this support of the pillow, often richly carved (Juv. xi. 95: cf. Prop. iii. 5, 5; Ov. *Pont.* iii. 3, 14). For the sacred pulvinar, see LECTISTERNIUM. [J. Y.] [G. E. M.]

PUPA (*κόρη*, *νύμφη*), a doll. Greek and Roman children commonly had dolls, made often of terra-cotta, but also of other substances,—wood, ivory, wax, &c. Wax dolls were by no means uncommon, and for these the Greeks had special names, *δάγυνον* or *δαγὺς* and *πλαγγών* (Phot. *s. v.* *πλαγγών*: Schol. *ad* Theocr. ii. 110). They were frequently made with movable limbs, as in the example given by Baumeister (*Denkm.* p. 778) from the Crimea. The Greek girls before their marriage dedicated their dolls to Artemis (*Anth. Pal.* vi. 280); at Rome girls dedicated their dolls to the Lares, as boys did their *bullae*, or to Venus (Pers. ii. 70): but if they died as children, the dolls were buried with them; many have been found in tombs. Those whose limbs were moved by strings were called *νευρόσπαστα*, and figures so constructed were exhibited as regular marionettes on a stage, or for entertainment in private houses. (Xen. *Symp.* iv. 55; Athen. i. p. 19; cf. Hor. *Sat.* ii. 7, 82.) [Becq de Fouquières, *Jeux des Anciens*, p. 27 ff.; Becker-Göll, *Charikles*, i. 282; *Gallus*, ii. 34; Blümner, *Technologie*, ii. 123.] [G. E. M.]

PUPILLUS. [IMPUBES; TUTELA.]

PU'TEAL, the stone kerb round the mouth of a well. This was sometimes nearly flush with the ground, a flat stone with a circular opening, of which there is an example in the Capitol (figured in Baumeister, *Denkm.* p. 5): it is carved in relief of a late period with scenes from the life of Achilles. But in most cases it was an enclosure surrounding the opening, high enough to protect persons from falling into it, about three or four feet from the ground, and either round or square. There is a round one in the British Museum made of marble, which was found among the ruins of one of Tiberius's villas in Capri; it has five groups of fauns and nymphs, and on the edge at the top may be seen marks of the ropes used for drawing water. Such putealia were no doubt common in Roman villas, and the *putealia sigillata*, which Cicero (*ad Att.* i. 10) wanted for his Tusculan villa, must have been of the same kind as the one in the British Museum; the word *sigillata* refers to its being adorned with figures. From its resemblance to a well-enclosure, that which surrounded a place struck by lightning, and therefore consecrated, was sometimes called *puteal* [BIDENTAL; PRODIGIUM]. At Rome we have (without referring to the Lacus Curtius) two sacred putealia, erected over places struck by lightning, one in the Comitium (Cic. *de Div.* i. 17, 33; Liv. i. 36), another in the Forum, of which the remains are thought to have been discovered between the temples of Vesta and Castor. This was the *Puteal Libonis* or *Puteal Scribonianum*, consecrated probably by L. Scribonius Libo, which is often shown on coins of the Scribonian gens, and of which an example is given below. The puteal is on the reverse of



Coin of the Scribonian Gens.

the coin, and is adorned with laurel wreaths and two lyres. It must be noticed that the puteal here has taken distinctly an altar shape. Tongs have been traced below the wreaths, and are understood to symbolise Vulcan as the maker of lightning. Libo erected in the neighbourhood of this puteal a tribunal for the praetor, in consequence of which the place was frequented by those who had lawsuits, moneylenders, &c. (Comp. Hor. *Sat.* ii. 6, 35; *Ep.* i. 19, 8;—Ov. *Remed. Amor.* 561; Cic. *pro Sest.* 8, 18; O. Richter in Baumeister, *Denkm.* p. 1468; Burn, *Rome and Campagna*, p. 86; Middleton, *Rome*, p. 178.) [W. S.] [G. E. M.]

PYANE'PSIA (*πυανέψια*, *πυανόψια*, *πανόψια*), a festival celebrated at Athens every year on the 7th of Pyanepsion in honour of Apollo (Harpocr., Hesych., Suidas, *s. v.* *πυανέψια*). It was said to have been instituted by Theseus after his return from Crete (Plut. *Thes.* 22; cf. EIRESIONE; OSCHOPHORIA). The true account is probably that given by A. Mommsen, that the old Pyanepsia, in the age of Solon, was a festival, at the close of the vintage, in honour of Apollo and Athena Skiras, and that the worship of Bacchus and of Theseus was a later association with it of the ceremonies of the OSCHOPHORIA in the time of Cimon, when the worship of Theseus was introduced at Athens. The festival as well as the month in which it took place are said to have derived their names from *πύαμος*, another form for *κύαμος*, *i.e.* pulse or beans, which were cooked at this season and carried about (Harpocr. and Suid. *l. c.*; Athen. ix. p. 408). A procession appears to have taken place at the Pyanepsia, in which the *εἰρεσιώνη* was carried about. This *εἰρεσιώνη* was an olive-branch surrounded with wool and laden with the fruits of the year; for the festival was in reality a harvest feast. It was carried by a boy whose parents were still living, and those who followed him sang certain verses, which are preserved in Plutarch (*l. c.*; compare Clem. Alex. *Strom.* iv. p. 474; Eustath. *ad Il.* xxii.; Suid. *s. v.* Εἰρεσιώνη: and *Etym. Mag.*, where a different account is given). The procession went to a temple of Apollo, and the olive-branch was placed at its entrance. According to others, every Athenian planted, on

the day of the Pyanepsia, such an olive-branch before his own house, where it was left standing till the next celebration of the festival, when it was exchanged for a fresh one. (Schol. *ad* Aristoph. *Plut.* 1050; comp. Preller, *Gr. Myth.* i. 203, ii. 297; A. Mommsen, *Heort.* pp. 57, 270.) [L. S.] [G. E. M.]

PYCNOSTY'LOS. [TEMPLUM.]

PYELUS (πύελος). [FUNUS.]

PYGME, PYGON. [MENSURA, Vol. II. p. 161.]

PYLA'GORAE (πυλαγόραι). [AMPHICTYONES, Vol. I. p. 104 *a*; HIEROMNEMONES.]

PYRA. [FUNUS.]

PYRGUS (πύργος), a tower. 1. The towers used in fortification and in war are spoken of under TURRIS and HELEPOLIS. 2. In Homer πύργος, πυργηδόν are used of an army in close column (*Il.* iv. 434; xiii. 152; xv. 618). 3. A dice-box, so called from its resemblance to a tower [FRITILLUS]. 4. The territory of the town of Teos was distributed among a certain number of towers (πύργοι), to each of which corresponded a symmory or section of the citizens, compared to the Attic demes (see Boeckh, *Corp. Inscr.* No. 3064; and the elucidations of Grote, *Hist. of Greece*, vol. iii. pp. 247, 248). Scheffer, however (*de rebus Teiorum*, p. 35 ff.), takes them to be regions or quarters of the town of Teos, and Gilbert is disposed to agree with him (*Staatsalt.* ii. 38). [W. S.] [G. E. M.]

PY'RRHICA (πυρρίχη) among the Greeks was properly the military dance of the Lacedaemonians and Cretans—dance, that is, in the sense of rhythmical marchings and evolutions, which became stereotyped afterwards into a kind of ornamental parade. There is the greatest divergence among the authorities as to the inventor; a Cretan called Pyrrhicus, or Pyrrhus son of Achilles, or the Dioscuri, or the Curetes, or Athena, being assumed by different authors (Krause, *Gymnastik und Agonistik*, ii. 836). Plato says the pyrrhic dance "imitates the modes of avoiding blows and darts by dropping, or giving way, or springing aside, or rising up, or falling down; also the opposite postures, which are those of action, as, for example, the imitation of archery and the hurling of javelins, and of all sorts of blows" (*Leg.* vii. 815, Jowett's translation). Athenaeus (xiv. 631) calls it προγύμνασμα τοῦ πολέμου, and that it required the best music and most stirring strains. It was practised at Sparta by children when they were as young as five years. Exhibitions of pyrrhic dancers also took place at the Panathenae at Athens, and it was a common λειτουργία to furnish them (Isaeus, *de Dicaeog. hered.* § 36; Lysias, *Accept. Mun. Def.* § 1); also at Aphrodisias (*C. I. G.* 2758) and Teos (3089). There is a lively account of a πυρρίχη danced by a woman in Xenophon (*An.* vi. 1, 12). Grasberger (*Erziehung und Unterricht*, iii. 297) says that the youths used to strike the shields with their daggers, and, forming into two opposing lines, used to strike their daggers against the shields of those of the opposite line. The Romans sometimes gave somewhat similar exhibitions, which they called *pyrrhicae militares* (Spart. *Hadr.* 19; cf. Amm. xvi. 5, 10, xviii. 7, 7; Herodian, iv. 2, 9). It is a mistake to suppose that this is the same as the Ludus Trojae, as is stated by Servius (*ad Aen.* v. 602). But with the Romans pyrrhica for the most part signified a dramatic representation by several dancers, male and female, like our ballet, with all kinds of marching, evolutions, and groupings (Apul. *Met.* x. 29). There were also kinds of sham fights; an epigram on the pyrrhica (*Anthol. Lat.* 959, ed. Meyer) says, "In spatio Veneris simulantur praelia Martis Cum sese adversum sexus uterque venit." The subjects were most various: the Judgment of Paris, Icarus and Pasiphae (Suet. *Ner.* 12); but a very common one was something connected with Bacchic worship, as it lent itself so well to picturesque treatment, the dancers being got up with fawn-skins, thyrsi, &c. Thus we hear of the invasion of India by Bacchus and Pentheus being subjects (Ath. xiv. 631). Boys and girls for this kind of dance were imported from Asia Minor (cf. Suet. *Caes.* 39). They were sometimes free, and given citizenships if they gave satisfaction (Suet. *Ner.* 12), but generally they were slaves (Wilm. 222). The pyrrhica was sometimes danced by criminals in the amphitheatre (Dig. 48, 19, 8, 11; Plut. *de sera Numinis vind.* i. 9 = 554 ed. Reiske). The dancers had masks and splendid purple cloaks (*ib.*). Pliny (*H. N.* viii. 5) tells us that elephants were taught to dance the pyrrhica, and Lucian (*Pisc.* 36) mentions a ballet of monkeys. An elaborate account of a pyrrhica representing the Judgment of Paris is given by Apuleius (*Met.* x. 30–34). It was very like our ballets. We may notice especially the characteristic music, solemn with the entrance of Juno, the martial Doric mood as Minerva appears, and voluptuous Lydian strains accompanying Venus (c. 31); also the elaborate scenery, Mount Ida with real living bushes and trees, real goats browsing on it, and real water in its many fountains (c. 30). These at the end shot up a stream of crocus and wine just before, at the end of the performance, the mountain sank (c. 34). The machinery used in such ballets must have been most elaborate; and it is doubtless to a pyrrhica that Juvenal

Pyrrhic dancer, from a tomb at Chiusi. (Dennis.)

(iv. 122) alludes when he speaks of *pegma et pueros inde ad velaria raptos* (cf. Mayor *ad loc.*).

(Most that is to be known about the Roman pyrrhicae is given in Friedländer, *Sittengeschichte Roms*, ii.[3] 443–445.) [L. C. P.]

PYTHIA (*πύθια*), one of the four great national festivals of the Greeks. It was celebrated in the neighbourhood of Delphi, anciently, and always by Herodotus, called Pytho, in honour of Apollo, Artemis, and Leto. The place of this solemnity was the Crissaean plain, which for this purpose contained a hippodromus or race-course (Paus. x. 37, § 4), a stadium of 1000 feet in length (Censorin *de Die Nat.* 13), and a theatre, in which the musical contests took place (Lucian, *adv. Indoct.* 9). A gymnasium, prytaneum, and other buildings of this kind, probably existed here, as at Olympia, although they are not mentioned. Once the Pythian games were held at Athens, on the advice of Demetrius Poliorcetes (Ol. 122. 3; see Plut. *Demetr.* 40; Corsini, *Fast. Att.* iv. p. 77), because the Aetolians were in possession of the passes around Delphi.

The Pythian games were, according to most legends, instituted by Apollo himself (Athen. xv. p. 701; Schol. *Argum. ad* Pind. *Pyth.*); other traditions referred them to ancient heroes, such as Amphictyon, Adrastus, Diomedes, and others. They were originally, perhaps, nothing more than a religious panegyris, occasioned by the oracle of Delphi, and the sacred games are said to have been at first only a musical contest, which consisted in singing a hymn to the honour of the Pythian god with the accompaniment of the cithara (Paus. x. 7, § 2; Strab. ix. p. 421). Some of the poets, however, and mythographers represent even the gods and the early heroes as engaged in gymnastic and equestrian contests at the Pythian games. But such statements, numerous as they are, can prove nothing; they are anachronisms in which late writers were fond of indulging. The description of the Pythian games in which Sophocles, in the *Electra*, makes Orestes take part, belongs to this class. The Pythian games must, on account of the celebrity of the Delphic oracle, have become a national festival for all the Greeks at a very early period; and when Solon fixed pecuniary rewards for those Athenians who were victors in the great national festivals, the Pythian agon was undoubtedly included in the number, though it is not expressly mentioned (Diog. Laërt. i. 55).

Whether gymnastic contests had been performed at the Pythian games previous to Ol. 47, is uncertain. Boeckh supposes that these two kinds of games had been connected at the Pythia from early times, but that afterwards the gymnastic games were neglected; but, however this may be, it is certain that about Ol. 47 they did not exist at Delphi. Down to Ol. 48 the Delphians themselves had been the agonothetae at the Pythian games; but in the third year of this Olympiad, when after the Crissaean war the Amphictyons took the management under their care, they naturally became the agonothetae (Strab. ix. p. 421; Paus. x. 7, § 3). Some of the ancients date the institution of the Pythian games from this time (Phot. *Cod.* p. 533, ed. Bekker), and others say that henceforth they were called *Pythian games*. Owing to their being under the management of the Amphictyons, they are sometimes called *Ἀμφικτυονικὰ ἆθλα* (Heliod. *Aeth.* iv. 1). From Ol. 48. 3, the Pythiads were occasionally used as an era, and the first celebration under the Amphictyons was the first Pythiad. Pausanias (*l. c.*) expressly states that in this year the original musical contest in *κιθαρῳδία* was extended by the addition of *αὐλῳδία, i.e.* singing with the accompaniment of the flute, and by that of flute-playing alone. Strabo (*l. c.*) in speaking of these innovations does not mention the *αὐλῳδία*, but states that the contest of cithara-players (*κιθαρισταὶ*) was added, while Pausanias assigns the introduction of this contest to the eighth Pythiad. One of the musical contests at the Pythian games in which only flute and cithara-players took part, was the so-called *νόμος Πυθικός*, which, at least in subsequent times, consisted of five parts, viz. *ἀνάκρουσις, ἄμπειρα, κατακελευσμός, ἴαμβοι καὶ δάκτυλοι*, and *σύριγγες*. The whole of this *νόμος* was a musical description of the fight of Apollo with the dragon and of his victory over the monster (Strabo, *l. c.*). A somewhat different account of the parts of this *νόμος* is given by the Scholiast on Pindar (*Argum. ad Pyth.*) and by Pollux (iv. 79, 81, 84).

Besides these innovations in the musical contests which were made in the first Pythiad, such gymnastic and equestrian games as were then customary at Olympia were either revived at Delphi or introduced for the first time. The chariot-race with four horses was not introduced till the second Pythiad (Paus. x. 7, § 3). Some games on the other hand were adopted which had not yet been practised at Olympia, viz. the *δόλιχος* and the *δίαυλος* for boys. In the first Pythiad the victors received *χρήματα* as their prize, but in the second a chaplet was established as the reward for the victors (Paus. and Schol. *ad* Pind. *l. c.*). The Scholiasts on Pindar reckon the first Pythiad from this introduction of the chaplet, and their system has been followed by most modern chronologers, though Pausanias expressly assigns this institution to the second Pythiad. (See Clinton, *F. H.* p. 195; Krause, *Die Pyth. Nem.*, &c. p. 21, &c.) The *αὐλῳδία*, which was introduced in the first Pythiad, was omitted at the second and ever after, as only elegies and *θρῆνοι* had been sung to the flute, which were thought too melancholy for this solemnity. The *τέθριππος*, or chariot-race with four horses, however, was added in the same Pythiad. In the eighth Pythiad (Ol. 55. 3) the contest in playing the cithara without singing was introduced; in Pythiad 23 the foot-race in arms was added; in Pythiad 48 the chariot-race with two full-grown horses (*συνωρίδος δρόμος*) was performed for the first time; in Pythiad 53 the chariot-race with four foals was introduced. In Pythiad 61 the pancratium for boys, in Pythiad 63 the horse-race with foals, and in Pythiad 69 the chariot-race with two foals were introduced (Paus. *l. c.*). Various musical contests were also added in the course of time; and contests in tragedy as well as in other kinds of poetry, and in recitations of historical compositions, are expressly mentioned (Philostr. *Vit. Soph.* ii. 27, 2; Plut. *Sympos.* ii. 4). Works of art, as paintings and sculptures,

were exhibited to the assembled Greeks, and prizes were awarded to those who had produced the finest work (Plin. xxxv. § 35). The musical and artistic contests were at all times the most prominent feature of the Pythian games, and in this respect they even excelled the Olympic games.

Previous to Ol. 48 the Pythian games had been an *ἐνναετηρίς*, that is, they had been celebrated at the end of every eighth year; but in Ol. 48. 3, they became, like the Olympia, a *πεντετηρίς*, *i.e.* they were held at the end of every fourth year, and a Pythiad therefore, ever since the time that it was used as an era, comprehended a space of four years, commencing with the third year of every Olympiad (Paus. *l. c.*; Diod. xv. 60; compare Clinton, *F. H. p. 195*). *Others* have, in opposition to direct statements, inferred from Thucydides (iv. 117, v. 1) that the Pythian games were held towards the end of the second year of every Olympiad. Respecting this controversy, see Krause, *l. c.* p. 29, &c. As for the season of the Pythian games, they were in all probability held in the spring, and most writers believe that it was in the month of Bysius, which is supposed to be the same as the Attic Munychion. Boeckh (*ad Corp. Inscript.* n. 1688), however, has shown that the games took place in the month of Bucatius, which followed after the month of Bysius, and that this month must be considered as the same as the Attic Munychion. The festival was probably timed to coincide with the spring meetings of the Amphictyons at Delphi (Aeschin. *c. Ctes.* § 254). The games lasted for several days, as is expressly mentioned by Sophocles (*Elect.* 690, &c.), but we do not know how many. When ancient writers speak of *the day* of the Pythian agon, they are probably thinking of the musical agon alone, which was the most important part of the games, and probably took place on the 7th of Bucatius. It is quite impossible to conceive that all the numerous games should have taken place on one day.

The concourse of strangers at the season of this panegyris must have been very great, as undoubtedly all the Greeks were allowed to attend. The states belonging to the amphictyony of Delphi had to send their theori in the month of Bysius, some time before the commencement of the festival itself (Boeckh, *Corp. Inscr.* l. c.). The theories sent by the Athenians were always particularly brilliant (Schol. *ad* Aristoph. *Av.* 1585). [For the meaning of the word Πυθαΐσταί, Strab. ix. p. 404, see THEORI.] As regards sacrifices, processions, and other solemnities, it may be presumed that they resembled in a great measure those of Olympia. A splendid, though probably in some degree fictitious, description of a theoria of Thessalians may be read in Heliodorus (*Aeth.* ii. 34).

As to the order in which the various games were performed, scarcely anything is known, with the exception of some allusions in Pindar and a few remarks of Plutarch. The latter (*Symp.* ii. 4; comp. Philostr. *Apoll. Tyan.* vi. 10) says that the musical contests preceded the gymnastic contests, and from Sophocles it is clear that the gymnastic contests preceded the horse and chariot races. Every game, moreover, which was performed by men and by boys, was always, as at Olympia, first performed by the latter (Plut. *Symp.* ii. 5).

We have stated above that, down to Ol. 48, the Delphians had the management of the Pythian games; but of the manner in which they were conducted previous to that time nothing is known. When they came under the care of the Amphictyons, especial persons were appointed for the purpose of conducting the games and of acting as judges. They were called Ἐπιμεληταί (Plut. *Symp.* ii. 4, vii. 5), and answered to the Olympian Hellanodicae. Their number is unknown. There must, however, have been at least three: one for the musical, gymnastic, and equestrian contests respectively (Krause, *l. c.* p. 44). In later times it was decreed by the Amphictyons that king Philip with the Thessalians and Boeotians should undertake the management of the games (Diod. xvi. 60), but Krause thinks this was a purely honorary office, the real work of presiding remaining in the hands of the Amphictyons; and afterwards, even under the Roman emperors, the Amphictyons again appear in the possession of this privilege (Philostr. *Vit. Soph.* ii. 27). The ἐπιμεληταί had to maintain peace and order, and were assisted by μαστιγοφόροι, who executed any punishment at their command, and thus answered to the Olympian ἀλύται (Luc. *adv. Indoct.* 9, &c.).

The prize given to the victors in the Pythian games was from the time of the second Pythiad a laurel chaplet (τὸ φυτὸν τῆς δάφνης); so that they then became an ἀγὼν στεφανίτης, while before they had been an ἀγὼν χρηματίτης. The laurel sprays of which the chaplet was composed were brought by boys whose parents were both alive (παῖδες ἀμφιθαλεῖς) from the Vale of Tempê, accompanied on the way by a flute-player (Plut. περὶ μουσ. c. 14). (Paus. x. 7, § 3; Schol. *in Argum. ad* Pind. *Pyth.*) In addition to this chaplet, the victor here, as at Olympia, received the symbolic palm-branch, and was allowed to have his own statue erected in the Crissaean plain. (Plut. *Symp.* viii. 4; Paus. vi. 15, § 3, 17, § 1; Justin. xxiv. 7, 10.) That sometimes apples were presented to victors in the great Pythian games as prizes is clear from many passages in later writers. (Cf. Luc. *Anach.* 9, 10, 13, 16; Liban. *Eloqu. Rom.* t. ii. 716 R.; Paus. vi. 9, 1; Schol. Pind. *Pyth.* Arg. p. 298 B.)

The time when the Pythian games ceased to be solemnised is not certain, but they probably lasted as long as the Olympic games, *i.e.* down to A.D. 394. In A.D. 191 a celebration of the Pythia is mentioned by Philostratus (*Vit. Soph.* ii. 27), and in the time of the Emperor Julian they still continued to be held, as is manifest from his own words (Jul. *Epist. pro Argiv.* p. 35 a).

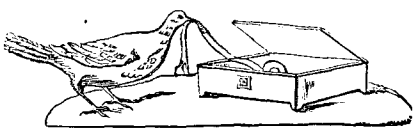
Pythian games of less importance were celebrated in a great many other places where the worship of Apollo was introduced; and the games of Delphi are sometimes distinguished from these lesser Pythia by the addition of the words ἐν Δελφοῖς. But as by far the greater number of the lesser Pythia are not mentioned in the extant ancient writers, and are only known from coins or inscriptions, we shall only give a list of the places where they were held:—Ancyra in Galatia, Aphrodisias in Caria, An-

tiochia, Carthaea in the island of Ceos (Athen. x. pp. 456, 467), Carthage (Tertull. *Scorp.* 6), Cibyra in Phrygia, Delos (Dionys. *Perieg.* 527), Emisa in Syria, Hierapolis in Phrygia, Magnesia, Megara (Schol. *ad* Pind. *Nem.* v. 84, *Ol.* xiii. 155; Philostr. *Vit. Soph.* i. 3), Miletus, Neapolis in Italy, Nicaea in Bithynia, Nicomedia, Pergamus in Mysia, Perge in Pamphylia, Perinthus on the Propontis, Philippopolis in Thrace, Side in Pamphylia, Sicyon (Pind. *Ol.* xiii. 105, with the Schol.; *Nem.* ix. 51), Taba in Caria, Thessalonice in Macedonia, in Thrace, Thyatira, and Tralles in Lydia, Tripolis on the Maeander in Caria. (Krause, *Die Pythien, Nemeen und Isthmien*, pp. 1–106.) [L. S.] [J. I. B.]

PY'THIA. [ORACULUM.]

PY'THII (*πύθιοι*), called also Ποίθιοι (Phot. *s. v.*), were four officers at Sparta who were chosen by the kings, two by each king, as their assistants in their religious and priestly functions. Their most important duty was to go as envoys to Delphi, to receive the oracles committed to writing, and to take charge of them when they had been delivered to the kings. They were in immediate attendance on the kings, and messed with them, boarded at the public expense. [DAMOSIA.] (Herod. vi. 57; Plut. *Pelop.* 21; Xen. *de Rep. Lac.* xv. 5; Suid. *s. v.*; Schomänn, *Antiq.* p. 246; Gilbert, *Staatsalt.* i. 48.) [W. S.] [G. E. M.]

PYXIS (*πυξίς*), a casket, a jewel-box (Mart. ix. 38); also a small box for holding drugs or poisons (Cic. *pro Cael.* 25, 61; Quintil. vi. 3, 25). Quintilian (viii. 6, § 35) produces this term as an example of catachresis, because it properly denoted that which was made of box (*πύξος*), but was applied to things of similar form and use made of any other material. In



Pyxis.

fact, the caskets in which the ladies of ancient times kept their jewels and other ornaments were made of gold, silver, ivory, mother-of-pearl, tortoise-shell, &c. The pyxis, in which Nero dedicated the cuttings from his beard to Jupiter, was of gold, studded with pearls (Suet. *Ner.* 12). They were also much enriched with sculpture. A silver coffer, 2 feet long, 1½ wide, and 1 deep, most elaborately adorned with figures in bas-relief, is described by Böttiger (*Sabina*, vol. i. pp. 64–80, plate iii.). The first woodcut (from *Ant. d'Ercolano*, vol. ii. tav. 7) represents a very plain jewel-box, out of which a dove is extracting a riband or fillet: the second is of terra-cotta, from Etruria. The word is also used for the iron cap at the end of a pestle (Plin. *H. N.* xviii. § 112). [J. Y.] [G. E. M.]

Terra-cotta Pyxis. (Dennis.)

Q.

QUADRAGE'SIMA. (1.) The fortieth part of the imported goods, or 2½ per cent., was the amount of the portorium in some provinces [PORTORIUM]. Separate *stationes fisci* seem to have looked after this tax in each province, under the Empire (see Wilmanns, *Exemp. Inscr. Lat.* 1397, 1398; and see STATIONES FISCI).

(2.) *Quadragesima litium* (Suet. *Cal.* 40); a tax imposed by Caligula of the fortieth part of the value of all property about which there was a lawsuit.

In what sense does Tacitus (*Ann.* xiii. 51) mean that Nero abolished *quadragesima?* Not (1), for that tax is heard of later (see Symmachus, *Ep.* v. 62; and perhaps Suet. *Vesp.* 1); nor (2), because Claudius had already abolished the new taxes of Caligula (Dio Cass. lx. 4; though many persons think that the *quadragesima litium* was not abolished before Galba's principate), and also because a *quadragesima litium* could not well be farmed, whereas the context shows that the tax spoken of by Tacitus *was* farmed. It is therefore probable that Tacitus is speaking of charges otherwise unknown to us and (as *alia*, &c. in the passage would show) illegal. [F. T. R.]

QUADRANS. [As, Vol. I. p. 202; PONDERA.]

QUADRANTAL, or AMPHORA QUADRANTAL, or AMPHORA only, was the principal Roman measure of capacity for fluids. (*Amphora* was the later name for the quadrantal, and is not found as a measure earlier than Cic. *pro Font.* 9, 19; cf. Fest. p. 258, "quadrantal vocabant antiqui, quam ex Graeco amphoram dicunt"; so also Volus. Maecian. *Dist. Part.* 79, "quadrantal, quod nunc plerique amphoram vocant." This was in the middle of the 2nd century A.D.) All the Roman measures of capacity were founded on weight, and thus the *amphora* was originally the space occupied by eighty pounds of wine.

There is also preserved to us by Festus (s. v. *Publica Pondera*, p. 246) a plebiscitum [LEX SILIA] of unknown date, regulating the weights and measures, to the following effect:—"Ex ponderibus publicis, quibus hac tempestate populus oetier (uti) solet, uti coaequetur sedulum, uti quadrantal vini octoginta pondo siet: congius vini decem p. (i.e. *pondo*) siet: sex sextari congius siet vini; duodequinquaginta sextari quadrantal siet vini:"—that is, that the *quadrantal* should contain 80 pounds of wine,* and the *congius* 10; and that the *sextarius* should be 1-6th of the *congius*, and 1-48th of the *quadrantal*. The quadrantal was subdivided into 2 *urnae*, 8 *congii*, 48 *sextarii*, 96 *heminae*, 192 *quartarii*, 384 *acetabula*, 576 *cyathi*, and 2304 *ligulae*. As compared with the Roman dry measure, the *quadrantal* was three times the

* The Romans were aware that there is a difference in the specific gravity of wine and of water, and in the different sorts of each, but, for the sake of simplicity, they regarded them as the same specific gravity: when, however, they wished a very exact determination, they used rain-water. (Boeckh, c. 3.)

modius. The only measure larger than the *quadrantal* was the *culleus* of 20 amphorae, which was used, as well as the amphora itself, in estimating the produce of a vineyard. [CULLEUS: comp. AMPHORA, *sub fin.*]

The quadrantal was connected with the measures of length, by the law, that it was the cube of the foot, whence its name *quadrantal*, or, as other writers give it (using the Greek κύβος instead of the Latin *quadrantal*) *amphora cubus*. (Cato, *R. R.* 57; Gell. i. 20; Auct. *Carm. de Mens. et Pond.* vv. 59–63:—

"Pes longo in spatio latoque altoque notetur:
Angulus ut par sit, quem claudit linea triplex
Quatuor et medium quadris cingatur inane:
Amphora fit cubus, quam ne violare liceret,
Sacravere Jovi Tarpeio in monte Quirites.")

A standard model of the *amphora* was kept with great care in the temple of Jupiter in the Capitol, and was called *amphora Capitolina* (*Carm. de Mens.* l. c.; Capitol. *Maximin.* 4). It was under the charge of the aediles (*C. I. L.* vi. 1520, x. 8067; Polyb. iii. 26; cf. Mommsen, *Staatsrecht*, ii.[3] p. 500). There still exists a *congius* which professes to have been made according to this standard. [CONGIUS.] For a full account of this congius, see H. Hase, *Abhandl. d. Berl. Akad.* 1824.

There are two questions connected with the Roman *quadrantal*: namely, (1) whether the equality to the cubic foot was originally exact, or only approximate; and (2) whether there was any exact ratio between the Roman and the Grecian measures. The full discussion of these questions would be inconsistent both with the limits and with the chief object of this work. A general statement of the matters in dispute will be found under MENSURA, pp. 160, 161. It may here be added that, whether there was or was not originally any precise ratio between the Greek and Roman measures of capacity, they were at least so nearly related to one another, that, when the two systems came to exist side by side, it was found easy to establish the following definite ratios. Of the liquid measures: the Roman *amphora*, or *quadrantal*, was 2–5ths of the Aeginetan, and 2–3rds of the Attic *amphora* or *metretes;* and the *congius* of the Roman system was equal to the χοῦς of the Attic. Again, comparing the Roman liquid with the Greek dry measures, the *quadrantal* was 1–3rd of the Aeginetan, and one-half of the Attic, *medimnus*. Consequently, of the dry measures, the *modius* (which was 1–3rd of the *quadrantal*) was 1–9th of the Aeginetan, and 1–6th of the Attic, *medimnus*. The connecting subordinate unit in all these sets of measures is the Roman *sextarius*, or *sixth part of the congius*, which was introduced into the Greek system under the name of ξέστης, and which stands to the several measures now mentioned in the following relations:—

1. *Liquid Measures.*

The Roman *quadrantal*	=	48 sextarii
,, Attic *metretes*	=	72 ,,
,, Aeginetan ,,	=	120 ,,

2. *Dry Measures.*

The Roman *modius*	=	16 sextarii
,, Attic *medimnus*	=	96 ,,
,, Aeginetan ,,	=	144 ,,

The ξέστης, or Roman *sextarius*, is not to be confounded with the genuine Attic ἕκτεύς or *sixth of the medimnus*, which was equal to the Roman modius.

From the preceding remarks it will be seen that the only safe mode of computing the content of the amphora in terms of our own measures of capacity is by deducing it from the value already assigned to the Roman pound, on the authority chiefly of the coins. That value may be taken, in round numbers, at 5050 grains. [PONDERA, Vol. II. p. 455.] Now the imperial gallon contains 70,000 grains. Therefore the Roman amphora $= \frac{5050 \times 80}{70000} = 5{\cdot}77$ imperial gallons, *i.e.* a very *little* over 5 gallons and 6 pints. It is clear, therefore, that for rough calculations, at any rate when the numbers dealt with are not very large, if we reckon the sextarius as a pint (instead of ·96 of a pint) and the quadrantal or amphora at 6 gallons, it will be a close enough approximation. (Boeckh, *Metrol.* 167; Hultsch, *Metrol.* pp. 112 ff., ed. 2, 1882.) [P. S.] [G. E. M.]

QUADRI'GAE. [CURRUS.]

QUADRIGA'TUS. (Denarius with quadriga as type.) [AS, Vol. I. p. 205.]

QUADRIRE'MIS. [NAVIS, Vol. II. p. 221 *a*.]

QUA'DRUPES. [PAUPERIES.]

QUADRUPLA'TOR, a professional accuser in cases involving a pecuniary penalty (Plaut. *Pers.* i. 2, 18; Cic. *Verr.* ii. 8, 22; *Div. in Caecil.* 7, 24; Liv. iii. 72; Fest. p. 259). The *index* was one who was himself involved in the crime or conspiracy, and, by coming forward as informer, gained immunity for himself and a reward paid by the state treasury (Liv. ii. 5, iv. 45, xxii. 33, xxxii. 26, xxxix. 19; Cic. *Cat.* iv. 5; Suet. *Jul.* 17). The quadruplator differed from the index in the nature of the cases involved, in the fact that he was not himself liable but took up the accusation as a means of making money, and thirdly because he derived his gains from a share of the penalty, and so from the property of the accused, not from the state. [For a later development of the professional accuser under the Empire, see DELATOR.] Several emperors tried to get rid of quadruplatores (Capitol. *Anton. P.* 7; *M. Ant. Phil.* 11): in the later Empire the term disappears.

As to the origin and strict meaning of the word, there is some controversy. Ps.-Ascon. (*in Cic.* l. c.) gives two opinions. As to the first—that the quadruplator received one-fourth of the accused person's property—this scarcely agrees with the etymology, which should mean *fourfold*, and is probably a confusion arising from the fact that the later delatores received one-fourth. So far as we know, this began with the Lex Julia de majestate. The second view is probably more correct—that the quadruplator had to do with cases where the penalty was four times the damage; as, for instance, violation of the laws of usury (Liv. vii. 28; Cato, *R. R.* init.; FENUS], and it is probable that the condemnation to pay fourfold was not uncommon in other cases: we find it as the penalty for provincials who kept back the corn tribute (Cic. *Verr.* iii. 13, 34), and the term *quadruplator* applied, in Sidon. *Ep.* v. 7, to one who farmed the tolls, is perhaps derived from his exacting fourfold from defaulters. Possibly, as Mommsen

thinks, the quadruplator originally received the whole penalty (*quadruplus*) from the accused; afterwards only a proportion, large or small. The *locus classicus* in Plaut. *Pers.* i. 2, 18 does not lay down the actual law, but only what the poet wishes to be the law, that the quadruplator should, if he made good his accusation ["*si*—damnet"], pay half the penalty to the treasury, receiving only half for himself; and that, on the other hand, he should himself be condemned in the fourfold penalty if he failed in his proof.

[Geib, *Criminalprocess*, 106; Walter, *Gesch. d. röm. Rechts*, § 860; Rudorff, *Röm. Rechtsgesch.*, 463; Mommsen, *Staatsrecht*, ii.[3] 599; and (for the passage of Plautus) Götz, in *Rhein. Mus.* xxx. 167.] [W. S.] [G. E. M.]

QUADRUPLICA'TIO. [ACTIO, Vol. I. p. 20 *a*.]

QUAESTIO'NES, QUAESTIONES PERPETUAE. [JUDICIUM.]

QUAESTOR, the name of a class of Roman officers. The origin of the quaestorship is somewhat uncertain. The best authorities know nothing of it in the time of the kings. Cicero (*de Rep.* ii. 35, 60) mentions it in connexion with the trial of Sp. Cassius in B.C. 485. Livy (ii. 41) refers to it first on the same occasion, and in a chronological enumeration of the magistrates places it between the tribuneship of the commons (B.C. 493) and the decemvirate (B.C. 451). Dionysius mentions quaestors incidentally in speaking of the sale of booty in B.C. 507 (v. 34), and speaks also of their action in the case of Sp. Cassius. Tacitus (*Ann.* xi. 22) ascribes them to the time of the kings, but on grounds which plainly do not bear out his view. The silence of our earlier authorities on occasions like the trial of Horatius makes it evident that there was no good reason for believing that the office was then in existence; and this view is confirmed by the fact that the quaestors were elected in the comitia of the tribes. It cannot be upset by the assertions of later writers, such as Ulpian (in Dig. 1, 13, 1 pr.) and Lydus (*de Mag.* i. 24). Further, the quaestors were at first two in number; and this of itself makes it highly probable that the office came into being along with the consulship, as a part of the earliest republican constitution. When the consulship was suspended under the decemvirate, the quaestorship ceased along with it.

As early as B.C. 421 the number was raised to four, one being assigned to each consul for domestic affairs and one for war. In B.C. 267, or perhaps not until B.C. 241, four more were added to take part in the administration of Italy. The number probably steadily increased with the addition of new provinces; but we are only told that Sulla raised the annual total to twenty (Tac. *Ann.* xi. 22; cf. *C. I. L.* i. p. 108). Julius Caesar increased it to forty, but there is reason to believe (Mommsen, *Staatsrecht*, ii. 516, note 1) that Augustus reduced it again to twenty.

The quaestorship was the first of the ordinary magistracies to be thrown open to the plebeians: in B.C. 421 it was agreed that patricians and plebeians should be eligible without distinction (Liv. iv. 43), and in B.C. 409 three of the four were actually plebeians (Liv. iv. 54). Tacitus asserts (*Ann.* xi. 22) that the quaestors were at first nominated by the consuls, and that it was only sixty-three years after the expulsion of the kings that they were elected by the people; that is, probably in consequence of the Valerio-Horatian laws of B.C. 449. This is at variance with the view of Junius Gracchanus (in Dig. 1, 13, 1 pr.), that they were elected by popular vote, even under the kings; but that we have already seen to be erroneous, and, though Livy does not mention the introduction of popular election, the probabilities of the case are decidedly in favour of the statement of Tacitus. The quaestors were elected in the comitia of the tribes (Mommsen, *Röm. Forsch.* i. 159 ff.), and their elections came off last in the annual series. The office was held for one year: but when the custom sprang up that the consul should govern a province as proconsul in the year after his consulate, it came to be usual that his quaestors should accompany him with an extension of powers as proquaestors. The quaestors had the usual insignia of magistrates, but a *sella* which was not *curulis*, but one with straight legs, such as that used by the *judex quaestionis*, if he was not a curule magistrate. They were attended by *scribae*, *viatores*, and *praecones*.

The provinces of the various quaestors were determined by a resolution of the senate each year, before the new quaestors entered upon office. The number of the posts to be filled probably exceeded that of the new quaestors, before their number was increased by Sulla, seventeen being known to us. Deficiencies seem to have been made good by continuing some in office as proquaestors; perhaps also by giving governors of provinces the right of choosing their proquaestors. Under the Empire the number of posts appears to have exactly equalled that of the annual appointments.

When the *provinciae* had been determined by the senate, they were distributed among the quaestors, partly by selection by the superior magistrates, to whom they were severally attached (Liv. xxx. 33; Cic. *ad Att.* vi. 6, 4), confirmed by the senate, partly by lot (Cic. *pro Mur.* 8, 18; *Div. in Caec.* 14, 46, and elsewhere). Under the Empire the selection was made by the emperor and by the consuls (Plin. *Ep.* iv. 15).

The duties of the quaestors will be best discussed under the head of the various *provinciae*.

1. *Quaestores urbani*. This was the official designation, frequently occurring in inscriptions, of the two quaestors whose duty required them to remain in Rome during their year of office. Their primary function was to be officials subordinate to the consuls, the only other magistrates in existence at the time of the creation of the office. Hence such duties as the latter could discharge by deputy commonly fell to the quaestors. They had no functions in connexion with civil jurisdiction; the superintendence of this naturally lay with the supreme authority, while the decision of details was committed to a private *judex*. But in criminal jurisdiction they took an important part, from which indeed they originally derived their name. The title *quaestor* is only another form of *quaesitor* (cf. *sartor* by the side of *sarcitor* from *sarcire*), and denotes "investigator." In the Twelve Tables they appear under the full title of *quaestores parricidii* (cf.

Pomponius in Dig. 1, 2, 2, 23; Festus, p. 221, "parricidi quaestores appellabantur qui solebant creari causa rerum capitalium quaerendarum:" cf. p. 258). When this part of their functions fell into desuetude, the term *parricidii*, at first necessary for distinctiveness, was dropped, or replaced by some other phrase, a fact which led some late authorities into the error of supposing that the term *quaestores parricidii* denoted an obsolete office, distinct from the later quaestorship. That this is an error is proved indirectly by the silence of Livy, Dionysius, and Tacitus, and explicitly by the language of Varro (*L. L.* v. 81, "quaestores a quaerendo, qui conquirerent publicas pecunias et maleficia"). Modern scholars have been misled by the statement of Pomponius (Dig. l. c.), which must certainly be rejected. But the quaestors never had the *imperium*, nor the *right* of convoking the centuries on their own account. It is therefore necessary that we should regard them as acting by virtue of a mandate from the consuls. It is a reasonable conjecture that under the kingship, as an appeal from a capital sentence to the judgment of the people was allowed, the king, in order to avoid the appearance of a conflict between his authority and the rights of the community, exercised his jurisdiction through a representative; and that the consul, after the institution of the quaestorship, was bound by tradition to choose a quaestor as his representative. Thus, through the action of the right of appeal, the power of criminal jurisdiction came to attach itself to the quaestorship. This accounts for the fact that originally this jurisdiction extended only to capital offences, where the accused had a right of appeal, if condemned. It did not, however, include the offences against the state, included under the head of *perduellio:* these were tried, not by the standing magistrates, the quaestors, but by special commissioners [PERDUELLIONIS DUO VIRI] appointed specially for the purpose. It is probable that in cases of less gravity, where the punishment was not capital, the quaestors had no right of jurisdiction, as no appeal was allowed; but when an appeal came to be permitted in cases of fine above a fixed maximum, these too fell under their cognisance.

We hear very little of the criminal jurisdiction of the quaestors, because they had nothing to do with political prosecutions, almost the only prosecutions of which history takes notice. A formula preserved by Varro (vi. 91) proves that it was in operation in the latter part of the third century B.C. We know further that there was no authority which could have taken their place until a century after this date. The tribunes prosecuted only political offences; the aediles only offences against special laws entailing a fine for their violation: the *tres viri capitales* acted as police magistrates, and in cases of ordinary offences, where individual citizens were the complainants. Hence it seems clear that the quaestors must have tried cases of murder and arson until these were brought under the jurisdiction of the *quaestiones perpetuae*.

The second main branch of the duties of the quaestors likewise devolved upon them as subordinates of the consuls. The same consuls who passed the Valerio-Horatian law of appeal (*provocatio*), founded the *aerarium populi Romani;* and it is probable that the first quaestors were *quaestores aerarii* as well as *parricidii*. The consuls indeed retained, subject to the senate, the supreme control of the treasury, but the quaestors had the actual charge of the money and kept the accounts, receiving the former from the consuls and paying it out on their order. They held the keys of the treasury in the temple of Saturn (cf. Polyb. xxiii. 14, where Scipio threatens, as consul, to take the keys and open it himself), and had charge of all that was in it, including not only coin and bullion, but also the military standards (Liv. iii. 69; iv. 22; vii. 23). State papers of all kinds were also preserved there, not only account-books, contracts, and lists of persons who had claims on the treasury, but (after the institution of the curule aedileship) decrees of the senate, and (after the Lex Licinia Junia of B.C. 62) all laws and proposals of laws. Lists of magistrates and senators, who had taken the oaths of office, of jurymen, and of other official appointments were also preserved there, and it seems to have been the duty of the quaestors to satisfy themselves as to their genuineness and accuracy (Plut. *Cat. Min.* 17; Cic. *Phil.* v. 4, 12).

It was further the duty of the quaestors to see to the payment of arrears of taxation (Liv. xxxiii. 42), probably through the *tribuni aerarii*, and to keep lists of defaulters; to receive the sums due from the *publicani* (Cic. *pro Flacc.* 32, 79), the balances in the hands of ex-governors of provinces, fines due on a legal sentence to the treasury, and the war indemnities exacted from a conquered enemy (Liv. xxxii. 2; xlii. 6).

In cases of default the quaestors had the right to proceed against the debtor *per manus injectionem;* but we hear nothing of any state-debtors being sold into slavery, or serving as *nexi:* hence it seems that the custom of proceeding against the debtor's property and not his person established itself earlier here than in private legal actions. The property was seized and sold by auction (*sectio*).

The quaestors also had to conduct the ordinary sales of state property, so far as these were not managed by the censors, including prisoners of war and booty, and also estates coming to the nation by will or by confiscation.

We know very little about the details of the receipt of taxes and payments from the exchequer: but there is evidence that there were distinct treasuries attached to different departments. The payment of the soldiers, for instance, was made through the tribuni aerarii: the few salaries paid under the Republic, and the cost of maintenance for the public slaves, were defrayed directly from the treasury. So were the expenses of entertaining distinguished strangers, in connexion with whose visits we often find the quaestors mentioned (Val. Max. v. 1, 1; Liv. xlv. 13, 12; 44, 7, &c.).

Contracts were only managed by the quaestors in comparatively unimportant cases. They naturally took a part in discussing financial questions in the senate, like that of our Chancellor of the Exchequer (Auct. *ad Herenn.* i. 12, 21). It seems strange to us that such important duties should be assigned to young and inexperienced magistrates, changing yearly;

but possibly much of the duty was done by permanent officials, like the permanent heads of our own state offices. It was only after the battle of Actium that Augustus gave the charge of the treasury to two ex-praetors (called *praefecti aerarii Saturni*), elected annually by the senate (Tac. *Ann.* xiii. 29; Sueton. *Aug.* 36): subsequently, to avoid the excitement of elections, it was committed to two of the praetors chosen by lot. Claudius in A.D. 44 gave it back to two of the quaestors, selecting himself those who were to fill this office, which now was held for three years, under the title of *quaestores aerarii Saturni*. Finally Nero, in A.D. 56, restored it to ex-praetors, again holding the title of *praefecti aerarii Saturni*, but now appointed by the emperor for three years at a time (Tac. *Ann.* xiii. 28, 29), sometimes extended, as we see from the case of Pliny (see *Hermes*, iii. 90). *Quaestores urbani* continued to be elected late into the third century; possibly their functions were restricted to the charge of such state papers as were not of a financial nature.

The duties of criminal prosecution and of the charge of the treasury were the main, if not the sole duties of the *quaestores urbani:* and they were both of a nature to make their continuous presence in the city necessary. On the other hand, the

2. *Quaestores*, not distinguished as *urbani*, nor by any special appellation, were regularly attached, each to some general or governor of a province, as his adjutant. The dictator alone was not required to have any such assistant. Nor were quaestors attached to the praetors who remained in the city to preside in the courts. But the magistrates who had quaestors at all, always had them. If the term of office of the quaestor expired before that of his superior, it was extended by *prorogatio:* if the quaestor died or left the province, the governor nominated some one, usually one of his *legati*, to be *pro quaestore* (Cic. *in Verr.* i. 4, 12). It was only in Sicily, where the province was divided into an eastern and a western district, that more than one quaestor was ever assigned to a governor: in that case there were two. The praetor was supposed to hold a kind of parental relation to his quaestor (Cic. *pro Planc.* 11, 28; *ad Fam.* xiii. 10, 1, and often), even after the term of office had expired.

The special duties of what may be termed (somewhat loosely) provincial quaestors were financial. As the consul could only draw upon the state treasury through the quaestores urbani, so the generals and governors were similarly restricted. Receipts and payments passed through his hands, and he seems to have been in charge of the military stores (Polyb. vi. 31). Even when coins were stamped by a general, the quaestor's name often appears alone upon them (Mommsen, *Röm. Münzwesen*, p. 374). The accounts of the campaign had to be given in by him, although the commander shared the responsibility. But the booty was disposed of by the commander at his pleasure; and if he sold it, he often did so through inferior officers, especially the *praefecti fabrum*.

But even from a military point of view the quaestor ranked next to the commander: he had three sentinels, and the legati only two, and the *quaestorium* was an important centre in the camp [CASTRA]. In case of the death of the commander, he succeeded to the vacancy; and if the former left the camp, it was usually the quaestor whom he chose to replace him *pro praetore* (Cic. *ad Fam.* ii. 15, 4). Similarly, in judicial business, as the governor exercised the jurisdiction of the praetor in civil business, the quaestor exercised that of the aediles, and issued the appropriate edicts (Gaius, i. 6). Under the Empire no quaestors were sent to imperial provinces (*ib.*); but a senatorial proconsular governor had attached to him a *quaestor pro praetore*.

While no quaestor was specially attached to a consul for his duties in the city, each would receive one as a military adjutant when he took the field, and doubtless he would use his services also in the city as he had occasion for them: for instance, for the organisation of a consular army. So, at the time of the conspiracy of Catiline, P. Sestius, the quaestor attached by lot to the consul C. Antonius, was sent with an armed force to Capua, to remove the danger of a rising there (Cic. *pro Sest.* 4, 9). When the custom came in for a consul to proceed at the end of his year of office to govern a province as proconsul, it was the regular thing for his quaestor to accompany him as *pro quaestore:* thus Sestius followed Antonius to Macedonia in B.C. 62. From B.C. 38 each consul had two quaestors, selected by himself (Dio Cass. xlviii. 43), who assisted him, among other things, in his duties of presiding in the senate. Nothing is known as to the disuse of this practice. Under the Empire we meet with *quaestores principis* or *Augusti;* they were two in number, assigned to the emperor as holding proconsular power, and employed by him, when he thought fit, to read in the senate any written communication to that body (Ulpian, Dig. 1, 13, 1, 2). But the duty did not necessarily fall upon them: Augustus in his later years employed the services of Germanicus (Dio Cass. lvi. 26), Nero the consuls (Suet. *Nero*, 15), and Vespasian one of his sons (Suet. *Tit.* 6). The

3. *Quaestores classici* were four in number, established after the reduction of Italy in B.C. 267, originally subordinates of the consuls, charged especially with the defence of the coast. Their stations were at Ostia, at Cales,* the oldest Latin colony in Campania, and doubtless the centre of the Roman administration of that district [*Calles*, in Tac. *Ann.* iv. 27, can be hardly anything but a corruption for *Cales*], in Cisalpine Gaul about the Po (*ταμίας τῆς περὶ Πάδον Γαλατίας*, Plut. *Sert.* 4), probably at Ariminum, and at a fourth place, nowhere mentioned, but possibly Lilybaeum in Sicily. Their duties were generally those of the provincial quaestors; but as they had no resident superior, they had in practice more independent powers, including certainly military authority, as we see from Tac. *Ann.* iv. 27. They had also the duty of seeing that the allies furnished the proper contingents for the fleet, and the quaestor at Ostia had important and onerous functions in connexion with the corn supply, which made it an unpopular office (Cic. *pro Mur.* 8, 18). If the quaestorship at Lilybaeum ever belonged to this

* Willems, *Le Sénat*, ii. 603, rejects this view.

group, its character must have been changed, after Sicily became a province; and that at Cales seems to have been suppressed soon after A.D. 24 (the date of the events mentioned by Tacitus, *l. c.*), for when Claudius in A.D. 44 transferred again to the quaestors the charge of the treasury, he suppressed the other two, and none were then left. There are references to a *provincia aquaria*, discharged by one of the quaestors (Cic. *in Vatin.* 5, 12), which had probably reference to the water-supply, but we know nothing of it definitely.

The quaestors, as a body, were charged, probably at an early date under the Empire, with the expense of paving roads, but we do not know to what extent: this seems to have been a device for making them "pay their footing" when entering the senate. Claudius substituted for this the duty of giving a gladiatorial show (Suet. *Claud.* 24, "collegio quaestorum pro stratura viarum gladiatorium munus injunxit:" cf. Tac. *Ann.* xi. 22, xiii. 5). This is the only instance of common action on the part of the college.

(The above account follows closely that given by Mommsen, *Römisches Staatsrecht*, ii.[2] 511–537. The account in Becker, *Handbuch*, ii. 2, 327–358, is confused by an attempt to distinguish two different kinds of quaestors from the first, following, as usual, the theories of Niebuhr. Madvig, *Verf. u. Verwalt.* i. 438 ff., also shares this view, rightly rejected by Bouché-Leclercq, *Manuel*, p. 75; Willems, *Droit Public*, p. 303: cf. Lange, *Röm. Alt.* i.[3] 881–897; Herzog, *Gesch. d. Röm. Verf.* i. pp. 814–826.) [A. S. W.]

QUAESTO'RIA MU'NERA. [LUDI, Vol. II. p. 87 *a.*]

QUAESTO'RIUM. [CASTRA, Vol. I. pp. 373, 381.]

QUALUS. [CALATHUS.]

QUANTI MINO'RIS, or AESTIMATO'RIA A'CTIO. A seller of a thing was not liable to the buyer by the rules of Jus Civile for any faults or defects in the thing sold, unless he was aware of such defects and did not disclose them, or unless he had warranted their absence. But the curule aediles, who had jurisdiction over the market, promised in their edict to give actions to buyers against sellers on account of any non-apparent faults or defects, even if the seller was not aware of them.

The actions which the aediles framed for the purpose of thus extending the liabilities of sellers were the actio redhibitoria [REDHIBITORIA ACTIO] and the actio quanti minoris. The object of this latter action was to obtain an abatement in the purchase-money proportionate to the decrease in the value of the thing at the time of the sale, owing to its defects. This action was to be brought within a year (*annus utilis*). [EMPTIO ET VENDITIO.]

(Cic. *de Off.* iii. 16, 17; Dig. 21, 1, *de aedilicio edicto et redhibitoria et quanti minoris;* Cod. 4, 58, *de aedilitiis actionibus;* Neustetel, *Röm. Rechtliche, Untersuchungen*, 155, &c.; Keller, in Gell's *Jahrb.* iii. 86, &c.; Walter, *Gesch. des röm. Rechts*, § 602; Windscheid, *Pandekten*, iii. § 393.) [E. A. W.]

QUARTA'RIUS, a Roman measure of capacity, one-fourth of the *sextarius*, and consequently a little less than a quarter of a pint imperial. It is also found in the Greek system of liquid measures under the name of τέταρτον. [P. S.]

QUASILLA'RIAE. [CALATHUS.]

QUASILLUM. [CALATHUS.]

QUATUORVIRI JURI DICUNDO. [COLONIA, Vol. I. p. 482 *b.*]

QUATUORVIRI VIARUM CURANDARUM. [VIAE.]

QUERE'LA INOFFICIO'SI TESTAMENTI. [TESTAMENTUM.]

QUINA'RIUS. [DENARIUS.]

QUINCUNX. [PONDERA, Vol. II. p. 455.]

QUINDECIMVIRI. [DECEMVIRI, Vol. I. p. 601 *b.*]

QUINQUAGE'SIMA. (1.) A tax of the fiftieth part, or 2 per cent., upon the value of all slaves who were sold; instituted by Augustus (Dio Cass. lv. 31).

In A.D. 56 the rate was 1–25th, or 4 per cent. (*vectigal quintae et vicesimae venalium mancipiorum*, Tac. *Ann.* xiii. 31). Marquardt (*Staatsverwaltung*, ii. 270) would reconcile the two passages by reading, with Lipsius, πεντεικοστῆς for πεντηκοστῆς in Dio Cassius.

(2.) Tacitus (*Ann. xiii. 51*) speaks of Nero abolishing a *quinquagesima*. But the charge on slaves was now 1–25th, not 1–50th; Nero, therefore, must have abolished some different tax. It may have been one of Caligula's taxes (Suet. *Cal.* 40), though Claudius seems to have repealed these (Dio Cass. lx. 4); or similar to the charges of quinquagesimae mentioned by Cicero (*Verr.* iii. 49, 78) as made by publicani on the aratores of Sicily; or it may have been some other illegal exaction (see under QUADRAGESIMA, and Marquardt's *Staatsverw.* ii. 184).

A duty of 2 per cent. was levied at Athens on exports and imports [PENTECOSTE]. [F. T. R.]

QUINQUATRUS (fem. plur.) or QUINQUATRIA (neut. plur.), a festival which was celebrated on the 19th of March. The word signified the fifth day after the Ides, just as *triatrus, sexatrus, septimatrus, decimatrus* signified the third, sixth, seventh, and tenth days. (See Varro, *L. L.* vi. 14; Fest. p. 254; Gell. ii. 21; Roby, *Lat. Gr.* § 902.) A false etymology led to its being afterwards regarded as a five-days' festival (Ov. *Fast.* iii. 809; *Trist.* iv. 10, 13; Liv. xliv. 20), and as such it was observed under the later Republic and the Empire from March 19–23. Strictly it was (as appears in the Calendars, and as its name really implies) a one-day's festival, celebrated originally as a *lustratio* of the *arma ancilia*, when the arms were brought out to be ready for the campaigning season, just as the ARMILUSTRIUM on the 19th of October was the inventory, so to speak, before they were put away again (Charis. 81, 20). A sacrifice was offered, and there was a dance of the Salii in the Comitium, the ceremony being under the direction of the Pontifices and Tribuni Cel. (*Cal. Praen.*; Varro, *L. L.* v. 85). [SALII.]

The day acquired a fresh significance from being selected for the dedication of the temple of Minerva on the Aventine, and, instead of being purely military, became the festival of various trades (Ov. *Fast.* iii. 809–834; *artificum dies, Cal. Praen.*) and of arts. Hence it became also a holiday for the schools, extending over the whole five days, which now became included under the name Quinquatrus or Quinquatria (Hor. *Ep.* ii.

2, 197; Juv. x. 115; LUDUS LITTERARIUS, p. 97): hence also it was a day of receipts for fortune-tellers (Plaut. *Mil. Glor.* iii. 1, 98); and for the same reason Domitian, who claimed Minerva as his guide, gave prizes, at his Alban villa, at this time to orators and poets, and established a collegium, the members of which should exhibit venationes and stage-plays (Suet. *Dom.* 4; Dio Cass. lxvii. 1).

The first and regular day of the festival was marked by the offerings, &c., as above mentioned, and the commemoration of the temple dedicated to Minerva; on the other four days there were shows of gladiators, and a season of general merrymaking (Suet. *Aug.* 71, *Ner.* 34; Tac. *Ann.* xiv. 4). On the fifth day, March 23, was the *tubilustrium* (Fest., Varr. *s. v.*), sacred to Mars and Nerio (Lyd. *de Mens.* iv. 42; Porphyr. *ad* Hor. *Ep.* ii. 2, 209), for whom Ovid (*Fast.* iii. 849) substitutes Pallas. On this day the trumpets used in the sacred rites were passed in review, and purified by the Salii Palatini and the *tubicines sacrorum populi Romani* (Gell. i. 12; *C. I. L.* ix. 3609, x. 5394).

There was a festival called Quinquatrus Minusculae on the 13th of June, when the tibicines went through the city in procession to the temple of Minerva, and observed a sort of carnival for three days (Liv. ix. 30; Ov. *Fast.* vi. 651; Varro, *L. L.* vi. 17; Val. Max. ii. 5, 4); they were masked and gaily dressed (Censorin. xii. 2). The "collegium tibicinum et fidicinum, qui sacris publicis praesto sunt," is mentioned in several inscriptions (*C. I. L.* vi. 3696, 3877; ix. 3609; x. 6101). As this festival was on the Ides, it is clear that the name was not given on any etymological principle, but, as Varro says, from a connexion of ideas with the greater Quinquatrus.

It has been observed that the March school festival reappeared in Christian times as the festival of St. Gregory (Gregory the Great, a founder of schools), and was kept in some places on March 12th, in others on March 19th.

(Marquardt, *Staatsverw.* iii.[2] 434; Mayor on Juv. x. 115.) [W. S.] [G. E. M.]

QUINQUENNA'LIA were games instituted by Nero A.D. 60, in imitation of the Greek festivals, and celebrated like the Greek πεντετηρίδες at the end of every four years; they consisted of musical, gymnastic, and equestrian contests, and were called *Neronia*, or *Agon Neroneus*. (Suet. *Ner.* 12; Tac. *Ann.* xiv. 20; Dio Cass. lxi. 21.) Suetonius and Tacitus (*ll. cc.*) say that such games were first introduced at Rome by Nero. The *Quinquennalia*, which had previously been instituted both in honour of Julius Caesar (Dio Cass. xliv. 6) and of Augustus (Id. li. 19; Suet. *Aug.* 59, 98), were confined to the towns of Italy and the provinces. The Quinquennalia of Nero appear not to have lasted long, but they were revived by Gordian III. (Friedländer, *Sittengeschichte*, ii.[5] 436 f.; Marquardt, *Staatsverw.* iii.[2] 566.) For the *Agon Capitolinus* of Domitian, see LUDI, p. 85 *b*. [W. S.] [G. E. M.]

QUINQUENNA'LIS. [COLONIA, Vol. I. p. 483 *a*.]

QUINQUERE'MIS. [NAVIS.]

QUINQUE'RTIUM. [PENTATHLON.]

QUINQUEVIRI, or five commissioners, were frequently appointed under the Republic as extraordinary magistrates to carry any measure into effect. Thus *Quinqueviri Mensarii*, or public bankers, were occasionally appointed in a financial crisis, to manage loans and other banking business [ARGENTARII, Vol. I. p. 181]; the same number of commissioners was sometimes appointed to superintend the formation of a colony, though three (*triumviri*) was a more common number. [COLONIA, Vol. I. p. 479 *b*.] We find, too, that Quinqueviri were created to superintend the repairs of the walls and of the towers of the city (Liv. xxv. 7), as well as for various other purposes.

Besides the extraordinary commissioners of this name, there were also permanent officers, called *Quinqueviri cis Tiberim* (Liv. xxxix. 14), who were responsible for the safety of the city after sunset, especially to guard against fires, as it was inconvenient for the regular magistrates to attend to this duty at that time: they were first appointed soon after the war with Pyrrhus. (Dig. 1, 2, 2, 31.) Mommsen (*Staatsrecht*, ii. 611) suggests that these were originally four, one for each of the old regions, and that the fifth was added for the Transtiberine region. The title *cis Tiberim* was still retained, and they were also called collectively Cistiberes (Dig. *l. c.*). [W. S.] [G. E. M.]

QUINTA'NA. [CASTRA.]

QUIRINA'LIA, a festival sacred to Quirinus, which was celebrated on the 17th of February, on which day Romulus was said to have been carried up to heaven. (Ovid, *Fast.* ii. 457; Festus, *s. v.*; Varro, *L. L.* vi. 13, and Calendars.) This day was also called *Stultorum Feriae*, for the meaning of which see FORNACALIA. (Marquardt, *Staatsverw.* iii. 117, 570.) [W. S.] [G. E. M.]

QUIRINA'LIS FLAMEN. [FLAMEN.]

QUIRI'TES, QUIRI'TIUM JUS. [JUS.]

QUOD JUSSU ACTIO. [JUSSU QUOD.]

QUORUM BONORUM, INTERDICTUM. The object of this interdict was to give a person who had a primâ-facie claim to an inheritance interim possession of things belonging to it, until a suit respecting the inheritance was determined. Thus it was an interdict for acquiring possession (*adipiscendae possessionis causa*). [INTERDICTUM.] The Interdictum quorum bonorum was originally the only means by which the bonorum possessor or praetorian heir could obtain possession of the property of the inheritance, since such successor, not being heres, could not claim by hereditatis petitio, nor by vindicatio, since he was not civil owner; in course of time, however, when bonitarian ownership (*in bonis*) was established, this kind of equitable ownership was attributed to the bonorum possessor, and so he might be able to maintain vindicatio utilis. Moreover, if the bonorum possessor lost possession, he could in many cases recover it by the possessory interdicts. If he continued in possession for the period of usucapion, he became civil owner. Only property of which a person could have possession or quasi-possession was the object of the interdictum quorum bonorum, but in the matter of obligations the praetor put the bonorum possessor in the same position as the heres by allowing him to sue in respect of the claims that the deceased had, and allowing any person to sue him in respect of claims

against the deceased, in an actio utilis (Ulp. *Fr.* 28, § 12; Gaius, ii. 52–58). Ultimately the bonorum possessio was put on the same footing in respect of actions as the hereditas, the possessoria hereditatis petitio being given to the bonorum possessor, corresponding to the hereditatis petitio of the heres.

The new form of procedure co-existed with the interdict, and a person might avail himself of either mode of proceeding, as he thought best, the two remedies differing not only in their extent but also in the fact that the one was a provisional remedy pending an action, while the petitio was an action definitively determining the right to the inheritance. Thus in the legislation of Justinian we find both forms of procedure mentioned. Some writers maintain that the p. p. her. was recognised in the Edictum Perpetuum of Hadrian, while others think that it must have been of later origin (see Leist, i. 295; Lenel, *Das Edictum Perpetuum*, xv. § 67).

The name of the Interdictum quorum bonorum is derived from its introductory words, and it runs as follows: "Ait Praetor: quorum bonorum ex edicto meo illi possessio data est: quod de his bonis pro herede aut pro possessore possides, possideresve si nihil usucaptum esset: quod quidem dolo malo fecisti, uti desineres possidere, id illi restituas." ("The Praetor declares: Whatever portion of the property granted in pursuance of my edict to be possessed by such and such a one, thou possessest as heir or as unentitled occupant, or wouldest so possess but for usucapion, or hast fraudulently ceased to possess, such portion do thou deliver up to such a one.") (Poste's *Gaius*, iv., §§ 138–170 comm.)

Accordingly he was entitled to this interdict when he had obtained a grant of bonorum possessio from the praetor, if any one of the following conditions applied to the defendant:—

1. That he was in possession claiming to be heir.
2. That he was in possession without any title.
3. That he had acquired ownership by usucapio pro herede.
4. That he would be in possession, if he had not fraudulently made away with the property.

The third condition requires some explanation. According to the old law, any malâ-fide possessor could acquire the ownership of a thing belonging to the hereditas, in the interval between the death of the deceased person and the entrance (*aditio*) of his heres on the inheritance. But Hadrian (Gaius, ii. 57) by the SC. Juventianum changed the law so far as to protect the heres against the usucapion of an improbus possessor, and to restore the thing to him. Hence the words relating to usucapion were introduced into the formula of the interdict. In the legislation of Justinian these words have no meaning, since usucapio lucrativa pro herede forms no part of it; yet the words have been retained in the compilation of Justinian, like many others belonging to an earlier age, though they had lost their practical significance. According to another explanation, a title by lucrativa usucapio pro herede was not a defence to the Interdictum quorum bonorum, even before the enactment of the SC. Juventianum, the effect of this law being only to allow the heres to recover by hereditatis petitio from a person who had acquired property of the inheritance by such usucapion. [HERES; BONORUM POSSESSIO.] (Dig. 43, 2; Gaius, iv. 144; Savigny, in *Zeitsch. für gesch. Rechtsw.* v. 1, and vi. 239; Francke, *Das Recht der Notherben*, c. 97, &c.; Fabricius, *Ursprung und Entw. der B. P.* 158, &c.; Leist, *Bonorum Possessio*, i. 342; Huschke, in Richter's *Jahrq.* iii. pp. 19, 20, 26, &c.) [E. A. W.]

R.

RA'DIUS. 1. A straight pointed rod used by geometricians and astronomers for describing figures on their abacus, a table covered with sand. (Cic. *Tusc.* v. 23, 64, "a pulvere et radio," of Archimedes; cf. Cic. *N. D.* ii. 18, 48, "eruditum illum pulverem," of geometry; Pers. i. 131; Aristoph. *Nub.* 177.) In Verg. *Ecl.* iii. 41, *Aen.* vi. 850, it is probably the actual rod (as above) used for the actual drawing of terrestrial and celestial globes on the abacus, rather than, as Conington says, a mere "phrase for scientific delineation." [See also ABACUS, III. *a.*]

2. Used in weaving. [TELA.]

3. Of a wheel. [CURRUS.] [G. E. M.]

RAMNES. [PATRICII.]

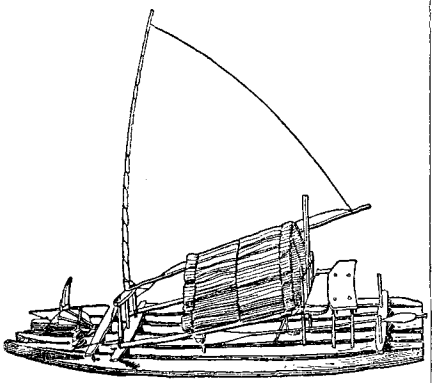
RAPI'NA. [FURTUM.]

RASTRUM, RASTRI, RASTELLUS. In this word the neuter form belongs to the singular; the masculine, as though from *raster*, to the plural. As regards its use, it seems to us necessary to make a clear distinction between (1) the rastrum quadridens, which is a rake; and (2) the rastrum bidens, which is a hoe or mattock. When rastrum stands alone, the quadridens or rake is usually meant, but not always in poetry; for instance, in Verg. *Georg.* i. 94, *Aen.* ix. 608, the bidens is to be understood. (1.) The quadridens or four-toothed rake (in Greek probably λίστρον) was sometimes of iron; it is mentioned by Cato in his list of *ferramenta*, for an olive garden (Cat. *R. R.* 10), and for a vineyard (*ib.* 11); but in Colum. ii. 11, 4, *ligni rastri* are used to rake the earth over seeds. The diminutive *rastellus* is nearly always a rake, and, as far as its material is stated, a wooden rake, for raking sown ground (Colum. ii. 12, 6), for raking up straw (Varr. *R. R.* i. 49). In Suet. *Ner.* 19, however, the rastellus is a light bidens.

(2.) The two-pronged rastrum, *rastrum bidens* (nearly always *bidens* alone), was used as a hoe or mattock for breaking up the ground (=Greek δίκελλα or σμινύη). It was probably always of iron (as in Pallad. viii. 5), so as to be driven forcibly into the ground, "fossores *jactant* bidentes" (Colum. iii. 13): the farmer uses it in the vineyard, turning up the earth "vel aratro vel bidente": "fossor qui crebris bidentibus soli terga *comminuit*" (id. iv. 14). It is used for stony ground, while the *pala* or spade suits marshy ground (Plin. *H. N.* xviii. § 46). The woodcut under PALA shows a bidens with curved prongs; cf. *curvi rastri* in Catull. 64, 39. [J. Y.] [G. E. M.]

RATIO'NIBUS DISTRAHENDIS AC'TIO. [TUTELA.]

RATIS (σχεδία), a raft. Its nature is roughly described by Festus, p. 136, "rates vocantur tigna colligata quae per aquas aguntur," and by Hesych. ξύλα ἃ συνδέουσι καὶ οὕτω πλέουσι: it was used in early times or among primitive people for voyages across narrow straits or from island to island (Thuc. vi. 2; Plin. *H. N.* vii. § 206; compare the "catamaran" of the Pacific islands, in the Torres straits, and off the coast of New Guinea, McGillivray, *Voyage of the Rattlesnake*, ii. 256); but in all times for crossing rivers, whether as a moving raft (Liv. xxi. 28), or as a fixed pontoon bridge (Liv. xxi. 27 and 47; Herod. iv. 97), or as a bridge of boats, we find *rates* and σχεδίαι mentioned. We have, in Lucan iv. 420, a description of a large movable raft supported on casks (*cupae*), such as were used also for pontoon bridges (Veget. iii. 7). The account of the raft in *Od.* v. has a peculiar interest and value, both as explaining fully the construction of the σχεδία, and also as throwing light on some terms of the ancient shipwright's art.



Modern Catamaran.

Ulysses was to leave Ogygia upon a raft, ἐπὶ σχεδίης πολυδέσμου (l. 33), an epithet which recurs l. 338: the "many fastenings" are the chief problem of the construction; cf. Herod. ii. 96, περὶ γόμφους πυκνοὺς καὶ μακροὺς περιείρουσι τὰ διπηχέα ξύλα. Calypso had pointed out the place where the material for the raft was to be found in the shape of trees, standing long withered and dry, which would float lightly.

Of those named, the floating power is very different, viz.:—

Alder	·20	specific gravity,	·80
Poplar	·62	,, ,,	·38
Fir	·53—·40	,, ,,	·47—·60

Alder is a very heavy wood, and not fit for shipbuilding. It might, however, be used for the σταμῖνες and the dowels. Poplar and fir, but chiefly the latter, would furnish the floor of the raft. Twenty trees are thrown, and trimmed with the axe, the branches and knobs hewn off. Then the adze comes into play, and the skilful shipwright makes two smooth surfaces which are straight to the line. The timbers, thus shaped, will touch all along their inner surfaces when laid together (ἀντίξοα, *vide infra*).

Next comes the process of tying them together. For this the goddess brings him borers, or augers (τέρετρα, plur.), doubtless of different diameters.

In tying heavy timbers together, where metal is not available or suitable for the purpose, two kinds of fastenings are necessary, commonly called trenails (γόμφοι), and dowels or coaks, which are here represented by the ἁρμονίαι. The trenail (tree-nail) is a long peg of tough wood tapering from an inch or inch and a half in diameter, to three-quarters of an inch at the thin end. The holes into which this is driven run through both pieces of timber, and of course they must correspond exactly on the inner surface when the two timbers are laid alongside of each other. Trenails, however, are not thick enough in diameter to stand a vertical strain tending to wrench one timber from the other. To make them of a greater diameter would weaken the timbers themselves dangerously; and so in order to meet a vertical strain, such as the rise and fall of the waves under the bottom of a raft, shipwrights join the timbers not only with trenails but with dowels, or coaks, as they are also called. These are short pieces of hard wood, from three to four inches in diameter and four to five inches long, according to the size of the spars. These are let in at intervals between the trenails with shallow holes bored to correspond in each timber. Being short and of hard wood, they will take a great vertical strain, as long as they remain fast. Hence Ulysses makes up his mind to remain on the raft—

ὄφρ' ἂν μέν κεν δούρατ' ἐν ἁρμονίῃσιν ἀρήρῃ.

When once the timbers had slipped outside the dowels, the trenails would not be of much use in holding the raft together.

As for ἁρμονίαι, the word occurs in Ar. *Eq.* τῶν θ' ἁρμονιῶν διαχασκουσῶν, where, if a flute is the instrument spoken of, it would mean the joints gaping, *i.e.* the sockets opening from the pieces that fitted into them. A little above the expression τέκτονες εὐπαλάμων ὕμνων occurs, so that it is probable that the metaphor of joiners' work is being kept up. The joints of the flute are not unlike the dowel and its socket. The word ἁρμὸς is also noticeable in this connexion, meaning a peg or stop: cf. Eur. *Fr. Erechth.* ἁρμὸς πονηρὸς ὥσπερ ἐν ξύλῳ παγείς.

Ulysses having planed his spars with the adze and bored them all and fitted them exactly, then (read ἄρασσεν: cf. Ap. Rhod. ii. 615, εὖτέ μιν Ἄργος γόμφοισιν συνάρασσεν, with Aristarchus) knocks them together, so that trenails and dowels fit into their respective holes and the inner surfaces of the spars meet together. This work of knocking the timbers together is well described by Ap. Rhod. *Arg.* ii. 79:—

ὡς δ' ὅτε νήϊα δοῦρα θοοῖς ἀντίξοα γόμφοις
ἀνέρες ὑληουργοὶ ἐπιβλήδην ἐλάοντες
θείνωσι σφύρῃσι.

The raft thus constructed is compared as to size and shape to the setting out of the floor of a wide merchant vessel in design by a skilled shipwright.

The word τορνώσεται seems to imply the curvature of the lines of a vessel in plan rather than of those in section, which would not be so applicable to a raft. The breadth of the raft is that to which attention is chiefly called, though from the expression τορνώσεται we might perhaps infer the rounding off of the ends (cf. *Il.* xxiii. 255).

The floor completed, the next work was the raising of the deck according to the goddess's suggestion. This was a matter of some time and labour, as the imperfect *ποίει* implies. First of all, he had to set up his *σταμῖνες*, many in number and pretty close together. The *τέρετρα* would here come into play again. The *σταμῖνες*, uprights, would be let into holes bored in the floor of the raft, and the deck timbers also bored and fitted on to the tops of them. With regard to the word *σταμίς*, there can be hardly any doubt as to its meaning. Hesychius gives *τὰ ἐπὶ τῆς σχεδίης ὀρθὰ ξύλα*. Eustathius, *οἱ παλαιοί, ἑρμηνεύοντες ἐπιμήκη ξύλα, τὰς σταμίνας φάσιν, ἃ στημόνων τρόπον ἔχοντα, παρατιθέμενα τοῖς ἱκρίοις ἑκάτερθεν ἑστάναι αὐτὰ ποιοῦσιν.*

But they must not be confused with the ribs of a ship, with which they have nothing in common, being straight and not curved. Compare *στημόνιον*, the upright sticks in wicker-work round which the osier twigs were twined. Hence Aristarchus interpreted *σταμῖνες* as being *ὀρθὰ ξύλα οἷον στήμοσιν ἐοικότα*.

Upon these uprights the deck timbers were laid and fastened. There can be no doubt as to *ἵκρια* meaning "deck, platform." The attempt to translate it as "bulwarks," seems perverse in the face of the well-known passage of Herod. v. 16. Eustathius gives clearly *κατάστρωμα νεώς*. After setting up his platform or deck by fitting these cross-beams upon the uprights, he finishes off and makes fast his *ἵκρια* by long gunwales (*ἐπηγκενίδες*). These laid lengthwise on either side would prevent the timbers of the deck from jumping, and would so finish the deck as such (*τελεύτα*). The interpretation of the word given in *Etym. Mag.* *τὸ ἐπὶ μῆκος παρατεταμένον μακρὸν ξύλον* is misleading if taken to imply a planking alongside of the *σταμῖνες*. The raft is open, and the water would wash freely through the front and sides of the stage carrying the deck.

The carpentering is concluded with the fashioning of mast and yard and paddle for steering. There still remained the construction of a bulwark to protect the sailor from the wash of the wave. This is effected by a wattle-work of osiers set up on the *ἵκρια* as a fence all round. Not being very strong in itself, it is backed by piles of brushwood (*ὕλη*), which, bound up in the shape of fascines or faggots, would be light, and at the same time offer a good resistance. The idea of "ballast" for the raft seems absurd, and out of place altogether. [E. W.]

RECEPTA; DE RECEPTO ACTIO. The praetor declared that he would allow an action against *nautae*, i.e. against *exercitores* or shipowners (Dig. 14, 1, 2, 4; see EXERCITORIA ACTIO), *caupones* (innkeepers), and *stabularii* (livery stable keepers), in respect of any property which they had taken under their charge if they did not restore it ("quod cujusque salvum fore receperint, nisi restituent"). At first sight there seems no reason for this special action on account of the receiving of goods, which is called *actio de recepto*, as a person who had sustained loss would either have an *actio locati* (in case a whole ship were let for transport it would be *actio conducti*), where payment had been agreed on, or an *actio depositi*, where the goods were received without any promise of payment; but the reason was this, as explained by the jurist Pomponius (Dig. 14, 1, 3, 1). Under a contract of letting and hiring (*locatio, conductio*), the receiver was only answerable for loss when he was guilty of negligence (*culpa*); and under a contract of deposit, only when he was guilty of dolus malus; but a *nauta, caupo*, or *stabularius* who received goods in the course of his business was liable to the *actio de recepto* if the thing were lost or injured, even without any negligence on his part, and he was only excused in case of *damnum fatale*, such as shipwreck, piracy, and so forth, or in case of negligence on the part of the person from whom he had received the property. The ground of imposing this special liability is explained to be that there is, generally speaking, a necessity of entrusting property to the care of the classes of person in question (Dig. 14, 1, 1). It was possible to exclude this liability by special agreement between the parties. English law follows the example of Roman law in making innkeepers and common carriers, on account of the public nature of their employment, absolutely responsible for the safety of property which they are given the custody of, unless the loss arises from the negligence of the owner, or is caused by *vis major* or the act of God.

The praetor also gave a penal action against *nautae, caupones*, and *stabularii* on account of any property which he had received, if such loss or damage was due to the dishonesty or negligence of those in their employment, &c.; but an innkeeper was not responsible in this action for delicts of a mere traveller. In this action the plaintiff recovered double the value of the property he had lost, whereas the object of the *actio de recepto* was simply the recovery of damages. This penal action could not be maintained against the heir of the *nauta, caupo*, and *stabularius*. Both the *actio de recepto* and the penal action were *in factum conceptae* [ACTIO]. (Dig. 4, 9, 47, 5; Inst. iv. 5, 3; Arndts, *Pandekten*, § 289; Windscheid, *Pandekten*, § 384.)

There is a title in the Digest (4, 8), "De Receptis, qui arbitrium receperunt ut sententiam dicant." When parties who had a matter to litigate, had agreed to refer it to an arbitrator, which reference was called *compromissum*, and a person had accepted the office of arbitrator (*arbitrium receperit*), the praetor would compel him to pronounce a sentence, unless he had some legal excuse. The praetor could compel a person of any rank, as a consularis for instance, to pronounce a sentence after taking upon him the office of arbiter; but he could not compel a person who held a magistratus or potestas, for he had no imperium over them. The arbitration involved a judicial inquiry and award. It was usual for the parties to enter into mutual penal stipulations (*poena, pecunia compromissa*: hence the term *compromissum*), which would secure a right of action for the penalty to the successful party, but effect might be given to an arbitration in certain other ways, so as to give a right of action for damages. (Dig. 4, 8; Windscheid, *Pandekten*, §§ 415–417; Arndts, *Pandekten*, § 270.) [G. L.] [E. A. W.]

RECI'NIUM. [RICINIUM.]

RECISSO'RIA A'CTIO. [INTERCESSIO.]

RECUPERATO'RES. [JUDEX.]

REDA, a large carriage with four wheels (Isid. xx. 12; Cod. Theod. viii. 5, 8, where it is

distinguished from a *birota*): used as a travelling carriage (Cic. *pro Mil.* 10, 28; 20, 54; *ad Att.* v. 17; Hor. *Sat.* i. 5, 86, ii. 6, 42; Helv. Cinna *ap.* Gell. xix. 13). It is clear from the above passages that it was the carriage commonly used by the Romans who could afford it for rapid travelling, and that it held several persons: probably it had several seats like a *char-à-bancs:* it also carried luggage (Juv. iii. 10; Mart. iii. 47; Cod. Theod. *l. c.*). Like the COVINUS and ESSEDUM, it was of Gallic origin (Quintil. i. 5, § 68; Caes. *B. G.* i. 51): but it had been completely adopted by the Romans and possibly modified in shape. It probably had a cover. It was drawn by two horses usually (or mules, Varr. *R. R.* iii. 17), but sometimes by four horses for greater speed. Venantius Fortunatus writes in the 6th century—

> "Curriculi genus est, memorat quod Gallia redam,
> Molliter incedens orbita sulcat humum,
> Exsiliens duplici bijugo volat axe citato,
> Atque movet rapidas juncta quadriga rotas."

There were also redae as hired carriages (*redae meritoriae*, Suet. *Jul.* 57); and in the later Empire as government stage-coaches (*fiscalis reda*, Sulp. Sever. *Dial.* ii. 4): Cod. Theod. *l. c.* speaks of these as carrying 1000 lbs. of goods. *Epiredia* were probably traces, though the Schol. on Juv. viii. 66 calls them "ornamenta redarum." Quintil. *l. c.* mentions the word as a mixture of two languages, Greek and Gallic; Professor Mayor (*ad loc.*) however remarks that ῥέδα, ραιδίον occur in late Greek (e.g. *Apocal.* xviii. 13), and this word may of course have been compounded after it became a Greek word and the compound borrowed by the Romans. (Marquardt, *Privatl.* 733; Becker-Göll, *Gallus*, iii. 19; Baumeister, *Denkm.* 2082.) [W. S.] [G. E. M.]

REDEMPTOR. [LOCATIO; MANCEPS; PUBLICANUS.]

REDHIBITO'RIA A'CTIO was an action given by the edict of the curule aediles to a buyer against a seller for rescinding a sale, when the thing sold turned out to be defective, the seller not having known of the existence of the defect. If the seller was aware of the defect, or if he had warranted the thing to be free from defects, he was liable at civil law; but in case the defect was unknown to both parties at the time of the sale, and there had been no warranty, there was only a remedy under the edict of the aediles. "*Redhibere*," says Ulpian, "is so to act that the seller shall have back what he had, and because this is done by restoration; for that reason it is called *redhibitio*, which is as much as to say *redditio*." The effect of the *redhibitio* was to rescind the bargain and to put both parties in the same position as if the sale had never taken place. The time allowed for prosecuting the actio redhibitoria was "sex menses utiles." The buyer had an alternative remedy to the actio redhibitoria, viz. the actio quanti minoris, for an explanation of which see the article on the subject. (Dig. 21, 1; Cod. 4, 58; Windscheid, *Pandekten*, § 393.) [G. L.] [E. A. W.]

REDIMI'CULUM. [MITRA.]

RE'GIA (in Greek historians τὸ βασίλειον, ῥηγία), at first the building in which the king, as head of the state religion, performed the functions belonging to it: after the overthrow of the monarchy, when the continuity of the king's religious functions was preserved, it supplied the offices of the Pontifex Maximus, and perhaps also of the Rex sacrorum (Mommsen, *Staatsr.* ii.[3] 15). [For the apparent connexion of the king's or chief's house with the state hearth, see PRYTANEUM, p. 513 *b.*] But, though many even of the most recent writers have thought otherwise, there appear to us strong reasons for maintaining that the Pontifex Maximus and the Rex sacrorum had each his official dwelling-house elsewhere in the Via Sacra. The Regia was said to have been built and occupied by Numa (Ov. *Trist.* iii. 1, 28; *Fast.* vi. 263; Tac. *Ann.* xv. 41) [but the words of Plut. *Num.* 14 imply that it was never his dwelling-house]: it was partly destroyed by the Gauls, 391 B.C., and again in great part burnt B.C. 210 (Liv. xxvi. 27). Julius Caesar as Pontifex Maximus had his offices by day for religious functions in the Regia, and lived in the house in the Via Sacra which was assigned to the Pontifex* (Suet. *Jul.* 48; Plut. *Caes.* 10). It is usually said that, when Augustus became Pontifex Maximus in B.C. 12, he gave the Regia to the Vestals because it adjoined their house (ὁμότοιχος ἦν, Dio Cass. liv. 27): but the historian there speaks of the house τοῦ βασιλέως τῶν ἱερῶν, and we see no reason for assuming that he mistook the Pontifex Maximus for the Rex sacrorum: on the contrary we have the express testimony of Pliny (*Ep.* iv. 11) that the Pontifex used the Regia as an office in the reign of Trajan. The Vestals pulled down most of the buildings given up to them, and rebuilt their house on an enlarged scale upon the same site.

Besides the above-mentioned use, the Regia contained a sacrarium of Mars, in which were the sacred spears (Gell. iv. 6) [but *not* the ancilia: see SALII], and a sacrarium of Ops, containing a PRAEFERICULUM and SECESPITA, perhaps also of Janus and of Jupiter (Varro, *L. L.* vi. 21; Marquardt, *Staatsverw.* iii. 250). In one or other of these sacraria were preserved the libri pontificum and the Calendars. (For the topography and the construction of the Regia, see Middleton, *Rome*, p. 185; Richter in Baumeister, *Denkm.* 1465; and compare PONTIFEX, REX SACRORUM, VESTALES.) [G. E. M.]

REGIFU'GIUM, an annual festival at Rome on the 24th of February. On this day the REX SACRORUM offered sacrifice in the Comitium, and

* The view here expressed is mainly that followed by Jordan (*Topog.* i. 426), who remarks that the Regia had the character of a *fanum*, not of a dwelling for mortals. We may add to his arguments the following considerations:—1. *A priori*, it is unlikely that any part of the Regia could be altogether given over to the custody of women, as was Caesar's house for the rites of Bona Dea (Plut. *Caes.* 10). 2. Since in all Latin writers the name Regia is always given to the building described in this article, and in Plutarch always ῥηγία, it is surely impossible that, when they speak of the house which Caesar occupied as Pontifex Max., they should *never* mention it as part of the Regia, if such it was, but as "domus Pontificis Maximi" (Cic. *pro Dom.* 39, 104; *de Harusp. Resp.* 3, 4); "domus publica" (Suet. *l. c.*); "domus" (Plin. *H. N.* xix. § 23); ἡ τοῦ Καίσαρος οἰκία, οἰκία μεγάλη (Plut. *Cic.* 28, *Caes.* 10). The "visum in regia" of Cic. *ad Att.* x. 3 we regard as an ironical use of "palace" for Caesar's house. For the explanation of the passage in Dio Cass. xliii. 44, see SALII.

after the sacrifice hastily fled from the spot (Plut. *Q. R.* 63; cf. *Cal. Praen.* March 24). That this was a symbolical flight is plain enough, but of what it was a symbol is not so certain. The convenient interpretation of some Roman writers, that it commemorates the expulsion of Tarquin (Ov. *Fast.* ii. 685; Fest. *s. v.*), we should probably reject, as an idea started by the apparent meaning of the word. It is, we think, more correct to assume that the ceremony is an old one belonging to the times of the monarchy, and that the offering by the Rex sacrorum is one which was originally made by the king himself. It is suggested by some, not without probability, that the offering was an atonement and purification for the city; that the victim received, like a scapegoat, the guilt upon itself; and that the officiating minister therefore fled from it, as from something polluted (Hartung, *Rel. d. Römer*, ii. 35; Marquardt, *Staatsverw.* iii. 324). If so, there may be a reason for this sin offering near the end of February, as the month of purification, and perhaps as marking the close of the most ancient year. Mr. Warde Fowler has suggested that we should seek for the origin of this custom in the connexion of Mars with Apollo (see Roscher, *Lexicon*), and the flight of Apollo as one guilty of bloodshed [see DAPHNEPHORIA; THEOPHANIA]. In two other months, March and May, the 24th was marked by an offering of the Rex in the Comitium. These days are indicated by the letters Q. R. C. F. = *quando rex comitiavit fas* (Varro, *L. L.* vi. 31; Ovid's first conjecture in *Fast.* v. 727 is more correct than his second). They were probably, as Marquardt says, the two days for making wills at the Comitia Calata under the authority of the king, the day involving *nefas* before the offering and *fas* after it (cf. Gell. xv. 27; Mommsen, *Staatsrecht*, ii.[3] 38; TESTAMENTUM). It must be observed, however, that the name Regifugium belongs to the 24th of February alone. (Marquardt, *Staatsverw.* iii.[2] 323 f.; Mommsen, *Staatsrecht*, *ii.*[3] 4.) [L. S.] [G. E. M.]

REGILLA. [TELA; MATRIMONIUM, Vol. II. p. 142 *b*.]

RE'GIO. The topographical description of Rome and Italy does not belong to this work, and, for the definition in that sense of the Roman and Italian regions, reference may be made to the *Dictionary of Greek and Roman Geography*, articles ROMA and ITALIA; also to Middleton, *Rome*, pp. 243–246, and Richter, in Baumeister's *Denkm.* s. v. *Röm.* It is only necessary here to point out generally the different meanings and purposes of regiones. The word *regio* meant merely a district, or *μοῖρα*, of land, and signified thus the *territorium* round the Italian towns and subject to the same jurisdiction: "regiones dicimus intra quas singularum coloniarum et municipiorum magistratibus jus dicendi coercendique est libera potestas" (Sic. Flacc. p. 135). The whole regio so attached might comprise several pagi. [PAGUS, p. 309.]

At Rome we have, after the extension of the Palatine city, four regions which dated from a period older even than the "Servian" city, since the area is less than that contained by the Servian walls: its limits correspond with the pomerium of republican times until the age of Sulla [POMERIUM, p. 444], and mark the settlement of the four city tribes. For the administration in early times of these four regions, see QUINQUEVIRI, TRIBUNI AERARII, and TRIBUS. In religious observances we may recognise these ancient districts in the sacraria of the ARGEI (Vol. I. p. 179). The regions of Rome with which we are more often concerned in Latin literature are those of Augustus, who did not enlarge the pomerium, but divided the whole inhabited city within and without the walls into 14 regions, and each region into vici of a varying number according to its size [VICUS]. These regions were each under the immediate control of a magistrate chosen by lot from the praetors, aediles, and tribunes (Suet. *Aug.* 30; Dio Cass. lv. 8): one cohors vigilum was assigned to each two regions [EXERCITUS, Vol. I. p. 794 *b*].

Distinct from these are the eleven regions into which Augustus divided Italy (Plin. *H. N.* iii. § 46), Rome forming in this category the 12th region. These do not seem to have been administrative units, but only intended for convenience of denomination. The "regio Aemilia," in Mart. iii. 4, vi. 85, is one of them. The *regiones annonariae* and *urbicariae* were a later division under Maximian, who in A.D. 286, residing himself at Milan, made a *regio annonaria* in the country north of the Rubicon, which supplied his court, and *regiones urbicariae* or *suburbicariae* to supply Rome. The disputed question as to the precise limits of these regions is beyond our scope here: on that point see Marquardt, *Staatsverwalt.* i. 231. [G. E. M.]

RE'GULA (*κανών*), the ruler used by scribes for drawing right lines (Brunck, *Anal.* iii. 69, 87); also the rule used by carpenters, masons, and other artificers, for drawing straight lines on plane surfaces, whereas the perpendiculum or *στάθμη* was used for a vertical direction [PERPENDICULUM]. (Aristoph. *Ran.* 798; Vitruv. vii. 3, § 5; cf. Plat. *Phileb.* p. 56 B; Aeschin. *c. Ctes.* § 199; Plin. *H. N.* xxxvi. § 188.) That it was marked with equal divisions, like our carpenters' rules, is manifest from the representations of it among the "Instrumenta fabrorum tignariorum," in the woodcut at p. 243. The substance with which the lines were made was raddle or red ochre (*μίλτος*, Brunck, *Anal.* i. 221; *φοίνικι κανόνι*, Eurip. *Herc. Fur.* 925). The *linea* (*σχοῖνος*, *σπάρτον*, *μιλτεῖον*, *Anth. Pal.* vi. 103, 205; Poll. x. 186) was a line or cord for the same purpose, either red or chalked (Cic. *ad Qu. Fr.* iii. 1, 2; Vitruv. vii. 3; Pallad. iii. 9, 10). Regula is also the *thread* of the screw [COCLEA]: see Vitruv. x. 11, 2; Blümner, *Technologie*, iv. 124. For the regula of a wine or oil press, see TORCULAR. [J. Y.] [G. E. M.]

REI UXO'RIAE or DOTIS A'CTIO. [DOS.]

RELA'TIO. [SENATUS.]

RELEGA'TIO. [EXSILIUM.]

REMANCIPA'TIO. [EMANCIPATIO.]

REMULCUM (*ῥῦμα*, *ῥυμουλκεῖν τὰς ναῦς*), a rope for towing a ship ("*Remulcum*, funis, quo deligata navis magna trahitur vice remi," Isid. *Orig.* xix. 4, § 8; "*Remulco* est, quum scaphae remis navis magna trahitur," Festus, *s. v.*; comp. Caes. *B. C.* ii. 23, iii. 40; Hirt. *B. Alex.* 11; Liv. xxv. 30, xxxii. 16; Polyb. i. 27, 28, iii. 46). Looking to the form of the

word *ῥυμουλκεῖν*, and the frequent use of *ῥῦμα* for the tow-rope (Polyb. i. 26, 14, &c.), we can hardly doubt that the word *remulcum* is borrowed from the Greek, and that the connexion with *remus* is false. The ships were no doubt often towed by boats with oars, but this word would be used whatever might be the method of towing. In Latin of the best age it is found only in the ablative. [W. S.] [G. E. M.]

REMU'RIA. [LEMURIA.]

REMUS. [NAVIS, Vol. II. pp. 212, 215.]

REPA'GULA. [JANUA.]

REPETUNDAE, or PECUNIAE REPETUNDAE. Repetundae pecuniae in its widest sense was the term used to designate such sums of money as the socii of the Roman state or individuals claimed to recover from magistratus, judices, or public curatores, which they had improperly taken or received in the Provinciae or in the Urbs Roma, either in the discharge of their jurisdictio, or in their capacity of judices, or in respect of any other public function. Hence the word *repetundae* came to be used to express the illegal act of officials in extorting or taking money from those subject to them, as in the phrase "repetundarum insimulari, damnari;" and *pecuniae* meant not only money, but anything that had value. The expression which the Greek writers use for repetundae is *δίκη δώρων* (Plut. *Sulla*, 5). The crimen repetundarum, then, is the crime of official corruption and oppression, an offence which became more frequent as the Roman dominion extended, and was therefore made the subject of various penal enactments.

It is stated by Livy (xlii. 1) that before the year B.C. 173 no complaints were made by the socii of being put to any cost or charge by the Roman magistratus. Subsequently, when complaints of exactions came to be made, an administrative inquiry was instituted into this offence by extraordinary commissions of the senate, as appears from the case of P. Furius Philus and M. Matienus, who were accused of this offence by the Hispani (Liv. xliii. 2). Regulations respecting donations to governors of provinces by their subjects were prescribed by the Lex Porcia (Liv. xxxii. 27), but the first lex repetundarum was the Calpurnia, which was proposed and carried by the tribunus plebis, L. Culpurnius Piso (B.C. 149), who was distinguished also as an historical writer. The Lex Calpurnia established for the first time a perpetua quaestio to try persons charged with this offence, a special praetor being appointed to conduct the trial (Cic. *de Off.* ii. 21, 75; *Brut.* 27, 106). The lex only applied to provincial magistrates, because in the year B.C. 141, according to Cicero (*de Fin.* ii. 16, 53), the like offence in a magistratus urbanus was the subject of a *quaestio extra ordinem*. It seems that the penalties of the Lex Calpurnia were merely pecuniary, being recovered by the actio sacramenti, and at least did not comprise exsilium, for L. Cornelius Lentulus, who was censor B.C. 147, had been convicted on a charge of repetundae in the previous year. The sum to be restored was ascertained after conviction by the proceeding of *litis aestimatio*, or taking an account of all the sums of money which the convicted party had illegally received. Various leges de repetundis were passed after the Lex Calpurnia. The Lex Junia was passed probably about B.C. 126, on the proposal of M. Junius Pennus, tribunus plebis. We have no information respecting its contents, but it may possibly be the lex under which C. Cato, Proconsul of Macedonia, was living in exile at Tarraco (Cic. *pro Balbo*, 11, 28; Vell. Pat. ii. 8); for at least exsilium was not a penalty imposed by the Calpurnia Lex. The Lex Servilia Glaucia was proposed and carried by C. Servilius Glaucia, tribunis plebis B.C. 100. This lex applied to any magistratus who had improperly taken or received money from any private person; but a magistratus could not be accused during his year of office. It perhaps only included provincial magistrates, being extended to urban by a subsequent statute (Cic. *pro Rabir. Post.* 6, 13). The Lex Servilia enacted that the praetor peregrinus should annually appoint 450 judices for the trial of this offence: the judices were not to be senators. The penalties of the lex were pecuniary and exsilium; the law allowed a comperendinatio (Cic. *in Verr.* i. 9, 26). Before the Lex Servilia there was simple restitution of what had been wrongfully taken, and also the summa sacramenti forfeited to the state: this lex seems to have raised the penalty to double the amount of what had been wrongfully taken; and subsequently by the Lex Cornelia it was made quadruple. Under this lex were tried M. Agillius, P. Rutilius, M. Scaurus, and Q. Metellus Numidicus. The lex gave the civitas to any person on whose complaint a person was convicted of repetundae (Cic. *pro Balbo*, 23, 24).

The Lex Acilia, which is of uncertain date (probably B.C. 101), was proposed and carried by M'. Acilius Glabrio, a tribunus plebis. It made some changes in the procedure of trials for repetundae, enacting that there should be neither ampliatio nor comperendinatio. It is conjectured that this is the Lex Caecilia mentioned by Valerius Maximus (vi. 9, 10), in which passage, if the conjecture is correct, we should read Acilia for Caecilia (Cic. *Act.* i. *in Verr.* 17, 50). It is a subject of dispute whether the Acilia or Servilia was first enacted, but it appears that the Acilia took away the comperendinatio which the Servilia allowed.

The Lex Cornelia was passed in the dictatorship of Sulla, B.C. 81, and continued in force to the time of C. Julius Caesar. It extended the penalties of repetundae to other illegal acts committed in the provinces, and to judices who received bribes, to persons abetting the crime into whose hands the money came (*quo ea pecunia pervenerit*, Cic. *pro Rab. Post.* 4, 7), and to those who did not give into the Aerarium their proconsular accounts (*proconsulares rationes*). The praetor who presided over this quaestio chose the judges by lot from the senators, whence it appears that the Lex Servilia was repealed by this lex, at least so far as related to the constitution of the court. This lex also allowed ampliatio and comperendinatio. The penalties were pecuniary (*litis aestimatio*), and the form of banishment called *aquae et ignis interdictio*. Under this lex were tried L. Dolabella, Cn. Piso, C. Verres, C. Macer, M. Fonteius, and L. Flaccus, of whom the last two were defended by Cicero. In the Verrine Orations Cicero complains of the comperendinatio or double hearing of the cause, which the Lex Cornelia allowed, and refers to the practice under the Lex Acilia,

according to which the case for the prosecution, the defence, and the evidence were only heard once, and so the matter was decided (*in Verr.* 1, 9). The last Lex de repetundis was the Lex Julia passed in the first consulship of C. Julius Caesar, B.C. 59 (Cic. *in Vat.* 12). This lex consisted of numerous heads (*capita*), which have been collected by Sigonius (Cic. *ad Fam.* viii. 8). It repealed the penalty of exsilium, but, in addition to the *litis aestimatio*, it enacted that persons convicted under it should lose their rank, and be disqualified from being witnesses, judices, or senators. This is the lex which was commented on by the jurists, whose expositions are preserved in the Digest (48, 11) and in the Code (9, 27). The Lex Julia was an act embodying provisions that existed in previous laws, as, for instance, that by which the money that had been improperly retained could be recovered from those into whose hands it could be traced. It contains provisions prohibiting governors of provinces from contracting debts and entering into other legal transactions within their provinciae, with which Mr. Justice Stephen compares (*Hist. of Criminal Law*, i. p. 22, 1st ed.) the rules prevailing in India, which prevent civilians from holding land in their own districts and from receiving presents.

The Lex Julia had been passed when Cicero made his oration against Piso, B.C. 55 (*in Pis.* 21, 50). A Gabinius was convicted under this lex. Many of its provisions may be collected from the oration of Cicero against Piso. Cicero boasts that in his proconsulship of Cilicia there was no cost caused to the people by himself, his legati, quaestor, or anyone else; he did not even demand from the people what the Lex (Julia) allowed him.

Under the Empire the offence was punishable with exile (Tac. *Ann.* xiv. 28, and the note of Lipsius). It was treated under the Antonines as a crimen extraordinarium, except in very grave offences, when it was punished with death. (Walter, *Geschichte d. röm. Rechts*, ii. § 814; Rudorff, *Geschichte d. röm. Rechts*, ii. § 120; Rein, *Criminalrecht*, 604, &c.; Geib, ii. 40–42; Zumpt, *de legg. judiciisque repetundarum in republica Romana.*) [G. L.] [E. A. W.]

REPOTIA. [MATRIMONIUM, Vol. II. p. 144 *b.*]

REPU'DIUM. [DIVORTIUM.]

RES. [DOMINIUM.]

RESCRIPTUM. [CONSTITUTIONES.]

RESTITU'TIO IN I'NTEGRUM signifies the rescinding of an act by the magistratus in order to prevent the legal consequences which ordinarily attach to such act from taking effect, the parties affected by it being restored to the same position which they occupied before it took place. Such restitution is founded on the edict and given by the magistratus on grounds of equity in cases of contractual and other relations, which are not in their nature or form invalid; for if they are such as not to be valid according to the Jus Civile, this restitutio is not needed. The *in integrum restitutio* is an extraordinary remedy (*extraordinarium auxilium*), available in cases of conflict between strict law and equity (*jus strictum, aequitas*), which are determined by the magistratus in accordance with the principles of the latter through his imperium as distinguished from his JURISDICTIO.

In order to entitle a person to the restitutio, he must have sustained some injury in consequence of the contract or act in question, and not through accident or any fault of his own; except in the case of one who is *minor* xxv *annorum*, who was protected by the restitutio against the consequences of his own carelessness. The injury also must, as a rule, be one for which the injured party has no other remedy. Further it was necessary that there should be some ground of restitution (*justa causa*) recognised by the equity of the magistratus, though not by strict law. The grounds of restitutio were those expressed in the praetor's edict, in the case of restitutio against a positive act, such as entering into a contract, or any which appeared to the praetor good and sufficient, in the case of restitutio as a remedy against the consequences of omissions: "item si qua alia mihi justa causa esse videbitur in integrum restituam quod ejus per Leges, Plebiscita, Senatusconsulta, Edicta, Decreta Principum licebit" (Dig. 4, 6, 1).

The following are the chief grounds on account of which a restitutio might be decreed:—*Vis et metus* (Dig. 4, 2; Cod. 2, 20). If a man were induced to enter into a legal transaction or act through duress, the proceeding was not for that reason invalid, since his assent was not considered to be wanting (Dig. 4, 2, 21, § 5), and his motives for assenting were in strict law immaterial; but it was *contra bonos mores* to allow such an act to have legal effect, and so it having been done under the influence of force or reasonable fear ("metum non vani hominis, sed qui merito et in hominem constantissimum cadat") an *in integrum restitutio* was allowed. An alternative and generally preferable remedy to this mode of restitution was after a time established by the praetor in the *actio quod metus causa*, by which restitution or a fourfold penalty could be obtained against the party who was the wrongdoer, and also against an innocent person who was in possession of anything which had been got from him, and also against the heredes of the wrongdoer in so far as they were enriched by the wrong (*quantum ad eos pervenit*). If a person was sued in respect of a transaction which he had entered into under duress, he was allowed to defend himself by an *exceptio quod metus causa*. The *actio quod metus* was first given by the Praetor L. Octavius, a contemporary of Cicero (formula Octaviana, Cic. *in Verr.* iii. 65).

The case of *dolus* (Paul. 1, 8; Dig. 4, 3; Cod. 2, 21). When a man was induced to enter into a legal transaction by the fraud of the other contracting party, he was bound according to *jus strictum*, but was entitled to an *in integrum restitutio*. Redress could also be obtained by means of the *actio de dolo malo* or *doli* against the guilty person and his heredes, so far as they were made richer by the fraud, for restitution or damages. Against a third party who was in bonâ-fide possession of the thing obtained by dolus, he had no action. If he was sued in respect of the transaction, he could defend himself by the *exceptio doli mali*. As the *actio doli* entailed infamia, it could only be brought in case the injured party had no other actie, and even the extraordinary remedy of *in integrum restitutio* would frequently be given by the praetor in preference to it. The *actio doli* was

instituted by C. Aquilius Gallus in 688 A.U.C., when he was praetor (Cic. *de Off.* iii. 14, 60; *de Natura Deor.* iii. 30, 74).

The case of *minores* XXV *annorum* (Paul. 1, 9; Dig. 4, 4; Cod. 2, 22). A person above the age of puberty could bind himself by a legal act, but the Lex Plaetoria imposed a penalty on account of the overreaching and circumventing persons below the age of twenty-five, and subsequently the praetor promised in his edict to give *in integrum restitutio* to such persons, when the circumstances of the case seemed to him to require this remedy. In order to obtain restitutio it was not necessary for the minor to show that he had been defrauded; it was sufficient that an improper advantage had been taken of his inexperience. A minor was not prevented from claiming an integrum restitutio by the fact that his curator had assented to the transaction in question. A legal transaction which a pupillus had entered into, to which the auctoritas of his tutor had been given, could also be rescinded in this way on sufficient ground being shown. If the auctoritas of the tutor had not been given, and the act of the pupillus was one which required it, no restitutio was necessary, since the act would not be legally binding.

There were cases in which minores could claim no restitutio: for instance, when a minor with fraudulent design gave himself out to be *major vigintique annis;* or when he confirmed the transaction, and in other cases. The benefit of this restitutio belonged to the heredes of the minor. The claim to it could only be made, as a general rule, against the person who had circumvented the minor and his heredes. The time for making it was limited. The praetor also gave restitutio to municipal corporations on account of the injurious acts of their representatives (Dig. 49, 1, 29;—Cod. 2, 54, 4; 1, 50, 1; 11, 29, 3).

The case of *capitis deminutio* through *arrogatio* [ADOPTIO] or *in manum conventio* [MATRIMONIUM], which according to the Jus Civile was followed by the extinction of all the debts of the person arrogated or brought into the power of her husband. On account of the injustice to creditors thus occasioned the praetor restored them to their former rights, giving them *actiones fictitiae* or *in factum* (Gaius, iii. 83; iv. 38).

The case of *absentia* (Dig. 4, 6; Cod. 2, 54). Owing to the shortness of the time of acquiring property by usucapion, and to the fact that the right of bringing many praetorian actions was limited to a year, it must frequently have happened that rights were lost owing to a person's absence or to some other cause, which entitled to relief. In such cases the praetor gave *in integrum restitutio*, if sufficient cause was shown. Absence of the plaintiff on account of metus or on state service (*reipublicae causa*), or his imprisonment (*in vinculis*), or his capture by the enemy (*in hostium potestate*), and also absence of the defendant, are the chief causes mentioned in the edict; but there are others referred to, as loss of action owing to delay in appeal from one magistratus to another, or by refusal of an action within the time prescribed, and also causes not specified in the edict, which seemed to the praetor sufficient. If the absence or delay of the plaintiff was avoidable, or if his action could have been maintained by a procurator on his behalf, and he was blamable for not having appointed one, he could not claim restitutio.

The doubtful case of *alienatio judicii mutandi causa facta* (Dig. 4, 7; Cod. 2, 55), which occurs when a man alienates a thing for the purpose of injuring a claimant by substituting for himself another against whom the plaintiff cannot so easily prosecute his right. Though the alienor has here only made use of his legal right, the praetor perhaps at one time granted restitutio, if the exercise of such right operates unfairly on the plaintiff; though this may be questioned (Windscheid, *Pandekten*, 1, § 116, n. 2), he certainly gave an *actio in factum* for damages in such case. The rule that a vindicatio would lie against a person who had fraudulently parted with possession of the thing claimed, on the fiction that he was still in possession, had a similar object with this actio. If a man assigned a claim or right with the view of injuring his adversary by giving him a harder claimant to deal with, the adversary could meet the assignee, when he sued, with an *exceptio judicii mutandi causa.*

The case of alienation by an insolvent (*non solvendo*) to the injury of creditors (Inst. iv. 6, 6), though some writers would bring this case under the head of *restitutio* on the ground of fraud (Schröter, *l. c.* 131–142; Vangerow, 1, § 177). The praetor gave an action called Pauliana against alienees, by which the creditors destroyed the effect of an illegal alienation. The creditors were also entitled to an Interdictum Fraudatorium in order to get possession of the thing that had been fraudulently aliened (Dig. 36, 1, 67; 42, 8).

The case of error or mistake. A person who had bound himself by a legal act might sometimes obtain restitutio in respect of it on the ground of mistake. Restitutio was principally given on account of mistakes in procedure. Gaius (iv. 57; cf. Suet. *Claud.* 14) gives an example, when he says that if too large an amount was inserted in the condemnatio of the formula, the matter is set right by the praetor, or, in other words, "reus in integrum restituitur"; but if too little was inserted, the praetor would not make any alteration; "for," he adds, "the praetor more readily relieves a defendant than a plaintiff."

It is thought by some writers that restitutio was sometimes given in order to avoid the effect of the SC. Velleianum, but there is not sufficient evidence for this view. (Vangerow, 1, § 177.)

The application for a restitutio could only be made to a magistratus with imperium, who held an inquiry into the case (*causa cognitio*), and decided the matter by his decree (*decretum sententia*). Thus the proceeding did not belong to his ordinary jurisdiction (*cognitio ordinaria*), but to his *extraordinaria cognitio*, by which he decided certain cases himself without a judicium. Restitutio could be sought by the person injured, and by his singular or universal successors, and it could be maintained against anyone who had immediately benefited by the act which had injured the plaintiff, and against his heres or universal successor. It could only be maintained against a third person to whom the right had been assigned, if he had notice of the ground for restitutio at the time when he acquired his

interest, and in certain other cases where great injury would result to the plaintiff if he were not allowed this remedy.

When a restitutio was decreed, each party restored to the other what he had received from him, with all its accessions and mesne profits, except in so far as the mesne profits on one side might be set off against the interest of money to be returned on the other side. If the object of the restitutio was a right, the injured party was restored to his right; or if he had incurred a duty, he was released from the duty. When restitutio consisted in the recovery of a right, a judicium might be granted at the same time as the decree, which is called *judicium rescissorium* or *actio restitutoria*, but the decree itself was always the act of the magistratus. The application for restitutio must as a general rule be made within four years (*quadriennium continuum*) of the time of the injury being discovered, and of the party being capable of bringing his action; in the case of minores, the four years were reckoned from the time of their attaining their majority. According to the law of the classical jurists, the application had to be made within an annus utilis.

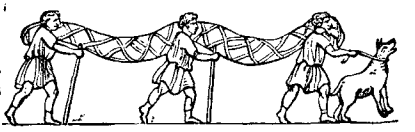
In the imperial times the term *restitutio* was also applied to the remission of a punishment (Tac. *Ann.* xiv. 12; Plin. *Ep.* x. 64, 65; Dig. 48, 19, 27), which could only be done by imperial grace. (Paul. 1, 7, 8, 9; Cod. Gregor. ii. 1–4; Dig. 4, 1; Cod. 2, 20–55; Burchardi, *Die Lehre von der Wiedereinsetzung*, &c.; Schröter, *Ueber Wesen und Umfang der In Integrum Restitutio* in *Zeitschr. für Civ. und Pr.* 1883, vi. 3; Schneider, *Die allgemeiner subsidiären Klagen*, &c.; Savigny, *System*, vii. §§ 317–343; Vangerow, *Pandekten*, 1, §§ 175–188; Windscheid, *Pandekten*, 1, § 114, &c.) [G. L.] [E. A. W.]

RESTITUTO'RIA ACTIO. [INTERCESSIO.]

RETE; *dim.* RETI'CULUM (δίκτυον), a net. Nets were made most commonly of flax from Egypt, Colchis, Spain, and some other places (Poll. v. 26; Artem. *Oneir.* iii. 56; Plin. *H. N.* xix. § 10). Occasionally they were of hemp (Varro, *R. R.* iii. 5; Plin. xix. § 174): sometimes also of σπάρτος or broom (Xen. *Cyn.* 9, 13); and of fibres of palm leaves (Theophr. iv. 2, 7). They are sometimes called *lina* (λίνα) on account of the material of which they consisted (Hom. *Il.* v. 487; Brunck, *Anal.* ii. 494, 495). The meshes (*maculae*, Ovid, *Her.* v. 19; Cic. *Verr.* v. 11, 27; Varro, *R. R.* iii. 11; Nemesianus, *Cyneg.* 302; βρόχοι, Xen. *Cyn.* 2, 5; Eur. *H. F.* 729) were great or small according to the purposes intended; and these purposes were very various. But by far the most important application of net-work was to the three kindred arts of fowling, hunting, and fishing: and besides the general terms used alike in reference to all these employments, there are special terms to be explained under each of these heads.

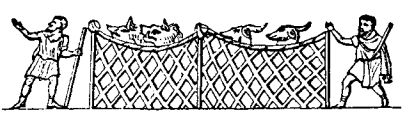
I. In fowling the use of nets was one among many methods (Aristoph. *Av.* 528); thrushes were caught in them (Hor. *Epod.* ii. 33, 34); and doves or pigeons with their limbs tied up or fastened to the ground, or with their eyes covered or put out, were confined in a net, in order that they might allure others into the snare (Aristoph. *Av.* 1083). The ancient Egyptians, as we learn from the paintings in their tombs, caught birds in clap-nets (Wilkinson, *Man. and Cust.* vol. iii. pp. 35–38, 45). [AUCEPS.]

II. In hunting it was usual to extend nets in a curved line of considerable length, so as in part to surround a space into which the beasts of chase, such as the hare, the boar, the deer, the lion, and the bear, were driven through the opening left on one side (Aelian, *H. A.* xii. 46; Tibullus, iv. 3, 6 *sq.*; Plin. *H. N.* xix. § 10). This range of nets, which was called *indago*, was flanked by cords, to which feathers dyed scarlet and of other bright colours were tied, so as to flare and flutter in the wind. The hunters then sallied forth with their dogs, dislodged the animals from their coverts, and by shouts and barking drove them first within the *formido*, as the apparatus of string and feathers was called, and then, as they were scared with this appearance, within the circuit of the nets. Descriptions of this scene are given in some of the following passages, all of which allude to the spacious enclosure of net-work:—Verg. *Georg.* iii. 372 *sq.*, *Aen.* iv. 121, 151–159, x. 707–715; Ovid, *Her.* iv. 41, 42; Lucan, iv. 435 *sq.*; Oppian, *Cyn.* iv. 120–123; Eurip. *Bacchae*, 866–876. The accompanying woodcuts are taken from two bas-reliefs in the collection of ancient marbles at Ince-Blundell in Lancashire. In the uppermost figure three



Servants carrying net. (From ancient relief.)

servants with staves carry on their shoulders a large net, which is intended to be set up as already described (Tibullus, i. 4, 49, 50; Sen. *Hippol.* i. 1, 44; Propert. v. 2, 33). The foremost servant holds by a leash a dog, which is eager to pursue the game. In the middle figure the net is set up. At each end of it

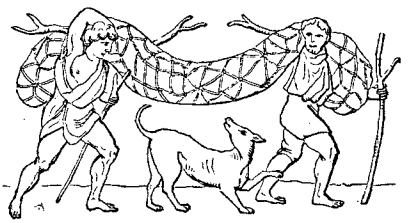


Indago.

stands a watchman holding a staff (Oppian, *Cyneg.* iv. 124). Being intended to take such large quadrupeds as boars and deer (which are seen within it), the meshes are very wide (*retia rara*, Verg. *Aen.* iv. 131; Hor. *Epod.* ii. 33). The net is supported by forked stakes (στάλικες, Oppian, *Cyneg.* iv. 67, &c.; Pollux, v. 31; *amites*, Hor. *Epod.* ii. 33; *ancones*, Gratius, *Cyneg.* 87; *vari*, Lucan, iv. 439). To dispose the nets in this manner was called *retia ponere* (Verg. *Georg.* i. 307), or *retia tendere* (Ovid, *Art. Amat.* i. 45). Comparing it with the stature of the attendants, we perceive the net to be between five and six feet high. For deer they should be somewhat higher. The upper border of the net consists of a strong rope, which was called σαρδών (Xen. *Cyn.* 6, 9). This σαρδὼν in some nets had loops (στρόφια) or rings (κρίκοι) which attached it to the περίδρομος or

ἐπίδρομος (cf. Plin. *H. N.* xix. § 11), *i.e.* the drawing cord, which was itself supported on the forked stakes (Pollux, v. 26–31). The figures in the following woodcut represent two men carrying the net home after the chase; the stakes for supporting it, two of which they hold in their hands, are forked at the top, as is expressed by the terms for them already quoted, *ancones* and *vari*, and δίκροι in Pollux.

Besides the nets used to enclose woods and coverts or other large tracts of country, two additional kinds are mentioned by those authors



Servants bearing home *retia* and *amites*.

who treat on hunting. All the three are mentioned together by Xenophon (δίκτυα, ἐνόδια, ἄρκυες, ii. 4), and by Nemesianus (*Cyneg.* 299, 300).

The two additional kinds were placed at intervals in the same circuit with the large hunting-net or haye. The road-net (*plaga*, ἐνόδιον) was much less than the others, and was placed across roads and narrow openings between bushes (Poll. *l. c.*). The purse- or tunnel-net (*cassis*, ἄρκυς) was made with a pouch (κεκρύφαλος, Xen. *de Venat.* vi. 7), intended to receive the animal when chased towards the extremity of the enclosure. Within this pouch were placed branches of trees, to keep it expanded and to decoy the animals by making it invisible.

III. Fishing-nets (ἁλιευτικὰ δίκτυα, Diod. xvii. 43) were of six different kinds, which are enumerated by Oppian (*Hal.* iii. 80–82) as follows:—

> Τῶν τὰ μὲν ἀμφίβληστρα, τὰ δὲ γρῖφοι καλέονται,
> Γάγγαμα τ', ἠδ' ὑποχαὶ περιηγέες, ἠδὲ σαγῆναι
> Ἄλλα δὲ κικλήσκουσι καλύμματα.

Of these by far the most common were the ἀμφίβληστρον, or casting-net (*funda*, *jaculum*), and the σαγήνη, *i.e.* the drag-net, or sean (*tragum*, Isid. *Orig.* xix. 5; *tragula*, Plin. *H. N.* xvi. § 34; *verriculum* or *everriculum*, Ulp. Dig. 47, 10, 13, § 7; cf. Cic. *Verr.* ii. 14, 24). Consequently these two are the only kinds mentioned by Virgil in *Georg.* i. 141, 142, and by Ovid in *Art. Amat.* i. 763, 764. Of the καλύμμα we find nowhere any further mention. We have no distinct information about the form of the γρῖφος, but it seems that it was made of rush-work, and therefore probably was sometimes a fishing-creel, but, when classed with nets, was a sort of eel-pot or lobster-pot = the ἐκ σχοίνων λαβύρινθοι of Theocr. xxii. 11. It is easy to connect the sense of *riddle* in γρῖφος with the intricacies of the eel-pot (cf. Poll. vi. 107), and it may be conjectured that *scirpus* and *scirpiculus* correspond to all three meanings of γρῖφος (cf. Plaut. *Capt.* iv. 2, 36; Gell. xii. 6). We know no more of the γάγγαμον (Hesych. *s. v.*; Aeschyl. *Agam.* 352): but from the fact that the word was also used for the *omentum* of the human body, it may be surmised that it was a circular net. The ὑποχὴ was a landing-net, made with a hoop (κύκλος) fastened to a pole (Oppian, *Hal.* iv. 251). That ἀμφίβλησστρον denoted a casting-net may be concluded both from its etymology and from the circumstances in which it is mentioned by various authors (Hesiod, *Scut. Herc.* 213–215; Herod. i. 141; Is. xix. 8; Hab. i. 15–17, LXX. and Vulgate versions; St. Matt. iv. 18; St. Mark i. 16).

The English term *sean* (which is also in the south of England pronounced and spelt *seine*, as in French; cf. Littré, *s. v.*) has been brought into our language by a corruption of the Greek σαγήνη through the Vulgate Bible (*sagena*, Ezek. xxvi. 5, 14, xlvii. 10; St. Matt. xiii. 47, 48; St. John xxi. 6–11). This net, which, as now used both by the Arabians and by our own fishermen in Cornwall, is sometimes half a mile long, was probably of equal dimensions among the ancients, for they speak of it as nearly taking in the compass of a whole bay (Hom. *Od.* xxii. 384–387; Alciphron, i. 17, 18). This circumstance well illustrates the application of the term to describe the besieging of a city: to sweep a country of its population by an uninterrupted line of soldiers was called σαγηνεύειν (Herod. iii. 145, vi. 31; Plato, *Legg.* iii. *sub fin.*). The use of corks (φελλοί, *cortices suberini*, Sidon. Apollin. *Epist.* ii. 2; Plin. *H. N.* xvi. § 34) to support the top, and of leads (μολιβδίδες) to keep down the bottom, is frequently mentioned by ancient writers (Ovid, *Trist.* iii. 4, 11, 12; Aelian, *H. A.* xii. 43; Pausan. viii. 12, § 1), and is clearly exhibited in some of the paintings in Egyptian tombs. Leads, and pieces of wood serving as floats instead of corks, still remain on a sean in the collection of Egyptian antiquities at Berlin.

The *nassa* (κημός, κυρτίς, κυψέλη) was especially used for catching the murex used for purple dye. It was sometimes a small net in the shape of a bag with thick close meshes of cord, but apparently more usually a sort of basket of rushes or osiers. Bait was placed in it, for which, according to several writers, bivalves were used; these closed on the murex attacking them, and so kept it imprisoned till the net or basket was drawn up (Ael. *A. N.* vii. 34; Plin. *H. N.* ix. § 132; Oppian, *Hal.* v. 600). Others describe the nassa in more ordinary fashion, as constructed like an eel-pot, narrowing after the entrance and then widening again, with the rushes or osiers so projecting inside as to make the return more difficult than the entrance (Sil. v. 43; Poll. i. 47, where it is called κυψέλη). Hesych., *s. v.* κημός, compares the shape to a strainer (ἠθμός). (See Yates, *Textrinum Antiquum*, Appendix C; and, for the material of nets, Blümner, *Technol.* i. 229, 292 ff., may also be consulted.) [J. Y.] [G. E. M.]

RETIA'RII. [GLADIATORES.]

REUS. [ACTOR; OBLIGATIONES.]

REX (βασιλεύς), king. **1.** GREEK. Derivation possibly root βα, "make to go," and λευ- = λαο, "people" (cf. λευτυχίδης). Government by a single king was perhaps the rule in the towns of pre-historic Greece (cf. Dionys. v. 74, κατ' ἀρχὰς μὲν γὰρ ἅπασα πόλις Ἑλληνικὴ ἐβασιλεύετο, πλὴν οὐχ ὥσπερ τὰ βαρβαρικὰ ἔθνη δεσποτικῶς, ἀλλὰ κατὰ νόμους τε καὶ ἐθισμοὺς

πατρίους). Where, as so often, state and town were almost synonymous terms, the "king" was probably no more than the senior member of the most distinguished family, and these petty βασιλῆες or chieftains must have been very numerous. Thus we find traces of kings, many of them more or less mythical, in Thebes, Athens, Argos and Mycenae; in Chalcis of Euboea (Hes. *Op.* 654 f.), Phlius (Paus. ii. 13, 1), Corinth (Paus. ii. 4, 3), the towns of Achaia (Paus. vii. 6, 1; Polyb. ii. 41), possibly Tegea (Paus. viii. 45, 1; Herod. ix. 26), Orchomenus (Theoph. in Müll. *Frag. Hist. Gr.* iv. 515), the dodecapolis of Ionia (Herod. i. 147; Paus. vii. 3, 10), Samos (Herod. iii. 59), Chios (Paus. vii. 4, 9, 10), Cyme (Heracl. in Müll. *op. cit.* ii. 216), Tenedos (Aristot. in Müll. *op. cit.* ii. 157, 213), Ialysus (Paus. iv. 24, 2), towns of Cyprus (Diod. xvi. 42; Herod. v. 109, 110; Aristot. in Müll. *op. cit.* ii. 166, 203), and Cyrene (Herod. iv. 155), besides many others. In other cases we find kings of a district rather than of a town, *e.g.* Minos, king of Crete and the Cyclades (Thuc. i. 4); the Theban kings dominate Boeotia; the Athenian, Attica; the Spartan, Laconia.

According to Aristotle (*Pol.* i. 12), the relation of a king to his subjects is precisely analogous to that of Zeus to the other gods, or to that of a father to his children. In the earliest times, when every action of life, private or public, had a religious significance, his sacerdotal functions were doubtless the most important part of the king's duties. As the house-father was priest in his own house, so the king, the state-father, was priest of the greater household—the state; he offered sacrifice for the city, his virgin daughters tended the city's ἑστία. The king appears to have been called indifferently ἄρχων, πρύτανις, or βασιλεύς. See Arist. *Pol.* vii. (vi.) 8, ἀπὸ τῆς κοινῆς ἑστίας ἔχουσι τὴν τιμήν· καλοῦσι δ' οἱ μὲν ἄρχοντας τούτους οἱ δὲ βασιλεῖς οἱ δὲ πρυτάνεις: Aesch. *Supp.* 371, πρύτανις ἄκριτος ὢν κρατύνεις βωμὸν ἑστίαν χθονός. Charon of Lampsacus gave to his treatise on the Spartan kings the title Ἄρχοντες καὶ πρυτάνεις Λακεδαιμονίων.

Absolute monarchy, in the modern acceptation of the term, appears to have been unknown among the Greeks. The nearest approaches to it were the τυραννίς, which was, in origin at least, a weak imitation of Persian despotism, and the Macedonian military kingship. It is true that Aristotle in his classification of βασιλεῖαι (*Pol.* iii. 14–17) discusses what he terms παμβασιλεία or βασιλεία κυρία, but he treats the question rather from the theoretical than the practical point of view; such a βασιλεία is only justified by the ἀρετὴ of the individual or family being far in excess of that of any other individual or family (*Pol.* iii. 17).

Aristotle (*Pol.* iii. 14) classifies βασιλεῖαι as follows: (1) the *heroic* (ἡ κατὰ τοὺς ἡρωϊκοὺς χρόνους), (2) the *barbaric* (ἡ βαρβαρική), (3) the αἰσυμνητεία, or elective tyranny (αἱρετὴ τυραννίς), (4) the *Laconian*, or hereditary life-generalship (στρατηγία κατὰ γένος ἀΐδιος).

The *Heroic king*, the king as represented in Homeric poetry, is far from possessing absolute power. Every chieftain bears the title of βασιλεύς: in Phaeacia alone there are thirteen βασιλῆες (*Od.* viii. 390). [In the Iliad, Agamemnon is βασιλεύτατος (ix. 69), suzerain of the rest, only as commander of the Trojan expedition, not in virtue of any territorial sovereignty.] The obedience of his people is voluntary; his rights are subject to definition (ἑκόντων μὲν ἐπὶ τισὶ δ' ὡρισμένοις, Ar. *Pol.* iii. 14). Thucydides defines the heroic kingships as ἐπὶ ῥητοῖς γέρασι πατρικαὶ βασιλεῖαι (i. 13), and Aristotle is expressing the same idea when he calls them ἑκούσιαί τε καὶ πάτριαι γινόμεναι κατὰ νόμον (*ib.* iii. 14). Sometimes an oath was interchanged between king and subjects (τοῦτο δ' ἐποίουν οἱ μὲν οὐκ ὀμνύοντες οἱ δ' ὀμνύοντες, *ib.* iii. 14; see also below, remarks on the Macedonian kings). The same author regards the origin of the kingship as a gift of a grateful people for services conferred; cf. Id. *ib.* διὰ γὰρ τὸ τοὺς πρώτους γενέσθαι τοῦ πλήθους εὐεργέτας κατὰ τέχνας ἢ πόλεμον, ἢ διὰ τὸ συναγαγεῖν ἢ πορίσαι χώραν, ἐγένοντο βασιλεῖς ἑκόντων καὶ τοῖς παραλαμβάνουσι πάτριοι.

The heroic kingship was hereditary: see Thuc. and Aristot. above, and *Il.* ii. 186, σκῆπτρον πατρώϊον, ἄφθιτον αἰεί. Each successor was hailed by the approving voice of the πλῆθος. The office was of divine institution, and the kings are, in a certain sense, children of Zeus, the king of the gods. Thus they are διοτρεφεῖς and διογενεῖς (cf. Hes. *Theog.* 96, ἐκ δὲ Διὸς βασιλῆες), and even θεῖοι, as partaking of the divine nature (*Od.* iv. 691). The genealogies of both the royal lines at Sparta are traced back to Heracles, son of Zeus (Herod. vii. 204; viii. 131). Aeneas was son of Aphrodite, Nestor grandson of Poseidon, Ajax Telamonis and Odysseus were great-grandsons of Zeus. The king's office is derived from Zeus (τιμὴ δ' ἐκ Διός ἐστι, *Il.* ii. 197); he is king to whom Zeus grants it (εἷς βασιλεύς, ᾧ ἔδωκε Κρόνου παῖς ἀγκυλομήτεω, *ib.* 205); the sceptre of Agamemnon descends from Zeus in direct line (*ib.* 101). The kings in Homer are characterised by personal beauty; vigour of body and mind is a condition of the maintenance of the office (*Od.* xi. 174, 184, 495). Manual employments are often part of a king's accomplishments. "Odysseus, in the island of Calypso, is a wood-cutter and ship-builder (*Od.* v. 243, 261); Odysseus on his throne was the carpenter and artisan of his own bed (*Od.* xxiii. 195–201); Odysseus in disguise challenges Eurymachos the suitor to try which of them would soonest mow a meadow, and which drive the straightest furrow down a four-acre field (*Od.* xviii. 366–375)." (Gladstone, *Juvent. Mundi*, p. 420.) Laertes has a passion for gardening (*Od.* xxiv. 226 f.), Achilles and Paris for the lyre (*Il.* iii. 54).

The king succeeds to certain royal possessions and goods, termed his τέμενος. These were granted for signal services in war or elsewhere, and passed from father to son. Cf. *Il.* ix. 578 (of Meleager), vi. 193 f. (of the Lycians and Bellerophon); *Od.* xi. 184 (of Telemachus), xvii. 299 (of Odysseus), xxiv. 205 (of Laertes); *Il.* xii. 313; *Od.* vii. 150; Herod. vi. 161, where a corresponding τεμενος is given to Battus, the founder of Cyrene. It is thought that this was the solitary instance of private property in land, which was otherwise managed on the common-field system, held in temporary tenure (Ridgeway in *Journ. Hell. Stud.* vi. 319).

The heroic king inherited the threefold functions of *general*, *judge*, and *high-priest* (στρατη-

γὸς γὰρ ἦν καὶ δικαστὴς ὁ βασιλεὺς καὶ τῶν πρὸς τοὺς θεοὺς κύριος, Ar. *Pol.* iii. 14).

As *general*, he had supreme control of matters in the field, and power of life and death during expeditions: ἐξελθόντων δὲ καὶ κτεῖναι κύριος ἦν· λέγει γοῦν ὃν δέ κ' ἐγὼν ἀπάνευθε μάχης . . ., οὔ οἱ ἄρκιον ἐσσεῖται φυγέειν κύνας ἠδ' οἰωνούς· πὰρ γὰρ ἐμοὶ θάνατος, Ar. *Pol.* iii. 14, but the last sentence does not occur in the existing texts of Homer (*Il.* ii. 391 f.); see, however, *Il.* xv. 348. As *high-priest* he performed, on behalf of the state, all such functions as were not specially assigned to other priests: κύριοι δ' ἦσαν . . . καὶ τῶν θυσιῶν ὅσαι μὴ ἱερατικαί (Ar. *Pol.* iii. 15); cf. also *Il.* ii. 402 f. As *judge*, the king dispensed the θέμιστες or "dooms," which were divinely suggested to him by Θέμις, the assessor of Zeus: thus it was in his judicial capacity that the king gave chief evidence of his divine connexion and origin; cf. *Il.* ix. 97 f., οὕνεκα πολλῶν λαῶν ἐστὶ ἄναξ καί τοι Ζεὺς ἐγγυάλιξεν σκῆπτρόν τ' ἠδὲ θέμιστας, ἵνα σφίσι βουλεύῃσθα: *Il.* i. 238, δικασπόλοι, οἵτε θέμιστας πρὸς Διὸς εἰρύαται: Hes. *Theog.* 85, οἱ δέ νυ λαοὶ πάντες ἐς αὐτὸν ὁρῶσι διακρίνοντα θέμιστας ἰθείῃσι δίκῃσι. The regal symbol was the σκῆπτρον, which was transmitted from father to son (*Il.* ii. 100 f.): Odysseus bears the σκῆπτρον as Agamemnon's representative (*Il.* ii. 186 f.). The crown is unknown in Homer as a distinctly regal symbol, and only becomes so in later times, because worn by the king in his character of priest; garlands always being associated with sacrifice and other joyful occasions.

The king convoked the Council of the Elders (βουλὴ γερόντων, *Il.* ii. 53) to deliberate on all matters of policy, military as well as civil (*Il.* ix. 89; vii. 382 f.). There seems to have been no obligation upon the king to consult the βουλή, or to take its advice if consulted, but none the less was it his duty to do so (*Il.* ix. 100–108). The decisions of the king, or of the king and council, were made known to the general assembly of adult male citizens (ἀγορά, ἀγών). No debate was allowed; the multitude received the will of the king with silence or with applause; objections were summarily dealt with. It is not till the Odyssey that any special regard is paid to the δήμου φῆμις (cf. vi. 273; xiv. 239); though promises like those of Agamemnon, to give seven cities as his daughter's portion (*Il.* ix. 149), or of Menelaus, to sack one of his own cities in order to establish Odysseus therein, are either poetical exaggerations or proceed from those who are βασιλεύτεροι τῶν ἄλλων βασιλέων.

The title ἄναξ ἀνδρῶν, forty-four times applied to Agamemnon in the Iliad, and applied also to five other sovereigns—Aeneas (*Il.* v. 311), Euphetes (xv. 532), Anchises (v. 268), Augeias (xi. 701), and Eumelus (xxiii. 288)—is regarded by Gladstone (*Juv. Mundi*, p. 151) as of foreign rather than Hellenic colour, patriarchal rather than Greek, savouring of serfdom and absolutism. Jebb, on the other hand (*Homer*, p. 47), denies this; and, regarding ἄναξ merely as a descriptive epithet, suggests a metrical reason for its use in the passages quoted. Grote (*Greece*, ch. xx.) seems to incline to the former view.

The αἰσυμνητεία or αἱρετὴ τυραννὶς is stated by Aristotle to have existed ἐν τοῖς ἀρχαίοις Ἕλλησιν. It differed from βαρβαρικὴ βασιλεία not in being constitutional (κατὰ νόμον), but simply in being not hereditary. The office lasted sometimes for life, sometimes for a specified time, or during the performance of a specified duty. As far as its power was concerned, the office was "tyrannical;" it is classified as a βασιλεία, as being αἱρετὴ καὶ ἑκόντων (Ar. *Pol.* iii. 14). Solon was practically αἰσυμνήτης of Athens during his revision of the constitution, though the title is not applied to him by any Greek writer.

The Laconian kingship is defined by Aristotle (*l. c.*) as στρατηγία τις αὐτοκράτωρ καὶ ἀΐδιος, to which he afterwards adds the fact that it is hereditary (κατὰ γένος). The king's authority is by no means supreme (οὐκ ἐστι κυρία πάντων), although eminently constitutional (μάλιστα τῶν κατὰ νόμον); his power only begins when he is outside Laconian territory. This view of the Spartan kingship is clearly drawn from its position in times nearly approximating to Aristotle's own. Weakened by the encroachments of the γερουσία, the ἔφοροι, and the ναυαρχία, it preserved only the shadow of its ancient power. Thus the Spartan kingship is really the "exception which proves the rule," that kings disappeared from Greece before historic times. For the duties, position, &c., of the Spartan kings, see GEROUSIA.

Some of the kingdoms which lay outside the circle of Greek politics lasted much longer than those within it. The Molossian kingdom of the Pyrrhidae, which derived its origin from the son of Achilles, extended its sway over the whole of Epirus shortly after the Peloponnesian War: cf. Thuc. i. 136; ii. 80. It was no doubt due to the strictly constitutional nature of its rule that the Molossian kingdom lasted until the latter half of the third century B.C. (Ar. *Pol.* viii. (v.) 11 *init.*). The kings every year, after sacrificing to Zeus Areius, swore to govern Epirus according to the laws, and the people for their part swore to protect the kings according to the laws. Transgression on the part of the king relieved the people from their oath, and thus we find that the king was sometimes removed and another appointed (Plut. *Pyrr.* v.; Diod. xv. 13).

The Macedonian kings traced back their origin to the Heracleid race of Argos. Perdiccas I. was the founder of the monarchy (Herod. viii. 137, 138; v. 22). Originally established at Edessa, the dynasty extended the area of its sway by the conquest of the Briges, the Pierians, the Bottiaeans, and the inland tribes. The succession was hereditary. The Macedonian monarchy of Philip and Alexander approaches more nearly to the military imperialism of Rome than any other Greek institution. It is true that Arrian (*Exp. Alex.* iv. 11) asserts that Μακεδόνων ἄρχοντες οὐ βίᾳ ἀλλὰ νόμῳ διετέλεσαν: but this was probably more the result of a prudent policy than of any definite circumscription of the royal power. The king and the army appear to be the sole instruments of government, the army even acting as a criminal court. (See Quint. Curt. vi. 32, 25, "de capitalibus rebus vetusto Macedonum more inquirebat exercitus; in pace erat vulgi; et nihil potestas regum valebat nisi prius valuisset

auctoritas.") This, however, probably bears reference only to military offences. We hear of a Macedonian assembly ("ad contionem vocato populo," Just. xiv. 6), but it "appears to have been summoned chiefly as a mere instrument to sanction some predetermined purpose of the king or military leader predominant at the time." There is "no evidence of co-ordinate political bodies or standing apparatus, either aristocratical or popular, to check the power of the king" (Grote).

See G. Gilbert, *Griechische Staatsalterthümer;* Grote, *Greece*, part i. ch. 20; Thirlwall, *Greece*, chaps. 6, 8, and 10; Freeman, *Comparative Politics*, Lect. iv.; De Coulanges, *La Cité Antique*, p. 203 f., 283 f.; Jebb, *Homer*, p. 46 f.; Gladstone, *Juventus Mundi*, p. 413 f.; Auerbach, *de Lacedaemoniorum regibus;* Meier und Schömann, *Attische Process*, p. 6 f.; Busolt, *Griechische Geschichte*, vol. i. p. 376 f.; Schömann, *Antiquities of Greece*, tr. by Hardy and Mann, vol. i. p. 114 f.; Duncker, *History of Greece*, tr. by Alleyne and Abbott, vol. i. p. 469 f., ii. p. 3 f.; Id. *Gesch. des Alterthums*, v. (1881), p. 334 f. [A. H. C.]

2. ROMAN.—That Rome was once governed by kings, and that the later republican constitution was a development, traceable in its outlines, of an original regal rule, was the universal belief of Roman antiquity itself, and has never been doubted, even by those scholars who have expressed most disbelief in the details of such accounts of the kingship as have been handed down to us. Some consideration of the nature of the evidence on which the Roman monarchy rests is clearly necessary for an appreciation of its real nature and character. Of the evidence in this question there are two main lines. One is that of tradition; for the literary accounts we have of this period cannot be considered as other than traditional, since the earliest historical records from which our present sources were derived were not, so far as we know, composed until some 300 years after the expiration of this period, and there is little or no original documentary evidence of a credible nature on which we can suppose even the earliest of these accounts to have rested (Lewis, *Credibility of Early Roman History*, vol. i. ch. iii. p. 70; Seeley, *Livy*, Introd. p. 17). The other and surer line of evidence is to be found in the manifest survivals of an original kingly rule which meet us everywhere in the Roman republic, and which enable us partly to supplement the accounts of tradition, but more often to correct them where it seems likely that they have transferred to this early period the constitutional usages of the later republic. Some of these survivals, such as the *rex sacrorum* and the *interrex*, throw considerable light on some points of the regal constitution; while others are merely traces of the past monarchy indelibly imprinted on the later republican community. Such are the existence of the REGIA, or kingly palace, on the Sacra Via (Becker, *Topogr.* § 223), the festival of the Regifugium on Feb. 24th (Festus, *s. v.* p. 137 and p. 230; Orelli, *Inscr.* ii. p. 384; Ov. *Fasti*, 2, 685), and the days marked by the formula Q R C F [see REGIFUGIUM]. Finally, if we were to seek evidence, beyond tradition and such survivals, for the original existence of a Roman Rex, it would be found in the probabilities of a constitution such as that of Rome, so peculiar in the conception of its supreme magistracy, with its different personal representatives, each possessing in theory a single indivisible imperium, having been the development of a constitution in which the imperium was really indivisible because vested in a single person. That this form of constitution was in no degree peculiar to Rome, but that in this, as in other respects, Rome was merely a typical Italian community, there is every reason to believe. A distinct survival of an original kingly power is found in the standing dictatorship of certain Latin towns, such as Lanuvium (Cic. *pro Mil.* 10, 27).

The theory on which the Roman monarchy rested is not quite paralleled in any ancient or modern state. The Roman state has been aptly described by Mommsen as a "constitutional monarchy inverted" (*Hist. of Rome*, i. p. 84): that is, the ultimate sovereignty resided not with the king, but with the community he represented, and the constitutional limitation was not that of personal rule by the people, but of the people by personal rule. The Roman monarchy rested on authority delegated by the people; and this is true whatever we consider the immediate basis to have been on which the king's power rested, whether we regard it as elective, hereditary, or held by right divine. It is shown by the fact that the sovereign attribute of pardon rested with the people in the last resort (Liv. i. 26; Cic. *de Rep.* ii. 31). Secondly, by the fact which is stated by tradition, and rendered probable by the later theory of republican legislation, that the Roman people was the sole source of law, which, though elicited by the king through his sole right of initiative, could only be rendered valid by the assent of the burgesses (Dionys. ii. 14); and finally that tradition affirms it to have been the source of honour. We are told at least that the regal insignia of Etruria, which the Roman kings adopted, were only assumed after ratification by the senate and people (Dionys. iii. 6, 2; Cic. *ib.*); and it is possible that the appointment of special officers of state, though in theory they were merely delegates nominated by the king, had to be ratified by similar *leges curiatae*. Such at least seems to be implied by the account given by Tacitus of the institution of the earliest quaestores (*Ann.* 11, 22; cf. Dig. 1, 13, "quaestores quos ipsi populi suffragio crearent").

To such a personal representative had the Roman people transferred the whole of the executive, and so much of the legislative power as is implied in the sole right of initiative, without, however, forfeiting certain ultimate rights of their own. The personal head thus constituted possessed a variety of titles which marked the various aspects of the collective authority he exercised; and which, when this administrative authority was differentiated in republican times, were applied to different individuals. As supreme judge he would be *judex*, as leader in war *praetor* (*prae-itor:* cf. Varro, *L. L.* v. 80); while the title *dictator*, which signified a temporary, though incomplete, resumption of the kingship in republican times, and the title *magister populi* which was applied to this office (Festus, p. 198), were probably

originally mere appellatives of the king, applied according to the aspect in which his power was viewed. The title that marked him out as supreme head of the state, and summed up all his other powers, was that of Rex, the "orderer" of the state, the regulator of all things human and divine (Mommsen, *Staatsr.* ii.[3] p. 5); and this title of Rex, when it had ceased to apply to civil duties, and had gained the connotation not of ordered administration but of absolutism, was still applied to the Rex sacrorum, the orderer of religion, who had inherited that branch of the kingly functions. Similarly the position of the Rex as supreme head of the state was denoted by the word *regnum* (Cic. *de Rep.* ii. 27); but the powers with which the king was invested were summed up under the word *imperium*. While *regnum* denotes the position of the monarch, *imperium* denotes the powers on which this position was based (Mommsen, *l. c.*; Cic. *de Rep.* i. 26).

The unique position in the state which the Roman king thus held, and which has been compared to the position which the Roman paterfamilias held in the family (Mommsen, *Hist. of Rome*, i. p. 61), was expressed by certain special marks (*insignia*), which distinguished him from the rest of the burgesses. The question as to what were the special insignia of the Roman monarchy is rendered difficult by the fact, that while they must necessarily have borne a close relation to the insignia of the supreme magistrates of the Republic, they yet in all probability differed in some degree from the latter; but to what extent it is almost impossible to determine, for the tendency of tradition is, on the one hand to assimilate the two, on the other, while assuming the consular and praetorian insignia to be an inheritance from regal times, to attribute to the monarchy other special marks of royalty which it derives mainly from a foreign source. The chief marks of the regal as of the later consular imperium were the *fasces* and *lictores*. (As regards the number of the king's lictors, see LICTOR, p. 65.) That the king could have the axe borne within the fasces, even while remaining within the walls, we must believe, if we admit that he was exempt from the necessity of admitting the provocatio, and could exercise the same full jurisdiction *domi* and *militiae*. Next, the wearing of the purple must have been wholly reserved for the king, but whether merely in the form of the later consular *praetexta* (Liv. i. 8) or of the full purple robe besides the praetexta attributed to him by Dionysius (iii. 61) is uncertain; the latter, however, is more probable: for in the later consulship we probably see throughout a limitation of the insignia which accompanied the limitation of the powers of the supreme magistracy. The purple robe which Dionysius assigns along with the *toga praetexta* to a foreign origin, must, however, be identical with one variety of the *trabea*, undoubtedly one of the insignia of the king, and said to have had a purely Latin origin. It is connected with the name of Romulus (*Quirinalis trabea*, Verg. *Aen.* vii. 612), and is associated in the later Republic chiefly with the officers of religion. If the distinction between the three kinds of trabea (Servius *in Aen.* vii. 612)—the purple one for the priestly office, that of purple and saffron for the augurs and of purple striped with white for the king—existed in this early period, they must have been all worn by the king for the performance of the several functions of his office. The trabea is probably an inheritance the Roman republic owed to the kingship: and it is difficult to see how the idea could have originated of differences in this dress being appropriate to difference of functions, had the distinction not originated in a period when all these functions were united in the king (cf. Serv. *in Aen.* vii. 187. xi. 334; Plin. *H. N.* viii. § 48, ix. § 39; Ov. *Fast.* ii. 503). The eagle-headed sceptre and the golden crown tradition also attributes to the king, as well as the *solium* or throne (Cic. *de Fin.* ii. 21, 69; Dionys. iii. 61, *θρόνον· ἐλεφάντινον*) and the chariot within the walls, from which the *sella curulis* was derived (Festus, p. 49). Most of the regal insignia, the crown, the *toga picta* and the chariot especially, reappear in the Roman triumph, and render probable the statement that the triumphal insignia of the Roman magistrate were but the revival of those of the monarchy (Dionys. iv. 74).

Amongst the privileges of the king must be counted that portion of the public domain ("arvi et arbusti et pascui lati atque uberes," Cic. *de Rep.* v. 2, 3; Liv. ii. 5) set apart exclusively for the king's use. Though in a sense the owner of the whole state, and as such capable of commanding the *munera* of the burgesses (Liv. i. 56), he was peculiarly the owner of these royal domains, which he might employ for his own support; and in a peculiar degree also would he be master of the services of that large *clientela*, the body of half-free citizens that helped to make up the *plebs*, which were only connected with the community through him its personal representative, but which he might make more closely dependent, as *clientes*, on other leading families of the community, if it was his pleasure (Cic. *de Rep.* l. c.).

The mode in which the Roman kings entered on their position in the state is one of the most difficult questions connected with the monarchy. It is true that tradition is unanimous in representing it as elective—depending, that is, on free popular election, or on such election guided by the senate (Liv. i. 17; Cic. *de Rep.* ii. 17, 31)—and in representing the procedure as being conducted in every case with the regular formalities of the *comitia*, the *auctoritas patrum*, and the *interregnum*: the last of which, though in the republican period an extraordinary office, is represented as having been a part of the invariable constitutional procedure in the transmission of the kingly power (Liv. i. 47). When, however, we consider the manner in which such a tradition may have grown up,—that the conception probably arose with the Roman jurists, who had before their eyes the mode in which the consuls and other curule magistrates were appointed to their office; when further we consider that what seems the alternative, the hereditary principle, was never represented by tradition as having been strictly recognised in the transmission of the Roman monarchy, we see how inevitable it was that they should have concluded it to be purely elective. But there

are many considerations which throw doubt on such a theory. In the first place, the election was regarded as free in a far wider sense than the election of the higher magistrates at Rome; since, if we are to trust the traditional accounts, Roman citizenship was not a necessary qualification for the monarchy. Thus the non-burgess Numa, the foreigner Tarquin, the slave's son Servius, are all represented as having been elected kings of Rome (Liv. i. 18, 35, 42, 46): although Roman citizenship must have been a necessary qualification, even if patrician descent was not; and it is unlikely that while the *interrex* had, down to the latest republican times, to be a patrician, the king might have been not *only* a plebeian but a non-citizen (Mommsen, *Staatsr.* ii. p. 7, n. 2). The absence of any mention of a qualification for *election* throws suspicion on the circumstantial accounts given of the king's election, and the suspicion is increased by an examination of the legends of Rome's foundation so far as they refer to the institution of the monarchy. To bear out the juristic theory of election, we should expect to find the first king of Rome an elected monarch. But, on the contrary, we find the community organised through the king rather than the king through the community. There is no trace in the best tradition of a first election to the kingship; for the account of Dionysius, that Romulus was chosen to be the supreme head by a vote of the people, chiefly through his character of founder of a colony, belongs to Greek sentiment, not to Roman: and the *salutatio* mentioned by Livy (i. 7) on his successful taking of the auspices, represents merely the recognition of his imperium as favoured by heaven. From the traditional accounts of the earliest kings, which represent Romulus as the son of a god, as awaiting the verdict of heaven before he assumes his rule, and Numa his successor as insisting that the same verdict should be appealed to (Liv. i. 7 and 19), a conclusion might be drawn that the Roman monarchy rested on divine right (cf. Rubino, *Untersuchungen über römische Verfassung*, p. 107); but, as will be shown in considering the question of the inauguration of the king, this theory raises into a material what was probably merely a formal element in the monarchy: and there is nothing in Roman history or sentiment that could give colour to the idea of such a pure theocracy. That the monarchy was hereditary is contradicted by the facts of the traditional history of the period, and expressly denied by other authors, as by Cicero (*de Rep.* ii. 12, 24) and Appian (*Bell. Civ.* i. 98), who state that the early Romans in the choice of their kings had more regard to merit than to birth; and when the hereditary principle is first realised in the last king, the monarchy comes to an end. On the other hand there are considerable difficulties, besides those mentioned above, in the way of assuming, as the Roman constitutional thinkers did, that the king's position depended on free election by the people; for, in what must be regarded as definite survivals of the Roman monarchy, such election was not recognised. The *Rex sacrorum* was not elected, but nominated by the Pontifex Maximus (Dionys. v. 1; Liv. xl. 42, 8); and it is probable that, at the close of the monarchy, when the religious functions of the priest were first separated from the secular functions of the magistrate, the older method of regal appointment would have been retained for the former, the new principle of election introduced for the latter. Again, the Dictatorship, which was practically a re-establishment of the kingship for a temporary purpose in republican Rome, also dispensed with election. Perhaps another piece of evidence against the theory that the kingship was purely elective is to be found in the fact that the king was not bound to allow the *provocatio* any more than the early dictator was (Liv. ii. 18 and 30; Dionys. v. 75; Mommsen, *Staatsr.* ii.[3] p. 163). Now it seems to have been a principle in republican Rome that when there was election, then the provocatio was demanded as a *right*; and if we consider this principle to be applicable to the earliest period of Roman constitutional history, the fact that the people had no standing right of provocatio against the king will be an argument against their having the free power of electing to this office. If we are led by these considerations to regard the monarchy as not purely an elective office, we must consider that it was *the right*, and perhaps *the duty*, of the king of Rome to *nominate* his successor; that this *nominatio*, which became only a form under the Republic, but which was again revived with some of its old material force in the election to office under the principate (Dio Cass. liii. 21, 7; lviii. 20, 3; Tac. *Ann.* i. 14, 81), was the chief mode of transmission of office in the regal period. The survival of the interrex into historic times as a factor in an elective process is no proof that the Roman monarchy was purely elective (cf. Seeley, *Livy*, Introd. p. 56). Had there been no due nominatio, and consequently no distinctly marked-out successor to the monarchy, the duty of providing such a successor would naturally have lapsed to the senate, from which body the interrex was appointed (Liv. i. 17: see INTERREX and SENATUS); and it is probable that the *Interregnum*, in the time of the monarchy, as in that of the Republic, was an extraordinary measure, only resorted to when the regular line of succession had been broken and the regular procedure interrupted, through some unforeseen cause. But although the monarchy cannot be regarded as depending on free election on the part of the people, there are certain quasi-elective processes connected by tradition with the appointment of the king, both on the part of senate and people, which there is no reason to discredit. That the authority of the senate (*auctoritas patrum*) was constitutionally necessary for the appointment of a successor to the monarchy is stated by Livy in connexion with all the transmissions of the supreme power (Liv. i. 17, 22, 32, 41, 47); and, even if we do not hold the theory of a definite election, will still be a natural outcome of the constitutional necessity the king was under of consulting the senate in all important measures that affected the popular welfare, one of the most important of which would be the nomination of a successor. Such a procedure would not spring from any theory of the senate's possessing elective power, but simply from the principle that underlay the whole Roman community, both in its public and

private relations, that no man in authority should act without taking advice of his *concilium*. The other principle is that of the formal ratification of the king's power by the people, which continued into the Republic under the title of the Lex Curiata; and was the formal sanction always required for the ratification of an imperium already assumed (Cic. *de lej. Agr.* ii. 10, 26; ii. 11, 28; *ad Fam.* i. 9, 25: see LEX CURIATA and PROCONSUL). That it was a merely formal ratification in the time of the monarchy is stated by Cicero as being shown by the fact that the king himself proposed the Lex Curiata which was to sanction his own power (Cic. *de Rep.* ii. 13, 25: "Numam—qui quamquam populus curiatis eum comitiis regem esse jusserat, tamen ipse de suo imperio legem curiatam tulit"), as was indeed necessary, since no other power but the king had the right of putting the question to the people; and it might undoubtedly be legally, though not perhaps constitutionally, withheld by the king, as we are told it was withheld by king Servius during the early part of his reign (Liv. i. 42). It is thus carefully distinguished from the election to the monarchy, and the people were supposed by the Roman jurists to have performed two distinct acts in the creation of a king first in the way of election, and next in the way of formal ratification of such an election (Cic. *de Rep.* ii. 17, 31, "Tullum Hostilium populus regem, interrege rogante, comitiis curiatis creavit, isque de imperio suo—populum consuluit curiatim"). That such a formal sanction, however, should have been required where free popular election had preceded, seems unlikely; and the Lex Curiata is a far more explicable procedure if we suppose the king to have first been nominated independently of the people, and then to have challenged their allegiance in this manner: and although in the Republic this Lex was taken by magistrates already elected, as a necessary preliminary to the exercise of the full imperium, yet there it was a mere constitutional survival, with its meaning partly lost, and far more a matter of form apparently than it had been in its origin. That an exercise of the regal imperium, which was not sanctioned by these two acts of senate and people, the expressed will of the one and the declared allegiance of the other, was regarded by the later authorities as unconstitutional, is shown by the language of Cicero, where he says (*de Rep.* ii. 24, 44) that the last *injustus dominus* of Rome ruled "neque populi jussu neque auctoribus patribus."

But the king's assumption of his power was regarded as incomplete until a religious act had been performed which showed that the gods sanctioned the rule which he had assumed. The ceremony of taking the auspices which had this meaning was observed by magistrates of the Republic before entering on the exercise of their office [AUSPICIA; AUGUR]; but the religious act performed by the king is represented by our authorities as having been, not merely this taking of the auspices, but a special inauguration. There is a difference between these two acts. In the ordinary form of the auspicia the official entering on office had himself the right of *spectio* which belonged to Roman magistrates as such, was never regarded as a merely priestly function, and still continued to be possessed by magistrates under the Republic, even when their office had been completely divorced from that of the priesthood. In the special inauguration, on the contrary, the *spectio* is taken by some other than the person inaugurated; as in the case of Numa, the first who is represented as being thus inaugurated, a specially appointed augur is employed to watch for signs (Liv. i. 18, "de se deos consuli jussit"); unlike Romulus, who is represented as taking his own auspices on the Palatine (Liv. i. 6). This ceremony of inauguration by one of the priesthood other than the person so inaugurated is represented as having been from the time of Numa the standing procedure in the act of entering on the regal office (Liv. i. 18). If we can argue in this case from survivals, some support is given to the assertion by the fact that the Rex Sacrificulus had, as we know, a special inauguration (Labeo, *ap.* Gell. xv. 27, 1; Liv. xl. 42, 8). But this resulted from the fact of his purely priestly character; and if we suppose that the inauguration as well as the taking of the auspices existed for the early kings, we must suppose that already at this period there was a separation, in idea at least, between the functions of the king as priest and his functions as magistrate: the special inauguration through the spectio of another attaching to him in his first character, the taking of the auspices through his own spectio belonging to him in his other character as magistrate (Mommsen, *Staatsr.* ii. 1, p. 8); but that so marked a separation of functions existed in the regal period is unlikely, and it seems more probable that the inauguration of the Rex Sacrorum, who represented the priestly side of the king's functions, was but a continuation of the first act of taking the auspices performed by the king.

There was no separation in fact, and probably none in idea, between the position of the king as priest and his position as magistrate. The Roman state was by no means a theocracy. It united the civil and religious powers as closely as possible, but employed the latter not as an infallible guide to, but as a test of the effectiveness of, the former. Thus in the personal head of the state the two were indissolubly combined. The king was first priest as he was first magistrate (Dionys. ii. 14, iv. 74; Plut. *Tib. Gracch.* 15); and as he possessed the nomination of all subordinate magistrates, so he possessed that of all subordinate priests. Thus tradition tells us that the three great Flamines, the Salii, and the Pontifex were instituted by Numa, although most of the important ceremonies of religion were performed by himself personally (Liv. i. 20), as the augurs had been appointed by that "best of augurs" Romulus (Cic. *de Rep.* ii. 9, 16; *de Div.* i. 2, 3); and the appointment of special individuals to fill these priesthoods must have been likewise a part of his office; as, for instance, the nomination of the flamines that belonged to the Latin dictator must have been likewise in the hands of the king (Ascon. *in Mil.* p. 32); and all the powers that, with the secularisation of the Roman civil magistracy passed to the Pontifex Maximus as the head of the Roman priesthood may without hesitation be attributed to the king. In republican times the Rex Sacrorum himself was

nominated by the Pontifex Maximus, the reason being that, since the theory of nomination was carried on in his person, he could only be nominated by the greatest member of the priesthood; but the nature of his duties gave him precedence even over the Pontifex Maximus as well as over the three great Flamines in the *ordo sacerdotum* (Festus, *s. v.* p. 185; Labeo, *ap.* Gell. xv. 27, 1; Ov. *Fasti*, ii. 21), and points to the position of the king as priest, while his regularly recurring sacred duties, his sacrifices on the day of the new month and at the festival of the *Agonalia* (Varro, *L. L.* v. 3, 54; Festus, s. v. *Agonium*, p. 9), point to the fact that the king's sacred functions were a regular *cultus*, not the occasional religious duties of a Roman magistrate. [REX SACRORUM.]

The task of determining what were the civil powers possessed by the Roman kings is easier than that of deciding what were the precise modes of their exercise. That they possessed the sole executive power of the state, without any of the limitations with which the magistrates of the Republic were hampered, appears in the traditional accounts of the kingship, and in the more general notices of ancient writers. That the Roman kings possessed πᾶσα ἀρχή (Plut. *Tib. Gracch.* 15), and exercised the imperium at their own discretion (Tac. *Ann.* iii. 26), follows naturally from the fact that we can in no way imagine them bound by the definite restraints which shackled the Roman consul or praetor in the exercise of his imperium. These restraints were the limitation of office by time, and the collegiate principle which carried with it the right of intercession. The king held office for life; he had no colleague, and could therefore be trammelled by no veto. Again, he was freed from the necessity of allowing the appeal, and from the necessity of delegating his power to other officials or appointing special standing offices for special purposes. As the dictatorship could suspend for a time the free action of offices at Rome, so the monarchy, which was a standing dictatorship, was not bound to permit such offices to exist. The regal imperium being thus unshackled, there was no room for the distinction, recognised in republican times, between its exercise *domi* and *militiae*; and the fact that the full power exercised over the lives and persons of the citizens, which the Roman magistrate possessed until a late period of the Republic without the walls, was possessed by the king within them, was the most characteristic aspect of the king's position in the state. But, legally free from restraint as the king's power undoubtedly was, it could not have been free from the limitations imposed by custom and constitutional usage. The acts of one king must have bound the acts of his successor, and the assertion of Tacitus that Servius Tullius was the author of laws "meant to bind even the kings themselves" (*Ann.* iii. 26), may be taken in its least sense to mean that it was hardly possible for a king to overstep the constitutional usages of his predecessor. Such usages are said to have been those embodied in the *leges regiae* collected by Papirius (Dig. 1, 2, 2), the earliest customary public law of Rome. Amongst such constitutional obligations was that of consulting the senate in any important matter. The formula of the Fetiales, which is said to have dated from their institution, either by Tullus Hostilius (Cic. *de Rep.* ii. 17) or by Ancus Martius (Liv. i. 32), contains the clause, "but on these matters we will consult the elders at home, how we may obtain our rights" (Livy, *l. c.*); and, as the king was expected to consult the senate in matters affecting the international relations of the state, so no doubt in the most important of these—in declarations of war—it was the custom that the people should be consulted (Dionys. ii. 14). But there were other manifestations of his power as general over which the people would have no control. Such was the disposal of the booty taken in war and of the conquered lands (Dionys. ii. 28 and 62; Cic. *de Rep.* ii. 9, 14), a right which belonged subsequently to the Roman imperator in the field, limited only by the constitutional necessity of consulting his *consilium*, and of subsequent ratification by the senate; the first of which may also have been requisite in the regal period. Such also was the right of making treaties with conquered states (*foedus*), which would have been a part of his administrative duties in the field, over which the community could have no control. Not only was the senate consulted as a body on matters of state, but the special *consilia*, we are told, which the king chose to advise him in special matters, as in the exercise of his jurisdiction, were taken from this body (Dionys. ii. 14); again, we are told that regular delegates were appointed by the king for the exercise of special functions, and that some of the names of offices we meet with in republican or imperial times go back to the regal period. Of these the *praefectus urbis* was the most important; he was an *alter ego* left behind by the king for the control of the capital, when himself absent on foreign service; he is defined by Tacitus as one "qui jus redderet ac subitis mederetur" (*Ann.* vi. 11; Liv. i. 59; Dionys. ii. 12), and must have had delegated to him the whole of the executive power of the king, except perhaps the right of questioning the people. This office was, from its nature, merely occasional; but there were others to which portions of the king's power were more regularly delegated. The collective imperium of the king may be described by its three sides—of command in war, jurisdiction, and the *jus rogandi*. That assessors or delegates were chosen for the first two there is reason to believe; but that the last power was or could be delegated is improbable, although both Livy and Dionysius represent the *tribunus celerum* as summoning the assembly (Liv. i. 59; Dionys. iv. 71). For military command the king possessed delegates such as the *tribuni celerum* (Liv. i. 59). In the matter of jurisdiction there are abundant statements to the effect that such power was delegated, but whether to standing or to specially appointed officials is uncertain. We are told that a distinction was made between cases brought before the king, the more important being tried by himself in person, the less important transmitted to judges chosen from the senate (Dionys. ii. 12); and again of Servius Tullius, that, while public suits were tried by him, private suits were entrusted to special judges, the king giving the formula (νόμους—ὅρους καὶ κανόνας, Dionys. iv. 25) under which the case was to be

tried. In the only detailed instance we have of a public suit, that of Horatius for *perduellio* (Liv. i. 26), delegates were appointed in the shape of *duumviri perduellionis*, the king giving the formula within which the case is to be decided. The duumviri mentioned in this passage are probably to be identified with the *quaestores* ("examiners" or "inquirers"), the institution of whom is ascribed to the regal period and especially to the reign of Tullus Hostilius (Tac. *Ann.* xi. 22; Dig. 1, 13, "ita Tullo Hostilio rege quaestores fuisse certum est"), and who are said originally to have performed the duties afterwards exercised by the *triumviri capitales* (Varro, *L. L.* v. 11). That it became the duty of the king in the more important cases—those especially involving the *caput* of a Roman citizen—to employ a consilium of some sort is stated in the charge brought by Livy against Tarquinius Superbus (Liv. i. 49, "cognitiones capitalium rerum sine consiliis per se solus exercebat"); but whether such a consilium is to be identified with the judices, such as the duumviri, to whom the king relegated a case, or whether they were a board summoned to advise him when he exercised his own personal jurisdiction, cannot be determined. We are told further that all civil jurisdiction was performed in the king's courts (*judiciis regiis*, Cic. *de Rep.* v. 2, 3), and that these were generally relegated to judices along with a formula such as that given in criminal jurisdiction we may well believe (Dionys. iv. 25). From the trial of Horatius given by Livy (i. 26) two further facts appear which have been noticed already, and are important as showing both the limits and the powers the Roman jurists assigned to the king's jurisdiction, both of which are amply borne out by such revivals of the kingly power as meet us in later Roman history. One is the fact that the king has no power to pardon; pardon resides with the people, the ultimate sovereign. The other is the fact that, though the provocatio existed in the regal period (Livy, *l. c.*; Id. viii. 33;—Cic. *pro Mil.* 3, 7; *de Rep.* ii. 31; Festus, s. v. *sororium tigillum*, p. 297), yet the citizens have no standing right of appeal against the king like that secured by the Lex Valeria. The king Tullus Hostilius *allows* the appeal (Liv. i. 26, "Si a duumviris provocavit provocatione certato;" Id. § 8, "auctore Tullo 'provoco' inquit"); and the fact that the appeal might not have been so allowed, and was a matter not of law but of constitutional usage, is shown by the similar freedom of the early dictatorship from the necessity of allowing the appeal (Liv. ii. 18, iii. 55; Dionys. v. 75. In Liv. viii. 33, where the dictator is appealed against, the instance of Horatius is taken to show that the king had allowed, and therefore the dictator should allow, the appeal). The limitations of the king's power came here, as elsewhere, not from the force of law, but from the necessity of observing formalities once established. The existence of the senate and the custom of the provocatio formed the two permanent checks on the capricious exercise of his power. His rights, too, were everywhere balanced by duties which precedent had established, and which are especially apparent in matters of religion, of which we know most from the survival of these duties in the person of the REX SACRORUM (see that article). Although in the civil organisation of republican Rome a continuity is traceable with that of the monarchy (and indeed, if it were not, we could not hope in any degree to reconstruct the latter), yet it is none the less true that the abolition of the monarchy was an act of revolution not justified by the theory of the constitution. The justification is usually found by Roman writers in the character of the last king, who had broken through the constitutional usages of the monarchy (Liv. i. 49, 4), and above all had never challenged the allegiance of the people (Cic. *de Rep.* ii. 24, 44). That there was some fearful abuse of the kingly power by one of its representatives is shown not merely by the fact of the revolution, but by the associations which immediately gathered round the words *rex* and *regnum*, and remained connected with them to the close of the Republic (Cic. *de Rep.* ii. 30), these names becoming still more hateful as contact with the outer world made the Romans realise in single rule only the evils of Oriental despotism (cf. Liv. ii. 8; Plut. *Poplic.* 12; Dionys. v. 19). The mere charge of *regnum adfectatum* often proved the ruin of eminent men in Rome, such as Sp. Maelius and Tib. Gracchus (Cic. *ib.* 27), and lastly of the dictator Caesar (Cic. *ad Fam.* xi. 27, 8: cf. *ad Qu. Fr.* i. 2, 16; *ad Att.* viii. 11, 3).

(Mommsen, *Staatsrecht*, ii. pp. 1–17; Id. *Hist. of Rome*, bk. i. ch. iv. pp. 66–70; Walter, *Gesch. d. röm. Rechts*, § 17, 2nd edit.; Becker, *Handbuch der röm. Alterthümer*; A. Schwegler, *Römische Geschichte*, vol. i. pp. 1–127; Sir G. C. Lewis, *op. cit.* vol. i. ch. iii.; and Seeley, *Livy*, bk. i. Introd.) [A. H. G.]

REX NEMORENSIS, the priest of Diana in the grove by the lake of Nemi, near Aricia. Tradition speaks of Virbius, an ancient king of Aricia (in legend identified with Hippolytus), as founder of this priesthood (Verg. *Aen.* vii. 761; Serv. *ad loc.*; cf. Ov. *Met.* xv. 497, *Fast.* vi. 756; Pausan. ii. 27). The peculiarity of the office lay in the fact that it was gained by killing the holder of it: the aspirant must be a fugitive; according to Pausanias, a runaway slave: he must pluck the golden bough from a tree (the oak?) in this grove (Serv. *ad Aen.* vi. 136), and then fight with the priest, whom Strabo (v. p. 239) describes as going about ever on guard with a drawn sword. If he wins in this duel, he takes the office and title of the slain: if he falls, the priesthood is unchanged, till a stronger assailant comes (cf. Suet. *Cal.* 35). There were probably vestal attendants on Diana (for she is spoken of as "Vesta," Orell. *Inscr.* 1453), and the grove was sought by women wishing to bear children, who hung garlands and votive tablets (Ov. *Fast.* iii. 266; Stat. *Silv.* iii. 1, 56): at an annual purification, perhaps a harvest feast, there was a procession with blazing torches. Over all this the Rex presided, perhaps, as some think, in early times with human sacrifices akin to those of the Tauric Artemis; perhaps himself, in the last combat, the only victim. Mr. Frazer, in his *Golden Bough*, has with great learning and ingenuity offered an explanation of the myth. He conceives this Rex not to have been (like the REX SACRORUM) the survival, in priesthood alone, of a monarchy both temporal

and priestly; but to have been originally regarded as divine, the incarnate spirit of the wood, whose office and fertilising power passed by a violent death to his successor, because his death by natural decay would have implied the wasting of the vegetable world. The golden bough is taken to be the mistletoe (cf. Plin. *H. N.* xvi. § 249), therefore pointing to this grove as the seat of a primitive Aryan worship, like that which the Druids of Gaul preserved. Whether the fugitive slave represents the flight of Orestes, or some older symbolism like that of the scapegoat, is a further question, as also whether the conjunction of Diana and Virbius is to be compared with that of Isis and Osiris. For full discussion, see Frazer, *The Golden Bough* (1890): his arguments, by the nature of the case, must fall short of positive demonstration, but at least afford the most probable explanation which has yet been presented. [G. E. M.]

REX SACRO'RUM. In this form, or as *rex sacrûm*, the title is always found in inscriptions (*C. I. L.* vi. 2122, &c.), and so in Plut. *Q. R.* 63, *τῷ καλουμένῳ βῆγι σακρώρουμ*, and in Dionys. iv. 74, *ἱερῶν βασιλεύς*. The title *rex sacrificulus* is used in some post-Augustan writers (Liv. ii. 2, xli. 9; Gell. x. 15, &c.); *rex sacrificus* (Liv. xl. 42); *rex sacrificiorum* (Liv. ix. 34). Cicero speaks of him simply as *rex* (Mommsen, *Staatsrecht*, ii.[3] 15).

When the monarchy came to an end, the chief sacred functions of the king, and all that was particularly important on the religious side, passed to the Pontifex Maximus [PONTIFEX], but a certain part fell to the Rex Sacrorum, a priest who preserved the name of king much as the *βασιλεὺς* did at Athens. The Romans seem to have wished to preserve a continuity in religious matters, and not to deprive the gods of the service of the king by their change of constitution, while they carefully assigned him nothing that could give him political weight, and precluded him from holding any other office in the state. It is probable that the ceremonies described below, which fell specially to him, were regarded as marking particularly the royal priesthood. The office was not peculiar to Rome; there was a Rex Sacrorum at Tusculum, Lanuvium, Velitrae, Bovillae, and perhaps at other places (Orell. 2279; *C. I. L.* vi. 2125, x. 8417; Wilmanns, 1773).

The Rex Sacrorum belonged to the collegium of which the Pontifex Maximus was the head, and the pontifices and flamines were also members [PONTIFEX]. (Cf. Cic. *de Dom.* 52, 135; *de harusp. Resp.* 6, 12; Marquardt, *Staatsverw.* iii.[2] 243.) In the *ordo sacerdotum* he stands first, above the three chief flamines, and at the priestly banquet he sat in the first place, and next to him the flamen dialis (Gell. x. 15, cf. Fest. p. 185; Serv. *ad Aen.* ii. 2; Gell. xv. 27). It is probable that this was the place originally reserved for the king; and perhaps also the appearance of his wife as assistant in the sacrifices which fell to him, with the title *regina sacrorum* (Fest. p. 113; Macrob. i. 15, 19; *C. I. L.* vi. 2123), was a remnant of the king's priestly office under the monarchy: the wives of flamines, however, also took part in sacrifices. His traditional royalty appears, too, in the fact that the pontifices received the februa for the purification from the Rex and the flamen dialis, and perhaps also, as Mommsen thinks, in his official residence [see REGIA]. In spite, however, of these shadows of ancient supremacy, he ranked below the Pontifex Maximus in real dignity as well as in political importance (Liv. ii. 2) [compare SACERDOS], and this is marked by the mode of his appointment; and indeed, though, as was said above, standing first in the *ordo sacerdotum*, the Rex was practically only a subordinate member of the College of Pontifices, nominated by them, appointed by the Pontifex Maximus, and inaugurated by the augurs. It appears that when a vacancy occurred, out of certain persons nominated by the College of Pontifices, the Pontifex Maximus selected the Rex Sacrorum, who was then inaugurated by the augurs at the Comitia Calata (Liv. xl. 42; Gell. xv. 27; Marquardt, *Staatsverw.* iii. 322, note). His office was for life (Gaius, i. 112; Serv. *ad Aen.* viii. 646), and he was always a patrician (Cic. *de Dom.* 14, 38; Liv. vi. 41).

His duties, so far as our information goes, were as follows: on the calends of each month, the state of the moon having been announced to him by one of the pontifices, he summoned the people in Comitia Calata to the Curia Calabra on the Capitol, and announced when the nones of that month would fall, and offered sacrifice there to Janus, while his wife offered in the Regia (Macrob. i. 15); on the nones the people were again gathered in the Arx to learn from his declaration (*edictum*) what festival days fell in that month, and he offered the *sacra nonalia in arce* (Varro, *L. L.* vi. 28); on Jan. 9 [AGONIA] he offered a ram to Janus in the Regia (Fest. p. 10; Varro, *L. L.* vi. 12; Ov. *Fast.* i. 317). For other ceremonies specially attributed to the Rex Sacrorum on Feb. 24, March 24, and May 24, see REGIFUGIUM.

It was, as has been said, carefully provided, from jealousy of the royal power, that the Rex Sacrorum should be cut off from political power and incapable of holding any other office (Liv. xl. 42; Plut. *Q. R.* 63; Dionys. iv. 74). This disability (which did not exist in other priestly offices) was not always maintained under the Empire, for we find Cn. Pinarius Severus Rex Sacrorum and Consul under Trajan (*C. I. L.* xiv. 3604, 4246); but still the office being, as will be seen from the above account, purely ceremonial, and regularly divorced from power and influence in the state, it became less and less coveted (cf. Liv. xxviii. 6; xl. 42), though it remained till a late period, at any rate till the middle of the 3rd century A.D. (Trebell. Poll. *Valer. duo*, 6, 6). (See further in Marquardt, *Staatsverw.* iii.[2] 321–324; Mommsen, *Staatsrecht*, ii.[3] 13–15. A general survey of the changes in the relative importance of priestly offices will be found under SACERDOS.) [L. S.] [G. E. M.]

RHETO'RICE GRAPHE (*ῥητορικὴ γραφή*). The interpretations of this expression offered by the grammarians differ widely. The *Lex. Rhet. Cantabr.* p. 667, 14, has *τὰς γρώμας* (*γραφάς*, Sauppe, *Oratt. Att.* ii. p. 436) *ἃς εἰσῆγον εἰς τὸ δικαστήριον μετὰ ψηφίσματος· καὶ Ὑπερίδης ἐν τῷ κατὰ Αὐτοκλέους προδοσίας, ῥητορικῆς ἐκ δήμου. ἔστι γὰρ καὶ ἐκ βουλῆς· οἷον εἰ τὰ αὐτὰ ἔδοξε τῷ δήμῳ καὶ τῇ βουλῇ*. Meier reads: (*διὰ ταύτας*) *τὰς γνώμας, ἃς* (*εἶπεν ἐν τῷ δήμῳ, ῥητορικὴν γραφὴν*) *εἰσῆγον εἰς τὸ δικαστήριον*

μετὰ ψηφίσματος (τῆς βουλῆς καὶ τοῦ δήμου). Καὶ Ὑπερίδης ἐν τῷ κατὰ Αὐτοκλέους προδοσίας (μέμνηται γραφῆς) ῥητορικῆς ἐκ δήμου, etc. Harpocration, *s. v.*, gives two interpretations of the term: either it is a γραφὴ κατὰ ῥήτορος γράψαντός τι ἢ εἰπόντος ἢ πράξαντος παράνομον, and he adds by way of explanation ὥσπερ λέγεται καὶ πρυτανικὴ ἡ κατὰ πρυτάνεως καὶ ἐπιστατικὴ ἡ κατ' ἐπιστάτου (cf. Suidas, *s. v.*, and Bekker, *Anecd.* p. 299, 21); or some γραφαὶ were so called ὅτι κατὰ διαφόρους νόμους αἱ κατὰ (this κατὰ is not in the MSS., but was inserted by Petitus, *Legg. Attic.* iii. 2, p. 347) τῶν ῥητόρων γραφαὶ εἰσάγονται (cf. Suidas, *s. v.*). Suidas, *s. v.*, offers a third explanation: ἦν ἠγωνίζοντο οἱ ῥήτορες· οὐ γὰρ πάσας ἠγωνίζοντο τὰς δίκας τῶν παλαιῶν οἱ ῥήτορες, ἀλλ' ἐνίας, and the first gloss of ῥήτωρ seems also to bear on the term in question: καὶ πολλοῖς ψηφίσμασι παραγέγραπται ῥητορικὴ ἐκ βουλῆς, εἰ εἰσφέρει τις γνώμην ἀλλὰ μὴ αὐτὸς ἰδίαν γνώμην εἰσηγούμενος (Bernhardy; τύχην ἡγούμενος, MSS.). Modern scholars differ as widely: in Meier's opinion the ῥητορικὴ γραφὴ is the same as the παρανόμων γραφὴ or the δοκιμασίας ἐπαγγελία (cf. Wachsmuth, *Hellen. Alterth.* ii. pt. 1, p. 294 n.); Sauppe supposes it to be the same as the προβολή (this is not likely to be correct on account of ἔστι γὰρ καὶ ἐκ βουλῆς, *Lex. Rhet. Cantabr.*, l. c.); and Lipsius (*Att. Process*, p. 248, n. 123: cf. p. 325, n. 358) identifies it with the εἰσαγγελία: all however agreeing in interpreting the term as meaning a proceeding *against* an orator, as in Harpocration's first definition. Yet it may seem strange that, if ῥητορικὴ γραφὴ is merely another name for an εἰσαγγελία against a ῥήτωρ, the term should not occur in any of the speeches delivered in such a trial, and that the expressions πρυτανικὴ and ἐπιστατική, which Harpocration quotes by way of explanation, are not found anywhere else. When Socrates as ἐπιστάτης (Xenoph. *Mem.* i. 1, 18) refused to put the motion to the vote, his opponents threatened ἐνδεικνύναι καὶ ἀπάγειν (Plat. *Apol.* p. 32 B). The prytaneis were frequently charged with venality, *e.g.* Andocides is said to have bribed them, [Lys.] *c. Andoc.* § 29; cf. Aristoph. *Pax*, 905, and Schol. *Thesmoph.* 936, etc.; but nowhere is a γραφὴ πρυτανικὴ mentioned. A different meaning of ῥητορικὴ γραφὴ may be deduced from Harpocration's second explanation (without Petitus' κατὰ before τῶν ῥητόρων) taken in connexion with the corrupt gloss (1) of Suidas, *s. v.* ῥήτωρ, and the *Lex. Rhet. Cantabr.*, l. c., viz. that by it a γραφὴ (in its wider sense "public trial;" cf. [Dem.] *c. Stephan.* ii. p. 1131, § 9; [Xenoph.] *de Rep. Ath.* 3, 2) is meant which was brought before a court (for this use of εἰσάγειν cf. Dem. *c. Mid.* p. 527, § 39) by ῥήτορες, not in their private capacity, but μετὰ ψηφίσματος, and on that account κατὰ διαφόρους νόμους. The ῥήτορες were not a distinct class, elected and invested with a kind of public authority, as Petitus supposed; they were "public men" who made it their business to lead the deliberations of the people, οἱ δήμῳ συμβουλεύοντες καὶ ἐν τῷ δήμῳ ἀγορεύοντες (Suidas, *s. v.*; cf. Dem. *c. Mid.* p. 575, § 189, and Schol.), and as such they were distinguished from the ἰδιῶται, *e.g.* in the νόμος εἰσαγγελτικός, and *C. I. A.* i. No. 31, l. 21, etc. Sometimes, however, they were invested with a kind of official authority, viz. when they were elected by the people to represent them in court in a prosecution of importance, wherein the state was materially interested [SYNEGORI]. Thus when the Areiopagus, by command of the people, instituted an inquiry (ζητεῖν, ζήτησιν ποιεῖσθαι) and reported (ἀποφαίνειν, ἀπόφασιν ποιεῖσθαι) to the popular assembly, the people elected, if they thought fit, men to bring the case before a court (Dinarch. *c. Dem.* § 51; Hyper. *c. Dem.* col. 37); and that such συνήγοροι, or κατήγοροι (as they were officially styled), belonged to the class of ῥήτορες, *i.e.* men skilled in speaking and experienced in the conduct of lawsuits, is natural (Suidas, ῥήτωρ· συνήγορος, δικολόγος καὶ ὁ τὴν ἰδίαν ἀποφαίνων γνώμην). Pericles was chosen for this office (Plut. *Per.* 10), Alcibiades ([Andoc.] *c. Alcib.* § 16; cf. Dem. *c. Mid.* p. 561, § 145. λέγειν ἐδόκει πάντων, ὥς φασιν, εἶναι δεινότατος), Demosthenes (Plut. *Demosth.* 10), in the Harpalian cause Hypereides, Pytheas, Menesaechmus (Ps.-Plut. *Vitt. X. Oratt.* p. 846 C), etc. Now the question arises, were such official prosecutors liable to a fine in case they did not obtain one-fifth of the votes at the trial, as was the rule in all criminal suits (except in an εἰσαγγελία κακώσεως, and for a time in an εἰσαγγελία for political offences; cf. also Lys. *pro Sacr. Olea*, § 37)? and this case did occur: cf. Dinarch. *c. Dem.* § 54, ὡς ἄρα πολλοὺς ἡ βουλὴ ἀποπέφαγκεν ἀδικεῖν τὸν δῆμον οἳ ἀποπεφεύγασιν εἰσελθόντες εἰς τὸ δικαστήριον καὶ ἡ βουλὴ ἀπ' ἐνίων τὸ πέμπτον μέρος οὐ μετείληφε τῶν ψήφων. Demosthenes, to discredit the ἀποφάσεις of the Areiopagus, on which the popular assembly relied in ordering the prosecution, had emphasised this point. Since the complainant in a προβολή, who had merely obtained the *praejudicium* of the people, was not liable if he did not obtain one-fifth of the votes at the trial (*Att. Process*, ed. Lipsius, p. 344), ῥήτορες, when chosen to act as public prosecutors, are still less likely to have been liable to a fine (*l. c.* p. 952), and to this Harpocration may be supposed to point: κατὰ διαφόρους νόμους αἱ τῶν ῥητόρων γραφαὶ εἰσάγονται. [C. R. K.] [H. H.]

RHETRA (ῥήτρα). This word is variously explained by both ancient and modern writers. Hesychius, *s. v.*, defines it συνθῆκαι διὰ λόγων: cf. Photius, *s. v.* συνθῆκαι, λόγοι, ὁμολογίαι. Gilbert (*Stud. z. altspart. Gesch.* p. 140) considers this to have been the original meaning (*e.g.* the covenant of the nature of a wager in *Od.* xiv. 393; the treaty between Eleians and Heraeans, Röhl, *Inscr. Gr. Ant.* No. 110 = Hicks, *Manual*, No. 8; cf. *I. G. A.* No. 118), from which that of "law" was deduced, whilst Wilamowitz (*Homer. Untersuch.* p. 280) looks upon "covenant" as its only meaning. Yet it would seem that ῥήτρα meant "law" (*Etym. M.* p. 703, ῥ. γὰρ κατὰ Δωριεῖς ὁ νόμος: Photius, *s. r.* Ταραντῖνοι δὲ νόμον καὶ οἷον ψηφίσματα) in *I. G. A.* No. 112 = Cauer,[2] No. 253, regulating the prosecution for witchcraft, and "decree" in No. 113, conferring citizenship on Deucalion; in Xen. *Anab.* vi. 6, 28, it means a "revolution", of the army (cf. § 2, δημόσιον ἔδοξεν εἶναι); and king Agis' proposal for cancelling all debts and making a new distribution of lands is called ῥήτρα by Plut. *Agis*, 8, 9, as well as that of Epitadeus for changing the law of inheritance (*l. c.* 5).

In *Lyc.* 13 Plutarch identifies *ῥῆτραι* with *χρησμοί*: *τὰ μὲν οὖν τοιαῦτα νομοθετήματα ῥήτρας ὠνόμασεν, ὡς παρὰ τοῦ θεοῦ νομιζόμενα (κομιζόμενα?* cf. 6, *ὥστε μαντείαν ἐκ Δελφῶν κομίσαι περὶ αὐτῆς, ἣν ῥήτραν καλοῦσιν) καὶ χρησμοὺς ὄντα*: cf. Photius, *s. v.*, *παρὰ Λακεδαιμονίοις ῥήτρα Λυκούργου νόμος, ὡς ἐκ χρησμῶν τεθέμενος.* In this Plutarch is followed by Göttling (*Verh. d. Leipz. Ges. d. Wissensch.* i. p. 136 ff.), Oncken (*Staatsl. d. Arist.* ii. p. 332 f.), etc.; since, however, oracles were usually in verse (Plut. *de Pyth. Orac.* 19 specially states that these were given *καταλογάδην*), Göttling restores the verse form, whilst Bergk (*Poet. Lyr.* ii.[4] p. 10 n.) looks upon them not as the oracles themselves, but as the prose explanations of the oracles given by the Delphian priesthood. *Ῥήτρα* (from root *ἐρ, Fερ*, Curtius, *Gk. Etym.* i. p. 428, transl.) may easily bear all these meanings; in NOMOS instances are given of *νόμος* being explained by *συνθήκη*, as something agreed on by a community, and it is shown how of old a divine origin was claimed for law as *εὕρημα καὶ δῶρον θεῶν*: see also Grote (*Hist. of Gr.* ii. p. 346 n.).

Plutarch (*Lyc.*) gives four *ῥῆτραι*, the first in c. 6, the other three in c. 13 (but see *Ages.* 26, *ἐν ταῖς καλουμέναις τρισὶ ῥήτραις*, and *de Esu Carn.* p. 997 C, *ἐν ταῖς τρισὶ ῥήτραις*). The first runs: *Διὸς Ἑλλανίου* (some MSS. *Συλλανίου*: for the numerous alterations of the name, see Thumser, *Staatsalterth.* i. p. 166, n. 4) *καὶ Ἀθηνᾶς Ἑλλανίας ἱερὸν ἱδρυσάμενον, φυλὰς φυλάξαντα καὶ ὠβὰς ὠβάξαντα, τριάκοντα γερουσίαν σὺν ἀρχαγέταις καταστήσαντα, ὥρας ἐξ ὥρας* (*ὥραις ἐξ ὡρῶν*, Wilamowitz, *Isyllos v. Epid.* p. 10, since Isyllus has *ὥραις ἐξ ὡρῶν* in B, l. 16) *ἀπελλάζειν μεταξὺ Βαβύκας τε καὶ Κνακιῶνος, οὕτως εἰσφέρειν τε καὶ ἀφίστασθαι· δάμῳ δὲ τὰν κυρίαν ἦμεν* (Sintenis, *δάμῳ δ' ἀγορὰν εἶμεν*, Coray, etc. MSS. *γαμωδαν γοριανημην*) *καὶ κράτος.* These directions, which Lycurgus is said to have received from Delphi, are fully explained by Plutarch, who seems to have largely drawn on Aristotle's *Λακεδαιμονίων πολιτεία.* They are: the building of a temple to Zeus Hellanios and Athena Hellania; the division of the people into *φυλαί* (*i.e.* the local *φ.*, Pausan. iii. 16, 9) and *ὠβαί* (O. Müller connects *τριάκοντα* with *ὠβάς*, but it would be strange if the number of the *ὠβαὶ* were given and that of the *φυλαὶ* omitted); the establishment of the *γερουσία*, consisting of 28 *γέροντες* (cf. c. 5, *sub fin.*) with the two kings (Ulrichs, *Rhein. Mus.* 1848, p. 210, adds *πρεσβυγενέας* after *τριάκοντα* from Plut. *an seric*, etc. 10: *διὸ τὴν μὲν ἐν Λακεδαίμονι παραζευχθεῖσαν ἀριστοκρατίαν τοῖς βασιλεῦσιν ὁ Πύθιος πρεσβυγενέας, ὁ δὲ Λυκοῦργος ἄντικρυς γέροντας ὠνόμασεν.* Göttling, *l. c.* p. 342, and Curtius, *Gr. Gesch.* i.[6] p. 654, n. 31, consider *τριάκοντα* a late addition); the calling together of the people at the time of the full moon (Schol. Thuc. i. 67, *τὸν εἰωθότα λέγει ξύλλογον ὅτι ἐν πανσελήνῳ ἐγίγνετο ἀεί*) between Babyca and Cnacion (Aristotle and the other commentators do not agree as to the locality meant; but see ECCLETI). *Εἰσφέρειν* evidently refers to the function of the gerousia "to bring forward proposals," but the meaning of *ἀφίστασθαι* is not so clear; Göttling (*l. c.* p. 339) and Ulrichs (*l. c.* p. 231) refer *ἀφίστασθαι* too to the gerousia, and translate it "withdraw a proposal;" Grote (*l. c.* p. 346 n.) takes it to mean "to put the question for decision;" Meyer (*Rhein. Mus.* 1887, p. 84 n.), following one part of Plutarch's explanation (*διαλύειν τὸν δῆμον*), translates it "to dissolve," whilst Gilbert (*l. c.* 135 f.), accepting the other part (*μὴ κυροῦν*), explains it "to refuse," so that it refers to the function of the *ἀπέλλα*, viz. to their power of rejecting the proposals of the gerousia.

Later on the kings Polydorus and Theopompus added, according to Plutarch, *εἰ δὲ σκολιὰν ὁ δᾶμος ἔλοιτο, τοὺς πρεσβυγενέας καὶ ἀρχαγέτας ἀποστατῆρας εἶμεν*, and managed to represent this clause as likewise ordained by the god. To prove this, Plutarch quotes three distichs, which he ascribes vaguely to Tyrtaeus (*ὥς που Τυρταῖος ἐπιμέμνηται*); Diodorus, who follows Ephorus (vii. 14, 5), quotes the second and third of them with slight verbal discrepancies (he has *εὐθείην ῥήτραις ἀ.* instead of *εὐθείαις*), but does not assign them to Tyrtaeus; besides, his first is different from the one given by Plutarch, and he adds two more. There is, therefore, very slight reason for considering these three distichs quoted by Plutarch as a fragment from Tyrtaeus' *Εὐνομία*, and dating so far back the notion of the Delphian origin of the Spartan constitution (cf. Herod. i. 65).

Triebner (*Forschungen z. spart. Verfassungsgesch.*) declares this rhetra, as well as Aristotle's commentary on it, to be a late forgery; but that it was generally known as a genuine document of Lycurgus in the beginning of the third century is evident from the allusion to it in Isyllus of Epidaurus (*l. c.* p. 23 E, l. 14 f.): when Philip marched against Sparta, Asclepius promised to help the Lacedaemonians,

> *οὕνεκα τοὺς Φοίβου χρησμοὺς σώζοντι δικαίως*
> *οὓς μαντευσάμενος παρέταξε πόληϊ Λυκοῦργος.*

Grote (*l. c.* p. 355 n.) calls this rhetra "the primitive constitutional rhetra of Sparta," which Lycurgus brought with him from Delphi. Gilbert (*l. c.* p. 140 ff.) sees in it the covenant made by the three communities—the Agiadae, Eurypontidae, and Aegidae—on uniting into one community (*συνοικισμός*), viz. Sparta. Wilamowitz (*Homer. Unters.* p. 280 f.) considers it to have been the covenant between the king (he takes "the king," not Lycurgus, as Plutarch does, to be the subject of *ἱδρυσάμενον*, etc.) and the *δᾶμος*, *i.e.* the aristocracy. Busson (*Lykurgos u. d. grosse Rh.* p. 21) connects it with a constitutional change effected by Lycurgus, through which the state was made to include all those of Dorian blood, whether of noble birth or not. Meyer's view (*l. c.* p. 85 f.) seems the most probable, viz. that this rhetra was not the basis on which the Spartan constitution has been built up, but was simply the main features of that constitution reduced to a formula about half a century before the time of Aristotle.

This explanation applies also to the other *ῥῆτραι*, which were merely general formulae, and by no means explicit laws. The 2nd rhetra runs, *μὴ χρῆσθαι νόμοις ἐγγράφοις*, *i.e.* the Lacedaemonians had no written code of laws, never going beyond the stage of customary law [NOMOS]; the 3rd, *ὅπως οἰκία πᾶσα τὴν μὲν ὀροφὴν ἀπὸ πελέκεως εἰργασμένην ἔχῃ, τὰς δὲ*

θύρας ἀπὸ πρίονος μόνου καὶ μηδενὸς τῶν ἄλλων ἐργαλείων: and the 4th forbade ἐπὶ τοὺς αὐτοὺς πολεμίους στρατεύειν, ἵνα μὴ πολλάκις ἀμίνεσθαι συνεθιζόμενοι πολεμικοὶ γένωνται. [H. H.]

RHOMBUS. [TURBO.]

RHOMPHAEA. [GLADIUS.]

RHYTHMICA. The sources from which our knowledge of Greek rhythm is to be drawn are the following: the remains of Greek poetry and music, and the extant Greek and Latin writings on rhythm and metre. None of these, however, are altogether trustworthy or complete. The most important is the first mentioned, and, in regard to the simpler kinds of metres, the form of a metrical composition is generally sufficient for the determination of its approximate rhythmical value; but with lyrical poetry this is not usually the case, for the same combination of long and short syllables may be capable of different rhythms, and, even where the feet into which a metrical composition falls are sufficiently obvious, there is still a further question, not to be determined by the metrical form alone, as to the larger groups ("sentences," "periods," &c.) formed by combination of the feet.

The existing remains of ancient music consist of three "hymns," none of them probably earlier than the middle of the second century A.D., and a few fragments of instrumental music (apparently of the nature of exercises) preserved by an unknown writer of uncertain date [see MUSICA]. These, though they furnish some important data, are yet too fragmentary and too late to throw much light on the rhythms of the classical period of Greek music. Of the writers on *rhythm* whose works have been at all preserved, the first in order of time and importance is Aristoxenus (fourth century B.C.). Though he lived more than a century later than the time at which Greek poetry and music attained their highest development, he was still thoroughly acquainted with the music of that time; but, unfortunately, his rhythmical works are preserved only in a fragmentary condition. The writings of later theorists are chiefly valuable in so far as they are based on Aristoxenus. The writers on *metre* (i.e. that species of rhythm which is exhibited in the measurement of syllables) are all of late date, and are for that reason to some extent untrustworthy. They are not acquainted with the music of the classical period, and their purely metrical point of view is inapplicable to the less obvious forms of metre in which the long syllable is not invariably equal to two short syllables, and in which feet of apparently different values (*e.g.* trochees and dactyls) are mixed together. The most important of the extant treatises on metre is the ἐγχειρίδιον of Hephaestion (second century A.D.).

Rhythm in its strict sense consists of a continuous succession of short equal intervals of time, marked off from one another as separate groups by the alternation of an accentuated and an unaccentuated element.* These intervals may be marked in different ways, *e.g.* by musical sounds, or by syllables, or, as in dancing, by the motions of the body (appealing to the eye rather than the ear). In order that a sense of rhythm may be produced it is not enough for the sounds to occur simply at equal intervals: thus there is, strictly speaking, no rhythm in the ticking of a clock, for each tick being equal in intensity the ear by itself does not necessarily divide the sounds into groups or rhythmical divisions.

The groups into which a succession of sounds fall are clearly recognised only when a sound more intense than its neighbours occurs at equal intervals of time. This accentuated part of each group is called by Aristoxenus βάσις, by the earliest writers after Aristoxenus θέσις. The unaccentuated part is called ἄρσις. Other names are for the "thesis," ὁ κάτω χρόνος or τὸ κάτω; for the "arsis," ὁ ἄνω χρόνος or τὸ ἄνω (so in Plato, *Rep.* 3, p. 400, and in Aristoxenus, p. 288, ed. Mor.). All these terms originated in the fact that the accentuated portion of the group was marked by setting down the foot, the unaccentuated by lifting it up. Confusion is, however, caused by later writers using the terms "arsis" and "thesis" in different senses. Sometimes they are applied to the raising and lowering of the *voice*, so that "arsis" denotes the accentuated, and thesis the "unaccentuated" beat. This, which is the exact opposite of the original meaning of the terms, is the sense given to them by most modern writers, following the example of Bentley. In Marius Victorinus, p. 2482, the two meanings are given, apparently without any sense of their incongruity, "est enim arsis sublatio *pedis* sine sono, thesis positio *pedis* cum sono: item arsis elatio temporis soni *vocis*, thesis depositio et quaedam contractio syllabarum." Sometimes a wholly different meaning is given to the terms, "arsis" denoting the first element of the foot in order of succession, "thesis" the second; then the "arsis" of the iambic is the short syllable, the "thesis" the long, and *vice versâ* with the trochee (so *e.g.* in Marius Victorinus, p. 2487). In this article the words are used in their original senses.

The Syllable. — Rhythm when applied to language is marked by an alternation of accentuated and unaccentuated syllables. In Greek and Latin there is a further distinction between long and short syllables. The rhythmical groups or "feet" are generally, but not invariably, marked by an alternation of long and short syllables, the "ictus" falling more frequently on the long than on the short syllable. The long syllable in its normal value is equal to two short syllables, but there is evidence that this was not the only value of the long syllable. The anonymous writer περὶ μουσικῆς, who has preserved the musical exercises already referred to, states (§ 1, ed. Bellermann) that the long syllable has sometimes the value of three, four, and even five

* We are not here concerned with the more general sense of the word (as *e.g.* when we speak of the rhythm of prose), in which it is used of a combination of longer and shorter sounds, which produces on the ear a general impression of proportion and orderly arrangement. It must further be noticed that the word "accent" is ambiguous. It is here applied to the *stress* or *ictus* upon a syllable or sound, which is produced with greater force or intensity than its neighbours. Properly, however, the term denotes *pitch*. The Greek accent is a pitch accent: thus the acute accent marks the syllable on which it is placed as being pronounced on a higher pitch than the other syllables in the word. The "ictus" is in Greek independent of the pitch accent.

short syllables, the symbols of these values being as follows:—

⏑‿⏑ for the long syllable which = three short syllables.
⏑‿⏑‿ ,, ,, = four ,,
⏑‿⏑‿⏑ ,, ,, = five ,,

The short syllable being regarded as the usual unit of time, not further divisible (called by Aristoxenus *χρόνος πρῶτος*, later *σημεῖον*), the long syllable may be either *δίχρονος* (or *δίσημος*), *τρίχρονος* (*τρίσημος*), *τετράχρονος* (*τετράσημος*), or *πεντάχρονος* (*πεντάσημος*). According to Pseudo-Euclid, *εἰσαγωγὴ ἁρμονική*, p. 22, ed. Meibom., it appears that the name *τονὴ* was applied to the prolongation of the long syllable beyond its usual value (*τονὴ δὲ ἡ ἐπὶ πλείονα χρόνον μονὴ κατὰ μίαν γινομένη προφορὰν τῆς φωνῆς*). The Anonymus (§ 3) also refers to *pauses* (*κενοί*, sc. *χρόνοι*) as constituent elements in rhythm, and enumerates four kinds—viz. the

∧, *κενὸς βραχύς* (or *λεῖμμα*, Arist. Quint. *de Mus.* pp. 40, 41, ed. Meibom. = one short syllable).

¯, *κενὸς μακρός* (or *πρόσθεσις*, *ibid.* = one long syllable).

⏑‿∧, *κενὸς μακρὸς τρίχρονος* = three short syllables.

⏑‿⏑‿∧, *κενὸς μακρὸς τετράχρονος* = four short syllables.

From the musical notation of the "hymns," already referred to, it appears that the long syllable equal to three short syllables is sometimes noted by a pause ∧ placed after the note on which the long syllable falls.

Aristoxenus (p. 292, ed. Mor.) also speaks of a quantity which is intermediate between the normal long and the normal short, which, if the short syllable be taken as = 1, will be represented by $1\frac{1}{2}$. A foot in which the thesis is to the arsis in the "irrational" proportion of $2 : 1\frac{1}{2}$ is called by Aristoxenus *χορεῖος ἄλογος*, and is probably to be identified with the spondee, which is often found in trochaic and iambic metres in the even and odd places respectively. If this be so, the long syllable in the arsis of trochaic and iambic feet is of abnormal value $= 1\frac{1}{2}$ instead of 2. According to Bacchius (*εἰσαγωγὴ τέχνης μουσικῆς*, p. 23, Meibom.) the exact measurement of the *ἄλογος χρόνος* is difficult to determine, but it is shorter than the normal long, and longer than the normal short.

The Foot.—The smallest rhythmical groups marked by alternation of thesis and arsis are called "feet" (*πόδες*, *pedes*). These feet are divided into three genera, according to the relation between the thesis and the arsis. Feet in which thesis : arsis : : 2 : 1, as *e.g.* the trochee, belong to the *γένος διπλάσιον* or *ἰαμβικόν*; those in which thesis : arsis : : 2 : 2, as *e.g.* the dactyl, to the *γένος ἴσον* or *δακτυλικόν*; those in which thesis : arsis : : 3 : 2, to the *γένος ἡμιόλιον* or *παιωνικόν*. The genera are further divided into species according to the relative position of thesis and arsis. Thus the *γένος διπλάσιον* comprises the species of the iambus ⏑ ´ in which the arsis precedes the thesis, and the trochee ´ ⏑ in which the thesis precedes the arsis; the *γένος ἴσον* comprises the anapaest ⏑ ⏑ ´ and the dactyl ´ ⏑ ⏑.

The *γένος παιωνικόν*, according to Hephaestion, c. 13, comprises three species—the cretic ¯ ⏑ ¯, the bacchiac ⏑ ¯ ¯, and the palimbacchiac ¯ ¯ ⏑. The latter, however, is said to be unfitted for use in music (*ἀνεπιτήδειόν ἐστι πρὸς μελοποιΐαν*, *ibid.*) Moreover, as will be seen, the scholiast on Hephaestion (page 125, ed. Westphal) asserts that the paeonic genus was not subdivided into species. There seems, therefore, to be some confusion and contradiction in the doctrines of the metricians on this subject. As to the relation of thesis to arsis it appears from Marius Victorinus (p. 2483) that the thesis was to the arsis sometimes as 3 : 2, sometimes as 2 : 3, *i.e.* either $\overset{\text{thesis}}{\breve{}\,\breve{}\,\breve{}} \mid \overset{\text{arsis}}{\breve{}\,\breve{}}$ or $\overset{\text{arsis}}{\breve{}\,\breve{}\,\breve{}} \mid \overset{\text{thesis}}{\breve{}\,\breve{}}$. From the analogy of the *paeon epibatus* (see below), and from the fact that the paeon is sometimes combined with the trochaic dipodies, it may be inferred that the foot was sometimes treated as if in compound time (see below), *i.e.* ´ ⏑ | ´ ⏑. Bacchius (p. 25, Meibom.) says that the paeon is *σύνθετος ἐκ χορείου* (= trochee ¯ ⏑) *καὶ ἡγεμόνος* (= pyrrich ⏑ ⏑).

Those species of feet which contain an equal number of units of time are classed together, and the union under one class is called *ἐπιπλοκή* (Schol. to Hephaest. p. 136, ed. Westphal, *ἐπιπλοκή ἐστι τοῦ μέτρου τὸ ἀνώτατον γένος ἐξ ἧς τὰ μέτρα γίνεται*). Of these *ἐπιπλοκαί*, according to the same passage, there are at least three, viz.:—

(1) The *ἐπιπλοκὴ τρίσημος δυαδική*, *i.e.* that of the trochee and the iambus in the *γένος διπλάσιον*, called *τρίσημος* because each foot = three units of time, and *δυαδικὴ* because the genus contains two species.

(2) The *ἐπιπλοκὴ τετράσημος δυαδική*, *i.e.* that of the dactyl and the anapaest in the *γένος ἴσον*.

(3) The *ἐπιπλοκὴ ἑξάσημος τετραδική*. This comprises the *ἰωνικὸν ἀπὸ μείζονος* ´ ¯ ⏑ ⏑, the *χοριαμβικὸν* ´ ⏑ ⏑ ¯, the *ἰωνικὸν ἀπ' ἐλάσσονος* ⏑ ⏑ ´ ¯, and the *ἀντισπαστικὸν* ⏑ ¯ ¯ ⏑. The "antispast" is due to a mistaken interpretation of certain metres, founded on their apparent metrical value. This *ἐπιπλοκὴ* may be regarded as another form of the *γένος διπλάσιον*, the thesis being to the arsis as 4 : 2 = 2 : 1.

In this classification of the *ἐπιπλοκαί* the *γένος παιωνικὸν* is omitted, and this omission is shown not to be accidental by the assertion of the Schol. to Hephaestion (p. 125, ed. W.), *τὸ δὲ παιωνικὸν ἐπιπλοκὴν οὐκ ἔχει*.

The metres which are combined in each genus, as *e.g.* the trochaic and the iambic, are said to be opposed to one another, *ἀντιπαθῆ* (Schol. to Hephaest. p. 155, ed. W.). Those feet which are composed of two or three syllables, *e.g.* ¯ ⏑, ⏑ ¯, and ¯ ⏑ ⏑, ⏑ ⏑ ¯, are said to be *τῆς πρώτης ἀντιπαθείας*: those which are composed of four syllables, *e.g.* ¯ ¯ ⏑ ⏑, ⏑ ⏑ ¯ ¯, *τῆς δευτέρας ἀντιπαθείας* (Schol. to Hephaestion, p. 208, ed. W.).

As to the notation of the metres which fall under these genera, it must be observed that even those species which begin with the arsis are in modern books often noted as if the foot began with the thesis, just as in modern music the "bar" begins with the accentuated note. Thus the iambic dipody is noted ⏑ | ¯ ⏑ | ¯. In such metres the first arsis was by Hermann called the "anacrusis," a name which has been adopted by other modern writers.

Some of the feet given above are usually combined in couples, the ictus on one foot being stronger than the ictus on the other with which it is combined. The feet which are usually thus

combined are the trochee, the iambus, and the anapaest: $\overset{\frown}{-\breve{}}\,\overset{\frown}{-\breve{}}$, $\breve{}\,\overset{\frown}{-}\breve{}\,\overset{\frown}{-}$, $\breve{}\breve{}\,\overset{\frown}{-}\breve{}\breve{}\,\overset{\frown}{-}$. Dactyls were sometimes so combined (Schol. Hephaest. p. 174 W.), but more frequently treated as single feet. The combination of the two feet differs from the single foot as in modern music compound from simple time. Thus, if the trochee be regarded as = the $\frac{3}{8}$ time of modern music, the combination of the two trochees = $\frac{6}{8}$ time. A verse which is scanned in double feet is said *κατὰ συζυγίαν βαίνεσθαι*, and the combination of two feet is called a *διποδία*, *βάσις*, or *μέτρον*. Hence the iambic line of six feet is called a trimeter, the anapaestic line of four feet a dimeter, &c. When two feet are thus combined, the strongest ictus may fall either upon the first or upon the second, *e.g.* either $\overset{\frown}{-}\breve{}\,\overset{\frown}{-}\breve{}$ or $-\breve{}\,\overset{\frown}{-}\breve{}$. When iambi or trochees are thus combined, except in certain cases at the close of a line, a long syllable can be substituted for the short syllable at the end of each couple of feet in the trochaic verse, at the beginning of each couple in the iambic, thus: $-\breve{}-\breve{}$, $\breve{}-\breve{}-$. The combination $-\breve{}--$ was in metrical treatises called *ἐπίτριτος*, because the relation of the second foot to the first *appeared* to be in the proportion of 4 : 3 (*ἐπίτριτος λόγος*). In reality, as has been seen, it is probable that the relation was that of $3\frac{1}{2}$: 3, the effect of the long syllable instead of the short syllable being that it was slightly and almost imperceptibly prolonged beyond the value required if strict time was kept. In verses intended for mere recitation and not for singing, it is unlikely that in any case the reciter would give each syllable its exact metrical value.

Besides the feet already enumerated, there are some feet of rare occurrence which are of longer duration. These are the *σπονδεῖος μείζων* or *διπλοῦς*, *ὄρθιος*, *τροχαῖος σημαντός*, and *παιὼν ἐπιβατός* (Aristides Quintilianus, i. pp. 36–39, ed. Meibom.). The *σπονδεῖος μείζων* consisted of a thesis = 4 and an arsis = 4, *i.e.* $\lfloor\!\rfloor\,\sqcup$; the *ὄρθιος* of an arsis = 4 and a thesis = 8, *i.e.* $\sqcup\,\lfloor\!\rfloor\,\lfloor\!\rfloor$; the *τροχαῖος σημαντὸς* of a thesis = 8 and an arsis = 4, *i.e.* $\lfloor\!\rfloor\,\lfloor\!\rfloor\,\sqcup$, and the *παιὼν ἐπιβατὸς* of five long syllables, viz. a long syllable in thesis + a long syllable in arsis + two long syllables in thesis + a long syllable in arsis, *i.e.* $-\,-\,-\,-\,-$, altogether a foot in ten time. The dialogue *περὶ μουσικῆς* which bears the name of Plutarch (chapters 28 and 33) gives some information as to the originators of these long feet. The *παιὼν ἐπιβατὸς* is said to have been used by Archilochus and Olympus, and it has been conjectured that the exclamation *ἰηπαιήων* is an instance of this rhythm. The invention of the *ὄρθιος* and of the *τροχαῖος σημαντὸς* is attributed to Terpander, and it is possible that the fragments of a hymn quoted as the composition of Terpander and of two others conjecturally assigned to Terpander by Bergk (*Lyr. Graec.* frag. 1, 3, 4), which are composed in long syllables alone, may have been sung to one of these rhythms. It appears at first sight that the *ὄρθιος*, the *τροχαῖος σημαντός*, and the *σπονδεῖος μείζων* differed from the ordinary iambic, trochee, and spondee, only in being slower in *tempo* (*ἀγωγή*). It is, however, just possible that each long note in the vocal part may have been combined with an instrumental accompaniment, which would show that the long note corresponded to a foot, thus:—

Vocal, $\lfloor\!\rfloor\,\sqcup$

Instrumental, $-\breve{}\breve{}\,-\breve{}\breve{}$, &c.

If this was so, these long feet were in reality combinations of feet, *i.e.* *κῶλα*.

The Sentence (*κῶλον*). — A series of feet recurring without a break, in which the thesis always had an ictus of equal intensity and which did not form larger groups, would soon become monotonous. Hence the feet are combined in larger groups called *κῶλα* or "sentences." The structure of these "sentences" is similar to that of the feet. There are three genera of *κῶλα* as there are of feet; like the feet, they fall into two portions bearing a definite relation to one another, and, like the feet, they are strictly limited in extent. In consequence of this analogy they are sometimes called *πόδες*. The single foot is a *ποὺς ἁπλοῦς* or *ἀσύνθετος*: the *κῶλον*, or combination of feet, is a *ποὺς σύνθετος*. The number of feet combined in a *κῶλον* is never more than six, and seldom more than four. A *κῶλον* of two or four feet belongs to the *γένος ἴσον* or *δακτυλικόν*, being composed of feet bearing an equal relation, viz. either 1 : 1 or 2 : 2. A *κῶλον* of three or six feet belongs to the *γένος διπλάσιον* or *ἰαμβικόν*, being composed of feet bearing the relation 2 : 1 or 4 : 2. A *κῶλον* of five feet belongs to the *γένος ἡμιόλιον* or *παιωνικόν*, the relation of the feet of which it is composed being 3 : 2. As to the extent of the *κῶλον* it is stated by Aristides Quintilianus, i. p. 35, and by Psellus, *προλαμβανόμενα*, § 12 (apparently an extract from Aristoxenus), that a *κῶλον* of the *ἴσον γένος* cannot exceed sixteen units of time; a *κῶλον* of the *διπλάσιον γένος* cannot exceed eighteen units of time; and a *κῶλον* of the *ἡμιόλιον γένος* cannot exceed twenty-five units of time. In these calculations the short syllable is taken as the unit of time. Applying these canons to the different *πόδες ἁπλοῖ*, it appears that the iambic or the trochee may form *κῶλα* of two, three, four, five, or six feet:—

$\left.\begin{matrix}\breve{}-\,|\,\breve{}-\\ -\breve{}\,|\,-\breve{}\end{matrix}\right\} = 6$

$\left.\begin{matrix}\breve{}-\breve{}-\,|\,\breve{}-\breve{}-\\ -\breve{}-\breve{}\,|\,-\breve{}-\breve{}\end{matrix}\right\} = 12$

} γένος ἴσον.

$\left.\begin{matrix}\breve{}-\breve{}-\,|\,\breve{}-\\ -\breve{}-\breve{}\,|\,-\breve{}\end{matrix}\right\} = 9$

$\left.\begin{matrix}\breve{}-\breve{}-\breve{}-\,|\,\breve{}-\breve{}-\\ -\breve{}-\breve{}-\breve{}\,|\,-\breve{}-\breve{}\end{matrix}\right\} = 18$

} γένος διπλάσιον.

$\left.\begin{matrix}\breve{}-\breve{}-\breve{}-\,|\,\breve{}-\breve{}-\\ -\breve{}-\breve{}-\breve{}\,|\,-\breve{}-\breve{}\end{matrix}\right\} = 15$ γένος ἡμιόλιον.

The dactyl or anapaest may form *κῶλα* of two, three, four, or five feet:—

$\left.\begin{matrix}-\breve{}\breve{}\,|\,-\breve{}\breve{}\\ \breve{}\breve{}-\,|\,\breve{}\breve{}-\end{matrix}\right\} = 8$

$\left.\begin{matrix}-\breve{}\breve{}-\breve{}\breve{}\,|\,-\breve{}\breve{}-\breve{}\breve{}\\ \breve{}\breve{}-\breve{}\breve{}-\,|\,\breve{}\breve{}-\breve{}\breve{}-\end{matrix}\right\} = 16$

} γένος ἴσον.

$\left.\begin{matrix}-\breve{}\breve{}-\breve{}\breve{}\,|\,-\breve{}\breve{}\\ \breve{}\breve{}-\breve{}\breve{}-\,|\,\breve{}\breve{}-\end{matrix}\right\} = 12$ γένος διπλάσιον.

$\left.\begin{matrix}-\breve{}\breve{}-\breve{}\breve{}-\breve{}\breve{}\,|\,-\breve{}\breve{}-\breve{}\breve{}\\ \breve{}\breve{}-\breve{}\breve{}-\breve{}\breve{}-\,|\,\breve{}\breve{}-\breve{}\breve{}-\end{matrix}\right\} = 20$ γένος ἡμιόλιον.

The paeon or cretic may form *κῶλα* of two, three, or five feet :—

$$\left.\begin{matrix} - \smile \smile \smile \\ - \smile - \end{matrix}\right| \left.\begin{matrix} - \smile \smile \smile \\ - \smile - \end{matrix}\right\} = 10 \text{ γένος ἴσον.}$$

$$\left.\begin{matrix} - \smile \smile - \smile \smile - \smile \smile \\ - \smile - - \smile - - \smile - \end{matrix}\right| \left.\begin{matrix} - \smile \smile \smile \\ - \smile - \end{matrix}\right\} = 15 \text{ γένος διπλάσιον.}$$

$$\left.\begin{matrix} - \smile \smile - \smile \smile - \smile \smile - \smile \smile \\ - \smile - - \smile - - \smile - - \smile - \end{matrix}\right| \left.\begin{matrix} - \smile \smile - \smile \smile \\ - \smile - - \smile - \end{matrix}\right\} = 25 \begin{cases} \text{γένος} \\ \text{ἡμιό-} \\ \text{λιον.} \end{cases}$$

The ionic or choriambic may form *κῶλα* of either two or three feet :—

$$\left.\begin{matrix} - - \smile \smile \\ \smile \smile - - \\ - \smile \smile - \end{matrix}\right| \left.\begin{matrix} - - \smile \smile \\ \smile \smile - - \\ - \smile \smile - \end{matrix}\right\} = 12 \text{ γένος ἴσον.}$$

$$\left.\begin{matrix} - - \smile \smile - - \smile \smile \\ \smile \smile - - \smile \smile - - \\ - \smile \smile - - \smile \smile - \end{matrix}\right| \left.\begin{matrix} - - \smile \smile \\ \smile \smile - - \\ - \smile \smile - \end{matrix}\right\} = 18 \text{ γένος διπλάσιον.}$$

It is probable that the unity of the *κῶλον* was marked by its having one ictus stronger than the rest and dominating the group, and that this ictus might fall on any foot in the *κῶλον*, so that *e.g.* a trochaic tetrapody might be accentuated in any of the following ways :—

$$\acute{-} \smile - \smile - \smile - \| *$$

$$- \smile \acute{-} \smile - \smile - \|$$

$$- \smile - \smile \acute{-} \smile - \|$$

$$- \smile - \smile - \smile \acute{-} \|$$

In each of the *κῶλα* hitherto considered the feet are all of the same metrical value, *i.e.* all trochees, iambics, dactyls, anapaests, paeons, ionics, choriambics, or their equivalents, *e.g.* tribrachs, spondees, cretics. The only exception is that of the "irrational" spondee in trochaic and iambic metres, *e.g.* $- \smile - -$ for $- \smile - \smile$. There is, however, a class of metres of very frequent occurrence in which feet of different metrical value, viz. trochees and dactyls (or iambics and anapaests), *e.g.* $- \smile | - \overline{\smile} | - \smile \smile | - \smile | - \smile \|$ are combined in the same *κῶλον*. These metres are called "mixed" (*μικτά*), or logaoedic (*λογαοιδικά*). The latter name was probably given to these metres because, from their apparent irregularity, they seemed to be intermediate between prose (*λόγος*) and poetry or song (*ἀοιδή*). The explanation of this union of trochee and dactyl, and the rhythmical relation between them, is uncertain, though it is generally admitted that the time occupied by the trochee and the dactyl must have been equal. The popular theory, adopted by J. H. H. Schmidt in his *Kunstformen der griechischen Poesie*, is that the long syllable and the first short syllable in the dactyl both lost something of their normal value, the long syllable being in this case $= 1\frac{1}{2}$ and the first short syllable $= \frac{1}{2}$, so that the dactyl $= 1\frac{1}{2} + \frac{1}{2} + 1 = 3 =$ the trochee $= 2 + 1$. This value, which is represented in modern books by the symbol $- \smile \smile$, is supposed to be confirmed by two passages in Dionysius of Halicarnassus, *de Comp. Verb.* chapters 17 and 20, and the foot is usually called the "cyclic" dactyl, because Dionysius (*ibid.* c. 17) says that the rapid dactyl of which the long syllable loses something of its normal value is parallel to the anapaest with an "irrational" long syllable, which is called *κύκλος*. Westphal, however, has shown that the passages in Dionysius cannot be used in support of the so-called "cyclic" dactyl in logaoedics, because Dionysius is speaking of mere recitation, not of singing. The rhythm was probably always less exact in the former than in the latter, just as in the case of modern poetry the rhythm of recitation is less exact than that of singing. It is more probable that the long syllable and the short syllable in the logaoedic dactyl retained their normal relation to each other, viz. that of 2 : 1, but that the long and short syllables were each pronounced more rapidly than the long and short syllables in the trochee. This may be expressed in figures as follows : If in the trochee the long syllable $= 2$ and the short syllable $= 1$, then in the dactyl the long syllable $= \frac{6}{4}$, the short syllable $= \frac{3}{4}$. Then the trochee $= 2 + 1 = 3 =$ the dactyl $= \frac{6}{4} + \frac{3}{4} + \frac{3}{4} = \frac{12}{4} = 3$. Possibly, however, it should rather be supposed that the equality between the trochee and the dactyl was not thus accurately defined, but that the ear was satisfied if the time occupied by the two feet was approximately equal, the difference between them being imperceptible, without any obvious violation of the usual proportion between long and short syllables.

The limits of the logaoedic *κῶλον* seem to be the same as those of the iambic or trochaic. It may consist of either two, three, four, five, or six feet; the six-feet *κῶλα* are, however, apparently rare, and it is possible that what seem to be six-feet *κῶλα* are a combination of two *κῶλα* of four feet and two feet respectively.

If the account of the logaoedic *κῶλον* here given is correct, the time occupied by all the feet which compose it is the same; but there is one peculiar metre, the dochmiac, the *κῶλα* of which are probably composed of feet which differ from one another in duration. The normal form of the dochmiac is $\smile - - \smile -$, but as all the long syllables admit of resolution into two short syllables, and the first (as well as occasionally the second) short syllable may be long, it assumes very various forms. It is doubtful whether the chief ictus is on the first or on the second long syllable, *i.e.* $\smile \acute{-} \smile - -$ or $\smile - \acute{-} \smile -$. The dochmiac seems to consist of a union of feet in which there is a real change of rhythm, one foot being in three time, the other in five time, *i.e.* $\smile - | - \smile -$ or $\smile - - | \smile -$. Westphal (*Metrik*, ed. 3) supposes that either there is a pause equal to one long syllable at the end of each dochmiac, or the final syllable is lengthened by *τονή*, *i.e.* $\smile - - \smile - \widehat{\ }$ or $\smile - - \smile \llcorner$. In this case the dochmiac would fall into two equal portions, each containing five units of time $\underset{\smile}{1}\,\underset{-}{2}\,\underset{-}{2}$. But this view seems inconsistent with the fact that occasionally a dochmiac ends with two short syllables in the middle of a word.

A *κῶλον* may be either completely filled by the syllables used in their ordinary metrical value, or it may require for its completion a pause (*λεῖμμα*, *πρόσθεσις*) or a prolongation (*τονή*) of a syllable beyond its ordinary value. An instance of a *κῶλον* which is complete without either pause or prolongation is the trochaic tetrapody $- \smile | - \overline{\smile} | - \smile | - \smile \|$, while the *κῶλον* $- \smile | - \smile | - \smile | - \|$ is incomplete and requires either a pause $- \smile | - \smile | - \smile | - \wedge \|$ or a prolongation $- \smile | - \smile | - \smile | \llcorner \|$ for its completion.

* $\|$ is the symbol for the end of a *κῶλον*, $\|\|$ for the end of a "period" (see below).

When the κῶλον is complete without these devices, it is called *acatalectic* (ἀκαταληκτικόν), *i.e.* not stopping (καταλήγω) before its proper end; when it is incomplete, it is called *catalectic* (καταληκτικόν). When a κῶλον is scanned κατὰ συζυγίαν, *i.e.* in couples of two feet, if, according to the metrical form, the last foot is wanting, as in – ⏑ | – ⏑ | – ⏑ ⏓ ‖, it is said to be *brachycatalectic* (βραχυκατάληκτον). When a κῶλον which is scanned κατὰ συζυγίαν has one apparently superfluous syllable exceeding the last dipody in the κῶλον, as *e.g.* in ⏑ – ⏑ – | ⏑ – ⏑ – | ⏑, it is said to be *hypercatalectic* (ὑπερκατάληκτον). Cases of this latter kind are, however, probably more apparent than real. A κῶλον of the apparent form – ⏑ – ⏑ | – is usually a trochaic tripody – ⏑ – ⏑ ⏔ or – ⏑ – ⏑ – ∧, and a κῶλον of the apparent form ⏑ – ⏑ – | ⏑ may be found where the next κῶλον begins with a thesis, and where therefore the arsis of the preceding κῶλον combines with the thesis of the following κῶλον to form a single foot, or where the κῶλον before it ends with a thesis, and therefore the arsis of the apparently *hypercatalectic* κῶλον combines with the thesis of the preceding κῶλον.

It is not always possible to divide a metrical composition into its κῶλα with certainty. In the simpler forms of metre the divisions are usually obvious, but in the more elaborate kinds of lyrical poety this is not so. One criterion by which it has been sought to determine the length of the κῶλα in such doubtful cases will be considered under the next head, viz. that of the "period."

The Period.—As a combination of feet forms a κῶλον, so a combination of κῶλα forms a περίοδος. It has been seen that the unity of the κῶλον was probably marked by its having one ictus stronger than the rest; the unity of the period was marked probably by the modulation of the voice varying in pitch and intensity with the beginning, middle, and end of the period, and certainly by the admission of a distinct pause at the end of the period, separating it from what follows. This pause is indicated in three ways. (1) Each period ends with the end of a word: a word cannot be divided between two periods as it can be between two κῶλα (Hephaest. c. 4, p. 16, ed. W., πᾶν μέτρον εἰς τελείαν περατοῦται λέξιν). (2) Hiatus is allowed at the end of a period; *i.e.* a period may end with a vowel, and the following period begin with a vowel without elision taking place. (3) The last syllable of each period may be either long or short (συλλαβὴ ἀδιάφορος, *syllaba anceps*) without reference to the quantity strictly required by the rhythm. This is explained by the pause at the end of the period. As there is a pause, it does not matter whether the last syllable is long or short: if it is long where the rhythm otherwise would require a short syllable, this is immaterial, because the short syllable would in this case be followed by a pause; if it is short where the rhythm otherwise would require a long syllable, the pause makes up the required length. Where the same period recurs frequently, as in the odes of Pindar, the observance of these three conditions makes it possible to determine the places at which the period ends, in most cases with complete certainty. The odes of Pindar were first divided into periods by the help of these criteria by Boeckh, in his edition of Pindar (Leipzig, 1811). The pause may occur at the end of a single κῶλον: in this case the κῶλον is a period. The word *period* is the most general term for a κῶλον, or a combination of κῶλα, after which a distinct pause is admissible. There are, however, other terms which are used to distinguish certain species of periods. When a κῶλον, or a combination of κῶλα, consists of not less than three συζυγίαι (six feet), and not more than four συζυγίαι (eight feet), it is called a verse (στίχος, *versus*) (Hephaest. περὶ ποιήματος, c. 1, p. 64, ed. W.).

On this principle the iambic trimeter (six feet) and the dactylic hexameter (six feet) are both called στίχος. Another name for a period not exceeding eight feet is μέτρον. The μέτρον must not exceed thirty units of time, according to Hephaestion (c. 13, pp. 42, 43, W.), where it is said that the paeonic μέτρον (of which each foot contains five units ⏑ ⏑ ⏑ ⏑ ⏑) may extend to six feet, which will not exceed the thirty units; but the scholiast on this passage (p. 199, ed. W.) asserts that, according to other metricians, the μέτρον might extend to thirty-two units. It is probable that the anapaestic tetrameter (⏑ ⏑ – ⏑ ⏑ – ⏑ ⏑ – ⏑ ⏑ – ‖ ⏑ ⏑ – ⏑ ⏑ – ⏑ ⏑ – – ⏓ ‖) was the longest verse (στίχος or μέτρον) recognised by the metricians, and that this was regarded as containing thirty-two or thirty χρόνοι, according as the penultimate syllable was lengthened by τονὴ (= ⏔) or not. A period which exceeds thirty-two χρόνοι is a ὑπέρμετρον.

The commonest form of the "verse" in non-lyrical poetry is that which is formed by two κῶλα: this structure is illustrated by the dactylic hexameter and the trochaic tetrameter:—

– ⏑ ⏑ – ⏑ ⏑ –, ⏑ ⏑ ‖ – ⏑ ⏑ – ⏑ ⏑ – ⏑ ⏓ ‖
– ⏑ – ⏑ – ⏑ – ⏑ : ‖ – ⏑ – ⏑ – ⏑ ⏑ – ∧ ⏓ ‖

The comma and the colon in this notation indicate the end of a word. When a verse of two κῶλα is divided in such a way that the arsis of the first κῶλον is formed by the beginning of a word belonging to the second κῶλον, it is said to have a *caesura* (τομή); when the end of the first κῶλον coincides with the end of a word, it is said to be divided by διαίρεσις. The dactylic hexameter has caesura, marked by the comma; the trochaic tetrameter has diaeresis, marked by the colon.

In these verses the κῶλα belong to the same species; there are, however, verses or periods in which the combined κῶλα belong apparently to different genera. Such rhythms are called μέτρα ἐπισύνθετα (Hephaest. c. 15, p. 56, W., and Schol. to Hephaest. pp. 201, 202, W.). Such is the verse – ⏑ ⏑ – ⏑ ⏑ – – ‖ – ⏑ ⏑ – ⏑ ⏑ – ⏓ ‖, which appears to be a combination of the κῶλα contained in the dactylic hexameter and the trochaic tetrameter. These episynthetic metres are also called *dactylo-trochaic* or *dactylo-epitritic*, according as the trochees are pure (*e.g.* – ⏑ – ⏑), or admit the "irrational" syllable (– ⏑ – –). There is a difficulty in determining the rhythmical value of these metres, similar to that which has already been discussed in connexion with logaoedics, and, as in the former case, two different solutions of the difficulty have been proposed. The popular explanation is, that in the apparent trochee the value of the long syllable is

longer by half than its normal value, *i.e.* = three instead of two units; then ⏑ – = ⏑ ⏑ = 3 + 1 = 4 = the dactyl = 2 + 1 + 1. The more probable explanation is that in the trochee the long syllable retains its normal proportion to the short syllable, but that the long syllable and the short syllable in the trochee are each pronounced more slowly than the long syllable and the short syllable in the dactyl. Thus, if the long syllable and the short syllable in the dactyl = 2 and 1 respectively, the long syllable and the short syllable in the trochee = $\frac{8}{3}$ and $\frac{4}{3}$ respectively; hence the dactyl = 2 + 1 + 1 = 4 = the trochee = $\frac{8}{3} + \frac{4}{3} = \frac{12}{3} = 4$. In the third edition of Rossbach and Westphal's *Metrik*, vol. 3 (1889), it is argued that episynthetic metres are in three time, the spondee being "irrational" = 2 : $1\frac{1}{2}$, and the dactyl being "cyclic" = 3.

There is another term for certain combinations of *κῶλα* in periods the meaning of which is doubtful. This is the word *asynartete*, of which Hephaestion (c. 15, p. 47, W.) gives the following explanation: *γίνεται δὲ καὶ ἀσυνάρτητα, ὁπόταν δύο κῶλα μὴ δυνάμενα ἀλλήλοις συναρτηθῆναι μηδὲ ἕνωσιν ἔχειν ἀντὶ ἑνὸς μόνου παραλαμβάνηται στίχου.* He then proceeds to give instances of "asynartete" verse, and his account is supplemented by the Scholia on the chapter (pp. 201 ff. W.). It is obvious that the definition given by Hephaestion is little more than verbal, and the meaning must be sought by comparing the different instances which he gives and observing what they have in common. The first modern scholar who brought the word to light, and attempted an explanation of it, was Bentley, in his edition of Horace. In a note on the 11th Epode he arrives at the conclusion that asynartete verses are those in which there is a combination of *κῶλα* belonging to different rhythmical genera, *e.g.* dactylic and trochaic, as in the verse – ◡◡ – ◡◡ – ◡◡ – ◡ ◡ ‖ – ◡ – ◡ – ◡ ‖, and in which, although the two *κῶλα* coalesced to form a verse, the preceding *κῶλον* was separated by a pause from the following, so that hiatus and "syllaba anceps" were allowable, as in the lines of Horace:—

arguit et latere petitus imo spiritus
– ◡ – ◡ – ◡ ◡ ‖ ◡ – ◡ – – – ◡ ◡ ‖
Epod. xi. 10.

fervidiore mero ‖ arcana promorat loco
– ◡ – ◡ – ◡ – ‖ – – – ◡ – – – ◡ – ‖
Epod. xi. 14.

It has, however, been shown by Westphal that Bentley's theory is applicable only to one of the seventeen asynartete verses quoted by Hephaestion. His own view is that asynartete verses are those in which there is catalexis in the first of the two *κῶλα*, as *e.g.* in the dactylic pentameter.

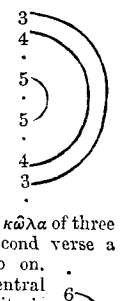
– ◡◡ – ◡◡ – ‖ – ◡ – ◡ – ◡ – ‖

The rhythm in such a case may be completed either by *τονὴ* or by a pause, thus:—

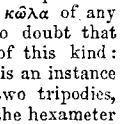
– ◡ – ◡ – ◡ ⏑ ‖ – ◡ – ◡ – ◡ – ×‖
– ◡ – ◡ – ◡ – × ‖ – ◡ – ◡ – ◡ – ×‖

This explanation is applicable to the majority of the asynartete verses quoted by Hephaestion, but it is certainly not applicable to all the "episynthetic" asynartetes, of which Hephaestion quotes seven kinds, and it cannot be applied to any of them without the unwarrantable assumption that the apparent dactylic tripody – ◡ – ◡ – ◡ – is really "brachycatalectic," *i.e.* = – ◡ – ◡ – ◡ ⏑ ⏑ or – ◡ – ◡ – ◡ ⏑ – ×. It appears, therefore, that the meaning of the term asynartete cannot be determined with certainty.

The word *period* is used by J. H. H. Schmidt in his *Kunstformen der griechischen Poesie* in a sense different from that of the ancient writers on rhythm and metre. He understands by it a combination of *κῶλα* or verses, which are bound together by a definite principle of arrangement or symmetry. According to this theory, in the majority of lyrical compositions, every *κῶλον* (with certain definite exceptions) corresponds to some other *κῶλον*, and contains precisely the same number of feet as the *κῶλον* with which it corresponds. Any set of *κῶλα* which is bound together by such correspondences is called by him a "period." These periods are variously constructed. The simplest form of period is that in which one *κῶλον* is followed by another containing the same number of feet, as *e.g.* in the dactylic hexameter – ◡◡ – ◡◡ – ◡◡ ‖ – ◡◡ – ◡◡ – ◡ ◡ ‖: the period is divided into two *κῶλα*, each consisting of three feet; such a period he calls "stichic." A more developed form is that in which a *κῶλον* of the same number of feet is repeated more than once, *e.g.* a period consisting of three dactylic tripodies; such a combination he calls a repeated "stichic" period. A "palinodic" period is one in which, instead of a single *κῶλον*, two *κῶλα* forming a group are answered by two *κῶλα* forming a similar group: thus, *e.g.*, if a group of two *κῶλα*, consisting of six feet and five feet respectively, were followed by a second group consisting of a hexapody and pentapody. If the group were repeated a second time, the result would be a repeated "palinodic" period. If the period be such that the correspondence is between the first *κῶλον* and the last, between the second and the last but one, Schmidt calls it "antithetic"; such would be a period of the annexed form, where the dot denotes the end of a verse, and the numbers the number of feet in each *κῶλον*.



The first verse would contain two *κῶλα* of three and four feet respectively, the second verse a single *κῶλον* of five feet, and so on. If in a period of this kind the central *κῶλον* has no correspondence, it is called "mesodic." A simple instance of such a period would be the annexed form.



Such are the outlines of Schmidt's theory, which has been adopted by some modern editors of Greek dramatists and Pindar. The general principle, which demands correspondence between one *κῶλον* and another, is called by Schmidt "eurhythmy," and it is chiefly by the assistance of this principle that he determines the division into *κῶλα* of any lyrical composition. There is no doubt that there is often a correspondence of this kind: the elegiac couplet, for example, is an instance of two periods, each formed by two tripodies, the tripodies being acatalectic in the hexameter and catalectic in the so-called pentameter. But it has not been shown that such "eurhythmy"

is invariably present, and it cannot therefore be accepted as a criterion for determining the length of the κῶλα where it is not otherwise obvious. The limits of this article do not admit of a detailed discussion of the theory, but some objections to it may be pointed out.

(1) The ancient writers on rhythm and metre do not show the slightest acquaintance with "eurhythmy" of this kind.

(2) The symmetry produced by Schmidt's method is often a symmetry for the eye, not for the ear; there is no reason to think that the ear could take in the rhythmical structure of many of his periods, even with the assistance of a musical accompaniment and the movements of the dance.

(3) Modern music and poetry do not offer any real analogy for the more elaborate forms of his periods, although modern poetry has in the rhyme a special means of emphasising the correspondence between κῶλα, while, on the other hand, they show that a sense of rhythmical proportion may be produced without exact correspondence between the κῶλα.

(4) The fact that Schmidt has been able to arrange the odes of Pindar and the lyrical portions of the great dramatists, in such a way as to exhibit "eurhythmy," is no proof of the truth of his theory; for as soon as it is granted that the long syllable admits of different values, that *e.g.* it may be either – or ⏑⏑ or ⏑, it is obvious that the same combination of syllables may admit of being interpreted as containing a different number of feet. Thus – ⏑ – ⏑ – ⏑ may be either an acatalectic tripody or a catalectic tetrapody = – ⏑ – ⏑ ⏑⏑ ⏑. Moreover, even if the number of feet in a series be determined, it may often be divided into κῶλα in more ways than one. As, therefore, the same metrical form admits of different interpretations, it is not difficult to manipulate it so as to produce the assumed "eurhythmy."

This theory of "eurhythmy" was first suggested in the first edition of Rossbach and Westphal's *Metrik;* in the second edition it was rejected by Westphal, but it has been revived by Rossbach in the third edition.

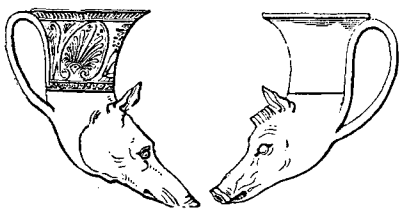
The Strophe.—When either a single rhythmical period (in the ancient sense of the word), exceeding the limits of a "verse," or a combination of periods, is repeated in the same form, such a period, or a combination of periods, is called a *strophe*, and, if it is repeated only once, it is called on its recurrence an *antistrophe*. A simple instance is the strophe formed by the dactylic hexameter and "pentameter," a strophe of two verses, each consisting of two tripodies, which, however, are different in form in the two lines, being acatalectic in the first and catalectic in the second. Other familiar examples are the Alcaic and Sapphic strophes, each consisting of four lines. In the odes of Pindar a further development is found. The strophe and antistrophe are here usually succeeded by a strophe of another metrical form, which is then called an *epode* (ἐπῳδός). The triad formed by strophe, antistrophe, and epode, is then repeated. The metrical structure of the fourth Pythian ode of Pindar is formed by a strophe, antistrophe, and epode, each of which occurs thirteen times. In Pindar and the dramatic poets there is, as a rule, an exact syllabic correspondence between strophe and antistrophe; and where the correspondence is not thus exact, except in certain limited deviations which are admitted to be permissible, it has been in most cases supposed that there is some corruption in the text. It is, however, possible that the assumption of exact syllabic correspondence has been carried too far, and that there was more licence in this respect than is generally recognised.

Metrical compositions are either κατὰ στίχον or κατὰ συστήματα (συστηματικά), and in the latter case they fall into further subdivisions, of which the most important are τὰ κατὰ σχέσιν and τὰ ἐξ ὁμοίων (Hephaest. περὶ ποιήματος, pp. 59 ff. W.). They are κατὰ στίχον when they are composed in "verses" of the same length, which do not fall into definite groups; the Greek epics in hexameter verse are an example of this form of composition. They are κατὰ σχέσιν when they contain strophes and antistrophes, as the odes of Pindar and most of the lyrical portions of the drama. They are ἐξ ὁμοίων when they are composed of a series of κῶλα of the same metre, forming groups which are unequal in extent, and each of which exceeds the limits of a "verse." Such are the anapaestic hypermetra used often in tragedy, consisting mainly of groups of anapaestic dimeters acatalectic, *e.g.* ⏑⏑ – ⏑⏑ – ⏑⏑ – ⏑⏑ – ‖ terminated by a catalectic dimeter, *e.g.* ⏑⏑ – ⏑⏑ – ⏑⏑ – ⏑⏑ – ⏑ ‖. Sometimes a lyrical passage is composed of periods of different metrical form and length without antistrophic responsion. In this case it is called ἀπολελυμένον. Instances of this may be found in melodies sung by actors on the stage (τὰ ἀπὸ σκήνης) in the Greek drama. Sometimes a composition contains all these different forms of metrical structure (as *e.g.* a Greek play), in which case it is called μικτόν.

It would be beyond the scope of the present work to give any detailed account of the metres employed by the Greek and Roman poets; on that subject, as well as on the general principles of rhythm as applied to language, reference may be made to the following authorities among the more recent writers:—Rossbach and Westphal, *Metrik der Griechen*, the third edition of which is published under the title *Theorie der musischen Künste der Hellenen*, Leipzig, 1885–1889; J. H. H. Schmidt, *Die Kunstformen der griechischen Poesie*, 4 vols., Leipzig, 1868–1872; Christ, *Metrik der Griechen und Römer*, 2nd edition, Leipzig, 1879; Gleditsch, *Metrik der Griechen und Römer* in Iwan Müller's *Handbuch der klassischen Alterthumswissenschaft*, vol. ii., Nördlingen, 1885. The value of the rhythmical principles of Aristoxenus, in their application to modern music, has been very ingeniously shown by Westphal in his *Allgemeine Theorie der musikalischen Rhythmik seit J. S. Bach*, Leipzig, 1880. The remains of the Greek writers on rhythm have been collected by Westphal in *Die Fragmente und die Lehrsätze der griechischen Rhythmiker*, Leipzig, 1861, the text of which is reprinted in the second edition of Rossbach and Westphal's *Metrik der Griechen*, vol. i., Leipzig, 1867. The rhythmical fragments of Aristoxenus are translated and explained in Westphal's *Aristoxenus von Tarent*, Leipzig, 1883. The most modern edition of the

text of Hephaestion with the Scholia is that of Westphal, Leipzig, 1866; but a new edition, discriminating as far as possible the sources of the various scholia, is much required. The so-called "Scholia A" have been edited by Studemund, in his *Anecdota varia*, Berlin, 1886; the "Scholia B" by Hoerschelmann, Dorpat, 1882. [C. B. H.]

RHYTON (*ῥυτόν*), a drinking-horn (*κέρας*), by which name it was originally called (Athen. xi. p. 497 b). Athenaeus adds that it was introduced into the statues of Arsinoë by Ptolemy Philadelphus, and this may be seen on the coins of Arsinoë [*Dict. of Biogr.* ARSINOE]. It is impossible that by *ὑπὸ πρώτου [τοῦ] Φιλαδέλφου Πτολεμαίου Βασιλέως*, Athenaeus can have meant to assert that Ptolemy invented the *ῥυτόν*, since he himself cites the passage of Demosthenes (*Meid.* p. 565, § 158) where it is mentioned. It is probable that the word *πρώτου* merely distinguishes the earlier Philadelphus from the later (Attalus II.). The oldest and original form of this drinking-horn was probably the horn of the ox, but one end of it was afterwards ornamented with the heads of various animals and birds. We frequently find representations of the *ῥυτόν* on ancient vases depicting symposia. Several specimens of these drinking-horns have also been discovered at Pompeii (*Museo Borbonico*, vol. viii. 14, v. 20): representations of two of these are given in the annexed cut.



Drinking-horns from Pompeii.

Etruscan *rhyta*. (Dennis.)

The *ῥυτόν* had a small opening at the bottom, which the person who drank put into his mouth, and allowed the wine to run in: hence it derived its name (*ὠνομάσθαι τε ἀπὸ τῆς ῥύσεως*, Athen. xi. p. 497 e). We see persons using the *ῥυτόν* in this way in ancient paintings (*Pitt. d'Ercol.* v. tav. 46; Zahn, *Ornam. und Wandgem.* taf. 90). Martial (ii. 35) speaks of it under the name of *rhytium*. (Becker-Göll, *Charikles*, vol. iii. p. 91; Guhl u. Koner, p. 164.) [W. S.] [G. E. M.]

RICA. [FLAMEN; MITRA.]

RICINIUM. [RICINIUM, *ad fin.*]

RICINIUM. Before the *palla* came into use at Rome, a mantle of a smaller size, the *ricinium*, was worn by women, and occasionally, it would seem from certain ceremonial survivals, by men. It was a rectangular piece of cloth (Fest. p. 274 b, 32, "Ricinium omne vestimentum quadratum ii qui xii interpretati sunt esse dixerunt"), and (though we cannot doubt its connexion with *rica*), according to Varro and the grammarians, it got its name from the fact that it was worn with one-half thrown back over the shoulder (Varro, *L. L.* v. 132, "Antiquissimis amictui ricinium. Id, quod eo utebantur duplici, ab eo quod dimidiam partem retrorsum jaciebant, a rejiciendo ricinium dictum." Cf. Isid. *Orig.* xix. 25, 4; Non. 542, 1; Serv. *ad Aen.* i. 282). The word occurs as early as the Twelve Tables, where it is used of the cloth with which funeral pyres were decorated (Schöll, *Legis XII. Tabularum Reliquiae*, p. 57; cf. Cic. *de Legg.* ii. 23, 59).

In classical times it was only used for ceremonial purposes, and was worn by the *magister* of the Fratres Arvales at the Ludi Circenses (Henzen, *Acta fr. Arv.* p. 37), by the boys who attended them (*Id. ib. 38*;—*Marini, Atti d. fr. Arvali*, xxiv. 2, 9, 21; xxxii. 3, 12; xxxvii. 7), and, to judge from the monuments, by the Camilli in general. (Cf. Henzen in *Annali del' Inst.* xxx. (1858), p. 9; Daremberg and Saglio, s. v. *Camilli*, p. 859.)

Sacrificial attendant (camillus) wearing the Ricinium. (From a relief.)

The *ricinium* was also, according to Varro, worn by women at funerals before the burial, whereas after it they put on black *pallae* (quoted by Nonius, p. 549, 31, "ut dum supra terram essent riciniis lugerent, funere ipso ut pullis pallis amictae"), a passage which clearly shows that there was an essential difference between the *ricinium* and the *palla*. Of the material of the *ricinium* nothing is known except that Lucilius speaks of one embroidered with gold (Lucil. *Fragm.* p. 246).

Owing no doubt to its having disappeared from ordinary use at an early date, the monuments give no representations of it on women. On certain Roman sarcophagi, however, Camilli wearing over one or both shoulders a piece of cloth fringed and with a long nap (cf. Clarac, ii. p. 218, n. 310; Daremberg and Saglio, *l. c.* and fig. 1053) are shown; and this very probably is closely connected with the *ricinium*, but not identical with it, for they are mentioned together in a fragment of Novius as the *ricinium* and the *rica* or *ricula* (cf. Ribbeck, edit. 2, p. 265, 71), which was also rectangular. The *Flaminica*, or wife of the Flamen Dialis, wore one of purple and fringed, apparently not as a cloak (Fest. *Epit.* p. 288, 10), for the garment is of smaller size and worn as a kerchief on the head (Id. p. 277a, 5; FLAMEN), a use which is referred to in Aulus Gellius (vi. 10), and would seem to be akin to that of the FLAMMEUM.

[Marquardt, *Privatleben*, p. 575; Becker-Göll, *Gallus*, iii. p. 264; Iwan Müller, *Handbuch*, vol. iv. (Schiller), pp. 805 and 807. Many references to monuments where Camilli wearing what

is almost certainly the *ricinium* are to be found in Daremberg and Saglio, s. v. *Camilli*, p. 859.] [W. C. F. A.]

ROBIGA'LIA, a public festival in honour of the god Robigus, to preserve the fields from mildew, is said to have been instituted by Numa, and was celebrated on April 25th (Varro, *L. L.* vi. 16; *R. R.* i. 1, 6; Fest. p. 267; Plin. *H. N.* xviii. § 285). A procession was made to the grove of Robigus (or *Robigo*, according to Ovid and Columella), five miles out of Rome on the Via Claudia (*Cal. Praen.*), where sacrifices were offered by the Flamen Quirinalis, a sheep and a dog, fancifully explained as averting harm to the crops from the dog-star (Ov. *Fast.* iv. 907 *sq.*; Colum. x. 342; Fest. p. 285). It is probable that the deity Robigus represents Mars Rusticus (Cato, *R. R.* 141; Tertull. *de Spect.* 5; Mommsen, *C. I. L.* i. p. 392; Marquardt, *Staatsverw.* iii.² p. 574). [W. S.] [G. E. M.]

ROBORA'RIUM. [PARADISUS.]

ROBUR. [CARCER.]

ROGA'TIO. [LEX, p. 33.]

ROGATO'RES. [DIRIBITORES.]

ROGUS. [FUNUS.]

RORA'RII. [EXERCITUS, Vol. I. pp. 782–784.]

ROSTRA was the name applied to a stage or platform at Rome, first between the Comitium and Forum, afterwards in the Forum, from which orators addressed the people [CONTIO]. This platform was originally called *templum* (Liv. ii. 56; iii. 17; viii. 14), because it was consecrated by the augurs (Cic. *in Vat.* 10, 24) [TEMPLUM]; but it received the name of Rostra at the conclusion of the great Latin war, when C. Maenius adorned it with the beaks (*rostra*) of the ships taken from the Antiates (Liv. viii. 14; Flor. i. 11; Plin. *H. N.* xxxiv. § 20). The Greeks also mutilated galleys in this way for the purpose of trophies: this was called by them ἀκρωτηριάζειν. [ACROTERIUM.]

From the mention of the *volcanal* as the speakers' platform in early times (Dionys. vi. 67; vii. 17; xi. 39), some have inferred that the Rostra was not merely adorned with ships' beaks in the year B.C. 338, but was then first built; the fact, however, that the Twelve Tables were placed on the Rostra (Diod. xii. 26) would lead us to conclude that it was an older structure which received this adornment and a new name in the 4th century. The language of Livy will bear either interpretation.

The Rostra lay, as has been said, between the Comitium, or place of meeting for the curies, and the Forum, or place of meeting for the whole people, so that the speaker might turn to the one or the other. No doubt the custom of turning towards the Comitium and addressing the curies from that spot originated in an age when that assembly was of importance alike in legislation and in judicial appeals, and it became a mark of democratic principles to turn the back on the Comitium and speak towards the Forum. According to Cicero (*Lael.* 25, 96), C. Licinius Crassus (tribune B.C. 145) first began "in forum versus agere cum populo;" a practice of which Plutarch makes C. Gracchus the originator (*C. Gracch.* 5). Julius Caesar transferred the position of the Rostra to the western side of the Forum (Cic. *Phil.* ix. 2; Dio Cass. xliii. 49). A description of the Rostra will be found in Middleton, *Rome*, pp. 157–164, and in still greater detail in O. Richter's *Gesch. der röm. Rednerbühne.* It was reached by steps from the back, and was a rectangular platform, 78 feet long, 33 feet broad, and 11 feet above the pavement of the Forum, with end and side walls of tufa blocks; the upper floor was supported on travertine piers; along the front, facing the Forum, there were marble railings (*cancelli*), except in the centre, where the speaker stood (the marks of the railings being still apparent): in this central portion, which occupied one-fifth of the whole length, it is probable, as Richter thinks, that there was originally a lower stage, the *locus inferior* (see below), 5½ feet beneath the level of the higher platform, or Rostra proper, and as many above the pavement of the Forum. At each end were colossal seated figures, as apparently was also the case in the older Rostra (cf. Cic. *Phil.* ix. 2, 5). In the remains of the Rostra holes and metal pins may still be seen where the ships' beaks were fixed, 19 in the lower and 20 in the upper tier. A representation of the emperor speaking from the Rostra is given on the Arch of Constantine.

Rostra, from the Arch of Constantine. (Middleton's *Rome.*)

The *rostra Julia*, so called to distinguish them from the Rostra proper, formed the projecting podium of the Aedes Divi Juli, built by Augustus, on which were fixed the beaks of ships taken at Actium. The lower platform, or *locus inferior*, is traced by Richter alike in the Rostra and in the rostra Julia. In the latter it was a semicircular depression in the central portion, reaching back to half the width of the platform, and was at a later time filled up to the higher level: in the *Rostra* the depression was a square piece of the central portion

reached by steps from above; but this also was filled and levelled up, so that on the Arch of Constantine the *locus inferior* does not appear at all, and in this later phase of the Rostra the entrance was by steps from the Forum instead of from the back. The distinction of Rostra and *locus inferior* seems to correspond with the distinction of place in the arrangement of the *tribunal* (see Mommsen, *Staatsr.* iii.[3] p. xii.), and perhaps was primarily devised for the lower station of the appellant in a judicium populi [JUDICIUM]. As contrasted with the station of the magistrate, it was the place whence a *privatus* could speak in the suasio or discussion of a rogation. Though, however, men of magisterial rank might expect to speak from the Rostra, it was in the power of the superior magistrate who convened the assembly to order anyone to speak from the lower platform (*ex inferiore loco*), as did Caesar to Catulus, possibly by way of a studied slight to the optimates, while to Vettius on another occasion he gave the higher place (*in rostra eum produxit*, Cic. *ad Att.* ii. 24, 3; cf. Sueton. *Jul.* 15); and Papirius sent Fabius, as though he were an appellant and not a magistrate, into the lower platform (Liv. viii. 33). In Cic. *de Or.* iii. 6, 23, the contrast of *ex inferiore loco*, *ex aequo*, and *ex superiore loco* is not precisely to our point, because he is speaking there of three classes of orators, viz. pleaders in court, senators, and magistrates on the Rostra; but the Rostra with its *locus inferior* attached was adapted in principle for the first as well as the third of these classes. When the judicium populi passed away, this use, probably the original purpose, of the *locus inferior* ceased, and in process of time the Rostra was altered in structure, so as to have only one platform. (See on this point Mommsen, *Staatsr.* iii.[3] 383, and note on p. xii.: and, for the locality and construction of the Rostra, the writings of Middleton and O. Richter cited above; Nichols, *Notizie dei Rostri.*)

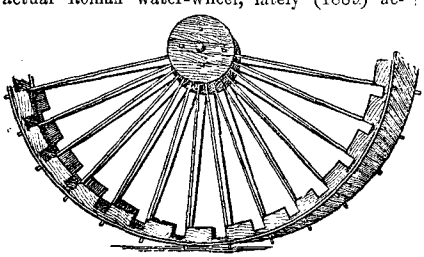
[W. S.] [G. E. M.]

ROSTRA'TA COLUMNA. [COLUMNA, Vol. I. pp. 494, 495.]

ROSTRA'TA CORO'NA. [CORONA, Vol. I. p. 548 *b*.]

ROSTRUM. [NAVIS, pp. 217, 220.]

ROTA. The various kinds of wheels are described under CURRUS, MACHINA, MOLA, TYMPANUM; and the *rota aquaria* for raising water under ANTLIA: but, as regards the last, it is necessary to add a few words in explanation of the cut here given, showing the portion of an actual Roman water-wheel, lately (1889) acquired by the British Museum. It was found in the Rio Tinto mines in the south of Spain, which were worked by the Romans for silver and copper: its excellent preservation, though entirely of wood, and perhaps dating from the time of Nero, is accounted for by the action of the cupreous water with which it was saturated. The water was taken up in the boxes at the outer circumference (which are covered, but with an opening at the side) and discharged into a trough, when the wheel had nearly completed its half-revolution. The water is then lifted into a channel about fifteen feet above the original level: another wheel (or pair of wheels, for they are found in pairs) then raises it to a higher channel, and so by a succession of stages it is removed from the mine. The wheels were probably turned by slaves by means of ropes, of which some remains have been found attached to the wheels, and in such a position that they could be worked with the feet, as a treadle, as well as with the hands (Stevenson in *Archaeologia Aeliana*, vii. 279). As was stated under ANTLIA, Vitruvius describes three kinds of water wheels (x. 4): this kind is not exactly like any of the three, but is an improvement upon No. 2 (that with the *modioli* attached), because that wheel could only raise water to a height equal to half its diameter, whereas the wheel shown in this article could raise it to a height nearly equal to the whole diameter, which in this example is little short of fifteen feet. [G. E. M.]



Wooden wheel, for raising water from mines. (British Museum.)

RUDENS. [NAVIS, p. 217.]

RUDIA'RII. [GLADIATORES.]

RUDIS. [GLADIATORES.]

RU'FULI. [EXERCITUS, Vol. I. p. 797 *a*.]

RUNCI'NA (*ῥυκάνη*), a plane (Tertull. *Apol.* 12; Plin. *H. N.* xvi. § 225), is delineated among joiners' tools (*Instrumen. Fabr. Tignar.*) in the woodcut at p. 243. Another example of similar form, but with the wooden box also shown, may be seen in Blümner: in both these we see two holes for the passage of the shavings, one on each side of the handle, instead of one, as in modern planes. The Latin and Greek names for this instrument gave origin to the corresponding transitive verbs *runcino* and *ῥυκανάω*, meaning "to plane." (Varro, *L. L.* v. 96; Poll. x. 146; *Anth. Pal.* vi. 204; Blümner, *Technol.* ii. 227.) [J. Y.] [G. E. M.]

RUTILIA'NA ACTIO. [BONORUM EMPTIO.]

RUTRUM, *dim.* RUTELLUM, a kind of hoe, probably of iron (and so in one reading of Cato, *R. R.* 11, "inter ferramenta"), which had the handle fixed perpendicularly into the middle of the blade, thus differing from the RASTRUM. It was used before sowing to level the ground, by breaking down any clods which adhered too long together (Non. Marc. p. 18). This operation is described by Virgil in the following terms, which also assign the derivation of the name: "Cumulosque *ruit* male pinguis arenae" (*Georg.* i. 105). See Festus, *s. v.*; Varro, *L. L.* v. p. 137. The same implement, made of wood, was used in mixing lime or clay with water and straw to make plaster for walls (Cato, *R. R.* 128; Pallad. i. 15; Plin. *H. N.* xxxvi. 23, § 55).

The word *rutabulum* ought to be considered as another form of *rutrum*. It denoted a wooden hoe or rake of the same construction, which was

used by the baker in stirring the hot ashes of his oven (Festus, *s. v.*). A wooden rutabulum was employed to mix the contents of the vats in which wine was made (Colum. xii. 20, 4; cf. xii. 23, 2). [J. Y.] [G. E. M.]

S.

SACCUS, besides being the general word in Latin (as in all other Indo-European languages) for a bag of any material, shape or size, has special significations which may be noticed here. 1. A form of head-dress. [COMA, Vol. I. p. 499.] 2. A strainer, *saccus vinarius*. This was a linen bag, and often appears simply as *linum* (Hor. *Sat.* ii. 4, 54; Mart. xiv. 103), or *lintea* (*ib.* 104). As will be seen from these and other passages, it was regarded as a bad substitute for the COLUM, because it gave a flavour of its own to the wine. In Greek, *σάκκος* was thus used (Poll. vi. 19). The saccus was often filled with snow to cool the wine, though this was not the most approved method. [PSYCTER.] [W. S.] [G. E. M.]

SACELLUM, a diminutive of *sacer*, signifies a small place consecrated to a deity with an altar in it (Trebon. *ap.* Gell. vii. 12). Festus further defines it as being without a roof (p. 318). Often besides the altar there was a shrine [AEDICULA], as in the line "aram constitui signaque parva deum" (Ov. *Fast.* v. 130), whence the whole would ordinarily be spoken of as a sacellum, though in *Fast.* i. 275 the ara and sacellum are distinguished. The sacred spot, whether it contained merely an altar or an altar and a shrine, was often, and probably most usually, protected by a fence: "uti locus ante eam aram .... stipitibus robustis saepiatur" (*C. I. L.* xi. 1420; cf. ix. 5019). This fence was called *cancelli* (*ib.* vii. 83), *concameratio ferrea* (*ib.* vi. 543), *maceria* (*ib.* x. 2066), according to the material of the fence. The word *caulae*, properly used of sheep-hurdles, is used often as a general term for this fence, as of Janus: "quia bello caulae ejus patent" (Macrob. *Saturn.* i. 9, and similarly in Serv. *ad Aen.* vii. 610), whence, in Serv. *ad Aen.* ix. 60, "in sacris aedibus et in tribunalibus saepta quae turbas prohibent, *aulas* vocamus," is, no doubt rightly, altered to *caulas*. The Greek term for this fence is *μάνδραι* (Charis. p. 549), or simply *περίβολος*. These sacella, if they were publicly consecrated, were strictly distinguished as *sacella publica*—we find "curator sacellorum publicorum" (Ephem. *Ep.* iv. 863; cf. MAGISTER VICORUM, p. 110 *b*)—and, with *luci* and *delubra*, were included under the general term *fana* [FANUM]. Such was the sacellum of Hercules in the Forum Boarium, of the Lares (Tac. *Ann.* xii. 24), of Naenia (Fest. p. 161), Pudicitia (Liv. x. 23), Ruminae (Varro, *R. R.* ii. 11), and we may suppose that they represent the oldest kind of consecrated spots before the more costly aedes or templum was built, though many such smaller shrines were of recent construction also. The Romans dedicated also *privata sacella* on their own properties, regarding which Festus (p. 321) quotes Gallus Aelius as saying, "quod privati suae religionis causa deo dedicent, id pontifices Romanos non existimare sacrum." That is to say, its sanctity would derive from the feeling of those who instituted it and would not depend on any state law of religion: hence that which Cicero dedicated to his daughter was not really *consecratum*, but only so regarded by him—"quantum fieri poterat" (Cic. *ad Att.* xii. 18). (See also Marquardt, *Staatsverw.* iii.[2] 152.) [L. S.] [G. E. M.]

SACENA. [DOLABRA.]

SACERDOS, SACERDOTIUM. A priest among the Greeks and Romans was a person whose duty was to perform on behalf of a state, or of some organic group within the state, a certain ritual, the object of which was to maintain the proper salutary relations between the state or group and the local gods. This definition, it will be seen, implies a fully developed state. That a priesthood did indeed exist before the state, both in Greece and Italy, there can hardly be a doubt; but of its nature and history we have scarcely any knowledge. Nor, indeed, do we certainly know at what point in the development of a people the priest proper first appears. Roughly, it may be said that an organised priesthood is found wherever the relation of God to man is believed to have a certain stable personal character on which the worshippers can calculate and act. (See W. Robertson Smith in *Encycl. Brit.* s. v. *Priest.*) In Greece and Italy this stability of relation seems to have gone with a corresponding stability of human society, *i.e.* a certain amount of social and political development. In the following sketch of the priesthoods of Greece and Rome such development is assumed, and no attempt is made to unravel the earliest history of the growth of a priesthood.

Priests in Greece.—The most general word for a priest is *ἱερεύς* (for a priestess *ἱέρεια*). This word is found in Homer, and lasted throughout Greek history. At all periods its meaning is in the main the same; it denotes a person charged with regular and permanent duties towards a particular deity on behalf of a particular community, and thoroughly acquainted with the traditional mode of performing those duties, whether they consisted of prayer, sacrifice, purification, prophecy, or all of these. He is one "skilled in the rules of sacrifice, prayer, purification," &c. (Stobaeus, *Ecl. Eth.* vi. 5, 122; Gaisf. vol. ii. p. 562). These rules, too technical for the ordinary individual, by which the gods could be in a sense controlled and their goodwill secured, must necessarily be in the charge of a specialist.

The word *ἱερεῖς* also implies the existence of a holy place to which the person so denominated was attached. The priest was in Greece essentially a minister in the service of a temple; this is his true differentia (Plato, *Legg.* 759 A). He was the servant of the god (Plato, *Pol.* 290 C; Eur. *Ion*, 94, 309; Poll. i. 14, *οἱ δὲ τῶν θεῶν θεραπευταὶ ἱερεῖς*) to whom the temple was sacred. His history and development are therefore in each case inseparable from those of the temple itself. In some places, we may suppose, which had become famous for a sacred fountain, tree, or cavern, it became convenient to build the local god a house for his own habitation,

and a keeper would be assigned to the house from among the members of the community interested in the worship. This person, who devoted his life, or a certain portion of it, to the care of the god's house and its ἱερά, would be the ἱερεύς. He would thus be a priest of a simple deity, for each temple was the dwelling of one only. To the Greek, a priest was not a priest in a general sense, but the priest of some local Zeus or Apollo, and was almost always so distinguished in Greek literature. (See Nägelsbach, *Nachhomerische Theologie*, p. 207.)

Thus the word is far from containing the idea of a sacred caste, and suggests no settled distinction between clergy and laity. The ἱερεὺς was indeed, as compared with the ordinary Greek citizen, a man of professional knowledge, but only in respect of the ritual of his own temple. As every temple had its own strict rules, there was no opportunity for any combined action which might produce a common professional interest. Nor was there at any time a common school of the priesthood, for each priest could learn his duties in his own temple only. And it must be borne in mind that the priests were by no means the only persons who exercised priestly functions; for the king or other magistrate of a state, as well as the heads of families and gentes, could, and did, all offer sacrifices and prayers on behalf of their respective communities. How far the aid of the priest was necessary in any such sacrifice is an obscure question (see Martha, *Les Sacerdoces Athéniens*, p. 73 foll.); but Aristotle clearly distinguished between those sacrifices which were ἱερατικαί, *i.e.* could only be performed by a priest (probably in a temple), and those which were undertaken by the lay head of the community (*Pol.* iii. 14, 12 = p. 1285 b, 10). Thus much is certain, that the Greek mind did not connect the word ἱερεὺς with any exclusive prescriptive right of exercising liturgical functions, such as at the present day we are apt to associate with the word *priest*, save only in respect of those which he exercised in his own temple. It is essential to remember this in studying the Greek idea of a minister of religion; but in the present article it is necessary to limit the subject by confining our attention to its more technical aspect.

Not much is to be gathered from Homer as to the position and duties of the priest in the age represented in the poems. Homer describes a state of war and disturbance in which local priesthoods would naturally play no part; and what we hear of them is chiefly from passages of incidental reference. They are not mentioned among the prophets, poets, physicians, &c., in the catalogue of δημιόεργοι in *Od.* xvii. 382 foll.: and this may show (1) that they were not a trained professional body or guild; (2) that they were distinguished from the μάντεις, or wandering diviners. Their duties seemed to have been chiefly, as in later times, those of prayer and sacrifice; hence the names ἀρητὴρ (*Il.* i. 11; v. 78) and θυόσκοος (*Il.* xxiv. 221). They were held in high honour: of the priest of Scamander it was said that he was honoured as a god by the whole people (*Il.* v. 78; cf. xvi. 605). On one occasion only do we hear of insult offered to a priest; *i.e.* at the opening of the Iliad, by Agamemnon to the priest Chryses: and this was so startling as to rouse the anger of the army and bring down the wrath of Apollo in the form of a pestilence. The local priest is represented in *Il.* v. 10 as wealthy and important, a fact quite in keeping with the feeling of later times that priests should be of high descent and substantial means. In *Od.* ix. 200 we hear of a local priest dwelling in a house in close proximity to his temple, with his wife and children; a glimpse of old Greek life which is confirmed, as we shall see, by the evidence of a later age. But further details of the Homeric priests are wanting, even in the Odyssey, and it cannot be assumed that they played an important part in the civilisation which the poems represent. (See Buchholz, *Hom. Realien*, vol. iii. pt. 2, § 178; Gladstone, *Homer and the Homeric Age*, iii. 279 ff., where, however, the Trojan priests are wrongly considered as belonging to a separate civilisation.)

Our information about priests in *historic times* is not only scattered about in a great number of authors and inscriptions, but naturally refers to a great variety of the cities of the Hellenic world, in which the usages varied considerably. It extends also over a period of several centuries, down to the age of the Roman empire; and it is unfortunately the last half of this long period, and not the age of genuine Greek civilisation, which has yielded by far the greater part of our results. It is, therefore, difficult to present a consistent picture of the position and duties of the Greek priest in the centuries which may more properly be called those of Greek history. Under the heads, however, of the qualifications, mode of appointment, duties, and privileges of the priesthood, some account may be given of certain features of special interest.

Qualifications.—In the first place, it was essential that a priest, if a man, should be a full citizen of the state to which the temple belonged of which he had charge; and so also, if that worship were the peculiar property of a gens or family within the state, he must be a full member of that gens or family. Thus, at Athens, no μέτοικος could hold a priesthood; *e.g.* in the case of the priesthood of Heracles, we learn from Demosthenes that no foreigner or metoec could qualify, or anyone who was not a member of a phratria (at that time the test of true citizenship); and he speaks of the priesthood as under the same conditions as the magistracy (Dem. *Eubul.* p. 1313, §§ 46–48). In general terms Plato expresses the same necessity (*Legg.* 759 C), when he lays it down for his ideal state that the priest should be ὁλόκληρος καὶ γνήσιος, *i.e.* sound in all respects, including birth. So also an inscription of Chalcedon (probably of the 2nd century B.C.) forbids a priesthood to be sold to anyone who was not thus sound and in full possession of civic rights (Dittenberger, *Syll. Ins. Gr.* 369). These regulations, however, did not exclude women from priesthoods, and priestesses are met with in all parts of Greece. At Athens a priestess seems to have enjoyed at least some rights of a citizen; *e.g.* she could plead before the council, sign documents, &c. (Martha, *op. cit.* p. 22). For priestesses persons of rank and substance seem to have been preferred; thus in an inscription from Halicarnassus we find that the priestess must be of aristocratic descent for three generations at least (Ditten-

berger, No. 371). And Aristotle insists that no husbandman or mechanic should be a priest; the gods should receive honour from the citizens only (*Pol.* vii. 9, 8 = p. 1329 a, 29). The Pythia of Delphi seems to have been an exception to this rule, as she was chosen at large from among all the women of Delphi (Eur. *Ion*, 1323: cf. Plut. *Pyth. Or.* 22; Hermann, *Gr. Alterth.* ii. p. 256). This was perhaps for reasons of state, or because it was difficult to procure a woman of the peculiar temperament required by the office.

The second chief qualification was that of purity, bodily and mental. This is also explicitly laid down by Plato in the passage just quoted from the Laws, and is partly implied in the word ὁλόκληρος already mentioned. As all approach to the gods without purification was a sin even in the ordinary worshipper, *à fortiori* it was so in the priest. At Athens no one could hold a priesthood who had led a vicious life (Aeschines, *Timarch.* § 19), or who had neglected his parents (Xen. *Mem.* ii. 2, 13). Bodily purity was equally essential. Strict regulations were often posted at the doors of temples for the guidance of worshippers in keeping themselves pure, which applied even more to the priest; and the highest state of purity was to have a healthy mind, free from guilty conscience, in a healthy body (Newton, *Art and Archaeology*, p. 156). All contact with a dead body, for example, defiled a man; and if a priestly family were temporarily defiled by the death of one of its own members, the priesthood was sometimes forfeited. Thus the death of a child of a priest of Messene is said by Pausanias to have caused a vacancy (Paus. iv. 12, 4). In the same way we find that many priesthoods could only be filled by virgins; and Pausanias mentions one at Calauria where a girl must resign the priesthood of the temple of Poseidon when of age to marry (ii. 33, 3). On the other hand, all the priests of the Ephesian Artemis were eunuchs (Roscher, *Myth. Lex.* s. v. *Artemis*, p. 501 a); and the priest and priestess of Artemis Hymnia at Orchomenus, in Arcadia, were not only cut off from all bodily impurity, but from all intercourse with the world (Paus. viii. 13, 1). Such exaggerated asceticism, however, was not truly Greek in character, and was undoubtedly of Oriental origin. There was no general rule against the marriage of a priest. The regulations suggested by Greek thinkers were also more moderate; both Aristotle and Plato recommend only that priests should be of advanced age (Ar. *Pol.* vii. 9, 9; Plato, *Legg.* 759 D). Old men and women actually occur, as at Delphi and Athens, instead of virgins, for the care of the perpetual fire; but this may have been a later custom, arising from the difficulty of getting virgins to serve (Plut. *Num.* 9). Boy-priests are occasionally mentioned, who served until the age of puberty (Paus. vii. 24, 2, where the boy must be of remarkable beauty; and *C. I. G.* 6206). In these examples of priesthoods filled by persons of old age or extreme youth, we may also perhaps see the call for purity combined with the Greek feeling that a man in the prime of life was required for the service of the state.

Mode of appointment.—This was by no means uniform; but we may discern three principal methods, which in rough chronological order would be—(1) by hereditary descent, *i.e.* by devolution or selection out of a gens or family; (2) by public election, either by means of open voting or the lot; (3) by purchase.

1. As regards the first of these, we have abundant evidence that many priesthoods descended in the same family or gens, though we know little of the method by which the priest was chosen from among its members. The reason of such hereditary right is not far to seek. A cultus which had been peculiar to a family or gens before its absorption in a state, retained, even after that absorption, the right to be served by a member of that minor group only; the perfect performance of its ritual being in this way better secured. Thus the family of Gelo of Syracuse claimed to be hereditary hierophants of Demeter and Persephone in the city of Gela, because their ancestor Telines had brought the *sacra* of that worship from Cnidos (Herod. vii. 153). At Athens the Eumolpidae held the office of hierophant of the Eleusinian mysteries, the Eteobutadae the priesthood of Athene Polias, the Gephyraei that of the Achaean Demeter, the Hesychidae that of the Eumenides, the Phytalidae that of Demeter, Poseidon and Theseus, &c. (see for these and other instances, Maury, *Rel. de la Grèce*, vol. ii. 387 foll.). So too, at least in later times, it was not uncommon for a state to grant a hereditary priesthood to one who had been a benefactor of the cult (*C. I. G.* 2448; Martha, *op. cit.* p. 38). Maeandrius of Samos proposed to establish in his family a perpetual priesthood of Zeus, as compensation for giving up the tyranny, on the ground that he had built the temple of the god (Herod. iii. 142). As to the mode of succession to the office in these cases, we know of instances in which the eldest son succeeded (*C. I. A.* ii. 410; *C. I. G.* 2448; Martha, *l. c.*); and a Halicarnassian inscription informs us of a priesthood in which the succession was not from father to son, but from brother to brother, devolving to sons of the eldest brother in order of seniority, then to sons of the next brother, and back again to the grandsons of the eldest brother (Newton, *op. cit.* p. 152). In other cases the lot seems to have been used. Thus in the family of the Eteobutadae a priest is mentioned as λαχὼν ἐκ τοῦ γένους τὴν ἱερωσύνην: in this case, however, he was able to hand on the office to his brother, and perhaps too much stress should not be laid on the word λαχών (Plut. *Vit. X. Oratt.* 38, 39, p. 843 F; Schömann, *Gr. Alt.* ii. 405). But our knowledge on this point is still scanty.

2. Of appointment by voting we hear little. An instance seems to occur as early as Homer (cf. *Il.* vi. 300, τὴν γὰρ Τρῶες ἔθηκαν Ἀθηναίης ἱέρειαν, with the note of the Scholiast in *Cod. Venet. Marc.* 453). Another is recorded in *C. I. G.* 2270, 18, from Delos; but this seems to have been a preliminary selection of candidates only, and not the final election, which was by means of the lot. At Athens, as elsewhere in Greece, the commonest practice seems to have been to elect by lot; and it is recommended by Plato on the ground that the lot was an indication of he divine will (*Legg.* 759 C). Virgil was aware of the Greek custom, and describes Laocoon as "ductus Neptuno *sorte* sacerdos"

(*Aen.* ii. 201). Examples are found in inscriptions (see *C. I. A.* 352 b and 567 b; and a paper by Boeckh in *Phil. Museum*, vol. ii. p. 453; also Dittenberger, No. 356, 9 = *C. I. A.* 489 b.). In some cases at least, this sortition seems to have been preceded by some kind of selection of candidates for whom the lot might be cast. Thus in the case of the priesthood of Hercules, mentioned in Demosth. *Eubul.* l. c., it was counted an honour to Eubulides to have been among those so selected. A somewhat similar practice is mentioned in Paus. vii. 25, 13, in the case of a priestess at Aegae in Achaia; and the Delian inscription quoted above (*C. I. G.* 2270; Martha, p. 32) mentions a priest of Dionysus who was both chosen by the people and also by lot, and points therefore in the same direction. But it does not appear whether the selection was always by voting, or in some other way.

3. As to the practice of purchasing priesthoods, we have only in recent years gained any adequate information. A passage of Dionysius of Halicarnassus (ii. 21) had indeed suggested it, in which Romulus is described as appointing to the Roman priesthoods neither by *putting them up for sale* nor by the lot, but in another way. In 1830 Boeckh published an inscription from Halicarnassus (*C. I. G.* 2656; Dittenberger, No. 371) which contains a decree affecting the priestess of Artemis Pergaea, who had purchased her priesthood; and it became evident that Dionysius was alluding to a practice of his own city. Since that time several other inscriptions have come to light, which show that Halicarnassus was by no means the only place where priesthoods were sold, and the practice is now proved for Chalcedon, Erythrae, Andros, and Myconos (see Dittenberger, Nos. 369, 370, 371; Le-Bas Waddington, *Asie Mineure*, pp. 408 and 457). The details of the transaction are still imperfectly understood, and further light is needed. The inscription from Erythrae, however (Ditt. 370), is an extremely interesting document, giving a very long list of these purchases, and the prices paid for the priesthoods, which ran as high as 4,600 drachmas in the case of that of Hermes Agoraios, while others fetched comparatively small sums. These priesthoods seem to have been put up for sale at the same time, and could hardly have been held for life (see Lehmann, *Quaest. Sacerdot.* p. 52, Königsberg, 1888; cf. also Herbrecht, *de Sacerdoti apud Graecos venditione*, Strasb. 1885); but these questions are still under discussion. It is to be noticed that the practice, so far as we know, was confined to Asia Minor and the islands of the Archipelago; no instance is known at Athens, nor any of earlier date than the 3rd century B.C. (Herbrecht, p. 6). It is probable, therefore, that the custom arose under the financial pressure caused by the wars among the successors of Alexander (Droysen, *Hellenismus*, ii.[2] p. 355; iii. 191 foll.), and was found a sufficiently lucrative source of revenue to spread rapidly (Lehmann, p. 53 foll.). It points not only to the material advantages of the priest's position in later Greek history, but also to a great multiplication of priesthoods, and to a serious degeneracy in the popular estimation of the priestly office. (The literature of this still obscure subject will be found quoted, up to date, in Lehmann, *op. cit.* p. 7.)

Duties.—These may be described as partly liturgical, partly administrative. In no case did they include education, either moral or intellectual. The liturgical duties would include the whole of the temple-service: viz. the conduct of sacrifices, both those which were public (*i.e.* on behalf of the state) and those offered by individuals on their own account (see SACRIFICIUM and Dittenb. No. 371), including the offering of the proper prayers and invocations. How far the priest had the *exclusive* right of sacrifice and prayer in his own temple is uncertain; but there is no doubt that it was usual for him to superintend private as well as public worship, as being expert in the proper ritual and formulae. Thus in the parody in Aristoph. *Av.* 864 foll. it is the priest who leads the prayer, selecting the proper epithets of the supposed gods. (Cf. Aesch. *in Ctes.* § 18, where the proper function of the priests is described as to pray to the gods on behalf of the people; cf. also Dittenberger, 369, 371.) To these duties may also be added that of the care of the statue of the deity to whom the temple was dedicated, which, in some cases at least, had to be constantly washed, dressed, and served with repasts on τράπεζαι (Martha, *op. cit.* p. 45, foll.), in accordance with the survival of the primitive belief that the god actually resided in the statue. Thus the priest was essentially the servant of the god (Serv. *ad Aen.* i. 73, "dicatus est numini, hoc est ad obsequium datus est"; cf. Eurip. *Ion*, 131; Poll. i. 14).

Under the head of administration may be included in the first place the charge of the fabric and contents of the temple. In the Chalcedonian inscription already quoted, the priest is directed κοσμεῖν τὸν ναὸν καθ' ἡμέραν, and to see that the stoa in front of it is swept clean. He had also to see that the regulations of the temple in respect of the conduct of worshippers were thoroughly carried out, as we learn, *e.g.*, from an inscription of Ialysus in Rhodes containing a law relating to the sacred precinct round the temple of Alectrona (Newton, *Trans. Royal Soc. Lit.* xi. 443). From Athens we have also an inscription (*Ephem. Arch.* 3139) containing a proclamation issued by the priest of the temple of Apollo, who, in conjunction with the demarch, is to exact a fine from anyone taking timber or firewood from the ἱερόν (Newton, p. 156). The priest was thus in this case, as no doubt in many others, joined with the civil authority in the protection of the temple from sacrilege. But with him, as with the dean of a modern cathedral, lay the immediate responsibility: thus we find the priestess of Athene on the Acropolis personally withstanding Cleomenes the Spartan king when he tried to force an entrance into her temple (Herod. v. 73). In enforcing these rules they were in larger temples assisted by vergers and constables under various names (ῥαβδοφόροι, κλειδοῦχοι, ζάκοροι, νεωκόροι, &c.; see Martha, *op. cit.* p. 88 foll.; for slaves and diaconi, Newton, *Essays*, p. 165). With the more important management of the revenues, repairs, &c., and the general administration of the property of the temple, the priest in historical times seems to have had little to do. The union of all functions, liturgical and other, survived no doubt in smaller temples in country districts (see esp.

Arist. *Pol.* vi. 8, 18); but in all large cities of which we possess detailed information, the management of sacred property had passed almost entirely into the hands of the state by the time when inscriptions begin to be instructive on this subject (*i.e.* from the latter half of the 5th century B.C.). As the temples developed into public and also private banks, it became impossible to make the priests responsible for their treasures; under various names (*ταμίαι, ἱεροποιοί, ναοποιοί, ἐπιμέληται*, &c.) public officers were appointed for the purpose not only of taking charge of the treasures and other property, executing repairs, &c., but for providing victims and disposing of their skins. [On this subject, which lies outside of the scope of this article, see articles ARGENTARII, DERMATICON, SACRIFICIUM, and VECTIGALIA TEMPLORUM; Schömann, *Gr. Alth.* ii. 397; Homolle in *Bull. Corresp. Hell.* vi. pp. 1–167 (for Delos); Martha, *op. cit.* pp. 88–114, and Hicks, *Gr. Hist. Ins.* p. 88 foll. (for Athens); Dittenberger, No. 294 (for Delphi); Newton, p. 154.]

On the whole it may be concluded that the later the age the more strictly ritualistic do the priest's duties become; and it is significant that in one inscription, of a date not long before the Roman empire, the conditions under which the priesthood is sold include a rule that even the fees paid in by worshippers in the temple of Artemis are to be under the charge, not of the priestess, but of *ἐξεταστάι*, *i.e.* auditors (Dittenb. No. 371, line 30, foll.).

Privileges.—In return for their duties, the advantages of the priests were considerable. At all times they were held in high honour, and their persons were deemed inviolable. Homer, as we saw, describes them as honoured by the people like gods (*Il.* v. 78, xvi. 605). When Cleomenes insulted a priest at Argos, he was considered mad (Herod. vi. 81 and 84). When Alexander sold the Thebans into slavery, he excepted the priests only (Aelian, *Var. Hist.* xiii. 7). At Athens, where we know most about their position, they were reckoned as equal to the magistrates, accompanied them in public processions, and had seats of honour with them at the dramatic representations (*C. I. A.* ii. 410, 589; Martha, p. 128 f.); facts which are not astonishing if it be remembered that the distinction between magistrate and priest was not clearly conceived in the earliest times, nor at any time so sharp as that to which we are ourselves used. Decrees of special honours awarded them are not uncommon in inscriptions (*C. I. G.* 1063, 2270, 2462; *C. I. A.* ii. 410, 589). In many cases they enjoyed a house adjoining the temple (*Od.* ix. 200; Paus. ii. 11, 6; x. 34, 7); whether this was so, however, at Athens and in large cities, may be doubted (Martha, p. 119). Lastly, they had certain perquisites arising from sacrifices, which must have formed a considerable source of income. These are described in many inscriptions from various parts of Greece, and show a great variety of usage in respect of the portion of the victim which fell to the priest; generally, however, these were the skin and legs, and often the tongue (Dittenb. 373, 376, 379; *C. I. A.* 610, 631; *Journ. of Hellenic Studies*, vol. ix. p. 328; and article SACRIFICIUM). These perquisites were apparently universal in the case of private sacrifices, and fees paid on these occasions are also mentioned (*C. I. G.* 2656; Newton, p. 158); but at Athens, when public sacrifices of a great number of victims were offered at one time, the skins were sold for the state (Martha, p. 123 foll.; Boeckh, *Staatsh.* Appendix viii. and viii. b; DERMATICON). They were also enriched by the offerings of fruits, cakes, &c., constantly brought by worshippers for the use of the god, which, believed by primitive man to be consumed by the god himself, had gradually come to be regarded in Greece, as elsewhere, as the priest's perquisite (see esp. Aristoph. *Plut.* 676). In some few cases, but apparently only in later times, they were empowered to collect money (Dittenb. 369, 371, 393; for the priests of Cybele, Cic. *de Leg.* ii. 9, 21). They must, therefore, have had ample means of amassing wealth; and this is confirmed both by the monetary value of priesthoods noticed above, by the competition for them, and by the evidence we possess from inscriptions of valuable endowments presented by some of them to their temples (Newton, p. 161).

In conformity with their general character as a part of the community, and not distinct from it, the Greek priests wore no dress that can be called distinctive. The wreath on the head, with which the priest always appears in vase-paintings and sculptures, was worn by all persons when sacrificing, and was as much the mark of the magistrate as the priest. These wreaths seem to have been often taken from the tree sacred to the deity to whom the sacrifice was made; thus the laurel was used in the worship of Apollo (Bötticher, *Baumkultus*, p. 313). The hierophant and daduchus of Eleusis wore also a *στρόφιον* or head-band (Arrian, *Epictet.* iii. 21, 16), and also wore their hair long, a practice which seems to have been not uncommon (Plut. *Arist.* 5). On the monuments priests generally appear in a long chiton, of the old-fashioned kind, discarded by the Athenians in the Periclean age; so the priest and priestess of Athene appear in the frieze of the Parthenon. Such a chiton would seem also to have been worn by the Pythia of Delphi, as appears from a vase-painting of which a cut is given in Baumeister's *Denkm.* p. 1110. These garments were certainly as a rule white. This is what Plato enjoins in the Laws (956 A); and it is also enjoined on the initiated in the mysteries of Andania (Dittenberger, 388, 17). Thus Plutarch, writing of the son of Aratus offering sacrifice at his father's grave, mentions, as an exception to the general rule, that he wore a *στρόφιον* which was not entirely white (Plut. *Arat.* 57; Id. *Arist.* 21). A more ornamental dress, both as to colour and adornment, seems to have been occasionally worn in later times, *e.g.* at the Eleusinian mysteries (Maury, *op. cit.* ii. 400), and purple is mentioned as early as Aeschylus (in the cult of the dead: *Eum.* 982; cf. Schömann, *Gr. Alt.* ii. 412). But in most cases where the dress is peculiar, we may suspect that the priest or priestess is *personating* the deity to whom sacrifices are offered. This may be so in the case of Iphigeneia as priestess of Artemis represented on a vase (Baumeister, p. 757; cf. Paus. x. 24, 4). The

aegis of Athene was worn on certain occasions by her priestess at Athens (Suidas, *s. v.* *αἰγίς*). For this class of practices, which in some cases seems to have a totemistic origin, see F. Back, *de Graecorum caerimoniis in quibus homines deorum vice fungebantur*, Berlin, 1883; Hermann, *Gr. Alth.* ii. sec. 35.

There remains the question whether the Greek priest was consecrated to the service of his deity by any kind of ceremony. If such ceremony existed, we hear nothing certain of it. Lucian, indeed, mentions the *ἐσίωσις* of the hierophant and daduchus of the Eleusinian mysteries (*Lexiph.* 10); and in the Chalcedonian inscription already quoted the word *ἄνθεσις* = *ἀνάθεσις* indicates some kind of dedication of the priest; either an inauguration only, as Dittenberger thinks (p. 524 note), or a dedication to the god of the kind by which slaves at Delphi and elsewhere were made over to the service of the temple (Herbrecht, *op. cit.* p. 33). Whatever was the ceremony at Chalcedon, it is at least significant that the word *ἀνατιθέναι* is habitually used of dedicating objects by way of gift in the temples, and the inference would seem to be that the priest himself was reckoned as the property of the god; a notion which falls in sufficiently well with the other facts which have been already mentioned in the foregoing account.

PRIESTS AT ROME.—An account of the several Roman priesthoods will be found in the articles on PONTIFICES, AUGURES, FLAMINES, &c.; it will be sufficient here to give a brief outline of the history of the Roman priesthood generally, in order to compare it with the Greek sacerdotal system. In the earliest times it is probable that the Roman idea of a priest and his duties differed but little from that of the Greeks; he was assigned to the worship of a particular god and exercised no direct political influence. The general name for such priests was flamen (*i.e.* kindler of sacrificial fire), and they continued in existence with gradually decaying importance to the latest times. But their influence was steadily overshadowed by that of those great colleges which we always associate with religious government in Roman antiquity, especially the pontifices and augurs; and thus a new element was introduced which is quite foreign to anything we have met with in Greece. It is a curious fact that at the very time (the end of the monarchy and first age of the Republic) when Rome was becoming penetrated by Greek religious ideas, the simple and unpolitical priestly system which survived in Greece was giving way to a new development which was distinctly Roman and political. It is the history of this change which we must be content to trace here.

Period of the Monarchy.—Every Roman was the priest of his own household [SACRA], and every action of the household had its religious aspect. In the state we see the same leading feature, that the rex was priest for the whole people. This is sufficiently proved (1) by the appointment of the rex sacrorum when the monarchy came to an end, in order to keep up the virtue of certain sacrifices which had been performed by the king; (2) by the position of the pontifex maximus from the outset of the Republic: his office was in the king's house [REGIA], the flamens and vestals were in his *patria potestas*, and it was he who succeeded the rex in most of his religious functions.

To maintain, then, the full rights of the god as against the state, *i.e.* to fulfil in the minutest detail the state's duties towards the gods, was a most important part of the king's sphere of action; and here we get at once the germ of the whole Roman conception of a public cult, which was maintained consistently throughout Roman history. The gods are always in direct relation to the state and to its magistrates. They are regarded as interested in the state as a state, and as calling for the fulfilment of duty from the state in the person of its appointed rulers. (This point may be illustrated by reference to the significant fact that the property belonging to the temples was not managed by the priests, but by the magistrates. See Mommsen, *Staatsrecht*, ii.[2] 1, 60 foll.)

In the earliest form of the state the king and his household may have sufficed for the performance of these duties. His unmarried daughters were the vestals who attended to the sacred fire of the state in the king's house (Frazer, *Journal of Philology*, vol. xiv. 154 foll.); and the origin of flamines may be traced to the king's sons, whose duties were to kindle the sacrificial fire for the worship of particular deities, *e.g.* Jupiter, Mars, Quirinus, &c. Such at least is a fair inference from the fact that, as was mentioned above, both flamens and vestals were in the *patria potestas* of the rex, as afterwards of the pontifex maximus. This was the earliest form of state worship so far as we can guess it; for further details as to the religious duties of the king, see REX.

It is obvious that as the state increased in size and began to come into collision with its neighbours, *i.e.* as the judicial and military duties of the king grew more complex, he would find it more difficult to fulfil with the necessary precision the state's duties towards the gods. Thus already in the regal period we hear of the introduction, generally ascribed to Numa by the Romans themselves, of certain colleges of priests besides the vestals and flamens. Dionysius (ii. 64, 70 foll.) mentions the AUGURES, PONTIFICES, SALII, FETIALES, and TRIBUNI CELERUM, to which may certainly be added the FRATRES ARVALES and SODALES TITII. He also mentions the thirty curiones or priests of the Curiae (see CURIA and SACRA), but these were not state priests in the strict sense of the word.

None of these priesthoods, however, had any great influence on Roman history, or contributed to the great change in the religious system which took place in the period of the Republic. In order to understand this, we must turn to the Pontifices and the Augurs.

It is not possible to determine with certainty what part was played by these two colleges under the monarchy, or to what extent they were, strictly speaking, *sacerdotes* at all (Mommsen, *Hist.* i. 177). They may have formed bodies of advisers of the king on religious matters of importance; and the king was probably at the head of each of them, and chose them himself from the patrician gentes, to which all priesthoods then and for long afterwards were confined (Marquardt, iii.[2] 240 foll.; Mommsen, *Staatsrecht*, ii.[3] 24 foll.). The Augurs, we may presume, advised the king, or acted for him

in all the minute lore of the old Italian ritual of dedication and inauguration [see TEMPLUM and AUSPICIA]; the Pontifices, in all matters of the *jus divinum*, i.e. of the laws of marriage, burial, portents, and general religious supervision (Liv. i. 20). For detailed information about these colleges, references may be made to the separate articles. It is easy to see how with the rapid development of the state under the last two kings, and with the admission of the Plebs to a voice in the government, the increase of territory and the consequent admission of new cults, the administration both of the *auspicia* and the *jus divinum* must have tended to pass more and more from the king into the hands of these experts. And it is in this way that we must explain their rapid rise to power when the Republic came to an end.

Period of the Republic.—Three great, though gradual, changes are to be noted in this period. The first of these is the natural development of the influence of the Pontifices and Augurs, which was already on the increase towards the close of the Monarchical period, and the corresponding decay of the purely sacrificial priesthoods. So long as the king was the centre of all state religion, appointing and controlling the priests, and being himself of their number, it had been impossible for them to acquire any overpowering political influence; but when the state came to be governed by yearly elected magistrates, who could not be specially trained in religious law or lore, a great opportunity was offered to the experts both in the *jus divinum* and in the *ritus auspiciorum*, of which full advantage was taken. The Pontifices became the advisers of the republican magistrates on all technical matters relating to religious law, and thus gained a permanent hold on the state machinery as well as on the private life of individuals.

Secondly, we have to note the rise to power in this period of a third great priesthood, already instituted by the last king, which henceforth ranked with the Pontifices and Augurs as one of the three great religious collegia,—the *decemviri* (at first *duoviri*, later *quindecimviri*) *sacris faciundis*. [See DECEMVIRI, Vol. I. p. 601; SIBYLLINI LIBRI.]

Thirdly, the decay of the older priesthoods in this period is hardly less striking than the gradual development of the power of the three great colleges. So long as the Romans retained something of their native religious feeling, these priesthoods no doubt kept a certain hold on the popular mind; but as new forms of religion came in, as the pontifical theology adapted itself to them, and as Rome advanced in conquest and the absorption of foreigners, they were left, as it were, stranded, and void of meaning. Towards the close of the Republic they began to disappear altogether, and we have the singular historical phenomenon of obsolete curiosities like the Flamen Dialis and the Fratres Arvales being restored at the beginning of the Empire, when once more the general supervision of the state religion was concentrated in the hands of a monarch. One only of these priesthoods retained its life and prestige almost undiminished throughout the whole of Roman history—that of the Vestal virgins; a fact that can be explained partly by its feminine character, which kept it out of all competition for political influence, and still more by the nature of the worship of Vesta as the religious focus of the state-life, and the legends which in the popular fancy connected it with the foundation of the city.

There were other changes of a more technical character in this period, besides those which immediately affected the relative importance of the several priesthoods. While the offices of Rex sacrorum and the older sacrificial priesthoods were always confined to patricians, the three great collegia were in course of time thrown open to plebeians also. With the gradual equalisation of the orders, it was found that those had grown too politically important to escape the plebeianising of the secular magistracy. The democratic changes first in the number of members in these collegia and the admission of plebeians, and secondly in substituting election for the more exclusive cooptation, have been detailed in the articles AUGUR, DECEMVIRI, and PONTIFEX. Thus the great Roman priesthoods were in this period steadily carried along by the full force of the political current to which they owed their power, while the more antiquated ones left the centre of the stream and were gradually stranded. And thus also it came about that the Roman religion and its ministers, though having to deal with matters so technical and a sacred law so minute as apparently to offer every chance for the growth of a powerful priestly caste, never became dissociated from the state, or from the public life and interests of the individual citizen; and Cicero could boast with truth that there was no grander principle in the constitution than that which placed the best men in the state at the head at once of the religious system and of the political machinery (*de Dom.* 1, 1). And this in spite of the fact that the priesthood and the magistracy were as such entirely dissociated from each other in Roman constitutional law; no priest having by virtue of his office any direct hold upon the state-machinery, and no magistrate having any part in the state's religious functions (Mommsen, *op. cit.* pp. 17 foll.). This was the republican theory; and though towards the end of that period there were signs of its collapse (as in the details of the new system of election), it maintained itself on the whole until further great changes took place on the establishment of the Empire.

(For the relation of the *haruspices* to the priesthoods during the Republic, see Marquardt, *Staatsverw.* iii. 410; they were not properly a priesthood, and are here omitted from consideration. For what little is known of the municipal priesthoods of Italy in this period, see the same work, pp. 475 foll.)

Period of the Empire.—The history of the priesthood under the Empire is a subject of great difficulty, and as yet imperfectly investigated. It must suffice here to give a brief outline, which may partly be filled up from the works of Mommsen and Marquardt already quoted, Henzen's *Acta Fratrum Arvalium*, and especially from a tract by P. Habel, *de pontificum Romanorum inde ab Augusto usque ad Aurelianum condicione publica*. Popular accounts of particular aspects will be found in Boissier, *Religion Romaine*, vol. i., and Fried-

länder, *Sittengeschichte*, vol. iii. Cp. also Bouché-Leclercq, *Les Pontifes*. But no work can be done in this period without constant reference to the *Corpus Inscriptionum*, and the best works on coins of the period.

The subject falls into three divisions: 1. The union of the existing priesthoods in the person of the emperor; 2. The new priesthoods connected in Italy and the provinces with the worship of the emperors; 3. The priesthoods of the foreign worships introduced in the period.

1. Julius Caesar was already pont. max. when he attained to supreme power. Augustus waited until the death of Lepidus, who had succeeded Julius, and was not elected till B.C. 11 (*Mon. Ancyr.* ed. Mommsen, p. 28). From that time onwards the office was not only an invariable accompaniment of the imperium, but was reckoned at the head of all the other offices (Mommsen, *Staatsr.* ii. 19), and in the title followed the *cognomina* immediately. With this the emperor also held the augurship, and was a member of the other two great collegia of the *quindecimviri* and the *epulones* (Marquardt, 222); and the same policy was pursued, in a greater or less degree according to the standing of the individual, with regard to his sons or other male relatives (Habel, *Caesares*, p. 60 f.). In his hands also, directly or indirectly, was the power of filling up vacant places in these colleges (Dio Cass. xlii. 51); and thus it may be said without exaggeration that the days of the early monarchy had returned, and that the union of the secular and religious powers in the state was complete. It must, however, be remembered that these great priesthoods had by this time done their work, and that we rarely find instances of their being put by their imperial holders to any important practical use. They served to increase the *dignitas* rather than the *potestas* of the emperor, who was seldom present at meetings of the collegia, and the actual work, such as it was, was probably done by substitutes (*promagistri*, Habel, 90). Even in the case of the supreme pontificate, which alone might be regarded as exercising a great influence over the life of Roman citizens so long as questions of adoption, sepulture, &c., could arise, it is hard to prove this influence by actual examples (see, however, Tac. *Ann.* iv. 16, vi. 12; Plin. *Epp. ad Traj.* 68). We must in fact regard them as little more than useful ornaments; but as ornaments which increased their prestige, and carried it into the remotest parts of the Empire. In the same way the right of filling up the *collegia* became a powerful source of patronage, and served to secure the goodwill and allegiance of important personages and their families, without giving them burdensome duties. (*Agricola*, e.g., was many years absent from Rome after his appointment to the pontificate: Tac. *Agr.* 9.) Thus it was an object of ambition to secure one of these priesthoods, and we have the evidence, both of historians and inscriptions, that they were valued at a higher rate even than magistracies (Habel, 88, and reff.). Thus the greater priesthoods of the Republic were absorbed into the personal equipment and patronage of the emperors, and so continued, gradually losing more and more of their original use and meaning, until Christianity became the state religion. Meanwhile the more antique priesthoods, which we left in a state of decay at the end of the republican period—the Rex Sacrorum, Flamines, Fratres Arvales, Salii, Sodales Titii, &c. [see under the separate articles]—had been revived indeed by Augustus, according to his policy of renovating and completing the religious outfit of the state, and thus satisfying the popular feeling for a better service of the gods; but in most cases they survived, not so much by pursuing their original ritual as by transformiug it to suit the worship of their patrons (Marquardt, iii. 438), and may thus be better noticed under the next heading.

2. The most striking feature of the religious history of the Empire, viz. the deification of the emperor, naturally produced new priesthoods, the importance of which, both in regard to society in the capital and organisation in the provinces, forms a complete study in itself, and can only be very briefly alluded to here. In Rome and Italy, it was the policy of Augustus to discourage his own worship (Suet. *Oct.* 52; Dio Cass. lii. 35); but inscriptions show that in spite of this there was an unauthorised cult of him even in his lifetime in several Italian cities, presided over by *flamines* or *sacerdotes* (flamen being the general word in use in municipia), *e.g.* in Pisa, Praeneste, Pompeii, Beneventum (Marquardt, iii. 465, note 1). Later on this cult was organised in all the municipia of Italy, in conjunction with that of other emperors, and was maintained by *flamines* together with *Augustales*, a kind of sacred guild belonging chiefly to the inferior classes, but invested apparently with a certain priestly character (*C. I. L.* v. 3386; AUGUSTALES). After the death of Augustus, Tiberius pursued the policy of declining divine honours for himself, while on the whole he encouraged the worship of his predecessor; and in the first year of his reign (A.D. 14) was established the famous priesthood which was specially intended in Italy to maintain the cult of Augustus [AUGUSTALES], which reckoned thenceforward as one of the great priesthoods, and received as its symbol the *bucranium*, answering to the *simpulum* of the pontifices, the *patera* of the *epulones*, &c. In its sphere was included the worship of Claudius, the next emperor who was deified, and then we hear of Sodales Augustales Claudiales; later on again of a new priesthood on the same model for the worship of Vespasian, and afterwards of Titus (Sodales Flaviales Titiales), and so also with that of Hadrian and Antoninus Pius, so that the number of these priesthoods became eventually four, the last established serving for the cult of later emperors (Marquardt, iii. 479 foll.; Dessau in *Eph. Epigr.* iii. 205 f.; Desjardins, in *Revue de Philologie*, iii. 33 f.). Thus, even in Rome and Italy, not only did the emperors absorb into their own persons and families the dignity and prestige of the great existing priesthoods, but they enjoyed the advantage arising from an organised priestly worship of their predecessors, with the anticipation of the same honour for themselves afterdeath. And, with the same object as was mentioned under the last head, the ancient sacrificial priesthoods revived by Augustus were made to contribute, so that throughout the whole range of priestly functions the new political system

and the new turn given to religion were alike everywhere present. Thus the name of Augustus was included in the *Saliare Carmen* used by the Salii (*Mon. Ancyr.* p. 27), and this honour was also paid to several later emperors and members of the imperial families. The LUPERCI had a new collegium gentilicium added to them in B.C. 44, that of the Luperci Julii, which continued far into the Empire. The Sodales Titii numbered Augustus and Claudius among their members, and were under obligations to Vespasian (Marquardt, 447). But it is from the fortunate discovery of the inscriptions of the Arval Brotherhood that we gain far the most insight into the way in which all kinds of religious ceremony were pressed into the service of the Empire; and a study of Henzen's *Acta Fratrum Arvalium* is perhaps the best introduction to a study of the new system [see ARVALES FRATRES]. Thus the odour of sanctity adhering to the oldest rural priesthood of the primitive Romans was made to contribute to the lustre of the latest imperial system, even down to the time of Constantine and his sons, and after Christianity had become the recognised religion of the Empire (Marquardt, 462).

In the *provinces* the priesthoods of the new worship came to be of very great importance. It was here the policy of Augustus to associate his own cultus with that of *Dea Roma;* and this conjunction was steadily retained and systematised, and is to be carefully distinguished from all other forms of the apotheosis which made their way into the provinces. (See Desjardins, in *Rev. de Philol.* 1879, pp. 42, 63.) In almost every province we find a *sacerdos* (or *flamen*) *Romae et Augusti provinciae;* the priestly title is found in numberless inscriptions under various forms, both in Latin and Greek (ἀρχιερεύς), and occurs in a shortened form as simply *sacerdos provinciae.* This great priest was elected yearly (in most provinces, but for Asia see W. M. Ramsay in *Classical Review*, vol. iii. p. 175) by the general meeting of representatives from the various cities of the province (*communia, concilia,* κοινά), from persons of consideration among the provincials, and was charged with important duties, such as the collection and management of the funds for the temples of the cult, the presidency of the games, and also of the assemblies of *legati* just mentioned [NEOCORI]. Of this assembly he was also the immediate representative in all communications with the emperor, and was thus independent even of the provincial governor. His importance in the development of the imperial system can hardly be over-estimated. (Desjardins, *l. c.*; P. Giraud, *Les Assemblées Provinciales*, Paris, 1888; Marquardt, *Staatsv.* i. 366; *Ephem. Epigr.* i. 200 f.)

The cities of the provinces, as well as the *communia* or κοινά, possessed priests of the worship of Rome and Augustus: this was at least the case in the African provinces, where they constantly occur in inscriptions under the titles of "flamen Augusti," "flamen Augusti perpetuus," or "flamen" simply. As these appear to have been elected yearly, it is probable that the epithet "perpetuus" indicated an honorary rank conferred in some cases on the holder. *Flaminicae* also occur, as in the worship of the *Divi* in Italy. The word *sacerdos* is also found in these inscriptions, but it is uncertain whether these were identical with the flamines. These municipal priesthoods may be considered as a subordinate part of the main provincial organisation of the worship of Rome and the emperors, and distinct from that of the Divi, which is found in the provinces also (Desjardins, *op. cit.* 55 f.; FLAMEN).

In the 4th century A.D., after the establishment of Christianity by the state, these titles, under the forms of *sacerdotales* and *flamines perpetui*, constantly occur, though their original meaning had vanished; and it is supposed that they indicated some dignity or honorary rank in the Ordo or Senate of a municipium (Desjardins, *l. c.*); i.e. they are no more than the civil survival of a once living religious organisation. It was in fact in the first three centuries of the Empire that these priesthoods were working realities in the imperial system; and both the nature of the cult and of their duties would enable them easily either to survive as non-religious titles or to disappear entirely. But the process by which these changes were effected is not yet fully investigated.

3. Some reference must be made here, in general terms, to the priests of the foreign worships which found their way to Rome and Italy in the first three centuries of the Empire. In a priesthood are usually found expressed the leading characteristics of a religion, as we have already seen both in Greece and Italy; and the success of a new form of priesthood indicates the presence of a new type of religious feeling. The Roman world, now become cosmopolitan, had outgrown the narrow formulae of the native religion, and the Roman priesthood had become first political, then imperial, in its character. Ever since the attempted introduction of the Bacchic rites in the 2nd century B.C., it had been obvious that there was a growing desire in Italy for some more emotional form of worship, which that priesthood could not supply, and which could not be satisfied even with the continuous invasion of Greek rites under the influence of the Sibylline books and their keepers. The Roman priests had little or no desire or opportunity of inculcating virtue; the notions of sin, penitence, regeneration, brotherhood, were wholly foreign to their worship, or at best were present there in a fossilised form, and had reference to the state rather than the individual. These were exactly the ideas which ruled in the Oriental forms of religion which the Romans met with as their empire extended itself in the East; and these, transported to Italy and even further west, found there a congenial soil. It is the tendency of all such worships to magnify the influence and mystic power of the priesthood; and thus the last type of priest which we find in the ancient world before the final victory of Christianity was, in its relations with individuals, the most powerful and efficacious of all the series. So much was this the case, that the priestly defenders of the old religion against Christianity frequently found it politic to clothe themselves also with the attributes of one of these more effective priesthoods (Boissier, *Religion Romaine*, i. 445).

Among these may be mentioned—1. The priests of Cybele or the Magna Mater, whose worship was introduced as early as 208 B.C., but did

not take its most emotional form till the period we are now dealing with [see MEGALESIA]. Of the same character were the famous TAUROBOLIA, where the priest (*taurobolus*) underwent a baptism in the blood of the victim, the virtue of which he then communicated to others.

2. Another cult in which the priestly power was great was that of the Cappadocian *Bellona*, who even in republican times had usurped the place and name of an old Italian goddess. The priests and priestesses of this deity walked the city robed in black (Mart. xii. 57), wounding themselves as a sacrificial act: "ipsi sacerdotes non alieno sed suo cruore sacrificant" (Lact. *Inst.* i. 21, 16; cf. Tibull. i. 6, 45).

3. But the most striking of all these priesthoods was that of Isis and other Egyptian deities, especially noticeable for the important share obtained in it by women (one of the characteristic features of the religion of the age); for the licence practised in its rites, as described by Juvenal (vi. 522 foll.); and on the other hand for the asceticism it preached, and its doctrines of conviction of sin and the necessity of purification and atonement. There can hardly be a doubt that these priests really believed their initiations and fastings to have a real power of bringing the worshipper nearer to a knowledge of the divine nature, and of leading him "ad portum quietis et aram misericordiae" (Apul. *Met.* xi. 15); and it is only thus that the marvellous spread of this cult even to the western provinces of the Empire can be accounted for (see Marquardt, iii. 77; Boissier, *R. R.* i. 398, 418). The same tendencies are also seen in the cults of Jupiter of Heliopolis, and especially in that of the Persian sun-god Mithras, so famous in the third and fourth centuries of the Empire. In all the priests are all-powerful and all-persuasive; working privately and independently of the state; having a definite yet mystic doctrine to preach, and preaching it to all comers without respect of persons; and lastly with a graduated process of initiation, amounting to a veritable discipline. As all these features were almost wholly absent from the Roman notion of a priesthood, there arose by degrees and spread over the whole Empire an entirely new idea of the priestly office and its duties; and this, eventually coinciding with the old Roman idea of a state religion, pointed out earlier in this article, paved the way for an official recognition in the fourth century of an organised Christian hierarchy. [W. W. F.]

SACRA (the plural of *sacrum*=anything dedicated to the gods) is the general Roman term for worship, including the ritual observed in it, the utensils used in it (Ov. *Am.* iii. 13, 28), and even the documents which preserved the memory of the ritualistic usages prescribed for it (cf. e.g. Cic. *de Legibus*, ii. 8, 19 and 20; Varro, *L. L.* v. 50, "in sacris Argeorum scriptum est sic").

Roman writers distinguish two kinds of *sacra* within their own state, viz. *sacra publica* and *sacra privata*. As the limits of the state became extended, many foreign worships were introduced into Rome, while the inhabitants of *municipia* retained their own *sacra* under Roman protection (Festus, s. vv. *peregrina sacra* and *municipalia sacra*); but as all these were included in the *sacra publica*, the rapid growth of the Empire and the social changes accompanying it did not affect the validity of the main distinction, which may be recognised as holding good for all periods of Roman religious history. It may be succinctly explained in the words of Festus (p. 245 a), which were probably themselves drawn by Verrius Flaccus from the books of the *pontifices*: "Publica sacra quae publico sumptu pro populo fiunt, quaeque pro montibus, pagis, curiis, sacellis. At privata quae pro singulis hominibus, familiis, gentibus fiunt." From this definition it seems probable that under the head of public worship were reckoned all rites undertaken by the state as a collective whole, or by such divisions of the state as worshipped collectively (Marquardt, *Staatsverwaltung*, iii.[2] 120, note 1 and reff.); while private worship was understood as including all other rites, whether on behalf of individuals, households, or even *gentes*. The *sacra gentilicia* have indeed by some been considered to belong to the public worship (Savigny, *Vermischte Schriften*, i. p. 173 foll.; but cf. p. 203, where this view is retracted); but the worship of the *gens* must undoubtedly be taken as analogous to that of the *familia* (Liv. v. 52, 4), as in neither case was there any rite in which the whole number of familiae or gentes took part at one and the same time. It will be sufficient to give some illustrations of the nature of the rites included under the two main divisions, following the indications afforded by the passage of Festus quoted above. We begin with the *sacra privata*, as first in time, though not in importance.

SACRA PRIVATA.—Festus distinguishes three kinds: *pro singulis hominibus*, *pro familiis*, and *pro gentibus*.

1. *Pro singulis hominibus.*—It is by no means clear what rites are to be reckoned under this category. All *sacra solemnia* would naturally in early times have as their object the welfare, not of the individual, but of some organic group of individuals. Of prayers and sacrifices however, performed by an individual for his own benefit, we have examples (*e.g.* in Verg. *Aen.* vi. 51, viii. 71; Plin. *H. N.* xxviii. § 10; cf. Arnobius, *adv. Nat.* iii. 43); but these as a rule refer to worship in the field or under peculiar circumstances, in which the individual was temporarily separated from his family, gens, or state, and the remarkable prayer of Scipio in Liv. xxix. 26 is of this kind; yet it is to be noticed that he is here representing not only himself, but his army and the whole Roman people. With prayers are constantly associated *vota*, as in *Aen.* vi. 56–75: these are more natural to the individual, and may be illustrated abundantly by the votive tablets of the later Roman age (see Wilmanns, *Exempla Inscr. Lat.* vol. ii. p. 498 foll.).

2. *Pro familiis.*—Each family was a religious unit of which the paterfamilias was the priest, and the special gods were the Lares (or more properly the singular Lar) and the Penates; the former probably representing the primeval ancestor of the family, and the latter being the protecting deities of the *penus* or store-room of the household. To these daily invocations were offered and also libations at meals; and on all *feriae privatae*, such as the anniversaries of births, the kalends, nones, and ides, and on the Saturnalia, their images were adorned with garlands. The family also had its festivals of mourning, such as the Caristia and the Parentalia in February,

when the tombs of deceased members were visited and certain rites performed there. Lastly, for the benefit of the family and its property, the greater gods were invoked, as may be seen in the form of domestic field lustration preserved in Cato (*de Re Rustica*, 141), where Janus, Jupiter, and Mars, especially the latter, are besought to protect the crops and herds.

All *sacra pro familiis* were imperishable except by the extinction of the family: hence in Roman law the inheritance of a dead man's property involved the acceptance of his sacra, and the phrase *hereditas sine sacris* became a proverb for extraordinary good luck. Accurate rules were supplied in the *jus pontificium* for the devolution of the sacra to heirs of various degrees under various circumstances (see Cic. *de Legibus*, ii. 19–21; Savigny, *op. cit.* p. 153 foll.). The general principle of their succession is thus stated by Cicero (*Legg.* ii. 19): "De sacris autem . . . . haec sit una sententia, ut conserventur semper et deinceps familiis prodantur, et, ut in lege posui, perpetua sint sacra."

3. *Pro gentibus.*—Though familia and gens are words loosely used and often interchanged in Roman literature (cf. Marquardt, *Staatsverw.* vol. iii. ed. 2, p. 130), it is not difficult to distinguish the *sacra gentilicia* from those of the family. They belonged, however, only to patrician gentes (Liv. x. 8, 9), which were the only groups properly so called; and as these gradually died out, their sacra disappeared with them. Thus Gaius (iii. 17) writes of the whole jus gentilicium as obsolete in his day. But there is little doubt that in early times each gens had its own particular place and day for the performance of its sacra: *e.g.* the gens Fabia had a fixed day for a sacrifice on the Quirinal, which was performed by a leading member of the gens (possibly called flamen) *in cinctu gabino* (Liv. v. 46, xxii. 18; Dion. Hal. 9, 19; Cic. *Harusp. Resp.* 15, 32). Each gens originally no doubt had also a common burial-place (Cic. *de Legibus*, ii. 22, 55; *Offic.* i. 17, 55; *de Domo*, 13, 35). It should be added that certain gentes had special worships in their charge ("sacra certis familiis attributa"; Festus, p. 253, where *familiis* is used for *gentibus*): thus the gens Nautia had the care of the sacrae Minervae, the Potitii and Pinarii of those of Hercules, the gens Julia of that of Apollo; but these worships were rather of a public than a private character, *i.e.* they were state worships entrusted to a particular gens (Mommsen, *Staatsrecht*, iii. 19). All sacra privata, it should be noticed, were under the supervision of the pontifices, who were the sole referees in all questions arising out of the jus familiare and the jus gentilicium (Cic. *de Legibus*, ii. 12, 30). See GENS.

SACRA PUBLICA.—In the passage of Festus already quoted these are defined as "quae publico sumptu pro populo fiunt, quaeque pro montibus, pagis, curiis, sacellis." In this definition we see a twofold division: *i.e.* into 1. The public festivals of the calendar, conducted on behalf of the state by its priestly colleges; and 2. Those in which the local communities which had at one time formed divisions of the city took part as a collective whole, though worshipping independently of each other. In each case it should be noted that the rites thus called sacra publica are distinguished from sacra privata, in that they do not belong to independent groups united by real or supposed kinship, but to political divisions of the state or to the state as a whole.

1. *Sacra pro populo.*—Of these, which comprise the whole cycle of the religious festivals of the year, with the exception of one or two to be mentioned under the next head, nothing need be said here, and the student is referred to the various articles which treat of them more particularly. Their distinctive features as compared with the other division of sacra publica are—1. That they were maintained at the expense of the state (*publico sumptu*). 2. That they were conducted in the earliest times by the rex or by the ministers of religion who acted for him, and in later times by the rex sacrificulus, the flamines, or by one or other of the four principal religious colleges.

2. *Sacra popularia* (Festus, ii. 5, 3).—These, as we have seen, are described by Festus as being "pro montibus, pagis, curiis, sacellis." A brief account may be here given of the sacra belonging to each of these divisions, so far as their nature can be ascertained.

a. Pro montibus.—One of the ancient and obscure local divisions of the early state was that into Montes and Pagi, *i.e.* the dwellers in the original seven hill settlements on the Palatine and Esquiline, and the dwellers in the open country belonging to the state (Cic. *de Domo*, 28, 74; Mommsen, *Staatsr.* iii. 112 f.). The common festival of the former was called Septimontium, or Septimontiale sacrum (Suet. *Domit.* 4), and appears in the ancient calendars as Agonalia; it took place on Dec. 11 (*C. I. L.* vol. i. 407). Of the sacrum itself we only know that the flamen Palatualis made an offering on this day, doubtless to Pales, on the Palatine hill; and according to Plutarch, *Quaest. Rom.* 69, that no vehicles were allowed to be used in the old city during the festival,—a survival which is doubtless explained by reference to the crowded and narrow alleys of the town as compared with the open character of the pagi. As festivals of the Montani may perhaps be reckoned also the Laralia or feast of the Lares compitales (cf. LARES) and the Parilia of April 21, the festival of the foundation of the Palatine city: cf. Festus, p. 253.

b. Pro pagis.—These, as might be expected, are of an agricultural character; but it should be noted that what we know of sacra paganalia is derived not from the accounts of the ancient Roman pagi, but from information as to the Italian pagi of later times. To the sacra of these belong the *Sementivae*, varying in date according to the season (Ovid, *Fasti*, i. 657 f.); the *Ambarvalia*, at the end of May, otherwise called Lustratio pagi (cf. AMBARVALIA and LUSTRATIO); and the *Terminalia* or feast of boundaries, at the end of the year (Feb. 23). There can be little doubt that these festivals or their equivalents were among the sacra of the ancient Roman pagi, and were presided over as in Italy generally by a magister pagi, together with his wife the magistra pagi (cf. Marquardt, *Staatsverw.* iii. 198).

3. *Pro curiis.*—For the two festivals which specially belong to the Curiae, see articles FORDICIDIA and FORNACALIA.

4. *Pro sacellis* [see ARGEI].—These sacella can hardly be other than the sacella or sacraria argeorum, which were probably twenty-four or twenty-seven chapels or shrines situated at various points in the four Servian regions of the city.

That these sacella were the centres of ancient divisions of the city, possibly for religious purposes, is highly probable; all we know of them is in the form of citations by Varro (*L. L.* bk. v. 45 foll.) from the "Sacra Argeorum," which was apparently a processional itinerary, and probably also a rule of ritual performance. What was done at the sacella we do not know: a procession seems to have gone round them on March 16 and 17; but it had become so obscure by Ovid's time that he could dispose of it in his *Fasti* in two lines, leaving it somewhat uncertain whether it took place on one day or two. Nor can we be at all sure as to the relation of these rites to the better known Argean procession of May 15. (See ARGEI; and Mommsen, *Staatsrecht*, iii. 122 foll.; Jordan, *Topographie der Stadt Rom*, ii. 237 foll.) [W. W. F.]

SACRAMENTUM. [JUSJURANDUM; VINDICIAE.]

SACRA'RIUM was, according to the definition of Ulpian (Dig. 1, 8, 9, § 1; cf. Serv. *ad Aen.* xii. 199), a place in which sacred things were deposited and kept, whether this place was a part of a temple or of a private house. (Cf. Cic. *Verr.* iv. 3, 5; *ad Fam.* xiii. 2; Suet. *Tib.* 51.) In a temple it was probably, as Marquardt thinks, directly behind the wall of the *cella*, and only the priests could enter it (*Staatsverwaltung*, iii. 168). Thus in the sacrarium of the Capitoline temple the *thensa Jovis Opt. Max.* was kept (Suet. *Vesp.* 5); the *hastae Martis* in the sacrarium of the REGIA; the lituus of Romulus and the ancilia (probably) in the *sacrarium Martis* or *curia Saliorum* on the Palatine [SALII]. Sacrifices also were offered in the sacrarium of Ops Consiva (in the Regia), but they were not open to the public, since into this as into other sacraria those only could enter who held a sacred office. We may perhaps attach a similar significance to the fact that Varro (*L. L.* v. 45) calls the twenty-four chapels of the Argei *sacraria*, not *sacella*. They were chapels covered in from the public gaze, in which the sacred figures were kept, and into which in the processions *ad Argeos* the priests alone entered. Livy (i. 21) gives the same name to a shrine of Fides, to which it appears that he in his priestly office and the flamines alone had access: Tacitus alone uses it of the shrine in which an image was kept for the cult of Augustus at Bovillae (cf. Stat. *Silv.* v. 1, 240). Respecting the sacrarium or lararium of private houses, see LARARIUM. [L. S.] [G. E. M.]

SACRIFICIUM (*θυσία*)=that largest part of ancient worship which usually consists in presenting to a deity some object on which human life is supported, or even human life itself. Both the Greek and Latin words exclude the idea of the *presentation* of gifts in the shape of *inanimate* objects, however valuable; the reason for this probably being, as we shall see, that there is in this latter case no notion of communion between the god and the giver, as in the case of the gift of a meal. It will serve, however, to clear the ground, if we briefly indicate the nature of these inanimate votive offerings. Such were, *e.g.*, the treasures of all kinds deposited in Greek temples, and including especially the objects of art so frequently described by Pausanias. These are mentioned in Homer (*Od.* xii. 347), and are found throughout Greek history, though it should be observed that by a natural process, as temples became treasures of a state, they lost their character as the property of the god, and became rather (except in the temples common to all Hellas, *e.g.* at Olympia and Delphi) the property of the state under the god's guardianship. So too, at Rome, the word *sacrum* = "quidquid est quod deorum habetur" (Macr. iii. 3, 2), and *sacrificium* in its widest sense meant the dedication of such objects as altar, statues, land, money, utensils, the bodies of criminals, &c.; but the word generally used for this is *consecratio*.

In the same category may be reckoned the dedication of human beings to the service of a god, as at Delphi and Delos (Sir C. Newton, *Essays*, p. 165), or of models of parts of the human body in which disease has been cured (*C. I. G.* 497, foll. 2439, 6332); of coins dropped into wells by convalescent persons, or to procure rain (Paus. i. 34, 3; cf. Tylor, *Primitive Culture*, ii. 195); of children's hair (reff. in Hermann, *Griech. Alt.* ii. 143; cf. Tylor, ii. 364, who suggests that this is a form of substitution, like the models of limbs). Here too may perhaps be mentioned the Athenian Eiresione and the *ὄσχοι* (vine-branches) of the OSCHOPHORIA, and lastly, though these approach more nearly to the real nature of sacrifice, the offerings of first-fruits and tithes, whether of freewill or under compulsion as a fine (see Hermann, *Griech. Alt.* ii. 142; *C. I. A.* 191, 482; Newton, 115). At Rome also the first-fruits were probably offered in the oldest cults, *e.g.* by the Vestals (Marquardt, *Staatsverw.* iii. 169). All these various gifts are made the property of the god under the primitive idea that he, like kings, could be pleased and appeased by attention, and that to ask him for a favour without a gift was hopeless (*Il.* ix. 493: *στρεπτοὶ δέ τε καὶ θεοὶ αὐτοί*). The motive, therefore, underlying them is the same as in the sacrifice proper; but the idea of communion is not present in the case of such gifts, and it is his which best differentiates the true sacrifice from the votive offering. Only in the case of piacular sacrifices, which closely resemble the votive offerings, though accompanied by the idea of purification or atonement, does the idea of communion appear to be absent.

Turning to sacrifices in the restricted sense of the word, we find it difficult to arrange them systematically, so as to give the student a clear view at once of their various objects and details. The old division into bloody and unbloody sacrifices is clearly insufficient, since it leaves the object out of view; and it should be noted that in the last few years much progress has been made towards a right understanding of the inner meaning of sacrificial ritual. The best plan is perhaps to follow in the main the division adopted in the *Encyclopaedia Britannica* by Professor Robertson Smith, as being itself based on a wide acquaintance with such ritual

among a great variety of peoples, by which alone the ritual of individual races can be interpreted; and as being easily accessible to English readers. We will therefore treat of sacrificing, both in Greece and Italy, as—A. *Honorific*, i.e. meant to please and do honour to the gods, either by way of enforcing a petition, or expressing gratitude (the *Bitt-* and *Dank-opfer* of German writers). This class covers by far the greater part of the field. B. *Piacular* sacrifices, which contain the idea of *expiation* and include most cases of human sacrifice known to us in classical antiquity. C. *Sacramental* or mystical sacrifices, which are, however, rare and obscure both in Greece and Italy. An account of the ordinary features of the ritual observed, especially in animal sacrifices, will be reserved for the conclusion of the article.

A. *Honorific Sacrifices.*—These, whether their object were petition or thanksgiving, were originally regarded as a meal for the god in which the worshippers shared, and therefore included edibles only. (For general evidence from a variety of races, see Tylor, *op. cit.* ch. xviii.) That the older Greeks believed that their gods did enjoy the meal is quite apparent in Homer (*Il.* iv. 48, vii. 201; *Od.* iii. 435, ἦλθε δ' Ἀθήνη ἱρῶν ἀντιόωσα), and is illustrated in the vase-paintings by the presence of the deity at the sacrifice. Even then, however, it was rather the sweet savour or the pleasant sight (as when the horns are gilt to please Athene, *Od.* iii. 437) that they enjoyed, and the savage idea that they actually devoured the food was left to survive among the wholly rural populations. (Cp., however, *Od.* vii. 201.) Aristophanes, in the *Pax*, could still ridicule the popular belief, which is seen in the offerings to the dead in tombs, and in Italy also to the Lares and Penates (cf. also Lucian, *de Sacrificiis*, 14). But the notion of the communion of god and man in the meal left very distinct traces long after the actual belief had faded; and from the Homeric age, where a big feast and a sacrifice are almost synonymous (*e.g.* in *Od.* iii. 1 foll.), down to the great city festivals of later times, which supplied the population with food at the expense of the state, it is this firmly-rooted idea that governs the whole character of the ritual.

Honorific sacrifices might be either *occasional* or *regularly recurring*. In Homer, where the undisturbed life of family or city is not represented, the sacrifices are occasional and with a definite temporary object. Such too are found in historical times, and at Athens were called θυσίαι κατὰ ψηφίσματα (Dem. *de Cor.* p. 301, § 217): they were often suggested by an oracle, or sometimes were the result of a public vow, as before Marathon (Plut. *de Malign. Herod.* 26). At Rome the sacrifices at *supplicationes* would belong to their class [SUPPLICATIO], and also those *ex voto* and those which occurred in family life on birthdays, at admission into the phratria, at funerals, &c. But in Italy the extraordinary sacrifices were most commonly undertaken for the purpose of divination (*hostiae consultatoriae*), according to the lore of the Etruscan Haruspices [DIVINATIO]. These are also found in Greece, but far less frequently, and it has been doubted whether the art was native with the Greeks (Schömann, *Alt.* ii. 275; *Herm.* ii. 241 foll.) or whether it can be traced in Homer. The idea on which this peculiar turn given to sacrifice appears to be based, is that the god was thought to show his goodwill in the victim: *i.e.* the perfection of the parts of the animal was a sign of the god's satisfaction; their imperfection, of his hostility—he refuses the gift. The same idea is seen in the scrupulous exactness, to be described later on, in the choice of the victim for ordinary sacrifice, and in the belief that it was a bad omen if it came *unwillingly* to the altar.

Where honorific sacrifices are regular and recurring on fixed days of the year, they indicate a higher civilisation, and produce a regulated calendar of city life, such as we are pretty fully acquainted with at Athens and Rome; sacrifice forming at all times the chief part of ancient worship. This city sacrificial system is, however, itself developed out of the regular religious life of the family and the gens. In the Roman family, not only on certain days, *e.g.* on kalends and ides, were sacrifices offered to Lares and Penates, but at every meal some portion was cast into the fire as an offering [LARARIUM], and also at birth, marriage, and funerals. The same was the case with the agricultural operations of the family and gens at certain seasons, *e.g.* at the time of sowing, ploughing, and harvest, and especially at the time, as at Rome in May, when the crops were in danger and needed special religious care (LUSTRATIO; Cato, *R. R.* 141), and at the summer and winter solstices. Thus the ancient sacrificial celebrations corresponded generally with the seasons, and have left their mark in this respect on the modern Christian Calendar.

This regular sacrificial system had, we may note, two results, which are important for the religious history of antiquity:—1. The necessity of a trained priesthood to carry on the tradition of ritual. 2. The gradual destruction of the simple and primitive ideas of sacrifice: the age of formality sets in, and the formalism of the cult gradually destroys its original meaning.

These honorific sacrifices consisted either of drink offerings, incense offerings, or of animal and vegetable food. The use of incense, or sweet-smelling herbs, may have been a comparatively late introduction; but of the rest, there is no sufficient ground for supposing one to be older than another, though some ancient authors, and many modern ones, have imagined these animal sacrifices to be of later date than the unbloody (Plato, *Legg.* vi. 782 C; Ov. *Fast.* i. 337; Plin. *H. N.* xviii. § 7; Plut. *Num.* 8; cf. Pauly, *Real. Encycl.* vol. vi. p. 658). The question would be one rather of the practice in each locality, and would depend on the wealth, and the nature of the wealth, in each; *e.g.* in Boeotia, Copaic eels were an article of sacrifice (Athen. vii. p. 297), and Spartan poverty was in some cases content with fowls (Plut. *Inst. Lac.* 25). Anthropological research does not seem to show that the sacrifice of animals is of later origin; and all we can fairly assume is that in Greece and Italy, as wealth increased and bloody sacrifices became more and more synonymous with feasts, these tended to increase both in number and variety. All these kinds of offerings, it should be noticed, are found in use together, as well as separately.

Drink offerings.—These include libations of all kinds; which from Homer downwards we find performed, at meals to domestic deities, or on special occasions, *e.g.* the entering into any treaty or engagement (*Il.* iii. 295; cf. ii. 341), by throwing a few drops from the drinking vessel on the hearth and the ground. So also the Greek, before going to rest, poured a libation to Hermes, the god of sleep (*Od.* vii. 136; Buchholz, *Homerische Realien*, iii. 293). Here also belong the Greek χοαί, or libations to the dead (*Od.* x. 518; cf. Verg. *Aen.* v. 77), and the Roman practice of *profusiones*, i.e. pouring libations on the grave, of wine, water, milk, oil, &c. (Marquardt, iii. 312), on stated occasions, such as the Parentalia in February. Libations consisted usually of unmixed wine in historical times; but when wine could not be had, water would suffice, as in *Od.* xii. 363; and in Greece some deities preferred no wine (Aesch. *Eum.* 107), and Hermes liked a mixture (Schol. Aristoph. *Plut.* 1132). The oldest libations, *e.g.* the χοαί, were probably of milk and honey mixed (μελίκρατον) or of milk alone (Eustath. *ad Od.* x. 519; Soph. *El.* 895), or of oil, if the anointing of sacred stones can be reckoned under this head (Paus. x. 24, 5; Theophr. *Char.* 16; Tylor, ii. 151). So too in the worship of the oldest Roman deities *milk* was used, *i.e.* in that of Rumina, Cunina, the Camoenae, Faunus, Silvanus, Pales (Schwegler, *R. G.* i. 421, note and reff.).

Incense offerings.—Originally, as we saw, the gods were thought to be pleased by the sweet savour of the sacrifice; and this notion was acted on as early as the Homeric age in Greece, by employing sweet-smelling wood (θύον, *Od.* v. 59: a species of cedar wood, cf. *Il.* vi. 269, ix. 495; Hesiod, *Op.* 338) for the fire, and at Rome by the burning of sweet-smelling garden herbs (Verg. *Ecl.* viii. 65, and especially Ov. *Fast.* i. 339). The real incense offering was both rare and costly. Incense, however, became an object of trade in later times, when it was the constant accompaniment of animal sacrifices (Arnob. vii. 26). It is said to have come from Phoenicia by way of Cyprus, where it was used in the cult of Aphrodite Ourania (Empedocles in Athen. xii. p. 510; Hesych. *s. v.* θύα).

Offerings of fruits and cakes.—Fruits were offered in Greece chiefly as tithes or toll of the harvest of some crop (ordered by a Delphic oracle, Theopomp. fragm. 283), not only to Demeter and Dionysus (Paus. viii. 42, 5), the especial deities of corn and wine culture, but to others, according to the local belief in their efficacy. At Athens, and probably elsewhere, there were in most temples tables, near the statue of the god, laid out with fruits of all kinds, as well as with cakes, honey, &c. (Aristoph. *Plut.* 678 and Schol.). This practice, the origin of the Roman lectisternia, is also represented on monuments (Martha, *Les Sacerdoces Athéniens*, p. 50; *Bull. Corr. Hell.* ii. 74). Fruits also figure conspicuously in some Athenian festivals, *e.g.* at the OSCHOPHORIA and the THARGELIA, and boys are seen carrying baskets of fruits and cakes in the northern frieze of the Parthenon (Baumeister, *Denkm.* 1382: hence the names κανηφόροι, κερνήφοροι, &c., for bearers of such utensils in various rites; Lobeck, *Aglaoph.* 26 foll.). So also at the PYANEPSIA, or festival of beans (the cheapest food at Athens), not only were these carried about in pots (χύτραι), but an olive-branch (εἰρεσιώνη), laden with various fruits hung on it, was carried in procession, and fixed at the door of the temple of Apollo. At Rome fruits are less often mentioned (for "primitiae frugum" in a general sense, cf. Tibull. i. 1, 13 foll.), but at least, as a rule, the grain or fruit was cooked. Cakes of all kinds were used in abundance both in Greece and Rome, whether combined with animal sacrifices or independently. In Greece these were called πέλανοι, and πέμματα or πόπανα (Lobeck, *Aglaoph.* 1050 foll.), and were especially used in the cult of Apollo, *e.g.* at Delphi and Delos (Müller, *Dorians*, E. T. i. 343); also in that of Zeus at Athens, at the Erechtheia in the Acropolis (Paus. i. 26, 6), and that of Trophonius (a honeycake, μελιτοῦττα, Ar. *Nub.* 506; Paus. ix. 39); and at the Athenian Munychia and in the worship of Artemis a special kind of cake was used, which was surrounded with torches called ἀμφιφῶντες (A. Mommsen, *Heort.* 404). At Rome, cakes were also in common use, especially in the form of the *mola salsa*—i.e. salt-cakes prepared by the Vestal Virgins from the first ears of each harvest, and used at the Vestalia, Lupercalia, and on the Ides of September (Serv. *ad Ecl.* viii. 82)—and of the *liba*, for the making of which under various forms Cato gives receipts (*R. R.* 75 foll.). So important was the making of these on the right method that special *fictores* were employed for this purpose under the orders of the pontifices (Marquardt, iii. 429).

Both in Greece and Italy the practice was common of making substitutes for animal sacrifices out of dough, paste, wax, &c., as we see in the worship of Zeus Meilichios at Athens (Thuc. i. 126), and in the Roman *maniae*, which Aelius Stilo (Fest. p. 129) described as "ficta quaedam ex farina in hominum figuras" (Lobeck, *Aglaoph.* 1080 foll.). These will be referred to later.

Offerings of animals.—These were of great variety, both as regards the animals themselves and the ritual used. It is not necessary to do more than allude at this point to human sacrifices, which for the most part belong either to our second chief division of piacular offerings, or to our third division of mystic or sacramental sacrifices. To this latter class probably belong those rare examples which seem to be survivals of cannibalism, *e.g.* in the worship of Zeus Lycaon in Arcadia and of Dionysus in Chios, and the occasional sacrifice of captives, as when Themistocles sacrifices Persian prisoners at Salamis to Dionysus Omestes (Plut. *Themist.* 13; *Pelop.* 21). The ordinary honorific animal sacrifices consisted mainly of those animals which had been already tamed by man, and used for food, *e.g.* the ox, sheep, goat, pig, and fowl; thus bearing out the theory that the original idea of such sacrifice is that it was a meal shared in by god and man. Where the victim is not one eaten by man, the sacrifice is almost sure to be piacular or sacramental. The local customs as to the choice of animals were of endless variety, and are hard to explain: it was a complete science to learn the predilections of the gods, which varied even at particular periods of the year. As the temple-priesthood developed [SACERDOS], so no doubt the ritual became more complicated, and had, in larger temples at least, to be fixed in writing: of this we have

traces in inscriptions both of Italian and Greek origin (see Dittenberger, *Sylloge Inscr. Graec.* 373, 388, and especially the sacrificial calendar from Cos published in *Journal of Hellenic Studies*, vol. iv. p. 323; for Italy, the great ritual inscription of Iguvium, ed. Bücheler, *Umbrica*, and the *Fasti diurni* in *C. I. L.* vol. i.).

The following general principles may be traced amid a crowd of details. 1. As to *sex*. Male victims were usually sacrificed to male deities, and female to goddesses, both in Greece and Italy (Arnobius, vii. 19, "Diis feminis feminas, mares maribus hostias immolare, abstrusa et interior ratio est, vulgique a cognitione remota," &c. This rule held good in Greece so widely (though not without exceptions: see Stengel, *Quaest. Sacrif.* pp. 1–6) that an exception to it at Aulis in the worship of Artemis, which often exhibits abnormal features, gave rise to an explanatory myth (Paus. ix. 19, 5). The same kind of symbolism is seen in the kindred custom of sacrificing a barren cow to the dead (*Od.* xi. 30), with which may be compared the offering of a pregnant cow to Tellus at the Roman Fordicidia (Ov. *Fast.* iv. 631), and of a pregnant sow to Demeter at Mykonos and Andania (Ditt. 373, 388). 2. As to *colour*. White animals were offered to heavenly deities, black to those of the under-world (Arnob. *l. c.*). Thus in *Il.* iii. 103 a white sheep is to be offered to the Sun, a black one to Earth (cf. inscription from Mykonos, Ditt. 373): in *Od.* xi. 33, to Teiresias in the under-world, black sheep. Black victims were offered to Poseidon in *Od.* iii. 1 foll.: but we find also white ones offered him in later times (Ditt. 373). So at Rome, where the importance and difficulty of getting a white victim for Jupiter led to whitening with pipe-clay (Juv. x. 65, "cretatum bovem"). 3. As to *soundness*. This was always demanded, though it could not be always complied with. It is expressly laid down in one of the most valuable ritual inscriptions we have (Ditt. 388, from Andania, line 70) that the animals are to be *εὐίερα, καθαρά, ὁλόκληρα* (cf. Ditt. 373, line 20, and Pollux, i. 26). Hence the elaborate organisation in some cities to secure the proper selection; of which more at the end of this article. 4. *Animals sacred to a deity were not usually sacrificed to that deity*. This principle, which has a totemistic origin, and is found in full working order in many antique religions (*e.g.* the Egyptian and Mexican), probably was a ruling one in Greece in early times, but can now only be traced in survivals which are often obscure. One or two exceptions may be mentioned. No pig, in some places at least, could be offered to Aphrodite (Hermann, p. 150, note 3; Aristoph. *Ach.* 793): at Athens the goat might not be offered to Athene (Athen. xiii. p. 592), whose aegis or goat-skin points to the goat as the totem of the Aegidae or goat-clan, which had the care of her worship. To her were usually sacrificed bulls and sheep, to Zeus bulls or heifers, to Demeter pigs. For a list of the predilections of Roman deities, see Marquardt, iii. 173. In these and other cases of predilections, it is probable that the practice arose from the well-known rule that a totem-clan did not kill or eat its own totem: but as regards Italy and Greece the subject needs further investigation (A. Lang, *Myth, Ritual and Religion*, ii. 70 foll.; Robertson Smith in *Encycl. Brit.* l. c. p. 135). Instances of the sacrifice of the sacred animal to the god to whom it is sacred are probably of the mystical order of sacrifices, and will be mentioned under that head.

These general principles may be said to have held good both in Greece and Italy. Before leaving this subject we may notice that combinations of animals for sacrifice were not uncommon. The best known example is that of the SUOVETAURILIA at Rome, where the ox, sheep, and pig were combined in the worship of Mars (Cato, *R. R.* 141): with this may be classed the *τριττὺς* of the Greeks, a combination of animals, but not always of the same three. (See *Od.* xxiii. 277: ram, bull, and bear, to Poseidon; and cf. Eustath. *ad Od.* xi. 130; Hermann, § 26, note 2.) Lastly, where the proper victims could not be had, substitutes in the form of cakes were sometimes used, as has been already mentioned (Thuc. i. 126, and Schol.: cf. Herod. ii. 47). In Thebes apples with wooden feet and horns to imitate sheep were used in the cult of Apollo (Pollux, i. 30), and a like practice is recorded of the Locrians (Schömann, 219). Such substitution was also known at Rome, and is enunciated clearly by Serv. *ad Aen.* ii. 116, "Sciendum est in sacris simulata pro veris accipi; unde cum de animalibus quae difficile inveniuntur est sacrificium, de pane vel cera fiunt, et pro veris accipiuntur:" cf. Tylor, ii. 367. But these substitutes are more common as survivals of human piacular sacrifice (see below).

B. *Piacular Sacrifices*.—The general idea of the honorific sacrifice was that the gods might be propitiated with gifts, without any sense of sin being present in the worshipper's mind. From these must be distinguished (though the distinction is not always an easy one) those which have as their object the expiation of some sin, generally in early ages blood-guiltiness *within a group of kin*, or of purification from pestilence, &c., brought about by some sin (*Encycl. Brit.* s. v. *Sacrifice*, p. 136; Tylor, ii. 350). The original idea was that this was inexpiable for the defiled kin, save by the death of the slayer. As the practice of substitution was extended, it came to be applied to such cases, and thus we find not only the sacrifice of human beings by no means uncommon both in Greece and Italy, but survivals of it in the form of substitutes, either of animals or of some kind of puppet, or of symbolic actions which indicate an originally real sacrifice. Further, piacular sacrifices for lesser offences, usually a part of a ritual of lustration, are found in later times, especially in Italy. Some examples must be given of each of these classes of expiatory sacrifice.

That the idea of guilt demanding a human life as expiation was not strange to the Greek mind is plainly seen in the myths, *e.g.* in those of Theseus, Orestes, and Iphigeneia (*cf. also* Eur. *Phoen.* 914, *El.* 1024; Plut. *Pelop.* 21; Verg. *Aen.* ii. 118: where the blood-guiltiness is, however, not in each case clear). At Athens we find it surviving in the THARGELIA, when two men called *φάρμακοι* (Harpocr. *s. v.*) were driven out of the city and stoned; and in a rite found also at Ephesus at a Thargelia of that neighbourhood (cf. Tzetzes, *Chil.* v. 726

foll.; Hipponax, *Fragm.* 4 foll.; Mannhardt, *Myth. Forsch.* 126 foll.). At Rhodes a public victim was sacrificed at the beginning of the month Metageitnion, for whom a criminal was afterwards substituted (Porph. *de Abst.* ii. 54, where other similar cases are given). At Leucas a criminal was sacrificed to Apollo by being cast from a rock: an age of greater humanity supplied him with feathers to break the descent, and rugs to fall on (Strabo, p. 452). A very similar case, as an expiation for pestilence, is recorded from Massilia by Servius (*ad Aen.* iii. 57; Petron. 141). In this case, as in the Mexican and other savage rites, the victim was cherished ("alendus anno integro publicis et purioribus cibis"); and in all these examples they seem to have been adorned with garlands, &c., on their way to death. Sometimes an animal was substituted for the human victim, as at Potniae, where a goat was substituted for a boy in the bloom of youth (Paus. ix. 8, 1; cf. vii. 19, 2 and 3). Occasionally we meet with the rite surviving only in a symbolic act, as in the well-known case of the whipping of Spartan boys at the altar of Artemis Orthia till the blood was drawn. With this may be compared the striking passage, in Eur. *Iph. T.* 1458, where Athene orders the human sacrifice in expiation for the death of Iphigeneia to be commuted for the drawing of blood by a sword. So too, at the Roman LUPERCALIA, the young men were smeared with the victim's blood, which was then wiped off with wool dipped in milk (cf. a curious parallel in Apollon. Rhod. iv. 700 foll., where purification for a murder is effected by smearing the murderer's hands with the blood of a young pig, and then wiping it off). Examples of the substitution of puppets are not wanting, especially at Rome, where the rush-puppets cast into the Tiber in May [ARGEI] are described by Dion. Hal. as resembling men tied hand and foot, and were generally believed to be substitutes for old men (see especially Mannhardt, *Antike Wald- u. Feldkülte*, 265 foll.); and according to Macrob. i. 7, 34, the oscilla or "effigies maniae suspensae" were substitutes for the sacrifice of boys [OSCILLA]. The meaning of these Roman rites is not, however, fully ascertained.

In the Roman religion proper we have no trace of a regularly recurring human sacrifice without substitution, which is doubtless partly owing to the practical sense of the people, to the value attached to human life, and to the bargaining character of their religion, so well illustrated in the story of Numa in Plutarch, *Numa*, 15. It may probably be traced, however, in the *ver sacrum*, in which the first-born of a tribe were devoted to a god, and sent forth from the city (Nissen, *Templ.* 154; Fest. 379); in the rite of *devotio* (Liv. xxii. 57; Marquardt, iii. 279 and reff.); in the spilling of the blood of a gladiator at the feriae Latinae (Tertull. *Apol.* 9; Marquardt, 297); in the *consecratio* of a criminal, who was thus made *sacer* and the property of the gods (Id. 257); and possibly in the *ritus humanus* of the Vejovis cult (Preller-Jordan, *Röm. Myth.* i. 265, and Macrob. iii. 9, 10, where it is noticeable that the formula of *devotio* includes Vejovis) as well as in the examples above given. In Etruria, and perhaps in other parts of Italy, human sacrifice was well known: see Müller-Deecke, *Etrusker*, ii. 20, and Dennis, *Cities and Cemeteries*, i. 422, 478, ii. 506; Gerhardthausen, *Mastarna*, plate at end of volume.

It is at Rome, however, that the ordinary piacular sacrifices which do not appear to represent substitution for human victims are best seen. There they form a distinct class, and their immediate object was to expiate, even by anticipation, any error or omission in the performance of ritual, or some sacrilege, however slight, such as the bringing of iron into the sacred grove of the Fratres Arvales (Henzen, *Acta Fratr. Arv.* 22, 136–140; ARVALES). Of this kind were the *hostiae praecidaneae*, offered before the main sacrifice, in order to ensure the efficacy of the latter (Gell. iv. 6, 7; Fest. p. 223: the *προθύειν* of Greek ritual seems to have a different sense). Here also belong the piacula of the supplications [SUPPLICATIO], and all sacrifices ordered to be performed after the occurrence of prodigia. It is difficult to say how far the Italian sacrifices of lustration belong to this class, *e.g.* the suovetaurilia; but the *pikaklu* of the Iguvians (Bücheler, *Umbrica*, p. 314) seem to offer a parallel and to bring them within the class (compare the language of the ritual in Cato, *R. R.* 141). Greek examples of piacular sacrifices not substitutes for human offerings are the *χοιροκτόνοι καθαρμοί* of Aesch. *Eum.* 273; the Bouphonia at Athens, of which more hereafter; the holocaust to Zeus Meilichios in Xen. *Anab.* 7, 8; and many others may be found collected in Hermann, ii. § 23, note 19 and foll., and § 28, note 19, and in Schömann, ii. 239. It should be noted that the piacular sacrifices can in general be distinguished from honorific by the fact of the victim being burnt *whole* or not cooked at all, and at Rome by the fact of its not being used for divination. They did not constitute a meal, but were whole burnt offerings, and, unlike the honorific sacrifices, did not always consist of edible animals, but included horses, asses, dogs (to Hecate), &c. See Stengel, *Quaest. Sacr.* pp. 23 foll.

C. *Mystic or Sacramental Sacrifices.*—This is a class which it is hard to deal with, because the sacrifices here had in historical times lost their original meaning, being survivals from an age of which the culture is only to be studied among other races. They are believed to have their origin in the age of totemistic religion, in which gods are formed out of the totem animals. In that age we find—1. That the totem is not sacrificed to the god out of which it was developed, except on certain solemn occasions. 2. That on these occasions the sacrifice is of the nature of a sacrament, the totem being (as in Mexico) eaten by all the worshippers, who thus in a sense partook of the substance of their god. (J. G. Frazer, *Totemism*, reprinted from *Encycl. Brit.*; W. R. Smith, article *Sacrifice*, p. 137; A. Lang, *Myth, Ritual and Religion*, passim.) Here and there a sacrificial rite in Greece indicates a descent from this age: and others, which are less distinctly to be referred to it, may be noticed under the same head.

In the myth of Dionysus Zagreus, the god when captured by the Titans was torn asunder in the form of a bull (cf. Paus. viii. 37, 3.) This myth reflected the nature of his sacrifices. In these, living animals were torn to pieces—

bulls or fawns—and eaten raw by all the celebrants (Lobeck, *Agl.* 653 foll.). The god, as the animal, was once probably the totem of a tribe; and the worshippers danced about dressed up in the skins, *i.e.* took the god-nature upon them. Cf. for a similar practice of tearing to pieces in Chios, Porph. *Abst.* ii. 55; but here the victim was human, and the origin probably cannibalistic. A Roman parallel may probably be found in the Lupercalia, where, after the ceremony of smearing above alluded to, the priests girt themselves with the victims' skins, and, *before* running round the Palatine, partook of a luxurious feast, which may be a substitutory survival of the old god-eating rite. Somewhat similar in character is the well-known worship of Zeus Lycaon in Arcadia (Paus. viii. 2; 38, 5; Plato, *Rep.* 565 D); where the worshippers tasted the sacrifice, but he who ate the morsel of flesh contained in it was changed into a wolf. Cf. the Hirpi Sorani of Soracte (Mannhardt, *Antike Wald- u. Feldkülte*, 330), where another totemic feature is apparent, *i.e.* the wolves were said to have carried off the flesh from the altar. Again, in the Diipolia at Athens, the sacred bull was sacrificed, but the skin was sewn up and stuffed, and all partook of it, "the life of the victim being renewed in those who ate of it" (Porph. *Abst.* ii. 29). This, as Prof. R. Smith (*l. c.*) has pointed out, is perhaps a relic of a form of blood covenant; for the legend of the festival connects the origin with the adoption of a new family by the Athenian citizens.

In this festival of the Diipolia we notice another feature which suggests a totemistic origin, and of which there are one or two other examples in Greek and Roman ritual. Among totemistic peoples it is the deadliest crime to kill the totemistic animal. Where this animal is sacred, the slayer would pay for its death with his life. Thus not the priest indeed, but the axe which slew the bull at the Athenian Zeus-feast, was solemnly tried and condemned (Paus. i. 24, 4). At Tenedos the sacrificer of the booted-calf (Lang, ii. 233) was stoned and driven into the sea (Aelian, *H. N.* xii. 34). Perhaps with this curious ritual may be compared the story of Apollo flying in terror after slaying the python (Lang, ii. 195). Here also probably belongs the mysterious ritual of the Regifugium at Rome, which has been so strangely confused by many. [REGIFUGIUM.]

Another mystical totemistic feature, already alluded to, is the wearing of the skin of the sacred animal. This, which is a very common feature among totemistic peoples, has also left its traces in Greece, *e.g.* in the Bacchic rites, and in Rome at the Lupercalia at least. As in Mexico, the priest frequently also wore the attributes of the god: examples will be found collected in Back, *De Graecorum caerimoniis in quibus homines deorum vice fungebantur*, Berlin, 1883.

RITUAL.—1. *Greek.* The ordinary ritual of honorific sacrifice must now be more exactly described. Unbloody sacrifices, it should be noted, naturally did not call for the same exactness of observance as those in which animals were offered; while piacular sacrifices, in which the victim was almost always a whole burnt offering, or at least was not shared as a meal (holocaust), were not only comparatively rare, but also needed a simpler ritual than the meal-sacrifice, or followed the ordinary ceremony, at least in its earlier stages. The process to be described is found in all its main features in the Homeric poems. In later times, an endless variety of local usage arose, as the detail was developed partly through the influence of the temple priesthood, partly through the increasing wealth (and consequent ceremonial) of cities as well as temples. We will first describe the Homeric ritual, and then indicate some points in which its leading features became afterwards developed. The student who desires to study the local variation must refer to the works of Hermann, Schömann, Maury, and Martha, already frequently quoted; but more especially to Pausanias, and to the *C. I. G.* and *C. I. A.*

In Homer (see esp. *Od.* iii. 418–463; *Il.* i. 446 foll.) the rite is as follows. The victim, for the choice of which there seems to have been no precise rule, though it must be in a general sense τέλειος (*Il.* i. 66; *i.e.* free from blemish), and of a kind appropriate to the god, was led to the altar, where, if an ox, its horns were or might be gilded, to gratify the eyes of the deity. Then follow certain preliminary rites of consecration. Water for lustration was brought, together with a basket of grain (οὐλαί: whether ground or not is uncertain): with the former the hands at least of the bystanders were sprinkled, and the latter was cast on the victim and the altar (χερνίψαντο δ' ἔπειτα καὶ οὐλοχύτας ἀνέλοντο, *Il.* i. 449; cf. *Od.* iii. 445). When this was done, the chief sacrificer, whether priest or not, offered his prayer (*Il.* i. 451), and at the same time cut some hair from the victim's head and cast it into the flame. This hair, if the sacrifice had relation to a treaty or compact, was divided among the parties concerned (*Il.* iii. 271). Then followed the slaughter of the victim either with axe or knife or both; it was killed kneeling, as it is often represented on sacrificial vases, with its head turned upwards if the sacrifice were to celestial deities, downwards if to those of the under-world (*Od.* iii. 453). During the act of slaughter the bystanding women, if any, cried aloud (ὀλόλυξαν)—for what reason is not very clear; perhaps this noise, like the flute-music of later times, was meant to hide the cries of the animal, all unwillingness on its part being held of ill omen. Lastly, the flesh was cut up, the thighs were sliced, and the slices wrapped in double layers of fat and placed on the altar to be wholly consumed for the god, after wine had been poured on them. The entrails were then tasted, and arming themselves with long spits, such as are often seen in vase-paintings (see *e.g.* Baumeister, *Denkm.* p. 1107), and with five-pronged forks (πεμπώβολα), the sacrificers set to work to roast the rest of the meat for their own enjoyment. In *Il.* i. 472, this feasting is accompanied by hymns to the god.

This ritual remained practically the same throughout the history of Greek religion. In all Greek literature, down to Lucian, we find the same notions prevalent about the part taken by the god, and the same main features, *e.g.* the lustral water, the grain, the clipping of the hair, and the distribution of flesh between deity and sacrificers. See especially Aristoph. *Pax*, 820 foll.; Lucian, *de Sacrificiis*, 14. The monu-

mental evidence bears this out fully (see Martha, p. 67, note 5). But, apart from the great variety of local usage already referred to, we may note at least three points in which a general development took place in the way of elaborate regulations, and especially as regards—1, the choice of victims; 2, the ceremonial adornments; 3, the apportionment of flesh and skins. A brief reference to each of these is all for which space can here be found.

1. The tendency of temple-worship and priestly influence was to create a number of artificial requirements in respect of the colour, sex, purity and perfectness of victims, especially on great public occasions. This is most singularly illustrated in an inscription from Cos, lately discovered, and edited by Mr. Hicks (*Journ. Hell. Stud.* vol. ix. No. 2, p. 334 foll.). The selection of the ox for sacrifice to Zeus Polieus, on the 19th day of the Coan month Batromius, was a matter of the utmost solemnity and difficulty. A holocaust or piacular offering of a pig had been made on the previous day with a view to good-luck in the selection; but it is obvious from the inscription that the Hieropoioi, who sat at a table with the priest and inspected the oxen as they were driven past, had often great difficulty in choosing. When a second herd was driven in, an ox was to be sacrificed to Hestia, apparently as a further aid; cf. Dittenberger, 338, 70, whence we learn that at Andania (and probably at many other places) the victims underwent an examination by the priest or other official, who affixed a seal (*σημεῖον*) to them if approved of. On the other hand, such elaborate selection must have been well-nigh impossible in the case of the great hecatombs at Athens: there the chief function of the officials seems to have been rather the procuring than the selection of victims. (For the duties of *βοῶναι* and *ἱεροποιοὶ* at Athens, see Dittenb. 388; Martha, pp. 70 and 71; [BOONAE; HIEROPOEI.]) In the case of private sacrifices, as distinguished from those undertaken by the state, it was no doubt the business of the priest of the temple where the sacrifice was to take place to examine the victim; but so long as it was of the right kind, colour, &c., it is not probable that further rigidity of rule was insisted on.

2. In regard to ceremonial adornment, we find a development chiefly in two particulars, viz. the wearing of wreaths, and the use of instrumental music. Wreaths and garlands, which on the monuments invariably adorn the sacrificer as well as the victim, are not mentioned in Homer (Schömann, p. 228). A few exceptions to this rule are mentioned in later literature, *e.g.* at Paros, in the worship of the *Χάριτες*, and on occasions of domestic grief (Apollodorus, iii. 15, 7; Diog. Laert. ii. 54). The place of the wailing of the women, as represented by Homer, at the moment of slaughter, is taken by the playing of the flutes (in Argos of a trumpet, Pollux, iv. 87), as is often to be seen on sacrificial vase-paintings (Martha, p. 84). The passage of Apollodorus just quoted shows plainly that the absence of these accompaniments of sacrifice at Paros was a very unusual feature, and needed a legend to explain it. Other details, such as the use of oil and honey, the sprinkling of the altar with the blood of the victim, &c., may probably have been at all times in vogue in the temples, though unnoticed in the Homeric accounts of sacrifice. For the development of hymn-singing and dancing in relation to sacrifice, see Duncker, *Hist. of Greece*, vol. ii. ch. 14.

3. In regard to the apportionment of the victim's flesh, which in Homer, as we have seen, was a simple matter, we have in later times, chiefly from inscriptions, a vast number of details and regulations, showing the importance attached to it. Most of these define the portion which is the perquisite of the priest (*θεομοιρία*: *γέρη* : *ἱερώσυνα*). This differed in different worships: frequently it is the legs and skin; sometimes the tongue and shoulder; in *Fragm. Com. Graec.* p. 265 (Didot), the thighs, flank, and left side of the head are mentioned. (See Dittenberger, Nos. 373, 376, 379, and 388, line 85. Also *Journal of Hell. Stud.* l. c. p. 328 and note; Stengel, *op. cit.* p. 15 foll.) The rest of the animal might, in the case of private sacrifices, be taken home by the sacrificer to be used for a meal (the survival of the Homeric practice), or even sent in the form of presents to friends (Schömann, 231). This was, of course, impossible in the case of holocausts, which were rarely honorific sacrifices: *e.g.* it is expressly forbidden, in the inscription from Cos already quoted, to take away any part of the pig which was burnt the day before the Zeus festival. But in public sacrifices undertaken by the state, the disposal of the carcases, which at Athens at least were sometimes counted by hundreds, came to be an important matter of public revenue, about which full information will be found in Boeckh-Fränkel, *Staatshaushaltung*, vol. ii., appendices viii. and viii. b. *Dermaticon* was the general name for this source of revenue; the skin being retained as the special property of the state, while the flesh, after the magistrates had received their portions, was distributed among the whole number of demes, for purposes of feasting (*C. I. A.* ii. 163, 305). In B.C. 334 the revenue arising from the sale of these skins was no less than 5,500 drachmas. Thus the simple primitive sacrifice, with its genuine meaning, came to be developed into a state detail, whose importance was much more material than spiritual.

Greek sacrifice, from a vase-painting (Blümner). The emblematical figure of Nike filling the *φιάλη* shows that it is a sacrifice for victory.

2. *Roman.* The introduction of Greek religious practice at an early period overlaid the true Roman cult, and by degrees almost extinguished it, though a distinction was always maintained by the learned between the *ritus Romanus* and

the *ritus Graecus* (Marquardt, iii. 186). What features of ritual are to be understood by the former term, it is hard to say, except the veiling of the head of the worshipper, which is expressly mentioned by Macrobius (i. 8, 2; iii. 6, 17; Plut. *Q. R.* 10), and the use of laurel or other wreaths (Marquardt, *l. c.*, note 4). It may also be noted that the use of music and dancing at sacrificial rites, which in Greece had such momentous literary results, never developed at Rome into more than the mere accompaniment of *tibicines*, the object of which was to preclude all ill-omened sounds from reaching the ears of the worshippers (Plin. *H. N.* xxviii. § 11). This, however, need not exclude the supposition that rude hymns, such as those which we still possess of the SALII and the FRATRES ARVALES, were at one time in use (R. Peter, *de Romanorum precationum carminibus;* contained in the *Commentationes in honorem Reifferscheidii*, Breslau, 1884, p. 67 foll.). But we know enough to discern that the leading characteristic of the *ritus Romanus* was its solemnity and stillness, especially at the time when the prayer, which was a more essential feature of it than with the Greeks, was being led by the priest. This stillness is indicated, not only by the veiling of the head, but by the fact that the prayer was often not spoken aloud, but only muttered. Thus, in the elaborate and genuinely Italian ritual of the Fratres Atiedii, at Iguvium, we meet with the phrase "tases persnimu" = tacitus precator (Bücheler, *Umbrica*, p. 60, note); which is to be explained as a direction to the priest to murmur below his breath. (See reff. in Marquardt, 178, note 4, and Bücheler, *l. c.*) The more strictly religious, if not spiritual, character of the worship in Italy is also shown by the absence of revelry after sacrifice; or at least of the development of the rite into a matter of public feasting, as at Athens. Another characteristic which was more strongly marked in Italy than Greece was the extreme and superstitious precision required in the whole ritual. The form of prayer which the priest led and the worshippers repeated after him must be gone through without the slightest error; if such error were committed, the whole had to be repeated again. The same rule applied to the ritual of sacrifice itself (Bücheler, *l. c.* p. 81; Arnob. iv. 31; Plut. *Coriol.* 25); and in all such cases the error had to be wiped out by a piacular sacrifice in addition. The same precision was observed in regard to the posture of the worshipper, which differed in different cults: in the *ritus Romanus* it is likely that this posture was a kneeling one in the act of prayer (Marquardt, 179, note 4), while usually the person praying stood with outstretched arms, and looking to the east. In the cult of Tellus and Ops, he touched the earth with his hands (Macrob. i. 10, 21; iii. 9, 12). But to gain an adequate idea of the extraordinary lengths to which this precision in all respects was carried by Italian custom, and maintained by written rules, the student should not fail to consult the Iguvian inscription so often quoted, with the translations and commentaries of Bréal or Bücheler (Bréal, *Les Tables Eugubines;* Bücheler, *Umbrica*. The first and sixth tables afford the best illustrations).

A succinct description of an ordinary Roman sacrifice may be given in conclusion; in which it will now be easy for the student to distinguish some at least of the Greek and Italian elements. For further detail he is referred to Marquardt, 180 foll. (in the new French translation, vol. i. pp. 216 foll.); and for an immense collection of variety of detail, which is however wrongly used as if belonging to a single act of sacrifice, to the article in Pauly's *Encyclopädie*, vol. vi. pt. i. pp. 671 foll.

The victim (*victima* is used of the larger, *hostia* of the smaller animals) was led to the altar adorned with fillet and ribbons (*infulae* and *vittae*); the gilding of the horns in the case of an ox is also mentioned (Henzen, *Act. Fratr. Arv.* 144). On great occasions of lustration, *e.g.* of an army by a general, or of the people by a censor, the leaders of the victims must have names of good omen. The Greek rule held good here also, that the victim must come willingly. Then followed the *immolatio*, also a counterpart of the Greek ritual, which consisted in dedicating the animal by strewing on its head the *mola salsa* or prepared cake (Serv. *ad Aen.* iv. 57); wine and incense were also used for this purpose, and in Verg. *Aen.* vi. 245 the Greek practice is alluded to of cutting hair from the victim's head and casting it into the fire. The beast was then slain, the larger ones with axe or hammer, the smaller with the knife: this was the business, in public honorific sacrifices at least, not of the priest, but of assistants (*cultrarii, popae, victimarii*). When the victim was dead, the most important part of the ceremony began: viz. the extraction and examination of the *exta* and the preparation for burning them on the altar. By *exta* is to be understood the liver, gall, lungs, and heart, with the interior skin. These, and especially the liver, were in all sacrifices except piacular ones subjected to a careful inspection, with a view to ascertain whether the god was pleased; the idea being, as has been already pointed out, that he showed his good and ill will in the organs of the victim. (For the complicated science of augury which grew out of this idea in Italy, see article DIVINATIO; Bouché-Leclercq, *Divination dans l'Antiquité*, vol. iv.) If the inspection were satisfactory (*litare* is the technical word), the priest proceeded to prepare the *exta* either by boiling or by roasting on spits; the latter practice seems to have been confined to the sacrifices of sheep and lambs (Varro, *L. L.* v. 98). They were then laid on a dish, together with certain other parts of the flesh (Arnob. vii. 24), and in this form were called *prosecta* (for other forms of the word see Marquardt, 183; in the Iguvian inscription it is *proseseto*); on this again the *mola salsa* was sprinkled and wine poured (Cic. *Div.* ii. 16, 37), and it was then ready to be placed on the altar (*exta porricere* or *reddere*). That this preparation of the *exta* was the leading feature in the rite, is well shown in the fact that on the *dies intercisi* of the calendar, the slaughter of the victim took place in the morning, and the placing of the *exta* on the altar was delayed till the evening. The additions to the *exta* from other parts of the victim were called *augmenta;* the *magmenta* (Marquardt, 184) sometimes mentioned appear to have been separate dishes, also placed on the altar for consumption. The rest of the flesh, or *viscera* (Serv. *ad Aen.* vi. 253), was eaten by those offering the sacrifice, or

by the priest in the case of piacular sacrifices (*ib.* iii. 231), where the victim was not burnt whole (cp. ARVALES; *C. I. L.* vi. 2104). But we hear very little of priests' portions or of sacrificial feasting; the Romans were never so lavish of their victims as the Greeks, and the absence of a regular temple-priesthood enabled them to dispense with perquisites as a means of securing the priests a livelihood. The inspection and preparation of the *exta* remained the chief object and feature of sacrifice; and thus, in spite of the predominance of the *Graecus ritus*, the peculiar characteristics of the Italian religious temperament were preserved till late times in the Roman ceremonial. (In the foregoing description of the Roman ritual, Marquardt's excellent account has been closely followed.) [W. W. F.]

SACRILE'GIUM, the robbery of sacred things (Sen. *de Ben.* 7, 7; Isid. *Orig.* v. 26), is that form of peculatus which affects sacred property not in private hands: *i.e.* it is the robbery of anything publicly dedicated to the service of the gods. Hence the theft of anything from a private dwelling, though it might be dedicated to the gods, would be a *furtum*, not a *sacrilegium* (cf. Cic. *de Invent.* 8, 11). According to the Twelve Tables, "Sacrum sacroque commendatum qui cleperit rapsitque parricida esto" (Cic. *de Leg.* ii. 9, 22), which does not mean that it was reckoned as parricidium, but that the sacrilegus was tried by the quaestores parricidii. In later times there were changes both in the procedure and in the definition of the crime. It was tried under the *quaestiones perpetuae* [PECULATUS; cf. Cic. *Verr.* i. 5, 14), and the crime of sacrilege, besides meaning robbery of temples, was extended to include damage or insult to anything consecrated, and so was made to refer to damage of the city walls, which were sacred (Cic. *N. D.* iii. 40, 94; Plut. *Rom.* 11), and even to climbing over them (*Dig.* 1, 8, 11); and further, under the Empire, to want of respect for the emperor or his appointments (Capit. *Ant. Phil.* 18; Cod. 9, 21, 1), though such offences were sufficiently dealt with under the law of Majestas. For the conception of what was *sacrum*, see Macrob. iii. 3, 2; Dig. 1, 8, 6, § 3. The punishment of sacrilegium under the Lex Julia was interdictio aqua et igni, for which banishment (*deportatio*) was substituted: under the Empire heavier penalties were affixed—for breaking into temples by night, *damnatio ad bestias* or burning alive; for the same act by day, labour in the mines or banishment (Dig. 48, 13, 6). Compare Rein, *Criminalrecht*, 691; Rein in Pauly, *Real Encyclop.* s. v. *Sacrilegium*. (For sacrilege among the Greeks, see HIEROSYLIA.) [L. S.] [G. E. M.]

SACRO'RUM DETESTA'TIO. [GENS, Vol. I., p. 911 *a*.]

SAECULA'RES LUDI. [LUDI SAECULARES.]

SAE'CULUM. [LUDI SAECULARES, p. 92.]

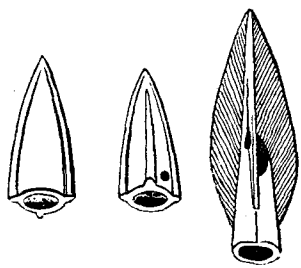
SAGARII. [SAGUM.]

SAGITTA (*ὀϊστός, ιός*; Herod. *τόξευμα*), an arrow. The account of the arrows of Hercules (Hesiod, *Scut.* 130-134) enumerates and describes three parts, viz. the point, the shaft, and the feather. Pollux (i. 137) says that the feathered end was called the head of the arrow.

1. The point was denominated *ἄρδις* (Herod. i. 215, iv. 81), whence the instrument, used to extract arrow-heads from the bodies of the wounded, was called *ἀρδιοθήρα*. [FORCEPS.] Great quantities of flint arrow-heads are found in Celtic barrows throughout the north of Europe, in form exactly resembling those which are still used by the Indians of North America (Hoare's *Anc. Wiltshire, South*, p. 183). Nevertheless the Scythians and Massagetae had them of bronze (Herod. *ll. cc.*).

A large number of flint arrow-heads, some of them finely shaped, have also been found in Italy, in deposits of the Stone age. Specimens may be seen in the prehistoric galleries of the British Museum. The Aethiopians in the army of Xerxes tipped their arrows with a sharpened stone, which they also used for engraving gems (Herod. vii. 69). Mr. Dodwell found black flint arrow-heads in the large tumulus of Marathon, and concludes that they had belonged to the Persian army (*Tour through Greece*, vol. ii. p. 159). Those used by the Greeks were commonly bronze, as is expressed by the epithet *χαλκήρης*, "fitted with bronze," which Homer applies to an arrow (*Il.* xiii. 650, 662). Herodotus, however (vii. 69), speaks as if iron was the natural material to be employed.

The Homeric arrow-head was "three-tongued" (*τριγλώχις, Il.* v. 393) and had barbs (*ὄγκοι, Il.* iv. 151, 214). Its form is shown by the annexed woodcuts.



Arrow-heads found in Attica.

The two smaller, one of which shows a rivet-hole at the side for fastening it to the shaft, are from the plain of Marathon (Skelton, *Illust. of Armour at Goodrich Court*, i. pl. 44). The third specimen was also found in Attica (Dodwell, *l. c.*). Some of the Northern nations, who could not obtain metal, barbed their arrow-heads with bone (Tac. *Germ.* 46).

The use of poisoned arrows (*venenatae sagittae*) is always represented by the Greek and Roman authors as the characteristic of barbarous nations. It is attributed to the Sauromatae and Getae (Ovid, *Trist.* ii. 10, 63, 64; *de Ponto*, iv. 7, 11, 12); to the Scythians (Plin. *H. N.* xi. 53, § 115), and to the Arabs (Pollux, i. 138) and Moors (Hor. *Od.* i. 22, 3). When Ulysses wishes to have recourse to this insidious practice, he is obliged to travel north of the country of the Thesprotians (Hom. *Od.* i. 261–263); and the classical authors who mention it do so in terms of condemnation (Hom. Plin. *ll. cc.*; Aelian, *H. A.* v. 16). The poison applied to the tips of arrows having been called *toxicum* (*τοξικόν*), on account of its connexion with the use of the bow (Plin. *H. N.* xvi. 10, § 20; Festus, *s. v.*; Dioscor. vi. 20), the signification of this term

was afterwards extended to poisons in general (Plaut. *Merc.* ii. 4, 4; Hor. *Epod.* xvii. 61; Propert. i. 5, 6).

II. The excellence of the shaft consisted in being long and at the same time straight, and in being well polished (Hes. *Scut.* 133). The arrows of the Carduchi were more than two cubits long, and were used as javelins by the Greeks (Xen. *Anab.* iv. 2). But the shaft often consisted of a smooth cane or reed (*Arundo donax* or *phragmites*, Linn.: cf. Plin. *H. N.* xvi. 36, § 65), and on this account the whole arrow was called poetically either *arundo* in the one case (Verg. *Aen.* iv. 73, v. 525; Ovid. *Met.* viii. 382), or *calamus* in the other (Verg. *Buc.* iii. 13; Ovid, *Met.* vii. 778; Hor. *Od.* i. 15, 17; Juv. xiii. 80). In the Egyptian tombs reed arrows have been found, varying from 34 to 22 inches in length. They show the slit (γλυφίς, Hom. *Il.* iv. 122; *Od.* xxi. 419) cut in the reed for fixing it upon the string (Wilkinson, *Man. and Cust. &c.* vol. i. p. 309).

III. The feathers are shown on ancient monuments of all kinds, and are indicated by the terms *alae* (Verg. *Aen.* ix. 578, xii. 319), *pennatae sagittae* (Prudentius, *Hamart.* 498), and πτερόεντες ὀϊστοί (Hom. *Il.* v. 171), but it is doubtful if the Homeric epithet has any reference to the feathers. The arrows of Hercules are said to have been feathered from the wings of a black eagle (Hes. *l. c.*).

Besides the use of arrows in the ordinary way, they were sometimes employed to carry fire. Xerxes captured the Acropolis in this manner (Her. viii. 52). Julius Caesar attempted to set Antony's ships on fire by sending βέλη πυρφόρα from the bows of his archers (Dio Cass. l. 34; cf. Pollux, i. 137). A head-dress of small arrows is said to have been worn by the Indians (Prudentius, *l. c.*), the Nubians, and the Aethiopians of Meroe (Claudian, *de Nupt. Honor.* 222; *de III. Cons. Honor.* 21; *de Laud. Stil.* i. 254).

In the Greek and Roman armies the *sagittarii*, more anciently called *arquites*, i.e. archers, or bowmen (Festus, *s. v.*), formed an important part of the light-armed infantry (Caesar, *Bell. Civ.* i. 81, iii. 44; Cic. *ad Fam.* xv. 4). They belonged, for the most part, to the allies, and were principally Cretans. [ARCUS; CORYTUS; PHARETRA; TORMENTUM.] [J. Y.] [A. H. S.]

SA'GMINA were the same as *verbenae*, sacred herbs, especially those which were torn up by their roots from the enclosure of the Capitol, and given by the consul or praetor to the Fetiales when they went to demand reparation or to make a treaty [FETIALES]. They were carried by one of the body called *Verbenarius*, and served to mark the sacred character of the ambassadors: Varro (*ap.* Non. 528) compares them to the caduceus or κηρύκειον (cf. Plin. *H. N.* xxii. § 5; Liv. i. 24, xxx. 43; Dig. 1, 8, § 8; Festus, *s. v.*). There can be no doubt that any herb so gathered would answer the purpose if the true verbena could not be procured: indeed Servius (*ad Aen.* xii. 120) says, "abusive *verbenas* vocamus omnes herbas sacratas ut est laurus oliva vel myrtus." The true verbena or *vervain* is the *verbena officinalis*, which suits Pliny's description of the plant and his comparison of the leaf to an oak-leaf (xxv. § 105). It was used for lustrations, for sweeping the tables of the gods at the Epulum Jovis or at the lectisternia (Id. *ib.*); it was used also for decking the altar (Ter. *And.* iv. 3, 11; Hor. *Od.* i. 19, 14, iv. 11, 7; Ovid, *Met.* vii. 242). The Greek name seems to be ἱερὰ βοτάνη, or περιστερεών, but the Greek equivalent for lustration or for decking the altar was rather the myrtle: cf. Eurip. *Ion*, 120, μυρσίνας ἱερὰν φόβαν ἕξ σαίρω δάπεδον θεοῦ: and Servius, *l. c.*, notes that Terence in using the word *verbena* translates a line (quoted in a corrupt state by Donatus) where it is a myrtle bough (see Wagner *ad* Ter. *l. c.*). Lastly we find a curiously widespread use of the plant in divination and magic: for this purpose it is burnt in Verg. *Ecl.* viii. 65, and Pliny (*l. c.*) speaks of the same use among Eastern nations (cf. Suet. *Vesp.* 7) and among the Celts, where the superstition lingers to this day (*e.g.* in Brittany).

Whatever the etymology of sagmen may be, we must reject the connexion with *sanctus* or *sacer*, which Festus favours. Corssen (*Lat. Spr.* ii. 212) proposes a connexion with *seges* by the root *sag* (σεσαγμένος), but, as it certainly was not used for food, this is not satisfactory. Looking to its use for divination and magic, which we may judge from its being common to so many nations to have been its oldest use, we might suggest rather a connexion with *saga* and *sagire*. [W. S.] [G. E. M.]

SAGUM, a thick woollen cloak or plaid fastened round the neck with a brooch, was the distinctive garb of the Roman citizen in time of war. It was worn not only on the field, but was put on by the whole male population of the city on the occasion of a *tumultus* or other sudden alarm, the consuls alone retaining the toga (Cic. *Phil.* v. 12, 31; viii. 11, 32; xiv. 1, 1). Hence it is contrasted with the toga, the dress of peace, in such phrases as *saga sumere, in sagis esse*, and *ad saga ire*. As one would expect in the case of militia providing their own equipment, the sagum was in no sense a uniform, and was worn by country-folk (Plin. *H. N.* viii. § 54) and slaves (Dig. 34, 2, 23, § 2), and was chosen by soldiers as allowing the arms full play. It is shown on countless monuments, the most important being Trajan's Column and the many grave-reliefs found on the banks of the Rhine. These show that it was put on and fastened in the same manner as the *paludamentum*, which was in fact the special sagum which the Imperator wore. The word *sagum* has, besides this, a wider and more general meaning, and is applied to the varieties of cloak known as *birrus*, *laena*, *lacerna* (cf. Martial, viii. 58; Juv. ix. 28), and *abolla* (cf. note in Marquardt, *Privatl.* p. 567). Besides this, the national dress of the Germans (Tac. *Germ.* 17), Gauls (Caes. *B. G.* v. 42), Ligurians (Strabo, iv. p. 202), and Spaniards (Val. Max. iii. 2, 21; Liv. xxix. 3, 5), which still survives in the plaid of the Scotch Highlander and the cloak of the Spaniard, not only went by the same name, but was believed by the Romans to be the original form of the garment, even the name being borrowed from the Celtic. However this may be, cloaks fastened at the neck with a pin are known all the world over; the Greek χλαμὺς being, for instance, as much akin to the sagum as the German varieties. In fact, in later Latin *chlamys* in ordinary use supplanted the old word. There was naturally much variety in shape, cut, and material in saga; and

we know that while the Gauls preferred cloth of a check pattern ("*virgatis* sagulis," Verg. *Aen.* viii. 660: cf. Tac. *Hist.* ii. 20, v. 23), the Spaniards were fond of black (Strabo, iii. p. 155). In the late Empire the excellence of the Gallic and Spanish cloth made it popular at Rome, and we hear of *saga Atrebatica* and *Nervica* even in the fourth and fifth centuries A.D. It would further seem that sometimes the sagum was worn with a hood, and also that, as in many Gallic instances, the fibula was occasionally dispensed with (cf. Trebell. *XXX. Tyr.* 10).

The sagum being made for the roughest usage, was of stout stuff, and, like all cloaks which are fastened with a pin, served many other purposes, the most interesting being perhaps that of the "blanket" in which a person was "tossed," this pastime being known as *sagatio*. (Marquardt, *Privatleben*, pp. 561–6; Becker-Göll, *Gallus*, iii. 220; Baumeister, *Denkmäler*, s. vv. *Toga* and *Waffen*.) [W. F. C. A.]

SALAMI'NIA. [THEORIS.]

SALA'RIUM, allowance of salt for soldiers and officers; then allowance for salt; and so (though not earlier than the Empire) = stipendium or military pay generally (as in Plin. *H. N.* xxxi. § 89), though the word still included rations. (Salt was once more supplied in kind later: see *Hist. Aug., Claud.* 14, *Prob.* 4.)

Augustus instituted in B.C. 27 a further salarium for governors of provinces, senatorial or imperial. The outfit and travelling expenses of governors (*vasarium*) had previously been voted them by the senate. But though the supply of outfit and necessaries, in money or kind, by no means came to an end, Augustus also paid a fixed money-allowance or "salary" to provincial governors (Dio Cass. lii. 23, liii. 15; Suet. *Aug.* 36). The amounts varied with their rank (Dio Cass. liii. 15), but are not known to us. Dio Cassius (lxxviii. 22) says that in the time of Macrinus a million sesterces were paid; but the provincial governor here mentioned was never allowed to visit his province; and the million sesterces may therefore, it has been thought, have included compensation for the honours and advantages lost, and consequently may be much more than the regular amount. Salaria were also given by various emperors to other persons: the *comites* of the emperor (Suet. *Vit.* 46); legal assessors (*Hist. Aug., Alex. Sev.* 46); poor senators (Suet. *Nero*, 10); rhetoricians and philosophers in all the provinces (*Hist. Aug., Ant. Pius*, 11; cf. Suet. *Vesp.* 18); grammarians, doctors, haruspices, engineers, architects (*Hist. Aug., Alex. Sev.* 44). The various curatores and procuratores were divided according to amount of salary into *sexagenarii* (60,000 sesterces), *centenarii* (100,000), *ducenarii*, and *trecenarii*. Respecting the pay which certain classes of priests received, see SACERDOS and VECTIGALIA TEMPLORUM. [F. T. R.]

SALIENTES. [FONS.]

SALII. These were an ancient guild of priests, traditionally first instituted by Numa for the service of Mars and the guardianship of the sacred shields (Liv. i. 20; Cic. *de Rep.* ii. 14, 26; Dionys. ii. 70; Plut. *Num.* 13; Ov. *Fast.* iii. 378; Fest. p. 131); other traditions represented them as derived from Greece (Fest. p. 320; Plut. *l. c.*; Serv. *ad Aen.* ii. 325, viii. 285); but we should rather regard these rites as a primitive Italian religion, very possibly a relic of superstitions inherited alike by the Greek and Italian stocks, but not borrowed from Greece after the Greeks and Italians were separate nations. It is at least probable that the Salii date from an earlier and ruder state than the age of Numa. They were at any rate widely spread through Italy, for we find them at Alba, Lanuvium, Tibur, Tusculum, Anagnia, Verona (Macrob. iii. 12, 7; Serv. *l. c.*; *C. I. L.* i. 150, v. 4492, vi. 270, x. 5925; see also other inscriptions cited by Marquardt, *Staatsverw.* iii. 428); nor was the name restricted to the priests of a single deity: at Tibur they belonged to the worship of Hercules Victor. In Rome (*i.e.* in the Palatine city) there were originally twelve, forming a collegium with officials, a *magister, praesul*, and *vates*: they assembled at the Curia Saliorum on the Palatine, and were called *Salii Palatini* to distinguish them from the other similar guild of twelve *Salii Collini* (called also *Agonales* or *Agonenses*), who were supposed to have been instituted by Hostilius, and had their sacrarium in the Quirinal (Liv. i. 27; Dionys. ii. 70, iii. 32; Serv. *l. c.*). We can scarcely doubt that these two guilds existed in their separate localities when the Palatine and Quirinal were distinct communities, and the doubling of the Salii, like the doubling of the Luperci, tells of the amalgamation of the Quirinal with the Palatine city (compare Mommsen, *Rom. Hist.* i. 56; *Staatsrecht*, iii. 111: LUPERCI).

The Salii were patricians (Cic. *de Dom.* 14, 38; Lucan, ix. 477; cf. Lucian, *de Salt.* 20), chosen (by co-optation of the college) from *patrimi et matrimi* in early youth, but, as they held the appointment for life, the colleges contained *seniores* and *juniores* ("hic juvenum chorus, ille senum," Verg. *Aen.* viii. 285): if however one of them became a flamen, augur, pontifex or consul, he passed out of the college of Salii by *exauguratio* (*C. I. L.* vi. 1978); but the assumption of the praetorship and consulship did not *necessarily* vacate the Salian priesthood, as may be seen from the case of Scipio (Liv. xxxvii. 33) and others (Val. Max. i. 1, 9; Macrob. iii. 14). The distinguishing dress of the Salii was an embroidered tunic, a brazen breast-plate, the trabea and the priestly cap [APEX], a sword girt at the side, on the left arm the *ancile* or sacred shield, and in the right hand a short staff with which the shield from time to time was struck. It is significant of their function that in dress they were half-priests, half-warriors. The two collegia were distinct not only in name: the Palatini had their sanctuary on the Palatine hill and were consecrated to Mars; the Collini had their sanctuary on the Quirinal and were consecrated to Quirinus (Liv. v. 52; Stat. Silv. vi. 29), both deities alike presiding over Roman warfare. Each collegium had charge of twelve ancilia. That both guilds had shields is not only the natural view, but is also distinctly stated by Livy (v. 52) in the words "quid loquar de ancilibus *vestris*, Mars Gradive tuque Quirine pater."

The great festival season of the Salii began with March, as the beginning alike of the campaigning and the agricultural season, and occupied the greater part of the month (Dionys. ii.

20; Polyb. xxi. 10, 12; cf. Huschke, *Das alte röm. Jahr*, p. 362). On the 1st of March they were said *arma movere* (τὰ ὅπλα κινεῖν, Lyd. *de Mens.* iii. 15), of which we must conceive the meaning to be that they brought forth the shields from their sacraria: then, equipped as above described, they went through the city in a procession which was continued for several days. They were preceded by trumpeters, and they themselves as they walked beat the shields with their staves, the *praesul* leading their dance in three-time (*tripudium*) and being said *amptruare*, while his followers *redamptruabant*, and the vates leading the Salian chant (see below). There were various stations (*mansiones*) for the annual processsion, at each of which successively the ancilia were deposited for one night (*C. I. L.* vi. 2158), and there the Salii feasted (Fest. p. 329); [for these banquets and their luxury see Hor. *Od.* i. 37, 2; Cic. *ad Att.* x. 9; Suet. *Claud.* 33:] on the next day the procession passed to another mansio. It seems to us possible that in this is to be found the explanation of the fact that "arma moventur" is stated of three days,—March 1st (Lyd. iii. 15), March 9th (Cal. Philoc.), and March 23rd (Lyd. iv. 42): we may suppose that the ceremonies which marked the shields being brought forth from the Curia Saliorum on March 1st, were repeated on the other two days when they were moved from two special mansiones, one probably being the sacrarium of the Regia. The exact progress of the procession cannot be traced out: we know that they offered sacrifice in the Regia (Fest. *l. c.*), where the Pontifex Maximus also and the *Saliae virgines* officiated (the latter, so far as we know, on that day only); they visited the Comitium (Varro, *L. L.* v. 85), the Capitol (Dionys. ii. 70), the Pons Sublicius (Serv. *ad Aen.* ii. 165, which explains the allusion in Catull. 17, 5), in each place with the characteristic dance and chant; probably in each there was a mansio. [For the special March festivals, in which the Salii officiated, see EQUIRRIA; AGONIA; QUINQUATRUS.] It is not certain whether we are to understand from the "30 days" mentioned by Polybius (xxi. 10) that not only the whole month of March was *religiosus* on this account for the Salii, but a whole month in autumn also. The 24th is the last day in March on which their functions are distinctly mentioned; and either immediately after this day, or at the end of the month, the shields were replaced (*condita*) in their sacrarium. As March opened the campaigning season, so October closed it (theoretically, not in practice), and this was marked on the 19th by an *armilustrium*, when the Salii again brought out the ancilia (Varr. vi. 22), and then stored them in their sacrarium till the next season. It is clear from a comparison of Tac. *Hist.* i. 89, Suet. *Oth.* 8, Liv. xxxvii. 33, and Polyb. xxi. 10, that the words *arma moventur* and *arma condita* apply equally to the spring and the autumn ceremonies: the first two passages refer to an expedition in March, the last two to the autumn; in each period for all the days (whatever their true number may have been) between the *arma mota* and the *arma condita*, no member of a Salian college could rightly travel from the place where he was for any expedition. Thus we find Scipio stopped in the autumn, and Otho regarded as unconventional because he refused to be stopped in the spring, "motis necdum conditis ancilibus." We have no precise information as to the parts taken in these ceremonies by the two colleges respectively: we should probably be right in assuming that the 24 Salii of both colleges together joined in the processions above mentioned, which signified the beginning and ending of the war season, with which both were equally concerned; on the other hand, we can have no doubt that on certain days specially belonging to one of the two deities or one of the two localities the chief, if not the sole, part fell to one of the colleges. In the Equirria, for instance, we must suppose the Salii Palatini to have taken the lead or officiated alone as the special priests of Mars, and so also in the tubilustrium, which was on the Palatine; but the Agonia on March 17 would naturally belong to the Salii Collini, who thence derived one of their names.

Carmen Saliare.—This chant, led by the vates of each Salian college, belonged to a very ancient ritual, and was in Quintilian's time scarcely intelligible (Quintil. i. 6, 40: cf. Hor. *Ep.* ii. 1, 86; Varro, *L. L.* vii. 3; Cic. *de Orat.* iii. 51, 197); the surviving portions may be seen in Wordsworth, *Fragments of Early Latin*, 564–566. The verses were called *axamenta*, which is itself a word of disputed origin, probably *not*, as some have said, akin to *axis*, like the Greek ἄξονες, inscribed tablets, but rather, as Curtius, Corssen, and Vaniçek agree, it came from the root *ag*, to which belong both ἠμί and *aio*, and therefore signified *utterances*. In their chant the Salii sang not only of Mars, to whom they seem to appeal as the averter of evil influences (perhaps in agriculture as well as in war), and Mamurius, who is doubtless the same as Mars, but also of Janus (Janus Quirinus), Jupiter (Lucetius), Juno and Minerva (Macrob. i. 9, 14, and 15, 14; Varro, *L. L.* vii. 26; Fest. pp. 3 and 122); and afterwards, as though it were a sort of "state prayer," they included the names of the reigning emperor and imperial princes (*Mon. Ancyr.* ii. 21; Tac. *Ann.* ii. 83, iv. 9; Capitol. *M. Anton. Phil.* 21). [For the effect of political changes and developments in the priesthoods, see SACERDOS.]

Ancilia.—These sacred shields were, according to the legends, at first twelve, viz. the shield which fell from heaven and the eleven copies. It is clear that these twelve were in the charge of the Salii Palatini, and, though some (as Ambrosch and Preller) have said that they were kept in the sacrarium of the Regia, we should rather follow Marquardt and Jordan (*Top.* ii. 271) in holding that they were kept in the Curia Saliorum on the Palatine. It was into this *sacrarium Martis* that the praetor or consul setting out for war entered, when, touching the shields, he said, "Mars vigila." With this corresponds the custody of the other twelve shields by the Salii Collini in the sacrarium on the Quirinal (Dionys. ii. 70). The *ancile* (for *ancidile, amcaedo*, i.e. cut on both sides) was an oblong shield, which would have been a complete oval but for a curved indentation on each side (ἐκτομὴ γράμμης ἑλικοειδοῦς, Plut. *Num.* 13; cf. Varro, *L. L.* vii. 43, "ab utraque parte, ut Thracum, incisa." See PELTA). It is probable that this

pattern of shield was handed down from a time when the shields were slung at the back, as is seen in vase-paintings as late as 500 B.C. The indentations then in these "figure of eight" shields were to allow for the free movement of the arms, when drawn back, especially in riding. It is, we think, probable that *ancile* was originally an adjective, and that the full name was *arma ancilia*, as in the calendar for March 9. The shape is clearly shown in the coin of the Licinii representing two ancilia and the priestly cap with the apex.

A representation is often relied upon from a gem in the museum of Florence, which shows two figures bearing ancilia (of the correct shape) hung on a staff. This has an Etruscan inscription, and may safely be pronounced not Roman; even its antiquity is now questioned (see Marquardt, p. 431; Baumeister, *Denk.* p. 1546), but it is likely that it is a correct representation of what did happen—*not* of the Salii in procession, for they carried each his own shield, in warrior-fashion, on the left arm, but of two attendants (Dionys. ii. 70) bearing on a pole the shields (which probably they were not allowed to touch), to deposit them either in their permanent sacrarium, or in one of the *mansiones* for the night. A coin has been found which represents a round shield. This may possibly be, as Marquardt suggests, the special form of the shields borne by the Colline Salii: his other suggestion, that it was a later form adopted for all ancilia, seems to be negatived by the fact that the coin is Domitian's, and therefore was struck at the time when Plutarch was writing of the shape as quoted above. The relief at Anagnia which shows perfectly oval ancilia may represent, as Benndorff says (*Annal. d. Inst.* 1869), a *local* variation in shape, differing from that of Rome. The common-sense view seems to us to be that the type of shield familiar in the time and place where each guild took its origin, was perpetuated and handed down in that guild. In this relief the staves are about as high as a man's shoulder, and have a knob at each end. We cannot agree with Marquardt that Ovid's words (*Fast.* iii. 377) necessarily imply a *round* shield: they only exclude an angular one; and it is clearly impossible that Ovid should not know the shape of the shield carried in his own time by the Salii.

It is beyond the scope of this work to discuss at length the mythological meaning of these rites, but it will be useful to notice briefly one or two considerations which affect the date and order of the ceremonies described above, and also to indicate the authorities for several interesting and some very probable theories about their origin which have been recently put forward. There can be no doubt that the reason why the month of March was the great ceremonial period for the Salii was that it was regarded as the birth month of Mars and the time for resuming warfare; but we may notice as perhaps more than probable the view that this Mars was in primitive Italian religion regarded not only as the giver of victory in war, but also as the deity who drove away the darkness of winter and death, and who, by his reappearance with spring, introduced not only the campaigning, but also the agricultural season. Roscher, in dwelling on the connexion of Apollo and Mars, further maintains with considerable force that a parallel is to be found between the singing and dancing of the Salii and the songs and dances in the worship of Apollo, whose birth-time also is in spring: he compares the ceremonies of the THEOPHANIA at Delphi, the Curetes at Ortygia, and their clashing of arms to avert a hostile power (cf. Strab. xiv. p. 640), and deduces, not of course that the Italian rites were borrowed from the Greek, but that the idea originally underlying both was the same—a new birth of the year or of light, the averting of evil influence, and protection in the future. Closely connected with this is the fact that the Flaminica Dialis showed at this period signs of mourning in her attire, just as she did at the ceremonies of the *Argei* [FLAMEN, Vol. I. p. 866 *a*], and also that it was pronounced an unlucky time for marriages; for it is more probable that this was originally because it was a period of striving against evil powers, than, as Ovid suggests (*Fast.* iii. 373), from associations with war.

We cannot, indeed, accept the view of Usener that the twelve ancilia symbolised twelve newborn suns, nor the less puzzling theory that they represented twelve moons. These theories arise from an idea, which we conceive to be erroneous, that the Salian priests were created for the shields, and were twelve because that was the number of the shields. It is more likely that there were twelve shields for each guild because each guild had twelve priests. In the Palatine city there were accordingly only twelve, but in historic Rome altogether twenty-four. As to the number twelve, whether of Etruscan origin or derived merely from three tribes and four regions, we need not here inquire.

While, however, we venture to dissent from these interpretations of the ancilia, we think that weight should be given to the interesting suggestion of Usener that "Mamurius Veturius" in the Equirria or Mamuralia [see EQUIRRIA], (when, according to Lydus, iv. 36, a man clothed in skins was driven out of the city with peeled rods,) was "old Mars," and that the rite symbolised the old season driven out by the new. It might rather, perhaps, be said that the man driven out represented in scapegoat fashion the darkness of winter and death, who were expelled, not Mamurius himself, and that the Salian cry to Mamurius is merely for his aid in the expulsion; but in any case there seems good reason for comparing these rites with others which have the above symbolical meaning. (See Grimm, *Mythol.* vol. ii. p. 764 E. T. For the references on the mythology in the latter part of this article, the present writer is indebted to unpublished notes of Mr. Ward Fowler: a full discussion will be found in Roscher, *Mars und Apollon*, pp. 25 ff., and Usener in *Rhein. Mus.* xxx. pp. 215 ff. For the history of the Salii and their functions, see Marquardt *Staatsverw.* iii. 427–438; Preller, *Röm. Myth.* i 350; Jordan, *Topog.* ii. 271; and for the ancilia besides the above, Baumeister, *Denkm.* p. 1546 Benndorff, *l. c.*) [W. S.] [G. E. M.]

SALINAE, sc. *fodinae* (ἁλαί, ἁλοπήγιον), a salt-work. The ancients had many ways of procuring salt, of which Pliny, *H. N.* xxxi. §§ 73–92, gives a summary. They were acquainted with rock-salt (Herod. iv. 181–185; ἅλες ὀρυκτοί, Arrian, *Exped. Alex.* 3, 4; *sal nativus*). They obtained salt also from inland lakes (Herod. vii. 30), from natural springs or brine-pits (Cic. *N. D.* ii. 53, 132), and from coasts where the sun dried it out of the sea-water (as the ἅλες αὐτόματοι at the mouth of the Borysthenes: Herod. iv. 53 and Dio Chrys. *Or.* 36; Pliny, *l. c.*). But they obtained their largest supplies from works constructed on the seashore where it was adapted for the purpose by being low and easily overflowed by the sea. In order to aid the natural evaporation, shallow rectangular ponds (the *multifidi lacus* of Rutil. *Itin.* i. 478) were dug, divided from one another by earthen walls, and probably like the old salt-pans still visible on many points of the English coast. The seawater was admitted by channels which could be closed by sluices (CATARACTA; Rutil. i. 481). As the water flowed from one evaporating-pond to another, it became more strongly impregnated with salt (Rutil. i. 475–490). When the brine began at last to crystallise, the maker (*salinator*, ἁλοπηγὸς) raked out the salt and left it to drain (Nicander, *Alex.* 519). Works of this kind gave the name of Ἅλαι or *Salinae* to several places in Attica (Steph. Byz.; see Boeckh, *Staatshaushaltung der Athener*, i. 126, ed. 3), Britain (Ptol.), and elsewhere. Cato, *R. R.* 88, gives directions for further purifying common salt.

Brine made as above (*coacto humore*, Plin. *H. N.* xxxi. § 73) was called by the Greeks ἅλμη, by the Latins *salsugo* or *salsilago*, and by the Spaniards *muria* (Plin. xxxi. § 83). It was used by the Egyptians to pickle fish (Herod. ii. 77), and by the Romans to preserve olives, cheese, and meat (Cato, *l. c.*). From *muria*, which may be connected with ἁλμυρίς, "brine," victuals cured in it were called *salsa muriatica* (Plaut. *Poen.* i. 2, 31).

Under Roman government salt-works were common public property, and were let to the highest bidder. Ancus Martius is said to have established the first salt-work at Ostia (Liv. i. 33; Plin. xxxi. § 89). In Liv. ii. 9 (B.C. 508) we find the government interfering with the price, and the sale of salt becoming a state-monopoly. In B.C. 204 (Liv. xxix. 37) a new *vectigal* was raised out of salt. Livy apparently means that a tax was put on, in addition to the revenue derived from the manufacture, but he is far from being clear. The price of salt was at the same time limited. The *modius* (about a peck) was to be sold for a *sextans* at Rome; but dearer in other parts of Italy, no doubt to cover the cost and risks of transport. In the provinces salt-works were sometimes left to their former owners (persons or towns), who had merely to pay Rome a fixed rent; but the commonest plan was to lease them to *publicani*. The Roman government seems to have been anxious to keep the price of salt down; but still its monopoly was maintained under the Empire (Cod. Just. iv. 61, 11). [F. T. R.]

SALI'NUM, *dim.* **SALILLUM**, a salt-cellar. Among the poor a shell served for a salt-cellar (Hor. *Sat.* i. 3, 14; Schol. *ad loc.*); but all who were raised above poverty had one of silver which descended from father to son (Hor. *Carm.* ii. 16, 13; Liv. xxvi. 36), and was accompanied by a silver *patella*, which was used together with the salt-cellar in the domestic sacrifices (Pers. iii. 24, 25). These two articles of silver were alone compatible with the simplicity of Roman manners in the early times of the Republic (Plin. *H. N.* xxxiii. § 153; Val. Max. iv. 4, § 3). The salt-cellar was no doubt placed in the middle of the table, to which it communicated a sacred character, from the offering of the *mola salsa* to the Lares. [Compare LARARIUM; PATELLA; Becker-Göll, *Gallus*, iii. 398.] In shape the salinum was probably in most cases a round shallow bowl. Probably some of the small silver bowls from Montcornet (Aisne), in the British Museum (referred to under PIPERATORIUM), are salt-cellars. [J. Y.] [G. E. M.]

SALTA'TIO (ὄρχησις), dancing. The dancing of the Greeks as well as of the Romans had very little in common with the exercise which goes by that name in modern times. It may be divided into two kinds, gymnastic and mimetic; that is, it was intended either to represent bodily activity, or to express by gestures, movements, and attitudes certain ideas or feelings, and also single events or a series of events, as in the modern ballet. All these movements, however, were accompanied by music; but the terms ὄρχησις and *saltatio* were used in so much wider a sense than our word "dancing," that they were applied to designate gestures even when the body did not move at all (Plat. *Legg.* vii. pp. 814, 816; Ovid, *Ars. Am.* i. 595, ii. 305; *saltare solis oculis*, Apul. *Met.* x. p. 251; cf. Grote, *Hist. of Greece*, vol. iv. p. 114).

We find dancing prevalent among the Greeks from the earliest times. It is frequently mentioned in the Homeric poems (*Il.* ix. 186; xiii. 637): the suitors of Penelope delight themselves with music and dancing (*Od.* i. 152, 421; xviii. 304); Ulysses is entertained at the court of Alcinous with the exhibitions of very skilful dancers, the rapid movements of whose feet excite his admiration (*Od.* viii. 265); and from *Od.* xxiii. 134 we may gather that the dancing of the guests was then an ordinary part of a wedding festival.

But a broad distinction must be made between the custom of the heroic age in this particular and of later times, especially as regards Attica. In Sparta, and probably in Doric states generally, the dance was regularly taught both as a gymnastic training and with a view to religious festivals, and boys and girls danced together (see below, ὅρμος); but even in Doric states we do not gather that it was, as in the Homeric poems, an ordinary amusement in domestic life, or that it took the place which dancing now does. At Athens, in the age of Pericles and afterwards, we find dances used in certain religious festivals and in the drama [DIONYSIA; CHORUS]; but as regards dancing for amusement in private houses the custom differs altogether from that of the older and simpler times described in the Homeric poems. The dancers are hired to amuse as a spectacle, and when the guests dance themselves it is a sign that they are excited by wine (cf. Alex. *ap.* Athen. iv. p. 134 a; Theophrast. *Char.* 9; Xen. *Hier.* 6, 2). Social dances of men and

women together were wholly precluded by the customs regulating the appearance of women in society [MATRIMONIUM, p. 137]; and, when Plato advocates the dancing of young men and maidens together (*Legg.* vi. p. 771), we must notice that he is expressing a desire, not describing what existed. It seems, however, that women in private houses danced together at family festivals such as the Amphidromia (Eubul. *ap.* Athen. xv. p. 668; cf. Aristoph. *Lys.* 408). Still, there was even in this restricted amount of dancing a difference between Greek and Roman habits, which is noticed by Cornelius Nepos (*Epam.* 1), and moreover, as time went on, dancing for mere amusement (though still with separation of the sexes) became commoner again in Greece than it had been in the time of the great Greek writers (cf. Athen. xiv. p. 628 c).

The lively imagination and mimetic powers of the Greeks found abundant subjects for various kinds of dances, and accordingly the names of no less than 200 different dances have come down to us. (Meursius, *Orchestr.*; Athen. xiv. pp. 627–630; Pollux, iv. 95–111; Liban. *ὑπὲρ τῶν ὀρχ.*) It would be inconsistent with the nature of this work to give a description of all that are known; only the most important can be mentioned, and such as will give some idea of the dancing of the ancients.

Dancing was originally closely connected with religion: Plato (*Legg.* vii. pp. 798, 799) thought that all dancing should be based on religion, as it was, he says, among the Egyptians. The dances of the Chorus at Sparta and in other Doric states were intimately connected with the worship of Apollo, as has been shown at length elsewhere [CHORUS; HYPORCHEMA]; and in all the public festivals, which were so numerous among the Greeks, dancing formed a very prominent part. All the religious dances, with the exception of the Bacchic and the Corybantian, were very simple, and consisted of gentle movements of the body with various turnings and windings around the altar: such a dance was the *γέρανος*, which Theseus is said to have performed at Delos on his return from Crete (Plut. *Thes.* 21). The Dionysiac or Bacchic and the Corybantian were of a very different nature. In the former the life and adventures of the god were represented by mimetic dancing [DIONYSIA]; the dance called *Βακχικὴ* by Lucian (*de Salt.* 79) was a Satyric dance, and chiefly prevailed in Ionia and Pontus. The most illustrious men in the state danced in it, representing Titans, Corybantians, Satyrs, and husbandmen; and the spectators were so delighted with the exhibition, that they remained sitting the whole day to witness it, forgetful of everything else. The Corybantian was of a very wild character: it was chiefly danced in Phrygia and in Crete; the dancers were armed, struck

Corybantes, from a relief. (Krause.)

their swords against their shields, and displayed the most extravagant fury; it was accompanied chiefly by the flute. (Lucian, *ib.* 8; Strab. x. p. 473; Plat. *Crit.* p. 54 D.) The preceding woodcut, from the *Museo Pio Clementino* (vol. iv. pl. 2), is supposed to represent a Corybantian dance. Respecting the dances in the theatre, see CHORUS.

Dancing was applied to gymnastic purposes and to training for war, especially in the Doric states, and was believed to have contributed very much to the success of the Dorians in war, as it enabled them to perform their evolutions simultaneously and in order. Hence the poet Socrates (Athen. xiv. p. 628 f) says:

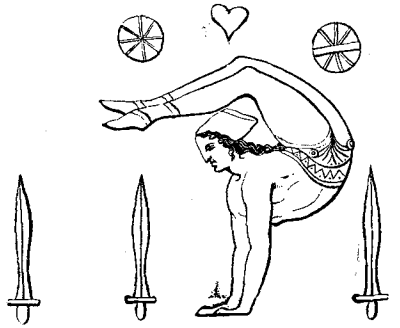
> οἳ δὲ χοροῖς κάλλιστα θεοὺς τιμῶσιν, ἄριστοι
> ἐν πολέμῳ.

There were various dances in early times, which served as a preparation for war: of such dances the most celebrated was the Pyrrhic (*ἡ Πυρρίχη*), of which *πύλις* was said to be the name in Crete. For a full account of the Pyrrhic dance in Greece and at Rome, see PYRRHICA.

Another important gymnastic dance was performed at the festival of *γυμνοπαιδίαι* at Sparta, where the chief object, according to Müller (*Dor.* iv. 6, § 8), was to represent gymnastic exercises and dancing in intimate union. Respecting the dance at this festival, see GYMNOPAEDIA.

There were other dances, besides the Pyrrhic, in which the performers had arms; but these seem to have been entirely mimetic, and not practised with any view to training for war. Such was the *Καρταία* peculiar to the Aenianians and Magnetes, which was performed by two armed men in the following manner: one lays down his arms, sows the ground, and ploughs with a yoke of oxen, frequently looking around as if afraid; then comes a robber, upon which the other snatches up his arms and fights with him for the oxen. All these movements are rhythmical, accompanied by the flute. At last the robber binds the man and drives away the oxen, but sometimes the husbandman conquers. (Xen. *Anab.* vi. 1, §§ 7, 8; Athen. i. pp. 15 f, 16 a; Maxim. Tyr. *Diss.* xxviii. 4.) Similar dances by persons with arms are mentioned by Xenophon on the same occasion. These dances were frequently performed at banquets for the entertainment of the guests (Athen. iv. p. 155 b). At banquets likewise the *κυβιστητῆρες* or tumblers were frequently introduced. These tumblers, in the course of their dance, flung themselves on their heads and alighted again on their feet (*ὥσπερ οἱ κυβιστῶντες καὶ εἰς ὀρθὸν τὰ σκέλη περιφερόμενοι κυβιστῶσι κύκλῳ*, Plato, *Symp.* p. 190 A). We read of *κυβιστητῆρες* as early as the time of Homer (*Il.* xviii. 605; *Od.* iv. 18). They were also accustomed to make their somersault over knives or swords, which was called *κυβιστᾶν εἰς μαχαίρας* (Plato, *Euthyd.* p. 294 D; Xen. *Mem.* i. 3, § 9, *Symp.* ii. 14; Athen. iv. p. 129 d; Pollux, iii. 134). The way in which this feat was performed is described by Xenophon, who says (*Symp.* ii. 11) that a circle was made quite full of upright swords, and that the dancer *εἰς ταῦτα ἐκυβίστα τε καὶ ἐξεκυβίστα ὑπὲρ αὐτῶν*: and it is well illustrated by the following cut taken from the *Museo Borbonico*, vol. vii. tav. 58. (Becker-Göll, *Charikles*, i. 164; Baumeister, *Denkmäler*, p. 584 f.) We learn from Tacitus (*Germ.* 24)

that the German youths also used to dance among swords and spears pointed at them.



Tumbler. (*Museo Borbonico.*)

An even more remarkable performance is represented on a vase-painting (*Bull. Napol.* v. tav. 7 = Baumeister, fig. 631), where the performer in a similar position is shooting an arrow with her feet, and another (Tischbein, i. 60 = Baum. 632) is filling from a large amphora a cup which she holds in her foot by means of a cyathus which she holds in the other. It may be noted that Krause in his representation of this last vase-painting wrongly gives three distinct scenes as if they were connected in one whole.

Other kinds of dances were frequently performed at entertainments, in Rome as well as in Greece, by courtesans, many of which were of a very indecent and lascivious nature (Macrob. *Sat.* ii. 10; Plaut. *Stich.* v. 2, 11). The dancers seem to have frequently represented Bacchanals: many such dancers occur in the paintings found at Herculaneum and Pompeii in a variety of graceful attitudes. (See *Museo Borbonico*, vol. vii. tav. 34–40; vol. ix. tav. 17; vol. x. tav. 5, 6, 54.)

Among the dances performed without arms one of the most important was the *ὄρμος*, which was danced at Sparta by youths and maidens together: the youth danced first some movements suited to his age, and of a military nature; the maiden followed in measured steps and with feminine gestures. Lucian (*de Salt.* 12) says that it was similar to the dance performed at the Gymnopaedia. (Compare Müller, *Dor.* iv. 6, § 5.) Another common dance at Sparta was the *Bibasis* (*βίβασις*), which was much practised both by men and women. The dance consisted in springing rapidly from the ground, and striking the feet behind; a feat of which a Spartan woman in Aristophanes (*Lysistr.* 28) prides herself (*γυμναδδομαί γα καὶ ποτὶ πυγὰν ἄλλομαι*). The number of successful strokes was counted, and the most skilful received prizes. We are told by a verse which has been preserved by Pollux (iv. 102), that a Laconian girl had danced the bibasis a thousand times, which was more than had ever been done before. (Müller, *Dorians*, iv. 6, § 8.)

In many of the Greek states the art of dancing was carried to great perfection by females, who were frequently engaged to add to the pleasures and enjoyment of men at their symposia. These dancers always belonged to the hetaerae. Xenophon (*Symp.* ix. 2–7) describes a mimetic dance which was represented at a symposium where Socrates was present. It was performed by a maiden and a youth, belonging to a Syracusan, who is called the *ὀρχηστοδιδάσκαλος*, and represented the loves of Dionysus and Ariadne.

Dancing was common among the Romans in ancient times in connexion with religious festivals and rites, and was practised, according to Servius (*ad* Verg. *Ecl.* v. 73), because the ancients thought that no part of the body should be free from the influence of religion. The dances of the Salii, which were performed by men of patrician families, are spoken of elsewhere. [SALII.] For the Pyrrhic dance at Rome, see PYRRHICA. There was another old Roman dance of a military nature, called *Bellicrepa Saltatio*, which is said to have been instituted by Romulus, after he had carried off the Sabine virgins, in order that a like misfortune might not befall his state (Festus, *s. v.*). Dancing, however, was not performed by any Roman citizen except in connexion with religion; and it is only in reference to such dancing that we are to understand the statements that the ancient Romans did not consider dancing disgraceful, and that not only freemen but the sons of senators and noble matrons practised it (Quintil. *Inst. Orat.* i. 11, § 18; Macrob. *Sat.* ii. 10). In the later times of the Republic we know that it was considered highly disgraceful for a freeman to dance: Cicero reproaches Cato for calling Murena a dancer (*saltator*), and adds, "Nemo fere saltat sobrius, nisi forte insanit" (*pro Muren.* 6, 13; *in Pison.* 10, 22; *pro Deiot.* 9, 26; cf. Hor. *Od.* iii. 621).

The mimetic dances of the Romans, which were carried to such perfection under the Empire, are described under PANTOMIMUS. Respecting the dancers on the tight-rope, see FUNAMBULUS. (Meursius, *Orchestra;* Burette, *De la Danse des Anciens;* Krause, *Gymnastik und Agon. d. Hell.* p. 807; Schömann, *Antiq.* p. 58; Becker-Göll, *Charikles*, i. 166; Blümner, *Privatleben*, p. 505; Marquardt, *Privatleben*, p. 109.) [W. S.] [G. E. M.]

SALVIA'NUM INTERDICTUM. [INTERDICTUM.]

SALŪTATIO, the name given to one of the forms of attention (*officia*) expected from clients by their patrons at Rome. The client would wait even before daybreak (cf. Mayor on Juv. iii. 127 and v. 19) in the vestibule until the doors of the atrium were opened. There he attended until the patron appeared, and the nomenclator announced the name of the dependent, who brought his morning greeting (*ave*). The callers were commonly divided into various *admissiones*, according to their rank and intimacy, and even men of good position found themselves in the number (Juv. i. 100; Sen. *de Ben.* vi. 33). The clients who were invited to do so, accompanied the patron wherever he might be going. Others, after receiving the dole [SPORTULA] at one house, would hurry off to another, to be similarly rewarded there (Mart. x. 74). The name *salutatores* was used of the clients who earned their living by these attentions. (Cf. Friedländer, *Röm. Sitteng.* i.[6] 382 ff.; Becker, *Gallus*, ii.[3] 159 ff.) [A. S. W.]

SAMBU'CA. 1. (*σαμβύκη*, or *σαβύκη*, Arcadius, *de Accent.* p. 107), a harp. The preceding Latin and Greek names are with good reason represented by Bochart, Vossius, and other critics,

to be the same as the Hebrew סַבְּכָא (sabbeca), the "sackbut," which occurs in Daniel (iii. 5, 7, 10). The performances of *sambucistriae* (*σαμβυκιστρίαι*) were only known to the early Romans as luxuries brought over from Asia (Plaut. *Stich.* ii. 3, 57; Liv. xxxix. 6). The *chordae obliquae* which Juvenal (iv. 64) mentions among Asiatic innovations at Rome denote the sambuca. The Athenians considered them as an exotic refinement (Philemon, p. 370, ed. Meineke); and the Rhodian women who played on the harp at the marriage-feast of Caranus in Macedonia, clothed in very thin tunics, were introduced with a view to give to the entertainment the highest degree of splendour. Some Greek authors expressly attributed the invention of this instrument to the Syrians or Phoenicians (Athen. iv. p. 175 d). The opinion of those who ascribed it to the lyric poet Ibycus can only authorise the conclusion that he had the merit of inventing some modification of it, the instrument as improved by him being called *Ἰβύκινον* (Athen. *l. c.*; Suidas, *s. vv.* *Ἰβύκινον*, *Ἰβυκός*, *Σαμβῦκαι*). Strabo, moreover, represents *σαμβύκη* as a "barbarous" name (x. 3, § 17). [See also LYRA.]

An illustration is given below of an Egyptian harp, which perhaps represents the sambuca. It is from a painting on an Egyptian tomb. Under the Roman emperors the harp appears to have come into more general use (Pers. v. 95; Spartian. *Hadr.* 26).

Ancient Egyptian harp. (Bruce.)

2. *Sambuca* (*σαμβύκη* or *σανδύκη*: see Wescher, *Poliorcet.* p. 61) was also the name of a military engine used in sieges. For its use and construction the authorities are Polyb. viii. 2; Veget. iv. 17; Plut. *Marcell.* 15; Athen. xiv. p. 634 b; Onosand. *Strat.* 42; and an elaborate, but not perfectly clear, description in Bito (ed. Wescher, *l. c.*), where a plan is given. It was a movable bridge for passing either from the ships or the towers of the besiegers on to the walls. The *σανδύκη* of Bito was a bridge with sheltering bulwarks supported on a high column or cylinder made as a screw, which was turned in any direction by a capstan; the whole being fixed on a platform with wheels, so that it combined tower and bridge. The bridge had a weight at one end to assist in keeping it horizontal, and a ladder at the other by which the soldiers climbed up to it; it was turned with the column upon its screw in the required direction, and raised to a level with the top of the wall by the screw (and probably also by pulleys). The sambuca of Vegetius passed from the besieging tower to the walls, being raised by pulleys; the same tower might have a ram in its lower story. That of Polybius passed on to the walls from two ships anchored together; it was raised by pulleys on the masts, and the soldiers mounted to it by a ladder sheltered with *δρύφακτοι*. The name (as Vegetius, Polybius, and Athenaeus notice) was given because of a fancied resemblance of the machine, with its upright masts or supports and the ropes from its pulleys, to the harp described above. (See also Rüstow and Kochly, *Gr. Kriegsw.* 312; Marquardt, *Staatsverw.* ii. 312; A. Müller in Baumeister, *Denkm.* p. 542.) [J. Y.] [G. E. M.]

SAMNI'TES. [GLADIATORES, Vol. I. p. 918 *b*.]

SANDA'LIUM. [SOLEA.]

SANDA'PILA. [FUNUS, Vol. I. p. 892 *a*.]

SAPO. Pliny (*H. N.* xviii. § 191) mentions this as a Gallic invention; it was not, however, our soap, but a sort of pomade or wash ("duobus modis spissus ac liquidus"), made of fat and ashes, and used to give a golden tint to the hair. Pliny adds that it was used in Germany, and even more by men than women of that country (cf. Tac. *Hist.* iv. 61; Juv. xiii. 161, and Mayor *ad loc.*). In fact, most other writers seem to connect it rather with the Germans than the Gauls: Martial calls it "spuma Batava" (viii. 33 = *caustica spuma*, xiv. 26) and "Mattiacae pilae," *i.e.* balls of this composition from Mattiacum in Germany (xiv. 27). Ovid speaks of "Germanae herbae" for dyeing the hair, where the word *herbae* may be applied in ignorance of the materials used to make the dye. The *flavus cinis*, of which Servius (*ad Aen.* iv. 698) says that Cato makes mention, is probably this *sapo*. For the equivalents to our soap used by Greeks and Romans, see FULLO, Vol. I. p. 161. (Becker-Göll, *Gallus*, iii. 161; Marquardt, *Privatleben*, 787; Blümner, *Technologie*, i. 161.) [G. E. M.]

SA'RCINAE. [EXERCITUS, Vol. I. p. 807.]

SARCO'PHAGUS, properly an epithet of *lapis*, a flesh-eating stone from Assos in the Troad, in which Pliny (*H. N.* ii. § 211; xxxvi. § 161) says bodies were buried, and consumed all but the teeth within forty days. The word has come to be commonly used for any coffin (*e.g.* Juv. x. 172), and especially for a coffin in stone with sculptural decorations. The introduction of these into Greece and Rome was due to foreign influence; and they are not found in either before the period of decline. In Egypt they existed from the earliest period, and they were thence introduced into Phoenicia. But the object among these people, as well as in Greece and Rome, was to preserve the body, not to destroy it; hence the name "sarcophagus" is peculiarly inappropriate.

We may distinguish the coffin for the reception of the body, inside the tomb, often plain and sometimes cut in the solid rock, from the ornamental erection of a similar shape placed in a conspicuous position to serve as a monument. But the ornamentation of the one was naturally enough often transferred to the other.

The Egyptian sarcophagus was, as the dwell-

ing of the deceased, sometimes made in the form of a house; and a similar architectural form is found in Greece and Rome. The earliest sarcophagus showing the influence of Greek

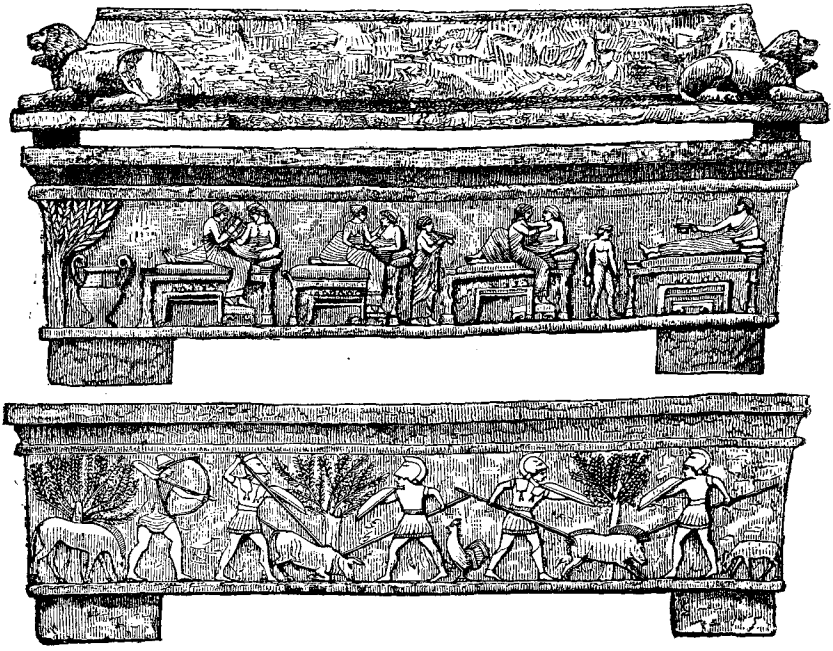


Fig. 1. Sarcophagus from Golgoi in Cyprus. (Cesnola.)

style comes from Cyprus; here we see the myth of the Gorgon and a hunting scene, on other sides a banquet and a chariot group. Unfortunately, there is no trustworthy record of its discovery. In Lycia, the tomb often takes the form of a large sarcophagus mounted on a base; scenes of life, such as fights and banquets, are favourite subjects. In Greece we do not find sarcophagi till the Hellenistic period, when foreign influences were common. They were at first, like those of Asia Minor, intended as visible monuments outside the tomb; and accordingly we find that the reliefs are never allowed to interfere with the lines of the architectural form (fig. 2). The subjects are often purely decorative; often children are represented in various employments, perhaps because their short and plump figures best suit the field to be filled. Mythological subjects also occur, such as the combat with the Amazons, and a few other scenes.

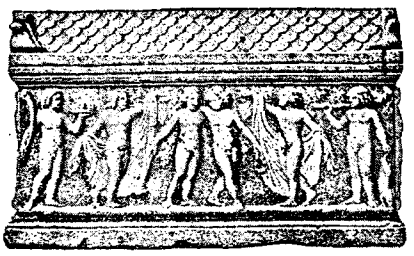


Fig. 2. Sarcophagus found at Patras. (*Arch. Zeit.* 1872.)

Sarcophagi of stone with architectural decoration were made in Rome as early as the third century (*e.g.* the famous ones from the tomb of the Scipios); but the marble ones with scenes in relief belong to imperial times, and are not common till the second century A.D. These form by far the most numerous class of sarcophagi, and are usually meant when the word is used. Partly because they were usually inside the tomb, partly from want of artistic feeling, the reliefs are less subordinate to the structural form; they are often crowded with figures, and even the corners are not clear (fig. 3). The back is usually plain. The execution of these varies from fair Graeco-Roman work to the last and worst attempts of classical art; but the style does not rise above that of handicraft, and figures and groups are repeated from conventional models. The variety of subject is such that it can only be touched on here. A most extensive gallery of mythological scenes, Dionysiac and other processions, Muses, and Cupids may be found on them; also scenes from daily life, and sometimes a succession of scenes, often representing the various ages of man. Sometimes the same is represented by mythological or mystical symbolism.

Here sarcophagus has been taken to mean stone coffin, but the word is often loosely used for a coffin of other material, especially of terra-cotta. Fine painted terra-cotta coffins, of archaic period, have been found in Asia Minor; and also in Etruria they are frequent, ornamented with painting or reliefs. A figure of the deceased often reclines on the top, as in the smaller Etruscan urns or boxes for the ashes of

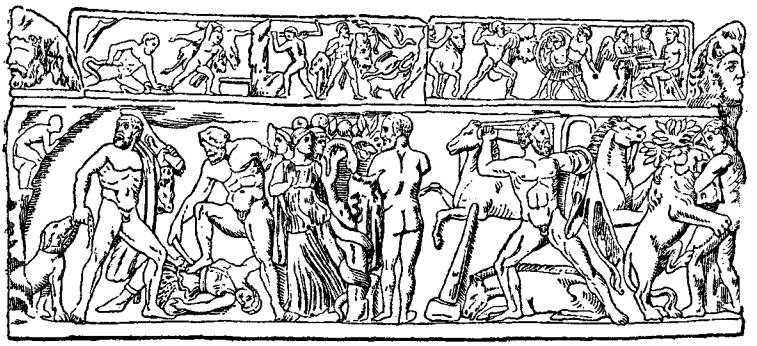


Fig. 3. Front of Sarcophagus from Genzano. The labours of Hercules. (Brit. Mus.)

the dead, in stone, which may also be regarded as a variety of sarcophagus.

(No complete work on the subject exists, but one has been undertaken by the German Institute. Meanwhile, isolated articles must be consulted, *e.g.* Matz, *Arch. Zeitung*, 1872, p. 11 *sqq.*; Milchhöfer, *Annali d. Inst. Arch.* 1879, p. 87 *sqq.*; Overbeck, *Geschichte der griechischen Plastik*, ii. pp. 475 *sqq.*) [E. A. G.]

SA'RCULUM (*a sarriendo*, Varro, *L. L.* v. 31, σκαλίς, σκαλιστήριον), a hoe. (Hor. *Od.* i. 1, 11; Ovid, *Met.* xi. 36, *Fast.* i. 699, iv. 927; Plaut. *Truc.* ii. 2, 21; Cato, *de Re Rust.* 10; Columella, x. 21.) It was lighter than the MARRA (compare Plin. *H. N.* xvii. § 146, xix. § 241), and was sometimes a simple blade, sometimes two-pronged (Pallad. i. 43). It was also used like the RASTRUM to cover the seed when sown (Columella, ii. 11), and in mountainous countries it served instead of a plough (Plin. *H. N.* xviii. 19, § 178). Directions for using it to clear the surface of the ground (σκάλλειν, Herod. ii. 14; σκαλεύειν, Schol. *in* Theocrit. x. 14) are given by Palladius (*de Re Rust.* ii. 9). See also Juv. xv. 166, and Mayor's note. [J. Y.] [G. E. M.]

SARISSA. [EXERCITUS, p. 488 *a*.]

SARO'NIA, a festival celebrated every year at Troezen in honour of Artemis; no particulars are known. (Paus. ii. 32, 9; Spanheim on Callim. *Hymn. in Delum*, 42, p. 414.) [L. S.]

SARRA'CUM, a kind of common cart or waggon, which was used by the country people of Italy for conveying the produce of their fields, trees, and the like from one place to another (Vitruv. x. 1; Juv. iii. 254). Its name, as well as the fact that it was used by several barbarous nations, shows that it was introduced from them into Italy (Sidon. *Epist.* iv. 18; Amm. Marc. xxxi. 2). That persons also sometimes rode in a sarracum, is clear from a passage of Cicero quoted by Quintilian (viii. 3, § 21), who regards the word *sarracum* as low and vulgar. Capitolinus (*Anton. Philos.* 13) states that during a plague the mortality at Rome was so great that it was found necessary to carry the dead bodies out of the city upon the common sarraca. Several of the barbarous nations with which the Romans came in contact used these waggons also in war, and placed them around their camps as a fortification (Sisenna, *ap.* Non. iii. 35), and the Scythians used them in their wanderings, and spent almost their whole lives upon them with their wives and children, whence Ammianus compares such a caravan of sarraca with all that was conveyed upon them to a wandering city. The Romans appear to have used the sarracum for all purposes for which the plaustrum was employed [PLAUSTRUM], and Juvenal (v. 22) even applies it to the constellation which was generally called Plaustrum; but that there must have been some difference in the build is clear from the fact that plaustrum and sarracum are mentioned together in Juvenal and Vitruvius. What the difference was cannot be positively decided: both alike were formed with two wheels as well as with four (*Ed. Diocles.* 15, 23–28); from a general survey of the passages cited it may, however, be surmised that the sarracum was larger and heavier than the plaustrum. (Scheffer, *de Re Vehic.* ii. 31; Marquardt, *Privatl.* 732.) [L. S.] [G. E. M.]

SARTA'GO (τήγανον, τάγηνον), a frying-pan (Juv. x. 63), "a strepitu soni vocata quando in ea ardet oleum" (Isid. xx. 8); the oil being used for frying, as we use butter or fat. In Pliny (*H. N.* xvi. § 55) it is used for melting resin. The shape of a sartago which has been found at Pompeii is exactly like that of a modern frying-pan (see *Mus. Borbon.* iv. tav. 12; Guhl and Koner, ii. 188). For the Greek equivalent, see Athen. vi. pp. 228, 229. [L. S.] [G. E. M.]

SA'TIRA or SA'TURA. The word, it would appear, originally meant a mixture or medley. Varro, quoted by Diomedes, p. 486 (Keil), defined *satura* as a dish or compound of various ingredients: "satura est uva passa et polenta et nuclei pinei mulso conspersi; farcimen . . . multis rebus refertum saturam dicit Varro vocitatum." Festus, p. 314 (Müller), and Isidore, *Orig.* xx. 2, 8, say much the same thing. The phrase *per saturam* thus meant "promiscuously," "without distinction," "in no definite order:" thus Lactantius says (*Inst.* i. 21, 13), "Pescennius Festus in libris historiarum per saturam refert," ("he says, among a number of other things, that," &c.); Charisius, p. 194 (Keil), "adverbium . . . omnia in se capit quasi collata per saturam" ("the adverb contains everything in a miscellaneous collection"). As a technical term of law, *per saturam* or *in saturam* denoted a bill the various provisions of which were proposed and voted on, not separately, but in a lump. Thus at the close of a *lex* the words were added, "neve per saturam abrogato aut

derogato" (Festus, p. 314); Fronto says (p. 212, Naber), "non sparsa nec sine discrimine aggerata, ut quae per saturam feruntur." As applied to voting, *per saturam* seems to have meant "promiscuously;" in other words, that the voting was taken not individually, but by show of hands, acclamation, or some other rough and ready method. C. Laelius, quoted by Festus, p. 314, says, "quasi per saturam sententiis exquisitis." A number of other passages might be quoted to the same effect.

In literature, *satura* perhaps meant *satura fabula*, a story or piece of writing of miscellaneous contents. If we may trust Livy, who is probably merely reproducing and abridging information derived from some older authority, the word was originally applied to a rude form of drama (perhaps merely a scene) without a plot, which dealt with a miscellaneous variety of subjects. When Livy describes the origin of dramatic performances at Rome (vii. 2, 4), he seems here to have meant by *satura* a simple scene without a plot, acted at first without, but afterwards (under Etruscan influence) with, a regular musical accompaniment and corresponding gestures. This scene or dialogue with musical accompaniment never developed into a play with a regular plot. Livius Andronicus was the first artist who gave up *saturae*, and, under Greek influence, introduced a regular drama: "ab saturis ausus est argumento fabulam serere."

The *fabula*, or regular play, drove the *satura* from the sphere of acted drama, and the word was then applied to a literary composition not written for acting, dealing with a miscellaneous variety of subjects or characters, and composed sometimes in prose and verse, sometimes in verse only, but verse in a variety of metres. (Diomedes, p. 485, "olim carmen quod ex variis poematibus constabat satura vocabatur, quale scripserunt Pacuvius et Ennius;" cf. Isid. *Orig.* v. 16, 1, "saturas scribere est poemata varia condere.")

History of the literary Satura.—Ennius (born 239 B.C.) is mentioned by Horace as the founder of this form of composition (*Sat.* i. 10, 66, "rudis et Graecis intacti carminis auctor"). He wrote several books of *saturae*. Six are mentioned by the ancient grammarians, but in all probability there were more, as some are quoted not by their numbers but by their titles. Of the subjects of the first and second books nothing is known; of the fragments of the second, one is written in trochaic, the other in hexameter verse. The third book, entitled *Scipio*, may have been dedicated to the achievements of the younger Africanus. Some fragments of it remain, written in hexameters, iambics, and trochaics. The titles and fragments of some of the other *saturae* may give some clue to their contents. The *Hedyphagetica* must have treated of gastronomy; the *Epicharmus* and *Euhemerus* of philosophy and mythology. Aulus Gellius (*Noctes Atticae*, ii. 29, 3) preserves a notice that Ennius, in one of his *saturae*, versified, with great success, the fable of the lark and its young ones; but in which book he did this is unknown. Scanty as they are, these fragments clearly show what the *satura* was in the hands of Ennius. It was a literary conversation composed in various metres, the epic hexameter as well as the ordinary metres of the comic drama—whether with an admixture of prose, we do not know. Its subjects might be serious or otherwise, according to the author's fancy. It was, in short, a talk with cultivated society at Rome on the topics of the hour. Pacuvius (about 220–132 B.C.) wrote *saturae* of which nothing remains, and we therefore pass on to the author whose name was inseparably associated with this form of composition, and who was generally accounted, in Latin antiquity, its greatest master. Lucilius (180 or 167–103 B.C.) appears to have devoted himself exclusively to the *satura*. He wrote at least thirty books of *saturae*, each of which, probably, contained several pieces. Of these books the first seems to have been written in hexameters, the rest partly in hexameters or elegiacs, partly in iambics or trochaics. Thus, in external form, the *satura* of Lucilius did not differ much, if at all, from that of Ennius. It was still a brief narrative or picture of life, with an element of dialogue. So much is clear, if only from the remains of the third book, from which Horace copies his *Journey from Rome to Brundisium;* from the scene in the fourth book between Aeserninus and Pacideianus, the rustic supper in the fifth book, and the convivial scenes of the fourteenth and twentieth. The range of his subjects is a very wide one: philosophy, philology, literary criticism, war, contemporary life in all its phases—all find a place in his *saturae*. But an important point of difference must be noticed between Lucilius and his predecessors, which had not escaped the notice of the ancients. Diomedes (p. 485) speaks of the *satira* which was "carmen maledicum et ad carpenda hominum vitia archaeae comoediae charactere compositum, quale scripserunt Lucilius et Horatius et Persius." Lucilius was the first writer who impressed on the *satura* the character of invective which it to a great extent preserved in the hands of Albucius ("cuius Luciliano charactere sunt libelli," as Varro says, *L. L.* iii. 2, 17), Horace, Persius, and Juvenal. With Lucilius the *satura* underwent a new Greek influence, that of the Old Attic Comedy, and became the instrument not only of personal reflection or advice or expostulation, but also of personal attack. The reason of this must be sought, no doubt, partly in the character of Lucilius himself, partly in the circumstances of his age. The period of corruption among the ruling classes at Rome had begun, and was to continue until the end of the Republic. There was plenty of room for a preacher or a satirist or a comedian; but Roman feeling would not allow the stage to be used for political attack, and the Roman Aristophanes was driven back to his ink and paper.

The remains of Lucilius's *saturae*, whatever else they bear witness to, attest beyond doubt an extraordinary vigour, which breathes in almost every surviving line. This was, probably, the main source of his popularity, which never waned so long as Latin literature was alive. Even in the time of Tacitus (*Dial. de Orat.* 23) there were readers who preferred him to Horace. He makes strong protestations of sincerity, nor does there seem any reason to doubt that he was sincere. Horace, in the fourth and tenth satires of his first book, finds

fault with his style as slovenly and careless. But this defect was either not discovered or was passed over, not only by Cicero and Varro, but by Quintilian. To Cicero Lucilius is *doctus* and *perurbanus* (*de Orat.* i. § 72); to Varro he was *gracilis*, or elegant (Aulus Gellius, *Noctes Atticae*, vi. 14, 6). Quintilian altogether refuses to subscribe to the censures passed upon him by Horace (*Inst. Or.* x. 1, 93). Fronto (p. 62, Naber) calls him "elegans in cuiusque artis ac negotii propriis." It is probable, then, that the hastiness and imperfection of his workmanship, which are undeniable, blinded Horace to his merits.

The original form of *satura* was adopted by Marcus Terentius Varro (116–27 B.C.) in his *saturae Menippeae*, or *saturae* in the style of the Cynic philosopher Menippus. Quintilian (x. 1, 95) says, "alterum illud etiam prius saturae genus, sed non sola carminum varietate mixtum condidit Terentius Varro;" Probus, on Verg. *Ecl.* vi. 31, "Varro . . . Menippeus, non a magistro . . . nominatus, sed a societate ingenii, quod in quoque omnigeno carmine saturas suas expoliverat." Of the *saturae* there was a very large number, as Quintilian says (*l. c.*), "plurimos hic libros (i.e. *saturarum*) et doctissimos composuit, peritissimus linguae Latinae et omnis antiquitatis et rerum Graecarum nostrarumque." To judge from the scanty fragments which remain, Varro's *saturae* seem to have been pictures of life and society, tinged with a dash of common-sense philosophy, and embracing almost every conceivable point of social, moral, religious, or literary interest. For the ninety titles which have survived, see the edition by Riese, or that by Bücheler, at the end of his Petronius. They give a striking idea of the variety of subjects over which Varro ranged. These pieces are mixtures of prose and verse. The fragments are very brief and inadequate, having been in most cases only preserved by grammarians as giving instances of rare words or forms of words; but, even so, they give a vivid idea of the immense loss which Latin literature has sustained in the disappearance of Varro's *saturae*.

Between Marcus Varro and Horace comes Publius Varro of Atax, whose works are lost, but who, according to Horace, attempted something in the same style as himself, but did not succeed (*Sat.* i. 10, 46, "hoc erat, experto frustra Varrone Atacino Atque quibusdam aliis, melius quod scribere possem").

The *satura* or *sermo* (for so he calls it) is treated by Horace in a way of his own. He does not like the rudeness, as he thinks it, of Lucilius; he looks for more polish of style, more flexibility, more softness of tone, to suit the complexity of life. But, like Lucilius, he writes in hexameters, though often preserving the form of a dialogue. This, so far as it goes, is a mistake, for the hexameter is the metre least of all suited to dialogue. In all other respects the *satura* or *sermo* of Horace seems to be true to the sound tradition; it is a conversation with the age on the topics that interest it.

We now come to the age of Nero, in which the *satura* is represented by two writers of a very different character, Persius (34–62 A.D.) and Petronius (died perhaps 66 A.D.). Persius is a devoted admirer of Horace, but he has not Horace's geniality or lightness of hand. Like his master, he attempts to write *saturae* in hexameters; but he only succeeds in making his natural slowness and obscurity of utterance still more conspicuous. His subjects, too, are exclusively serious: he is not at home out of the region of philosophy and religion; and he is a young student, ignorant of the world. Petronius is a man of the world and a writer of genius. His *satura*, of which unfortunately only fragments remain, is constructed in the manner of Varro, and is a narrative of adventures in a town of Southern Italy, so contrived as to introduce a number of leading types of character—a poet, a freedman, a ship's captain, and others. Each character is so conceived, and represented in a manner so lifelike, as to make Petronius's book something unique of its kind in classical literature. The *dramatis personae* all speak in appropriate style and idiom. The body of the narrative is in prose, but it is interspersed with verse, put mainly into the mouth of the poet Eumolpus, and intended, it is nearly certain, as a parody of Lucan and Seneca.

In the hands of Juvenal (about 47–130 A.D.) the *satura* almost loses its original character; indeed, his satires might with more propriety be called epistles, as the element of dialogue has vanished except in the third and ninth satires, Juvenal writes in hexameters of the most conventional form, and treats his themes in the tone of rhetorical invective. He is entirely dominated by the angry spirit of Lucilius, and in the monotony of indignation forgets that humour and play of sympathy were an essential element of the genuine *satura*; yet, far as he is removed from Ennius, Varro, and Petronius, nay even from Horace, his moral force and mastery of his chosen style are so commanding that he has come to be regarded in literature as the prince of Roman satirists; and it is no doubt largely owing to his influence that the words *satire* and *satirical* have come in English to imply severe, if not ill-natured raillery.

The proper form of the *satura*, a mixture of prose and verse, was adopted in the 4th century by Martianus Capella and in the 6th by Boetius (died 525 A.D.) in his *de Consolatione Philosophiae*, of which an ancient biography (p. xxxi., Peiper) says: "Hos libros per saturam edidit, imitatus scilicet Martianum Capellam, qui prius libros de Nuptiis Philologiae et Mercurii eadem specie poematis conscripserat."

(See Anton Funck, *Satur und die davon abgeleiteten Wörter*, Kiel, 1888; H. Nettleship, *The Roman Satura*, Oxford, 1878; Leo, *Varro und die Satire*, in the *Hermes*, Berlin, 1889. The author of the latter essay is very sceptical as to the independent value of the evidence given by Livy and the Latin authorities.) [H. N.]

SATISDATIO. [ACTIO.]

SATURNA'LIA, the festival of Saturnus, to whom the inhabitants of Latium attributed the introduction of agriculture and the arts of civilised life. Falling towards the end of December, at the season when the agricultural labours of the year were fully completed, it was celebrated in ancient times by the rustic population as a sort of joyous harvest-home, and in every age was viewed by all classes of the com-

munity as a period of absolute relaxation and unrestrained merriment. During its continuance no public business could be transacted, the law courts were closed, the schools kept holiday, to commence a war was impious, to punish a malefactor involved pollution. (Macrob. *Sat.* i. 10, 16; Martial, i. 86; Suet. *Aug.* 32; Plin. *Ep.* viii. 7.) Special indulgences were granted to the slaves of each domestic establishment; they were relieved from all ordinary toils, were permitted to wear the *pilleus* the badge of freedom, were granted full freedom of speech, partook of a banquet attired in the clothes of their masters, and were waited upon by them at table. (Macrob. *Sat.* i. 7; Dio Cass. lx. 19; Justin. xliii. 1, 3; Hor. *Sat.* ii. 7, 5; Martial, xi. 6, xiv. 1; Athen. xiv. 44.)

The public festival began with a *sacrificium publicum* in front of the temple of Saturn in the Forum (Dionys. vi. 1), and then followed the *convivium publicum*, at which senators and knights wore the dinner dress [SYNTHESIS]. In private the day began with the sacrifice of a young pig (Mart. xiv. 70; Hor. *Od.* iii. 17, 14); all ranks devoted themselves to feasting and mirth, presents were interchanged among friends, and crowds thronged the streets, shouting *Io Saturnalia* (this was termed *clamare Saturnalia*). (Catull. 14; Senec. *Ep.* 18; Suet. *Aug.* 75; Martial, v. 18, 19, vii. 53, xiv. 1; Plin. *Ep.* iv. 9; Macrob. *Sat.* i. 8, 10; Serv. *ad* Verg. *Aen.* iii. 407.)

Many of the peculiar customs exhibited a remarkable resemblance to the sports of our own Christmas and of the Italian Carnival. Thus on the Saturnalia public gambling was allowed by the aediles (Martial, v. 84, xiv. 1, xi. 6), just as in the days of our ancestors the most rigid were wont to countenance card-playing on Christmas-eve; the wearing of the *synthesis* and of the *pilleus* (Martial, xiv. 141, vi. 24, xiv. 1, xi. 6; Senec. *Ep.* 18) may find their counterpart in the dominoes, the peaked caps, and other disguises worn by masques and mummers; the *cerei* were probably employed as the *moccoli* now are on the last night of the Carnival; and lastly, one of the amusements in private society was the election of a mock king (Tac. *Ann.* xiii. 15; Arrian, *Diss. Epictet.* i. 25; Lucian, *Saturn.* 4), which at once calls to recollection the characteristic ceremony of Twelfth-night.

Saturnus being an ancient national god of Latium, the institution of the Saturnalia is lost in the most remote antiquity. In one legend it was ascribed to Janus, who, after the sudden disappearance of his guest and benefactor from the abodes of men, reared an altar to him, as a deity, in the forum, and ordained annual sacrifices; in another, as related by Varro, it was attributed to the wandering Pelasgi, upon their first settlement in Italy, and Hercules, on his return from Spain, was said to have reformed the worship and abolished the practice of immolating human victims; while a third tradition represented certain followers of the last-named hero, whom he had left behind on his return to Greece, as the authors of the Saturnalia (Macrob. *Sat.* i. 7). Records approaching more nearly to history referred the erection of temples and altars, and the first celebration of the festival, to epochs comparatively recent, to the reign of Tatius (Dionys. ii. 50), of Tullus Hostilius (Dionys. iii. 32; Macrob. *Sat.* i. 8), of Tarquinius Superbus (Dionys. vi. 1; Macrob. *l. c.*), to the consulship of A. Sempronius and M. Minucius, B.C. 497, or to that of T. Larcius in the preceding year (Dionys. vi. 1; Liv. ii. 21). These conflicting statements may be easily reconciled by supposing that the appointed ceremonies were in these rude ages neglected from time to time, or corrupted, and again at different periods revived, purified, extended, and performed with fresh splendour and greater regularity. (Comp. Jordan, *Topog.* i. 360.) The festival was, no doubt, an old Italian rite of prehistoric date, but the adoption of the *ritus graecus* in its ceremonies, as shown by the uncovered head [SACRIFICIUM, p. 586] and the lectisternium, was due to the order from the Sibylline books in the year 217 B.C. (Liv. xxii. 1, 19). It is suggested by Marquardt that the feasting of slaves, which the Romans took to be a tradition from the golden age when all were equal, may have really originated with the lectisternium in that year; since such general feasting of all ranks was part of the lectisternia (Macrob. i. 6, 13; LECTISTERNIUM).

During the Republic, although the whole month of December was considered as dedicated to Saturn (Macrob. i. 7), only one day, the XIV. Kal. Jan., was set apart for the sacred rites of the divinity: when the month was lengthened by the addition of two days upon the adoption of the Julian Calendar, the Saturnalia fell on the XVI. Kal. Jan., which gave rise to confusion and mistakes among the more ignorant portion of the people. To obviate this inconvenience, and allay all religious scruples, Augustus enacted that three whole days, the 17th, 18th, and 19th of December, should in all time coming be hallowed, thus embracing both the old and new style (Macrob. i. 10). A fourth day was added, we know not when or by whom, and a fifth, with the title *Juvenalis*, by Caligula (Dio Cass. lix. 6; Suet. *Cal.* 17); an arrangement which, after it had fallen into disuse for some years, was restored and confirmed by Claudius (Dio Cass. lx. 2).

But although, strictly speaking, one day only, during the Republic, was consecrated to religious observances, the festivities were spread over a much longer space. Thus, while Livy speaks of the first day of the Saturnalia (*Saturnalibus primis*, Liv. xxx. 36), Cicero mentions the second and third (*secundis Saturnalibus, ad Att.* xv. 32; *Saturnalibus tertiis, ad Att.* v. 20); and it would seem that the merry-making lasted during seven days, for Novius, the writer of Atellanae, employed the expression *septem Saturnalia*, a phrase copied in later times by Memmius (Macrob. i. 10), and even Martial speaks of *Saturni septem dies* (xiv. 72), although in many other passages he alludes to the five days observed in accordance with the edicts of Caligula and Claudius (ii. 89; xiv. 79, 141).

Among the presents of all kinds which were made at this season (Suet. *Aug.* 75; Plin. *Ep.* iv. 9, 7; Lucian, *Cronosol.* 14–16; Mart. iv. 46, vii. 53, and all book xiv.), we must notice especially the *cerei* and the *sigillaria*. The *cerei* were wax tapers (*funiculi* or *funales* cerei) and were the most ordinary gift (Macrob. i. 7, 33; Varro, *L. L.* v. 64; Mart. v. 18), which

may possibly, as some think, have a symbolical reference to the festival of waning light in the season of *bruma*; it may be noticed also that candles were the light of primitive times before oil lamps were known (Varro, *L. L.* v. 119), and so may have belonged to a primitive festival. The *sigillaria* or *sigilla*, which were especially characteristic of the Saturnalia (Sen. *Ep.* xii. 3; Suet. *Claud.* 5; Macrob. i. 11, 49; Spartian. *Carac.* 1, *Hadr.* 17; Mart. xiv. 182), were small figures of terra-cotta and possibly sometimes of dough baked hard (Lobeck, *Aglaoph.* 1079). Some regarded them as relics of a human sacrifice to Saturn (Macrob. i. 11, 48; comp. OSCILLA). Hence the name of the street *Sigillaria* (Gell. v. 4), and the sale or "fair" of statuettes which lasted for four days after the 17th of December was called *sigillaria*; there is no ground for the supposition that certain of the festal days bore that name. (Marquardt, *Staatsverw.* iii. 586 ff.; Preller, *Röm. Myth.* p. 413.) [W. R.] [G. E. M.]

SCABELLUM. [CYMBALUM.]

SCALAE (κλῖμαξ). **1.** A ladder. These, whether scaling-ladders or ladders for other purposes, had nothing in their construction which calls for comment. **2** (ἀναβαθμοί). The staircase of a house [cf. DOMUS, Vol. I. pp. 663 *b*, 665 *b*]. The stairs in ordinary houses were like ladders, except that they had flat steps instead of rungs: they sometimes led directly into the street (Liv. xxxix. 14). *Scalae graecae* differed from these ladder staircases in having the under side of the step enclosed, so that the feet of a person going up them would not be visible from below. The Flaminica was not allowed to ascend a high flight of stairs unless they were of this construction (Gell. x. 15; Serv. *ad Aen.* iv. 646). Compare Becker-Göll, *Gallus*, ii. 223; Nissen, *Pompeii*, 602. [L. S.] [G. E. M.]

SCALPELLUM. [CHIRURGIA.]

SCALPRUM was the name which might no doubt be applied to any instrument which could be said *scalpere*, and so it includes both cutting and chiselling tools. Under the former head we have:—

1. The shoemaker's knife for cutting leather = the Greek σμίλη or σμιλίον (Hor. *Sat.* ii. 3, 106; Pollux, vii. 83; Plat. *Rep.* i. p. 353 A, *Alc.* i. p. 129 C). There is a distinction between the σμίλη, which has a straight blade like an ordinary knife blade, and the τομεὺς or περιτομεύς, also used by leather-cutters, which had a crescent-shaped blade (Olympiodor. p. 210). Blümner (*Technol.* i. 273) identifies the scalprum with the straight-bladed σμίλη, and the *culter crepidarius* with the rounded τομεύς.

2. *Scalprum librarium* (καλαμογλύφος), a penknife (Tac. *Ann.* v. 8; Suet. *Vit.* 2) = σμίλη δονακογλύφος (*Anth. P.* vi. 295), which was used to make the point of the reed-pen. [CALAMUS.]

3. A grafting-knife for gardeners (Plin. *H. N.* xvii. § 119).

4. A surgeon's knife (Cels. viii. 3): both σμίλη and τομεὺς are names of ἰατρῶν ἐργαλεῖα (Poll. iv. 181). [See woodcut under CHIRURGIA.]

As a chisel we have the *scalprum fabrile* (Liv. xxvii. 49), alike for wood and stone, in form resembling a modern chisel (see cut under CIRCINUS) and = the Greek γλύφανον: it was struck with a mallet (*malleus*), for which the Greek equivalent is κολαπτῆρ, for Rich and Liddell and Scott are probably mistaken in understanding the κολαπτὴρ to be a chisel. (See Blümner, *Technologie*, ii. 211, iii. 93.) [G. E. M.]

SCALPTURA (γλυπτικὴ σφραγίδων, Poll. vii. 209), the art of engraving gems or hard stones (for the uses of the words γλύφειν, χαράσσειν, κολάπτειν, *scalpere*, *sculpere*, &c., see Blümner, *Technol.* ii. 167 ff. and Lexicons).

The present article deals only with the methods and history of the art of gem engraving. Some account of the minerals employed will be found *s. v.* GEMMA; and of the manner in which gems were worn, *s. v.* ANULUS.

The technical Methods of Gem Engraving.

The gems first employed were of soft materials, such as steatite, and could be engraved either with metal tools, or with pieces of harder stones, such as obsidian. The Ethiopians tipped their arrows with a sharpened stone, τῷ καὶ τὰς σφρηγῖδας γλύφουσι (cf. Herod. vii. 69). But nearly all engraved gems were too hard for instruments of metal; cf. Pliny, of the topaz: "sola nobilium limam sentit" (*H. N.* xxxvii. § 109). Accordingly, the different methods of gem engraving are methods for applying minute fragments of a very hard material, in order to produce the desired effect on the gem to be engraved. The ancient modes of procedure were very similar to those of the modern engraver.

The diamond was sometimes used set in a pencil. Thus, Pliny, *H. N.* xxxvii. § 60: minute diamond splinters "expetuntur scalptoribus ferroque includuntur nullam non duritiem ex facili cavantes." So also Solinus says of the hyacinth, "adamante scribitur et notatur" (c. 30, p. 152). Sometimes minute dust of diamonds or Naxian emery powder was mixed with oil, and applied by friction (cf. Dioscor. v. 165, σμύρις λίθος ἐστίν, ᾗ τὰς ψήφους οἱ δακτυλιογλύφοι σμήχουσι. Cf. Hesych. *s. v.*, and Blümner, *Technologie*, iii. p. 287).

This might be done by rubbing the mixture on the stone either with a blunt metal pencil worked with the hand, or by a mechanically revolving tool. This tool might either be a drill worked with a bow (like the modern watchmaker's drill; cf. *Cat. of Gems in the British Museum*, Pl. E, No. 305) or might consist of a minute revolving wheel, such as is used by the modern dentist, but fixed in a lathe. The various methods are briefly indicated by Pliny, *H. N.* xxxvii. § 200, "tanta differentia est ut aliae (gemmae) ferro scalpi non possint" (cannot be carved with a metal tool), "aliae non nisi retunso" (only with a blunt pencil, to rub in emery), "omnes autem adamante" (with the diamond point); "plurumum vero in iis terebrarum proficit fervor" (the use of the drill).

A knowledge of the different methods above enumerated is a considerable help in distinguishing the periods of gems, as different kinds of technique prevailed at different times. The drill is much used in the early "island gems" and in the Etruscan scarabs, further described below. It had either a pointed end, which made hemispherical depressions, or a tubular end which produced ring-like grooves. The latter form only occurs in the gems of the islands. On a larger scale it may be traced on the architectural

sculptures from Mycenae. (Cf. also *Class. Review*, 1889, p. 374.)

In gems of the later Greek period the drill was supplanted by the wheel, which bit into the stone with its cutting edge. At the best time the whole of the interior of the design was afterwards carefully worked over with the blunt point (*ferrum retunsum*) and emery powder, so as to obliterate the traces of the drill or of the wheel. In late Roman gems, executed hastily with the wheel, the cuts are very apparent. It is often possible to count the number of cuts that have been taken with the wheel. The diamond pencil was only used for the finest work, such as the hair and for the minute final touches. Splinters of ostracias, a word of unknown meaning, were also employed like the diamond point (Plin. *H. N.* xxxvii. § 177). For a full account of the gem engravers' methods, with illustrations, see Mariette, *Traité des Pierres gravées*, vol. i. p. 195; Natter, *Méthode de graver en Pierres fines;* Blümner, *Technologie*, iii. p. 279.

History of Gem Engraving.

In taking a historical survey of Greek gems, we first have to consider the stones associated with the Mycenaean period of culture. These gems are usually known by the inappropriate title of "gems of the islands" (German, *Inselsteine*). They are found at Mycenae (Schliemann, *Mycenae*, figs. 539–541; Ἐφ. ἀρχαιολογική, 1888, pl. 10), and in the closely-allied deposits of Menidi (Lolling, *Kuppelgrab bei Menidi*, pl. vi.) and Spata (*Bull. de Corr. Hellén.* ii. 1878, p. 224). They are also found in the islands of the Aegean, as Melos (*Mittheilungen des Inst. Athen.* 1886, pl. vi.) and at Ialysos in Rhodes (*Cat. of Gems in the Brit. Mus.* Nos. 104–8). The stones are for the most part of one of two forms, either *lenticular* (*i.e.* bean-shaped) or *glandular* (in the form of the sling-bolt). The material most frequently used is steatite, which is comparatively soft; but instances occur of the use of jasper, agate, crystal, and similar hard stones. Figs. 1–3 represent three "island gems." Figs. 1 and 2 are from Menidi, and represent respectively a gryphon and two lions. Fig. 3 is from Melos, and represents a winged Triton and a fish.

Fig. 1.

Fig. 2.

Fig. 3.

The importance of this class of gems lies in the fact that they show a continuity of development between the periods of Mycenae and of historical Greece. On the one hand, they are found in Mycenaean graves, and occasionally reproduce the characteristic motives of Mycenaean sculpture (comp. the gems, *Brit. Mus. Cat.* pl. A, 106, and Ἐφ. ἀρχ. 1888, pl. 10, fig. 2, with the Gate of Lions); on the other hand, gems of the same style and forms as the preceding are found with Greek mythological types, which, it is to be noted, do not occur at Mycenae. (See above, fig. 3.) Among the types that occur are figures of Pegasos (*Brit. Mus. Cat.* 21–26, pl. A); of a winged Gorgon (*Mittheil. des Inst. Athen.* Abth. 1886, pl. vi. fig. 13); Heracles and Nereus (*Brit. Mus. Cat.* pl. A, 82); a Centaur (*Brit. Mus. Cat.* 84; *Arch. Zeit.* 1883, pl. xvi. fig. 16); and Prometheus (?), on a gem of the late Admiral Spratt. Moreover, these gems are found at Melos, in company with early Greek inscriptions, vases, and terra-cottas, which fix the date of the tombs in which they are found as from the seventh to the fifth century. Until the place is ascertained where the gems in question were manufactured, the question must remain somewhat doubtful; but it seems possible that we have in the "island gems" the products of an art which was able to resist the injury commonly supposed to have been caused by Dorian invaders to the more ambitious arts of Mycenae. It is to be observed that the hardest materials are most frequent at the earliest period—a fact that suggests an art passing through a period of decadence. (Cf. Milchhoefer, *Die Anfänge der Kunst in Griechenland*, p. 39; Furtwaengler and Loeschcke, *Mykenische Vasen;* Duemmler, in *Mittheil. des Inst. Athen.* 1886, p. 170.)

Though the class of gems just described was continuous till historical times, yet it survived as an isolated phenomenon; and for the general history of Greek and Etruscan gem engraving we start from an independent origin.

When the Greeks and Etruscans in historical times were brought into contact with Oriental customs, by the agency of the Phoenicians, they were introduced to two forms of gems which were of great antiquity; namely, the cylinder of Babylonia and Assyria, and the scarabaeus of Egypt. The cylinder was perforated longitudinally for suspension by a cord, or more rarely mounted on a swivel, and had a device engraved round it. It had been used in Babylonia as a seal from time immemorial; but the form did not attract the Greeks or Etruscans, and instances are very rare in which it occurs. We find it principally in deposits immediately subject to Oriental influences, as at Camiros, in Rhodes (*Brit. Mus. Cat.* 132); in Cyprus (Cesnola, pl. iv. 1, 2); and at Tharros, in Sardinia (*Brit. Mus. Cat.* 191). No instance can be quoted by the present writer in which the cylinder has been found in Etruria. The only Greek example known to him was found at Kertch, in a grave of the fourth century (*Compte-rendu*, 1868, pl. 1). King (*Antique Gems and Rings*, i. p. 48) describes a cylinder in the Hertz Coll. (*Sale Cat.* No. 407) engraved by a Greek artist, but immediately under Persian influence.

The scarabaeus, on the other hand, is intimately connected with the history of Greek gem engraving, and still more so with that of Etruscan gem engraving. It owes its origin to Egyptian theology, in which the Egyptian beetle, *Scarabaeus sacer*, with a ball of mud containing its eggs, was emblematic of the deity Kheper,

the principle of light, and the creative power of nature. Plutarch (*de Iside*, x.) mentions the beetle, adding that it was worn as a seal by warriors, as being only of the male sex. From its religious significance the scarab became a sacred emblem and amulet, and from early times was buried with the Egyptian dead.

As a rule the base of the scarab, in Egypt, contains some simple hieroglyphic inscription, such as the name of a king or of a private person. The materials most commonly used were steatite or porcelain. But we are only concerned with the scarab when it had been adopted as a conveniently shaped object for the engraver outside Egypt, and when all idea of its sacred significance had been forgotten.

When worn, the scarab was either strung on a string, or set in a ring with a swivel (cf. cut, *s. v.* ANULUS, and the account of the ring of Gyges, Plat. *Rep.* ii. 359); or it was set in an immovable box-setting of gold, and formed part of a ring. They were also set, in large numbers, in necklaces and jewellery.

The form of the scarab was probably communicated to the Western nations by the Phoenicians, although recent discoveries at Naucratis suggest that the Greeks were also agents. At Camiros, in Rhodes, a considerable number of scarabaei have been discovered, probably of Phoenician import. They are made principally of porcelain, and are distinguished from their Egyptian prototypes by the blundered hieroglyphics, frequently meaningless, and by remarkable instances of the introduction of Assyrian elements.

The same characteristic indications of Phoenician work present themselves among the scarabaei of Tharros, in Sardinia; but there the hieroglyphics are fewer in number: a new material, green jasper, is introduced, and Greek mythological subjects occur. The scarabs of Tharros are therefore of Phoenician (or rather, of Carthaginian) style, combined with Greek elements. It is moreover probable that they belong to a late date, in many instances to the second century B.C. (*Brit. Mus. Cat.* Introd. p. 13). When the scarabaeus had been imported into Etruria by the Phoenicians, it took firm hold of the national taste — for what precise reasons cannot be explained, but probably only because the form was convenient and attractive. It enters largely into the designs of their jewellery, *e.g.* necklaces, and is worn on rings. Thus the recumbent figure of Seianti Thanunia in the British Museum (*Antike Denkmäler*, i. pl. 20) has her fingers loaded with rings, set with scarabs, as already described.

In the earliest Etruscan tombs only the imported Egyptian or Phoenician scarabaeus of steatite or porcelain occurs. Thus the celebrated Polledrara tomb (near Vulci), whose contents are now in the British Museum, contained, among other Phoenician wares, several porcelain scarabaei. One in particular has the cartouche of king Psammetichos I. (611 B.C.), and fixes the earliest possible date of the tomb. It also gives a date earlier than the Etruscan scarabs proper, which were not represented in the tomb. Etruscan scarabs are most commonly of red sard. The beetle form of the scarab is often carved with care and realistic accuracy. The subjects are usually taken from Greek mythology. The inscriptions are in Etruscan, and generally give in Etruscan form the names of the persons represented, though not always correctly. The name of the artist never occurs, and that of the owner seldom. An example occurs in the British Museum (*Cat.* No. 341), inscribed *Tarchnas* (Tarquinius). The Etruscan scarabs may be divided according to their technique (see above) into two classes: (1) gems principally engraved with the blunt tool and with emery powder, often with much refinement and delicacy. These works are hard to distinguish, apart from the inscriptions, from early Greek work. A celebrated early Etruscan gem, now

Gem found at Perugia.

at Berlin, is here engraved. The design represents, with the true feeling of archaic art, a council of five of the heroes who fought against Thebes. The names are added, viz. *Phylnice* (Polynices), *Tute* (Tydeus), *Amphtiare* (Amphiaraos), *Atresthe* (Adrastos), and *Parthanapaes* (Parthenopaios). (Winckelmann, *Hist. de l'Art*, book iii. chap. 1; Toelken, *Preuss. Gemmensammlung*, 75, 76.) (2) The second kind of Etruscan gems is executed almost entirely by the drill making small hemispherical depressions in the intaglio, or bossy projections in the impression. The resulting design, usually some simple subject, such as a horse, is very rough and is often hard to distinguish. The gems are known as gems *a globolo tondo*.

As we have seen, the native Etruscan scarabs are probably not older than 600 B.C. The question which of the two classes above described is the older has been a subject of dispute; but the records of the finds, scanty though they are, seem to show that the gems *a globolo tondo* are the latest. The scarab carefully engraved with the point is found in graves with vases of the black-figured and early red-figured styles; that is, during the fifth century. The rougher gems *a globolo tondo* are found with vases of the fourth century and later. Thus, at Vulci, a gem of

this style, representing a satyr with a horse's tail, was found with three red-figured vases of the fourth century; at Tharros a similar gem was found in a tomb of the third century.

Gem Engraving in Greece.—We now turn to the history of gem engraving in historical Greece; and, before discussing gems actually extant, we may review the meagre information contained in ancient literature.

That which has given the strongest impulse to the art of the gem engraver has always been the use of gems for seals. We have already seen that gems were used for seals by Oriental nations long before the time of Homer, and also that engraved rings and stones, such as might well be used for seals, were found amongst the Mycenaean and analogous deposits. But it had been already observed by Pliny (*H. N.* xxxiii. § 12) that the use of seals was unknown to Homer, as they are not used in cases where they seem required, as in *Il.* vi. 169, *Od.* viii. 447.

The question, therefore, when the Greeks began to use seals is one that cannot be answered from literary sources, which are also silent with respect to the beginnings of gem engraving. There are indications, however, that in the beginning of the sixth century B.C. a considerable degree of proficiency in the art had been reached. Thus Solon is said to have made a law, doubtless as a precaution against fraud, that no engraver (δακτυλιογλύφος) should retain an impression of a ring that he had sold (Diog. Laert. i. 57). It has been suggested [see ANULUS] that this regulation referred to seals carved in metal rings (*e.g.* Schliemann, *Mycenae*, fig. 530) rather than in gems. But there is independent evidence that gems were in use about the time of Solon (cf. fragment of Solon, *ap.* Stob. 45, 9; and Theogn. *Sentent.* l. 19).

The first gem engraver known by name was Mnesarchos of Samos, father of Pythagoras. He must have lived about 580 B.C., and was a gem engraver of great skill, who sought credit, rather than wealth, from his art (Diog. Laert. viii. 1; Apul. *Florid.* ii. 15, 3). Something may be inferred as to the character of subjects already prevalent for engraving, from the fact that it was a special mark of the followers of Pythagoras not to wear a god in their rings (Diog. Laert. viii. 17).

The second gem engraver known by name was Theodoros, son of Telecles, an artist noted for his versatility, and author of the famous ring of Polycrates. Pliny (*H. N.* xxxvii. §§ 4, 8) describes a stone which had been placed by Augustus in the Temple of Concord at Rome, and which was reputed to be the gem of Polycrates; he states that it was an uncut sardonyx. According to Herodotus (iii. 41), the stone was an emerald. It has been maintained that the stone was uncut, and that the value lay in the material. This was the theory of Lessing (*Ant. Briefe*, 21). But on this question the statements of Pliny are obviously no authority, as he was merely describing a stone supposed in his time to be that of Polycrates. The phrase of Herodotus, σφρηγὶς χρυσόδετος (Her. iii. 41; cf. i. 195), distinctly implies an engraved seal, mounted in gold, and was so understood by Pausanias (viii. 14), Tzetzes (*Chil.* vii. 210), and Strabo (xiv. p. 638, δακτύλιον λίθου καὶ γλύμματος πολυτελοῦς). Clement of Alexandria (*Paedag.* iii. 246; p. 289 in Potter's ed.) states, on what authority we do not know, that the subject was a lyre. Theodoros seems to have been represented as a gem engraver in a portrait statue made by himself. It is stated (Pliny, *H. N.* xxxiv. § 83) that in this statue he held in the right hand a file, in the left hand "quadrigulam tantae parvitatis ut miraculo pictam (fictam) eam, currumque et aurigam integeret alis simul facta musca." This passage has been brilliantly explained by Benndorf (*Zeitschr. für Oest. Gymnasien*, 1873, p. 406) to mean that Theodoros held a scarabaeus in his hand, with a *quadriga* and charioteer engraved on its base. There is such a scarabaeus in the British Museum (*Cat. of Gems*, pl. D, 254). It should be observed that the same story is told in almost the same words of Myrmecides—in a context which suggests that Pliny himself did not understand the meaning of what he was reporting: "Myrmecides quidem .... inclaruit, quadriga ex ebore, quam musca integeret alis fabricata, et nave quam apicula pinnis absconderet" (*H. N.* vii. § 85, xxxvi. § 43; cf. Aelian, *Var. Hist.* i. 17; Plut. *adv. Stoicos*, 44). Choeroboscos, in Bekker's *Anecd.* ii. p. 651, tells the story in a corrupted form, in which the fly drew the chariot, as well as covered it, with its wings. If we omit an uncertain allusion to one Trausias, in a fragment of a speech by Lysias, περὶ τοῦ τύπου, and the amateur productions of Hippias, the sophist (Apul. *Flor.* ii.), there is a break in the literary history till the time of Alexander. The inscriptions, however, sufficiently indicate the common use of rings and seals, and the practice of dedicating them as worthy offerings to a deity. Compare the entries in the treasure list of the Parthenon for 398 B.C.: σφραγὶς χρυσοῦν δακτύλιον ἔχουσα, Δέξιλλα ἀνέθηκε ... σφραγῖδε ὑαλίνα ποικίλα (coloured glass pastes), περικεχρυσωμέναι, ἀλύσεις χρυσᾶς ἔχουσαι· ὄνυξ σφραγίς, κ. τ. λ. (*C. I. G.* 151 B, l. 50).

The employment of a public seal also makes its appearance. So in the Parthenon inventories, early in the fourth century, γραμματεῖον ὑπὸ τῆς βουλῆς τῆς ἐξ Ἀρείου πάγου σεσημασμένον (Michaelis, *Parthenon*, p. 298). Cf. *C. I. G. Addenda*, 2152*b*, from Carystus, τὸν τα]μίαν ἀποσ[τεῖλαι ἀντί]γραφον τοῦδε τοῦ ψηφίσματος σημανθὲν τῇ δημοσίᾳ σφραγεῖδι. So also *C. I. G.* 2265, 2332, 2347*c*, 2557, 3053. The public seal seems to have served as the seal of an official witness, or to mark an official copy of a document. Such a seal, with the design of a dolphin and a club, frequently occurs among a large deposit of clay impressions of seals, found at Selinus (*Atti dei Lincei, Notizie degli Scavi*, 1883, pl. vii.). The clay seals in question served to secure wooden tablets, and the supposed public seal is in the middle, with the seals of the parties at each side. Before the thread fastening the tablet was severed, the contracting parties admitted the authenticity of the seal (Cicero, *in Cat.* iii. 5, 10; Paulus, *Sententiae*, v. tit. xxv.).

The next engraver after Theodoros, of whom literary record is preserved, is Pyrgoteles. He was chief of his craft in the time of Alexander, as that king issued an edict, "quo vetuit in hac gemma (zmaragdo) ab alio se scalpi, quam a Pyrgotele, non dubie clarissimo artis eius"

(Pliny, *H. N.* xxxvii. § 8). Pliny also states, in more general terms, that Alexander decreed that Apelles alone should paint his portrait and Pyrgoteles engrave it, and Lysippos cast it in bronze (*H. N.* vii. § 125). It may be conjectured that the passage first quoted combines a prohibition and a command, and that Alexander (if there was any truth in the story) ordered that only Pyrgoteles should engrave his portrait, and that Pyrgoteles should engrave it on an emerald.

The remaining engravers known to us are Apollonides and Cronius, who were renowned, in succession to Pyrgoteles; and Dioscorides, who made an excellent portrait of Augustus, used as a seal by Augustus himself and by his successors (Pliny, *H. N.* xxxvii. § 8; Suet. *Aug.* 50).

The foregoing summary of our literary information sufficiently shows that, in writing a history of gem engraving among the Greeks, we are obliged almost exclusively to study the gems themselves, and get little help from the ancient writers.

Greek Gem Engraving before Alexander.

Few Greek examples, comparatively speaking, have been discovered of the scarab; and this form, which was so universally employed by the Phoenicians and the Etruscans, seems to have been but little used by the Greeks. As regards the archaic period, this fact should probably be interpreted as indicating the limited practice of the art among the Greeks in early times, rather than as showing any special distaste for this particular form: for if we except the gems described above, which seem to carry on the tradition of the "gems of the islands," early Greek gems are almost unknown in any form except the scarab, and its immediate derivative the scaraboid.

A few of the most important instances of scarabs proved to be Greek by the inscriptions, as well as by the fact that they were found on Greek soil, may here be quoted. The stones in question are inscribed either with a sentence that admits of no ambiguity; or simply with a proper name in the nominative or genitive case, which may be either the signature of the artist or the name of the owner. There has been much discussion as to the distinction between the two classes. But, while some cases must remain doubtful, the general principle is clear. An owner's name is naturally almost a part of the design, intended readily to catch the eye, in the impression. An artist's signature, on the other hand, is usually unobtrusive, and only visible if sought for. A parallel may be found in the contrast between the conspicuous legends and the minute signatures on a signed coin of Syracuse, or on an English sovereign.

Early Stones inscribed with the names of the Owners.—1. A stone found at Aegina, with an intaglio design of a scarabaeus with wings spread, and inscribed Κρεοντίδα εἰμί (*Bull. dell' Inst.* 1840, p. 140). 2. Scarab: Dolphin, and inscription Θέρσιος ἠμὶ σῆμα, μή με ἄνοιγε: from Greece (*Arch. Zeit.* 1883, pl. 16, fig. 19). 3. A plasma scarab from Pergamon contains a lioness about to attack; above is the inscription Ἀριστοτείχης. Furtwaengler takes Aristoteiches for an artist, contemporary with Semon (see below), and working about 500 B.C. But, according to the principle enunciated above, he seems rather to have been the owner of the seal, as the inscription is very prominent, along the top of the field. The gem is of fine archaic work (*Jahrb. des Inst.* 1888, p. 194; pl. 8, fig. 2). 4. An agate scaraboid in the British Museum (*Cat. of Gems*, No. 482) contains nothing except the name of the owner Isagoras in large letters.

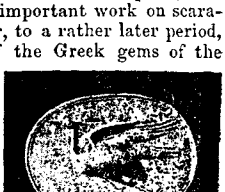
Early Gems inscribed with the names of the Artists.—The gem engravers earlier than the time of Alexander who are known by their works have been recently enumerated and discussed by Furtwaengler (*Jahrb. des Inst.* 1888, p. 194). We quote some of the most important,

(1) The oldest gem known with an artist's signature is a modification of the scarab form, having a satyr's head engraved in relief, in place of the beetle. The stone in question is a steatite, in the British Museum (*Cat. of Gems*, pl. F, No. 479; *Jahrb. des Inst.* 1888, pl. 8, fig. 1). On the base is a draped and bearded citharist, and the inscription Συρίης (or Συρίας) ἐποίησε. Furtwaengler (*ib.* p. 195) ascribes the work on epigraphic ground to Euboea, and proposes a date as early as 550 B.C., *i.e.* between Mnesarchos and Theodoros.

(2) The true scarab form is preserved in a black jasper, found near Troy, and now at Berlin. A nude woman kneels at a fountain, with a spout in the form of a lion's mouth, filling her pitcher. It is inscribed Σήμονος. Semon has been taken for an owner's name by Stephani and Brunn. But Furtwaengler is probably right in taking it, on account of its inconspicuousness, for an artist's signature. The stone is a fine specimen of archaic work on the point of gaining full freedom. Furtwaengler places it about 500 B.C., and it is certainly not much later than this date (*Jahrb. des Inst.* 1888, p. 116, pl. 3, fig. 6).

Among the Greeks the details of the scarab were abandoned early, probably in the fifth century; but the general form was retained, which is known as the scaraboid. Scaraboidal gems have the flat base and convex back of a scarab, but there is no attempt whatever to suggest the details of the beetle. The scaraboid form already occurs amongst Phoenician products at Camiros.

There are few instances in which it seems to have been adopted by the artists who produced the "gems of the islands" (see above). The most common subjects are figures of animals, of somewhat archaic style but worked with great study of detail (*Brit. Mus. Cat.* pl. B, 113, 114, &c.). The most important work on scaraboids belongs, however, to a rather later period, some of the finest of the Greek gems of the fifth and fourth centuries being also engraved on scaraboids.



The scaraboid form was that employed by the most distinguished of Greek gem engravers, known to us from his works, namely,

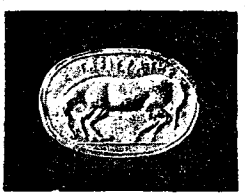
Dexamenos of Chios. The extant works of Dexamenos are (1) Chalcedony scaraboid from Kertch, now in the Hermitage. Flying heron. Inscribed, ΔΕΞΑΜΕΝΟΣ ΕΠΟΙΕ ΧΙΟΣ (*Compte rendu*, 1861, pl. 6, 10; *Jahrbuch des Inst.* 1888, pl. 8, fig. 9). (2)

Agate scaraboid from South Russia, now in the Hermitage. Heron standing on one leg, and grasshopper. Inscribed, ΔΕΞΑΜΕΝΟΣ (*Compte rendu*, 1865, pl. 3, fig. 40; *Jahrbuch des Inst.* iii. pl. 8, fig. 7). (3) Chalcedony scaraboid, from Greece (?), now in the Fitzwilliam Museum at Cambridge. A woman seated at her toilet; before her an attendant with mirror and wreath. Inscribed, ΔΕΞΑΜΕΝΟΣ, and with the owner's name ΜΙΚΗΣ (*Jahrb. des Inst.* 1888, pl. 8, fig. 6).

(4) A Jasper scaraboid, now at Athens. Contains a male portrait head. Inscribed, ΔΕΞΑΜΕΝΟΣ ΕΠΟΙΕ (*Jahrb. des Inst.* 1888, pl. 8, fig. 8). The authenticity of this gem has been denied. Dexamenos appears to have worked towards the close of the fifth century. He engraved animal forms, as shown by the first two in the above list, with admirable delicacy and grace. In his figures, as seen in No. 3, he is not free from a certain degree of archaic stiffness. His period therefore is that of transition to complete freedom. He is fortunate in the fact that three at least of his reputed works are entirely free from doubt.

The remaining artists, known to us by their signatures, who are assigned by Furtwaengler with fair probability to a period earlier than Alexander, are Athenades, Olympios, Onatas (?), Pergamos, Phrygillos. For a discussion of the works of these artists see Furtwaengler's articles in the *Jahrbuch des Inst.* 1888, pp. 119, 197. Athenades is known only by an intaglio in gold from Kertch (*ib.* pl. 8, fig. 3). Olympios is identified by Furtwaengler with the author of certain signed Arcadian coins, of about 370 B.C. (Gardner, *Types*, pl. viii. fig. 32); and Phrygillos with the author of certain coins of Syracuse of the end of the fifth century (Weil, *Künstlerinschriften der Sicilischen Münzen*, pl. 1, figs. 9, 10).

A good example of a scaraboid inscribed with the owner's name occurs among the Cesnola gems from Curium (Cesnola, *Cyprus*, pl. 40, fig. 14). Above a figure of a horse the name ΣΤΗΣΙΚΡΑΤΗΣ is engraved in such bold and conspicuous characters that it cannot be mistaken for the name of an artist.



Towards the close of the early period, forms for gems other than the scarab and the scaraboid begin to come into use. Thus, one of the finest early gems in the British Museum, with a figure of a citharist, is engraved on a section of a truncated gland (*Cat. of Gems*, pl. F, 555). By the close of the fifth century the Greeks were beginning to discover that a thin slice of stone produced effects by its translucency, and economised material. The scarab and the scaraboidal form were therefore abandoned in Greece, though adhered to in Etruria, at Tharros, and elsewhere.

We have now reviewed the early period of Greek gem engraving. In this art, more than in any other, those characteristics are seen which attract the student in *all* archaic work. The early gems are distinguished by a certain dainty minuteness and precision—not because the artist is trying to be minute, but because he is taking pains with his work, and devoting patient attention to every detail. Nor is the work minute in the sense that the artist tries to conceal his methods, and to obliterate all trace of the tool. When an archaic gem is highly magnified, it is seen to be a gem enlarged and not a group of sculpture. Further, this dainty minuteness is combined with a measured restraint, characteristic of all archaic work, but particularly of gems. A limited subject is concisely rendered, and no vague compositions are attempted, filled with floating draperies, landscapes, and objects made small by distance.

Gem Engraving from the time of Alexander.

Early in the fourth century the engraver had obtained complete mastery over his materials, and those characteristics which clearly distinguish the earlier gems are henceforth wanting; and accordingly it becomes difficult (with certain notable exceptions) to assign gems with precision to a definite point in a period of several centuries. Moreover, in the case of gems reputed to be signed by the artist, the matter is complicated by difficult questions as to the authenticity of the gems and of the signatures. The course of history is marked more by the introduction of new features, such as the cameo and portraiture, than by a marked development of style. To some extent, however, the gems show the influence of the spirit prevailing in the greater arts. The artist Athenion is well known by a sardonyx cameo, now at Naples: Zeus advances in his chariot, drawn by four horses, and overwhelms two snake-legged giants with the thunderbolt. Signature, ΑΘΗΝΙΩΝ, [Ἀ(θ)ηνίων] (*Jahrb. d. Inst.* 1888, pl. 8, fig. 19). Athenion may well have worked at Pergamon, and have shared or imitated the spirit which inspired the great Pergamene frieze. This is confirmed by another work of Athenion, preserved in two copies in paste, of each of which only a fragment survives. The two are combined in one sketch in *Jahrb. des Inst.* 1889, p. 85. The subject may be, as Furtwaengler suggests, Eumenes II. of Pergamon driven in a triumphal chariot by Athena.

Portraits.—The development of portraiture on gems was, for the most part, subsequent to the reign of Alexander, though a few earlier

examples can be quoted. For example, the disputed gem of Dexamenos, referred to above, contains a characteristic male portrait head. Alexander himself prescribed the manner in which his portrait was to be engraved by Pyrgoteles (see above). But, no doubt, the custom of engraving portraits on the coins, introduced by the early Diadochi at the end of the fourth century, tended to develop the art of portraiture. In later times we hear of portraits used so frequently, and for such various purposes, that there is no occasion for surprise at the number of unidentified portraits in all collections of gems. The portrait of Alexander was used as a signet by Augustus (Plin. *H. N.* xxxvii. § 10), and as a family crest on the rings and other property of the Macriani (Treb. Poll. *de Quieto*). A man might have a portrait engraved on a gem as being that of an ancestor (Val. Max. iii. 5; Cic. *in Cat.* iii. 5, 10), or of a teacher (Cic. *de Fin.* v. 2, 4; cf. Juv. *Sat.* ii. 6), or of a kingly patron (Plin. *Ep. ad Traj.* 74, ed. Keil), or of a predecessor (Plin. *H. N.* xxxvii. § 8), or of a friend (Ovid, *Tristia*, i. 7, 6), or of himself (Suet. *Aug.* 50). The finest examples of portraiture were not engraved in intaglio for seals, but were those occurring on the great cameos described below.

Cameos. — Cameos are works engraved in relief; intaglios have a sunk design. Early Greek cameos seldom occur, because the main object of the engravers was to produce seals. The form occasionally occurs, however, in early Etruscan work: compare certain *gorgoneia* and figures of harpies, in low relief, on sard (*Brit. Mus. Cat.* 244–248; King, *Antique Gems*, i. p. 117). The cameo form also occurs in the satyr's head engraved on the back of the scarab signed by Syries (see above, p. 605). The large onyx, representing a *tragelaphos*, which is mentioned in the Athenian treasure list of 398 B.C. (*C. I. A.* ii. 652 B, 12; cf. GEMMA) was probably a cameo. But it was not till after the time of Alexander that cameo-cutting became an art of importance. There is a remarkable series of portrait cameos which marks the rise of the art. Unfortunately, there is much doubt as to the personages represented, although archaeologists are for the most part agreed that they are members of the lines of the Seleucidae and Lagidae, between 300 and 150 B.C. The cameos in question usually represent the busts of a male and female figure, presumably a sovereign and his consort. The sovereign is usually in full armour. Among the best examples are—(1) The Gonzaga cameo, now at St. Petersburg: subject, Ptolemy Philadelphos and Arsinoe (Visconti); or Ptolemy I. and Eurydike (Müller, *Denkm. der alten Kunst*, i. No. 226 *a*). (2) The Vienna cameo: subject, Ptolemy Philadelphos and Arsinoe, daughter of Lysimachos (Müller, *Denkm. der alten Kunst*, i. No. 227 *a*). See also the Berlin cameo (Müller, i. No. 228), and the cameo in the De Luynes Collection in the French Bibliothèque Nationale (*Gaz. Arch.* 1885, pl. 42, p. 396). These regal cameos are in some instances of a considerable size, and they are worked in fine style, with great wealth of detail. It has been suggested by C. Lenormant (*Trésor de Numismatique*, pl. viii.) that they are the productions of a school of engravers at Alexandria. Such a school seems very possible, though evidence is wanting. We have seen above that Athenion was an artist in cameo who may well have worked at Pergamon in the reign of Eumenes II. (197–159). At about this time, also, the sardonyx was introduced at Rome by Scipio Africanus (Plin. *H. N.* xxxvii. § 85).

At the beginning of the Roman Empire the great cameos appeared which are a development of the regal cameos already described. The imperial cameos are distinguished by their great size, and by the admirable skill with which the artist employs the differently coloured strata of his material, and arranges his composition so as best to fill the space at his disposal.

We may mention some of the finest extant examples. That which was formerly reputed the largest of the series, the Carpegna cameo, formerly in the Vatican and now in the Louvre, has been shown to be made of glass (Buonarroti, *Medaglioni*, p. 427; Müller-Wieseler, *Denkmäler der alten Kunst*, ii. No. 116, and text). The next largest cameo is that of the Sainte-Chapelle, now in the French Bibliothèque Nationale. This magnificent gem is a sardonyx of three layers, and measures 12 in. by 10½ in. It was given by Baldwin II. to Louis IX., and passed into the treasures of the Sainte-Chapelle, from which it was transferred to its present resting-place in 1791. The subject,

Cameo of the Sainte-Chapelle.

once interpreted as Joseph in Egypt, is probably Livia and Tiberius enthroned, receiving Germanicus on his return from his campaign in Germany in A.D. 17. Above is a group of

deified members of the Julian house, and below a group of barbaric captives. Antonia is seen to the right of Germanicus, Agrippina and Caligula to the left: the group in the heavens contains, according to Bernoulli, the figures of the older Drusus (with the shield), Augustus (with the sceptre), Aeneas (with the sphere), and Germanicus, led by a genius and mounted on Pegasus. (Bernoulli, *Röm. Ikonogr.* ii. pl. xxx. p. 275; Müller, *Denk. der alten Kunst*, i. No. 378; Chabouillet, *Catalogue*, No. 188; Baumeister, *Denkmäler*, fig. 1794.)

Next in importance to the French cameo is the *Gemma Augustea* of Vienna. This is an onyx of two layers, measuring 8⅝ by 7½ inches. This gem was, in the fifteenth century, at the abbey of St. Gernin, at Toulouse, where it had been placed, according to tradition, by Charlemagne. Since 1619 it has been at Vienna. The subject is the Pannonian triumph of Tiberius, 12 A.D. Augustus and Roma are enthroned; they observe Tiberius stepping from his chariot, which is driven by Victory. Germanicus stands beside Roma. Allegorical figures complete the composition on the right; below, Roman soldiers are engaged erecting a trophy and bringing barbarian prisoners. (Bernoulli, *Röm. Ikonogr.* ii. pl. xxix. p. 262; Müller, *Denkm. der alten Kunst*, i. No. 377; Chabouillet, *Gaz. Arch.* 1886, pl. 31; Baumeister, *Denkmäler*, fig. 1793.)

The cameo in the British Museum, with a head of Augustus (*Cat. of Gems*, 1560 and frontisp.), is somewhat of the same order, though a much smaller work than the foregoing. This gem was at first identified as Constantine the younger, and has a considerable resemblance to the bust of that emperor as treated on the coins; but the work seems that of the early Empire, and the features are those of Augustus.

Akin to the great cameos are the vessels carved in precious stones of surprising magnitude, with designs in relief (Cic. *in Verr.* iv. 27, 62: "Vas vinarium, ex una gemma pergrandi, trulla excavata"). First among these is the cup of Oriental sardonyx, known as the cup of St. Denys, or cup of the Ptolemies, and now preserved in the French Bibliothèque Nationale. It is a cup 4¾ inches high, 5⅛ inches in diameter, elaborately carved with Dionysiac emblems and attributes in low relief (Chabouillet, *Catalogue* No. 279; Baumeister, *Denkmäler*, fig. 478). Another famous cup is the Tazza Farnese, now in the Museum at Naples. This is a large shallow cup of onyx. In the interior is an allegorical design relating to Egypt; on the exterior is a Gorgoneion (Millingen, *Anc. Unedited Monuments*, ii. pl. xvii.; *Mus. Borb.* xii. pl. 47). On a vase of onyx at Berlin, see Thiersch, *Abh. d. 1. Cl. d. k. Bayer. Akad.* ii. 1, p. 63.

The costliness of the material, and the difficulty of obtaining the effects of layers on different colour on any other than a plane surface, led to the production of the *toreumata vitri*, of which the Portland Vase, exhibited in the British Museum, is the most noted specimen. This is a specimen of true cameo engraving, only distinguished by the fact that the material to be carved is glass. This vase was found in the sixteenth century near Rome. The material consists of a ground of dark blue glass, and an upper layer of opaque white glass, in which the design was engraved, as in a sardonyx. It is supposed that the subjects of the scenes are taken from the myth of Peleus and Thetis (Millingen, *Anc. Unedited Monuments*, p. 27, pl. A; *Brit. Mus. Cat.* 2312; cf. VITRUM). The great Carpegna cameo mentioned above belongs to this class of objects. It closely resembles a sardonyx cameo of five layers, and represents a triumphal procession of Dionysos and Demeter, in a car drawn by Centaurs. It measures 16 by 12 inches. On such glass imitations of sardonyx, see King, *Precious Stones*, p. 308.

Intaglios of the Roman Empire.

For the first two centuries of the Empire, intaglio-engraving maintained a high degree of excellence, especially in its technical qualities and in its power of rendering portraits. After that period the falling away becomes conspicuous. The chief indication of decline is a continually increasing use of the wheel for executing the whole of the design—a method of working which necessarily implies carelessness and want of finish. Pietramari, an authority quoted by King (*Antique Gems*, i. p. 28), thought he had observed indications of wheel-cut work for the first time about the period of Domitian. It is very obtrusive in a gem which can be dated with tolerable accuracy as about 250 A.D. (*Brit. Mus. Cat.* 1106). Another symptom of the decay of gem-engraving is the introduction of gold coins set in jewellery, in the place of gems, a practice dating from about the time of Caracalla. The only gem-engraver of the imperial period whose name is recorded in literature is Dioscorides, the author of a portrait of Augustus, which succeeding princes used as a seal (Plin. *H. N.* xxxvii. § 8; Suet. *Aug.* 50). A considerable number of gems, purporting to be signed by Dioscorides, have been preserved. We also learn from the gem inscriptions, that Dioscorides had sons or pupils named Eutyches and Herophilos. A large number of other gem-engravers are also known from their signatures. The subject is discussed below.

Inscribed Gems.

There are numerous gems extant which purport to be inscribed with the names of the artists. The antiquity of nearly all these inscriptions has been called in question, and it is certain that in a great number of cases either a modern inscription has been added to an ancient work, or else both engraving and inscription are equally recent. The greatest difficulty that attends the study is that of distinguishing the different classes of inscribed gems. And since we have to deal with the frauds of four centuries, there is no branch of archaeological study where it is more important to know something both of the history of taste since the revival of learning, and of the personal characters of the persons who have been collectors.

With the fall of the Roman Empire, gem-engraving became ruder and finally died out. Like many other arts, it only lived on at Byzantium to be communicated again to the West at the revival. Meanwhile the ancient

gems were regarded either with reverence or superstition; the best were preserved in reliquaries, and the less important were used as seals. (See S. Thompson's *Photographs from the Collections in the Brit. Mus.* No. 1024.) With the revival of learning the art was again practised, and ancient gems became objects of interest from the antiquarian and artistic points of view. The first beginnings of the revival date from early in the fourteenth century (King, *Handb. of Engr. Gems*, p. 121). Cyriac of Ancona gave attention to gems as well as to other branches of antiquity. In 1445 he describes a gem with a half-length figure of Athena, and quotes, not quite accurately, the inscription ΕΥΤΥΧΗC | ΔΙΟCΚΟΥΡΙΔΟΥ | ΑΙΓΕΑΙΟC ΕΠΟΙ | ΕΙ (Furtwaengler, *Jahrb. des Inst.* 1888, p. 304, pl. 10, fig. 3).

Paul II. (1471) and Lorenzo de' Medici were enthusiastic collectors and patrons. But the gem-engraving of the Cinque Cento period is more easily distinguished from the antique than is that of later times. The artists adhered less minutely to classical models, and as a rule their compositions are more full of detail and more fanciful. There is also a different range of subjects, stories from Roman history being frequently chosen for illustration.

In the sixteenth century antiquarian studies began to influence the subject. In 1570 Fulvius Ursinus published at Rome the first edition of *Imagines Illustrium ex Bibliotheca Fulvi Ursini.* This work contains a collection of portraits, supposed to be authenticated by inscriptions. In the first edition it contains (pll. 21, 23, 53) gems inscribed with the names of Homer, Hesiod, Plato, and also (pl. 49) a head now called Maecenas, and inscribed COΛΩNOC. The second edition, published at Antwerp in 1598, omits the gems inscribed with the names of Homer, Hesiod, and Plato, and contains the above-mentioned head of Maecenas, and also No. 64 ("Antinous"), inscribed ΕΛΛΗΝ; No. 75 (female head), inscribed ΥΛΛΟΥ (*Jahrb. d. Inst.* 1888, pl. 10, fig. 1); No. 87 (cameo with head of Germanicus), inscribed ΕΠΙ-ΤΥΓΧΑΙΝΟC ΕΠΟΙΕΙ) (*Brit. Mus. Cat. of Gems*, 1859); No. 141 (head of Themistocles, inscribed ΘΕΜΙCΤ). In every case the names are explained as those of the persons represented; *e.g.* No. 75 is Hylas. The first edition of this work, with a commentary, appeared at Antwerp in 1606: Faber, *In Imag. Illustr. ex F. Ursini Bibl. Commentarius.* Here there are the same plates of inscribed gems that occur in the previous edition; also a mention of a portrait by Mycon (pref. p. 4; cf. Stosch, *Gemmae*, p. 58); an allusion to Epitynchanos and Zosimos as artists (p. 52), and a discussion of the authorship of certain unsigned gems (Nos. 39, 79, 87). There is also (p. 52) a mention of an Augustus with a radiate crown, signed by Dioscorides, of which nothing is known. On p. 66, the Heracles, signed ΓΝΑΙΟC, is referred to (*Brit. Mus. Cat.* pl. H, No. 1281), and on p. 67 a Cupid and butterfly of Aulos.

During the close of the sixteenth century, and through the seventeenth century, numerous signed gems were becoming known, besides those already mentioned. A list of the most important here follows, stating summarily the date, the subject, the artist, the best publication, and the manner in which the gem first became known. *Jahrb.* 1888 or 1889 refers to Furtwaengler's articles in the *Jahrbuch des Arch. Institutes*, 1888 and 1889.

1585. Artemis of Apollonios (*Jahrb.* 1888, pl. 10, fig. 8), and Hermes of Dioscorides (*Jahrb.* 1888, pl. 8, fig. 22). Seen by Montjosieu (*Gallus Romae Hospes*, in Gronov. *Thes.* ix. p. 790). The Hermes afterwards formed part of the collection belonging to the Duke of Marlborough.

About 1600. Rape of Palladion, by Solon (*Jahrb.* 1888, pl. 8, fig. 29). Seen by Chaduc.

1605. Maecenas of Dioscorides. Seen by Peiresc (Gassendi, *Vita Peirescii*, p. 90). This was probably not identical with the stone now at Paris.

1606. Bearded head with name of Aetion (*Jahrb.* 1888, pl. 11, fig. 12). In possession of Peiresc (Gassendi, *op. cit.* lib. ii. p. 95). Probably modern.

1625. Julia Titi of Euodos (*Jahrb.* 1888, pl. 11, fig. 4). Enumerated among the treasures of the Abbey of St. Denys, where it was attached to a reliquary said to have been given by Charles the Bald. (Doublet, *Hist. de l'Abbaye*, p. 335.)

1627. Medusa of Sosos (?). (*Jahrb.* 1888, pl. 8, fig. 18.) Published by Stefanoni. Now in the British Museum (Carlisle Collection).

Before 1646. Rape of Palladion, by Felix (*Jahrb.* 1888, pl. 10, fig. 7). A part of the Arundel Collection.

1657. Apollo of "Allion" (Stosch, *Gemmae*, pl. viii.). Published by Agostini (ed. of 1657, i. pl. 32, p. 6). Correct reading, ΔΑΛΙΟΝ. Meaning doubtful.

1669. Athena of Aspasius (*Jahrb.* 1888, pl. 10, fig. 10). Published by Canini, *Iconografia*, pl. xcii.

1669. Athena, with name of Apollodotus (Stosch, *Gemmae*, pl. x.). Published by Canini, *op. cit.* pl. xciii. This is probably an owner's name. It was first explained as an artist's signature by Baudelot de Dairval (*De l'Utilité des Voyages*, 1686, i. p. 311).

About 1680. Achilles of Pamphilus (*Jahrb.* 1888, pl. 10, fig. 4). Presented to Louis XIV. (Mariette, *Traité*, ii. p. viii).

1686. Eros on lion, of Protarchus (*Jahrb.* 1888, pl. 8, fig. 20); and Muse of Onesas (*Jahrb.* 1888, pl. 8, fig. 16). Published by Agostini (ed. of 1686, ii. pl. 55, 7).

Before 1694. Augustus, by Herophilus, son (or pupil) of Dioscorides (*Jahrb.* 1888, pl. 11, fig. 2). In the monastery of Echternach. Described in the *Luxemburgum Romanum* of Wiltheim, who died in 1694. (See Brunn, *Gr. Künstler*, ii. p. 506.)

Before 1701. Heracles and Cerberus of Dioscorides (*Jahrb.* 1888, pl. 3, fig. 1). Published by Beger, *Thes. Brand.* iii. p. 192.

1709. Portrait head of Agathopus (*Jahrb.* 1888, pl. 8, fig. 15). Published by Maffei, *Gemme Antiche*, i. pl. 6.

1709. Strozzi Medusa of Solon (*Brit. Mus. Cat.* pl. H, 1256). Published by Maffei, *op. cit.* iv. pl. 28. Inscription probably modern.

1709. Adonis of Coenus (*Jahrb.* 1888, pl. 10, fig. 20). Published by Maffei, *op. cit.* iv. pl. 20.

In 1712 Orleans (afterwards Regent) suggested that the Solon of the Strozzi gem was its author, and that it was he who had engraved the gem of Fulvius Ursinus previously known as Soion

and afterwards as Maecenas. This theory, published by Baudelot de Dairval in 1717 (*Lettre sur le prétendu Solon*), attracted much attention in France to the subject of artists' signatures. But in Italy the Florentine Andreini had already been engaged for several years collecting gems with artists' signatures. By the testimony of Gori (*Columb. Liviae*, 1727, p. 154) it was Andreini who first brought signed gems into high esteem.

In 1724 Philip von Stosch published his *Gemmae antiquae caelatae, Scalptorum nominibus insignitae*, giving all the gems which he considered genuine, inscribed with proper names; all of which he claimed as artists' signatures. From this time onwards there was a great demand for gems with artists' signatures; and it is certain that after this period forgeries became frequent.

Bracci (*Memorie degli Antichi Incisori*, 1784) and others made lists of artists, whose number was continually increasing. At length in 1830 the climax was reached when Prince Poniatowski had formed a collection of signed gems which had been manufactured to meet his order; and so brought the subject for a time into contempt.

The first critical examination of the accumulated material was that of H. K. E. Köhler, whose essay was edited by Stephani, in Köhler's *Gesammelte Schriften*, vol. iii. (1851). Köhler's inquiry was carried on in such a sceptical spirit that he only admitted five gems as having authentic signatures (Köhler, iii. p. 206). The subject has since been reviewed by Stephani, *Ueber einige angebliche Steinschneider: Mém. de l'Académie de Pétersbourg*, vi^e^ sér. Sciences polit., vol. viii. p. 185; Brunn, *Gesch. der griech. Künstler* (1859), ii. p. 441; Chabouillet, *Gaz. Arch.* 1885–6; and Furtwaengler, *Jahrb. d. Inst.* 1888, 1889. Stephani and Chabouillet are sceptical, while Brunn and Furtwaengler admit a large number of signatures.

Having completed our review of the materials available, we make the following observations.

1. A certain number of signatures may be accepted without the least hesitation. These gems are:—(*a*) Early Greek gems only recently discovered and in a style quite unknown to the forgers; as the gems signed by Dexamenos and Syries. (*b*) Gems whose history can be traced back beyond the revival of art; as the gem of Eutyches and probably that of Euodos. (*c*) Cameos of certain authenticity where the inscription stands out in relief, as in the Gigantomachia of Athenion.

2. A considerable number may be rejected without hesitation. (*a*) Where the inscription is illiterate or impossible, or where ΕΠΟΙΕΙ is shortened to ΕΠ. (*b*) Where the gem is an exact replica of another already famous. (*c*) Where the material is one to which the ancients had no access, e.g. *Brit. Mus. Cat.* 985. (*d*) Where the work appears modern, and the motive of the forger is manifest, as in the Alexander of Pyrgoteles: *Brit. Mus. Cat.* 2307. (*e*) (As a rule) where the source is utterly corrupt, as in the case of the Poniatowski collections.

3. A name on a gem may be genuine, but may be supposed not to represent the artist's signature—(*a*) If it obviously relates to the subject, as Hyacinthus on a gem with a discobolos: *Brit. Mus. Cat.* pl. G, 742. (*b*) If it obviously relates to the person represented, as Aristippus: *Brit. Mus. Cat.* pl. I, 1518. (*c*) If it is found on a late and rudely-cut work, as Thamyras: *Brit. Mus. Cat.* 660. (*d*) If the conspicuousness of the inscription proves it to be an owner's name: see above, p. 605.

4. The various categories above enumerated include a large number of gems; but many remain to be considered. They are of the highly-finished style of the beginning of the Roman Empire, which has been very accurately imitated by modern engravers; and it is in dealing with these that the chief difficulties arise. It must be confessed that much depends on the opinion of the critic, which has to be exercised on a class of objects as to which it is exceptionally difficult to form a judgment based on style. When Furtwaengler selects six gems as genuine out of nearly forty purporting to be signed by Dioscorides, of which Köhler and King accept none, it is obvious that certainty is unattainable.

5. In this state of uncertainty it would be a great aid if we could feel sure that forged names were very rare before the time of Stosch, and that a gem signature known before 1724 had a strong *primâ facie* claim to be considered genuine. It is from this point of view that the list of gems given above is of high importance. Unfortunately, however, it seems to have been a practice to interpolate names of illustrious persons on gems supposed to be portraits. Thus Homer, Hesiod, and Themistocles occur in the first ed. of the *Imagines* of Ursinus. Moreover, a motive for forging artists' names was not wanting from an early time. Already in 1606, it appears from Faber's commentary, quoted above, that the question of authorship excited interest, and the discussion had begun whether unsigned gems could be attributed to the artists whose names were current. When gems are regarded from this point of view, the temptation to forge a signature begins.

In 1686 Baudelot de Dairval (*De l'Utilité des Voyages*, i. p. 399) gives a warning against forged gems, though without specifying the manufacture of inscriptions in particular. The prevalence of fraud in the first half of the eighteenth century is attested by statements of Stosch in 1724 (*Gemmae*, p. xxi., 29), of Gori in 1727 (*Columb. Liv.* p. 155), of Vettori in 1739 (*Dissertatio Glyptographica*, p. 97), and of Bracci (*Memorie*, i. p. 147). In 1754 Natter naïvely confessed (*Traité de la Méthode ant. de graver*, &c. p. xxix.) that he occasionally added artists' names when requested.

6. It is therefore necessary, even with gems published at an early period, to scrutinise closely the forms of the inscriptions. This subject has been most recently investigated by Furtwaengler, in the papers quoted above. The main results of his investigations are the following. The present writer accepts them on the whole, though occasionally differing in opinion as to individual gems.

Genuine inscriptions (*a*) before Alexander. The strokes are usually of an even width; the nom. form is more frequent than the genitive; the earliest inscriptions follow the margin of the stone, while they are in a straight line after about 400 B.C. (*b*) Of the Hellenistic period. The inscriptions are rough and careless; in

cameos the letters are in relief; occasionally there are "cups" at the ends of the strokes such as become universal in the next period. (*c*) Of the close of the Republic and beginning of the Empire. The inscriptions are minute and elegant; cameos are inscribed in intaglio; the letters are formed with small cup-like hemispherical depressions at the ends of the strokes, the cups being produced with a drill, and the strokes of the letters with the diamond point.

This method of work was not adopted by modern engravers, according to Furtwaengler, before the time of Sirleti (died 1737). On the operations of Sirleti, cf. Bracci, *Memorie*, i. p. 147. From this the important rule is deduced, that if the inscription has the "cups," and if it was known before 1730, it is genuine. Unfortunately this rule is not quite without exception, the gem with the name Hellen, in the *Imagines* of Ursinus, being rejected by Furtwaengler, though the cups are present (*Jahrb.* 1889, p. 76).

7. From the year 1730 onwards those gems which do not fall within the categories given above can only be judged from their style. Here there is a wide field of difference of opinion among critics, and the subject is in a bewildering state of uncertainty. It is plain, however, that the only way of making progress is systematically to collect certainly authentic and certainly false specimens, and so by degrees to establish standards on which a methodical judgment can be based.

Literature.—A full critical account of engraved gems has not been written. In addition to the works dealing with particular parts of the subject, quoted in the foregoing pages, the following may be mentioned:—Mariette, *Traité des Pierres gravées*, 1750; Ç. W. King, *Handbook of Engraved Gems*, 1866, and *Antique Gems and Rings*, 1872; A. S. Murray, art. *Gems* in *Encycl. Brit.* 9th ed., vol. x., and Introduction to *Cat. of Gems in the Brit. Mus.* Catalogues have been published of some of the chief public collections: namely, of the Berlin Collection by Winckelmann, *Descr. des Pierres gravées du feu Baron de Stosch* (1760), and Toelken (1835); of the British Museum Collection, by A. S. Murray and A. H. Smith (1888); of the Collection in the Bibliothèque Nationale, at Paris, by Chabouillet (1858); of the cameos at Vienna, by Eckhel (1788) and V. Arneth (1849). A great number of gems in various collections are described by R. E. Raspe, in *A descriptive Catalogue of Gems cast in coloured pastes by James Tassie*, 1791. [A. H. S.]

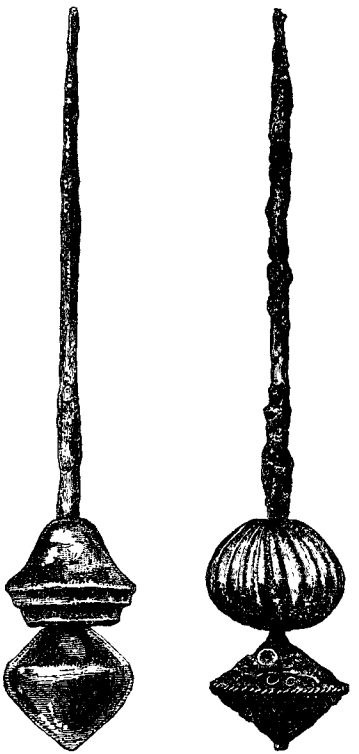
SCAPHEPHO'RIA. [HYDRIAPHORIA.]

SCA'PHIUM (*σκάφιον*), a shallow vessel without a handle, so called because it was shaped something like a boat (cf. CYMBIUM and the English "sauce-boat"), used as a drinking cup (Plaut. *Stich.* iv. 5, 11; *Bacch.* i. 1, 37); sometimes earthenware, sometimes metal; *e.g.* of brass (Lucret. vi. 1045), of silver (Athen. iv. p. 142 d; Cic. *Verr.* iv. 17, 37). It was used also for dipping and pouring water over the body in the bath (Athen. xi. p. 501 e; Plaut. *Pers.* i. 3, 43). In Plut. *Num.* 9 a brazen *σκάφιον* (or *σκαφεῖον*) is used to relight the sacred fire [PRYTANEUM, p. 514], being doubtless a primitive substitute for a concave mirror or burning-glass, and retained by religious conservatism.

Scaphium also = a *matella* of the same shape (Juv. vi. 264, &c.). For the explanation of *σκάφιον κείρεσθαι*, see COMA, Vol. I. p. 498 *a*. [G. E. M.]

SCENA. [THEATRUM.]

SCEPTRUM. In Homer the king carries a sceptre as a badge of his power (cf. *Il.* ii. 86, *σκηπτοῦχοι βασιλῆες*; *ib.* 206, *βασιλεὺς ᾧ ἔδωκε Ζεὺς σκῆπτρον τ' ἠδὲ θέμιστας*), but it is not distinguished by name from other staves, since *σκῆπτρον* is used not only of those borne by men of rank and heralds, but of a beggar's cudgel (cf. *Od.* xvii. 195 and 199, where it is synonymous with *ῥόπαλον*). The king's sceptre, however, was richly ornamented, being covered with gold foil (*χρύσεον*, *Il.* i. 15, &c.) and studded with gold nails (*χρυσείοις ἥλοισι πεπαρμένον*, *Il.* i. 245), which were doubtless for the purpose of attaching the gold plating to the wood. Among the objects found at Mycenae are the head and butt of a staff of this kind, of beaten gold and decorated with a spiral and a leaf pattern



Sceptres of silver plated with gold. (Schliemann's *Mycenae*.)

(Schuchhardt, *Schliemann's Ausgrabungen*, Leipzig, 1890, p. 285, fig. 251). In classical times, when kings were but little known in Greece, the chief bearers of sceptres were the gods, goddesses, and heroes in works of art. A good instance is the sceptre of the Zeus Olympios of Pheidias, which was adorned with all manner of metals, and surmounted by an eagle (*τῇ δὲ ἀριστερᾷ τοῦ θεοῦ χειρὶ ἕνεστι σκῆπτρον μεταλλοις τοῖς πᾶσιν διηνθισμένον. ὁ δὲ ὄρνις ὁ ἐπὶ τῷ*

σκήπτρῳ καθήμενος ἐστὶν δ ἀετός, Paus. v. 11, 1). Flowers and fruit are even more common as badges, the sceptres of the gods being in fact strangely like those of men of rank in Assyria described by Herodotus (i. 195), surmounted by an apple, a rose, a lily, or some such thing (cf. Murray, *Journal of Hellenic Studies*, 1889, vol. x. p. 251).

In the Tragedians the word σκῆπτρον, though often used metaphorically of royal power (*e.g.* Soph. *O. C.* 426), is still quite general in meaning, the old man's staff or the wayfarer's stick being both so called (Soph. *O. T.* 456; *O. C.* 84; Aesch. *Agam.* 75). The staff, however, that was in everyday use in the fourth and fifth centuries, was plain, and seems only in such exceptional cases as that of Parrhasius to have been of Homeric magnificence (σκίπωνί τε ἐστηρίζετο χρυσᾶς ἕλικας ἐμπεπαισμένῳ, Athen. xii. p. 543 c).

At Rome, even more than in Greece, the sceptre, whose Latin name is *scipio* (a word originally borrowed from the Greek), was unknown except as a relic of the heroic and kingly age (cf. Verg. *Aen.* xii. 206) and an attribute of the gods. There is one important exception, that of the magistrate, who appeared in triumphal costume in the *processus consularis* at the games, bearing in his hand a sceptre of ivory, surmounted by an eagle (Juv. x. 43; Prudent. *Peristeph.* 148, "aquila ex eburna sumit arrogantiam gestator ejus ac superbit belluae inflatus osse, cui figura est alitis"). This, however, was an emblem of apotheosis, and, unlike the other *ornamenta triumphalia*, was never worn on other occasions during the life of the *triumphator*, nor was it carried at his funeral. Even when the emperors are represented on coins as bearing it (cf. Antoninus and Volusian's coins), the sceptre is the token of their triumph and not of supreme power.

Livy's story (v. 41) of M. Papirius, the senator, striking the Gaul *scipione eburneo*, is held by Mommsen to be at variance with the usages of after-times and to be a poetic exaggeration, as are the many descriptions which late authors give of the costume of the early Romans. (Buchholz, *Die homer. Realien*, ii. p. 8; Helbig, *Das homerische Epos*, 1887, p. 378; Daremberg and Saglio, *Dict. Antiq.* art. *Baculum;* Mommsen, *Staatsrecht*, 2nd edit., i. 140; *Staatsverwaltung*, ii. p. 587; Marquardt, *Privatleben*, 2nd edit., p. 742; Mayor *ad Juv.* x. 35 foll.) [W. C. F. A.]

SCHOENUS. [MENSURA, p. 163.]

SCHOLA. [LUDUS LITTERARIUS.]

SCIROPHO'RIA (Σκιροφόρια), a festival celebrated at Athens on the 12th of Skirophorion, at which the priestess of Athena and the priests of Poseidon and Helios, overshadowed by a large white umbrella, proceeded from the Acropolis to a place called Skiron. According to some, the solemnity was performed in honour of Athena; according to others, of Demeter and Kore. The umbrella was the symbol of the protection of the Attic soil against the scorching heat of the sun, and was carried by the priest of Erechtheus or a member of the family of the Eteobutadae. (Schol. *ad* Aristoph. *Eccl.* 18; Harpocrat. pp. 168 and 270; Paus. i. 36, § 3; Suid. s. *v.* Διὸς κώδιον; Clemens Alex. *Protrept.* p. 11: cf. A. Mommsen, *Heortol.* p. 440 fol.) [L. S.]

SCI'RPEA. [PLAUSTRUM.]

SCIRPI'CULA. [CALATHUS.]

SCOBIS, sawdust, was sprinkled over the floor, especially in dining-rooms, so that the dust and any impurities might be swept up with it (Hor. *Sat.* ii. 4, 81; Juv. xiv. 67; cf. Plin. *H. N.* xxxvi. § 184). In smarter houses the sawdust was dyed with saffron or vermilion (Petron. 68). Heliogabalus is said to have had his portico strewn with gold dust, or gold filings (*scobe auri*), and to have regretted that he could invent nothing more costly for the purpose (Lamprid. *Elagab.* 31; for this *scobis*=ῥίνημα from metal-working, cf. Plin. *H. N.* xxxiv. § 111; Blümner, *Technologie*, iv. 256). [G. E. M.]

SCOPAE, a broom (*scopae virgeae*, Cato, *R. R.* 156: cf. Hor. *Sat.* ii. 4, 81). These brooms were made commonly of the "wild myrtle" or butcher's broom (*ruscus*) and of the tamarisk (Plin. *H. N.* xxiii. § 166, xvi. § 108), but also of myrtle (Eur. *Ion*, 121), and in richer houses at Rome of palm-twigs. (Hor. *Sat.* ii. 4, 83; Mart. xiv. 82; cf. Juv. xiv. 60; Becker-Göll, *Gallus*, i. 35.) [G. E. M.]

SCORDISCUS. [EPHIPPIA.]

SCORPIO. [TORMENTUM.]

SCRIBA, a title given to the clerks, or rather secretaries, who formed the highest class of the officials attached to a Roman magistrate. The *scriba* was much more than a mere *librarius* or copyist; thus Cicero, *pro Sull.* 15, 42, 44, distinguishes sharply the *librarii* who copied out the confessions of the Catilinarian conspirators from the *scribae*, the four senators who had taken them down. The compound expression *scriba librarius* is used to denote a superior kind of *librarius:* hence the quaestorian clerks often appear as *scribae librarii*. These were divided into three decuries, presided over by the *sex primi* (Cic. *de Nat. Deor.* iii. 30, 74; Wilmanns, *Inscr.* 1297, 1298, 1809), and had as their especial charge the administration of the treasury (whence they are sometimes called *ex aerario*, *C. I. L.* vi. 1816) and the keeping of the public books. Every governor of a province had two of these treasury-clerks assigned to him to keep his accounts (Liv. xxxviii. 55, 5), and to draw up the statement which he had to give in upon his return (Cic. *in Pis.* 25, 61). Besides them, he would naturally have his own clerks for his private accounts. As the treasury contained the state archives, all the business connected with them, especially the registration of the decrees of the senate, passed through the hands of the *scribae*. There is no definite reference to *scribae* attached to the consuls; but the praetors and the judicial authorities generally were regularly aided by *scribae*, who read the documents laid before the court (Cic. *in Verr.* iii. 10, 26), and drew up the decisions and sentences in due form (Cic. *pro Cluent.* 53, 147). The censors especially were during their term of office in need of such clerical assistance, and sometimes they appear as the authorities in charge of the whole body of public clerks (Liv. iv. 8, 4). Most of the clerks may have belonged to the class of public slaves; but others, again, must have been officials holding a respectable position, for, in the formula of the census, they are mentioned after the censors but before the other magistrates (Varro, vi. 87). At least the more important of the clerks must have been

taken from the decuries of the *scribae quaestorii*: the nominations were usually made by the quaestors, but here, as always, a superior magistrate could interfere by the exercise of his overruling powers when he pleased. We learn from the case of Horace that appointments could be, in some cases at least, obtained by purchase. The number of the quaestorian clerks was 27 before the time of Sulla, and was raised by him to 36. As there were probably 11 provincial governors sent out after Sulla's re-arrangements, this left 14 for duty at home. The clerks of the curule aediles, mentioned by Cicero (*pro Cluent.* 45, 126) and Livy (xxx. 39, 7), and often in inscriptions (*e.g.* Wilmanns, 1296, 1300, 1302, 1303, &c.), formed one decuria, presided over by 10 head clerks (*C. I. L.* vi. 1840). They were not much inferior in standing to the former class. We also find mention of clerks to the plebeian magistrates, the tribunes, the plebeian aediles, and the Cerial aediles; but little is known of their functions, and they do not appear to have been important. On the other hand, the first two classes contained men of great knowledge of business and even of law (*C. I. L.* vi. 1819), and these may be compared to the permanent officials of our own public offices. Their services must have been quite necessary to the annually elected magistrates, often young and inexperienced. They formed collectively an *ordo* (Cic. *Verr.* iii. 79, 184), claiming to rank with that of the *equites* (Schol. *in* Juv. v. 3), and it was the gradual establishment of a claim to lifelong tenure of office that led to the sale of posts which the incumbents were willing to vacate. In the provinces they ranked immediately after the staff officers of the governor; but the fact that they received pay (under the Republic called *merces*, under the Empire *salarium*) drew a sharp line between them and the officers who were not *mercenarii*. Hence, as in the well-known case of Cn. Flavius, a *scriba* was not allowed to stand as a candidate for office until he had laid down his *scriptus* or official position. Cicero (*de Off.* ii. 8, 29) mentions another case of a man who had been a clerk under Sulla becoming praetor urbanus under Caesar. In Horace (*Sat.* ii. 5, 56) we have an instance of an inferior magistrate, one of the quinqueviri, turning clerk; he also speaks of the order, to which he himself belonged, in *Sat.* ii. 6, 36, as possessed of influence. In Tacitus they are apparently included in the decuriae, which were largely composed of *libertini* or their descendants. (Cf. Mommsen, *Röm. Staatsrecht*, i.[3] 331–339.) [A. S. W.]

SCRIPTU'RA, the oldest form of revenue from *ager publicus* (according to Pliny, *H. N.* xviii. § 11), was that portion of the revenue of the Roman commonwealth which was derived from letting out part of the *ager publicus* as pasture-land (Cic. *pro Flacco*, 8, 18). Such parts were called *pascua publica*, *saltus*, or *silva* (cf. Verg. *Georg.* iii. 323), the last name pointing to the feeding of swine on acorns. They were let, like other sources of vectigalia, by the censors to publicani; and the persons who grazed cattle on the pastures (*pecuarii*) had to pay a certain duty to the publicani according to the number and size of the cattle. For fines levied on the pecuarii who evaded this payment, see Liv. x. 23, xxxiii. 42, xxxv. 10; Ovid, *Fast.* v. 283–294. The leges Liciniae of 367 (App. *B. C.* i. 8) and the agrarian law of B.C. 111 set limits to the number of cattle which any one person might graze on the public land: but it is hard to see why a limit should have been imposed, when fees were regularly paid to publicani, and when the publicani were therefore able to pay a large contract-sum into the treasury; the more grazing, the higher the contract.

The amount of the duty is unknown, but the state revenue hence derived through the publicani seems to have been very considerable. From registering the cattle on the lists of the publicani (*scribere*) came the name of the duty itself; the land itself was called *scripturarius ager* (Festus, *s. v.*), and the publicani and their servants *scripturarii*. Cattle sent on the pastures without registration (*pecus inscriptum*) were probably forfeited to the publicani (Plaut. *Truc.* i. 2, 48; Varro, *R. R.* ii. 1). Public pastures were found in Italy (especially in Samnium, Lucania, and Apulia; Varro, *l. c.*; Liv. xxxix. 29) and in the provinces (in Sicily, Cic. *Verr.* ii. 3, 6; *ib.* 70, 171;—in Asia, Cic. *pro Leg. Manil.* 6, 14; *ad Fam.* 13, 65;—in Cyrene, Pliny, *H. N.* xix. § 39).

Scriptura disappeared in Italy as the pasture-land was assigned by agrarian laws to individual owners, and the treasury thus lost a great source of revenue. Even in the provinces the scriptura disappears under the Empire, the emperors taking to themselves the nearly exclusive management and even use of the pascua (Cod. Theod. *de Pasc.* 7, 7; *de Greg. Domin.* 10, 6). [F. T. R.]

SCRU'PULUM, or more properly SCRIPULUM or SCRIPLUM (γράμμα), the smallest denomination of weight among the Romans. It was the 24th part of the UNCIA, or the 288th of the LIBRA, and therefore about 18 grains English, which is about the average weight of the scrupular aurei still in existence. [AURUM.]

As a square measure, it was the smallest division of the jugerum, which contained 288 scrupula. [JUGERUM.] Pliny (*H. N.* ii. § 48) uses the word to denote small divisions of a degree. It was in fact to be applicable, according to the use of the As and its parts, to the 288th part of any unit.

Though the scrupulum was the smallest weight in common use, we find divisions of it sometimes mentioned, as the *obolus* = $\frac{1}{2}$ of a scruple, the *semi-obolus* = $\frac{1}{4}$ of an obolus, and the *siliqua* = $\frac{1}{6}$ of an obolus, = $\frac{1}{8}$ of a scruple, which is thus shown to have been originally the weight of a certain number of seeds. (*Carmen de Pond.* v. 8–13:—

> "Semioboli duplum est obolus, quem pondere duplo
> Gramma vocant, scriplum nostri dixere priores.
> Semina sex alii siliquis latitantia curvis
> Attribuunt scriplo, lentisve grana bis octo,
> Aut totidem speltas numerant, tristesve lupinos
> Bis duo.")

[PONDERA, p. 455.] [P. S.]

SCULPO'NEAE (κρούπεζαι) were wooden shoes, made, as the name implies, each in one piece and hollowed out. They were worn only by peasants and slaves in country work (Cato, *R. R.* 59, 135; Plaut. *Cas.* ii. 8, 59; Trebell. Poll. *XXX. Tyr.* 22; Isid. *Orig.* xix. 34). It seems that there were also wooden shoes called

calones (Paul. p. 46, 15; cf. Isid. *l. c.*). The Greek κρούπεζαι, κρούπαλα, κρουπέζια were, perhaps, originally merely wooden shoes, worn, as Pollux intimates, particularly by the Boeotian peasants, and so called because of the noise which they made (Poll. vii. 87, x. 153). Photius (*s. v.* κρούπαλα) says that they were used for treading out olives. But the name belongs especially to the wooden instrument of a double block of wood with a hinge fitted to the feet and used by flute-players to beat time = Latin *scabellum* or *scabillum* [see under CYMBALA, and for illustration see Baumeister, *Denkm.* fig. 1350]. For Greek and Roman shoes in general, see CALCEUS. [G. E. M.]

SCULPTU'RA. [SCALPTURA: for *sculpture*, see STATUARIA.]

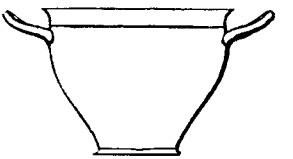
SCUTELLA (Cic. *Tusc.* iii. 19, 46) is rightly explained by Rich as a small tray or salver on which cups could be placed, and not a saucer or dish like its French derivative *écuelle:* for in Ulp. *Dig.* 34, 2, 20, § 10, scutellae are defined as "quae aliquid sustineant," and are specially distinguished from vessels "quae aliquid in se recipiant edendi bibendive causa paratum." (Cf. Becker-Göll, *Gallus*, iii. 395.) [G. E. M.]

SCU'TICA. [FLAGRUM.]

SCUTUM (θυρεός), the Roman shield worn by the heavy-armed infantry after 340 B.C., instead of being round like the Greek CLIPEUS, was adapted to the form of the human body, by being made either oval or of the shape of a door (θύρα), which it also resembled in being made of wood or wicker-work, and from which consequently its Greek name was derived. Two of its forms are shown in the woodcut at p. 80. That which is here exhibited is also of frequent occurrence, and is given on the same authority: in this case the shield is curved so as in part to encircle the body. The terms *clipeus* and *scutum* are often confounded; but that they properly denoted different kinds of shields is manifest from the passages of several ancient writers (Liv. viii. 8; Plut. *Rom.* 21). In like manner Plutarch distinguishes the Roman θυρεὸς from the Greek ἀσπὶς in his life of T. Flaminius (p. 688, ed. Steph.). In *Eph.* vi. 16 St. Paul uses the term θυρεὸς rather than ἀσπὶς or σάκος, because he is describing the equipment of a Roman soldier. These Roman shields are called *scuta longa* (Verg. *Aen.* viii. 662; Ovid, *Fast.* vi. 392). Polybius (vi. 23) says their dimensions were 4 feet by 2½, or slightly more. The shield was held on the left arm by means of a handle, and covered the left shoulder. [J. Y.] [A. H. S.]

Scutum. (Bartoli's *Arcus Triumphalis.*)

SCYPHUS (σκύφος), a drinking cup with two straight handles on the rim, much deeper than the κύλιξ or *calix* and of ruder shape, as may be seen from the woodcut below. It was said to be the cup of Heracles, both as more rustic in form and as holding more, while the CANTHARUS is given to the more refined Dionysus (Macrob. *Sat.* v. 21; Athen. xi. p. 500 a; Serv. *ad Aen.* viii. 288; cf. Plut. *Alex.* 75). This tradition agrees with the fact that it is consistently ascribed by Greek writers to peasant life and the use of herdsmen and shepherds (Athen. xi. p. 498 f, g; *Od.* xiv. 112; Eur. *Cycl.* 390; Theocr. i. 143), and represented as originally of wood, *faginus* (Tibull. i. 10, 8); δουράτεον (Athen. *l. c.*), "ingens ligneum poculum" (Serv. *l. c.*). The material was changed to earthenware (Athen. p. 500 a), and then to silver (Varr. *ap.* Gell. iii. 14; Cic. *Verr.* iv. 14, 32), or even gold (*ib.* iv. 24, 54), and in Latin we find it a drinking cup at the tables of the rich, having lost its rustic character (Hor. *Od.* Ep. i. 27, &c.), but no doubt retaining its shape as in the annexed cut. The example given by Marquardt (*Privatleben*, p. 652) is nearly the same, but the sides are straighter.



Ordinary Scyphus. (Dennis.)

Later form of Scyphus. (Dennis.)

Dennis gives as a later and more elaborate form a scyphus with incurved handles (*Cities and Cemeteries of Etruria*, i. cix.). [G. E. M.]

SCY'RIA DIKE (Σκυρία δίκη) is thus explained by Pollux (viii. 81): Σκυρίαν δίκην ὀνομάζουσιν οἱ κωμῳδοδιδάσκαλοι τὴν τραχεῖαν, ἣν οἱ φυγοδικοῦντες ἐσκήπτοντο εἰς Σκῦρον ἢ εἰς Λῆμνον ἀποδημεῖν. By τραχεῖα δίκη is meant one beset with difficulties, in which the plaintiff had to encounter every sort of trickery and evasion on the part of the defendant. On the appointed day of trial (ἡ κυρία τοῦ νόμου, commonly the thirtieth day after the commencement of the action, Dem. *c. Mid.* p. 529, § 47, *lex;* cf. *c. Timocr.* p. 720, § 63, *lex;* but the trial might be postponed by agreement between the parties [Dem.] *c. Phaenipp.* p. 1042, § 13 [ΕΜΜΕΝΟΙ ΔΙΚΑΙ]) both parties were required to be present in court. If the plaintiff was not there, he was non-suited; if the defendant did not appear, judgment was given against him by default. If, however, either party had some good excuse to offer, such as illness, the death of a relative, or inevitable absence abroad (Hyp. *fr.* 204 = Schol. Aristoph. *Plut.* 725; Schol. Dem. *c. Mid.* p. 541; Pollux, viii. 60), judgment was not given. Cause was shown by some friend on his behalf, supported by an affidavit called ὑπωμοσία

(Harpocr. *s. v.*; Dem. *c. Olymp.* p. 1174, § 25 f., *ὑπωμοσάμεθα ἡμεῖς τουτονὶ Ὀλυμπιόδωρον δημοσίᾳ ἀπεῖναι στρατευόμενον*, etc.; *c. Theocr.* p. 1336, § 43), in answer to which the opponent was allowed to put in a counter-affidavit (*ἀνθυπωμοσία*, *Lex. Rhet. Cantabr.* s. v.), and the court decided whether the excuse was valid. No *ὑπωμοσία* was allowed in an eisangelia *ἐάν τις τὸν δῆμον τὸν Ἀθηναίων καταλύῃ* (Hyp. *pro Eux.* col. 22). It seems to have become a practice with persons who wished to put off or shirk a trial, to pretend that they had gone to some island in the Aegean Sea, either on business or on the public service; and the islands of Scyrus (Photius, *s. v.* *Σκυρίαν δίκην*), Lemnos, and Imbrus (Hesych. *s. vv.* *Ἴμβριος καὶ Λήμνιος*: Photius, *s. v.* *Ἰμβριοι*) were particularly selected for that purpose. Shammers of this kind were, therefore, nicknamed Lemnians and Imbrians. (*Att. Process*, ed. Lipsius, p. 908 ff.) [C. R. K.] [H. H.]

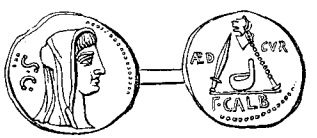
SCY'TALE (*σκυτάλη*, also *κουτάλη*; from *σκῦτος*, *κύτος*, leather or hide; see Curtius, *Gr. Etym.* § 683) is the name applied to a secret mode of writing by which the Spartan ephors communicated with their kings and generals when abroad (Plut. *Lysand.* 19; Schol. *ad* Thucyd. i. 131; Gell. xvii. 9; Schol. *ad* Aristoph. *Av.* 1283; Cornel. Nep. *Pausan.* 3). When a king or general left Sparta, the ephors gave to him a staff of a definite length and thickness, and retained for themselves another of precisely the same size. When they had any communication to make to him, they wound round their staff a narrow strip of leather (whence the name), and then wrote upon it the message which they had to send to him. When the strip of writing material was taken from the staff, nothing but single or broken letters appeared, and in this state the strip was sent to the general, who, after having wound it around his staff, was able to read the communication. Ausonius (*Ep.* 23), after suggesting to his friend writing with milk for secrecy, continues:

> "Vel Lacedaemoniam scytalen imitare, libelli
> Segmina Pergamei tereti circumdata ligno
> Perpetuo inscribens versu, qui deinde solutus
> Non respondentes sparso dabit ordine formas."

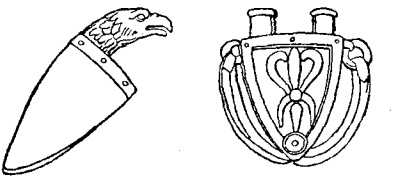
In later times, the Spartans used the scytale sometimes also as a medium through which they sent their commands to subject and allied towns (Xen. *Hell.* v. 2, § 37). [L. S.] [G. E. M.]

SCYTHAE. [DEMOSII.]

SECE'SPITA, an instrument used by the Roman priests in killing the victims at sacrifices (Suet. *Tib.* 25). According to the definition of Antistius Labeo, preserved by Festus (p. 348, ed. Müller), and Servius (*ad* Verg. *Aen.* iv. 262), it was a long iron knife (*culter*) with an ivory handle, used by the Flamines, Flaminicae, Virgines, and Pontifices. On the annexed coin of the Sulpicia gens, the obverse is supposed to represent a culter, a simpuvium, and a secespita. Its proper purpose seems to have been for opening the body of the victim which had been slain—if a larger victim, with the *securis* or *malleus*; if a smaller, with the *culter*. It is therefore appropriated to the higher order of priests, to whom this function belonged, but who did not themselves slay the victim [SACRIFICIUM]. The sacrifical implements shown below are rightly distinguished (cf. Guhl and Koner, ii. 320) as (1) a *secespita* in its sheath, (2) *cultri* in their case. [W. S.] [G. E. M.]



Secespita. (From a coin.)


Secespita and cultri. (From the Arcus Argentariorum.)

SECRETA'RIUM. [AUDITORIUM.]

SECTIO. "Those are called Sectores who buy property *publice*" (Gaius, iv. 146; Gellius, iii. 154; Festus, s. v. *sectores*), and property was said *venire publice* when a man's whole belongings were sold by the state; which occurred when he was condemned for certain crimes for which forfeiture was part of the penalty, in cases of *proscriptio* (Cic. *pro Rosc. Am.* 43, 125; Liv. xxxviii. 60; Cic. *in Verr.* i. 20, 52), and lastly, when the state had an unsatisfied claim against a wrongdoer (Liv. xxxviii. 58, 60; Cic. *pro Rabirio Post.* 4, 8), especially for payment of a fine inflicted by way of penalty. For instance, Livy tells us in the passage referred to, that L. Scipio was condemned to pay a fine for misappropriating public moneys, and that the praetor gave notice that unless the fine was paid he should order Scipio to be imprisoned; upon this a tribune put his veto, and the praetor was driven to put the quaestors in possession of his property for purposes of sale. Upon being put in possession (for which the expression *bona publice possidere* is used, Lex Acilia repet., line 9; Lex Servilia, c. 17), the usual course was for the quaestors to give notice of the sale (*sectio*), which took place *sub hasta* (Cic. *Phil.* ii. 26, 64) and transferred Quiritarian ownership, the property being sold in the lump, and the purchaser taking it with all its liabilities (Ascon. *in Verr.* ii. 1, 23, 61, p. 177 Orelli; Dig. 48, 23, 2, 3). That the purchaser here became Quiritarian owner, whereas under a private bankruptcy (*bonorum venditio*) he merely became bonorum possessor, is probably the substance of what Gaius says in a mutilated passage (iii. 80: cf. Varro, *R. R.* ii. 10, 4; Tac. *Hist.* i. 20). The names *sector* and *sectio* are explained by the subsequent breaking up of the property into lots, by the sale of which the sector made his profit (Pseudo-Ascon. *in Verr.* i. 20, 52; *ib.* 23, 61); sometimes, indeed (*e.g.* Tac. *Hist.* i. 90), the things sold by the quaestor are called *sectio* themselves. The sector had a special interdict (Interdictum Sectorium, Gaius, iv. 146) for obtaining possession of the property. Inheritances which fell to the fiscus were sold in the same way, and the sector was here

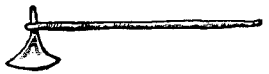
entitled to bring *hereditatis petitio* (Cod. 4, 39, 1). [G. L.] [J. B. M.]

SECTOR. [SECTIO.]

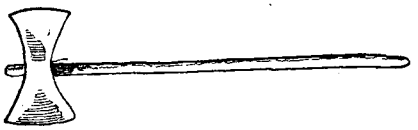
SECTORIUM INTERDICTUM. [INTERDICTUM; SECTIO.]

SECU'RIS (*πέλεκυς, ἀξίνη*), an axe. Under this head are included (1) the workman's axe, (2) the battle-axe, (3) sacrificial axe, (4) the axe of the lictors, equivalent to the headsman's axe.

1. The workman's axe, when used for felling trees, is spoken of in general terms as *πέλεκυς* (*Il.* xxiii. 114; Xen. *Cyrop.* vi. 2, 36, &c.) and *securis* (Verg. *Aen.* vi. 180; Plin. *H. N.* xvi. § 192, &c.); but of these woodcutters' axes there were two patterns, the single-headed and



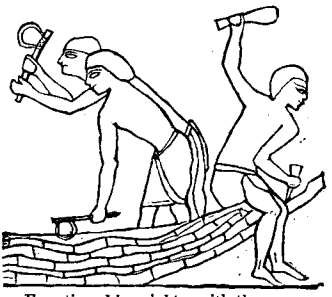
Securis simplex. (Trajan's Column.)



Bipennis. (From a vase-painting.)

the double-headed. Of these the former (when the distinction was marked) was called *πέλεκυς ἑτερόστομος* (Poll. i. 137) or *ἡμιπέλεκκον* (*Il.* xxiii. 851), and is perhaps distinguished as the *securis simplex* (Pallad. i. 43); the double-headed axe was called *πέλεκυς ἀμφίστομος* or *δίστομος* (Poll. *l. c.*; Eur. *fr.* 534) or *ἀξίνη*, which is strictly used only of the double axe (Hesych.): in Latin it is the *bipennis* (Hor. *Od.* iv. 4, 57; Isid. *Orig.* xix. 19). [Blümner, *Technol.* ii. 202.]

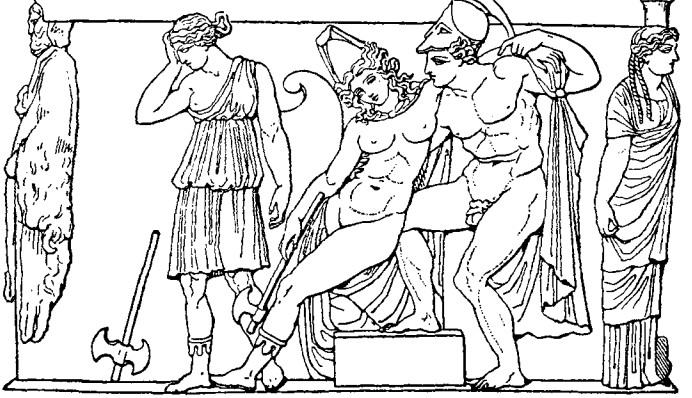
The carpenters' or shipwrights' axes are distinguished in Greek as the heavy *πέλεκυς* for rough-hewing the wood, and the small *σκέπαρνον* for afterwards shaping it more finely (*Od.* ix. 391; ASCIA). The following cut of Egyptian shipwrights is worthy of notice, since the form of the *πέλεκυς* there depicted explains what is meant by "shooting through the axe-heads," in *Od.* xx. 574. The difficulties which commentators have found under the idea that the arrow passed through the rings which fastened the axe to the handle, &c., all disappear, if we see



Egyptian shipwrights, with the axe.

that the *πέλεκυς* of the Odyssey had a ring-shaped head. (See Dr. Warre's *Raft of Ulysses*, in *Journ. of Hellen. Studies*, 1883.) A somewhat similar axe, but with two circular holes in the blade, was found in 1889 in the Peloponnesus (*Ephem. Arch.* 1889). [For the Roman carpenter's axe, see ASCIA; DOLABRA.]

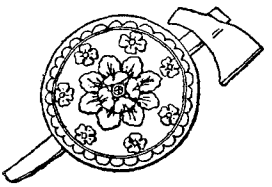
2. The use of the axe in war was especially an Asiatic practice. We find the Trojan Peisander (*Il.* xiii. 612) armed with a double axe (*ἀξίνη*), and again in the fight at the ships the combatants fight with double and single battle-axes (*πελέκεσσι καὶ ἀξίνῃσι*): it is possible that there also it is to be understood of the Trojans alone. In agreement with this we find the battle-axe regarded as the characteristic weapon of the Asiatic Amazons, who use both the single and the double (or Carian) axe, as in the scene of Penthesilea's death on the sarcophagus from Thessalonica; and so Horace speaks of the Amazonian battle-axe (*Od.* iv. 4, 20), and Virgil consistently represents the Italian shepherds and Camilla as fighting with this weapon (*Aen.* vii. 184; xi. 696; xii. 306), whether he is merely following Homer, with Trojans substituted for Greeks and Italians for Asiatics, or is hitting upon the truth that the primitive races both in Italy and in Northern Europe fought with the axe, which was in fact a weapon which they had ready to hand for other purposes. (See A. Müller in Baumeister, *Denkm.* p. 2043.) Horace notices it specially of the barbarous tribes in Rhaetia, as though it were a weapon not common in the Roman experiences of warfare with other Teutonic tribes; and it is remarkable that on the scabbard of the so-called "sword of Tiberius" in the British Museum (figured in Vol. I. p. 920 *b*), which was discovered at Mayence, we have a relief of an Amazon armed with a *bipennis*. It would,



Death of Penthesilea. (Relief on a sarcophagus.)

however, be pressing conjectures too far (as A. Müller points out) to say, with Orelli and others, that this figure necessarily symbolises the conquered Vindelicia, and was the sword of honour of Tiberius. We may be content to take it as an additional evidence of the "Amazonian" battle-axe being used among German nations, and regarded as characteristic of them, whereas it had long before been disused in Italy.

3. The sacrificial axe (*securis*, *πέλεκυς*) was used by the attendant ministers (*popae*) for the slaughter of the larger victims. (The distinction, whether always preserved or not, was axe or hammer, *malleus*, for slaughtering cattle, a stone for swine, and a knife for sheep: see Marquardt, *Staatsverw.* iii. 181.) The sacrificial axe figured below is from the relief on the Arcus Argentariorum, and is combined with a vessel which is very likely the PRAEFERICULUM.



Sacrificial axe. (From the Arcus Argentariorum.)

4. For the axe of the lictors, see LICTOR and FASCES. [G. E. M.]

SECUTO'RES. [GLADIATORES, Vol. I. p. 918 *b*.]

SEISACHTHEIA (*σεισάχθεια*), a disburdening ordinance, was the first and preliminary step in the legislation of Solon (Plut. *Sol.* 15). The real nature of this measure was a subject of controversy even amongst the ancients. Philochorus (*fr.* 57; Suid. and Photius, *s. v.*) explains it as *χρεωκοπία*, and this opinion is widely held: Heracl. Pont. ed. Schneidewin, p. 4, 9, *Σόλων . . . καὶ χρεῶν ἀποκοπὰς ἐποίησε τὴν σεισάχθειαν λεγομένην*: Dion. Halic. *Antiq. Rom.* v. 65, *ἄφεσις χρεῶν*: Plut. *Sol.* 15, *τῶν χρεῶν ἀποκοπή —τῶν συμβολαίων ἀναίρεσις*: Dio Chrysost. xxxi. 69: Diog. Laert. i. 45; Suid. *s. v.* etc.; cf. also Arist. *Ἀθην. πολ.* papyrus *fr.* i.[6] l. 14, *τὴν [τῶν] χρεῶν ἀποκοπήν· συμβεβήκει γὰρ αὐτοῖς γενέ[σθαι ταπεινοῖς] καὶ πένησιν*. Only Androtion and some others, whose names Plutarch does not give, describe it as a mere reduction of the rate of interest (*τόκων μετριότης*), a view accepted by Boeckh, *Sthh.* i.[3] p. 159; Hermann, *Griech. Staatsalterth.* § 106; Curtius, *Griech. Gesch.* i.[5] p. 318. But such results as Solon claims for his measure, viz. that the mortgage pillars were removed, and that the debtors were liberated, even those sold to foreign countries (*fr.* 36, and Arist. *Ἀθην. πολ.* i.[8] l. 7 ff.), could not have been brought about by a reduction of the rate of interest (see, moreover, his law, *τὸ ἀργύριον στάσιμον εἶναι ἐφ' ὁπόσῳ ἂν βούληται ὁ δανείζων*, Lys. *c. Theomn.* i. § 18), even when coupled with a lowering of the silver standard. To achieve this, all those contracts in which the debtor had borrowed on the security either of his person or of his land had to be cancelled, and to prevent the recurrence of similar social evils it was forbidden henceforth *ἐπὶ τοῖς σώμασι δανείζειν*, and a limit was fixed beyond which no one was allowed to buy up land (Arist. *Pol.* ii. 4 (7 Bk.) 4). This measure of Solon (*ὁμοῦ βίην τε καὶ δίκην συναρμόσας*, *fr.* 36) seems, no doubt, hard on the rich—yet their riches were ill-gotten (*fr.* 4)—but it was demanded by the circumstances; he did not disturb owners in the possession of the land they had bought, and did not go nearly as far as the Megarians on a similar occasion (Plut. *Quaest. Graec.* 18, p. 295 D, *παλιντοκία*). At the same time Solon effected a reform in measures and in the coinage (Plut. *l. c.* *ἅμα τούτῳ γενομένη τῶν δὲ μέτρων ἐπαύξησις καὶ τοῦ νομίσματος τιμή*). This reform was, however, not made with a view to assisting debtors by reducing their debts 27 per cent., since 73 old drachmas were worth 100 new drachmas (Grote, *Hist. of Greece*, iii. p. 100 f.). Solon's object clearly was, as Köhler shows (*Mitth. d. d. arch. Inst.* 1885, p. 151 ff.), to open up new fields for Athenian trade. Hitherto the coinage of Athens had been on the Aeginetan system, which prevailed on the mainland of Greece, and on the Cyclades; now the Euboic system was adopted, which was confined to that island and Corinth. The trade to the Black Sea and to Egypt was in the hands of Aegina and Megara, and with these flourishing towns Athens could at that time not compete. The Chalcidians and Corinthians, on the other hand, had planted colonists north of Chalcidice and in Sicily, and thus opened up new districts to Greek trade. With these the Athenians might hope successfully to compete, and, as the result showed, their hope was well founded; hence their coinage system was adopted. From these districts they could import what Athens stood most in need of, viz. timber and grain; and thither they could export oil, which alone of all produce Solon allowed to be exported (Plut. *l. c.* 24), and manufactures, which he encouraged in every possible way. [L. S.] [H. H.]

SELLA. The customs and associations which the Greeks and Romans connected with the attitude of sitting were so different from ours that any account of the seats they used must involve some mention of the ceremonial meaning and etiquette which had grown up round it. Most strange to a modern is the religious and ceremonial use of the posture. To sit at or on a sacred spot or object was in itself an act of supplication (cf. Aesch. *Suppl.* 224, 265; Soph. *O. T.* 2), not merely in the heroic age, but, as we see from the story of Themistocles seating himself on the household hearth of Admetus (Thuc. i. 135), in classical times. In art it is very often shown: for instance, Priam seated on the altar of Zeus at the taking of Troy, Telephos on the hearth of Agamemnon, and Orestes at the omphalos at Delphi (cf. Baumeister, *Denkmäler*, arts. *Iliupersis*, *Telephos*, and *Orsteia*). So too, when being purified from the stain of blood, the sinner sat on the altar, possibly on the skins of the victims, as the novice did when being initiated, and the sorcerer when summoning the spirits of the dead (cf. Vase-painting of Odysseus and the Ghost of Teiresias, *Mon. d. Inst.* iv. 19). In taking omens from birds, the seer, both among Greeks and Romans, was seated (cf. Soph. *Antig.* 999; Serv. *ad Aen.* ix. 4). Chairs also formed an important part of the sacred furniture in many ceremonial processions (cf. Aristoph. *Eccl.* 734; *Av.* 1552), as in the well-known instance of the central group of the East Parthenon frieze,

where the priestess is attended by maidens carrying chairs on their heads.

Of the place seats took in the civil life of antiquity it is needless to speak, for the customs by which difference of rank, dignity, or authority was typified by the prominence and magnificence or the reverse of seats, are easily comprehended and too numerous to mention [cf. THRONUS]. It is enough to point to such words as *συνεδρία*, *προεδρία*, *consessus praesidium*, or *sessio*, to show how deeply such ideas had sunk into the national life and language. Nor again does the contempt which in social life the leisured classes felt for the artisans and others who pursued a sedentary occupation (cf. Xen. *Rep. Lac.* i. 3, *οἱ πολλοὶ τῶν τὰς τέχνας ἐχόντων ἑδραῖοί εἰσιν*) call for explanation. The etiquette, too, which regulated such matters, was not unlike our own, for even in the Homeric age it was part of the welcome of a guest to bid him be seated (e.g. *Od.* i. 130). It was also considered an act of necessary politeness to rise in the presence of an older or more honoured man (cf. Cic. *de Sen.* 18, 63, "*assurgi*:" cf. Juv. xiii. 55; Mayor *ad loc.*); and Caesar was accused of aiming at royal power, when he refused to rise in presence of the senate (Liv. *Ep.* cxvi.; Suet. *Caes.* 78; Dio Cassius, xliv. 8), and the emperors showed their authority by sitting between the consuls.

At banquets when men reclined it was considered becoming for boys to sit (Xen. *Symp.* i. 8; Suet. *Claud.* 32), and the rule for women was originally the same (Val. Max. ii. 1, 2), though disregarded in later times. In art even the goddesses are represented as seated, while the gods recline (cf. Baumeister, *Denkmäler*, art. *Zwolfgötter*, fig. 2401); and while the latter were honoured by *lectisternia*, the former were only given *sellisternia*. Many grave reliefs representing a banquet of the deified dead show the same custom, which was by no means confined to the Greeks, for it may be seen on the Assyrian bas-relief of Sardanapalus feasting, now in the British Museum.

On the monuments, especially the vase-paintings, the personages in a mythological scene who are merely spectators are often depicted as seated, especially when they are deities. The most familiar instance is the assembly of gods beholding the Panathenaic procession, on the east frieze of the Parthenon. In *genre* scenes, the use of chairs often shows that the scene takes place indoors, and in many cases helps us to distinguish the mistress from her maids, or the master from his followers.

Seats in antiquity were of almost as many forms as nowadays, but for practical purposes it is sufficient to divide them into three classes: (1) those which have a straight back and arms; (2) those with a back, but no arms; and (3) those which have neither a back nor arms. The first class is described under THRONUS, the second under CATHEDRA, while the present article gives an account of seats in general and the third class in particular.

In Greece, before Homer, seats both with and without backs were used, as is shown by carvings on ivory which have been found at Mycenae (cf. *Ἐφημερίς*, 1888, *Πίναξ* B. 3, 2, and 4, 29). These were no doubt not unlike the Assyrian and Egyptian thrones and chairs, which are plainly the ancestors of those used in Greece in historical times. In Homer the general term for seats of all kinds is *ἕδρη*: but, with the exception of the *θρόνος* [THRONUS], which is of the first class mentioned above, and may be assumed to be identical with the thrones on which the gods of later times were seated, there is no information given about the distinctive shapes of the different varieties.

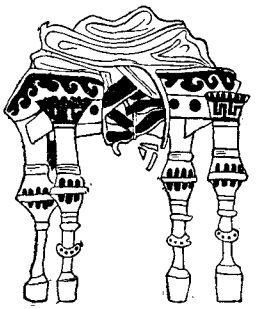
The *κλισμός*, which came next in honour to the *θρόνος*, was apparently used for ease and comfort, since Penelope sat in it spinning (*Od.* xvii. 97), and Telemachus rested in it after a bath (*Od.* xvii. 90). This seems to imply that it had a back, but no arms. It must have been of some height, for a footstool (*θρῆνυς* = later *ὑποπόδιον*) was sometimes used with it (*Od.* iv. 136). The *κλισμὸς* was decorated with metal plates and inlaying, as is shown by the epithets *χρύσειος* (*Il.* viii. 436) and *ποικίλος* (*Od.* i. 132), and was only used by people of rank.

There is a good deal of difficulty in deciding whether the word is always used in a specific sense, and Helbig on account of *Il.* xxiv. 515 and 597 (cf. *Il.* xi. 623, 645), where *κλισμὸς* and *θρόνος* are synonymous, maintains that the usage of the word is not consistent throughout. This would account for the fact that Helen works seated on a *κλισίη* (*Il.* iv. 123). The *κλισίη* is exclusively a woman's chair, and is possibly identical with the *κλιντήρ*,—an easy chair in which one could, like Penelope (*Od.* xviii. 189), take a nap.

The commonest kind of seat was the *δίφρος*: it was for instance given to Odysseus, when he appeared in beggar's rags (*Od.* xix. 97), and it formed part of the furniture of the Thalamos (*Il.* vi. 354), being meant for use, not ornament. It was doubtless, like the *δίφρος* of classical times, merely a stool, without back or arms. Owing to the indefiniteness of the mentions in Homer, it is impossible to identify these various forms with those shown on Assyrian, Egyptian, Phoenician, or early Greek monuments.

In the classical period the generic name for chairs and stools was *καθέδρα* (to be distinguished from the Latin CATHEDRA, which was only used for one kind, the *κλισμός*). For the different varieties, the Homeric names remained in use, the difference in meaning being expressed as follows by Athenaeus (v. 192 e): *ὁ γὰρ θρόνος αὐτὸ μόνον ἐλευθέριός ἐστι καθέδρα σὺν ὑποποδίῳ . . . ὁ δὲ κλισμὸς περιττοτέρως κεκόσμηται ἀνακλίσει, τούτων δὲ εὐτελέστερος ἦν ὁ δίφρος.* Our information, however, on the subject is given by the monuments rather than by literature, and on them we have the great variety of forms shown. The simplest is that of the *δίφρος*, which is of the third class, being without arms or back. It was besides called *σκίμπους*, though this name is also given to benches (*βάθρα* or *χαμαίζηλοι*, i.e. *δίφροι χαμαίζηλοι*), which were sometimes long enough to serve as a bed (cf. Plato, *Prot.* p. 310 C). These chairs are seen on the earliest monuments, and are of every variety of make, from simple four-legged stools to chairs with richly-turned legs, ornamented with inlaying and chased or embossed metal work. They were a most important part of household furniture, especially in the women's rooms (cf. Pollux, x. 47), where they were used not only for sitting at work or the toilet, but as a substitute for tables and shelves on which to lay clothes, vessels, or instruments.

This was also one of the uses to which the chairs, which were carried in sacred processions with the holy vessels, were put (cf. the διφροφόροι on the east side of the Parthenon frieze, and Aristophanes, *Eccles.* 734). The δίφρος was also used much in workshops by shoemakers, carpenters, smiths, painters, potters, and others of a sedentary employment. [See cut under FICTILE, Vol. I. p. 844 *a*.] It was also part of the furniture of a school, where the master sat on a higher and more dignified seat and the pupils on chairs or benches (βάθρα: cf. Plato, *Prot.* p. 315 C, and see cut from vase of Duris in Berlin Museum on page 96). The δίφρος was also used out of doors, and it was the custom for well-to-do gentlemen of the old school to have a boy carrying one in attendance as he walked about (Arist. *Eq.* 1384–6: cf. Athen. xii. 512 c). For this purpose a camp-stool (δίφρος ὀκλαδίας) was used. The shape, however, was a favourite one, and chairs were often made in it which could not possibly fold up and were meant for ordinary use. The legs were either straight or curved (Inscr., *Hermes*, v. 346).



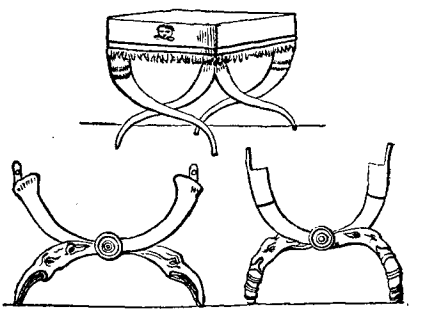
Δίφρος, from a vase-painting. (Baumeister.)

Chairs of all kinds were covered with skins and fleeces in the Homeric age, and at all periods with shawls and coverlets. Cushions (κνέφαλλα, τύλαι) were also used, but upholstery was unknown.

The manufacture of chairs flourished, especially in Thessaly, Miletus, and Chios (cf. Critias quoted by Athen. i. p. 28 b). Maple and beech were the woods chiefly used, but harder and more expensive sorts were necessary for those which were inlaid with ivory. Wickerwork chairs are also mentioned (Theophr. v. 3, 4; Plin. *H. N.* xvi. § 174; Cato, *R. R.* 33, 5), and are shown on some monuments (as on the sarcophagus in British Museum; see Baumeister, 1610). The fixed chairs which were set up in theatres or other public places, for certain officials or as a special honour, are described in the article THRONUS.

The Romans made use of all the forms of chair known to the Greeks, and do not seem to have had any peculiar shapes of their own. The general term in Latin is *sedile* (= καθέδρα) for all kinds of seats, while the varieties are the *scamnum* or *subsellium* (= βάθρον), the *sella* (= δίφρος), the *cathedra*, and the *solium*. [THRONUS.]

The *sella* was the commonest form, and was used by all classes, both men and women; whereas the *cathedra* was specially an easy chair for ladies, children, and sickly folk. It was used no less in private houses than in workshops (Cic. *Cat.* iv. 8, 17; *Verr.* iv. 25, 56), and in schools, though whether the pupils were allowed to use it, or were confined to the *subsellia*, has been disputed: Göll, in Becker's *Gallus*, ii. p. 347, maintains, with good reason, against Marquardt, that the pupils had only *subsellia*. [LUDUS LITTERARIUS, p. 97.] Like the δίφρος, it might be plain or very highly ornamented, and was covered when in use by a cushion (*pulvinus*), but never upholstered. It was made not only with four upright legs, but in the form of a campstool; and this shape, though in common use for every-day purposes, is best known as peculiar to the *sellae curules* of the higher Roman magistrates, the office they held being on this account called a *magistratus curulis*. The derivation of *curulis* is uncertain, but that from *currus*, which was given by the ancients (cf. Gavius Bassus, quoted by Gellius, iii. 18, and Festus, *Ep.* p. 49), seems best to accord with the customs connected with the magistrate's chair, which was originally, it would seem, placed in the magistrate's chariot. The actual carrying of the chair is not mentioned in historical times; but the underlying idea, that the right of moving the *sella curulis* betokened a jurisdiction that was not confined to any one place, like a *tribunal*, but extended wherever the magistrate had a right to drive, is clear enough (cf. Liv. iii. 11, "consules in conspectu eorum positis sellis delectum habebant"). Even out of Rome, the magistrate brought with him, as symbol of his rule, a *sella castrensis* (Suet. *Galba*, 18). The importance of being seated when acting officially runs through the whole of Roman ceremonial etiquette, subordination being expressed when the people stood before the seated magistrate, equality when the senate sat in his presence. The same was the rule in social life; for the *paterfamilias* received visitors sitting, and younger people or those of lower rank rose in the presence of an older or more honourable man. So, too, the public rose when the magistrate entered the amphitheatre during the games (Suet. *Claud.* 12). The difference in the position of magistrates was also shown by the fact that the *sella curulis* was confined to the consuls and praetors, all magistrates with the consular or praetorian *imperium* (*e.g.* decemviri and tribuni militares: cf. Liv. iii. 44, 9, iv. 7), the Dictator, the Magister Equitum, the Censor, and the Flamen Dialis.



Sellae Curules, from Pompeii. (*Mus. Borbon.* vi. tav. 28.)

The *sella curulis* was a campstool, which, when open, had a square seat and was without a back or arms. Its legs were curved, whence it is

called *δίφρος ἀγαυλόπους* by Greek writers (Plut. *Mar.* 5), a form which is shown on numerous monuments, especially coins: cf. a gravestone in the Museum at Avignon (Cahier and Martin, *Mélanges d. Arch.* i. p. 166), where it is shown having a seat of straps, covered with cushions. The *sella castrensis* is shown on the coins of the praetors and quaestors of the Cyrenaica (cf. Longperier, *Rev. Arch.* 1868, p. 106), and is of simpler shape with straight legs.

Sella Castrensis.

The *sella curulis* was also used by magistrates in the municipia (cf. Mommsen, *Staatsrecht*, i. 384). Other magistrates had chairs of office, that of the quaestor having four straight legs, but not arranged for shutting together (cf. Longperier, *Rev. Arch.* 1868, p. 58; called by him *subsellium*), while the tribunes and other colleges had a bench (*subsellium*).

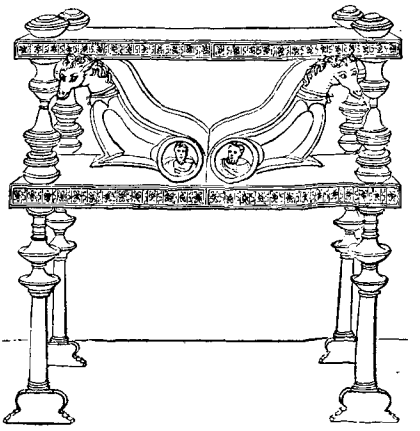
Sella Quaestoris.

The *bisellium* is not a magistrate's seat, and its use was confined to the municipia, where it was given as an honour to the Augustales. It was in this case a double seat, set apart in the amphitheatre and theatre (Orelli, 4044, 4046). The decuriones seem to have had it by right of their office, as the *biselliatus honor* is not given among their titles on inscriptions. Some of the inscriptions are accompanied by a representation of a seat, but it is not at all certain that this is intended to be a *bisellium*, and in one case it is more like a *sella curulis* (cf. Jordan, *Annali d. Inst.* 1862, p. 293; and Castellani, *Bullettino della Commissione Arch. Municip.* 1874, p. 22). In any case there does not seem to be the slightest reason (Varro, *L. L.* v. 128, is not definite) for giving the name *bisellium* to a class of *sellae* found at Pompeii, and represented in the accompanying cut, taken from the specimen in the Hamilton Collection at the British Museum, in which it is to be noted that the supports on which the cushions rested have been wrongly restored as supports below instead of above the seat. [PULVINUS.]

Sella Quaestoris.

Subsellium.

Sedan chairs were known as *sellae gestatoriae, portatoriae,* or *fertoriae,* and are contrasted with the litter (*lectica:* cf. Mart. x. 10, 7; xi. 98, 10), though occasionally the distinction is not observed (cf. Mart. iv. 51, where the *ingens hexaphoron* can only be a *lectica,* and yet is called *sella*). These were known in Greece as an Oriental innovation, and were at Rome used by ladies, senators' wives having, it would seem, a special sort (Dio Cass. lvii. 15), but under the Empire their use became common with men. Thus they were used by Augustus (Suet. *Aug.*


Sella. (British Museum.)

53) and Claudius (Dio Cass. lx. 2, *δίφρῳ καταστέγῳ πρῶτος Ῥωμαίων ἐχρήσατο*), and in later times almost universally. They were often large enough to hold two persons (Plin. *Ep.* iii. 5, 15), and were either open (*apertae*) or covered over (*opertae*), and could be shut close (cf. Juv. i. 124), sometimes with windows of "bull's-eye" glass (Juv. iv. 21). Another variety of sedan chair is the *cathedra,* which is probably the same as the *sella muliebris* in Suetonius, *Oth.* 6, and in any case was covered, for Seneca regards it as one of the scandals of his time that women went about in open chairs (*de Benef.* i. 9, 3). The roof of the *sella* was called *arcus* (cf. Tac. *Ann.* xv. 57, where a woman hangs herself from the *arcus*). (Buchholz, *Die hom. Realien,* ii. 138; Helbig, *Das hom. Epos,* 1887, p. 118; Hermann-Blümner, *Lehrbuch,* p. 158; — Becker - Göll, *Charikles,* iii. p. 82; *Gallus,* ii. p. 347, iii. p. 7; —Mommsen, *Staatsrecht,* i. pp. 370 ff., 380 ff.; Marquardt, *Privatleben,* 1886, p. 725; Blümner, *Techn.* v. Index, s. v. *Sessel; Kunstgewerbe,* ii. p. 29; Iwan Müller, *Handbuch,* iv. pp. 379, 381, 386, 509, 519; Daremberg and Saglio, *Dict. Antiq.,* art. *Bisellium, Cathedra;* Baumeister, *Denkmäler,* art. *Sessel;* Mayor, *Juvenal,* notes on i. 124, iv. 21.) [W. F. C. A.]

SELLAE EQUESTRES. [EPHIPPIUM.]

SEMENTI'VAE. [FERIAE.]

SENATUS. The "senate" or "council of elders" (*seniores:* comp. the Greek *γερουσία*) ranked with the kingship, and the assembly of burgesses among the oldest of Roman institutions, and, like the two latter, existed also among the kindred communities of Latium (Mommsen, *Staatsr.* iii. 836, note 2). Its creation is ascribed by tradition to Romulus (Liv. i. 8). The members of the senate were *senatores.* The collective appellation *patres* (= "chiefs" rather than "fathers") belonged of right to the purely patrician senate of the earliest days, but was transferred to the mixed patricio-plebeian body of later times (Cicero, Sallust, and Livy, *passim*), and used as equivalent to *senatus.* Similarly the two functions inherited by the mixed senate from its patrician predecessor, the appointment

of the interrex, and the ratification of votes given by the assembly, are always spoken of as acts of the *patres*, though in fact performed by the senate as a whole. [For this and for Mommsen's rival theory, that *patres* in these cases always meant only the patrician members of the senate, see below.] The fact that the patrician *patres* had once formed the whole senate, and that plebeians were not admitted until a later time, was possibly commemorated by the official term *patres conscripti*; the *conscripti* denoting originally the plebeian members called up by the magistrate (Festus, p. 254; Liv. ii. 1; Mommsen, *Staatsr.* iii. 839; Madvig, *Verfass.* i. 125. Willems, *Le Sénat*, i. 37 *sqq.*, maintains on the contrary that the term means simply "assembled fathers." For Mommsen's view of the inferior position of the plebeian *conscripti*, see below).

I. *Number of the Senate.*—Roman tradition represents the senate as consisting originally of 100 members (Liv. i. 8), and as having been gradually enlarged to 300, though of the steps by which this increase was effected it gives no consistent account. That 300 remained the normal number down to the time of Sulla is generally agreed. From 81 B.C. to the dictatorship of Caesar, the nominal maximum was 600. Under Caesar the numbers rose to 900 (Dio Cass. xliii. 47); under the triumvirs to over 1000 (Suet. *Aug.* 35, "erant enim super mille:" cf. *Mon. Ancyr.* 5, 6). Augustus reduced them once more to 600 (Suet. *l. c.*; Dio Cass. liv. 13); but there is no proof that either by himself or his successors was this limit strictly observed. [The advice given by Maecenas to Augustus not to be particular as to the number of senators (*μηδὲν περὶ τοῦ πλήθους αὐτῶν ἀκριβολογούμενος*, Dio Cass. lii. 19) may be taken, with Mommsen, to represent the practice of Dio's own time. See Mommsen, *Staatsr.* iii. 850, note 3.]

II. *Admission and expulsion of Senators.*—It was a distinctive peculiarity of the Roman senate, that admission to its ranks was always given, not by popular election or by cooptation, but by the act of the magistrate, who has for the time being the authority *legere in senatum*; and though, as will be shown, his freedom of choice was under the later Republic so restricted by law as to reduce the *lectio senatus* to little more than the formal enrolment of persons with a legal claim to be enrolled, yet his action continued to be indispensable (Val. Max. ii. 3, 1), and under the Empire regained much of its original liberty. The two principles that the senate was only a council of advice for the magistrate, and that the magistrate selected his councillors, though modified in practice by the anxiety of the senate to assert its independence, were never formally abandoned, and were successfully re-asserted by the Caesars. Prof. Mommsen indeed has a theory that in pre-historic times the case was otherwise, and that the original senate, as consisting of the assembled heads (*patres*) of the patrician gentes, was independent as to its composition of the authority of the magistrate (Mommsen, *Staatsr.* iii. 844, 854). That the early senate was composed exclusively of patricians may be safely assumed. It is, moreover, probable that from this original and close connexion with the *gentes* were derived the claims which the patrician senate bequeathed to its patricio-plebeian successor to be the special guardians of the auspicia, and of the ancient order of things bound up with them. But of a strictly representative gentile council there is, as Mommsen himself confesses, no evidence. The senate as first known to us appears as a council composed of patricians, but of patricians selected by the chief magistrate [Liv. i. 8, "Romulus centum *creat* senatores." Willems' theory (*Le Sénat*, i. 26) that the senate was originally a "réunion de tous les *patres familiarum seniores* des familles patriciennes," and that subsequently "le choix royal succéda au droit d'hérédité," is an equally unfounded and a less plausible conjecture].

Starting from the earliest system known to us, that under which the senators were chosen by the magistrate, we have to consider, (1) to what magistrates this right of choice was successively granted; (2) by what conditions, legal or customary, the choice was limited; and (3) the mode in which the *lectio senatus* was carried out.

(1.) The prerogative of choosing senators belonged at first to the king. From the king it passed to the consuls, and was during a brief period granted to their temporary substitutes, the *tribuni militum consulari potestate* (Festus, p. 246, "ut reges sibi legebant, sublegebantque quos in consilio publico haberent, ita post exactos eos consules quoque et tribuni militum consulari potestate conjunctissimos sibi quosque patriciorum et deinde plebeiorum legebant"). The date at which it was transferred to the censors is uncertain. That the change was not made before 387 A.U.C. = 367 B.C., the last year in which consular tribunes were appointed, is implied in the passage quoted above from Festus; and it was not therefore coeval with the institution of the censorship itself (443 B.C.). According to the same passage, it was effected by a Lex Ovinia tribunicia: "donec Ovinia tribunicia intercessit qua sanctum est ut *censores* ex omni ordine optimum quemque curiatim (*sic*) in senatum legerent;" and may be assumed to have been, as such, made in the interest of the plebs. We may consequently place it after the passing of the Lex Publilia (339 B.C.), which enacted that one censor must be a plebeian (Liv. viii. 12), since a tribune of the plebs at that period would not have been likely to entrust the choice of senators to patrician magistrates. The first recorded *lectio senatus* by censors is the famous one in the censorship of Appius Claudius Caecus (312 B.C.; Liv. ix. 29), so that the Lex Ovinia and the transference of the *lectio senatus* to the censors may be assigned to some date between 339 B.C. and 312 B.C. (Mommsen, *Staatsr.* ii. 395; Willems, i. 155). With the censors the duty remained down to the close of the Republic, though on two occasions it was entrusted, as an exceptional measure, to a dictator. In 216 B.C., after the battle of Cannae, M. Fabius Buteo was created dictator for this purpose (Liv. xxiii. 22, "qui senatum legeret"); and Sulla exercised the prerogative as dictator in 81 B.C. (Appian, *B. C.* i. 100). Both Julius Caesar and the triumvirs "selected senators" in virtue of the extraordinary powers vested in them. Augustus, true to his general policy, made a partial return to the old practice. Although the censorship proper ceased to exist, and the creation of senators devolved upon the princeps, the old

connexion between this act and the censorial authority was not entirely lost sight of. Of the three regular *lectiones senatus* held by Augustus (*Mon. Ancyr.* ii. 1, "senatum ter legi"), the first certainly and the two others probably coincided with the three *census* of Roman citizens taken by him in 28 B.C., 8 B.C., and 14 A.D. Moreover, though under Augustus and his successors both the calling up into the senate of persons legally qualified by the tenure of the quaestorship, and the removal from the list of the names of such senators as had died or proved themselves unworthy, took place annually and quite independently of any censorial authority, the direct admission (*adlectio*) of men freely selected by Caesar was a power only occasionally exercised in the first century and always in virtue of the censorial authority, *e.g.* by Claudius, Vespasian, and Titus (*C. I. L.* v. 3117; Orelli, 3659; Mommsen, *Staatsr.* ii. 877, iii. 857). Domitian, as censor for life, first exercised it continuously. From his time onwards the right was possessed and used by all emperors at their discretion, and without any reference to censorial authority as a power inherent in the imperial prerogative (Mommsen, *Staatsr.* iii. 857).

(2.) The old constitution left the king or consul free to choose as senators the men he thought best fitted for the post. Full citizenship, free birth (*ingenuitas*), and good character were no doubt always indispensable for a seat in the senate as for a magistracy; but although custom may have limited the choice of the king to patricians, there is no proof that he was prohibited by law from admitting plebeians; and the admission of the latter is represented in tradition as the free act of the king or consul, not as the consequence of special legislation. [Liv. ii. 1. Mommsen's theory, that originally a seat in the senate was an exclusively patrician privilege (*Staatsr.* iii. 870), must stand or fall with his hypothesis mentioned above, of a time when the senate was a representative council of the gentes. As he confesses himself, no traces are discoverable of any formal representation in the senate of the gentes or curiae.] The classical passage in Festus describes the kings and consuls as choosing freely: "conjunctissimos sibi quosque ... legebant;" so that to be passed over inflicted no disgrace, "praeteriti senatores in opprobrio non erant" (Id. *ib.*). Even by the Lex Ovinia the censors were directed to choose "ex omni ordine optimum quemque;" and Cicero declares (*pro Sest.* 65, 137) that the original intention of the constitution was, that the senate should be open "omnium civium industriae ac virtuti." But this early freedom of choice was gradually restricted. It is probable that the consuls at the end of their year of office had always a claim to be enrolled as senators, and we may assume that this privilege was conceded from the first to *praetores*. When, owing to the transference of the *lectio senatus* to the censors, the revision of the senatorial list took place not annually but quinquennially, the ex-magistrates who had a claim to be enrolled were permitted, after the end of their year of office and while waiting for the next quinquennial *lectio*, to enter the senate-house, and though not yet senators to give their *sententiae* with the rest. Hence the distinction drawn between "senatores" and those "quibus in senatu sententiam dicere licet." (Liv. xxiii. 32; Fest. p. 339; Varro, *ap.* Gell. iii. 18, "qui nondum a censoribus in senatum lecti, senatores non erant, sed quia honoribus populi usi erant, in senatum veniebant, et sententiae jus habebant.") The number of magistracies carrying this privilege increased as time went on. By 216 B.C. it had evidently been extended to the curule aedileship, since Livy, in describing the *lectio* of that exceptional year, plainly includes the curule aedileship among the offices which entitled their holders to a seat in the senate (Liv. xxii. 49, "unde in senatum legi deberent," xxiii. 23; and Mommsen, *Staatsr.* iii. 860, note 3). On the other hand, the minor magistracies, the plebeian aedileship, tribunate, and quaestorship gave no such right as yet; although, as we might expect, former holders of these offices were selected next to ex-curule magistrates, and before such private citizens as had distinguished themselves in war: "primum in demortuorum locum legit, qui post L. Aemilium, C. Flaminium censores curulem magistratum cepissent, necdum in senatum lecti essent...tum legit qui aediles, tribuni plebis, quaestoresve fuerant; tum ex iis qui magistratus non cepissent, qui spolia ex hoste fixa domi haberent aut civicam coronam accepissent" (Liv. xxiii. 23). By Sulla's time, if not before, the customary preference hitherto given to ex-holders of the plebeian aedileship and tribuneship had been exchanged for a legal claim both to the provisional seat and *jus sententiae* in the senate, pending the next censorial *lectio*, and to formal enrolment as senators when the time for the *lectio* arrived. [These privileges were apparently given to the tribunes by the plebiscitum Atinium (Gell. xiv. 8, 2, "senatores non essent ante Atinium plebiscitum"), the date of which must fall, according to Mommsen, between 123 B.C. and 102 B.C. (Mommsen, *Staatsr.* iii. 862, note 2). When the plebeian aediles obtained them is uncertain. Mommsen infers, from their inclusion in the Lex Acilia among those "quei in senatu sient," that they had done so before 122 B.C. (*ib.* 861, note 2).] Finally, the same rights were attached to the quaestorship by Sulla (Tac. *Ann.* xi. 22, "viginti quaestores creati supplendo senatui"). But these rights had long lost all value for the holders of the higher offices; since, owing to the gradual establishment of a fixed order of succession to these posts, a man was presumably already a senator by the time that he reached even the lowest curule magistracy. After Sulla, they were of importance only for the quaestorship, which was then legally established as the first step in the ladder of promotion. As a rule even the tribunate was taken after the quaestorship, and its holders were consequently already senators. The effect of these changes was practically to destroy the magistrate's freedom of choice. He still created senators, but as a rule the number of ex-quaestors awaiting his call, and with a legal claim to be called, must have been sufficient to fill the vacancies, and have left no room for others. Of senators admitted by free selection of the magistrate, there is no trace after 70 B.C., until we reach the dictatorship of Caesar. The votes of the people in Comitia in fact gave admission to the senate. (Cic. *pro Cluent.* 56, 153,

"judicio populi Romani in amplissimum locum pervenire.") But the "call" of the magistrate was still indispensable; and with the Empire it became once more a reality. The quaestorship still retained its right to give a seat; and it is true that the transference of the elections for the quaestorship to the senate by Tiberius gave that body in appearance a complete control over its own composition, and substituted cooptation both for the free choice of the magistrate and for the votes of the people. But it was only in appearance; for, apart from the influence which his control of the quaestorian elections gave him, the emperor possessed and exercised the old right of direct admission, now known as *adlectio*, possibly to distinguish it from the old periodic *lectiones* of republican times (Mommsen, *Staatsr.* ii. 877, note). This right, used occasionally (see above) by the earlier emperors, was from the reign of Nerva onwards constantly exercised. The person so admitted was assigned a definite place on the roll, usually "inter tribunicios," occasionally "inter praetorios," and in the 3rd century even "inter consulares;" this titular rank counting as equivalent to the actual tenure of the office itself. The increasing frequency of these *adlectiones* indicates the use of the method as a means of strengthening the emperor's hold over the senate, and of promoting his friends and *protégés* (Mommsen, *Staatsr.* ii. 877 *sqq.*; *Vita Pert.* 6, "cum Commodus adlectionibus innumeris praetorios miscuisset;" *Vita Marci*, 10, "multos ex amicis adlegit").

No qualification of age or property was originally fixed by law for a seat in the senate; but from the time when election to the quaestorship became the normal mode of entry into the senate, the legal age for this office became practically that for the senate also. Under the later Republic it was consequently thirty; from the time of Augustus onwards, twenty-five (Dio Cass. lii. 20; QUAESTOR). A property qualification was first introduced by Augustus, who fixed it at one million sesterces (Dio Cass. liv. 17; Suet. *Aug.* 41; Tac. *Ann.* i. 75, ii. 37). Under Trajan, all candidates for office, and therefore for a seat in the senate, were compelled to invest a third of their property in Italian land (Plin. *Epp.* vi. 19). This proportion was reduced to a fourth by M. Aurelius (*Vit.* 11).

It should lastly be mentioned that in the early days of the Empire the Roman franchise was given to Gauls (Tac. *Ann.* xi. 23), and possibly to other provincials, without the right of standing for office in Rome (*jus honorum*); and to such men, therefore, unless directly admitted by the emperor, the senate-house was closed. But of this special disability no trace is found after the reign of Claudius.

With the right of creating senators was closely connected that of removing them (*loco movere*), or omitting them from the revised list (*praeterire*). Of the mode in which it was exercised by the kings and consuls we know nothing beyond the statement in Festus, that, inasmuch as the magistrate then drew up the list as he chose, no stigma attached to those whose names were left out (Festus, p. 246: see above). It is easy to understand that the senate would resent being so completely at the magistrate's mercy; and the Lex Ovinia, carried as it was when the senate was slowly establishing its ascendancy (339–312 B.C.), seems to have given greater security to the senator's tenure of his seat. By transferring the "revision of the list" to the censors, it substituted a quinquennial for an annual revision; and though the removal or omission of a name henceforward inflicted disgrace, this was probably due in part to the fact that the censors, possibly under a clause of the law, were obliged not only to be agreed in doing so (App. i. 28; Liv. xl. 51; Cic. *pro Cluent.* 43, 122), but to state in writing their reasons for inflicting the penalty (Ascon. *in toy. Cand.* p. 84; Liv. xxxix. 42, "adscriberent notas"). The power was no doubt abused more than once for party or personal purposes, but in the main the evidence points to the conclusion that the arrangement gave a senator fixity of tenure, unless he were guilty of some act, or had incurred some public disgrace, which by law or custom disqualified him for sitting in the senate (*e.g.* deprivation of his office for misconduct, loss of civic rights, conviction in certain cases in a court of justice, gross immorality, extravagance, &c.). After 70 B.C., when the censors expelled a number of the unworthy members placed on the list possibly by Sulla, the power of expulsion or omission remained in abeyance (Sull., *Cat.* 23, gives an instance, belonging to 70 B.C.), though Cicero in the Laws advocates its revival ("probrum in senatu ne relinquunto," *de Legg.* iii. 3, 7). Under the Empire it came again into exercise. The thorough "purgings" of the overgrown senate by Augustus in 29–28 B.C., and again in 18 B.C., were no doubt exceptional (Suet. *Aug.* 35; Dio Cass. lii. 42, liv. 12), as was that carried out by Vespasian after the civil wars of 69 A.D. (Suet. *Vesp.* 9, "summotis indignissimis"). But alike at the periodic *lectiones* held by Claudius, Vespasian, and Titus as censors, and at the yearly revision of the senatorial list, not only were the names removed of those who had vacated their seats by death, by loss of the necessary property qualification (unless the loss, as frequently happened, was made good by the emperor: Tac. *Ann.* i. 75, ii. 37, xiii. 34; Suet. *Nero*, 10), or by condemnation in a court of law; but those were also expelled who for one reason or another were held by the emperor to be unworthy (*Ann.* ii. 48, "prodigos et ob flagitia egentes;" iv. 42, "quod in acta d. Augusti non juraverat;" xi. 25, "famosos;" Suet. *Domit.* 8, "quod gesticulandi saltandique studio teneretur:" the alternative of voluntary withdrawal was sometimes given, *Ann.* ii. 48). This power of removal, exercised as it was with increasing freedom and even arbitrariness as time went on, combined with the more frequent use of the right of *adlectio* completely to destroy that practical independence of magisterial control which the republican senate had gradually won for itself. The senate under the Principate became again what it must have been in early days—a body of councillors, largely selected by the chief magistrate at his discretion, and retaining their seats at his good pleasure.

(3.) The mode in which the *lectio* or revision of the list was carried out has next to be described. Our knowledge of this commences with the period when the revision of the senate was in the hands of the censors, *i.e.* at the earliest after 339 B.C. Although the *lectio senatus* was not apparently an integral part of the census, like

the *recognitio equitum* (Mommsen, *Staatsr.* ii. 396, and so Willems), it seems to have immediately preceded it (Liv. xxiv. 18; xxvii. 11, &c.). It was conducted usually by both censors jointly (Liv. xxxii. 7, xl. 50; Willems, i. 241), though on one occasion at least it was decided by lot which of the two should undertake the work (Liv. xxvii. 11, "sors legendi"). The first point, down to 81 B.C., was to select the senator whose name should stand at the head of the list as "princeps senatus" and enjoy the privilege of giving his *sententia* first. This honour belonged by ancient custom to the oldest patrician *censorius* (Liv. *l. c.*; Mommsen, *Staatsr.* iii. 970). After 209 B.C. any patrician *censorius* might be chosen irrespective of seniority. From the time of Sulla onwards, it is not clear that any *princeps senatus* in the old sense was appointed: the list in the Ciceronian age was possibly headed by the senior consular, and at any rate the post, if it survived at all, must have been deprived of most of its importance by the change made in the order of taking the *sententiae*, which took away from the princeps the privilege of being asked first (Varro, *ap.* Gell. xiv. 7; Willems, i. 114, maintains not only that *principes senatus* existed after Sulla, but that they were no longer necessarily patricians. Indeed, the three whose names he gives—Q. Lutatius Catulus, P. Servilius Vatia, and Cicero—were all plebeians. But his arguments are not conclusive). Under the Empire, the emperors, following the example of Augustus (*Mon. Anc. Gk.* 4, 2, *πρῶτον ἀξιώματος τόπον τῆς συνκλήτου*), placed their own names at the head of the list, though only in the case of Pertinax (Dio Cass. lxxiii. 4) was the old title *princeps senatus* revived. The *princeps senatus* chosen, the old list of the senate was gone through, the names of deceased members or of those legally disqualified struck out, those who had risen to higher office in the interval placed in their proper position; and finally, any whom the censors judged unfit, struck off the roll. [In the *lectio* of 216 B.C. there were no such erasions, but this was exceptional (Liv. xxiii. 23).] The vacancies were then filled up according to the order described above, though here again the censors might pass over one or more of the legally qualified claimants. In the completed list the senators were arranged according to their official rank, from the *dictatorii* and *censorii* down to the *quaestorii;* those, if there were any, who had held no office, being no doubt placed last. Down to the time of Sulla, the patricians in each magisterial category took precedence of the plebeians; in the post-Sullan period, the members of each category were arranged simply by official seniority (Mommsen, *Staatsr.* iii. 968; Willems, i. 259). Under the Empire a senator might obtain precedence by the grant of the *jus trium liberorum*, and earlier still by the successful prosecution in a public court of a senator higher in rank than himself, whose place he took (Mommsen, *l. c.* 971; Dio Cass. xxxvi. 40). Those persons directly admitted (*adlecti*) by the emperor, among the praetorii or tribunicii, were properly placed below the genuine ex-praetors or ex-tribunes (*Vit. Pertin.* 6). The list when made up was in Republican times read aloud from the rostra (Liv. xxiii. 23); under the Empire it was regularly published (Dio Cass. lv. 3). It held good until the next revision, *i.e.* under the Republic, until the next censors came into office. Under the Empire the revision was annual (Dio Cass. *l. c.*). The official name for the list, "album senatorium," first occurs in Tacitus (*Ann.* iv. 42).

III. *Composition and Character of the Senate.*—The first important change in the composition of the senate must have been effected by the admission of plebeians—a measure ascribed by tradition to Brutus, and certainly anterior to their admission to the consulship. With the opening of the magistracies to plebeians, and the additions made to the list of magistracies giving a legal claim to a seat, the plebeian element in the senate grew in strength; and at the close of the Punic wars largely outnumbered the patrician. (See the calculations made by Willems, i. pp. 285 *sqq.*) The question then arises, how far any distinction was maintained as regards rights and privileges between these two elements? That the interrex was necessarily, and the princeps senatus customarily, a patrician, is certain (see above and art. INTERREX), as also that on the roll patrician senators took precedence of plebeian senators of equal official rank. But on two points there is a division of opinion: (1) Were the functions of appointing the interrex (*prodere interregem*) and of ratifying votes of the assembly (*patrum auctoritas*) reserved exclusively for patrician senators? (2) Were plebeian senators at any time without the right *sententiam dicere*? The first question is answered in the affirmative by Mommsen (*Röm. Forschungen*, i. 218; *Staatsr.* iii. 871) and Madvig (*Verfass.* i. 233, 496); in the negative by Willems (ii. 1 and 33. See also INTERREX). The difficulty in the way of a decision is increased by the ambiguous sense in which the term *patres* is used by ancient writers, and by the fact that while the appointment of interreges had become extremely rare during the period to which our best authorities (Cicero, Livy) belong, the *patrum auctoritas* had long before that time been reduced to a meaningless form (by the Lex Publilia, 339 B.C.). The most probable view on the whole seems to be that, while both acts belonged originally to the senate as a purely patrician body, they were in later times performed by the patricio-plebeian senate as a whole. [Cf. the extension of the term *patres* to cover the whole senate, and the retention of the phrase *patricii magistratus* for the curule offices long after these had been opened to plebeians (Cic. *ad Brut.* i. 5). It is only in connexion with the three earliest interregna under the Republic that Livy speaks of *patricii* (iii. 40, iv. 7, iv. 43: 421 B.C.). On later occasions he speaks always of *patres*, as does Cicero throughout. The *patrum auctoritas* is never expressly connected with the *patricii*. For a full discussion, see Willems, *l. c.*, and INTERREX.] The second question admits of a more confident answer. It is agreed on all hands that in post-Sullan times no distinction is traceable between patricians and plebeians as regards the right *sententiam dicere*, and that the term *pedarii* had no legal value, but merely denoted the lower ranks of senators (*i.e.* in fact the *non-curules*), whose names, from want of time, were rarely reached in taking the *sententiae*, and who were therefore, as a rule, obliged *pedibus ire in sen-*

tentiam, i.e. to cross to one side or the other of the senate-house. [Gell. iii. 18, "qui in alienam sententiam pedibus irent." The explanation of the term quoted in the same passage from Gavius Bassus (1st century A.D.), "Senatores qui magistratum curulem nondum cepissent *pedibus itavisse* in curiam," though in fact *non-curules* and *pedarii* coincide, is a bad guess, which, strangely enough, Willems accepts (*op. cit.* i. 137). The confusion which follows between the *pedarii* and the ex-curule magistrates "*nondum* a censoribus lecti" is probably due to Gellius himself. The latter class were not senators, but had the *jus sententiae dicendae*; the *pedarii* were senators, but in practice were unable *sententiam dicere*. The confusion is repeated in Lewis and Shortt's Latin Dict. The sense of inferiority associated with the *pedarii* in the senate sufficiently explains the "equites pedarii" of Varro (=common or inferior equites).]

But Mommsen, while agreeing that in the Ciceronian age *pedarius* was merely a conventional epithet describing the actual but not the legal position of the lower senators, holds that in earlier times the term had a statutable meaning, and denoted "plebeian senators directly admitted by consuls or censors, as distinct from those qualified by office"—a class which ceased to exist after 81 B.C. These plebeian senators were, he thinks, legally incapable of delivering *sententiae*, and only allowed to vote (*pedibus ire*). The objections to this theory are: (1) That no such distinction can be drawn between the right *sententiam dicere* and the right to vote. For the Roman senator, the *sententia* and the vote were the same thing, though the *sententia* might be given in different ways, of which the *pedibus ire* was one [see below under Procedure]. (2) That though there were certainly at one time men in the senate with the *jus sententiae* who were not senators, there is no evidence of the existence at any time of senators without this right. (3) There is no proof that there was ever a legally distinct class of *pedarii*, or that the term had ever any other meaning than that which it bore in the Ciceronian age.

The admission of plebeians has been assigned to the early days of the Republic; the period from the Lex Ovinia to the dictatorship of Sulla witnessed another change which stood in close connexion with the growing ascendancy of the senate in the political system. The class of senators freely chosen by the magistrate as distinct from those whom election to office had given a legal claim on his call, gradually disappeared (Cic. *de Legg.* iii. 12, "neminem in summum locum nisi per populum venire"), and the senate came to be composed entirely of actual and ex-officials, to the exclusion of lay interests and opinions — an exclusiveness intensified by the extent to which from 200 B.C. onwards the official class was recruited from a single section of Roman society, that of the *nobiles*. In Cicero's day the only working classification of senators was classification by official rank.

Further changes followed under the Empire. The class of those who, while awaiting the next *lectio*, were permitted to sit in the senate and give *sententiae* (see above), must have ceased to exist, when the yearly revision enabled the emperor to call them up immediately on the expiry of their year of office. On the other hand, though the official classification continued, and even those directly *adlecti* by Caesar were placed in one official category or another, and though the majority of senators as a rule entered by the old official door, the quaestorship, the increasing number of the *adlecti* unquestionably served not only to strengthen the emperor's control over the senate, but to widen the area from which its members were drawn. The effect of Vespasian's admission of numerous Italians and provincials is specially noticed by Tacitus (*Ann.* iii. 55, "novi homines e municipiis et coloniis atque etiam provinciis—domesticam parsimoniam intulerunt." Senators from the eastern provinces are very rare before the 2nd century). But while in this way the senate became in its composition more representative of the whole Empire, a narrowing effect was exercised by the tendency to confine the senatorial dignity to a particular class, by making it hereditary. The way for this latter change was prepared in the last century of the Republic. In the time of Cicero, the male members of the great families passed into the senate through the quaestorship, almost as a matter of course. The son of a senator was expected and as a rule did thus qualify himself for senatorial rank; and Cicero contrasts the senatorial and official career proper to young nobles, with the quieter and less ambitious course marked out by custom for members of the equestrian order (Cic. *pro Cluent.* 56, 153). But as yet the son of a senator had no legal claim to be himself a senator, nor did he as such enjoy any legal distinctions or privileges. Even the phrase *ordo senatorius* is usually limited in meaning to the actual senate (Mommsen, *Staatsr.* iii. 459). Julius, it is true, extended the restriction on foreign travel from senators to their sons (Suet. *Jul.* 42); but from Augustus dates the first attempt to make the senatorial dignity formally hereditary, and to give the *ordo senatorius*, as distinct from the senate, a legal existence. According to his regulations, the sons of senators were authorised to assume the broad stripe (*latus clavus*) on the assumption of the toga virilis, and to attend meetings of the senate (a revival of an ancient custom, Gell. i. 23). They entered the army as *tribuni militum* or *praefecti alarum*, and were distinguished from other young officers as *laticlavii* (Suet. *Aug.* 38, "liberis senatorum, quo celerius reipublicae assuescerent, protinus a virili toga, latum clavum induere et curiae interesse permisit, militiamque auspicantibus non tribunatum modo legionum, sed et praefecturas alarum dedit . . . binos plerumque laticlavios praeposuit singulis alis." The ordinary *trib. mil.* were *angusticlavii*, Suet. *Otho*, 10). From military service they passed on to the quaestorship and a seat in the senate. That under the earlier emperors this career was morally incumbent both on senators' sons and on other young men, to whom the emperor had granted the latus clavus, seems certain (they are described as *honores petituri*: Plin. *Ep.* viii. 14; Dio Cass. lix. 10, ἐπὶ τῇ τῆς βουλῆς ἐλπίδι), but there is no proof that in the 1st century A.D. it was legally necessary. [We hear of several cases in which a man either declines to assume the latus clavus, or dis-

cards it after a time. Suet. *Vesp.* 2, "latum clavum diu aversatus" (Vespasian); Tac. *Ann.* xvi. 17, "Mela petitione honorum abstinuerat;" *Hist.* ii. 86, "prima juventa senatorium ordinem exuerat;" Ovid, *Trist.* iv. 10, 35. Claudius, however, as censor took a strict view of the obligation (Suet. *Claud.* 24, "senatoriam dignitatem recusantibus equestrem quoque ademit." Augustus, at the *lectio*, in B.C. 13, compelled qualified persons under 35 "*βουλεῦσαι*" (Dio Cass. liv. 26).] A further illustration of the same policy is the enactment due to Augustus prohibiting both senators and their sons from marriage with *libertinae* (Lex Papia Poppaea, Dig. 23, 2, 23). The development of the policy by the emperors of the 2nd century cannot be traced in detail. At the close of that century, however, we find the two orders, senatorial and equestrian, clearly and sharply distinguished. Each has its own privileges. The careers appropriate to the members of each order are different, and the passage from one to the other difficult and rarely made. [EQUITES; PRINCIPATUS; PROCURATOR.] Suetonius already contrasts "senatoria et equestria officia," *Galb.* 15; cf. *Vita Commodi*, 4, "per laticlavi honorem a praefecturae (sc. *praetorio*, an equestrian office) administratione summovit." By the lawyers of the early part of the 3rd century senatorial rank is treated as strictly hereditary. Not only the sons, but the grandsons of senators are born into the senatorial order, and cannot escape either the honours or the burdens attached to the *dignitas senatoria*. Neither posthumous birth, nor adoption into a family of lower rank, affects their position (Dig. 7, 35, 9, 7). As Mommsen has well said (*Staatsr.* iii. 467), the senatorial order took the place as a hereditary nobility of the *nobiles* of the later Republic, as they had in their turn superseded the patriciate. [For the distinctive privileges and liabilities of the senatorial order as thus constituted, see the next section;—for its general position, cf. Mommsen, *Staatsr.* ii. 865, iii. 466; Madvig, *Verf.* i. 123 *sqq.*; Friedländer, *Sittengesch.* i. 197 *sqq.*]

IV. *Insignia, Privileges, &c.*—In Republican times the senator bore no distinctive title, for "senator Romanus" was never like "eques Romanus" in official use. The title of courtesy *clarissimus*, though not unfrequently applied to senators at an early date, was first formally assigned to them in the 2nd century A.D. (Mommsen, *Staatsr.* iii. 565), and then or soon afterwards extended not only to their sons, but to their wives and daughters. The outward insignia of the senator were always the broad purple stripe on the tunic (*latus clavus*) and the red sandals (*calcei*) with the crescent-shaped buckle (*luna*), and the leathern thongs wound round the leg (*lora*). The former of these insignia was possibly not older than the Gracchan period (*sero*, Plin. *H. N.* xxxiii. § 29); the latter were originally the distinctive mark of the patrician. Under the Empire the latus clavus was assumed by a senator's son on reaching manhood; while the red sandals were worn even in childhood (Stat. *Silv.* v. 2, 28). Separate seats in the theatre were first assigned to senators in 194 B.C. (Liv. xxxiv. 44), and at the shows in the circus by Claudius (Suet. *Claud.* 21). A variety of fresh distinctions were conceded as the senatorial order under the Empire increasingly assumed the character of a hereditary peerage, *e.g.* the right of *entrée* to the imperial presence (Dio Cass. lvii. 11), and of banquets at the public cost (Suet. *Aug.* 35), the use of covered carriages by their wives (Dio Cass. lvii. 15), of silver plating upon their own vehicles (*Vit. Sev. Alex.* 43), and of running footmen (cursores, *Vit. Aurel.* 49). In the 3rd century A.D., and probably earlier still, they were exempt from all burdens, though still eligible for *honores* in their own municipia (Dig. 50, 1, 23, "municeps esse desinit senatoriam adeptus dignitatem, quantum ad munera: quantum vero ad honorem, retinere creditur originem;" cf. the omission in inscriptions of senators of their place of domicile; see Mommsen, *Staatsr.* iii. 2, 887, note 1). Though subject, like other citizens, to the ordinary law they were outside the jurisdiction of municipal authorities. From Hadrian dated the custom for the emperor to summon only senatorial assessors to sit with him in judgment on a senator (*Vit. Hadr.* 8), a practice revived by Severus Alexander (*Vit.* 21, "ne quis nisi senator de Romano senatore judicaret"). But the increased outward dignity of their position under the Empire brought with it not only increased risk under the worse emperors, but increased liabilities and restrictions. Their exclusion from trade and from taking state contracts, as also their liability and that of their sons to prosecution under the *leges de repetundis*, date from republican times (Lex Claudia, Liv. xxi. 63: cf. Dig. 50, 5; Lex Acilia de pec. repet. 2; Bruns, *Fontes jur. Rom.* 54; Cic. *pro Cluent.* 55, 150). In addition, Severus Alexander forbade them to lend money except at a low rate of interest (*Vit.* 26). The prohibition issued in Tiberius' reign against intercourse with stage-buffoons (*Ann.* i. 77) was, like that against marriage with *libertinae*, intended to preserve the dignity of the order. But Claudius's edict forbidding praetorian guardsmen to attend the morning levees of senators (Suet. *Claud.* 25) was no doubt provoked by the same jealousy of senatorial interference with the army, which finally led to their exclusion from military commands and from the camps by Gallienus (Victor *Caes.* 33). The separate taxation of senators did not exist as a system before Diocletian (Mommsen, *Staatsr.* iii. 2, 900 f.). The costly obligation of providing games was a magisterial rather than a senatorial burden. [LUDI; PRAETOR; QUAESTOR. For the privilege originally enjoyed by senators of voting in the *equitum centuriae*, and for their duty of serving as judices in the *quaestiones perpetuae*, see COMITIA; JUDEX; QUAESTIO.]

V. *Procedure.*—The right to hold a meeting of the senate (*senatum habere*), to consult it (*consulere, referre, relationem facere*), and to carry a decree (*senatusconsultum facere*) belonged in the Ciceronian age to consuls, praetors, and tribunes of the plebs; but if all were present in Rome together, they could only exercise it in the above order of precedence. The right no doubt attached to the consulship and praetorship from the moment of their establishment. It was acquired by the tribunate at some period previous to the plebiscitum Atinium (? before 133 B.C.). The right was also given to the dictator, interrex,

and praefectus urbi. [See the classical passage, Gell. xiv. 7, 8, "Primum ibi ponit (Varro) per quos more majorum senatus haberi soleret, eosque nominat, dictatorem, consules, praetores, tribunos plebi, interregem, praefectum urbi . . . tribunis plebi senatus habendi jus erat quamquam senatores non essent ante Atinium plebiscitum."] Any one of these magistrates could be prevented from exercising the right by the interference of a colleague, or of a superior, or of a tribune. [INTERCESSIO; TRIBUNUS.] In the earlier times, when the consuls were frequently absent from Rome in the field, the duty of convening the senate constantly developed upon the praetor urbanus (Liv. xxii. 7; xxvi. 21; xlii. 8, &c.). In the Ciceronian age, it is regularly performed by the consuls (Cic. *ad Fam.* xii. 28; CONSUL). Augustus in 23 B.C. was specially empowered to hold a senate as often as he would, even when not consul (Dio Cass. liv. 3), and the power was continued to his successors (Lex de Imp. Vesp. 2, "utique ei senatum habere . . . . liceat, ita uti licuit divo Augusto," &c. Tiberius before he was formally invested with this power convened the senate "tribuniciae potestatis praescriptione sub Augusto acceptae," Tac. *Ann.* i. 7). But even under the emperors it was usually the consuls who convened the senate and presided at its meetings (Plin. *Epp.* ii. 11, "princeps praesidebat erat enim consul;" cf. Id. *Paneg.* 76).

The magistrate who convened the senate determined also the place of meeting, subject, however, to certain conditions. A lawful senate could only be held in a *templum*, and, except in special cases, within the pomerium (Gell. xiv. 7, "in loco per augurem constituto, quod templum appellaretur:" see TEMPLUM). Among the ordinary meeting-places of the senate in republican times were the Curia Hostilia and the temples of Concord, of Castor, of Jupiter Stator, and of Tellus. The senate could be convened outside the pomerium, but "intra milia passuum," if either embassies from states not in alliance with Rome or a pro-magistrate [PROCONSUL; PROPRAETOR] were to take part in the proceedings (Mommsen, *Staatsr.* iii. 930. As meeting-places outside the pomerium, the temples of Apollo and of Bellona are mentioned: Liv. xxxiv. 43; Cic. *ad Fam.* viii. 4; Plut. *Sull.* 30).

The senate could not be summoned to meet before sunrise or sit after sunset (Gell. xiv. 7). But under the Republic there were no fixed days for its meetings any more than for those of the Comitia. Augustus first enacted that there should be two regular meetings held in each month (Suet. *Aug.* 35, "ne plus quam bis in mense legitimus senatus ageretur Kal. et Idibus," Dio Cass. lv. 3). Nor is it clear that in early times there were any days on which a senate could not be lawfully held. But by a Lex Pupia, the date of which Mommsen fixes at about 154 B.C., the magistrates were apparently forbidden to hold a senate upon any day actually appointed for Comitia, or possibly upon any of the days on which Comitia might legally be held (*dies comitiales*, Cic. *ad Fam.* i. 4, "senatus haberi ante Kal. Febr. per legem Pupiam . . . non potest;" Id. *ad Q. Fr.* ii. 2, "consecuti sunt dies comitiales per quos senatus haberi non potest:" cf. *ad Fam.* viii. 8; Mommsen, *Staatsr.* iii. 921–923).

The usual mode of summoning the senate (*cogere senatum*) was by a proclamation issued by one or both the consuls, naming the date and place of meeting, and occasionally stating the special business to be considered (Liv. xxviii. 9, "praemisso edicto ut triduo post senatus ad aedem Bellonae adesset;" Suet. *Caes.* 28, "edicto praefatus se summa de republica relaturum;" Cic. *ad Fam.* xi. 6, "quam edixissent . . . senatus adesset"). The procedure was the same if the magistrate concerned was a praetor or tribune. The magistrate was empowered, if necessary, to compel the attendance of senators by taking pledges for their attendance, or by fining those who failed to appear (Gell. xiv. 7; Cic. *de Legg.* iii. 4, *Phil.* i. 12); but this power was, it would seem, sparingly exercised under the later Republic, and the increased numbers of the senate after 81 B.C., added to the fact that no quorum was required by law, gave little occasion for its use. Under the Empire it was otherwise. Augustus found it necessary not only to fix a quorum (Dio Cass. lv. 3: see below), but to increase the penalties for non-attendance (Dio Cass. liv. 18), and Claudius did the same (Dio Cass. lx. 11: cf. Tac. *Ann.* xvi. 27, "patres arguebat (Nero) quod publica munia desererent").

On the assembling of the senate, usually in the early morning, the senators took their seats, as they chose, upon the benches (*subsellia*) ranged in rows to the right and left of the curule chairs of the presiding magistrates; the latter being so placed as to face the door of the house. [Mommsen, *Staatsr.* iii. 932, has shown that under the Republic neither the ordinary senators nor, as Willems (ii. 173) maintains, the magistrates generally, had any special or fixed seats.] Under the Empire the emperor's chair was placed between those of the consuls (this seat was first assigned to Augustus in 19 B.C.: Dio Cass. liv. 10); and separate seats were assigned to the praetors, tribunes, and possibly to the other magistrates (Mommsen, *op. cit.* p. 934). The proceedings opened with a sacrifice, followed by the inspection of the victim's entrails (Gell. xiv. 7; Mommsen, *op. cit.* p. 935).

The magistrate who summoned the senate also presided at its meetings, and it is he who, subject to certain customary rules, determines what business shall be laid before the house and in what order. It was his duty, in the first place, to communicate to the senate any news of importance, to read despatches received from officials abroad, and to introduce provincial or foreign deputations (Caesar, *B. C.* i. 2; Cic. *ad Fam.* x. 12, 3; Liv. xliv. 20, 21). On his demand, or with his permission, any individual senator might similarly read letters, communicate information, or make a statement to the house. The same privilege belonged to praetors and tribunes, as having the right to consult the senate, even when not actually presiding.

The magistrate might follow up these preliminary communications by referring one or more of the points raised to the senate for its opinion, and the senate not unfrequently demanded by acclamation that such a reference should be made. It rested, however, with the magistrate to decide whether or not this further step should be taken (Liv. xxx. 21, "conclamatum ex omni parte curiae est, uti referret

P. Aelius praetor;" *ib.* xlii. 3, "ex omnibus partibus postulabatur ut consules eam rem ad senatum referrent;" Cic. *ad Fam.* x. 16; Caes. *B. C.* i. 1, "ut ex litteris ad senatum referretur, impetrari non potuit").

The formal consultation of the senate (*relatio*) was governed by a variety of customary rules. After, usually, an explanation of the business in question ("verba facere," Cic. *ad Fam.* viii. 8; *Phil.* viii. 14, &c.), the magistrate asked the senate "quid de ea re fieri placet," without himself submitting a definite proposition (Sall. *Cat.* 30; Cic. *Cat.* i. 10, iii. 13). Occasionally the magistrate indicated his own view (Liv. xxxix. 39, "sibi nisi quid aliud eis videretur in animo esse ... comitia habere." For instances of a definite proposition, see Suet. *Caes.* 28, "rettulit ad senatum ut ei succederetur;" Cic. *Phil.* i. 1, "scriptum senatusconsultum quod fieri vellet attulit;" cf. Cic. *Phil.* x. 17). It is significant of the more dependent position of the senate in relation to the emperor that the latter, when consulting the senate, usually made at the same time a definite proposal (see below). The reference to the senate might either be general ("infinite de republica," Gell. xiv. 7; cf. Liv. xxvi. 10, "de summa republica consultatum") or special ("de singulis rebus finite," Gell. xiv. 7; Cic. *Phil.* vii. 1, "de Appia Via et de Moneta"), and the senators might, in giving their *sententiae*, express a wish for the separate reference of some particular question (Cic. *Phil.* x. 24, "de M. Appuleio separatim censeo referendum," *ad Fam.* viii. 8, "ne quid conjunctim referatur"). Custom again prescribed in general terms the order in which the business should be taken: "de rebus divinis priusquam humanis ad senatum referendum esse" (Gell. xiv. 7; cf. Liv. xxii. 9, "ab diis orsus—tum de bello deque republica"); but here again the practice at least of the later Republic allowed a certain weight to the wishes of the senators themselves, who might either directly demand urgency for a particular question (Cic. *ad Fam.* x. 16, "flagitare senatus institit ... ut referret *statim*"), or indirectly force the magistrate's hand by refusing to give opinions upon any matter until the desired point had been submitted to them (Cic. *ad Att.* iii. 24, "senatum nihil decernere, antequam de nobis actum esset;" *in Pison.* 13, 29, "quum quacunque de re verbum facere coeperatis aut referre ad senatum, cunctus ordo reclamabat, ostendebatque, nihil esse vos acturos, nisi prius de me rettulissetis"). The right of reference (*jus referendi, consulendi senatum, cum patribus agendi*) belonged, exclusively of extraordinary magistrates, to consuls, tribunes of the plebs, and praetors; the latter, however, do not appear to have exercised it except in the absence of the consuls. As between consuls and tribunes, the consul's business took precedence, though it would seem from Cic. *Phil.* vii. 1, that if the questions were small ones, the references of both consuls and tribunes might be put conjointly to the house ("de Appia Via et de Moneta consul; de Lupercis tribunus plebis refert"). To the emperors a special right of reference, as of convening the senate, was granted by statute, in addition to that which they possessed in virtue of the *tribunicia potestas*. This right, granted to Augustus in 23 B.C. on his resignation of the consulship (Dio Cass. liii. 32), and confirmed to his successors (Lex Vespas. 2, Bruns, 128), invested him with the power of making the first *relatio* (περὶ ἑνός τινος, Dio Cass. *op. cit.*) at each meeting of the senate, and was afterwards extended so as to enable him to make four and even five *relationes* before the regular magistrates took their turn ("jus quartae relationis," *Vit. Pert.* 5; "quintae relationis," *Sev. Alex.* 1; cf. Pelham, *Journal of Philology*, xvii. pp. 41, 42). At first at any rate the emperor, like the consul, made his *relatio* in person; or, if unable to do so, communicated it in writing through the consuls (Tiberius, Dio Cass. iviii. 11; Nero, Suet. *Nero*, 15). But from the close of the first century onwards the practice, occasionally adopted by Augustus (Dio Cass. liv. 25) and by Claudius (Id. lx. 2), of employing the *quaestor principis* as the emperor's mouthpiece, became the regular one (QUAESTOR: cf. Digest 1, 13, 1, "quaestores ... libris principalibus in senatu legendis vacant;" *ib.* 4, "quique epistulas eius in senatu legunt"). The *relationes* of the emperor thus took the form of written "speeches" (*orationes*) or "letters" (*litterae, epistulae*), and are usually referred to as such (Suet. *Tit.* 6; Dig. 23, 2, 16, &c.).

The formal introduction of the business was followed, not by a debate, in the modern sense of the word, but by the taking of the *sententiae* (*sententias rogare, perrogare*) of the individual senators in order. Just as the senate was in theory only a council of advice consulted by the magistrate, so the senator's one duty was to give his opinion (*sententiam dicere*), and technically in this one act both speech and vote were included. But, as we shall see, considerations of convenience, as well as the growing tendency to treat the senate's expression of opinion as a positive decision, developed in practice a process of counting votes actually, though not theoretically, distinct from the taking of *sententiae*.

The magistrate, in taking the *sententiae*, was expected to follow a well-established order of precedence, corresponding in the main to that observed in the official roll (see above). Down to the time of Sulla, the first *sententia* taken was that of the *princeps senatus*. In the Ciceronian age the magistrate might select for this honour any consular, subject only to two restrictions, as (1) he was expected to adhere to the order adopted by him on his first day of office; (2) after the consular elections, *i.e.* during the latter half of the year, he was bound to give the priority to the consuls-designate. The other consulares were taken next, usually in order of seniority; after them the praetorii, aedilicii, &c. [It is possible that in earlier times, before senatorial ascendancy was well established, the magistrate's discretion in this respect was wider (Mommsen, *Staatsr.* iii. 974). The classical passage on the *ordo sententiarum* is Varro, *ap.* Gell. xiv. 7, "singulos autem debere consuli gradatim, incipique a consulari gradu, ex quo gradu ... antea primum rogari solitum qui princeps in senatum lectus esset, tum autem cum haec scriberet ... ut is primus rogaretur, quem rogare vellet qui haberet senatum, dum is tamen ex gradu consulari esset;" cf. *ib.* iv. 10: Suet. *Caes.* 21, "post novam adfinitatem Pompeium primum rogare sententiam coepit" (Caesar). For the *consules designati*, comp. Sall. *Cat.* 50: "Silanus primus sententiam rogatus quod eo

tempore consul designatus erat;" and Cic. *ad Fam.* viii. 4; Tac. *Ann.* iii. 22.] The right to give an opinion, *jus sententiam dicendae*, belonged to all senators, excepting only the magistrates of the year; the latter being in theory the consulting and not the consulted parties (Liv. viii. 20; Willems, ii. 189). It was only when the emperor made a *relatio* in virtue of his special powers, that the *sententiae* of magistrates were taken (Tac. *Ann.* iii. 17; *Hist.* iv. 41). But every magistrate could at any moment interpose with a speech on the subject in hand. [Mommsen, *Staatsr.* iii. 943. The same author holds that in earlier days plebeians directly admitted to the senate by consuls or censors, without having held a qualifying magistracy, had no *jus sententiae dicendae* (*Staatsr.* iii. 963), but could merely take part (*pedibus eundo*) in the final *discessio*. Of this, however, there is no sufficient evidence.] The question was put to each senator in turn in the simple form "dic M. Tulli (quid censes)" (Liv. i. 32; Cic. *ad Att.* vii. 1), but the modes of reply were various. (1) The senator might rise, discuss the question in a set speech, and close with a formal statement of his opinion, so worded as to form the basis of a decree ("stantem sententiam dicere," Liv. xxvii. 34; Cic. *ad Att.* i. 14, "surrexit, ornatissimeque locutus est." For the form of the closing statement of opinion, comp. *Phil.* xiv. 29, "decerno igitur," &c.; *ib.* x. 25, "quod consul ... verba fecit de litteris de ea re ita censeo;" *ib.* v. 46, "ita censeo decernendum"). It was occasionally drafted in writing beforehand (*Phil.* iii. 20). This method was that which, in cases of any importance, consulars and other prominent senators were expected to adopt (Liv. xxvii. 34). (2) He might, without rising, express his agreement with some previous *sententia*, either *verbo* (Cic. *ad Att.* vii. 3, "dic M. Tulli: σύντομα, Cn. Pompeio adsentior"), or by a nod, or by holding up his hand ("verbo assentiebatur;" Liv. xxvii. 34; cf. Sall. *Cat.* 52, "sedens assensi;" Cic. *ad Fam.* v. 2). (3) He might cross over to the side of a senator with whose opinion he agreed ("pedibus ire in sententiam," Liv. xxvii. 34; Cic. *ad Q. Fr.* ii. 1, 3; *Vit. Aureliani*, 20, "interrogati plerique senatores sententias dixerunt ... deinde aliis manus porrigentibus, aliis pedibus in sententias euntibus, plerisque verbo consentientibus"). By this method, a senator who had already given his *sententia* at length, might indicate that he had changed his mind (Sall. *Cat.* 50, "Silanus ... primus sententiam rogatus ... decreverat: isque postea permotus oratione G. Caesaris pedibus in sententiam Tiberi Neronis iturum se dixerat").

In strictness this orderly taking of opinions on business introduced by a magistrate precluded both the introduction of fresh matter by those consulted, and also any debate in the modern sense of the word. But, in the Ciceronian age, custom sanctioned a freedom of speech really inconsistent with the theory of the procedure. For a senator, when asked for his opinion on a particular point, to seize the opportunity to deliver a lengthy oration on some wholly irrelevant matter, was a privilege thoroughly well recognised and frequently exercised ("egredi relationem," Gell. iv. 10; Tac. *Ann.* ii. 38; Cic. *ad Fam.* x. 28, "quum tribuni plebis...de alia re referrent, totam rempublicam sum complexus"). It was indeed the only means open to the senator of forcing upon the attention of the senate subjects which the magistrates were unwilling formally to bring before it (Cic. *Phil.* vii. 1, "parvis de rebus consulimur ... tamen animus aberrat a sententia, suspensus curis majoribus"). That the presiding magistrate could not compel a senator to speak to the question is clear, and it is doubtful how far he was able to limit the duration of his speech. According to Ateius Capito (Gell. iv. 10), a senator could say, "quicquid vellet ... et *quoad* vellet;" and several instances are recorded in which a measure was, as we should say, "talked out" (Cic. *ad Att.* iv. 3, "calumnia dicendi tempus exemit;" Gell. iv. 10, "eximebat dicendo diem;" cf. Cic. *ad Att.* iv. 2, *ad Q. Fr.* ii. 1, 3). One instance only is recorded in which the presiding magistrate exercised his authority to check this abuse, and then the feeling of the house was decidedly against him (Caesar's arrest of Cato, Gell. iv. 10). On another occasion the senate by resolution decided that the speeches should be brief (Cic. *ad Fam.* i. 2). The *altercationes*, which were not infrequent in the Ciceronian age, were certainly out of order, but were as certainly tolerated (Mommsen, *Staatsr.* iii. 947; Willems, ii. 191).

The theory of the procedure unquestionably implied that the magistrate took the sense of the house on the matter which he had laid before them, by asking each senator in turn to give his opinion (*perrogare sententias*); and there is no evidence that he could, by any form of closure, abridge the process (Mommsen, *Staatsr.* iii. 983, as against Willems, i. 194). It is also possible that in the early days, when the senate was still a subordinate and purely consultative body, the sense of the house as expressed in the course of this process was taken as sufficient, and that no formal division (*discessio*) followed. But when the senate became in fact the governing council, the business before it increased in amount and complexity, and the importance of its decisions increased also. These changes, coupled with the rise in its numbers from 300 to 600, modified the character of the *perrogatio sententiarum*, and necessitated a more exact method of "taking a vote," *i.e.* of determining where the majority of *sententiae* lay. (But the "voting" was not technically distinct from the "giving an opinion;" nor is it conceivable that, as Mommsen holds, there were senators who could vote but who were legally unable *sententiam dicere*.) The accounts we have of the procedure in the senate during the Ciceronian age, make it clear that *sententiae*, in the shape of formal proposals explained and advocated in speeches, were as a rule only given by the highest category of senators, the consulares and praetorii, and that the rest contented themselves with a brief assent (*verbo*), or ranged themselves behind the speaker they agreed with (*pedarii*. The cases of Cato in 63 B.C., who, though only tribunus designatus, gave the *sententia* which was ultimately adopted, and of P. Servilius Isauricus, Cic. *ad Att.* i. 19, were no doubt exceptional). On the *perrogatio* followed, at least in Cicero's time, the *pronuntiatio sententiarum:* where only one definite

proposal had been made; or when the sense of the house was clearly in favour of a particular *sententia*, the case was simple. But where, as in the debate on the restoration of Ptolemy Auletes (Cic. *ad Fam.* i. 1 and 2), several conflicting *sententiae* had been given, and there was a real division of opinion, the difficulty was considerable. It rested with the magistrate who had made the *relatio* to take the division on such *sententiae*, and in such order as he thought best; and he might decline to put such as seemed to him inexpedient (Willems, ii. 194; Cic. *Phil.* xiv. 22), or to be covered, or better expressed by others (Cic. *ad Att.* xii. 21, "cur ergo in sententiam Catonis, quia verbis luculentioribus et pluribus rem eandem comprehenderat"). As a rule, however, the *sententiae* were put to the vote in the order in which they had been given. If the first was carried, the rest, if inconsistent with it, naturally fell to the ground. A single *sententia* might lastly be divided and put as two (Cic. *pro Mil.* 14, "divisa est sententia;" cf. *ad Fam.* i. 2). The difficulties involved in the putting a variety of *sententiae* to the house so as to get a clear decision are well described by Pliny (*Epp.* viii. 14, "quae distinctio pugnantium sententiarum quae exsecutio prioribus addentium," &c.). The *sententia* once put (*pronuntiata*), the magistrate took the division by bidding the "ayes" cross to the side of the senate-house on which its author sat, the "noes" to the other (Plin. *l. c.*, "qui haec sentitis in hanc partem, qui alia omnia in illam partem ite ... in hanc partem, id est in eam in qua sedet qui censuit;" cf. Cic. *ad Fam.* i. 2, "frequentes ierunt in alia omnia;" Festus, p. 261). He then declared on which side the majority was ("haec pars major videtur," Senec. *de Vit. beat.* 2. There is no evidence of any actual counting of heads, any more than when the Speaker in the English House of Commons declares that the "ayes" have it: Mommsen, *Staatsr.* iii. 993).

Such was the regular order of procedure. But in certain cases the *perrogatio sententiarum* might be dispensed with, and a division taken at once (*senatusconsultum per discessionem facere*). This, however, was only allowable where the business was formal, or where no difference of opinion existed (Varro, *ap.* Gell. xiv. 7, "senatusconsultum fieri duobus modis aut per discessionem si consentiretur, aut si res dubia esset, per singulorum sententias exquisitas;" cf. Cic. *Phil.* iii. 24).

The republican order of procedure was maintained with comparatively little change throughout the first three centuries of the Empire (cf. Plin. *Epp.* viii. 14; *Vit. Aurel.* 20); nor can the "lex, quae nunc de senatu habendo observatur" (Gell. iv. 10), possibly the work of Augustus, have effected many alterations of importance. The special *jus referendi* granted to the emperor has been mentioned above. He had also the right as a senator to give his *sententia*, and to give it when he would, usually either first or last (Dio Cass. lvii. 7; Tac. *Ann.* i. 74. The emperors after Tiberius seem never to have exercised this right: Mommsen, *Staatsr.* iii. 977). The claim of the consuls designate to be asked first disappears early in the second century A.D. (*ib.* iii. 976); and lastly, by Augustus, a certain quorum was fixed as necessary for a valid *discessio*. (The exact number required is unknown: *ib.* iii. 990; Dio Cass. lv. 3; Suet. *Aug.* 35). In practice, however, the declining independence of the senate led to a frequent disregard of the elaborate routine of earlier days. A body which met to accept submissively an imperial proposal, to pass a complimentary vote, or decide some trivial point, willingly dispensed with the routine of the *perrogatio*, and its place was taken by the undignified *adclamationes* [Plin. *Epp.* viii. 14, "priorum temporum (sc. under Domitian) servitus ... etiam juris senatorii oblivionem quandam et ignorantiam induxit," cf. *Paneg.* 54, 75, 76; "consulti omnes atque etiam dinumerati sumus" (under Trajan). For the *adclamationes*, cf. Mommsen, *op. cit.* iii. 951, note 2, and the Script. Hist. Aug. passim, especially *Vit. Alex. Sev.* 6, 7; *Vit. Taciti*, 5].

The *relationes* of the magistrates once disposed of by the *perrogatio* and *discessio*, the presiding magistrate dismissed the senate with the words "nihil vos teneo" or "tenemus patres conscripti" (Cic. *ad Q. Fr.* ii. 2, or "nihil vos moramur," *Vit. Marci*, 10). The resolution or resolutions were then formally drafted as senatusconsulta by the magistrate who had made the *relatio* and taken the division ("senatusconsultum perscribere," Cic. *Cat.* iii. 6; *ad Fam.* viii. 8) in the presence of two or more senators ("scribendo adfuerunt," Cic. *ad Fam.* viii. 8; *ad Att.* iv. 17). If the interference of a tribune prevented the "making" of a senatusconsultum, the resolution was nevertheless drafted as a "senatus auctoritas" (Cic. *ad Fam.* viii. 8; TRIBUNUS). The regular form of the senatusconsultum ran as follows:—"Pridie Kal. Oct. in aede Apollinis scribendo adfuerunt ... quod consul verba fecit de provinciis consularibus, de ea re ita censuere, uti," &c. (Cic. *ib.*). The older decrees commence with the formula "consul (or praetor, tribunus pl.) senatum consuluit" (*e.g.* Senatusconsultum de Bacchanalibus, *C. I. L.* i. 196; de Tiburtibus, *ib.* i. 201). Under the Empire, if the proposal carried had been introduced by the emperor, the words were inserted "auctore Claudio," &c. (Senatusconsultum Hosidianum, Orelli, 3115). Occasionally in the second century a private senator is named as the author of the *sententia* on which the decree is based (Mommsen, *op. cit.* iii. 1009). The number of senators present at the division, but not the numbers for and against, is often stated ("in senatu fuerunt C," *C. I. L.* viii. p. 270). The senatusconsultum thus written out was then entrusted to the quaestors, by them placed in the aerarium and entered in the *tabulae publicae* ("ad aerarium deferre," Tac. *Ann.* iii. 51; Cic. *ad Att.* xiii. 33, "liber in quo sunt senatusconsulta," *C. I. L.* viii. p. 270; "senatusconsultum descriptum et recognitum ex libro sententiarum in senatu dictarum," 138 A.D. [TABULARIUM]. The entry of spurious senatusconsulta was not uncommon in the last days of the Republic: Cic. *Phil.* v. 4, xii. 5). Although the terms of a senatusconsultum were communicated to the individuals or communities interested, and occasionally to the public, by the presiding magistrate (Liv. xlv. 20; Mommsen, *op. cit.* iii. 1014), no official record of the proceedings in the senate was published until Caesar's first consulship in 59 B.C. The *acta senatus* instituted by him on the model of the *acta urbana* were published after each sitting of the senate, and contained, besides the decrees

passed, some account of the various *sententiae* given, &c. (Suet. *Caes.* 20, "ut tam senatus quam populi diurna acta confierent et publicarentur." These *acta* were distinct from the *commentarii* or notes kept by magistrates or private senators: Mommsen, *op. cit.* iii. 1015; Hübner, *de senatus Populique R. actis*, Leipzig, 1860). *Acta senatus* continued to be regularly compiled under the Empire, but Augustus discontinued their publication (Suet. *Aug.* 36). The duty of compiling them was by him entrusted to one of the younger senators (curator actorum senatus, later "ab actis senatus;" Tac. *Ann.* v. 4, "componendis patrum actis delectus a Caesare;" Orelli, 5447, "curat(or) actorum senatus (Domitian) 2273 ab actis" (Trajan). The "commentarii senatus" (Tac. *Ann.* xv. 74) are identical with the *acta*. Extracts from the *acta* were occasionally published by order of the senate (Plin. *Paneg.* 75), and the acta themselves could be consulted by privileged students. Mommsen, *op. cit.* iii. 1021).

VI. *Powers of the Senate.*—The patricio-plebeian senate inherited from its patrician predecessor two important prerogatives,—those of ratifying votes of the assembly (*patrum auctoritas*), and of appointing an interrex. The first of these had been reduced to a meaningless form by 287 B.C. (Lex Publilia, 339 B.C; Liv. viii. 12; Lex Maenia, B.C. 338; Cic. *Brut.* xiv. 55; Lex Hortensia, B.C. 287), though as such it long survived (Liv. i. 17). The second retained its reality, but the opportunities for its exercise became rare as the number of the magistrates with the imperium increased, and the necessity for declaring an interregnum more remote [INTERREX]. Apart from these prerogatives, the senate had constitutionally no right or duty whatsoever but that of advising the magistrate when consulted by him.

Its members were, strictly speaking, chosen by him, and he could remove them. Subject to certain restrictions, he convened it when and where he would. He determined what business should be laid before it, and the duty of the senators was merely to give their opinion on the point submitted to them. The "senatusconsultum" was technically nothing more than a recommendation to the magistrate (comp. the phrase in senatusconsulta "si iis videretur"), and its force depended on his adoption of it (so the magistrate was said "facere senatusconsultum;" cf. Mommsen, *op. cit.* iii. 995, for the older use of the term *decretum* as implying a magisterial act). It is clear, in short, that even in Cicero's time the senate was formally dependent on the magistrate. It had no direct relation with any department of administration, and the extent to which it controlled affairs depended, not upon any prerogatives of its own, but upon the readiness of the magistrate to ask its advice and to accept it when asked. The result was that even in the period of its assured ascendancy, and still more in the days of Cicero, the area of its activity alternately contracted or expanded, as the attitude of the executive magistrates was friendly and deferential or the reverse. (Comp. Cicero's description of Antony's change of front in 44 B.C., *Phil.* i. 1: "praeclara tum oratio, egregia voluntas . . . ad hunc ordinem res optimas deferebat . . . ecce . . . Kalendis Juniis . . . mutata omnia: nihil per senatum, multa et magna per populum.") We may safely assume (Mommsen, *op. cit.* iii. 1023) that under the monarchy, and even under the early Republic, the dependence of the senate upon the magistrature was as great in practice as in theory, and its control of affairs proportionately limited. But throughout the period of the great wars (300–146 B.C.) the case was otherwise. It was by the senate that the policy and the administration of the state were really directed; and the magistrates were, with rare exceptions, its obedient servants, consulting it at every step, and conceding to its advice the force of a command ("quasi ministros gravissimi consilii," Cic. *pro Sest.* 65, 137). The causes of the change were various. The constant wars by keeping the chief magistrates constantly in the field threw the responsibility for the safe conduct of affairs upon the senate; the growing complexity of political and administrative questions rendered the senate rather than either the assembly or the magistrate the fittest authority to discuss and settle them; the increase in the numbers of the magistracy, while it gave the senate additional importance as the one body which could so organise and direct them as to secure effective co-operation, weakened the power and diminished the self-reliance of the individual magistrate. To these causes must be added the support afforded to the senate by its intimate connexion with the nobility (Mommsen, *Röm. Gesch.* bk. 3, cap. 11). The precise steps by which the senate gained this ascendancy cannot be followed in detail. In some cases where in earlier times the magistrate had consulted the people as well as the senate, the reference to the former was quietly dropped, and a decree of the senate was accepted as sufficient (*e.g.* in the case of the *prorogatio imperii:* see art. IMPERIUM, and Mommsen, *Staatsrecht*, iii. 1091). In others (*e.g.* the arrangement of the *provinciae;* see PROVINCIA), a point originally settled by the magistrates among themselves was regularly submitted to the senate for decision. Naturally, too, where an established custom of consulting the senate grew up, the tendency was to claim for the senate a constitutional right to have its advice both asked and followed. A conspicuous instance of this was the assertion confidently made by senatorial advocates that no measure could legally be introduced into the assembly which had not received the previous sanction of the senate (Liv. xlv. 21, "praetor novo maloque exemplo rem ingressus erat, quod non ante consulto senatu . . . rogationem ferret"). It is also clear that as the senate grew stronger, and the magistrates weaker, the original theory of the nature and force of its senatorial decrees, as nothing but expressions of opinion on particular cases, was lost sight of, or rather was put aside in favour of one better suited to the facts of the case. The replacement of the older *decretum* by *senatusconsultum*, of the phrase *de senatus sententia* by *ex senatusconsulto*, and the introduction of the custom that the magistrate should in making his *relatio* abstain from anticipating the decision of the senate by any definite proposal, are significant illustrations of the change (see *supra*, pp. 628 f.; Mommsen, *Staatsr.* iii. 994 ff.). Not less so was the tendency to regard the senate as capable by decree of suspending or invalidating a law (*e.g.* the suspension of the law of appeal

by the senatusconsultum ultimum; cf. Sallust, *Cat.* 29), or of enacting general regulations for the future (Mommsen, *Staatsr.* iii. 2, 1230), as distinct from special provisions for particular cases. Nor is it surprising that the growth of senatorial ascendancy should have been accompanied by attempts formally to emancipate the senate from the magisterial control which, if no longer effective, was yet irksome. Thus, as we have seen, the magistrate's freedom of choice in the *lectio senatus* was gradually destroyed (see *supra*, pp. 622 f.), the infliction of penalties for non-attendance fell into disuse (Mommsen, *Staatsrecht*, iii. 2, 916), and the licence *egredi relationem* (see *supra*, p. 629) became an established privilege.

The limits of the authority of the senate, at the period of its most complete ascendancy (*circa* 300–133 B.C.), are not easy to define. There were indeed certain things with which the senate had no concern (*e.g.* the election of magistrates), as falling wholly and exclusively within the domain of the people. There are others where its interference was limited properly to a preliminary consideration, while the final decision rested with the assembly (*e.g.* alterations in the constitution, the declaration of war, the ratification of a formal treaty); though in these cases the tendency was to depreciate the importance of, and even to omit the second stage in, the proceeding. Finally, the ordinary routine business of each department was as a rule left entirely to the magistrate in charge of it. But within these limits, there were hardly any administrative questions which the senate might not be called upon to discuss and decide. In the first place, the growing amount and variety of the work to be done necessitated a more systematic division and assignment of departments than had been required in earlier days, and for this delicate business only the senate was fitted. Year after year, from the commencement of the Second Punic war onwards, the consuls consulted the senate *de provinciis*; and the senate decided what these should be, which of them should be consular and which praetorian. [This division was, before 122 B.C., made at the first meeting of the senate in the year: Liv. xxxii. 28 and xxxix. 38. The Lex Sempronia de provinciis consularibus (122 B.C.) enacted that the point must be settled before the consular elections: Sallust, *Jug.* 27; Cic. *de Prov. Cons.* 17. In settling what the provinces should be, the senate varied the arrangements as necessity required: *e.g.* Liv. xlv. 16, "duas provincias Hispaniam rursus fieri quae una per bellum Macedonicum fuerat," Willems, *op. cit.* ii. 544.] It decided further in what cases a *prorogatio imperii* was desirable (Liv. xxvi. 28 and *passim*); and occasionally not only determined whether a province should be consular or praetorian, but assigned it *extra sortem* to a particular individual (apparently only in the case of praetorian provinces, Willems, ii. 273, 545). When, as was the case in the post-Sullan period, all the provinces abroad were taken by promagistrates, whose imperium had been prolonged, the duration of each command was also fixed by the senate's willingness or the reverse to renew the prolongation at the close of each year. (Cic. *de Prov. Consul.*, passim; cf. *ad Att.* v. 11, "ne provincia nobis prorogetur:" see IMPERIUM; PROVINCIA.) But the control of the senate did not end here. It had also to determine what equipment (*ornatio*) in the way of troops, money, staff, &c., should be granted to each magistrate or pro-magistrate (Cic. *ad Att.* iv. 18, "in ornandis provinciis consularibus;" *ad Q. Fr.* ii. 3, "de ornandis praetoribus;" *in Pison.* 57, "provinciam senatus auctoritate exercitu et pecunia instructam et ornatam"), a right of supply which should have been a more effective check upon the executive than in practice it proved to be. Finally, it may be noted that the actual administration of the various departments was, in a variety of ways, subject to senatorial supervision. Alike at home and abroad, not only was the frequent reference of special points to the senate required from the magistrate by custom, but general regulations were made by senatorial decree for his guidance. In three cases especially the control of the senate was of great importance: in the management of the finances, in the government of the transmarine provinces, and in the regulation of foreign affairs. (1) The income of the Roman state was derived partly from the state property,—the public lands, mines, fisheries, &c.,—partly from taxation. As regards the first, although the alienation of public land by assignation required the sanction of the people, its management was under the supervision of the senate, which authorised surveys of its boundaries, the leasing of lands or mines on certain conditions, and the collection of the dues payable by the lessees. As to taxation, the imposition of a new tax upon Roman citizens was indeed beyond the power of the senate; but inasmuch as after 167 B.C. the burden of taxation fell on the provincials, the restriction was unimportant. On the other hand, it was the senate which determined what a province should pay, and in what form; which granted exemptions, increased the amount, or altered the mode of collection. (Comp. the senatusconsultum as to Macedonia in 167 B.C. Liv. xlv. 18: see also Cic. *Verr.* iii. 16, 42; Mommsen, *op. cit.* iii. 1120 *sqq.* The Lex Sempronia de provincia Asia, which altered the mode of collecting the tithes of Asia, was an infringement of the customary rights of the senate.) The case was much the same with regard to the public expenditure. It was the senate which sanctioned the expenditure, which directed the payments to be made from the treasury—except where these were in a few cases fixed by law,—and which authorised the striking and issue of coins in Rome. (Mommsen, *op. cit.* iii. 1126 *sqq.*; Polyb. vi. 13, *καὶ γὰρ τῆς εἰσόδου πάσης αὕτη κρατεῖ καὶ τῆς ἐξόδου παραπλησίως*; Cic. *in Vat.* 15, 36, describes the "aerarii dispensatio" as a prerogative of the senate.) (2) The organisation, in the first instance, of a new province was usually carried out by a commission of senators in accordance with a decree of the senate [PROVINCIA]; and it was by the senate, as a rule, that any subsequent modifications in its constitution were made, and regulations laid down as to the methods of its administration (Mommsen, *op. cit.* iii. 2, 1211 *sqq.*; Liv. xliii. 2; Cic. *Verr.* ii. 39, *ad Att.* v. 21). It was to the senate that the provincial governor addressed his despatches, and before the senate that provincial deputa-

tions appeared. (3) In foreign relations, it is not easy to define exactly the functions of the senate, as distinct on the one hand from the constitutional rights of the people, and on the other from the authority wielded on the spot by the magistrate or pro-magistrate, vested with the imperium and in command of troops. For a formal declaration of war against a previously friendly power, the consent of the people was constitutionally necessary; while the repulse of invaders and the chastisement of insurgents were matters within the authority of the magistrate himself. But for military expeditions on any considerable scale, or for expeditions outside his province, or against friendly peoples within it, he was expected to obtain the sanction of the senate (Liv. xxxix. 3, 55, xliii. 1; Appian, *Hisp.* 81). The ratification of a formal and permanent treaty of peace, like the formal declaration of war, was properly the act of the people [Polyb. vi. 14, *ὑπὲρ εἰρήνης οὗτος βουλεύεται καὶ πόλεμου.* Livy, xxx. 44, describes the conditions of peace with Carthage (201 B.C.), arranged by Scipio, as requiring confirmation "patrum auctoritate populique jussu;" comp. Id. xxix. 12; Sall. *Jug.* 39, "*senatus* decernit suo atque populi injussu nullum potuisse foedus fieri"]; the arrangement of a temporary truce that of the magistrate. But the terms of a proposed treaty were discussed and settled in the senate. It was before the senate that foreign ambassadors appeared, and by the senate's authority that Roman legati were sent out (Polyb. vi. 13). Of the numerous alliances by which communities were admitted to the status of dependent allies of the Roman people, the majority seem to have been ratified by the senate only. [Mommsen, *op. cit.*, iii. 1172. The ratification by law of Pompey's arrangements in Asia (59 B.C.) was an exception to the rule (Dio Cass. xxxviii. 7).] If to the senate's control of the finances, of the administration of the provinces, and of foreign relations we add its general supervision of matters touching public peace and order in Rome and Italy (described by Polyb. vi. 13), the justice of its claim to be considered the actual ruler of the Roman state will be evident.

But this claim did not pass unchallenged in the last century of the Republic, and during the latter half of that century (70–49 B.C.) it was weakened by the growing ineffectiveness of senatorial control in the very case where it was most needed, in the government of the provinces. The attacks made upon the ascendancy of the senate by the Gracchi, and by the leaders of the popular party after them, were directed in the first place against the claim put forward on behalf of the senate that its *auctoritas* was necessary for any measure which a magistrate wished to bring before the assembly. The question of the legality of this claim, raised by the opposition which the senate offered to the Sempronian agrarian laws, was answered by the successful passing of those laws "contra auctoritatem senatus." Sulla indeed endeavoured to reassert the claim by making the *senatus auctoritas* legally necessary (88 B.C.; Appian, *Bell. Civ.* i. 59, *μηδὲν ἔτι ἀπροβούλευτον ἐς τὸν δῆμον ἐσφέρεσθαι*), but his work was undone in 70 B.C., and thenceforward the independent right of the magistrate to propose and of the people to pass any law, though denied in theory by senatorial advocates (Cic. *de Rep.* ii. 36; *de Legg.* iii. 12), was allowed in practice and was repeatedly exercised. Similarly the summary condemnation of the elder Gracchus' adherents drew from the popular party an emphatic repudiation of the principle that the senate by decree could authorise the consuls to suspend the law of appeal (Plut. *C. G.* 5; Cic. *pro Rab. perd.* 4, 12; *pro Cluent.* 55, 150), and the execution of the Catilinarians in 63 B.C. led to a second reassertion of the inviolability of the law by Clodius in 58 B.C. (Vell. Pat. ii. 45; for a statemen of the senatorial view of the force of the decree in this case, comp. Sallust, *Cat.* 29).

More dangerous to senatorial ascendancy was the policy pursued by Gaius Gracchus, who, taking his stand on the legislative independence of magistrate and people, invited the latter to deal by law with a variety of questions, long left by custom to the decision of the senate, such as the distributions of corn, the conditions of military service, the taxation of the provincials, and even the mode of assigning the provinces. [LEGES SEMPRONIAE.] The precedent set by Gracchus was followed by his successors, and in particular the interference of the assembly in the assignment of provincial commands struck at the very roots of the power of the senate (comp. Gabinian and Manilian laws, 67-66 B.C.; Lex Vatinia, 59; Lex Clodia, 58; Lex Trebonia, 55).

But the ascendancy of the senate might have survived these attacks, had it been able to retain its hold over the great officers who led the legions and governed the provinces abroad. While, however, the senate from 81 onwards showed itself increasingly anxious to retain in its own hands the control of the provinces and of foreign relations (see, for instances, Mommsen, *op. cit.* iii. 1171, 1222), the virtual independence of the proconsuls, and the impotence of the senate to enforce the observance by them of its own decrees or of laws, became daily clearer. And this was so not only in the case of great autocratic officers, such as Pompey or Caesar, holding important commands by the direct vote of the people, but of the ordinary provincial governor. (Comp. the advice given by Cicero to Lentulus Spinther to restore Ptolemy Auletes on his own responsibility: *ad Fam.* i. 7, 4.) It was finally in a conflict, not with the popular assembly and its leaders, but with the powerful proconsul of the Gauls, that the senate was decisively defeated.

VII. *The Senate under the Emperors.*—The changes effected by the emperors in the composition and procedure of the senate have been already described. It remains to consider the share it took in the work of government. The restoration of the Republic professedly accomplished by Augustus formally replaced the senate in its ancient position as the recognised council of advice for the executive magistrates. The decay of the *comitia* removed an ancient rival; it transferred to the senate the election of magistrates, and substituted senatorial decrees for laws. In conjunction with the consuls the senate exercised throughout the first century a criminal jurisdiction, such as it had only claimed before in exceptional cases, and, since 122, only under protest from the popular party. The growing insignificance of the old magistracies increased its prestige as the surviving representative of the old Republic, and

the one constitutional check on the power of Caesar. And when, on the death or deposition of an emperor, the principate for the moment ceased to exist, it was to consuls and senate that its powers in theory reverted, and from them came constitutionally the proposal to confer them anew upon a successor. [PRINCIPATUS.]

But the political and administrative ascendancy of the senate was gone for ever, and even the partnership with Caesar in the government often claimed for it was unreal and delusive. [For a different view, see Mommsen, *Staatsrecht*, ii. 709; as to the supposed *Dyarchie* of Caesar and senate, comp. *ib.* iii. 1252, "Der souveräne Senat des Principats:" see also PRINCIPATUS.] The period of its real supremacy had been marked by a gradual restriction of the magistrates' control over its composition and procedure. How far-reaching on the other hand was the authority of Caesar in these respects has been shown above. Moreover, under the system established by Augustus, the senate had a double part to play. On the one hand it was still as of old the council which advised, instructed, and even directed the ordinary executive officials, the consuls, praetors, &c., in Rome, and the governors of all provinces other than those of Caesar abroad. Under this aspect it had a sphere of activity conterminous with theirs, covering nominally the administration of affairs in Rome, Italy, and the public provinces. But in the first place this sphere of activity was not only restricted by the wide area originally assigned to Caesar, but became continually narrower as Caesar laid his hand on one after another of the departments properly belonging to the regular magistrates (see for details PRINCIPATUS). Even within these limits the power and influence of Caesar made themselves increasingly felt, to a degree which deprived the action of the senate of all real independence. In the discussion of matters within this sphere, brought forward by the consuls or other magistrates, Caesar, if present, took part as an ordinary senator, but his *sententia* carried a weight which was usually decisive. (Tac. *Ann.* i. 74; ii. 36. This is especially clear in the case of trials before the senate, where Caesar's *sententia* is sometimes treated as equivalent to a judicial verdict, e.g. *Ann.* iv. 31.) In virtue, moreover, of his *tribunicia potestas*, Caesar could and did interfere at any stage of the proceedings: to prevent the making of a *relatio*, the taking of *sententiae*, or the passing of a decree. (In Tac. *Ann.* i. 13, Tiberius is thanked "quia relationi consulum jure tribunicine potestatio non intercessisset;" comp. *ib.* iii. 70, xiv. 48.) It is evident also that, even under the early emperors, the consciousness of Caesar's overwhelming strength disinclined the senate to discuss or decide any but the most ordinary and unimportant questions except at his suggestion or with his approval, and made it anxious to transfer all serious responsibility to him. (Tac. *Ann.* ii. 35, iii. 32, 52, xiii. 26, "consules non ausi relationem incipere ignaro principe." Plin. *Epp.* vi. 19, "senatus sententiae loco postulavit ut consules desiderium universorum notum principi facerent;" *ib.* vii. 6, "consules omnia integra principi servaverunt." Tac. *Hist.* iv. 4, "eam curam consul designatus ob magnitudinem oneris . . . principi reservabat." Nero thought it necessary to profess his intention of respecting the supposed division of labour between himself and the senate. *Ann.* xiii. 4, "teneret antiqua munia senatus . . . consulum tribunalibus Italia et publicae provinciae adsisterent.") A glance at the three departments of finance, of provincial government, and of foreign relations, over which under the Republic the senate exercised a real authority, will sufficiently illustrate its altered position under the emperors. In that of finance, a limit was at once placed to the senate's control by the existence of the fiscus, which was from the first wholly under Caesar's management [FISCUS]. Over the old state chest, "aerarium populi Romani," the senate retained a nominal supervision, but of its independent management by the senate there is little trace. The expenditure of money from it, or remissions of payments due to it, were indeed, as late as the second century, authorised by senatusconsulta, but on the initiative of the emperor (Tac. *Ann.* ii. 47, iv. 13. A natural exception was the occasional outlay on temples in the emperor's honour). Its custody was by Nero transferred to imperial officers (*praefecti aerarii*, Tac. *Ann.* xiii. 29); and though the fiscus and aerarium remained for long formally distinct, Dio Cassius pronounces the distinction to be at once unreal and difficult to define (Dio Cass. liii. 16, 22). As regards the government of the provinces, the control of the senate was similarly at once restricted in area, and shorn of all real independence [PRINCIPATUS; PROVINCIA]. Over two-thirds of the empire Caesar was sole master, and over the rest he exercised a *majus imperium* which ultimately gave him all that he wanted. Of its old duties in connexion with the assignment even of the so-called "senatorial provinces" all that remained was the formal selection of the same two provinces each year as "consular." In the first century it is true that the responsibility of proconsuls to the senate rather than to Caesar, and the right of the senate to supervise their administration, was recognised in theory and occasionally in practice; but, as has been shown elsewhere [PRINCIPATUS], in the second century even this partial authority disappeared. Over foreign relations the senate retained no independent control whatever, even in name. Although announcements as to foreign affairs were constantly made in the senate or communicated to it by the emperor (Tac. *Ann.* i. 52, ii. 52, iii. 32, 47; Mommsen, *op. cit.* iii. 1107, 1264), and though foreign embassies were sometimes introduced to it by him (Tac. *Ann.* xii. 10; *Hist.* iv. 51), yet the exclusive command of all troops, and the plenary authority to declare war and conclude treaties given to Augustus and his successors, deprived the senate of all real power (Strabo, xvii. p. 840, καὶ πολέμου καὶ εἰρήνης κατέστη κύριος. Lex Vespasiani, Bruns, p. 128, "foedusve cum quibus volet facere liceat"). It is lastly significant of the growing dependence of the senate upon Caesar, even within its own sphere, that by the close of the second century even the criminal jurisdiction seems to have been exercised only at the invitation or by direction of the emperor (Mommsen, *op. cit.* ii. 110).

But the senate was also the council of advice for Caesar himself, who possessed by statute a special right of convening it, of laying matters

before it, and of carrying *senatusconsulta* (Lex Vespasiani, "utique ei senatum habere, relationem facere remittere, senatusconsulta per relationem discessionemque facere liceat"). Here there was no question of divided authority; from this point of view the activity of the senate was determined by the willingness or reluctance of Caesar to consult it, and to use its decrees, as instruments of his own government, within the sphere assigned to him.

Such a use of the senate had obvious advantages. It was in accordance with republican tradition; it gave an appearance of constitutionalism to imperial rule, without involving any real sacrifice of power; and it divided responsibility. By nearly all the emperors of the first and second centuries the usefulness of the senate in this capacity was fully recognised. The list of questions submitted to the senate by Caesar and of decrees promoted by him (*auctore principe*) is a long one; and besides non-political matters, such as changes in the civil law, regulations as to the theatre and gladiatorial shows, restrictions on luxury, or the expulsion of astrologers (for instances, see Haenel's useful work, entitled, rather inaccurately, *Corpus legum ab Imperatoribus latarum*, Leipzig, 1857, and art. SENATUSCONSULTUM), it includes a variety of subjects directly connected with the general administration of the Empire. (Suet. *Tib.* 30, "de vectigalibus et monopoliis ... etiam de legendo vel exauctorando milite ... denique quibus imperium prorogari aut extraordinaria bella mandari, quid et qua forma regum litteris rescribi placeret;" Tac. *Ann.* xi. 23, grant of *jus honorum* to the Aedui; *ib.* xii. 61, grant of *immunitas* to Cos: comp. Haenel, *op. cit.*)

The usefulness of the senate as a subordinate instrument of Caesar's government outlasted its importance as an independent administrative authority: but even in this capacity it ceased after a time to fill any but a quite insignificant place. By the time of the younger Pliny, the emperor's *relationes*, whether oral or written, were assuming the form of definite proposals, accepted by the senate as a matter of course, and sometimes without even a formal taking of *sententiae;* and the imperial *oratio* or *epistula*, rather than the senatusconsultum which followed, is quoted as authoritative (see *supra*, under PROCEDURE, p. 628). In the third century even this purely formal reference to the senate became rare; and from the reign of Septimius Severus onwards, government by imperial edicts, constitutions, and rescripts is the rule. (Even in the department of civil law, the references to orationes, epistulae, and senatusconsulta rapidly dwindle in number, while those to constitutions and rescripts as rapidly increase. See Haenel, *op. cit.*; Rein, *Privatrecht*, p. 86.)

On two or three occasions during the third century, accident seemed to revive the importance of the senate. The formal investiture of the person chosen to be *princeps*, with the customary powers, had always been accomplished by decree of the senate followed by a vote of the people [PRINCIPATUS], though only rarely had the senate exercised a voice in the selection itself. But both Maximus and Balbinus and Tacitus were actually chosen by the senate, the responsibility of choosing being in the latter case entrusted to the senate with the consent of the army. It is clear, however, that with this delicate and hazardous duty, thrust upon it by the force of circumstances, the senate's renewed activity began and ended; and in spite of the magniloquent language used in the senate on the accession of Tacitus, and of some trifling concessions to its vanity made by that emperor, there was in no sense any revival of senatorial authority. [Schiller's phrase, "Senatskaiserthum," is misleading (*Gesch. d. Kaiserzeit*, i. 795, 872), as also is his description of the reign of Severus Alexander as a "Restauration der Senatherrschaft." With the language used in the senate (*Vit. Tac.* 12), "in antiquum statum redisse rempublicam," &c., compare the naive admission of the consul himself (*ib.* 3), "quare agite, patres conscripti, et principem dicite, aut accipiet enim exercitus quem elegeritis, *aut, si refutaverit, alterum faciet.*"]

The senate of the Republic, and even of the early Empire, was emphatically the central deliberative council of the Empire, and "senators" are the members of this council, with seats and votes in the Curia. But the tendency of imperial policy in the second and third centuries was, on the one hand, to exclude the senate from any effective share in imperial policy, and limit its activity to local Roman or Italian matters; on the other, to create outside it a senatorial order (see *supra*, p. 625). This policy was carried to its extreme point by Diocletian, Constantine, and their successors. The abandonment of Rome by the emperors, and the creation of a second Curia at Byzantium, destroyed the significance of the senate as an imperial institution; while the extension given to the senatorial order, and its importance as a numerous class represented in every part of the Empire, formed an effective contrast with the quasi-municipal councils which at Rome and Constantinople jointly inherited the name of "senate."

Admission to the order—that is, to senatorial rank—was gained either by birth, as the son or grandson of a senator, or as in old times by election to the quaestorship, or lastly as under the early emperors by imperial *adlectio*. But admission by *adlectio* was now attached to the tenure of certain offices in the imperial service. The senatorial order of the fourth and fifth centuries, is in consequence a numerous body, and includes all but the subordinate officials and ex-officials of the Empire. Within this body further degrees of rank were gradually established. The title *clarissimus*, originally common to the whole order, had been by the time of Justinian restricted to the lowest class within it, and above the *clarissimi* stood the *spectabiles*, and highest of all the *illustres:* a classification which was based entirely on the scale of precedence established for the various offices of state. The members of this order enjoyed certain common privileges (*e.g.* the right of being tried on criminal charges before the *praefectus urbi*, and special seats at games), and were liable to certain special burdens,—a liability which extended to their wives and children. (See, for these, Kuhn, *Verf. d. röm. Reichs*, i. 204.) But of this numerous body only a minority actually sat and voted in the senate-house at Rome or Constantinople, for the *jus sententiae*, once the right of every senator, was now limited to the highest class in the senatorial order, that of the *illustres;*

i.e. to the holders and ex-holders of the great offices of state, including ex-consuls, *consulares*. [Mommsen, *Ostgothische Studien*, pp. 487, 488. Schiller, *Gesch. d. Kaiserzeit*, ii. 41, would include also *consulares* in the wider and later use of the term (see CONSUL; CONSULARIS), but allows that the point is doubtful. Among the lower of the offices which gave the "jus sententiae," "honorum lege" (Cassiod. *Var.* v. 41), were those of the "comes rerum privatarum," the "quaestor sacri palatii," and the "vicarius urbis Romae."] To this select consistory of high officials and ex-officials, all appointed by the emperor, were still entrusted a few duties which though robbed of all importance served to connect them with the great past of the senate. They still chose the *consules suffecti*, the praetors, and quaestors,—offices of purely municipal importance, but their choice required confirmation by the emperor. They still passed decrees as to the public games and the schools of the city, and managed an aerarium which was now only a city chest. On rare occasions the emperor submitted to them an edict or constitution, or entrusted to them the trial of a case of treason. But nothing more clearly shows how low this later senate had fallen than the fact that the official president at its meetings, who kept the senatorial roll, admitted new members, and submitted its decisions to the emperor, was not one of the consuls, but the imperial prefect of the city. (See, for the senate of this period, *Cod. Theod.* VI.; *Nov. Just.* 62; Kuhn, *Verf. d. röm. Reichs*, i. 174–226; Schiller, *Gesch. d. Kaiserzeit*, ii. 36–43; Mommsen, *Ostgothische Studien*, pp. 485–493; Lécrivain, *Le Sénat Romain depuis Dioclétien*, Paris, 1888.) [H. F. P.]

SENATUSCONSULTUM. The powers of the senate have been described in the preceding article (pp. 631–635), and it has been seen that the senatusconsultum under the Republic expressed the advice of the senate to the magistrate who sought advice: the carrying out of the resolution so expressed rested with the magistrate: the reference to the senate was a matter of custom, not of definite obligation. The binding character of the advice embodied in the SC. not only varied according to the strength or weakness of the magistrate (though a conflict was rare), but was greater at certain periods (for which see p. 632), when the administrative power left in the hands of the senate gave to its resolutions much greater weight than mere advice would seem to have; and with the change of the constitution under Augustus (see pp. 634, 635), legislation by the emperor through the senate, as expressed in SC^{a}, superseded the older practice of enacting leges and plebiscita in the Comitia, and continued for about two centuries. Hence senatusconsulta came themselves to be termed leges (Gaius, i. 83–86), though Gaius (i. 4) indicates the constitutional controversy: "Senatusconsultum est quod senatus jubet atque constituit: idque legis vicem obtinet, *quamvis fuerit quaesitum*." But we must guard against any such idea of their *legislative* force for republican times, and must certainly reject the view of Theophilus (*Paraphr. Inst.* i. 5) that even after the Lex Hortensia SC^{a} had the force of law.

The senatusconsultum differed from the lex partly in its scope, but especially in its effect. As regards its scope, it concerned chiefly administration, and only exceptionally attempted to regulate public and private rights, as for instance debts (Liv. xxxv. 7; Cic. *ad Att.* v. 21, 13). As regards its effect, whether its object was administrative or partook of the legislative character, as in the exceptional cases alluded to, still it was not law, for its execution depended on the will of the magistrate. It is true that it was not as transitory in historical times as in the early period mentioned by Dionysius (ix. 37; see Mommsen, *Staatsr.* iii. 987); for, if the magistrate neglected to execute it, it remained valid for the next year and until the senate repealed it [Willems however thinks that a fresh relatio was needed, and cites Liv. xlii. 10; Cic. *in Pis.* 2, 4]: but if it became the direction for the succeeding magistrate, it equally depended on his will, and if SC^{a} were to be made obligatory they were transformed into laws by a rogatio (cf. Cic. *ad Att.* i. 18, 3; *pro Mur.* 32, 67; Liv. xxxix. 19). The Lex Cornelia of B.C. 67, "ne quis nisi per populum legibus solveretur" [LEX, p. 405], is sometimes adduced as a proof of previous legislative power in the SC. which could dispense from the action of the law: but this dispensation without the sanction of the people had been a usurpation by the senate and was checked by the above-mentioned law. It was, as Willems remarks (*Le Sénat*, ii. 117), not exercised till after the time of the Gracchi (cf. Liv. x. 13, xxxi. 50; *Ep.* lvi.). Again, the cases of a resolution "populum ea lege non teneri," or "placere legem abrogari," alluded to in Cicero (*de Legg.* ii. 6, 14; fr. *Corn.* § 11; *Phil.* v. 4, 10, xii. 5, 12; *de Dom.* 16, 41), are not a repeal of laws by the senate, but merely a declaration that the law in question was never rightly passed, either because it contradicted an existing law, or as *contra auspicia*, and therefore to be referred to the augurs (cf. Cic. *in Vat.* 6, 14). As regards the effect of a senatusconsultum on the magistrate, the obligation to carry it out was moral, not legal; yet it must be noticed that the senate could bring certain influences to bear on the magistrate, who either neglected to consult them *more majorum*, or, having consulted, refused to execute the resolution. They might in the earlier period appoint a dictator; they might invoke the interference of the tribunes (Liv. xlii. 21), and a plebiscitum might follow; they might inconvenience him by refusing to entertain any other matters until this was settled (Cic. *in Pis.* 13, 29); lastly, there was always the consciousness that his office was for a year, theirs for life. As a matter of fact conflicts seldom arose, but for an instance see Liv. xlii. 9, 10. The following instances of SC^{a} under the Republic may be instructive: a SC. "ne quis in urbe sepeliretur;" the SC. de Bacchanalibus, hereafter more particularly mentioned; a SC. de libertinorum tribu (Liv. xlv. 15); a SC. de Macedonia (*ib.* 18); a SC. relating to the costs of the Ludi Megalenses (Gell. ii. 24); a SC. "ne homo immolaretur" (Plin. *H. N.* xxx. § 12); a SC. de provinciis Quaestoriis; a SC. made "M. Tullio Cicerone *referente*," to the effect "ut legationum liberarum tempus annuum esset;" various SC^{a} de collegiis dissolvendis; an old SC. "ne liceret Africanas (*bestias*) in Italiam advehere," which was so far repealed by a plebiscitum proposed by Cn. Aufidius, tr.

pl., that the importation for the purpose of the Circenses was made legal (Plin. *H. N.* viii. § 64); and an old SC. by which "quaestio (servorum) in caput domini prohibebatur" (Tac. *Ann.* ii. 30), a rule of law whose foundation Cicero (*pro Milon.* 22, 59) refers to *majores*. The general character of these senatusconsulta shows that, though not equivalent to laws under the Republic, they exercised a control in matters which concerned administration, the maintenance of religion, the rights of the Aerarium and the Publicani, and the treatment of the Italians and Provincials (cf. Liv. xxvi. 34; xxxix. 3; xli. 9).

The resolutions of the senate were called *consulta*, because the magistrate (Consul, Tribune, or Praetor) summoned it to consult upon some special matter which he wished to lay before it (*referre*, *relatio*): thus in the SC. de Bacchanalibus we have "Marcius L. F. S. Postumius L. F. Cos Senatum consoluerunt," and in the SC. de Philosophis et de Rhetoribus (Gell. xv. 11) the Praetor "consuluit." In the enacting part of a lex the populus was said *jubere*, and in a plebiscitum *scire;* but in senatusconsulta the senate is usually said *censere* (e.g. "ita exdeicendum censuere," SC. de Bacch.), though in ordinary language *decernere* is used of it (*e.g.* Cic. *ad Fam.* viii. 8; *ad Att.* i. 19), and the words *decretum* and *senatusconsultum* are often used indiscriminately and with little precision (Gell. ii. 24: cf. Aelius Gallus *ap.* Fest. s. v. *senatus decretum*, and the article on DECRETUM). On this point see also Mommsen, *Staatsrecht*, iii. 994 ff.; B. Pick, *de Senatusconsultis*, ch. i. (Berlin, 1884). The view of Herr Pick, that the clause of the SC. which conveyed the actual resolution was sometimes distinguished as the *decretum*, explains Fest. p. 339.

For the procedure in consulting the senate and obtaining the resolutions thence called senatusconsulta, see SENATUS, § v. The resolution was not reduced to writing until it had been voted (cf. Cic. *Cat.* iii. 6, 13). It was written down (*perscriptum*, less often *scriptum*) in the place of meeting soon after the vote, always on the same day, by the *scribae*. The presiding magistrate retained witnesses for the draft to prevent fraudulent misrepresentation (Cic. *Phil.* v. 4, 12; *ad Att.* iv. 8). These were usually the *auctor sententiae*, some of the supporters of the vote, or in the case of a complimentary vote the friends of the person honoured (Cic. *ad Fam.* xv. 6, 2). The phrase expressing the witnesses is *scribendo adfuerunt* (SC. ARF. in the *de Bacchanalibus*), in Greek versions γραφομένῳ παρῆσαν. It is a mistake to suppose that the witnesses were called "auctoritates." In the passage relied on (Cic. *ad Fam.* viii. 8) the preliminary words (which Mommsen, *St.* iii. 1008, needlessly discredits), *SC. Auctoritates*, are descriptive of the two classes of resolutions which follow: the first is a senatusconsultum, the others are auctoritates, since there was an intercessio against them. It is natural and easy to give the same meaning to the word in Cic. *de Or.* iii. 2, 5. [For the text of the former passage, see Tyrrell and Purser, *ad loc.*, critical note.]

The form in which the resolution was drafted is as follows: 1 (often omitted). SC. (or auctoritas, as the case might be). 2 (up to B.C. 47). The *praescriptio*, "senatum consuluit," with name of the *relator*. 3. The date. 4. The place of assembly, *e.g.* "in aede Apollinis." 5. The witnesses, "scribendo adfuerunt." 6. The *relatio*, as a preamble, "quod verba fecit" so and so. 7. The decree "d. e. r. i. c." (de ea re ita censuerunt) "uti," &c.; to this might be added the reason "cum ita se res habeat." After the time of Augustus the number of senators was added. The document often concludes with C. or "censuere." On the authority of Val. Max. ii. 2. 7, some (as B. Pick, *de Senatusconsultis*, p. 21) hold that the tribune affixed the letter T to the resolution against which there was no intercession, when it was drafted and about to be deposited in the tabularium; and, on that theory, the disputed letters in Cic. *ad Fam.* viii. 8, 5, might be TR; but Mommsen takes them to represent C[*ensuere*], referring to the senators, and this is borne out by the fact that in Greek versions we find ἔδοξεν so placed. The view of Willems (*op. cit.*) seems probable, that when the SC. was not voted as a whole in one discessio, but each clause (*particula*, Fest. p. 339) separately, we find "censuere" or ἔδοξεν at the end of each clause on which a vote was taken; but when it was voted as a whole, the words d. e. r. i. c. sufficed. Lastly, if it was necessary to obtain a law, a clause was added, "ut de ea re ad populum ferretur" (Cic. *ad Fam.* viii. 8, 5). [For the custody of the document, see TABULARIUM, and SENATUS, p. 630 *b*.] As regards the title of the SC. it was named in reference to its contents, "SC. de Bacchanalibus," "SC. ne quis in urbe sepeliretur," &c.; it was never named after the *relator* until the imperial period (see examples below); the SC. Sempronianum in Cic. *ad Fam.* xii. 29 is probably = SC. de Sempronio.

A measure which it was proposed to submit to the senate might be stopped by the *intercessio* of a tribune, who could put a veto on the *relatio* (Polyb. vi. 16): and not only tribunes, but any magistrate of higher or equal rank with the *referens*, might exercise the right of intercessio at the voting (Varro *ap.* Gell. xiv. 7, 6; Cic. *de Legg.* iii. 3, 10), and, though they could not prevent the resolution from being carried (Val. Max. ii. 2, 7; Tac. *Hist.* iv. 9; Cic. *ad Fam.* x. 12, 3), might deprive it for the present of administrative force. A proposal so carried, and invalidated by intercessio, was called "senatus auctoritas" (a term which is also loosely used to denote any expression of opinion by a majority of the senate, whether it became a senatusconsultum or not, Cic. *de Legg.* ii. 15, 37; *de Orat.* iii. 2, 5; *ad Fam.* i. 2, 7, viii. 8). In Livy the technical distinction disappears (see Mommsen, *St.* iii. 1033). [For the totally different *patrum auctoritas*, see p. 631.] It was formally drawn up and recorded, in the hope that, the veto being subsequently removed, it might acquire validity by reference back to and confirmation by the senate, but without being rediscussed (cf. the clause in the SC^a^ in Cic. *ad Fam.* viii. 8: "Si quis huic SC° intercessisset, senatui placere auctoritatem perscribi et de ea re ad hunc ordinem referri;" compare also *ad Fam.* i. 2, 4; i. 7, 4; *ad Att.* iv. 16, 6; Dio Cass. lv. 3). This right of intercessio belonged to the tribunes against one another, the consuls, and praetors; and to consuls against one another and the praetors, but not against the tribunes: but in the later period of the republican history it seems to have been exercised by tribunes only.

If the SC. referred to Latin-speaking communities, nothing beyond the original wording was required; but if it referred to Greeks, a version in Greek was made. The style shows that it was translated in a conventional form at Rome and sent to Greece or elsewhere: no pains are taken to turn such Latinisms as ἐν Κομετίῳ πρὸ ἡμερῶν ἕπτα εἰδυιῶν Ὀκτωβίων. Of the SC[a] which are known to us of the republican period, some have come down in the original form. They may be classed (following Willems) as 1. Those of which the *Latin text* remains, wholly or in part, engraved in bronze: fragment of *de Bacchanalibus*, in a letter of the consuls "ad Teuranos," B.C. 186 (*C. I. L.* i. 43): part of SC. *de Tiburtibus*, in a letter written by the praetor to the Tiburtes (*C. I. L.* i. 201); the date of this, as Mommsen finally decides, is B.C. 159, and consequently Niebuhr erred in making it the oldest document: fragment of the Latin text of the *de Asclepiade*, B.C. 87 (*C. I. L.* i. 111). 2. *The Greek engraved versions:* fragment of the *de Delphis*, B.C. 198—the oldest existing SC.—(Le Bas, 852*b*): SC., or rather two SC[a], de Thisbis, B.C. 170 (*Ephem. Epig.* i. 278, ii. 102): a fragment *de Prienensibus et Samiis*, B.C. 135 (Le Bas-Waddington, 95, 196); the Greek text *de Asclepio* (*C. I.* i. 112); a fragment *de Aphrodisiensibus*, B.C. 56 (Le Bas-Waddington, 1627); *de Stratonicensibus*, B.C. 39 (*Bull. Corr. Hell.* 1887, 225). 3. *Latin texts or Greek versions preserved in literature:* SC. *de philosophis et rhetoribus*, B.C. 161 (Suet. *Rhet.* i.; Gell. xv. 11); *de hastis Martiis*, B.C. 99 (Gell. iv. 6); *de provinciis consularibus* (Cic. *ad Fam.* viii. 8); three SC[a] *de Judaeis*, dated B.C. 139, 133, 44 (Joseph. *Ant.* xiv. 8, xiii. 9, xiv. 10). Besides this we have SC[a] about aqueducts in Frontinus, book ii., and various others preserved in more or less the original form in the Digest. [G. L.] [G. E. M.]

The following list of senatusconsulta contains, perhaps, all of them which are distinguished by the personal name of a consul or other magistrate. Numerous SC[a] passed under the Empire are referred to in the Latin writers, for which we find no distinctive name, though it is probable that, like Leges, they all had a title; but many of them, being of little importance, were not much cited or referred to, and thus their names were forgotten. Tacitus, for instance, often speaks of SC[a] without giving their names, though in some cases we are able to affix the titles from other authorities.

AFINIANUM: mentioned in Cod. 8, 48, 10, 3; Inst. iii. 1, 14 (where some of the MSS. read Sabinianum, Papinianum, and Fabianum). According to the paraphrase of Theophilus, it enacted that when a man gave one of three sons in adoption the pater adoptans should be bound to leave the adopted son at least a fourth of his property.

APRONIANUM: probably passed in the time of Hadrian; it enables civitates (*i.e.* municipal corporations) to take an hereditas by way of fideicommissum (Dig. 36, 1, 26; cf. Ulpian, *Reg.* 22, 5). In the same passage Ulpian says that civitates had been enabled by a senatusconsultum to be directly instituted heirs by their freedmen (cf. Dig. 38, 3, 1, 1). Both enactments were occasioned by the want of testamentifactio in civitates, as being *incertae personae* (Ulpian, *l. c.*; Pliny, *Ep.* v. 7); but there does not seem to be any ground for supposing them to be one single senatusconsultum. By construction they were held to entitle municipal corporations instituted as heirs to demand *bonorum possessio secundum tabulas* (Dig. 38, 3, 1, 1). Nerva made it lawful for them to take legacies (Ulpian, *Reg.* 24, 28), a right extended to lawful collegia by a senatusconsultum under Marcus Aurelius (Dig. 34, 5, 20).

ARTICULEIANUM (A.D. 101) enabled provincial governors to declare a slave free to whom liberty had been bequeathed by a fideicommissum when the master was domiciled in a different province (Dig. 40, 5, 51, 7).

DE BACCHANALIBUS (B.C. 186): discovered on a bronze tablet, which is now at Vienna, in Calabria, A.D. 1640. The text is given by Mommsen, *C. I. L.* i. No. 196, and in facsimile in the first volume of the inscriptions edited by the Royal Prussian Academy, 1862, Tab. xviii. Its main enactment was the prohibition of the Bacchanalia throughout all Italy (Liv. xxxix. 18): see the article on BACCHANALIA, Vol. I. p. 265. Bynkershoek has written a treatise on this SC. (*de Cultu Religionis peregrinae apud veteres Romanos*, Opusc. i. 412), with which may be compared *Senatusconsulti de Bacchanalibus, &c. Explicatio*, auctore Matthaeo Aegyptio, Neapol. 1729, and Lewald, *de Religionibus peregrinis apud veteres Romanos paulatim Introductis*, Heidelberg, 1844. There appears to be no ancient authority for the name Marcianum sometimes given to this SC., for, though this might have been its proper title if it had been named after one of the consuls of the year, that practice, as we have seen, first came in under the Empire.

CALVITIANUM: passed under Nero, and confirming the SC. Persicianum (*q. v.*) against a presumption based on a senatusconsultum of Claudius. It enacted that neither a man under sixty years of age, nor a woman over fifty, who intermarried with one another, should be relieved from the disabilities of caelibatus: see JULIA ET PAPIA POPPAEA LEX (Ulpian, *Reg.* 16, 3; Suet. *Claudius*, 23; Plin. *Ep.* viii. 28; Cod. 5, 4, 27).

CLAUDIANUM: this enactment, passed by the Emperor Claudius A.D. 52, introduced certain exceptions to the rule of the Jus Gentium, that the status of children is determined by that of their mother, after referring to which Gaius says (i. 83), "We must observe, however, whether the law of nations in any given instance is overruled by a statute or ordinance having the authority of a statute." These exceptions of the SC. Claudianum (in addition to two others stated by Ulpian, *Reg.* 5, 8) are three in number:—

(1) If a female citizen of Rome cohabited or had intercourse with a servus alienus with the consent of the latter's master, the children born of the connexion were to be slaves and the property of the father's owner, though by agreement with the latter she could remain free herself: such agreement, it would seem, might be inferred from the master's not giving her the notice referred to under (3) below. This exception was repealed by Hadrian as "inelegans," who "restituit juris gentium regulam, ut cum ipsa mulier libera permaneat, liberum pariat" (Gaius, i. 84). It appears, however, from Tac. *Ann.* xii. 53, and Paul. *Sent. Rec.* iv. 10, 1, that the woman herself was degraded from the

status of ingenua (if she were freeborn) to that of liberta. Perhaps we should connect with this the anomalous rule, stated in the Codex Theodosianus (iv. 9, 3), that children of a free woman by a servus fiscalis were born Latini.

(2) The children of a free man by a slave woman whom he believed to be free, were to be freeborn if males, slaves and the property of the mother's master if females. This exception, again, was repealed as *inelegans*, and the rule of the Jus Gentium restored, by Vespasian (Gaius, i. 85).

(3) If a free woman cohabited with a servus alienus (known to her to be such) without the master's sanction to the connexion, and persisted in the intercourse after a notice (*denunciatio*) thrice repeated to her to withdraw by the master (or his tutor, curator, or agent, and even without any such notice if the slave belonged to a municipal corporation), the master could have her adjudged to himself as a slave by the magistrate, along with the children born of the intercourse, whether before or after this adjudication. Her property passed with her by a universal succession [SUCCESSIO] (Paul. *Sent. Rec.* ii. 21a; Gaius, i. 86). This part of the senatusconsultum was first repealed by Justinian, as "indignum nostris temporibus" (Inst. iii. 12, 1; Cod. 7, 24). It appears from Gaius (i. 91) that some jurists went so far as to maintain that if a woman, being pregnant, was reduced to slavery under the senatusconsultum, the child became a slave on birth, even though actually conceived in civil wedlock (*justis nuptiis*); but this opinion was counter to the rule stated by Gaius (i. 88, 92), Ulpian (*Reg.* 5, 10), and Neratius in Dig. 50, 1, 9, that children born of *justae nuptiae* took the status of the father at the time of conception.

There is some doubt whether the last two exceptions (so far as relates to the status of the children) were established by the SC. Claudianum or by some statute whose name is unknown to us. The latter view is supported by Rein, Huschke, and Bethmann-Hollweg, on account of Gaius' language in i. 85, 86, where he says, "ex *lege* . . . . sed illa pars ejusdem *legis*." In the earlier editions of this work this unknown statute was assumed to be the Lex Aelia Sentia, which, however, does not seem to have dealt with the children born of intercourse between free persons and slaves, but rather with the subjection to patria potestas of children born of marriage between cives and Latinae or peregrinae, after *erroris causae probatio* (Gaius, i. 65, 75). But there seems to be more reason in the view of Zimmern and Rudorff, who held that the term *lex* is in these paragraphs loosely used by Gaius as synonymous with senatusconsultum, and it is difficult to believe that the rules stated under (1) and (3) were not established by the same enactment.

There are other senatusconsulta named after the Emperor Claudius, in particular one which exempted from the disabilities of caelibatus men over sixty who married wives under fifty years of age (Ulpian, *Reg.* 16, 3; Suet. *Claud.* 23): possibly also his enactments relating to "revocatio libertorum in servitutem" and bestowing freedom on slaves abandoned by their masters (Suet. *ib.* 25) were made through the senate. Upon these less known senatusconsulta of Claudius, see Jo. Augusti Bachii *Historia Jurisprudentiae Romanae*.

DE COLLUSIONE DETEGENDA: passed in the time of Domitian to restrain fraudulent acquisition of the status of ingenuitas by collusion between masters and slaves, patrons and freedmen (Dig. 40, 16, 1; *ib.* 4). It is sometimes called the SC. Junianum.

DASUMIANUM: passed under Trajan, and enabling the magistrates to declare free slaves to whom liberty had been bequeathed by fideicommissum, but whose masters were prevented from performing the act of manumission by absence on reasonable grounds: in this case the master was to be patronus (Dig. 40, 5, 22, 2; *ib.* 36, pr.; *ib.* 51, 4–6; cf. Rudorff in Savigny's *Zeitschrift*, xii. pp. 307–311, *Das Testament des Dasumius*).

HADRIANI SENATUSCONSULTA. Of the senatusconsulta made on the proposal of Hadrian (*e.g.* Gaius, i. 47, ii. 285; Dig. 5, 3, 20, 6, &c.), and of which a considerable number are enumerated in the work of Bachius referred to at the end of the remarks on the SC. Claudianum, none seem to have been called by the name Hadrianum. [See JUVENTIANUM.]

HOSIDIANUM: enacted A.D. 47, and referred to in the SC. VOLUSIANUM (see Orelli's *Inscriptiones*, No. 3115). It appears to have prohibited, under severe pecuniary penalties, the pulling down of houses in order to sell the site for more than one gave for it, or to make money in other ways, and is well explained by Bachofen, *Ausgew. Lehren*, pp. 185–227.

JUNCIANUM (A.D. 182) related to the manumission of slaves belonging to other persons than the testator, to whom the latter had bequeathed liberty by a fideicommissum (Dig. 40, 5, 28, 4; *ib.* 51, 8; cf. Zimmern, *Geschichte des römischen Privatrechts*, i. § 203).

JUNIANUM (Dig. 40, 16). [See DE COLLUSIONE DETEGENDA.]

JUVENTIANUM is the title given by civilians to the senatusconsultum passed at the instance of Hadrian (A.D. 129) after the name of one of the four consuls (two ordinarii and two suffecti) mentioned in connexion with it in Dig. 5, 3, 20, 6; but the real proposal seems to have come from the consules suffecti, who were Titius Aufidius and Oenus Severianus. It enacted that hereditatis petitio should lie for the recovery not merely of res hereditariae from those in whose possession they were, but for restitution of fruits and accessions, and of any gain which a possessor, whether in good or in bad faith, had made thereby (*e.g.* by the sale of a res hereditaria): in fact, its main object seems to have been to settle some old points of dispute relating to things belonging to inheritances which had been sold by persons other than the heir (see Dernburg, *Hereditatis Petitio*, 1852, p. 20 *sq.*): "post senatusconsultum omne lucrum auferendum esse bonae fidei possessori quam praedoni dicendum est," Dig. 5, 3, 28. Another result of the enactment was to make usucapio pro herede revocable by the heir [USUCAPIO: cf. Gaius, ii. 57; Cod. 3, 31, 7]. Hereditatis petitio (to the article on which reference should be made) thus became a species of "mixed" action; originally "in rem," it now lay for "praestationes personales" as well as for the recovery of property: cf. Cod. 3, 31, 12, 3.

LARGIANUM regulated the succession to the property of Latini Juniani by providing that where the actual manumitter was dead it should not go necessarily to his heres, but to such of his children as were not expressly disinherited by him: "eo SC^o actum esse, ut manumissoris liberi, qui nominatim exheredati non sint, praeferantur extraneis heredibus" (Gaius, iii. 64–71; Inst. iii. 7, 4; Cod. 7, 6, pr. and 12; Nov. 78: cf. PATRONUS). The date sometimes assigned to this senatusconsultum (A.D. 42) is wrong; for, though a Largus was consul in that year, his colleague was not called Lupus. It must necessarily fall later than the Lex Junia Norbana, generally supposed to have been enacted A.D. 19, and not later than the death of the jurist Cassius (Gaius, iii. 71), who was consul in A.D. 29.

LIBONIANUM (A.D. 16): enacted that where a man's will was written out for him by another person, any disposition which it contained in the latter's favour should be void and taken *pro non scripto*: for illustrations, see Dig. 48, 10, 6, 1 and 2; *ib.* 22, 7, 6 and 7; Dig. 26, 2, 29. It was added by an edict of the Emperor Claudius that such person should, in addition, incur the penalties of the Lex Cornelia de falsis, though this provision is ascribed to the senatusconsultum itself in the *Collatio Leg. Mos. et Rom.* viii. 7, 1 (Dig. 48, 10, 15, pr.). See FALSUM; and Dig. 48, 10; Cod. 9, 23; Suet. *Nero*, 3.

DE LUDIS SAECULARIBUS (B.C. 18). See Gruter, *Inscr.* p. 326, and Haubold (Spangenberg), *Monumenta Legalia*, p. 163.

MACEDONIANUM: passed according to Tacitus (*Ann.* xi. 13) under Claudius, according to Suetonius (*Vesp.* 11) under Vespasian, and enacting that no action should lie on a loan of money made to a filiusfamilias. It seems, however, that the praetor was in the habit of granting an action where the facts were doubtful, leaving the defendant, if he could prove his title to the benefit of the law, to repel the plaintiff by exceptio SC^i Macedoniani. Theophilus says that the name of the enactment was derived from one Macedo, who committed the crime of parricide in order to extricate himself from his pecuniary embarrassments, a story to which some colour is lent by Inst. iv. 7, 7; but other writers affirm that Macedo was a notorious money-lender and usurer, though Dig. 14, 6, 1, which is commonly cited in support of this, makes more for the derivation of Theophilus. The SC. related to no contracts except pecuniary loans, and to these it applied even though veiled beneath some other transaction, such as a loan of wine which the borrower immediately converted into money by sale (Dig. 14, 6, 7, 3); and the rank or age of the filiusfamilias by whom the money was borrowed was immaterial (Dig. *ib.* 2). Such loans, however, were not declared void by the law, so that the "natural" duty [OBLIGATIO] to repay it remained; and if payment was actually made, the *condictio indebiti* was excluded, unless made by the son with money of the father's.

There were certain cases in which the operation of the SC. was excluded: as where the filiusfamilias was a soldier at the time of borrowing the money (Cod. 4, 28, 7, 1), or had a peculium castrense or quasi castrense of his own (Dig. 14, 6, 2), or ratified the contract after becoming *sui juris* (Cod. 4, 28, 2); or if the lender had reason to believe the filiusfamilias to be independent (Dig. 14, 6, 3, pr. and 1). Even the father could be sued if he had assented to the loan either expressly or by implication, or had subsequently ratified it (Cod. 4, 28, 2; *ib.* 7, pr.), or so far as the money had been expended in his interest ("in rem patris versum," Dig. 14, 6, 7, 12 and 13). (Dig. 14, 6; Cod. 4, 28; Inst. iv. 7, 7; Paul, *Sent. Rec.* ii. 10; Loebenstern, *de SC^o. Macedoniano*, Marburg, 1828; Dietzel, *Das SC. Macedonianum*, Leipzig, 1856.)

MEMMIANUM: the name usually given to a senatusconsultum passed in the time of Nero to prevent evasion of the disabilities of orbitas [JULIA ET PAPIA POPPAEA LEX], by adopting a child and then emancipating him immediately the inheritance or legacy had been acquired. It appears from Tacitus (*Ann.* xv. 19) that the same device was resorted to in order to escape public burdens (*e.g.* tutela: see Inst. i. 25, pr.), and that this also was in future put a stop to by this enactment—"ne simulata adoptio in ulla parte muneris publici juvaret."

NERONIANUM DE LEGATIS (Gaius, ii. 197, 212, 218, 220; Ulpian, *Reg.* 24, 11^a; *Fragm. Vat.* 85). [See LEGATUM.]

NERONIANUM (Paul. *Sent. Rec.* iii. 5, 5): also called Claudianum (Dig. 29, 5, Rubr.) and Pisonianum (Dig. *ib.* 8, pr.), because enacted in the consulship of Nero and L. Calpurnius Piso, A.D. 57. Among its provisions Tacitus (*Ann.* xiii. 32) states the following: "Ut si quis a suis servis interfectus esset, ii quoque, qui testamento manumissi sub eodem tecto mansissent, inter servos supplicia penderent:" to which Paulus adds (*Sent. Rec.* iii. 5, 5 and 6), "sed et hi torquentur, qui cum occiso in itinere fuerunt," and "ut occisa uxore etiam de familia viri quaestio habeatur, idemque ut juxta uxoris familiam observetur, si vir dicatur occisus." In Dig. 29, 5, 8, pr., we find the further provision, "ut si poenae obnoxius servus venisset, quandoque animadversum in eum esset, venditor pretium praestaret, ne emptori injuriam fecisse videatur senatus."

ORFITIANUM: passed under M. Aurelius and Commodus, perhaps A.D. 178 (Ulpian, *Reg.* 26, 7; Capitolinus, *Marc.* 11), and relating to the right of children to succeed to the property of their mother on her decease intestate. Under the law of the Twelve Tables they were excluded, as a woman could have no *sui heredes*, and in the sole case in which they were her agnates (*i.e.* where she was *in manu mariti*) she, as a rule, could leave no property to inherit. By the praetorian bonorum possessio the children were admitted next in succession to agnates (Gaius, iii. 30), but by this senatusconsultum they were preferred even to the latter, and so succeeded in the first rank, though, if the mother had been a freedwoman, the patron was entitled to a share equal to that taken by each child (Dig. 38, 17, 1, 9). The illegitimacy of the children was immaterial (Dig. *ib.* 1, 2; Inst. iii. 4, 3), nor was their right to succeed affected by their undergoing capitis deminutio minima (Inst. *ib.* 2; Dig. *ib.* 1, 8). It is uncertain whether the Senatusconsultum Orfitianum referred to by Paulus (*Sent. Rec.* iv. 14, 1) is the same enactment. This explained the rule of the

Lex Fufia Caninia, that slaves could be manumitted in a will only by name (*nominatim*), by allowing the same effect to an unmistakable description: "officiorum enim et artium appellatio nihil de significatione nominum mutat, nisi forte plures sint, qui eo officio designentur." (Inst. iii. 4; Dig. 38, 17; Cod. 6, 57; Ulpian, *Reg.* 26, 7; Paul. *Sent. Rec.* iv. 10.)

PEGASIANUM: passed under Vespasian, perhaps in A.D. 73 (Gaius, ii. 254–259; Inst. iii. 23, 5 and 6; Ulpian, *Reg.* 25, 14–16). Its principal provisions are noticed under FIDEICOMMISSUM and LEGATUM. Another part of it (or possibly a different senatusconsultum passed by the same consuls Pegasus and Pusio) modified the Lex Aelia Sentia in reference to the capacity of a Latinus Junianus to become a civis (Gaius, i. 31).

PERSICIANUM: passed under Tiberius, A.D. 34. It took away the exemption from the penalties of caelibatus, without exception, from all males over sixty and all females over fifty years of age, who appear till then not to have been subject to the rules of the Lex Julia et Papia Poppaea on this subject: Suet. *Claudius*, 23; Ulpian, *Reg.* 16, 3 (where the reading is Pernicianum).

PISONIANUM. [NERONIANUM.]

PLANCIANUM: assigned by some writers to the time of Vespasian, and making an addition to a rule of law either contained in the Lex Julia et Papia Poppaea, or grafted upon it by construction or some amending enactment, that any fideicommissum which a heres or legatarius bound himself by a written instrument or in any other secret mode to pay or give to a person who was legally incapacitated from taking it should be forfeited to the fiscus (Dig. 30, 103; 34, 9, 10 and 18; 49, 14, 3). Such a fideicommissum was called "tacitum," and was said to be "in fraudem legis," as designed to evade the statute; but if the promise to execute the trust was made openly (*palam*, Dig. 49, 14, 3), there was no *fraus;* and though the fideicommissum would fail by reason of the incapacity of the fideicommissarius to take it, the rights of the fiscus would not necessarily attach, other persons benefited by the will being preferred in such a case of lapse. It would seem that, even where a "tacit" trust had been undertaken, the fiduciarius was entitled to retain his quarta under the SC. Pegasianum [FIDEICOMMISSUM]; but the SC. Plancianum altered this by denying him the quarta, and also disabled the fraudulent fiduciarius from claiming the fideicommissum as *caducum*, which he could naturally have done if he had children [LEGATUM; BONA CADUCA]: Ulpian, *Reg.* 25, 17; cf. Dig. 34, 9, 11; 35, 2, 59 (where the name of the senatusconsultum is given, and where it is added that the fourth thus forfeited was given to the fiscus by a rescript of Antoninus Pius). The penalty for the fraud applied only to that part of the property to which the fraud itself extended; and if the heres had a larger share in the inheritance than the property tainted with the fraud, he had the benefit of the Lex Falcidia (or more precisely, of the SC. Pegasianum) in respect of the residue: or, as it is expressed by Papinian (Dig. 34, 9, 11), "sed et si major modus institutionis quam fraudis fuerit quod ad Falcidiam attinet, de superfluo quarta retinebitur."

There was a senatusconsultum which enabled a woman who had been divorced to establish the status of her child, even though yet unborn, by a judicial denunciatio addressed to the father within thirty days of the divorce, and which by some writers (*e.g.* Bethmann-Hollweg, *Civil Process*, ii. p. 341; and Windscheid, *Lehrbuch des Pandektenrechts*, ii. § 520, note 5) is called Plancianum; but there seems to be no authority for this in the passages (Dig. 25, 3, 1, 1 and 12) to which they refer.

RUBRIANUM: enacted *circ.* A.D. 101, and empowering the magistrate to declare free slaves to whom liberty had been bequeathed by fideicommissum, but whose masters attempted to evade the obligation to manumit them by absence (Dig. 40, 5, 26, 7 *sqq.*: cf. Savigny, *Zeitschrift*, &c. xii. pp. 307–311).

SABINIANUM. [AFINIANUM.]

SILANIANUM. The first senatusconsultum which we definitely know to have been entitled after its proposer, was passed under Augustus, probably A.D. 10, in the consulship of P. Cornelius Dolabella and C. Junius Silanus. In a way it made slaves answerable for their masters' lives, by providing that, where a man was murdered, all his slaves who were in the house with him at the time, or with him elsewhere, should be examined under torture as to the perpetrators and counsellors of the crime, and then put to death for not having rendered him assistance (Dig. 29, 5, 1, pr. and *sq.*; *ib.* 6; —Paul. *Sent. Rec.* iii. 5, *passim*). It would seem from Tacitus (*Ann.* xiv. 42, in his note on which Lipsius refers to Cicero, *ad Fam.* iv. 12) that this was merely an old usage which the senatusconsultum made compulsory in all cases of murder; but slaves who were under the age of puberty did not fall under the enactment, by which, too, freedom was bestowed as a reward on any slave who discovered his master's murderer (Dig. 40, 8, 5; 38, 2, 4, pr.; 38, 16, 3, 4; Cod. 7, 13, 1). It was further provided that, in all cases where it was suspected that a man had been murdered by persons belonging to his own establishment, acceptance of the inheritance before the examination of the slaves should cause its forfeiture to the fiscus from the heres as *indignus* (Paul. *Sent. Rec.* iii. 5, 1, 2 and 10;—Dig. 29, 5, 3, 29; *ib.* 5, 2;—Cod. 6, 35, 3): the same penalty attached to merely opening the will, or applying for the bonorum possessio, and a heavy fine was inflicted in addition. A senatusconsultum passed in the consulship of Taurus and Lepidus (A.D. 11) enacted that the penalty for opening the will of a murdered person could not be inflicted after the lapse of five years, unless it was a case of parricide, to which this *temporis praescriptio* did not apply (Paul. *Sent. Rec.* iii. 5; Dig. 29, 5; Cod. 6, 35).

TERTULLIANUM: stated by Justinian (Inst. iii. 3, 2) to have been passed under Hadrian, but in reality enacted in the reign of Antoninus Pius, who succeeded Hadrian A.D. 138, and was himself succeeded by M. Aurelius, A.D. 161: its precise date seems to have been A.D. 158 (Zonaras, xii. 1). It related to the succession of children, on their dying intestate, by the mother, who had no right to inherit by the Twelve Tables, and whose position was only

partially improved in this respect by the Edict (which gave her a title among cognates, postponing her to all agnati) and the Lex Julia et Papia Poppaea. By this senatusconsultum she became entitled to succeed her issue intestate if, being freeborn, she had three, or being libertina she had four children (Paul. *Sent. Rec.* iv. 9; Ulpian, *Reg.* 26, 8; Inst. iii. 3, 2); but she was postponed to children of the deceased (Inst. *ib.* 3; Dig. 38, 17, 2, 9; —Cod. 6, 57, 1, 4; 6, 55, 11), to the father (Ulpian, *loc. cit.*), and to the frater consanguineus (Inst. *ib.*); while other relations were allowed a certain share in the inheritance with her (Inst. and Ulpian, *ll. cc.*). Justinian (Inst. *ib.* 4) did away with the necessity of the *jus liberorum* as a title to the benefits of this enactment, and also with the deductions made in favour of other relations; he preferred the mother to all other persons having a statutory title (*legitimi*), except that brothers and sisters of the deceased shared the inheritance with her: if there were brothers only, or brothers and sisters, it was divided in equal shares between them and her; if sisters only, she and they took in moieties. By Nov. 22, 47, he modified the rule last stated, enacting that even where there were sisters only the division should be *in capita*. As under the SC. ORFITIANUM, the rights of the mother were not affected by her undergoing capitis deminutio minima, or by the illegitimacy of the deceased child.

TREBELLIANUM: *circ.* A.D. 62. Its provisions are described under FIDEICOMMISSUM. (Gaius, ii. 253–258; Inst. ii. 23, 4 *sq.*; Ulpian, *Reg.* 14–16; Paul. *Sent. Rec.* iv. 2; Dig. 36, 1; Cod. 6, 49.)

TURPILIANUM: enacted under Nero, probably in A.D. 61, for the purpose of preventing *praevaricatio*, the fraudulent or collusive abandonment of a criminal charge once preferred. The penalty is described by Tacitus (*Ann.* xiv. 41): "qui talem operam emptitasset vendidissetve, perinde poena teneretur ac publico judicio calumniae [CALUMNIA] condemnatus." [Dig. 38, 2, 14, 2; 47, 15, 3, 3; 48, 16 (ad Senatusconsultum Turpilianum); Cod. 9, 45 (ad SC. Turp.).]

DE USUFRUCTU earum rerum quae usu consumuntur [USUSFRUCTUS].

VELLEIANUM: enacted according to Ulpian (in Dig. 16, 1, 2, 1) in the consulship of M. Silanus and Velleius Tutor. There was a M. Silanus consul with Valerius Asiaticus in A.D. 46 (Dio Cass. lx. 27), and one of the same name with L. Norbanus Balbus in A.D. 19 (Tac. *Ann.* ii. 59): if a Velleius Tutor was consul at all with a Silanus, it was with L. Junius Silanus in A.D. 27; but this would seem to be too early for this senatusconsultum, which, from Ulpian's language in the Digest, cannot well be placed before the reign of Claudius, so that if any date must be assigned to it the first of those given is apparently the most probable. It provided that no action should lie upon any contract of suretyship entered into by a woman as *promissor*; at any rate this was its main effect, as interpreted by responsa of the jurists and imperial constitutions (Dig. 16, 1, 1, pr.; *ib.* 2, 4). It would seem, however, to have been the common practice (as in the case of the SC. Macedonianum) for the praetor to grant the action where there was any doubt as to the facts of the case, leaving the defendant to protect herself by a plea (*exceptio*) based on the senatusconsultum, which is frequently mentioned in the texts, and which could be pleaded against execution even after judgment had been delivered adversely to the woman (Dig. 14, 6, 11). Unlike the SC. Macedonianum, this enactment did not allow of the creation of even a "natural" obligation by the contracts against which it was directed; so that, if a woman paid the debt of another person for which she had made herself answerable in ignorance of her rights under the senatusconsultum, she could recover the money back by *condictio indebiti* (Dig. 12, 6, 40, pr.). There were, however, a variety of cases in which she was disentitled to the protection of this enactment: *e.g.* where she had been guilty of *dolus* towards the creditor (Dig. 16, 1, 2, 3); where the latter had no reason to believe the surety to be a woman (Dig. *ib.* 12); where the guarantee was given for valuable consideration (Cod. 4, 29, 23, pr.), or for a liability which practically was the woman's own; or where the creditor was a minor, and the principal debtor insolvent (Dig. 4, 4, 12).

As to the history of the principle expressed in the senatusconsultum, there are two views. According to one, which is supported by the actual terms of the enactment preserved in the Digest ("tametsi ante videtur ita jus dictum esse, ne eo nomine ab his petitio neve in eas actio detur, cum eas virilibus officiis fungi et ejus generis obligationibus obstringi non sit aequum," Dig. 16, 1, 2), women had been forbidden to become sureties for other persons even by the old Jus Civile, whose rules on this subject had ceased to be operative, and were merely re-enacted by the senatusconsultum; according to the other, the law was no older than edicts of Augustus and Claudius, prohibiting wives from becoming answerable for the debts of their husbands (Dig. 16, 1, 2, pr.), and the greater stringency and extent of the senatusconsultum were due to the recklessness with which women, after Claudius had abolished the tutela legitima of agnati over them, exercised their rights of administering and disposing of their property on behalf of other persons.

[Dig. 16, 1; Cod. 4, 29; Bachofen, *Das Velleianische Senatusconsult, Ausgewahlte Lehren*, pp. 1–58; Hellfeld, *de Intercessione Mulierum et Senatusconsulto Velleiano* (Op. Min. No. 4); Vangerow, *Lehrbuch der Pandekten*, § 581: see also the article on INTERCESSIO.]

VITRASIANUM: by some writers assigned to the reign of Vespasian, by others to that of Hadrian; but without any very substantial reason in either case: it provided that if the owner of a slave to whom a third person had bequeathed freedom of fideicommissum was an infans, and so unable to manumit, the act might be performed on his behalf by the praetor (Dig. 40, 5, 30, 6).

VOLUSIANUM (A.D. 56): penalising the pulling down of houses for the sake of profit (Dig. 18, 1, 52; Orelli, *Inscript.* No. 3115: cf. SC. Hosidianum). Tacitus (*Ann.* xiii. 28) mentions a senatusconsultum passed in this year, and presumably entitled after the consuls (Q. Volusius Saturninus and P. Cornelius Scipio), which

limited the powers of the aediles in respect of taking pignora and inflicting fines. Another SC. Volusianum, mentioned in Dig. 48, 7, 6, contained a rule similar to the English law of champerty, that persons who joined in the suit of another, with the bargain that they should share with him the damages awarded by the condemnatio, should incur the penalties of the Lex Julia de vi privata. [G. L.] [J. B. M.]

SENIO'RES. [COMITIA, Vol. I. p. 505.]

SEPTA. [COMITIA, Vol. I. p. 507.]

SEPTIMONTIUM. [SACRA, p. 578.]

SEPTUNX. [AS.]

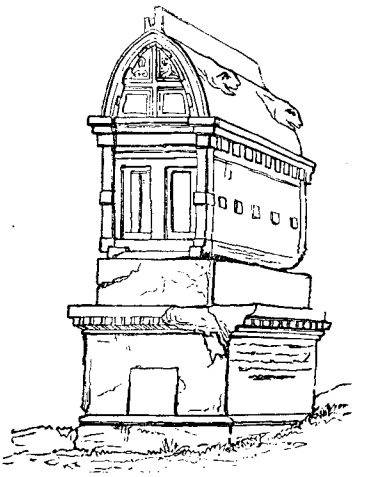
SEPULCRUM. — I. GREEK. Sepulchral chambers cut in the rock are found at all periods and in all parts of the Greek world. The so-called "prison of Socrates" at Athens is a well-known example of this kind of grave (Curtius, *Atlas von Athen*, vii. 4). The form and arrangement of these rock-cut tombs are very various. They consist sometimes of a single chamber, sometimes of an assemblage of chambers forming a small catacomb. Generally one or more shelves are cut in the rock, at the side of each chamber, for the reception of the bodies, and for the vases and other objects which are placed beside them. (For accounts of rock-cut graves in Cyprus, at and near Paphos, *J. H. S.* [*Journal of Hellenic Studies*], 1888, p. 264 ff.; at Rhodes, Ross, *Arch. Ztg.* 1850, p. 209; at Selinus in Sicily, Cavallari, *Bullet. Sicil.* v. 1872, p. 10 ff.; in Karpathos, Bent, *J. H. S.* vi. 236.)

In the greater part of the Hellenic world rock-tombs are rather the exception than the rule, and were probably a luxury of the rich; but in Asia Minor, and especially in Phrygia and Lycia, they are found in enormous numbers, and often of elaborate and ornate kinds.

(1) The commonest type of ornate rock-tomb in Lycia is a very close imitation of a wooden structure, in which a framework of beams, the intervening spaces being filled with wooden panels, supports a flat roof with projecting eaves. The minutest details of wood-construction are reproduced in stone. Sometimes the façade only of such a house is cut in a wall of rock; sometimes it stands cornerwise, with two sides free; sometimes it is attached to the rock at the back only; and sometimes it stands entirely free (Benndorf and Niemann, *Reisen in Lykien und Karien*, p. 95 ff.). The interior consists of a small low chamber, generally furnished with three stone couches upon which to place the bodies. In some cases a pointed arch is found above the flat roof, similar to that which forms the top of the sarcophagus tombs (see below). In the later examples the whole façade is gradually assimilated to the typical façade of orthodox Greek architecture, with columns and architrave. The pointed arch then becomes converted into a pediment.

(2) The sarcophagus tombs are very numerous. Benndorf estimates that there are some two thousand of them in Lycia. The following woodcut of a tomb at Antiphellus, taken from Fellows' *Excursion in Asia Minor*, p. 219, gives a typical example; and two specimens may be seen in the British Museum.

In the earlier examples the peculiarities of wood-construction are very closely followed. The arched covering seems to represent a tent-like erection upon the flat roof of the house. As in the case of the rock-tombs already mentioned, there is some assimilation to ordinary Greek architecture in the later examples. This



Tomb in Lycia.

assimilation has been carried some way in the tomb represented in the woodcut.

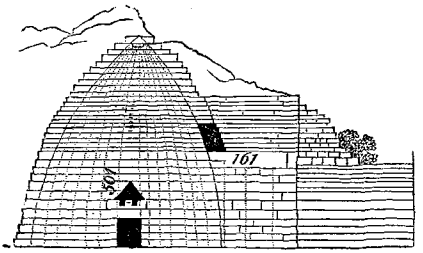
(3) Tombs in the shape of a high square column or pedestal, with a projecting cornice at the top, are found at Xanthos and elsewhere. Benndorf (*op. cit.* p. 108) enumerates eleven of them. The best known example is the "Harpy Tomb"—the sculptures from which are now in the British Museum (*Excursion in Asia Minor*, pp. 126, 231 ff.; *Discoveries in Lycia*, p. 168 ff.).

In Phrygia many rock-tombs are found. In some cases the façade is architectural in character, and ornamented with geometrical patterns (as the "Midas" tomb; Ramsay, *J. H. S.* ix. 380; Perrot and Chipiez, *Histoire de l'Art dans l'Antiquité*, v. p. 82, pl. 48); in other cases the ornament is sculptural, as at the "Lion Tomb" and the "Broken Lion Tomb" (*J. H. S.* ix. 361, 363, 368, &c. For Phrygian tombs, see Ramsay, *J. H. S.* iii. 1, 256, v. 241, ix. 350, x. 147; and Perrot and Chipiez, *op. cit.* pp. 81–147).

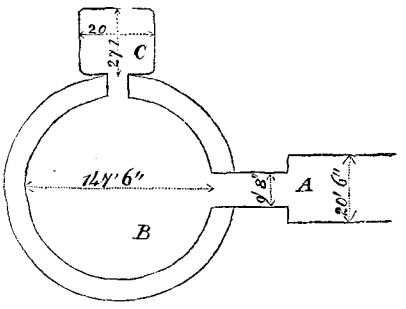
Large temple-tombs or *heroa* are found in various parts of Asia Minor. A central chamber stands upon a high basis or *podium*, and is surrounded by a colonnade. The "Nereid Monument" at Xanthus was of this type, and was probably sepulchral. A somewhat similar tomb at Mylasa in Caria is represented by Fellows (*Discoveries in Lycia*, p. 76). This type found its highest development in the Mausoleum at Halicarnassus in Caria [MAUSOLEUM], which was so widely celebrated in the ancient world that the word *Mausoleum* was used by the Romans in the meaning of a splendid tomb. Large stone or marble structures of this type are seldom found in Greece proper; perhaps to some extent on account of the sumptuary laws, which restrained expenditure upon monuments. Thus, at Athens, it was provided by one of Solon's laws that no one should erect a monument which could not be completed by ten men in the course of three days; and Demetrius

Phalereus forbade the erection of any funeral monument more than three cubits in height (Cic. *de Legg.* ii. 26, 66).

An early and very remarkable form of tomb is that known as the bee-hive, or domed tomb. The best known example of this type is the so-called "Treasury of Atreus" at Mycenae, which is shown in section and plan below. A large circular chamber is built of courses of stones, which gradually overlap until they meet at the apex, so as to form a dome-shaped building, but not a true dome. The space for this chamber is excavated in the side of a hill, so that the whole projects very little above the natural level of the ground. It is approached by a stone-lined passage or δρόμος cut into the slope of the hill. The lintel of the door to which the δρόμος leads is formed of a single enormous block of stone. A door at one side of the domed chamber leads into the small sepul-



SECTION.



PLAN.

A, entrance; B, principal chamber; C, small side chamber.

chral chamber cut in the rock. (*Athen. Mittheil.* iv. pp. 177–182; Helbig, *Das homerische Epos*, p. 53.)

Other graves of a similar type have been found at Mycenae, and at many other places on the eastern shores of Greece; for example, at Menidhi (Acharnae) (Köhler, Lolling, and others, *Das Kuppelgrab bei Menidi*), Spata in Attica, Orchomenos, Nauplia, near the Heraeon in the neighbourhood of Argos, and at Volo in Thessaly. It seems probable that these tombs represent a later stage of the same civilisation which produced the graves excavated by Dr. Schliemann upon the Acropolis at Mycenae; but it is impossible here to discuss the questions which arise in connexion with them. (For references to literature upon the subject, see Helbig, *l. c.*)

The normal form of Greek grave may be considered to be a hole or trench in the ground, whether dug in earth or cut in rock. These are generally found in groups; forming, in fact, cemeteries. They are often marked with a monument; and they contain many objects besides the body. We have therefore to consider (1) the position in which graves were placed; (2) the form of the grave; (3) the monument placed above the grave; (4) the contents of the grave.

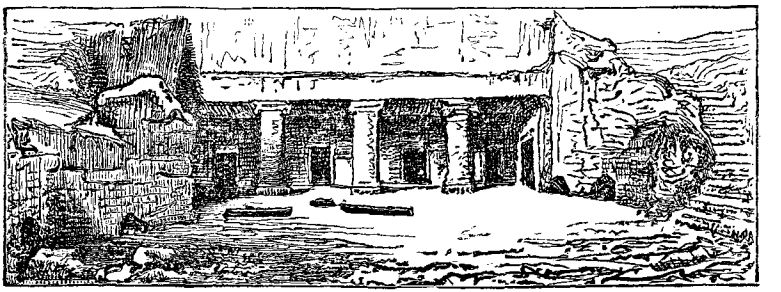
1. *Place of Burial.*—In the earliest times it was the custom, in Attica at any rate, for the dead to be buried in their own houses (Plat. *Minos*, 315 *D*); and traces of graves inside houses have been found at Athens (Curtius, *Atlas von Athen*, p. 19). At Mycenae the very early graves excavated by Dr. Schliemann are within the circuit of the citadel walls; and at certain places the burial of the dead within the city was not forbidden in historical times; as at Sparta (Plut. *Lyc.* 27: [Lycurgus] ἐν τῇ πόλει θάπτειν τοὺς νεκροὺς καὶ πλησίον ἔχειν τὰ μνήματα τῶν ἱερῶν οὐκ ἐκώλυσε), Megara (Paus. i. 43, 3), and Tarentum (Polyb. viii. 30). As a general rule, however, the places of burial were outside the city walls, and frequently by the side of roads and near the gates of the city. Thus at Athens the place of burial for those who had fallen in war was the outer Kerameikos, outside the Dipylon gate, on the road leading to the Academia (Thuc. ii. 34; Aristoph. *Av.* 395; Paus. i. 29, 4); and the common place of burial was outside the Itonian Gate, near the road leading to the Piraeus (Ἡρίαι πύλαι, *Etym. Mag.* and Harpocr. *s. v.*; Theophr. *Char.* 14); while burial within the walls was strictly forbidden (Cic. *ad Fam.* iv. 12, 3). At Tanagra the tombs are outside the ancient town; the three chief cemeteries being on the E., N., and S. (Haussoullier, *Quomodo sepulcra Tanagraei decoraverint*, p. 3), and the groups of tombs chiefly cluster round the roads (*ib.* p. 69).

2. *The Forms of Graves.*—At the Necropolis of Myrina, far the commonest form of grave was an oblong trench cut in the tufa, corresponding in size with the body to be buried. This sometimes had a covering of stone plaques, but often was merely filled in with earth (Reinach and Pottier, *La Nécropole de Myrina*, p. 59). This form of grave was also common at Tanagra; but when it was covered, tiles were used instead of stone plaques, and the trenches are for the most part dug in the earth, not cut in rock (Haussoullier, *op. cit.* p. 60). At Tanagra round pits, 1 ft. 6 in. to 5 ft. in diameter, are also found. At both places the graves are sometimes lined with stone slabs. In Cyprus, in the neighbourhood of Paphos, the tombs consist almost entirely of vaulted chambers, cut in the rock or earth, sometimes with niches radiating from a central chamber. The cut below shows one of the more elaborate rock-tombs (*J. H. S.* ix. p. 264 *ff.*, for a description of the different varieties).

There are various statements in ancient authors as to the orientation of tombs (Plut. *Solon*, c. 10; Aelian, *V. Hist.* v. 14; Diog. Laert. i. 2, 48); but in cases in which careful observations have been made, no uniformity of direction has been found. (Myrina, *La Nécropole*

de M., p. 57; Tanagra, Haussoullier, *op. cit.* p. 69; Leontari Vouni, in Cyprus, *J. H. S.* ix. p. 156.)

3. *Outer Adornment or Monument.* — The earliest kind of mark placed over a grave was probably the simple tumulus. In later times



Tombs at Paphos. (Cesnola.)

a grave-stone of some kind was generally set up. The shapes of these grave-stones are extremely various. They are divided by Koumanoudes (Ἀττικῆς ἐπιγραφαὶ ἐπιτύμβιοι, p. 18 ff.; cf. Von Sybel, *Die Sculpturen von Athen*, i. p. ix. ff.) into the following classes: — (1) κιονίσκοι. Small round columns, often with a simple moulding near the top, below which is the inscription. This is the commonest shape. (2) πλάκες, rectangular slabs, lying upon the ground. (3) στῆλαι. [See STELA.] (4) *Aediculae* or shrine-shaped stones. The top is generally of pedimental form, supported by pilasters or free columns. The space thus enclosed is filled by a sculptured representation, in very high relief in the later examples. (5) *Mensae* (a term used by Cicero, apparently for monuments of this class). Large rectangular blocks of stone, with architectural ornament at the base and on the cornice. (6) *Hydriae.* Large marble vases, in the shape of a lekythus, or of a tall amphora, of the kind used for funeral purposes [FUNUS], were sometimes set up as funeral monuments. Eustathius (ad *Il.* xxiii. 141) says that τοῖς πρὸ γάμου τελευτῶσιν ἡ λουτροφόρος, φασίν, ἐπετίθετο κάλπις, εἰς ἔνδειξιν τοῦ ὅτι ἄλουτος τὰ νυμφικὰ καὶ ἄγονος ἄπεισι. Koumanoudes argues from this passage that these marble vases were λουτροφόροι, and marked the graves of unmarried persons, and confirms his view by the fact that out of 171 cases in which the tombstone is a vase or bears a representation of one, all but five are certainly to be referred to unmarried persons. Other passages, however (Demosth. *adv. Leoc.* p. 1086, § 18; Pollux, viii. 66; Harpocr. *s. v.*), seem to show that the λουτροφόρος was a figure bearing a vase: as, indeed, the formation of the word would indicate. (7) θῆκαι, stone receptacles, for the ashes after cremation; round or square, with a lid. (8) Sarcophagi. The word στήλη is also used in a more general sense to include most kinds of funeral monuments; and a fuller discussion of the artistic ornament of funeral monuments will be found in the articles STELA and SARCOPHAGUS.

This classification of Attic monuments will apply with little modification to other parts of Greece. Thus at Tanagra we find classes (1), (3), (4), and in addition tombstones in the shape of altars (Haussoullier, *op. cit.* p. 15 ff., pll. ii.–v.). Altar-tombs are also common in Delos.

4. *The Contents of the Grave.*—It was the universal custom, at all periods and in all parts of the Greek world, to bury objects, of a great variety of kinds and often in great numbers, with the corpse. Our knowledge of the minor Greek arts—pottery, vase-painting, jewellery, terra-cotta work, gem-engraving, &c.—is almost entirely due to this custom. The scores of thousands of vases and terra-cottas contained in the Museums of Europe were, with few exceptions, discovered in tombs.

That the custom goes back to very early times is shown by the rich contents of the Mycenaean graves, now in the Polytechnic Museum at Athens. These include gold and silver cups and ornaments; bronze caldrons and other vessels; bronze sword-blades and other weapons, sometimes decorated with inlaid work of gold or other metals; and other objects, too numerous to mention here.

The objects usually placed in tombs may be thus classified (*La Nécropole de Myrina*, p. 105): —(*a*) The vase which contained the ashes, if the body had been burnt. This was most often of pottery, but sometimes of gold, silver, or other precious material. If the body had not been burnt, a coffin was often used. This was either of wood (as in some Greek graves in the Crimea, Stephani, *Compte Rendu*, 1865, pl. vi. 4, 5, p. 9; 1866, pll. i. and ii. p. 6 ff.; 1869, p. 177 ff.; 1875, pl. i. p. 5 ff.), or of earthenware, or of stone. Some forms of earthenware coffins are shown in the accompanying woodcut, taken from

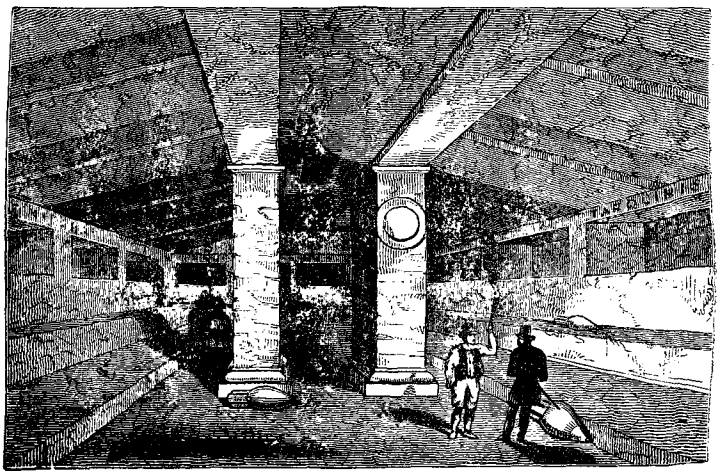
Earthenware coffins. (Stackelberg.)

Stackelberg, *Die Gräber Hellenen*, pl. 7. (*b*) Objects which apparently belonged to the dead, and were used by him when alive: such as strigils, mirrors, perfume bottles, needles, &c.; rings, brooches, and other personal ornaments, including wreaths and diadems, which were often made of flimsy material for funeral purposes. (*c*) Vessels intended to hold meat and drink for the dead. Sometimes remains of food are found in these vessels. The number of them is sometimes very large; in some tombs at Myrina as many as sixty or seventy earthenware

bottles and vases were found. (*d*) Small terra-cotta figures. The reason for placing these in the tomb has been much discussed. (For reff. to literature upon the subject, see *La Nécropole de Myrina*, p. 107, note.) They are specially frequent in Boeotia, and are usually named after Tanagra, the place where they were first found in large numbers. They were sometimes intentionally broken before being placed in the tomb (Haussoullier, *op. cit.* p. 79). Some connexion may be traced between the subject represented and the owner of the grave. Statuettes of women and of female divinities are more common in the graves of women; male divinities, as Dionysus, Heracles, Atys, in those of men; and toys in those of children (*La Nécropole de Myrina*, p. 107; TERRA-COTTA). (*e*) Charon's coin [see FUNUS]. To these must be added a variety of miscellaneous objects, such as engraved gems, earthenware lamps, small objects of bronze, glass bottles and cups, so far as they are not included under the first category.

[The more important books have been frequently referred to in the course of the article. For Greek graves in S. Russia, *Compte Rendu*, 1865, pp. 9 ff.; 1859, pll. v. and vi. For an account of the graves at Poli tes Chrysochou in Cyprus, see *Journal of Hellenic Studies*, vol. xi. 1. For a general account of the subject, Stackelberg, *Die Gräber der Hellenen;* Becker, *Charikles*, 4th English edit., pp. 383–402= Becker-Göll, iii. 114–167; Hermann-Blümner, *Privatalt.* pp. 373–387, where will be found references to the literature of the subject, which is large and scattered.]

II. ITALIAN. Among the nations of Italy the Etruscans are remarkable for the care which they gave to their graves. These graves are almost always subterranean. The more sumptuous tombs consist of chambers hewn in the rock; either beneath the surface of the ground, or penetrating horizontally into a cliff. A large number of such tombs are described and represented in Dennis's *Etruria*, and the accompanying woodcut of the Tomb of the Tarquins at Cervetri is taken from that work (i. 242).



Tomb of the Tarquins.

It will be observed that this tomb is hewn in imitation of wood-construction; and in fact the sepulchral chambers generally imitate the abodes of the living. For example, a tomb at Corneto (Micali, *Antichi Monumenti per servire alla Storia*, &c. lxiv. 3; Baumeister, *Denkm.* pl. xi. 663) has its roof cut in the form of a *cavaedium displuviatum*. In these tombs the bodies were generally placed upon stone couches, accompanied by numerous vases and other objects (see below). The walls also are frequently adorned with paintings, representing scenes of the cult of the dead, and of daily life, and, in some of the late examples, scenes from Greek mythology. (Baumeister, *Denkm.* p. 512, and figs. 554, 555; Micali, *op. cit.* pll. lxv.–lxx.)

But, as in Greece, so in Italy, rock-tombs are not the most common form. Extensive and careful excavations in the neighbourhood of Bologna, at Falerii, and in other places, have given us full knowledge of several Italian cemeteries. The objects found in graves at Bologna are admirably arranged in the Museo Civico at that place. The results obtained from comparison of them are, shortly, as follows (E. Brizio, *Guida del Museo Civico di Bologna*). The graves may be divided into three classes. (1) *Umbrian.* The graves are oblong, polygonal, or square holes lined with stone. In each tomb is a large earthenware vase, containing the ashes of the burnt body. In a few of the later tombs unburnt skeletons are found, but these are very rare. Arms, knives, and ornaments are found in great numbers; in the earlier tombs of bronze only, in the later of iron also. Vases, spindles, and whorls of pottery also occur in great numbers. In the later tombs a great advance is shown in the skill with which the potter varies the forms and adornment of the vases. (2) *Etruscan.* The earliest Etruscan tombs appear to be of about the same date as the latest Umbrian: possibly of the 6th century B.C. They are distinguished from the Umbrian tombs partly by the method of burial, — two-thirds

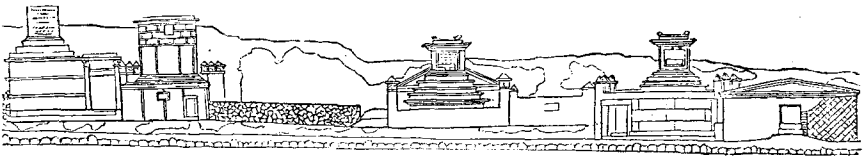
of the bodies are buried *without* burning, and one-third only are burnt,—partly by the tombstones, often bearing representations of Etruscan religious scenes, which are placed above the graves, and partly by the contents. The shapes of the bronze objects found are characteristic and varied; and the pottery is almost all of Greek workmanship, or imitated from Greek models. The Greek vases are for the most part red-figured; but vessels of the "Corinthian" style, and an amphora partly black-figured and partly red-figured, have been found in the earlier tombs. (3) *Gallic.* A certain number of graves, of a rather late period, appear to be Gallic in character.

The collection of objects found at Falerii is now displayed in the new museum at the Villa Giulia, outside the Porta del Popolo at Rome. An account of it, by E. Brizio, is published in the *Nuova Antologia* (Dec. 1889, p. 419 ff.). The graves at Falerii consist for the most part of chambers furnished with a number of niches, and so capable of receiving the remains of a number of persons. This peculiarity makes the investigation of the chronological sequence of the graves difficult; for the interments in each chamber extend over a considerable period. It is impossible here to discuss in detail the questions involved. It must suffice to mention one remarkable method of burial. In several cases coffins have been found made of the trunk of a tree, cut in half and hollowed. A similar coffin has been found near Gabii; and at Rome, beneath the *agger* of Servius, a terra-cotta sarcophagus has been discovered, resembling in form the trunk of a tree. This form of tree-coffin appears frequently in Northern Europe, especially in Westphalia.

At Rome it has been shown by recent excavations that a large cemetery lay on the east side of the city, outside the Porta Viminalis, and that it was still in use in the latest times of the Republic. This was the place of burial for slaves and poor people (Hor. *Sat.* i. 8, 8). The graves are of various kinds; among others *puticuli* or well-graves; that is to say, pits which served as a common grave for the bodies of those who could not afford the expense of separate burial. (Varro, *L. L.* 5, 25: "a puteis puticuli, quod ibi in puteis obruebantur homines, nisi potius, ut Aelius scribit, puticulae, quod putescebant ibi cadavera projecta. Qui locus publicus ultra Exquilias." Festus, *Ep.* p. 216; Com. Cruq. *ad* Hor. *Sat.* i. 8, 10, &c.) Here, too, the bodies of executed criminals were thrown unburied (Hor. *Sat.* i. 8, 17; *Epod.* 5, 99; Dionys. xx. 16). This cemetery was disused from the time of Augustus onwards, and was turned into gardens, to the great improvement of the sanitary condition of the district (Hor. *Sat.* i. 8, 14; Porphyrio and Com. Cruq. *in loc.*).

Burial within the city was forbidden, from the time of the Twelve Tables; but exceptions might be made in the case of specially distinguished persons—as, for example, in the case of C. Fabricius (Cic. *de Legg.* ii. 23, 58) and Valerius (Plut. *Q. R.* 79), and generally in the case of those who had celebrated a triumph (Plut. *ib.*). The Vestal Virgins and the emperors were buried in the city, according to Servius (*ad Aen.* xi. 205), because they were not bound by the laws, but Eutropius (8, 5) tells us that Trajan was the only emperor for whom the privilege was used. By a rescript of Hadrian, those who buried a person in the city were liable to a penalty of 40 aurei (Dig. 47, 12, 3, § 5). The practice was also forbidden by Antoninus Pius (Capitol. *Anton. Pius*, 12) and Theodosius II. (Cod. Theod. 9, 17, 6). A similar prohibition was in force elsewhere (*Lex Coloniae Genetivae*, lxxiii.; *Ephem. Ep.* iii. p. 94).

The customary place for the tombs of well-to-do families was by the side of the roads leading out of the city. Many such tombs are still preserved by the side of the roads leading out of Rome, especially the Appian Way, and many more have been destroyed in comparatively recent times. A row of them also stands outside the Herculanean gate at Pompeii. Part of this Pompeian street of tombs is represented in the accompanying woodcut, taken from Mazois,

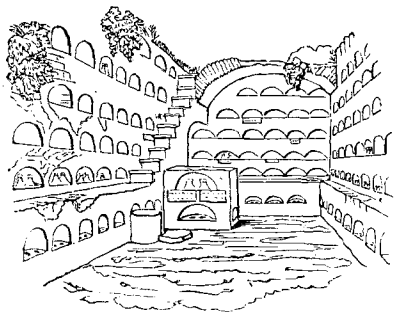


The Street of Tombs at Pompeii.

Pompeiana, part i. pl. 18. These private tombs vary very widely in arrangement and architecture. In some cases we have underground chambers, similar to those found in Etruria; as, for instance, the tomb of the Scipios on the Via Appia. But generally the tomb consists of a building enclosing a chamber; and in this chamber are placed the urns containing the ashes of the dead. Some not uncommon forms are shown in the above representation of tombs at Pompeii. Other forms are the pyramid, as in the case of the tomb of C. Cestius, near the Porta Ostiensis; the round tower, as in the well-known tomb of Caecilia Metella; and the conical turret, as in the so-called tomb of Virgil near Naples, and the so-called tomb of Aruns or of the Horatii and Curiatii near Albano. This last shape seems to follow an Etruscan model, for conical turrets are the chief feature of the tomb of Porsenna, as described by Pliny (*H. N.* xxxvi. §§ 91–93; Fergusson, *J. H. S.* vi. 207–232). One of the most splendid sepulchral edifices was the Mausoleum of Hadrian (see pp. 149 ff.). (For an enumeration of tombs outside Rome and for references to literature concerning them, see Marquardt, *Privatleben*, pp. 361, 362.)

Another form of grave is the *columbarium*. This is found not unfrequently at Rome, but is hardly known elsewhere; probably because land

at Rome was much more valuable than at any other place. It consists of a building provided on the inside with a large number of niches, flat at the bottom, arched at the top. Each

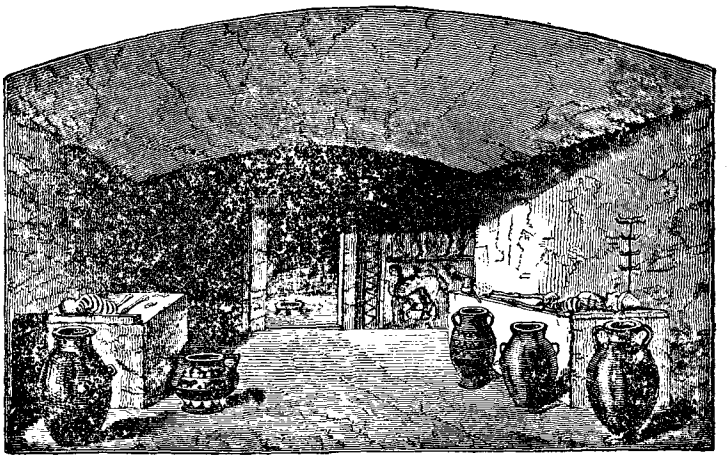


Columbarium at Rome.

niche, as a rule, is intended to hold two urns [OLLAE], in which the ashes were placed. The name *columbarium* was given to such graves because of the resemblance which these niches bear to the holes of a pigeon-house. The general arrangement of a *columbarium* is shown in the above woodcut, which represents one found in the year 1822 at the Villa Rufini, about two miles beyond the Porta Pia. Columbaria were sometimes provided by great families as a burying-place for their slaves, freedmen, and dependents: *e.g.* by the Statilii Tauri (*Bull. della Commissione arch. municip.* 1875, p. 151 ff.; *C. I. L.* vi. p. 994 ff.), by the Volussi (*C. I. L.* vi. p. 1043), and by Livia (Gori, *Columbarium Liviae Augustae*, 1727; Ghizzi, *Camere sepolcrali de' liberti e liberte di Livia Augusta e de' altri Cesari*, 173; *C. I. L.* vi. p. 877). But most frequently they were erected by burial societies, formed by persons who were too poor to purchase a place of burial for themselves. Considerable light has been thrown upon the constitution and arrangement of these societies by inscriptions, and especially by those found in the year 1852 in a columbarium upon the Via Appia, not far from the tomb of the Scipios (*C. I. L.* vi. p. 93? ff. The inscriptions are given in full, with comments and a description of the columbarium, by Wilmanns, pp. 125–146; Marquardt, *Privatleben*, p. 372). The inscriptions from columbaria are collected in *C. I. L.* vi. p. 875 ff. (cf. Wilmanns, p. 117 ff.); and further references to literature upon the subject are given by Marquardt, *op. cit.* pp. 135, 371, 372.

An account of Roman tombs would not be complete without some mention of the Catacombs; but as they were almost exclusively used by the Christians, it must suffice here to refer to the *Dictionary of Christian Antiquities* and the authorities there cited.

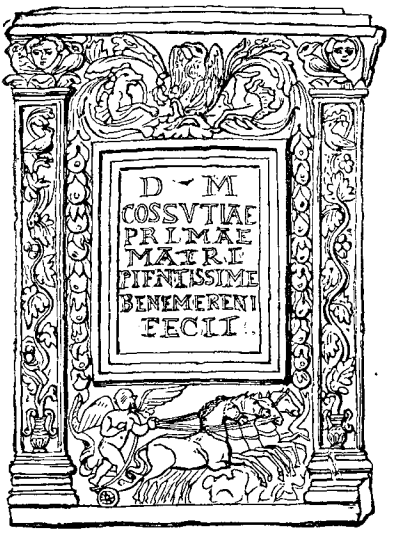
Contents of Tombs.—If the body was not burnt, it was placed in the tomb either enclosed in a coffin or sarcophagus [SARCOPHAGUS], or unenclosed. In the latter case in Etruscan tombs it is generally placed upon a couch of stone, as is shown in the accompanying representation of a tomb at Veii (from Birch, *Anc. Pottery*, p. 149). If the body was burnt, the ashes were placed in an urn or pot (*urna*, *olla*).



Tomb at Veii. (Birch.)

The urn takes many forms. The hut-urns found at Albanos [see cut under TUGURIUM] are made of earthenware, and represent a primitive hut, with a peaked straw roof, similar apparently to the contemporary dwellings of the living (Ghirardini, *Notizie degli Scavi*, 1881, p. 354 ff., pl. v.; Marquardt, *Privatleben*, p. 216; Dennis, *Etruria*, i. lxix.). The urns also in the Bolognese cemeteries and in the columbaria are generally of earthenware. In Etruria a favourite form is a miniature sarcophagus of earthenware or stone, with a recumbent figure upon the lid. Marble, stone, and alabaster are commonly used; and the next woodcut represents a sepulchral urn of marble in the British Museum. The inscription shows that it contained the ashes of Cossutia Prima. It is of an upright rectangular form, richly ornamented with foliage and supported at the side by pilasters. Its height is 21 inches, and its

width about 15. Other materials used are glass, and various metals,—lead, bronze, silver, and even gold.



Roman Sepulchral Urn. (Brit. Mus.)

A large number of other objects (of which some mention has been made above) were generally placed in the tomb, apparently with the intention of supplying the dead with the customary apparatus of life. Thus in the early tombs weapons and armour frequently occur. Later, agricultural implements and tools are often found; and in the case of women, articles of the toilet, scent-bottles, ornaments, and so forth. Clothes, money, food and drink, and vessels for containing them, were often added. The last purpose may explain to some extent the large number of vases which are often found in tombs. Several are to be seen in the picture of a tomb at Veii given above. In Etruria Greek vases and native imitations of Greek vases were used in very large numbers for this purpose; and it is from Etruscan tombs that the majority of extant Greek vases comes. With the exception of those which were found at Pompeii, nearly all the objects of daily use in our Museums have been taken from graves. We must add lastly altars, lamps and candelabra, intended for ritual purposes. (For references on this subject, see Marquardt, *Privatleben*, p. 365 ff.)

(Marquardt, *Privatleben*, pp. 340–385; Becker, *Gallus*, 4th English edit., pp. 505–523 = Becker-Göll, iii. 481–547; Raoul-Rochette, *Troisième Mémoire sur les Antiquités chrétiennes des Catacombes*, in *Mém. de l'Acad. des Inscriptions*, vol. xiii. 1838, pp. 529–788; Guhl and Koner, *Life of the Greeks and Romans*, pp. 375–387; Baumeister, *Denkmäler*, art. *Gräber*. For Etruscan tombs, Dennis, *Etruria*. For Pompeian tombs, Overbeck and Mau, *Pompeji*, 4th edit., pp. 396–422. The more important sepulchral inscriptions are conveniently collected by Wilmanns, *Exempla Inscriptionum Latinarum*, cap. ii. vol. i. pp. 49–173.) [FUNUS.] [H. B. S.]

SEQUESTRES. [AMBITUS.]

SERA. [JANUA.]

SE'RICUM (*σηρικόν, βομβύκια*). Silk appears in Roman literature under three different names—*vestes Coae*, *bombycinae*, and *sericae*—though in strict usage only the last was what we should recognise as true silk. For the passages descriptive of the first, see COA VESTIS; it is mentioned by no writer later than Pliny, and we may suppose this industry to have died out early in the Empire. Though Isidore (*Orig.* xix. 22) makes the *Coae* and *bombycinae* identical, there can be no doubt that he was mistaken. The difference was not merely that the one was manufactured in Cos, the other in Assyria (Aristot. *H. A.* v. 19, p. 551; Plin. *H. N.* xi. §§ 76–78; Propert. ii. 3, 15, where *Arabius* is loosely used for "eastern"), but the worms themselves were different. The bombyx of Cos was a species living on the oak, the ash, and the cypress; that of Assyria was the true mulberry silkworm: the material therefore was originally different, but was treated in the same way; for in both districts the insect was allowed to develop itself, and the *pierced* cocoons were used. These were impossible to unwind, because the continuity of the threads had been broken; so they were carded, and then spun like cotton, and gave a coarser silk which is called *galette*. The fact of the worm being left in its wild state to spin on trees whence the deserted cocoon was gathered (cf. Verg. *Georg.* ii. 121; Petron. 119; Plin. *H. N.* vi. § 54; Sil. Ital. vi. 4, xiv. 664; Dionys. Perieg. 752) gave rise to the notion, which we find expressed even in Strab. xv. p. 693, that the silk grew on the leaves, and was scraped off them. Pausanias (vi. 26), however, gives the true account.

The distinction between *vestes sericae* and *bombycinae* is marked in Ulp. *Dig.* 34, 2, 23, 1; Apul. *Met.* viii. 27 (where the priests wear *bombycina*: the image of the goddess is "serico contecta amiculo"). As will be seen from what has already been said, the essential difference lay not in the silkworm (since the produce of the mulberry silkworm was used at all times in India, Persia, and Assyria), but in the fact that the Chinese alone discovered the method of unwinding the cocoon while it was entire, and cultivated the silkworm for that purpose instead of carding the pierced cocoons. This true silk was therefore imported from China, usually overland through Samarcand to the Persian Gulf, thence to Phoenicia or Egypt, and finally to Rome (Procop. *Anecd.* 25; [Arrian,] *Per. M. Eryth.* 56). It is stated by most modern writers (Blümner, Marquardt, Becker-Göll) that the Chinese silk was imported at first in woven pieces (*ὀθόνια σηρικά*), that these were laboriously unravelled, and the silken thread thence obtained re-woven with an admixture of wool. We must confess that this theory, which is antecedently unlikely, seems to us to rest on very slight evidence. Pliny (who merely translates Aristotle), when he speaks of the "redordiri rursusque texere" (xi. § 76) and of the "geminus feminis labor redordiendi fila rursusque texendi," is, like Aristotle, speaking only of carding out cocoons whence to spin a thread and then to weave.

The theory, then, rests on the lines of Lucan (x. 140):

> "Candida Sidonio perlucent pectora filo,
> Quod Nilotis acus percussum pectine serum
> Solvit et extenso laxavit stamina velo,"

which Marquardt takes to mean that the stuff was woven in China, dyed at Sidon, and then unpicked and re-woven in Egypt. But it is dangerous to trust in so technical a matter to poetical description, and moreover the version of Mr. Haskins in his recent edition of Lucan is more probable, "loosened the threads by stretching the fabric;" *i.e.* the material was close-woven by the Chinese and thinned out, so as to be transparent, by the Egyptians: the word *acus*, perhaps, also implies embroidery. If this view is correct, the mixed fabrics which were worn under the earlier Empire must (when made of Chinese silk as *sericae*, not *bombycinae*) have been made of the silk thread (*νῆμα σηρικὸν*) or of the raw silk (*μέταξα*) interwoven with flaxen or cotton thread into a cheaper, lighter, and more transparent dress than the Chinese silk stuffs. This material became more and more fashionable. Even men dressed in silk; and hence the senate, early in the reign of Tiberius, enacted "ne vestis serica viros foedaret" (Tac. *Ann.* ii. 33; Dio Cass. lvii. 15). In the succeeding reigns we find the most rigorous measures adopted by those emperors who were characterised by severity of manners, to restrict the use of silk, while others, like Caligula, encouraged it (Suet. *Cal.* 52; Dio Cass. lix. 12: cf. Joseph. *B. J.* vii. 5; Mart. xi. 9, 27, xiv. 24).

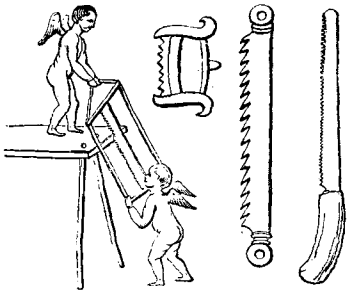
This mixed fabric, based on Chinese silk, was generally called *sericae vestes*, but received a distinct name when the Romans began to import the pure woven silk stuffs, which were called *holosericae* and were introduced by Elagabalus (Lamprid. *Heliog.* 26): the silk flags on the Parthian standards, which struck the eyes of the Romans in the battle of Carrhae more than two centuries earlier, were doubtless of this material (Flor. iii. 11). The expense of it was so great that the successor of Elagabalus, Alexander Severus, never wore it (Lamprid. *Alex. Sev.* 40), and it was said to have been sold for its actual weight in gold (Vopisc. *Aurelian.* 45). Thenceforth, though the general name *sericum*, or *sericae vestes*, included both kinds, and naturally more often means the less costly mixed silk, there was strictly the distinction between *holosericae* (pure silk) and *subsericae* (or *tramosericae*), in which the woof was silk, and the warp of flax or wool (Isid. *Orig.* xix. 22). The increasingly common use of both holosericae and subsericae may be seen as time went on (Solin. p. 202; Vopisc. *Tacit.* 10, *Carin.* 19; Ammian. xxiii. 6; Symmach. *Ep.* iv. 8). Christian writers condemn it (Clem. Alex. *Paedag.* ii. 10; Tertull. *de Pall.* 4); St. Jerome (*ad Marcell.*) says that those who did not wear it were taken for monks: actors were forbidden to wear figured and gold-embroidered silks, but were allowed plain silks (Cod. Theod. 15, 11, 7). We find among trades the sericarii, holosericopratae, and metaxarii (*C. I. L.* vi. 9678, 9893; Cod. Just. 8, 13, 27), and a *σηρικοποιός* (*C. I. G.* 5834).

The production of raw silk (*μέταξα*) in Europe was first attempted under Justinian, A.D. 530. The eggs of the silkworm were conveyed to Byzantium in the hollow stem of a plant from "Serinda," which was probably Khotan in Little Bucharia, by some monks, who had learnt the method of hatching and rearing them. The worms were fed with the leaf of the Black or Common Mulberry (*συκάμινος*: Procop. *B. Goth.* iv. 17; Glycas, *Ann.* iv. p. 209; Zonar. *Ann.* xiv. p. 69, ed. Du Cange; Phot. *Bibl.* p. 80, ed. Roth). The cultivation both of this species and of the White Mulberry, the breeding of silkworms, and the manufacture of their produce, having been long confined to Greece, were at length in the twelfth century transported into Sicily, and thence extended over the South of Europe. (Otto Frisingen, *Hist. Imp. Freder.* i. 33; Man. Comnenus, ii. 8.) The progress of this important branch of industry was, however, greatly impeded even in Greece, both by sumptuary laws restricting the use of silk except in the church service or in the dress and ornaments of the court, and also by fines and prohibitions against private silk-mills, and by other attempts to regulate the price both of the raw and manufactured article. It was at one time determined that the business should be carried on solely by the imperial treasurer (*praefectus thesauro*). Peter Barsames, probably a Phoenician, held the office, and conducted himself in the most oppressive manner, so that the silk trade was ruined both in Byzantium and at Tyre and Berytus; whilst Justinian, the Empress Theodora, and their treasurer amassed great wealth by the monopoly (Procop. *Hist. Arcan.* 25).

(The best treatment of this subject will be found in Pariset, *Hist. de la Soie*, vol. i. pp. 1–90: see also Marquardt, *Privatleben*, pp. 491–499; Blümner, *Technol.* i. 192; Becker-Göll, *Gallus*, iii. 283; Yates, *Textrinum*, p. 160 ff.) [J. Y.] [G. E. M.]

SERRA, *dim.* SE'RRULA (*πρίων*), a saw. It is not improbable, as Virgil says (*Georg.* i. 144, a line rejected by some critics), that it was an invention which superseded the primitive use of wedges, but it is at any rate very ancient, and its origin is lost in the mythical ages, being attributed either to Daedalus (Plin. *H. N.* vii. § 188; Sen. *Epist.* 90), or to his nephew Perdix (Hygin. *Fab.* 274; Ovid, *Met.* viii. 246) [CIRCINUS], also called Talos, who, having found the jaw of a serpent and divided a piece of wood with it, was led to imitate the teeth in iron (Diod. Sic. iv. 76; Apollodor. iii. 15). Hyginus and Isidore (*Orig.* xix. 19) make the backbone of a fish the original pattern. In a bas-relief published by Winckelmann (*Mon. Ined.* ii. fig. 94), Daedalus is represented holding a saw approaching very closely in form to the Egyptian saw delineated below. The iron blade of the saw was called *τάρσος* in Greek (Opp. *Hal.* v. 201), *lamina* in Latin (Verg. *Georg.* i. 143); the teeth, *ὀδόντες* and *dentes*. The form of the larger saw used for cutting timber is seen in the woodcut below, which is taken from a miniature in the celebrated Dioscorides written at the beginning of the sixth century (Montfaucon, *Pal. Graec.* p. 203). It is of the kind which we call the frame-saw, because it is fixed in a rectangular frame. It was held by a workman (*serrarius*, Sen. *Epist.*

57) at each end. The line was used to mark the timber in order to guide the saw (Sen. *Epist.* 90); and its movement was facilitated by driving wedges with a hammer between the planks (*tenues tabulae*) or rafters (*trabes*). (Corippus, *de Laud. Just.* iv. 45–48.) A similar representation of the use of the frame-saw is given in a painting found at Herculaneum, the operators being winged genii, as in this woodcut (*Ant. d'Ercol.* i. tav. 34); but in a bas-relief published by Micali (*Ital. av. il Dom. dei Rom.* tav. 49) the two sawyers wear tunics girt round the waist like that of the ship-builder in the woodcut under ASCIA. The woodcut here introduced also shows the blade of the saw detached from its frame, with a ring at each end for fixing it in the frame, and exhibited on a tomb-stone published by Gruter.



Serrae.

On each side of the last-mentioned figure is represented a hand-saw adapted to be used by a single person. That on the left is from the same monument as the blade of the frame-saw; that on the right is the figure of an ancient Egyptian saw preserved in the British Museum. These saws (*serrulae manubriatae*) were used to divide the smaller objects. Some of them, called *lupi*, had a particular shape, by which they were adapted for amputating the branches of trees (Pallad. *de Re Rust.* i. 43). It is not unlikely that these were saws with a wide "set" to the teeth. The primitive saws, no doubt, had teeth running in the same line as the blade: it must have been an improvement to have what is called a "set," *i.e.* the alternate teeth bent sideways in opposite directions to prevent the saw from getting jammed in its passage, and the *lupi* for sawing trees would naturally be improved by having a wide "set." This is what Pliny (*H. N.* xvi. § 227) must mean by *alterna inclinatio*.

Pliny (*H. N.* xxxvi. § 159) mentions the use of the saw in the ancient Belgium for cutting white building-stone: some of the oolitic and cretaceous rocks are still treated in the same manner both in that part of the Continent and in the south of England. In this case Pliny must be understood to speak of a proper or toothed saw. The saw without teeth was then used, just as it is now, by the workers in marble, and the place of teeth was supplied, according to the hardness of the stone, either by emery or by various kinds of sand of inferior hardness (Plin. *H. N.* xxxvi. § 51). In this manner the ancient artificers were able to cut slabs of the hardest rocks, which consequently were adapted to receive the highest polish, such as granite porphyry, lapis-lazuli, and amethyst. [MOLA; PARIES.] The *serrula* in Cic. *pro Cluent.* 64, 180, with which the bottom of a chest was cut out, has given rise to some discussion. In a recent number of the *Classical Review* (Oct. 1889) Mr. Owen suggests that it was "a round saw, shaped like a tea-cup inverted, which worked on the bottom of the chest by means of a handle moving on the principle of a brace and bit." A drawing of such a tool is given in the article referred to. We are assured by a working carpenter that, though nothing of the kind is known in the modern trade, it would act efficiently and also more silently than a saw drawn backwards and forwards, assuming that it has a pivot to work on; and moreover that it would not be difficult to make such an implement with a thin "ribbon" saw. We think, therefore, that the suggestion is plausible: otherwise there is no difficulty in imagining a hole first bored in the natural way with a centrebit [see TEREBRUM] and the piece cut out with a small saw, like our "key-hole" saw, with a thin end, toothed on both sides and capable of being turned round. Cicero was, of course, not describing anything that he had seen: the only necessary condition is that it should *not* be of the patterns in most ordinary use. (On the general subject, see Beckmann, *Hist. of Inventions*, i. 361; Blümner, *Technologie*, ii. 216–221.) [J. Y.] [G. E. M.]

SERRA'TUS. Tacitus says of the Germans (*Germania*, 5), "pecuniam probant veterem et diu notam, serratos bigatosque." These were denarii struck under the Roman Republic; the

Denarius serratus.

serrati having a serrated edge, the bigati bearing the type of a biga. (Here we have a quadriga.) That the Germans should prefer these coins of the Republic to those of the Empire, inferior in weight and purity, was natural; and treasures found in Germany have confirmed Tacitus's testimony. (Mommsen, *Röm. Münzwesen*, p. 771.) [P. G.]

SERTA. [CORONA, Vol. I. p. 545.]

SERVIA'NA ACTIO. [PIGNUS.]

SE'RVITUS. [SERVUS.]

SERVITU'TES. Where one person has a right over property of another, which he can assert by legal remedy against any one who interferes with its exercise, and not merely against the owner of the property, he is said to have a *jus in re aliena*, and his right belongs to those which are "real" or *in rem*. By the existence of such a right the legal position of the owner is diminished in value: his ownership, which otherwise would be unrestricted, is curtailed, not in duration, but in extension. The presumption of law was in favour of the freedom of property, and the burden of proving his right over it lay on the other party: hence, when a thing was sold as *optima maxima*, this

was legally understood to mean that it was warranted free from any real rights in persons other than the owner (Dig. 50, 16, 90 and 169: cf. Cic. *de Leg. Agr.* iii. 2, 7). Two classes of such *jura in re aliena* are known to Roman law: one recognised by the old Jus Civile, and termed *servitutes;* the other of praetorian origin, and known by specific names, viz. EMPHYTEUSIS, PIGNUS, and SUPERFICIES.

The term *servitus* properly denotes the *quasi* non-free condition of an object over which rights are enjoyed by a person other than its owner (Dig. 39, 1, 5, 9), but more commonly it is used to express the deducted right itself. As to such rights in general, there are a few fundamental rules admitting of very brief statement. No one can have a servitude over property of his own ("nulli res sua servit," Dig. 8, 2, 26), so that a servitude will be extinguished *ipso facto* as soon as the person in whom it is vested becomes owner of the property over which it is exercisable (*res serviens*) or *vice versâ*. No one servitude can be the object of another, for "servitus servitutis esse non potest" (Dig. 33, 2, 1); but there can be servitudes over other incorporeal things, *e.g.* over an emphyteusis or a superficies (Dig. 43, 18, 1, 6, 7, 9). Being created solely for the benefit of a determinate subject, servitudes are intransferable, or inseparable from the subject itself (Dig. 10, 2, 15; 8, 4, 12); and, lastly, a servitude must not merely limit the rights of the owner of the *res serviens*, but must confer a positive advantage on the other party (Dig. 8, 1, 15).

These rights may be classified in various ways. They are divided, with reference to the owner of the *res serviens*, into affirmative and negative. If he has to allow the other party to do something from which otherwise he could legally hinder him (*e.g.* to walk across his field), the servitude is affirmative, and is said to consist *in patiendo;* if he is obliged himself to refrain from doing some act which otherwise he would be at perfect liberty to do (*e.g.* to add a story to his house), the servitude is negative, and is said to consist *in non faciendo*. But no servitude can consist *in faciendo*, in the sense of the owner of the *res serviens* being compellable to perform some positive duty: for to this would correspond only a right *in personam*, whereas a servitude is a right *in rem* (Dig. 8, 1, 15, 1). He may owe a positive act in respect of the *res serviens* (*e.g.* to keep a road in repair over which his neighbour has a right of way), but a violation of this duty would generally be redressed by a personal action, not by the real action arising from the servitude. Where the owner of a wall on which his neighbour had the right of support for his house (*servitus oneris ferendi*) undertook to keep the wall in repair, this duty could be enforced (according to Servius Sulpicius, whose view prevailed over that of Aquilius Gallus) by action on the servitude; but the legal principle last stated was so far observed that the owner of the wall was able to release himself from the duty by abandonment (*derelictio*), and could not be compelled to support the house by other means while the wall was being repaired (Dig. 8, 5, 6, 25; *ib.* 8, pr. and 2; 8, 2, 33).

But the current Roman classification of servitudes is into praedial and personal (Dig. 8, 2, 1). A praedial servitude can belong to a man only as being owner or tenant of a parcel of land or a house (*praedium*), whereas he can have a personal servitude without any such restriction. Again, the latter can be enjoyed over any object of property; the former only over another *praedium* (Inst. ii. 3, 3) adjoining (Dig. 8, 3, 5, 1) that in whose favour it exists, and to which it is appurtenant. Thus there can be no praedial servitude without both a *praedium serviens* and a *praedium dominans*. The right must be of such a nature that by it the use and enjoyment of the latter are enhanced or rendered more complete and effectual (Dig. 8, 2, 8, pr.; *ib.* 15, pr.); it is consequently inseparable therefrom, passing with it when conveyed, and its extension is determined only by the requirements of the *praedium dominans* itself (Dig. 8, 3, 5, 1). But the latter's owner must exercise his right with proper regard for those of the owner of the *praedium serviens* ("civiliter modo," Dig. 8, 1, 9), who must himself permit the former to do all acts necessary for its due enjoyment (*e.g.* repairs, Dig. *ib.* 10). The rule "omnes servitutes praediorum perpetuas causas habere debent" (Dig. 8, 2, 28) signifies that the servitude must permanently benefit the *praedium dominans* (whence "neque ex lacu neque ex stagno concedi aquaeductus potest," Dig. *ib.*, and "servitutes [praediorum] ipso quidem jure neque ex tempore, neque ad tempus, neque sub condicione, neque ad certam condicionem constitui possunt," Dig. 8, 1, 4), and also that no right can be a praedial servitude whose enjoyment necessitates constant action on the part of the owner of the *praedium serviens*.

A personal servitude (*servitus personarum*, Dig. 8, 2, 1; *personalis servitus*, Dig. 34, 3, 8, 3) is one which belongs simply to a man *as such*, and not as owner or tenant of this or that land or house: it is limited in duration at least by that of his own lifetime, and, as has been already remarked, can exist over any object of property whatever. All servitudes of this class are affirmative; praedial servitudes can be either affirmative or negative, as will be seen by reference to those of which an account is given below.

Personal servitudes are four in number, viz. USUS, USUSFRUCTUS, *habitatio*, and *operae servorum sive animalium*. Whether the last two were distinct rights from use and usufruct was for a long time a question among the Roman jurists (Dig. 7, 7, 5; 7, 8, 10; Cod. 33, 3, 13: cf. Gaius, ii. 32), but eventually the distinction was admitted. *Habitatio* is the right of living in another person's house, and differs from *usus aedium* in the person who possesses it being entitled to let it out to others (Inst. ii. 5, 5), and from both use and usufruct in the fact that it was not extinguished by his capitis deminutio or by non-user (Dig. 7, 8, 10, pr.). If created by a *donatio inter vivos*, it could be set aside by the heirs of the grantor. *Operae servorum* or *animalium* consisted in a man's having a right to the use and services of another's slave or beast, so long as he or it lived. It differed from a mere *usus* or *ususfructus* in the same respects as *habitatio*.

Praedial servitudes are either rustic or urban (*jura praediorum rusticorum, urbanorum*); a distinction as to the precise rationale of which there are differences of opinion. It is clear that not all servitudes in towns are urban, nor

all in the country rustic, for "urbana praedia omnia aedificia accipimus, non solum ea quae sunt in oppidis, sed et si forte stabula sunt vel alia meritoria in villis vel in vicis vel si praetoria voluptati tantum deservientia, quia urbanum praedium non locus facit sed materia" (Dig. 50, 16, 198). Many of the praedial servitudes are referred to by Cicero, *pro Caec.* 13, 19 and 26. Of the urban class the following are the most important:—1. *Oneris ferendi:* the right which a man has to use the wall or edifice of his neighbour as a support for his own (Inst. ii. 3, 1;—Dig. 8, 2, 33; 8, 5, 6, 2). The owner of the servient property had to keep it in repair, but could escape this liability by derelictio. 2. *Tigni immittendi:* the right of planting a beam in or upon a neighbour's wall (Dig. 8, 2, 2 and 6; 8, 6, 18, 2; 8, 5, 8: cf. Tac. *Ann.* xv. 43; Cic. *de Orat.* i. 38, 173). 3. *Protegendi* or *projiciendi:* the right of throwing a balcony or verandah out from one's own house so as to project over one's neighbour's land (Dig. 8, 2, 2; 43, 17, 3, 5, 6, &c.). 4. *Stillicidii:* the right to have the rain-water drip in its natural course from one's roof on to a neighbour's land. A sub-variety is the *servitus fluminis recipiendi, immittendi,* or *avertendi,* the right of throwing such water on adjoining land from a pipe (Dig. 8, 2, 17, 3; *ib.* 20, 3–6;—Varro, *L. L.* iv. 5;—Cic. *de Orat.* i. 38, 173; *Top.* 4, 22;—Vitruv. *de Architect.* ii. 1, vi. 3, vii. 5). 5. *Cloacae immittendae:* the right of emptying a drain into or conducting it through a neighbour's premises (Dig. 8, 1, 7; 43, 23, 1, 4). 6. *Fumi immittendi:* the right of sending one's smoke through the chimney of one who lives above or next door (Dig. 8, 5; 8, 5–7). 7. *Latrinae sive sterculinii:* the right of having a dung-heap against a neighbour's wall (Dig. 8, 5, 17, 2). 8. *Altius non tollendi:* the right of preventing a man from building (or raising buildings already standing) above a certain height (Dig. 8, 2, 2; *ib.* 4 and 11, &c.). 9. *Ne luminibus* and *ne prospectui officiatur:* the right of having one's supply of daylight and one's view uninterfered with by any act of one's neighbour, such as planting of trees or erections of any kind (Dig. 8, 2, 3, 12, 15–17, &c.; Cic. *de Orat.* i. 39, 179; Gaius, ii. 31). 10. *Servitus luminum* or *luminis immittendi:* the nature of which is disputed, but which probably consisted in the right of making windows in a neighbour's wall in order to procure oneself more daylight (Dig. 8, 2, 4, 40; Cod. 3, 34, 8).

We read in the authorities also of a *servitus stillicidii* and *fluminis non recipiendi* (Inst. ii. 3, 1; Dig. 8, 2, 2), a *servitus altius tollendi* (Dig. *ib.*), and a *servitus officiendi luminibus vicini* (Gaius, ii. 31, iv. 3; Inst. iv. 6, 2, &c.), of the nature of which, however, no explanation is given. Such rights are not properly servitudes at all, but were ordinary incidents of ownership, and this treatment of them has caused no little difficulty. According to Theophilus and others, these expressions are simply intended to denote the condition of a praedium after the extinction of a *servitus stillicidii,* &c., to which it was previously subject. Others explain them by reference to local regulations prohibiting buildings above a certain height, &c. (*e.g.* Cod. 8, 10, 12 and 13), which they suppose could be overridden by the establishment of servitudes to the contrary; but this hypothesis seems untenable by reason of the aphorism, "jus publicum privatorum pactis mutari non potest." A third school holds that the object of a grant of a *servitus altius tollendi,* &c., was *partially* to extinguish a *servitus altius non tollendi,* &c. (cf. Dig. 44, 2, 26, pr.).

Of rustic servitudes the following are the most important:—1. *Iter* (or *jus eundi,* Gaius, iv. 3): the right of walking or riding along a footpath on another man's land, and of being carried over it in a litter (Inst. ii. 3, pr.; Dig. 8, 3, 7 and 12), though either of the latter rights might be excluded by express provision (Dig. 8, 1, 4, 1). 2. *Actus* (which includes *iter*): a similar right of driving cattle or vehicles (Isidor. *Orig.* xv. 16;—Dig. 8, 3, 1, pr.; *ib.* 7, pr. and 12, &c.), though the last could be excluded (Dig. 8, 1, 13). 3. *Via* (which includes both *iter* and *actus*): the right of using a regular road (*via munita*) over another's land for heavy traffic with highly-laden waggons ("hastam rectam ferre," Dig. 8, 3, 7, pr.), so that the owner of the *praedium serviens* must lop the trees. The road, in the absence of express agreement, must be at least eight feet where straight, and sixteen where it curved (Dig. 8, 3, 8: cf. Varro, *L. L.* iv. 4; *R. R.* i. 2, 14; Isidor. *Orig.* l. c.). 4. *Aquaeductus:* the right of conducting water on another's land away to one's own in pipes, or over another's land on to one's own by a leat, *e.g.* for the purposes of a mill (Inst. ii. 3, pr.;—Dig. 8, 3, 1, pr.; *ib.* 9). The exercise of this servitude might be limited to the summer or the winter, in which case it was called *aqua aestiva* or *hiberna* in opposition to *aqua quotidiana* (Dig. 43, 20, 1, 2 and 3); or it might be restricted by measure or time (*aqua diurna, nocturna,* Dig. *ib.* 2 and 5, pr.). 5. *Aquae haustus:* the right of taking water in vessels from another's land (Inst. ii. 3, 2;—Dig. 8, 3, 1; *ib.* 3, 3; *ib.* 9), and admitting of the same limitations as those just mentioned (Dig. 8, 3, 2, 1). 6. *Pecoris ad aquam appulsus:* the right of watering one's cattle on the land of a neighbour (Dig. 8, 3, 1, 1; *ib.* 4 and 6). 7. *Jus pascendi:* the right to pasture cattle there (Dig. *ib.* 3, pr., 4 and 6). Besides these, there are mentioned *jura silvae caeduae, cretae eximendae, lapidis eximendi, arenae fodiendae, calcis coquendae,* and other rights without specific names, in Dig. 8, 3, 3, 1 and 2; *ib.* 6; 8, 1, 15, pr.; 43, 20, 1, 28. If a *locus publicus* or *via publica* intervened, no *servitus aquaeductus* could be imposed; but it was necessary to apply to the emperor for permission to form an aquaeductus across a public road. The intervention of a *locus sacer* or *religiosus* was an obstacle to imposing a *servitus itineris* or other right of way, for land of such a character could not by law become "servient."

The modes in which servitudes were created or acquired are six in number, viz.:—1. A disposition *inter vivos* by or in pursuance of a contract. The general form of this was originally *in jure cessio,* though rustic servitudes over *solum Italicum* could be created also by *mancipatio* (Gaius, ii. 29, 30). As provincial soil, not being *in commercio,* could not be conveyed by either of these methods, so neither could servitudes over it be so created (Gaius, *ib.* 31); and its occupiers took refuge (Gaius, *ib.*) in formless agreements, subsequently expressed in a solemn contract (*stipulationes*), by which the owner of the land over which the right was to be created bound

himself to allow its enjoyment, or in default to pay a penal sum (*e.g.* Dig. 45, 1, 2, 5). Such agreements would not, however, in themselves bind an alienee of the *praedium serviens*, nor would they confer any right on one of the *praedium dominans;* but the praetors introduced a *utilis actio* by which the latter owner and all his successors in title were enabled to assert the right against the owner of the *praedium serviens* and similar successors of his, so that in this way it acquired a "real" character. In the time of Justinian both *in jure cessio* and *mancipatio* had disappeared, and *pactio et stipulatio*, having apparently been for some time used for this purpose even on *solum Italicum*, remained the universal mode of contractually creating servitudes (Inst. ii. 3, 4). It is contended by many writers that, besides the contract (*pactio et stipulatio*), a *quasi-traditio* or figurative delivery of the right was necessary; but their argument is based on analogy rather than on any real textual authority. 2. In a conveyance of land, whether in Italy by *in jure cessio* or *mancipatio*, or in the provinces by *traditio*, a servitude over it might be reserved (*deductio:* Gaius, ii. 33; Inst. ii. 4, 1;—Dig. 8, 2, 34, 35; 8, 3, 30 and 33), and the same might be done when the land was bequeathed by will. 3. Testamentary disposition. An owner of property might either directly bequeath a servitude over it (which was a very common mode of creating those of the personal class), in which case the right to it was acquired when the "dies legati cessit" [LEGATUM], or he might direct his heir duly to constitute it in favour of a third person as legatee (Paul. *Sent. Rec.* iii. 6, 17; Dig. 8, 4, 16; Inst. ii. 4, 1). 4. *Adjudicatio:* the judge (*a*) awarding to one party in a *judicium divisorium* or partition action a servitude over the whole or a portion of the property which he adjudged to the other (Dig. 7, 1, 6, 1; 10, 2, 22, 3); or (*b*) declaring a servitude duly constituted as against a contumacious defendant who refuses to create it himself; or (*c*) reviving by "in integrum restitutio" [RESTITUTIO] a servitude which had been lost (Dig. 8, 5, 8, 4). 5. Prescription, or enjoyment of the right for a prescribed period of time. Servitudes could not properly be thus acquired apart from the *praedia* to which they were appurtenant (Dig. 41, 3, 10), though it would seem that this principle was at one time not fully admitted (see Cic. *ad Att.* xv. 26), for a Lex Scribonia of uncertain date forbade usucapion of servitudes, except the anomalous class (e.g. *altius tollendi*) spoken of above (Dig. 41, 3, 4, 29). Other writers hold that the principle never applied to urban servitudes, in which there is a greater semblance of uninterrupted possession than in those of the rustic class, and that it was to the usucapion of the former that the Lex Scribonia related. Servitudes over provincial soil could, however, be acquired by *longa quasi-possessio*—actual exercise of the right for ten years if the owner of the *praedium serviens* lived in the same province, for twenty if in another (Dig. 8, 5, 10, pr.; 8, 6, 25); and this title gradually came to be recognised in Italy also, and under Justinian was in full operation (Cod. 7, 33, 12). 6. *Lex:* e.g. the acquisition by a paterfamilias of a usufruct in the *peculium adventicium* of his son (Inst. ii. 9, pr.).

The following are the chief modes in which servitudes were extinguished:—1. Destruction of the *res serviens*, or its withdrawal from *commercium* (Inst. ii. 4, 1; Dig. 7, 1, 2); but if it was restored the right revived (Dig. 8, 2, 20; 8, 6, 14). Personal servitudes perished also if the *res serviens* underwent a complete and essential transformation (Dig. 7, 4, 5, 2 and 3). 2. Praedial servitudes were extinguished by the destruction of the *praedium dominans* or by its ceasing to be *in commercium* (Dig. 8, 2, 20, 2), but were revived by its restoration within the period of usucapio: *e.g.* if a building to which a servitude was appurtenant was pulled down in order to be rebuilt, and was rebuilt in the same form, the servitude revived (Dig. *l. c.*). Similarly, personal servitudes determined with the decease of the person entitled (Inst. ii. 4, 3; Dig. 7, 4, 3, 3), and under the older law *usus* and *ususfructus* were destroyed also by his *capitis deminutio* (Gaius, iii. 83); but by an enactment of Justinian (Inst. *l. c.* and iii. 10, 1; Cod. 3, 33, 16, 2) *capitis deminutio minima* ceased to have this effect. If a personal servitude belonged to a juristic person, it perished with the dissolution of that person (Dig. 7, 4, 21), and also with the lapse of 100 years from its creation in the absence of express provision to the contrary (Dig. 7, 1, 56). 3. Release of the right by the person entitled to the owner of the *res serviens* (Inst. ii. 4, 3), in the form either of bequest (Dig. 30, 86, 4) or of contract: for the latter *in jure cessio* or *mancipatio* was the proper form under the older law (Gaius, ii. 30; Paul. *Sent. Rec.* iii. 6, 28, 32), but under Justinian a bare agreement (*cessio* or *concessio*) sufficed without any formal surrender, and in some cases a tacit release was presumed from conclusive acts (*e.g.* Dig. 44, 4, 4, 12; 8, 6, 8, pr.). There is some ground for supposing that abandonment (*derelictio*) extinguished usufruct, but not other servitudes: its real effect, however, seems to have been to destroy not the usufructuary's rights, but only his liabilities. 4. *Confusio:* in praedial servitudes the vesting of ownership over the *res dominans* and the *res serviens* in the same person; in personal servitudes a similar union of the dominium and the servitus (Dig. 7, 4, 17; 8, 6, 1). Where the right was a usufruct, this was termed specifically *consolidatio* (Inst. ii. 4, 3). If the separate owners of two separate estates jointly acquired a *praedium* which was servient to both, the servitudes were not extinguished; but it was otherwise if the joint owners of a *praedium dominans* jointly acquired the *praedium serviens* (Dig. 8, 3, 27). 5. Non-exercise of the right for a prescribed time: rustic servitudes being lost by non-exercise for two years, personal servitudes by non-user for one year or two according as the *res serviens* was *mobilis* or *immobilis* (Paul. *Sent. Rec.* iii. 6, 30). For the loss of an urban servitude mere non-user was not enough, it being necessary that the owner of the *praedium serviens* should do some positive act, such as raising his house or building up the hole in which his neighbour's beam had rested (Dig. 8, 2, 6). For the loss of servitudes over provincial soil the periods were ten years *inter praesentes*, twenty years *inter absentes*, and these were retained for servitudes of all kinds by Justinian, whether over movables or immovables (Cod. 3, 33, 16, 1; 3, 34, 13). *Habitatio* and *operae*, as has been observed

above, were never liable to extinction by non-exercise.

As possession is the actual exercise of the rights of ownership, so the enjoyment or exercise of a right of servitude may be conceived as a quasi-possession, though the Roman jurists sometimes explicitly deny the applicability to them of the conception (*e.g.* Dig. 43, 3, 8; 41, 3, 4, 27; 8, 2, 32, 1), and sometimes speak plainly of *possessio* or *quasi-possessio juris* (Dig. 43, 26, 2, 3; 43, 19, 7; 46, 23, 2) in contrast with *possessio corporis*—the possession of a tangible thing—while Javolenus goes so far as to describe specifically the exercise of servitudes as a taking of possession (Dig. 8, 1, 20). The extension to them of the conception of possession was important when we consider the legal remedies by which they were protected: for, as an owner can assert his dominium in its legal aspect by an action, and protect its actual exercise (*possessio*) by an interdict, so servitudes came by analogy to be the subject of both kinds of remedies. The action by which a person entitled to a servitude was protected against its infringement by any person whatsoever was called *confessoria in rem* (Dig. 8, 5, 2, pr.), its objects being judicial acknowledgment of the plaintiff's right, removal of any impediment to its exercise, compensation for interference, the entering into by the defendant of a "cautio de non amplius turbando" (Dig. 7, 6, 5, 6; 8, 5, 7). In Publician form [PUBLICIANA ACTIO] it could be brought by any person who *bonâ fide* possessed the *praedium dominans*, or in whose favour the *bonâ fide* possessor of property had in good faith constituted a servitude over it. If a servitude was unjustly claimed over property, its owner could take the offensive by bringing an *actio negatoria in rem* against the claimant; its object being to establish the freedom of the property from the alleged right, damages, and security against future disturbance. The plaintiff had, of course, to prove the freedom of his property (Gaius, iv. 3; Dig. 8, 5). The quasi-possessor of a personal servitude, who had "detention" of the object over which it existed, could use the interdicts *utrubi* and *de precario* (Dig. 43, 26, 2, 3) in their original, and *uti possidetis* and *de vi* in their *utilis* form (Dig. 43, 17, 4; *ib.* 16, 3, 15–17). So far as rustic servitudes are concerned, the various rights of way and water were protected by special interdicts—*de itinere actuque privato* (Dig. 43, 19), *de aqua* (Dig. 43, 20), *de rivis* (Dig. 43, 21), *de fonte* and *de fonte reficiendo* (Dig. 43, 22). As to the application of interdicts to urban servitudes, there is a difference of opinion; but the better view would seem to be that only affirmative rights of this class were thus protected (Dig. 43, 17, 3, 6; 43, 23).

Some limitations were imposed on the exercise of ownership at Rome, either upon religious grounds or in the interest of neighbours or of the public generally, and these are sometimes called "legal servitudes," though the name is inappropriate because the property can hardly be termed "servient" in the sense of a genuine servitude. To considerations of religion were due the rules relating to *finis*, a space of five feet in width between adjoining estates, which it was not permitted to cultivate, but which was held sacred and was used by the owners of the adjoining lands for sacrifice. To this class also belong the rules that if a man had buried a dead body on the land of another without his consent, he could not as a general rule be compelled to remove the body, but was bound to make recompense (Dig. 11, 7, 2, 7, 8); and that the owner of a burial-ground to which there is no other access may demand a way to it over adjoining land upon paying reasonable compensation to the owner of the latter (Dig. 12, 7, 12, pr.). Among restrictions imposed upon the exercise of ownership in the interests of adjoining proprietors are the following:—1. A man's duty to fell, at his neighbour's request, trees which grow in his own land, but which hang over the other's house or other building (Dig. 47, 27, 1, pr.–6), and to cut branches, less than fifteen feet from the ground, which hang over any adjoining land which is not his own (Dig. *ib.* 1, 7–9). 2. The rule permitting a man to go on his neighbour's premises to gather the fruits which had fallen thereon from his own trees: with this limitation, that he could go only "tertio quoque die" (Dig. 43, 28). 3. The limitations described under the head of AQUA PLUVIA.

"Legal servitudes" established in the interest of the public at large comprise:—1. A man's obligation to allow any one to come on his land in search of or for the removal of his property (Dig. 10, 4, 15; 39, 2, 9, 1; 19, 1, 25). 2. The obligation of an owner of the bank of a navigable river to allow persons in charge of boats, &c. to land thereon, make fast their vessels, and do all other acts required by their business (Inst. ii. 1, 4; Dig. 1, 8, 5, pr.). 3. According to the Twelve Tables, every owner of land in Rome was required to leave a vacant space two feet and a half in width round any building that he erected (*legitimum spatium*, *legitimus modus*): consequently between two adjoining houses there must be an interval of five feet. This law was doubtless often disregarded, for after the fire in Nero's reign (Tac. *Ann.* xv. 43) it was forbidden to build houses with a common wall (*communio parietum*), and the old *legitimum spatium* was required to be observed: see Dig. 8, 2, 14, where it is referred to in a rescript of Antoninus and Verus. 4. Rules as to the height and form of buildings. Augustus (Suet. *Aug.* 89) fixed the height at 70 feet, and after the great fire Nero made some regulations on the same subject: by Trajan the maximum height was fixed at 60 feet. 5. The owner of land adjoining a public road must, if the latter is partly destroyed by floods or otherwise, surrender a portion of his estate in lieu thereof (Dig. 8, 6, 14, 1; 43, 8, 2, 21). 6. Under the later Roman law a landowner was compelled to allow explorations on his land for minerals in consideration of a royalty of one-tenth the wealth extracted (Cod. 11, 6, 3, 6); and the rule declared that the owners of lands adjoining public aqueducts must permit materials to be taken therefrom for these public purposes upon receiving proper compensation. 7. The owner of timber which another had built into his house or vineyard (*tignum junctum aedibus vineaeve*) could not claim it by action until permanently severed, though when severed he could recover it, and in the meanwhile was entitled to demand double its value (Inst. ii. 1, 29;—Dig. 41, 1, 7,

10; 47, 3, 1). 8. The Twelve Tables forbade the burning or burial of a dead body within the city; a rule which was enforced by a Lex Duilia, and which in the time of Antoninus Pius prevailed both in Rome and other cities.

(Gaius, ii. 28–33; Inst. ii. tits. 3–5; Dig. 7 and 8; Cod. 3, 33 and 34. The best treatises on the subject, apart from the ordinary Manuals of Roman law, are Luden, *Die Lehre von den Servituten*, Gotha, 1837; Hoffmann, *Die Lehre von den Servituten nach röm. Rechte*, 2 vols., Darmstadt, 1838, 1843; Zielonacki, *Kritische Erörterungen über die Servitutenlehre nach röm.-Rechte*, Breslau, 1849; Elvers, *Die röm. Servitutenlehre*, Marburg, 1854–1856; Schonemann, *Die Servituten*, 1866; Molitor, *La Possession ... et les Servitutes en Droit romain*, Gand, 1851, pp. 291 *sqq.* For the so-called Legal Servitudes, cf. Dirksen's essay, *Ueber die gesetzlichen Beschränkungen des Eigenthums*, &c. in the *Zeitschrift für gesch. Rechtswiss.* p. 16 *sq.*) [J. B. M.]

SERVUS, 1 (GREEK). The Greek δοῦλος, like the Latin *servus*, corresponds to the usual meaning of our word "slave." Slavery existed almost throughout the whole of Greece; and Aristotle (*Pol.* i. 3=p. 1253 b, 4) says that a complete household is that which consists of slaves and freemen (οἰκία δὲ τέλειος ἐκ δούλων καὶ ἐλευθέρων), and he defines a slave to be a living instrument, a living chattel (ὁ δοῦλος ἔμψυχον ὄργανον, *Eth. Nic.* viii. 13=p. 1161 b, 4; ὁ δοῦλος κτῆμά τι ἔμψυχον, *Pol.* i. 4=p. 1253 b, 32). None of the Greek philosophers ever seem to have objected to slavery as a thing morally wrong: Plato in his perfect State only desires that no Greeks should be made slaves by Greeks (*de Rep.* v. p. 469 C), and Aristotle defends the justice of the institution on the ground of a diversity of race, and divides mankind into the free (ἐλεύθεροι) and those who are slaves by nature (οἱ φύσει δοῦλοι): under the latter description he appears to have regarded all barbarians in the Greek sense of the word, and therefore considers their slavery justifiable.

There was a tradition that in the most ancient times there had been no domestic slaves in Greece, but that the women in all ranks did the house-work themselves (Herod. vi. 137; Pherecrat. *ap.* Ath. vi. p. 263 b=*fr.* 5, M.). We find them, however, in the Homeric poems, our earliest evidence for social conditions in Greece: usually prisoners taken in war (δοριάλωτοι), but also kidnapped, and freely bought and sold (*Od.* xv. 483). They were, however, at that time mostly confined to the houses of the wealthy. As on the one hand there were then none of the scruples of later times about enslaving Greeks, so on the other the condition of slavery brought no disgrace with it. The fortune of war levelled all distinctions; men and women of good and even princely birth accepted slavery as part of the chances of life; there are indications, however, as Prof. Mahaffy has pointed out, that such a well-born slave might be treated as "socially his master's equal ... a member of the same caste society" (*Social Life in Greece*, ed. 3, p. 57). Eumaeus the swineherd and Eurycleia the nurse of Ulysses, with their loyal adhesion to the cause of their absent master, are among the most charming figures in the Odyssey; at the same time they enjoy, as confidential upper servants, all the comforts of life: the inevitable dark side of the institution is shown in the fate of Melanthius and the erring handmaids (*Od.* xxii. 433–477).

Predial slavery does not seem to have existed in the Homeric age; the θῆς was in all probability a free man, though a poor and despised one (HELOTES, Vol. I. p. 940 *a*; THETES). But not long afterwards we find serfs *ascripti glebae*, mostly, as in mediaeval times, the result of conquest and migration. Such were the Helots of Sparta [HELOTES], the Penestae of Thessaly [PENESTAE], the Aphamiotae or Clarotae of Crete (Callistr. *ap.* Ath. vi. 263 f; COSMI). To these may be added, although they are little more than names to us, the Bithynians at Byzantium (Phylarch. *ap.* Ath. vi. 271 b; called προύνικοι, Poll. vii. 132), the Mariandyni at Heraclea in Pontus (Posidon. *ap.* Ath. vi. 263 d; Strabo, xii. p. 542), and the Cyllyrii at Syracuse (Κυλλύριοι, Herod. vii. 155; Καλλικύριοι, Suid. *s. v.*, Zenob. *Cent.* iv. 54; Κιλλικύριοι, Phot. *s. v.*). Domestic slaves acquired by purchase (ἀργυρώνητοι or χρυσώνητοι, cf. Isocr. *Plataic.* § 18; Callistr. *ap.* Ath. vi. 263 e) were entirely the property of their masters, and could be disposed of like any other goods and chattels: these were the δοῦλοι properly so called, and were the kind of slaves that existed at Athens and Corinth. In commercial cities slaves were very numerous, as they performed the work of the artisans and manufacturers of modern towns. In poorer republics which had little or no capital, and which subsisted wholly by agriculture, they would be few: thus in Phocis and Locris there are said to have been originally no domestic slaves. (Timae. *ap.* Ath. vi. p. 264 c; Clinton, *F. H.* vol. ii. pp. 411, 412.) The majority of slaves were purchased; few comparatively were born in the family of the master, partly because the number of female slaves was very small in comparison with the male, and partly because the cohabitation of slaves was discouraged, as it was considered cheaper to purchase than to rear slaves. A slave born in the house of a master was called οἰκότριψ, in contradistinction to one purchased, who was called οἰκέτης. ([Dem.] *de Synt.* p. 173, § 24; Ammon. and Suid. *s. v.*) If both the father and mother were slaves, the offspring was called ἀμφίδουλος (Eustath. *ad Od.* ii. 290): if the parents were οἰκότριβες, the offspring was called οἰκοτρίβαιος (Pollux, iii. 76).

It was a recognised rule of Greek national law that the persons of those who were taken prisoners in war became the property of the conqueror (Xen. *Cyr.* vii. 5, § 73), but it was the practice for Greeks to give liberty to those of their own nation on payment of a ransom. Consequently almost all slaves in Greece, with the exception of the serfs above mentioned, were barbarians. It appears to follow from a passage in Theopompus (*ap.* Ath. vi. p. 265 b) that the Chians were the first who carried on the slave trade; and there the slaves were more numerous in comparison with the free inhabitants than in any other place except Sparta (Thuc. viii. 40). In the early ages of Greece, a great number of slaves was obtained by pirates, who kidnapped persons on the coasts, but the chief supply seems to have come from the Greek colonies in Asia Minor, who had

abundant opportunities of obtaining them from their own neighbourhood and the interior of Asia. A considerable number of slaves also came from Thrace, where the parents frequently sold their children (Herod. v. 6).

At Athens, as well as in other states, there was a regular slave market, called the *κύκλος* (Harpocrat. *s. v.*), because the slaves stood round in a circle. They were also sometimes sold by auction, and appear then to have been placed on a stone called the *πρατὴρ λίθος* (Pollux, iii. 78): the same was also the practice in Rome, whence the phrase *homo de lapide emptus*. [AUCTIO.] The slave market at Athens seems to have been held on certain fixed days, usually the first day of the month (*νουμηνία*, Aristoph. *Eq.* 43, with Schol.). The price of slaves naturally differed according to their age, strength, and acquirements. "Some slaves," says Xenophon (*Mem.* ii. 5, § 2), "are well worth two minas, others hardly half a mina; some sell for five minas and others even for ten; and Nicias the son of Niceratus is said to have given no less than a talent for an overseer in the mines." Boeckh (*P. E.* p. 67 ff. = *Sthh.*[3] i. 85 ff.) has collected many particulars respecting the price of slaves; he calculates the value of a common mining slave at from 125 to 150 drachmas. The knowledge of any art had a great influence upon the value of a slave. Of the thirty-two or thirty-three sword-cutlers who belonged to the father of Demosthenes, some were worth five, some six, and the lowest more than three minas; and his twenty couch-makers together were worth 40 minas (*in Aphob.* i. p. 816, § 9). Considerable sums were paid for courtesans and female players on the cithara; twenty and thirty minas were common prices for such (Ter. *Adelph.* iii. 1, 37, iii. 2, 15, iv. 7, 24; *Phorm.* iii. 3, 24): Neaera was sold for thirty minas (Demosth. *c. Neaer.* p. 1354, § 29).

The number of slaves was very great in Athens. According to the census made when Demetrius Phalereus was archon (B.C. 309), there are said to have been 21,000 free citizens, 10,000 mětoecs, and 400,000 slaves in Attica (Ctesicles, *ap.* Ath. vi. p. 272 c). This statement was formerly criticised on account of the immense disproportion between the slave population and the free (Hume, *Essays*, i. 419, ed. Green and Grose; Niebuhr, *Hist. of Rome*, vol. ii. note 143). It is now admitted, with Boeckh (*P. E.* p. 36 = *Sthh.*[3] i. 47) and Clinton (*F. H.* ii. p. 391), that in computing the citizens and metoecs the object was to ascertain their political and military strength, and hence the census of only males of full age was taken; while in enumerating slaves, which were property, it would be necessary to compute all the individuals who composed that property. Boeckh's estimate, of a total population of 500,000, made up of 90,000 citizens, 45,000 resident aliens, and 365,000 slaves, is regarded as approximately correct (Büchsenschütz, Göll, Fränkel). During the occupation of Decelea by the Lacedaemonians more than 20,000 Athenian slaves escaped to that place (Thuc. vii. 27). From Hypereides (*fr.* 33, Sauppe, *ap.* Suid. *s. v.* *ἀπεψηφίσατο*) it appears that there were at least 150,000 adult male slaves in Attica; we know that the numbers of females and children were relatively small (see above); and these figures are not inconsistent with the estimate just given for the total slave population (cf. note in Boeckh, *Sthh.*[3] i. 38). Two other statements in the same passage of Athenaeus must be pronounced far more open to criticism; that of Timaeus, that Corinth once had possessed 460,000, and that of Aristotle, that Aegina had contained 470,000 slaves (Ath. vi. 272 b, d; Schol. Pind. *Ol.* viii. 30). These numbers can only be understood, especially in relation to Aegina, of the early times before Athens had obtained possession of the commerce of Greece. Bursian has further pointed out that they may include the crews of an immense fleet of ships, and the slaves belonging to merchants settled abroad (*Geogr. von Griechenl.* ii. 13 and 79): nevertheless, we hold that Boeckh, in his later editions, is right in pronouncing them exaggerated (*Sthh.*[3] i. 51). We need not suspect corruption in the texts of these authors; but the best minds among the Greeks were without the evidence which statistics now afford of the limits of population that can be supported on a given area. The Corinthian territory was much smaller than Attica, and at least as mountainous; while that of Aegina does not exceed 42 English square miles, only half of which is capable of cultivation. No doubt slaves were closely packed as regards space; but they would require their choenix of corn a day (at Corinth, *χοινικομέτραι* was a name for the slaves, Ath. *l. c.*); and with the supposed numbers, Aegina would have been dependent upon importation for almost the whole of her food. The light soil of Attica grew about five-sevenths of the corn required for its population [SITOS]; and it is unlikely that the subsistence of any Greek state was on a more artificial footing than this, or that ancient commerce, particularly in those early times, was sufficiently organised to be equal to the strain.

At Athens even the poorest citizen had a slave for the care of his household (Aristoph. *Plut.* init.), and in every moderate establishment many were employed for all possible occupations, as bakers, cooks, tailors, &c. The number possessed by one person was never so great as at Rome during the later times of the Republic and under the Empire, but it was still very considerable. Plato (*de Rep.* ix. p. 578 D, E) expressly remarks, that some persons had fifty slaves and even more. This was about the number which the father of Demosthenes possessed (*in Aphob.* i. p. 823, § 31); Lysias and Polemarchus had 120 (Lys. *in Eratosth.* § 19), Philemonides had 300, Hipponicus 600, and Nicias 1000 slaves in the mines alone (Xen. *de Vect.* 4, §§ 14, 15). It must be borne in mind, when we read of one person possessing so large a number of slaves, that they were employed in various workshops, mines, or manufactories: the number which a person kept to attend to his own private wants, or those of his household, was probably never very large. And this constitutes one great distinction between Greek and Roman slaves, that the labour of the former was regarded as the means by which an owner might obtain profit for the outlay of his capital in the purchase of the slaves, while the latter were chiefly employed in ministering to the wants of their master and his family, and in gratifying his luxury and vanity. Thus Athenaeus (vi. p. 272 e) remarks, that many of the Romans

possess 10,000 or 20,000 slaves and even more, but not, he adds, for the sake of bringing in a revenue, as the wealthy Nicias.

Slaves either worked on their masters' account or their own (in the latter case they paid their masters a certain sum a day); or they were let out by their master on hire either for the mines or any other kind of labour, or as hired servants for wages (*ἀποφορά*). The rowers on board the ships were usually slaves (Isocr. *de Pace*, § 48); it is remarked as an unusual circumstance that the seamen of the Paralos were freemen (Thuc. viii. 73). These slaves either belonged to the state or to private persons, who let them out to the state on payment of a certain sum. It appears that a considerable number of persons kept large gangs of slaves merely for the purpose of letting out, and found this a profitable mode of investing their capital. Great numbers were required for the mines, and in most cases the mine-lessees would be obliged to hire some, as they would not have sufficient capital to purchase as many as they wanted. Generally none but inferior slaves were confined in these mines: they worked in chains, and numbers died from the effects of the unwholesome atmosphere (Boeckh, *On the Silver Mines of Laurion*). We cannot calculate with accuracy what was the usual rate of profit which a slave-proprietor obtained. The thirty-two or thirty-three sword-cutlers belonging to the father of Demosthenes produced annually a net profit of 30 minas, their purchase value being 190 minas, and the twenty couch-makers a profit of 12 minas, their purchase value being 40 minas (Demosth. *in Aphob.* i. p. 816, § 9). The leather-workers of Timarchus produced to their masters two, the overseers three, oboli a day (Aeschin. *in Tim.* § 97): Nicias paid an obolus a day for each mining slave whom he hired (Xen. *de Vect.* 4, § 14). The rate of profit upon the purchase-money of the slaves was naturally high, as their value was destroyed by age, and those who died had to be replaced by fresh purchases. The proprietor was also exposed to the great danger of their running away, when it became necessary to pursue them and offer rewards for their recapture (*σῶστρα*, Xen. *Mem.* ii. 10, § 1, 2; Plat. *Protag.* p. 310 C). Antigenes of Rhodes was the first who established an insurance of slaves. For a yearly contribution of eight drachmas for each slave that was in the army, he undertook to make good the value of the slave at the time of his running away (Pseudo-Arist. *Oecon.* ii. 35). Slaves who worked in the fields were under an overseer (*ἐπίτροπος*), to whom the whole management of the estate was frequently entrusted, while the master resided in the city; the household slaves were under a steward (*ταμίας*), the female slaves under a stewardess (*ταμία*). (Xen. *Oecon.* 9, § 11; 12, § 2.)

The Athenian slaves did not, like the Helots of Sparta and the Penestae of Thessaly, serve in the armies; the battles of Marathon and Arginusae, when the Athenians armed their slaves (Pausan. i. 32, § 3; Schol. *ad* Aristoph. *Ran.* 33), were exceptions to the general rule.

The rights of possession with regard to slaves differed in no respect from any other property; they could be given or taken as pledges (Dem. *c. Aph.* i. p. 821, § 24; *c. Onet.* i. p. 871, § 27; *c. Pantaen.* p. 967, § 4), and in cases of distraint were among the first "cattle" or "chattels" seized (Dem. *c. Androt.* p. 610, § 56; *c. Timocr.* p. 762, § 197). Nevertheless, Greek slavery, above all at Athens, will compare favourably with the same institution at Rome, or as practised by Christian nations in the New World. Plutarch thought the Spartan slaves the most unhappy in Greece (*Lyc.* 28); but the Helots were by many degrees better off, and more humanely treated, than the droves of slaves who tilled the *latifundia* of the Romans, or pastured their flocks in Calabria and Sicily (cf. CRUX, Vol. I. p. 567 *b*). At Athens, again, they were allowed a degree of liberty and indulgence which seemed surprising to other Greeks. There was no slave costume regulated by law, and differing from the dress of the citizens; the slaves were not to be distinguished externally from the lower class of citizens, and in the *richer* houses were often better clothed than these; only the wearing of long hair was not allowed them, which, however, was only worn by a few of the citizens. They did not make way in the street; they could not be struck, for fear of assaulting a freeman; and they enjoyed a saucy freedom of speech (*ἰσηγορία*). The writer of the tract on the Athenian polity, in Xenophon's works, notices these points as characteristic of a commercial state: the slaves were often employed in making money for their masters ([Xen.] *Rep. Ath.* 1, §§ 10–12). They were excluded from the gymnasium (Aeschin. *c. Timarch.* § 138; Plut. *Sol.* 34) and the ecclesia (Aristoph. *Thesm.* 294; Plut. *Phoc.* 34); but they were not forbidden to enter the temples and shrines, or to assist at sacred rites, whether public or private ([Dem.] *c. Neaer.* p. 1374, § 85). On the reception of a newly-purchased slave into a house at Athens, it was the custom to scatter sweetmeats and nuts (*καταχύσματα*) over him, to be scrambled for by his fellow-servants; but this was rather for the sake of a good omen than on the slave's own account (Aristoph. *Plut.* 768, with Schol.; Dem. *c. Steph.* i. p. 1123, § 74, with Sandys' note; Hermann-Blümner, *Privatalterth.* p. 82).

The denial of legal rights to a slave led to a state of things "almost grotesque in its absurd cruelty" (Mahaffy, p. 241), which however, at least in the time of Demosthenes, was considerably mitigated in practice; the law, namely, by which the taking of slaves' evidence was regulated. When it is said that such evidence in courts of justice was always taken with torture, this does not mean that it was the rule to torture slaves who gave evidence to a fact, but only if they denied any knowledge or appeared to suppress it in the interest of their master. The giving of independent evidence was a personal privilege of freemen, whether citizens or aliens, but excluding women and *ἄτιμοι* [MARTYRIA, *init.*]; hence the testimony of slaves could not be resorted to in the first instance with the honest desire of getting at the facts of a case. What happened was this. It was assumed that slaves through dread of their master's vengeance would always support his view of the case, but that the truth might be elicited if they were tortured by the other side. Hence we find that in any dispute between two citizens about the most trifling sum of money, or if (as in the speech of Antiphon *de Choreuta*) it was

attempted from vindictive motives to import a criminal charge into a case which was *primâ facie* accidental, either might challenge (*προκαλεῖσθαι*) the other to give up his slaves for torture, or tender his own to be similarly examined, on the mere chance that something might be proved. To call for the production of slaves in this way was *ἐξαιτεῖν*, to comply with the demand *ἐκδιδόναι* (Dem. *c. Onet.* i. p. 874, §§ 35, 36). We see this theory in its most repulsive shape in Antiphon, the oldest of the extant orators (cf. Antiph. *de caed. Herod.* § 49, *de Choreut.* § 25; Mahaffy, *l. c.*); in the prosperous days of the Peloponnesian war the Athenians seem to have been harder-hearted than they afterwards became under the influence of misfortune; and in the time of Aristophanes the torture was an every-day or at least frequent incident in the law courts (*στρεβλοῦτε καὶ δικάζετε*, *Nub.* 620). Afterwards, though the law remained the same, a stronger feeling of humanity sprang up, which finds its expression in many passages of Demosthenes (e.g. *c. Nicostr.* p. 1253, § 22; *c. Conon.* p. 1265, § 27); excuses were made for not complying, though the other side made a strong point of the refusal; the challenge was put forward as a manoeuvre to gain time, or with the hope of scoring a point with the jury, but with no serious expectation that it would be complied with. The Private Orations in general leave the impression that, in this one respect, Athenian practice was more humane than the theory. In his action against his guardian, Demosthenes himself demands the torture of three *female* slaves on the point whether Onetor's sister has really (and not, as he contends, collusively) been divorced by Aphobus; Onetor, who ultimately lost his cause, has the grace to refuse the demand (Dem. *c. Onet.* l. c.; for another example, see Lysias, *Or.* 4, *περὶ τοῦ τραύματος*, § 12). Other questions connected with the torture of slaves are discussed under TORMENTUM. In his relations with his master a slave might naturally expect corporal chastisement, which was the last mode of punishment inflicted on a freeman (Dem. *c. Timocr.* p. 752, § 167); but in the case either of extreme cruelty or of outrage against his chastity, he could take sanctuary in the temple of Theseus [ASYLUM, Vol. I. p. 235 *b*], and there claim the privilege of being sold away from his oppressor (*πρᾶσιν αἰτεῖν*, Plut. *Thes.* 36; Pollux, vii. 13; Aristoph. *Eq.* 1312 with Schol.; *Att. Process*, p. 625 f., Lipsius). His life, unlike that of Roman slaves in republican times, was safe even from his master; he could not be put to death without legal sentence (Eurip. *Hec.* 291, 292; Antiph. *de caed. Herod.* § 34). But the barbarous rule that if a master were murdered (even, it seems, if his life were attempted), and the perpetrator remained undetected, the whole household should be executed, prevailed also at Athens (Antiph. *op. cit.* § 69; Mahaffy, p. 243). Against assault or outrage by any one else than his master the slave was protected by law. (See HYBRIS, Vol. I. p. 983 *b*, and the references there.)

Notwithstanding the comparatively mild treatment of slaves in Greece, their insurrection was not unfrequent (Plat. *Legg.* vi. p. 777 C): but in Attica these insurrections were mostly confined to the mining slaves, who were treated more harshly than the others. On one occasion they murdered their guards, took possession of the fortifications of Sunium, and from this point ravaged the country for a considerable time (Ath. vi. p. 272 f).

Slaves were sometimes manumitted at Athens, though not so frequently as at Rome; but it seems doubtful whether a master was ever obliged to liberate a slave against his will for a certain sum of money, as some writers have concluded from a passage of Plautus (*Casin.* ii. 5, 7). Those who were manumitted (*ἀπελεύθεροι*) did not become citizens, as they did at Rome, but passed into the condition of metoecs. They were obliged to honour their former master as their patron (*προστάτης*), and to fulfil certain duties towards him, the neglect of which rendered them liable to the *δίκη ἀποστασίου*, by which they might again be sold into slavery [LIBERTUS, p. 62 *a*; APOSTASIOU DIKÉ, APOSTASIOU DIKÉ, in Vol. I.].

Respecting the public slaves at Athens, see DEMOSII.

It appears that there was a tax upon slaves at Athens (Xen. *de Vect.* 4, § 25), which Boeckh (*P. E.* pp. 331, 332 = *Sthh.*[3] i. 403) supposes was three oboli a year for each slave; it is more probable, however, that this was a tax upon the import of slaves, and their transfer by sale, not a license duty paid annually by their owners (Fränkel, n. 546 on Boeckh).

Authorities.—Boeckh, book i. cc. 7, 13, book iii. c. 7; K. F. Hermann, *Staatsalterth.* § 114; Hermann-Blümner, *Privatalterth.* §§ 12, 13; Schömann, *Antiq.* i. 348–353, E. T.; Gilbert, *Staatsalterth.* i. 163–169; Mahaffy, *Social Life in Greece*, ed. 3, p. 240 ff.; and esp. Becker-Göll, *Charikles*, iii. pp. 1–47; Büchsenschütz, *Besitz und Erwerb*, pp. 104–208. [W. S.] [W. W.]

SERVUS, 2 (ROMAN), SERVITUS. In the writings of the Roman jurists and philosophers slavery appears as the chief, if not the only, instance of an opposition between the *jus gentium* and the *jus naturale*. That it was *contra naturam* is repeatedly stated, as by Justinian, in Inst. i. 3, 2 ("servitus .... qua quis dominio alieno contra naturam subjicitur"), following Florentinus in Dig. 1, 5, 4 (cf. Inst. i. 2, 2; Athen. vi. pp. 263, 267; Macrob. *Saturn.* i. 7; Augustin. *de Civitate Dei*, xix. 15; Dig. 12, 6, 64; Cod. 7, 24), though the philosophers had considered some forms at least of slavery as natural (Aristot. *Pol.* i. 2, §§ 15, 18: cf. Cic. *de Rep.* iii. 25, 37). That it was due to the *jus gentium*, or universal practice of mankind, is affirmed by Gaius (i. 52); Ulpian in Dig. 1, 1, 4, pr.; Luctatius, in Stat. *Theb.* v.; Dig. 12, 6, 64: the notion being perhaps based on the hypothesis of a tacit compact between the peoples of the earth, as is suggested by Aristotle—*ὁ γὰρ νόμος ὁμολογία τίς ἐστιν, ἐν ᾧ τὰ κατὰ πόλεμον κρατούμενα τῶν κρατούντων εἶναί φασιν* (*Pol.* i. 2).

The relation of the master to his slave is expressed by the term *dominium*, as in the passage cited above from the Institutes: cf. Dig. 50, 16, 215; Aristot. *Pol.* i. 2, 4, *ὁ δοῦλος οὐ μόνον δεσπότου δοῦλος, ἀλλὰ .... ὅλως ἐκείνου*: *ib.* 7, *ὁ μὴ αὐτοῦ .... ἀλλ' ἄλλου* (cf. *Eth. Nicom.* iv. 3); Zeno in Diog. Laert. vii. 121, *δουλεία, στέρησις αὐτοπραγίας*: Dion Chrysost. *Or.* 15. The master is *dominus* of his

slave just as he is *dominus* of his horses or any other object of property, among which he is classified as a *res mancipi* by Ulpian (*Reg.* 19, 1) and Gaius (ii. 15): the slave is conceived not as a *persona*, but as a *res* [CAPUT: cf. Dig. 50, 17, 209, "servitutem mortalitati fere comparamus"], and the master may accordingly deal with him just as he may with any other *res* of which he is owner; he may sell him, and has *jus vitae necisque* over his person (Gaius, i. 52: cf. Dionys. vii. 69; Plut. *Cato Major*, 21; Appian, *B. C.* i. 98). But there are points in which the slave stands on a different footing from other *res*. The master is said to exercise *potestas* over him, a term properly descriptive of control only over reasonable beings ("verbum potestatis non solum ad liberos trahimus, verum etiam ad servos," Dig. 24, 1, 3: cf. Inst. i. 8, 1); and between "power" over a filiusfamilias and "power" over a slave there was originally perhaps little difference, though in other respects the former always occupied a very superior legal position to the latter. It was through this *potestas* that the slave became, as it were, a member or limb of the *dominus*, whereby he could act as his agent in commerce, and acquired capacity to be heir or legatee under a will. But a person who had a mere *nudum jus Quiritium* in a slave had no *potestas* over him: he must at least have him *in bonis* (Gaius, i. 54). Again, unlike a mere animal, a slave could become free, and thus a *persona*, and his acts and dispositions entail legal consequences as well on his master as on himself. Lastly, the tie of kinship is recognised; the respect which a child owes to its parents is due even between such relations who have been manumitted (Dig. 2, 4, 4, 3), and who are also debarred from intermarrying if within the degrees prohibited by law (Inst. i. 10, 10; Dig. 23, 2, 14, 2).

The extreme exercise of a master's strict right to deal with the person of his slave in any way he pleased was in practice considerably restrained by usage. In the older times slaves were well treated, and ate frequently at the same table with their masters (Macrob. i. 7, 10, 11; Cato, *R. R.* 5), of whose children they were the instructors, nurses, and playmates (Plut. *Cor.* 24; *Cato Major*, 3, 20, 21; Macrob. *l. c.*; Plin. *H. N.* xxxiii. § 26; Sen. *Epist.* 47); and a master who starved or otherwise ill-treated his slaves was punished as a bad citizen by the censors (Dionys. *fragm.* xx. ed. Mai.). The slaves also shared with the free in many of the privileges and offices of religion (Dionys. iv. 14; Cato, *R. R.* 57). Still, when the Roman national habit had been corrupted by the luxury and brutality of the Empire, it was found necessary to legislate against excessive cruelty. A Lex Petronia, enacted perhaps as early as Augustus, and a number of amending senatusconsulta, forbade the arbitrary sale of slaves for combating wild beasts in the arena, even though they had done some act deserving punishment (Gell. v. 14; Dig. 48, 8, 11, 1 and 2; 18, 1, 42). On the other hand, the old practice of putting slaves to the torture for the purpose of discovering their master's murderer was about the same time made a universal statutory rule by the Senatusconsultum Silanianum, which also punished those who refused assistance to the master (Dig. 29, 5). Claudius bestowed freedom on slaves whom their masters exposed on account of ill-health, and threatened penalties for killing them under such circumstances (Suet. *Claud.* 25); and Hadrian forbade the killing of slaves in any case without judicial sanction (Spartian. *Hadr.* 18; Dig. 1, 6, 18, 2). Antoninus Pius enunciated as a general principle that slaves should be entitled to make complaints to the praefectus urbi or praetorio of ill-treatment at their masters' hands (Dig. 1, 12, 1, 8) and obtain protection therefrom (*Coll. Leg. Mos.* iii. 2; Dig. 1, 6, 2), the master being compelled to sell them to some person more humane: if he caused their death, he was (apart from certain excepted cases, Dig. 48, 5, 24; 48, 8, 1, 4, &c.) subjected to the penalties of the Lex Cornelia de sicariis (Gaius, i. 53; Inst. i. 8, 2). It was also enacted that in sales or divisions of property slaves who were nearly related should not be separated (Dig. 21, 1, 35; Cod. 3, 38, 11), and that praedial slaves upon whom the *tributum capitis* was paid should not be removed from the land to which they were attached (Cod. 11, 47, 7). Yet these enactments must not be supposed to have conferred any legal rights upon the slave: they merely limited the general rights of ownership on grounds of expediency, and their rationale is well expressed by Gaius, who says, "male enim nostro jure uti non debemus: qua ratione et prodigis interdicitur bonorum suorum administratio" (i. 53). Yet in the rule stated by Justinian (Inst. iv. 4, 7), that the damages for an injuria to a slave should vary according to his position and employment, we approach very nearly to the conception of a slave as having a *persona* or *caput*: "hanc enim," it is said, "et servum sentire palam est." If a slave was injured by a third person, the master had his remedy in various civil actions (Gaius, iii. 210, 217, 223; Paul. *Sent.* i. 13, 6;—Dig. 47, 10, 15, 34 and 35; 11, 3, 1), and if he was killed wilfully could prosecute the delinquent under the Lex Cornelia de sicariis.

Slaves were incapable of marriage (*sensu legali*) of any kind, but a permanent connexion between two slaves, or a slave and a free person, was called *contubernium* (Paul. *Sent.* ii. 19, 6; Cod. 5, 5, 3). Here the natural relation of parent and child was to some extent recognised, *e.g.* as a *justa causa manumissionis*, Gaius, i. 19: see AELIA SENTIA LEX. Accordingly, as has been remarked above, when slaves had become free, and so acquired capacity of intermarriage, they were held to be within the rules as to prohibited degrees.

A slave was as incapable of proprietary as of other rights, and everything conveyed to him, whether by mancipatio or traditio, became *ipso facto* the property of his master ("etiam invitis nobis per servos adquiritur paene ex omnibus causis," Dig. 41, 1, 32): a rule sometimes supposed to be attributed by Gaius (i. 52) and Justinian (Inst. i. 8, 1) to the Jus Gentium, but instances to the contrary are found in the Helots (Plut. *Lycurg.* 24) and among the Germans (Tac. *Germ.* 25). If one master had over him a *nudum jus Quiritium* and he was *in bonis* to another, his acquisitions belonged to the latter only. If a man *bonâ fide* possessed another man's slave or a free person *bonâ fide serviens*, he only acquired in two cases, being

entitled to all that the other gained by means of the possessor's property (*ex re ejus*) or by his own labour (*ex operis suis*): the law was the same with respect to a slave in whom a man had only a usufruct. All other acquisition of such slaves or free men *bonâ fide servientes* belonged, according to their condition, to their master or to themselves. If a slave were instituted *heres*, he could only accept the *hereditas* with the consent of his master, in whom it vested immediately on acceptance; but legacies bequeathed to him became the master's without any necessity for acceptance at all (Gaius, ii. 87, &c.).

A master could also acquire possession through his slaves, and usucapion would begin to run from the moment of its acquisition: but, unless the master possessed the slave himself, the latter could not acquire possession of other things for him; for instance, this could not be done by a slave who was in pledge [PIGNUS]. A *bonâ-fide* possessor, *i.e.* one who believed the slave to be his own, could acquire possession through him in the same cases as those in which he could acquire ownership, which excluded acquisition for the pledgee by a slave in pledge: and a usufructuary acquired possession through the slave in the same two cases as the *bonâ-fide* possessor; but, as he did not possess the slave himself, he could not acquire him by usucapio (Gaius, ii. 93; Inst. ii. 9, 4: *cf.* Savigny, *Possession*, p. 314, ed. 5).

An almost necessary modification of the above-stated principles resulted from the common employment of slaves by their masters in every variety of service and occupation—as mechanics, artisans, clerks, stewards, business managers, actors, surgeons and physicians, teachers, &c.: in which avocations they might by industry and economy (Dig. 15, 1, 39), and even by pecuniary advances which the master often made them in his own interest (Plut. *Cato Major*, 21), accumulate no small wealth, which they were usually allowed by special permission (*concessio*, Dig. 15, 1, 4, pr. and 2) to administer on their own behalf under the name of *peculium*. The *peculium* technically remained part of the master's property (Dig. 41, 1, 37, 1), and could be resumed or appropriated by him at pleasure (Dig. 15, 1, 8); but this does not appear to have been commonly done, the practice being to promise slaves their freedom if they could accumulate a *peculium* of a certain value (Dionys. iv. 24; Tac. *Ann.* xiv. 42). Generous masters even allowed them sometimes to dispose of it on their death-bed (Plin. *Ep.* viii. 16), and on manumission a slave was by law entitled to retain his *peculium* unless expressly reserved by the master (*fragm. Vat.* 261; Dig. 15, 1, 53; Cod. 7, 23; Inst. ii. 20, 20). The institution of *peculium* made it possible for contracts to be entered into between masters and slave (Dig. 15, 1, 49, 2), from which, it is true, no right of action arose (Gaius, iv. 78; Sen. *de Benef.* iii. 19), but which nevertheless created a "natural" obligation [OBLIGATIO]; *so that*, if after the slave's manumission the master paid him a debt which had arisen before it, he could not redemand the money on the ground that it was not owed (Dig. 12, 6, 64), and his own debts to the master were discharged by automatic reduction, so to speak, of the *peculium*. In the event of external creditors demanding the *peculium* for distribution among themselves on the ground of the slave's insolvency, debts owing to his master by him were first taken into account and deducted (Dig. 15, 1, 5, 4; *ib.* 9, 2); and, if a free man became surety for the debt of a slave to his master or any one else, a right of action arose and he could be sued (Gaius, iii. 119; Inst. iii. 20, 1). *Servi publici*, who belonged to the state, had the special privilege of disposing of half their *peculium* by will (Ulp. *Reg.* xx. 16).

The contracts which a slave made with third persons gave rise, so far as he himself was concerned, only to "natural" obligations, and, though the master could sue upon them, it was a doctrine of the Jus Civile that in no case could any liability attach to the master upon transactions entered into between other persons and those in his power, whether slaves or children: "melior condicio nostra per servos fieri potest, deterior fieri non potest" (Dig. 50, 17, 133). In this respect, however, a change was made by the praetor, though the extent to which the master became suable varied with the circumstances of the case. Where he had either expressly or by implication directed or subsequently ratified the slave's contract, he was made as fully liable in person as if he had actually been the contracting party, the proper action being *quod jussu* [JUSSU QUOD ACTIO], EXERCITORIA, INSTITORIA, or *quasi-institoria* (Gaius, iv. 70, 71; Inst. iv. 7, 1 and 2). Where the slave engaged in trade with a *peculium* with his master's knowledge, and became so embarrassed as to be unable to satisfy his trade creditors in full, the latter could demand a distribution of the *peculium* among themselves, so far at least as it was invested in the business (*merx peculiaris*), in the ratio of their several claims: the division was made by the master, who was here treated as an ordinary creditor, and consequently could not deduct in full debts owing to himself, though he was entitled to a dividend on all his own claims whether arising out of the business or not (Dig. 14, 4, 5–7); but if any creditor was dissatisfied with his conduct of the liquidation, he could get it judicially reviewed by instituting an *actio tributoria* against him (Gaius, iv. 72; Inst. iv. 7, 3; Dig. 14, 4). If the slave made contracts without the master's knowledge or against his orders, the latter might be liable to an *actio de peculio et in rem verso* (Gaius, iv. 73; Inst. iv. 7, 4), in which the judge had firstly to inquire whether the master had himself derived any material advantage from the contract in question, as, if this were the case (*in rem versio*), his own means were liable to that extent; and the benefit which he had obtained might have been so great that the creditor might conceivably get full payment in this manner, as *e.g.* if the slave had borrowed ten sestertia and spent the whole of it in paying his master's debts. But if the latter had derived no material advantage from the slave's contract, or at least not enough to make him liable to the creditor *in solidum*, the judge had to inquire into the amount of the slave's *peculium* (deducting the master's own claims against it) and to condemn the master to pay the creditor from it what was due to him, so far at least as it extended at the date of the

condemnation (Dig. 15, 1, 30, pr.). In deducting the master's own claims, any debt owed by the slave to another slave of the same master, but who was part of the debtor's own *peculium* (as was the case with *servi vicarii*, Dig. 15, 1, 17), was not considered (Dig. 17, 1, 17). The master's liability to the *actio de peculio* lasted for an *annus utilis* after the slave died, or was alienated or manumitted (Dig. 15, 2, 1).

The benefit attaching to a slave's contract belonged entirely to the master, and he could not enforce it by action. If the slave was *bonâ fide* possessed, or held in use or usufruct by a third person, the latter derived advantage from his contracts only so far as they involved the slave's own labour (*ex operis suis*), or were made with reference to or upon the credit of the property of the *bonâ-fide* possessor, usufructuary, or usuary (Gaius, iii. 164, 165; Inst. iii. 18, 1 and 2). The benefit of a contract made by a slave belonging to two or more joint owners belonged to them *pro portione dominii*, unless it was entered into by the directions or in the name of one or some of them only (Inst. iii. 18, 3; *ib.* 28, 3).

For delicts committed by a slave against his master, the latter might inflict punishment himself (Dig. 13, 7, 24, 3; 24, 3, 24, 5; Cod. Theod. 9, 12, 1, 2), though after Hadrian he might not put him to death without magisterial authority; but such delicts in no case gave rise to a legal obligation (Gaius, iv. 78; Inst. iv. 8, 6; Dig. 47, 2, 17, pr.; Cod. 4, 14, 6). The effect of wrongs perpetrated by slaves against third persons is discussed under NOXALIS ACTIO: for those pursuable by a criminal prosecution, they were subject to the ordinary procedure, though sometimes the execution of the sentence was entrusted to the master himself (Plut. *Cato Major*, 21; *Monum. Ancyranum*, tab. ii., ll. 1, 2, 3).

It was strictly forbidden to receive or harbour runaway slaves (*fugitivi*, Dig. 11, 4, 1, 1; Cod. 6, 1, 4, 7), in the pursuit of whom the law co-operated with the master by requiring the authorities to render him every assistance (Dig. 11, 4, 1, 2–8; *ib.* 3 and 4; Paul. *Sent. Rec.* i. 6 a, 3–5; Cod. 6, 1, 2): penalties were also imposed on their alienation and acquisition (Paul. *l. c.*; Dig. 48, 15; Cod. 9, 20, 6), and a special class of persons, called *fugitivarii*, made their pursuit and recapture a regular business (Florus, iii. 19; Dig. 19, 5, 18), which however appears later to have become the means of a great deal of fraud (Cod. Theod. 10, 12, 1). The very running away of the slave was regarded as a stealing of himself (Dig. 47, 2, 60), so that he became a *res furtiva* and could not be acquired by USUCAPIO (Inst. ii. 6, 1), and the possession of him remained in law vested in his master (Dig. 41, 2, 50, 1). The kidnapping or enticing away of slaves was dealt with by a Lex Fabia de plagiariis (Inst. iv. 18, 10) and, apparently at least, two senatusconsulta (Florus, *l. c.*; Varro, *R. R.* iii. 14).

Men were either born slaves or made such by law (*servi aut nascuntur aut fiunt*, Inst. i. 3, 4). It was a general rule of the Jus Gentium that children born out of lawful wedlock followed the condition of the mother, whatever might be that of the father (Dig. 1, 5, 24): thus the children of a female slave (*ancilla*) were slaves themselves (Gaius, i. 82), and if born in their-master's house were called *vernae*. In one or two cases, however, the general principle was reversed by anomalous rules of law, it being enacted by the Senatusconsultum Claudianum (Gaius, i. 84–86) (1) that the children of a free man by an *ancilla* whom he believed to be free, should be free if males, slaves if females; but this exception to the rule of the Jus Gentium was repealed by Vespasian: (2) that if a free woman cohabited with a slave with his master's sanction, the issue should belong to the latter, though she remained free herself; this was repealed by Hadrian (Gaius, i. 84): (3) that if a free woman knowingly cohabited with a *servus alienus* without the consent of the latter's master, and persisted in the intercourse after prohibition by him, after three denunciations on his part she should be awarded to him as a slave by the magistrate, her children, whether born before or after this award, sharing her fate, and her property going with her person; this was not repealed till the time of Justinian (Inst. iii. 12, 1). The status of a child was determined by that of the father at the time of conception, if born of lawful wedlock; otherwise by that of the mother at the time of birth (Gaius, i. 89): but the latter rule had by the time of Paulus (*Sent. Rec.* ii. 24, 1–3) been altered so far as to admit the freedom of a child born of a slave-mother who at the time of conception had been free, or who had been free at any moment between conception and the birth (Paulus, *l. c.*; Inst. i. 4, pr.; Dig. 1, 5, 5).

Of the modes in which free persons became slaves, one was attributed to the Jus Gentium, the rest to the Jus Civile. The former was capture by an enemy in war (Inst. i. 3, 4), or capture even without war by a nation between which and the captive's people there was no friendly treaty or intercourse (Dig. 49, 15, 5, 2). Prisoners taken by the Roman armies were sold as slaves by the aerarium (Dionys. iv. 24; Liv. iv. 34, vi. 4) or retained by the state as *servi publici* (Polyb. x. 17; Liv. xxvi. 47): very rarely they were distributed among the soldiers by lot (Dionys. iv. 24, 50; Liv. iv. 34). The practice of selling prisoners with a crown on their heads is alluded to in the common expressions *sub corona venire* and *vendere* (Gell. vii. 4; Liv. v. 22; Caes. *B. G.* iii. 16). Persons, however, who had become slaves by capture in war might recover their freedom by POSTLIMINIUM. In certain cases the law allowed a free person to be sold as a slave: *e.g.* those who attempted to evade public burdens by not having their names entered on the census (INCENSI; Dionys. iv. 15, v. 75, xi. 63; Cic. *de Leg.* iii. 3, 7; *Tab. Heracl.* ll. 142–148), or who shirked military service (Varro, *ap.* Non. Marc. i. 67; Val. Max. vi. 3, 4; Cic. *pro Caec.* 34, 99: but cf. Dig. 49, 16, 4, 10), and the insolvent debtor under the old law of execution by MANUS INJECTIO. According to the old law, a *fur manifestus* [FURTUM] was liable to a *capitalis poena* and was adjudged (*addictus*) to the person whose property he had stolen; but it was doubted whether the effect of the addictio was to make him a servus or to put him in the condition of an *adjudicatus* (Gaius, iii. 189). A free man over twenty years of age who collusively allowed himself to be sold as a

slave in order to secretly share the purchase-money with the vendor, was as early as the time of Mucius Scaevola refused his *proclamatio in libertatem* by the praetor, and so in effect adjudged a slave: a usage which was confirmed by senatusconsulta (Dig. 40, 13, 3; Inst. i. 3, 4; Cod. 7, 18, 1). This kind of fraud was practised even in the time of Plautus (Pers. i. 3, 58; iii. 1). The mode in which a free woman might become a slave under the SC. Claudianum has been noticed above. By an enactment of Claudius also (Suet. *Claud.* 25), a freedman who had misconducted himself towards his patron might be *revocatus in servitutem;* but this was not the law in the time of Nero (Tac. *Ann.* xiii. 27): however, in the time of Commodus, and possibly earlier, it was the rule that a freedman who had been convicted of gross ingratitude to his patron might be sold as a slave by the latter, or (later) subjected again to his ownership (Cod. 4, 10, 1). Under the emperors it was established that a free man who was condemned to death, to penal servitude in the mines, or to fight with gladiators or wild beasts, became and died a slave (Inst. i. 12, 3; *ib.* 16, 1; —Dig. 48, 19, 8, 11, 12), and so could not leave a valid will (Dig. 28, 1, 8, 4; 28, 3, 6, 6, 7): he was not a slave of the state or the emperor, but a *servus poenae*, and had no master (Dig. 34, 8, 3), so that inheritances and legacies left to him were taken *pro non scriptis* (Dig. 29, 2, 25, 2, 3; 34, 8, 3, pr.). The condition of the children of those condemned to the mines was ameliorated by Justinian's enactment (Nov. 22, 8), that the criminal's marriage should not be dissolved by his condemnation. Apart from these cases, no man could lose his freedom either by private contract (Cic. *pro Caec.* 34, 99; Dig. 40, 1, 2, 37; Cod. 7, 16, 10) or by usucapio (Gaius, ii. 48;—Cod. 7, 14, 6; 7, 22, 3).

Of the modes in which a slave might become free, the chief were MANUMISSIO and POSTLIMINIUM. There were, however, a number of other ways in which liberty was bestowed by the law, without the master's having anything to say in the matter. Thus by the SC. Silanianum slaves were liberated who discovered their master's murderers (Dig. 40, 8, 5), and the same was done by later enactments as a reward for the detection of certain other crimes, such as abduction (Cod. 7, 13, 3) and offences against the mint (Cod. *ib.* 2). The edict of Claudius giving their freedom to slaves whom their master turned out of doors on account of ill-health (Suet. *Claud.* 25; Dio Cass. lx. 29; Dig. 40, 8, 5; Cod. 7, 6, 3) has been already noticed. An enactment of Vespasian did the same for *ancillae* who were exposed to prostitution against the terms of the disposition under which they were acquired (Dig. 37, 14, 7, pr.), and by one of Marcus and Commodus slaves were declared free who were aliened under a promise to manumit, which the alienee failed to perform (Dig. 40, 8, 1): thus if a slave saved enough money to purchase his freedom through a friend, who refused to manumit him, he became free *ipso facto* (Dig. 40, 1, 4, pr.–3). A number of senatusconsulta beginning under Trajan (SC. Rubrianum, Dasumianum, Articuleianum, Vitrasianum, Juncianum) provided in the same manner for the enfranchisement of slaves to whom liberty was bequeathed under a fideicommissum. Freedom could also be acquired by prescription (Dig. 40, 9, 16, 3; Cod. 7, 22, 1–3; Cod. Theod. 4, 8, 3, 5), from the time of Leo, by the slaves attaining certain high offices at court (*e.g.* becoming a *cubicularius*, Cod. 12, 5, 3); and from that of Justinian, subject to certain conditions, by his becoming a monk or spiritual person (Nov. 5, 2, 1; 123, 7, 35). In times of revolution under the Republic, it was not unusual to proclaim the liberty of slaves to induce them to join in revolt (Plut. *Mar.* 41, 42); but these were irregular proceedings, and neither justifiable nor examples for imitation. [J. B. M.]

The preceding account treats of the legal condition of slaves in relation to their masters. It remains to give an account of the history of slavery among the Romans, of the sale and value of slaves, of the different classes into which they were divided, and of their general treatment.

Slaves existed at Rome in the earliest times of which we have any record; but they do not appear to have been numerous under the kings and in the earliest ages of the Republic. According to Dionysius (ix. 25), in B.C. 476 they cannot have amounted to more than one-eighth of the population, and were probably much less (cf. Dureau de la Malle, *Écon. Pol.* i. 225). The different trades and the mechanical arts were chiefly carried on by the clientes of the patricians, and the small farms in the country were cultivated for the most part by the labours of the proprietor and of his own family. But as the territories of the Roman state were extended, the patricians obtained the right of occupying large portions of the ager publicus (Mommsen, i. 276). These estates required a larger number of hands for their cultivation than could readily be obtained among the free population; and since the free men were constantly liable to be called away from their work to serve in the armies, the lands began to be cultivated almost entirely by slave labour. (Cf. Liv. vi. 12; Appian, *B. C.* i. 7, *γεωργοῖς χρωμένων θεράπουσιν ἀντὶ ἐλευθέρων.*) Through war and commerce slaves could easily be obtained, and at a cheap rate, and their number soon became so great that the poorer class of free men was thrown almost entirely out of employment. This state of things was one of the chief arguments used by Licinius and the Gracchi for limiting the quantity of public land which a person might possess (Appian, *B. C.* i. 7, 9, 10); and we know that there was a provision in the Licinian Rogations that a certain number of free men should be employed on every estate (Appian, *B. C.* i. 8). This regulation, however, was probably of little avail: the lands still continued to be almost entirely cultivated by slaves, although in the latest times of the Republic we find that Julius Caesar attempted to remedy this state of things to some extent, by enacting that of those persons who attended to cattle a third should always be free men (Suet. *Jul.* 42). In Sicily, which supplied Rome with so great a quantity of corn, the number of agricultural slaves was immense: the oppressions to which they were exposed drove them twice to open rebellion, and their numbers enabled them to defy for a time the Roman power. The first of these Servile Wars

began in B.C. 134 and ended in B.C. 132, and the second commenced in B.C. 102 and lasted almost four years.

Long, however, after it had become the custom to employ large gangs of slaves in the cultivation of the land, the number of those who served as personal attendants still continued to be small. Persons in good circumstances seem usually to have had only one to wait upon them (Plin. *H. N.* xxxiii. § 26), who was generally called by the name of his master with the word *por* (that is, *puer*) affixed to it, as *Gaipor*, *Lucipor*, *Marcipor*, *Publipor*, *Quintipor*, &c.; and hence Quintilian (i. 4, 26), long before whose time luxury had augmented the number of personal attendants, says that such names no longer existed. Cato, when he went to Spain as consul, took only three slaves with him (Apul. *Apol.* p. 431, ed. Ouden). But during the later times of the Republic and under the Empire the number of domestic slaves greatly increased, and in every family of importance there were separate slaves to attend to all the necessities of domestic life. It was considered a reproach to a man not to keep a considerable number of slaves. Thus Cicero, in describing the meanness of Piso's housekeeping, says, "Idem coquus, idem atriensis: pistor domi nullus" (*in Pis.* 27). The first question asked respecting a person's fortune was, "Quot pascit servos?" (Juv. iii. 141). Horace (*Sat.* i. 3, 12) seems to speak of ten slaves as the lowest number which a person in tolerable circumstances ought to keep, and he ridicules the praetor Tullius for being attended by no more than five slaves in going from his Tiburtine villa to Rome (*Sat.* i. 6, 107). The immense number of prisoners taken in the constant wars of the Republic, and the increase of wealth and luxury, augmented the number of slaves to a prodigious extent. The statement of Athenaeus (vi. p. 272 e), that very many Romans possessed 10,000 and 20,000 slaves and even more, is probably an exaggeration; but a freedman under Augustus, who had lost much property in the Civil Wars, left at his death as many as 4,116 (Plin. *H. N.* xxxiii. § 135). Two hundred was no uncommon number for one person to keep (Hor. *Sat.* i. 3, 11), and Augustus permitted even a person that was exiled to take twenty slaves or freedmen with him (Dio Cass. lvi. 27). The mechanical arts, which were formerly in the hands of the clientes, were now entirely exercised by slaves (Cic. *de Off.* i. 42, 150): a natural growth of things, for where slaves perform certain duties or practise certain arts, such duties or arts will be thought degrading to a freedman. It must not be forgotten that the games of the amphitheatre required an immense number of slaves trained for the purpose. [GLADIATORES.] Like the slaves in Sicily, the gladiatores in Italy rose in B.C. 73 against their oppressors, and, under the able generalship of Spartacus, defeated a Roman consular army, and were not subdued till B.C. 71, when 60,000 of them are said to have fallen in battle (Liv. *Epit.* xcvii.).

Under the Empire various enactments, mentioned above (p. 660), were made to restrain the cruelty of masters towards their slaves; but the spread of Christianity tended most to ameliorate their condition, though the possession of them was for a long time by no means condemned as contrary to Christian justice. The Christian writers, however, inculcate the duty of acting towards them as we would be acted by (Clem. Alex. *Paedagog.* iii. 12); but down to the age of Theodosius wealthy persons still continued to keep as many as two or three thousand (Chrysost. vol. vii. p. 633). Justinian did much to promote the ultimate extinction of slavery; but the number of slaves was again increased by the invasion of the barbarians from the North, who not only brought with them their own slaves, who were chiefly Sclavi or Sclavonians (whence our word *slave*; *cf.* Gibbon, c. 55), but also reduced many of the inhabitants of the conquered provinces to the condition of slaves. But all the various classes of slaves became merged in course of time into the *adscripti glebae*, or serfs of the Middle Ages.

The chief sources from which the Romans obtained slaves have been pointed out above. Under the Republic one of the chief supplies consisted of prisoners taken in war, who were sold by the quaestores (Plaut. *Capt.* Prol. 34) with a crown on their heads (see above, p. 662 *b*), and usually on the spot where they were taken, as the care of a large number of captives was inconvenient (cf. Liv. x. 42, 46). Consequently slave-dealers generally accompanied an army, and frequently after a great battle had been gained many thousands were sold at once (Caes. *B. G.* iii. 16), when the slave-dealers obtained them for a mere nothing. In the camp of Lucullus on one occasion slaves were sold for four drachmae each. The slave trade was also carried on to a great extent, and, after the fall of Corinth and Carthage, Delos was the chief mart for this traffic. When the Cilician pirates had possession of the Mediterranean, as many as 10,000 slaves are said to have been imported and sold there in one day (Strab. xiv. p. 668). A large number came from Thrace and the countries in the North of Europe, but the chief supply was from Africa, and more especially Asia, whence we frequently read of Phrygians, Lycians, Cappadocians, &c., as slaves (Cic. *pro Flacc.* 27, 65).

The trade of slave-dealers (*mangones*) was considered disreputable, and expressly distinguished from that of merchants (*mangones non mercatores sed venaliciarii appellantur*, Dig. 50, 16, 207; Plaut. *Trin.* ii. 2, 51); but it was very lucrative, and great fortunes were frequently realised from it. The slave-dealer Thoranius, who lived in the time of Augustus, was a well-known character (Suet. *Aug.* 69; Macrob. *Sat.* ii. 4; Plin. *H. N.* vii. § 56). Martial (viii. 13) mentions another celebrated slave-dealer in his time, of the name of Gargilianus.

Slaves were usually sold by auction at Rome. They were placed either on a raised stone (hence *de lapide emptus*, Cic. *in Pis.* 15, 36; Plaut. *Bacch.* iv. 7, 17) or a raised platform (*catasta*, Tibull. ii. 3, 60; Persius, vi. 77; Casaubon, *ad loc.*), so that every one might see and handle them, even if they did not wish to purchase them. Purchasers usually took care to have them stript naked (Sen. *Ep.* 80; Suet. *Aug.* 69), for slave-dealers had recourse to as many tricks to conceal personal defects as the horse-jockeys of modern times: sometimes purchasers called

in the advice of medical men (Claudian, *in Eutrop.* i. 35, 36). Slaves of great beauty and rarity were not exhibited to public gaze in the common slave-market, but were shown to purchasers in private (*arcanae tabulata catastae*, Mart. ix. 60). Newly imported slaves had their feet whitened with chalk (Plin. *H. N.* xxxv. § 199; Ovid, *Am.* i. 8, 64), and those that came from the East had their ears bored (Juv. i. 104), which we know was a sign of slavery among many Eastern nations. The slave-market, like all other markets, was under the jurisdiction of the aediles, who made many regulations by edicts respecting the sale of slaves. The character of the slave was set forth in a scroll (*titulus*, Sen. *Ep.* 47) hanging round his neck, which was a warranty to the purchaser (Gell. iv. 2; Propert. v. 5, 51): the vendor was bound to announce fairly all his defects (Dig. 21, 1, 1; Hor. *Sat.* ii. 3, 284), and if he gave a false account had to take him back within six months from the time of his sale (Dig. 21, 1, 19, 6), or make up to the purchaser what the latter had lost through obtaining an inferior kind of slave to what had been warranted (Dig. 19, 1, 13, 4; Cic. *de Off.* iii. 23, 91). The vendor might, however, use general terms of commendation without being bound to make them good (Dig. 18, 1, 43; 21, 1, 19). The chief points which the vendor had to warrant, were the health of the slave, especially freedom from epilepsy, and that he had not a tendency to thievery, running away, or committing suicide (Cic. *de Off.* iii. 17, 71). The nation of a slave was considered important, and had to be set forth by the vendor (Dig. 21, 1, 31, 21). Slaves sold without any warranty wore at the time of sale a cap (*pilleus*) upon their head (Gell. vii. 4). Slaves newly imported were generally preferred for common work; those who had served long were considered artful (*veteratores*, Ter. *Heaut.* v. 1, 16), and the pertness and impudence of those born in their master's house (*vernae*: see above, p. 662) were proverbial (*vernae procaces*, Hor. *Sat.* ii. 6, 66; Mart. i. 42, x. 3).

The value of slaves depended, of course, upon their qualifications: under the Republic slaves were not dear, and Cato never gave more than 1500 drachmae for one (Plut. *Cat. Maj.* 4); but under the Empire the increase of luxury and the corruption of morals led purchasers to pay immense sums for beautiful slaves, or such as ministered to the caprice or whim of the purchaser. Eunuchs always fetched a very high price (Plin. *H. N.* vii. § 129), and Martial (iii. 62, xi. 70) speaks of beautiful boys who sold for as much as 100,000 or 200,000 sesterces each (£885 8*s.* 4*d.* and £1770 16*s.* 8*d.*). A *morio* or fool sometimes sold for 20,000 sesterces (Mart. viii. 13). [NANI.] Slaves who possessed a knowledge of any art which might bring in profit to their owners, also sold for a large sum. Thus literary men and doctors frequently fetched a high price (Suet. *de Ill. Gram.* 3; Plin. *H. N.* vii. § 129), and also slaves fitted for the stage, as we see from Cicero's speech on behalf of Q. Roscius (10, 28). Female slaves who might bring in gain to their masters by prostitution were also dear: sometimes 60 minae were paid for a girl of this kind (Plaut. *Pers.* iv. 4, 113). Five hundred drachmae (perhaps at that time about £18) seem to have been a fair price for a good ordinary slave in the time of Horace (*Sat.* ii. 7, 43), and the average price in the time of the Antonines must have been about the same (cf. Wallin, ii. 172). In the fourth century a slave capable of bearing arms was valued at 25 solidi or aurei (Cod. Theod. 7, 13, 13). In the time of Justinian the legal valuation of slaves was as follows: common slaves, both male and female, were valued at 20 solidi apiece (about £12), and under ten years of age at half that sum; if they were artificers they were worth 30 solidi, if notarii 50, if medical men or midwives 60; eunuchs under ten years of age were worth 30 solidi, above that age 50, and if they were artificers also as much as 70 (Cod. 6, 4, 3, 3). Female slaves, unless possessed of personal attractions, were generally cheaper than male. Six hundred sesterces (about £5) were thought too much for a slave girl of indifferent character in the time of Martial (vi. 66); and two aurei or solidi were not considered so low a price for a slave girl (*ancilla*) in the time of Hadrian as to occasion doubt of her having come honestly into the hands of the vendor (Dig. 47, 2, 76). We have seen that in the time of Justinian the legal value of female slaves was equal to that of males; this may probably have arisen from the circumstance that the supply of slaves was not so abundant then as at earlier times, and that therefore recourse was had to propagation for keeping up the number of slaves. But under the Republic and in the early times of the Empire this was done to a very limited extent, as it was found cheaper to purchase than to breed slaves.

Slaves were divided into many various classes: the first division was into public or private. The former belonged to the state and public bodies, and their condition was preferable to that of the common slaves. They were less liable to be sold, and under less control than ordinary slaves: they also possessed the privilege of the *testamenti factio* to the amount of one-half of their property (see above, p. 661), which shows that they were regarded in a different light from other slaves. Scipio, therefore, on the taking of Nova Carthago, promised 2000 artisans, who had been taken prisoners and were consequently liable to be sold as common slaves, that they should become public slaves of the Roman people, with a hope of speedy manumission, if they assisted him in the war (Liv. xxvi. 47). Public slaves were employed to take care of the public buildings (compare Tac. *Hist.* i. 43), and to attend upon magistrates and priests. Thus the aediles and quaestors had great numbers of public slaves at their command (Gell. xiii. 13), as had also the triumviri nocturni, who employed them to extinguish fires by night (Dig. 1, 15, 1). They were also employed as lictors, jailors, executioners, watermen, &c. (Cf. Gessner, *de Servis Romanorum publicis*, Berlin, 1844.)

A body of slaves belonging to one person was called *familia*, but two were not considered sufficient to constitute a *familia* (Dig. 50, 16, 40). Private slaves were divided into urban (*familia urbana*) and rustic (*familia rustica*): but the name of "urban" was given to those slaves who served in the villa or country residence as well

as in the town house; so that the words "urban" and "rustic" rather characterised the nature of their occupations than the place where they served ("urbana familia et rustica non loco, sed genere distinguitur," Dig. 50, 16, 166). The *familia urbana* could therefore accompany their master to his villa without being called *rustica* on account of their remaining in the country. When there was a large number of slaves in one house, they were frequently divided into decuriae (Petron. 47), each under the charge of a *decurio*, whose title often occurs in inscriptions; but independently of this division they were arranged in certain classes, which held a higher or a lower rank according to the nature of their occupation. The distinction drawn by Ulpian (Dig. 47, 10, 15, 44) between *bonae frugi, ordinarius, dispensator* on the one hand, and *volgaris, mediastinus, qualis-qualis* on the other, is evidently not meant to be technical, but general in its character; and it is doubtful whether the *litterati* or literary slaves were included in any of these classes. Those called *vicarii* are spoken of above (p. 662).

Ordinarii seem to have been those slaves who had the superintendence of certain parts of the housekeeping. They were also chosen from those who had the confidence of their master, and they generally had certain slaves under them, often called *vicarii* (Dig. 15, 1, 17). To the same class also belong the slaves who had the charge of the different stores, and who correspond to our housekeepers and butlers: they are called *cellarii, promi, condi, procuratores peni*, &c. [CELLA.]

The first place in the *familia urbana* was held by the *procurator*, a term applied generally to the agent of another, but especially to the slave who was placed in charge of the household (cf. Cic. *ad Att.* xiv. 16). The *actor* in the *familia rustica* was almost the same as the *vilicus* or bailiff (Colum. i. 8; Plin. *Ep.* iii. 19). The *dispensator* was the slave in charge of the cash and the accounts, usually but not always, in the *familia urbana* (Dig. 1, 16, 166; Suet. *Galb.* 12; *Vesp.* 22). The *dispensator* was sometimes under the procurator, but at other times was directly in relation with his master. In earlier times the *atriensis* had a general charge of the money and of the household (Plaut. *Pseud.* ii. 2, 15).

Volgares included the great body of slaves in a house who had to attend to any domestic duty, and to minister generally to the wants of their master. As there were distinct slaves or a distinct slave for almost every department of household economy, as bakers (*pistores*), cooks (*coqui*), confectioners (*dulciarii*), picklers (*salmentarii*), &c. it is unnecessary to mention these more particularly. This class also included the porters (*ostiarii*), the bed-chamber slaves [CUBICULARII], the litter-bearers (*lecticarii*) [LECTICA], the *pedisequi*, and all personal attendants of any kind.

Mediastini. [MEDIASTINI.]

Litterati, literary slaves, were used for various purposes by their masters, either as readers [ANAGNOSTAE], copyists, or amanuenses [LIBRARII; AMANUENSIS], &c. Others, again, were employed as MEDICI, CHIRURGI, or IATRALIPTAE.

The treatment of slaves, of course, varied greatly according to the disposition of their masters; but they appear upon the whole to have been treated with greater severity and cruelty than among the Athenians. Originally the master could use the slave as he pleased: under the Republic the law does not seem to have protected the person or life of the slave at all, but the cruelty of masters was to some extent restrained under the Empire, as has been stated above (p. 660), and the legal status of the slave was gradually improved. The general treatment of slaves, however, was probably little affected by legislative enactments. In early times, when the number of slaves was small, they were treated with more indulgence, and more like members of the family: they joined their masters in offering up prayers and thanksgivings to the gods (Hor. *Ep.* ii. 1, 142), and partook of their meals in common with their masters (Plut. *Coriol.* 24), though not at the same table with them, but upon benches (*subsellia*) placed at the foot of the lectus. But with the increase of numbers and of luxury among masters, the ancient simplicity of manners was changed: a certain quantity of food was allowed them (*dimensum* or *demensum*), which was granted to them either monthly (*menstruum*, Plaut. *Stich.* i. 2, 3), or daily (*diarium*, Hor. *Ep.* i. 14, 41; Mart. xi. 108). Their chief food was the corn called *far*, of which either four or five modii were granted them a month (Donat. *in* Ter. *Phorm.* i. 1, 9; Sen. *Ep.* 80), or one Roman pound (*libra*) a day (Hor. *Sat.* i. 5, 69). They also obtained an allowance of salt and oil: Cato (*R. R.* 58) allowed his slaves a sextarius of oil a month and a modius of salt a year. They also got a small quantity of wine with an additional allowance on the Saturnalia and Compitalia (Cato, *R. R.* 57), and sometimes fruit, but seldom vegetables. Butcher's meat seems to have been hardly ever given them.

Under the Republic they were not allowed to serve in the army, though after the battle of Cannae, when Rome was in such imminent danger, 8000 slaves were employed by the state for the army, and subsequently manumitted on account of their bravery (Liv. xxii. 57; xxiv. 14–16).

The offences of slaves were punished with severity and frequently with the utmost barbarity. One of the mildest punishments was the removal from the familia urbana to the rustica, where they were obliged to work in chains or fetters (Plaut. *Most.* i. 1, 18; Ter. *Phorm.* ii. 1, 20). They were frequently beaten with sticks or scourged with the whip (of which an account is given under FLAGRUM), but these were such everyday punishments, that many slaves ceased almost to care for them; thus Chrysalus says (Plaut. *Bacchid.* ii. 3, 131):

"Si illi sunt virgae ruri, at mihi tergum domi est."

Runaway slaves (*fugitivi*) and thieves (*fures*) were branded on the forehead with a mark (*stigma*), whence they are said to be *notati* or *inscripti* (Mart. vii. 75, 9). Slaves were also punished by being hung up by their hands with weights suspended to their feet (Plaut. *Asin.* ii. 2, 31), or by being sent to work in the Ergastulum or Pistrinum. [ERGASTULUM; MOLA.] The carrying of the furca was a very common mode of punishment [FURCA], and slaves were often flogged while bearing it. The cross [CRUX] was a specially *servile supplicium*. The toilet of the

Roman ladies was a dreadful ordeal to the female slaves, who were often barbarously punished by their mistresses for the slightest mistake in the arrangement of the hair or a part of the dress (Ovid, *Am.* i. 14, 15, *Ar. Am.* iii. 235; Mart. ii. 66; Juv. vi. 498, &c.).

Masters might work their slaves as many hours in the day as they pleased, but they usually allowed them holidays on the public festivals. At the festival of Saturnus in particular, special indulgences were granted to all slaves, of which an account is given under SATURNALIA.

There was no distinctive dress for slaves. It was once proposed in the senate to give slaves a distinctive costume, but it was rejected since it was considered dangerous to show them how numerous they were (Sen. *de Clem.* i. 24). Male slaves were not allowed to wear the toga or bulla, nor females the stola; but otherwise they were dressed nearly in the same way as poor people, in tunics and cloaks of a dark colour (*pullati*) and slippers (*crepidae*), or in the country SCULPONEAE or clogs (*vestis servilis*, Cic. *in Pis.* 38, 93).

The rites of burial, however, were not denied to slaves, for, as the Romans regarded slavery as an institution of society, death was considered to put an end to the distinction between slaves and free men. Slaves were sometimes even buried with their masters, and we find funeral inscriptions addressed to the Di Manes of slaves (*Dis Manibus*). It seems to have been considered a duty for a master to bury his slave, since we find that a person who buried the slaves of another had a right of action against the master for the expenses of the funeral (Dig. 11, 7, 31). In 1726 the burial vaults of the slaves belonging to Augustus and Livia were discovered near the Via Appia, where numerous inscriptions were found, which have been illustrated by Bianchini and Gori and give us considerable information respecting the different classes of slaves and their various occupations. Other sepulchres of the same time have been also discovered in the neighbourhood of Rome (cp. Wilmann's *Ex. Inscr. Lat.* i. 125 ff.).

(Pignorius, *de Servis et eorum apud Veteres Ministeriis;* Popma, *de Operis Servorum;* both in *Poleni Suppl. ad Grævv. Thes. Antt. Rom.* vol. iii.; Blair, *An Enquiry into the State of Slavery amongst the Romans*, Edinburgh, 1833; Becker-Göll, *Gallus*, vol. ii. 99–154; Wallon, *Histoire de l'Esclavage dans l'Antiquité*, 2nd ed. Paris, 1879; Marquardt, *Privatleben*, 135–191.) [W. S.] [A. S. W.]

SESTE'RTIUM. [CRUX, Vol. I. p. 568 *b*.]

SESTER'TIUS. This term is a contraction for *semis tertius*, which is the Latin way of expressing $2\frac{1}{2}$. It may be used for various weights and measures: for example, *pes sestertius* is $2\frac{1}{2}$ feet. But it has been more usually applied to coin: the numus sestertius, sestertius, or, as it is rendered in English, sesterce, was the unit according to which sums of money were reckoned by the Romans almost throughout their history. It was expressed on the coins themselves and in documents by the symbol IIS (two units and a semis), or with a line through, H͟S, a form commonly though incorrectly printed as HS.

According to the view of Mommsen (*Röm. Münzw.* p. 292), when silver coin was first issued at Rome (B.C. 269: As, p. 205) it was based on the equation of the scruple of silver (17·5 grains) to one libral as of 10 ounces, or $2\frac{1}{2}$ of the current reduced asses of 4 ounces. Thus the denarius (10 asses) was equal to 4 sestertii, and the quinarius to 2 sestertii. But this equivalence of the sestertius to $2\frac{1}{2}$ copper asses as current did not last long: in the time of the Hannibalic wars it was decreed that thenceforth 16 asses should go to the denarius and 4 to the sertertius, excepting in case of military pay, in which the old relations were preserved. Up to that time, as the sestertius and the libral as had been equivalent, money had been reckoned in either indifferently; but thereafter the sestertius became the regular unit.

Shortly after its issue the sestertius fell in weight from $17\frac{1}{2}$ to 15 grains. After a time it ceased to be issued as a silver coin, though as a quarter of the denarius it remained as money of account. M. Antony issued sestertii in copper with the marks of value HS and Δ; that is, sestertii of four asses. And Augustus ordained that the sestertius of 4 asses and the dupondius of 2 should be struck in brass (orichalcum), while the as should be minted in copper.

Sestertius of Nero in brass.

In reckoning sums of money the Romans sometimes, but not often, reckoned by denarii. But far more usually they reckoned either by the libral as (in which case aeris or aeris gravis would be added) or by the sestertius, which was originally the equivalent of the libral as. [AS.]

Sums up to a thousand sestertii were simply stated in sestertii. But sums of several thousand sestertii were expressed as so many *milia sestertiorum numorum* or *sestertium nummum*. Thus *decem milia sestertium* is 10,000 sestertii; and the same amount is sometimes expressed by the formula *decem sestertia*, where sestertia is usually regarded as the plural of a neuter form sestertium (= 1000 sestertii), though to this view there are grammatical objections. Sums of a million sestertii and upwards are expressed by a use of the numeral adverbs in *-ies; centena milia*, a hundred thousand, being expressed or understood. Thus a million sestertii are *decies centena milia sestertium*, a phrase abridged to

decies sestertium. Similarly, *vicies* and *tricies sestertium* stand for two and three million sestertii, and so on. As an example, we find in Cicero (*Verr.* Act. Sec. i. 39, 100) 2,235,417 sestertii thus expressed: "vicies ducenta triginta quinque milia quadringentos xvii numos" (*i.e.* sestertios). The distinction between units, thousands, and hundreds of thousands of sestertii is conventionally expressed merely by adding lines above or beside the numeral: thus HS X = 10 sestertii; HS $\overline{X}$ = 10,000 sestertii or 10 sestertia; HS|$\overline{X}$| = decies sestertium or 1,000,000 sestertii.

The English equivalent of sums stated in sestertii cannot be accurately ascertained, since different values will be given according to the relation presumed between the value of silver and that of gold; but an approximation sufficient for all purposes will be reached if the metal value of a sestertius or sesterce is taken at twopence, and that of a sestertium at £8 sterling. What was as regards purchasing power the equivalent of a sestertius in modern money, is a different and an insoluble problem. [P. G.]

SEVIR. [AUGUSTALES, Vol. I. p. 259; EQUITES, Vol. I. p. 757.]

SEX SUFFRAGIA. [EQUITES, Vol. I. p. 754.]

SEXTANS. [AS.]

SEXTA'RIUS, a Roman dry and liquid measure, which may be considered one of the principal measures in the Roman system, and the connecting point between it and that of the Greeks, for it was equal to the ξέστης of the latter; and there can be little doubt that the ξέστης was not an original Greek measure, but that the word was introduced into the Greek system from the Roman, for the purpose of establishing a unit of agreement. [QUADRANTAL.] It was one-sixth of the *congius*, and hence its name: in the Greek system it was one-sixth of the χοῦς. It was divided, in the same manner as the As, into parts named *uncia*, *sextans*, *quadrans*, *triens*, *quincunx*, *semissis*, &c. The uncia, or twelfth part of the sextarius, was the CYATHUS; its *sextans* was therefore two cyathi, its *quadrans* three, its *triens* four, its *quincunx* five, &c. (Wurm, *de Pond.* &c. p. 118; Hultsch, *Metrologie*, p. 112: cf. the Tables at the end of the volume.) [P. S.]

SE'XTULA, the sixth part of the *uncia*, was the smallest denomination of money in use among the Romans (Varro, *L. L.* v. 171). It was also applied, like the uncia, to other kinds of magnitude. [UNCIA.] [P. S.]

SIBYLLI'NI LIBRI. The books known by this name at Rome down to the destruction of the temple of Jupiter Capitolinus in B.C. 82, were said to have been offered to Tarquinius Superbus (or, according to Varro, to Tarquinius Priscus: cf. Lactant. *Inst. Div.* i. 6, 10; Isid. *Orig.* viii. 8, 5) by a Sibylla, *i.e.* a prophetess, who presented herself before the king with nine books for sale. Upon his refusing to purchase them, she went away and burnt three, and then returning asked the same price for the remaining six. Thinking her mad, the king again declined the purchase; on which she retired once more, burnt another three, and still asked the same price for the three that remained. Tarquin now consulted the augurs, who urged him to buy the books, and give the full price. This he did, and the woman vanished. He then appointed two citizens of rank to keep the books in the temple on the Capitol, with two public slaves to assist them (who were probably Greek interpreters, Zonaras, vii. 11). This is the account given by Dionysius (iv. 62); it is found with slight variations in some other authors (see Marquardt, *Staatsverw.* iii. 353, and notes); Livy, however, does not tell the story. Whatever truth there may be in the details of the legend, it is probable that it was in the reign of the second Tarquin that these books were actually acquired. Tradition is unanimous in ascribing to that reign changes of great importance in the religious history of Rome, the centre point of which changes is the Capitoline temple of Jupiter, where these books were stored. That temple expressed the union in a religious centre of the entire populus of Rome, comprising both patricians and plebeians, and foreshadowed the gradual equalisation of the two orders in all matters of religion, as well as in political rights. (Cf. esp. Ambrosch, *Studien*, p. 196 foll.; Marquardt, iii. 40.) All members of the state, whether Latin, Sabine, or Etruscan, might worship in it; and not only from the sacred triad of Jupiter, Juno, and Minerva, but any god might be the object of worship there. To this Tarquin, then, as well as to his two predecessors, we may ascribe a broad and catholic religious policy, in striking contrast with the narrow civic traditions of the Roman patrician priesthood; and this policy was recognised by the prevailing Roman tradition, which also connected with this king the introduction of the Sibylline books. For these books were not, like some others presently to be mentioned, of Roman or even of Italian origin: they were beyond doubt Greek, and their importance in Roman history is almost wholly concerned with the introduction of foreign and chiefly Greek worship into the Roman religious world.

Whence these books came, and how they were originally compiled, are questions of great obscurity. *Sibylla* was no doubt a Greek word signifying a certain type or ideal of that common phenomenon in antiquity, the inspired prophetess. [See DIVINATIO; ORACULUM.] The earliest mention of a Sibylla is in a fragment of Heracleitus of Ephesus (*ap.* Plut. *Pyth. Orac.* 6; Bywater, fragm. 12, and note), who knew of one only; but in course of time, as in the case of divinities, the type became localised in various cities, and Varro (*ap.* Lact. *l. c.*) knew of no less than ten Sibyllae—Persica, Libyca, Delphis, Cimmeria, Erythraea, Samia, Cumana, Hellespontica, Phrygia, Albunea (or Tiburtina). If we look on these local Sibyllae as merely mythical, but at the same time as suggesting, in some cases at least, localities in which floating prophecy was, as it were, caught and fixed, we cannot be very far wrong; and there is not much doubt as to which of these places it was from which the books came to Rome. The mere tradition that Tarquinius, on his expulsion from Rome, took refuge at Cumae, would in itself be sufficient evidence of an actual connexion between that Greek city and the Roman tyrant (Dionys. vi. 21); and the great majority of ancient authorities directly

derive the books from Cumae (cf. Verg. *Ecl.* iv. 4; *Aen.* vi. 42 ff.;—Ov. *Fast.* iv. 158, 257: other references will be found in Schwegler, *Röm. Gesch.* i. 802, note, and Marquardt, iii. 352, note 5). Varro, on the other hand, seems to have believed that their origin was to be found at Erythrae, the reputed home of the most renowned of all the Sibyllae (cf. Serv. *ad Aen.* vi. 36 and 72), arguing that a prophetess who was consulted by Aeneas, according to the Roman form of the legend, could not have lived on till the time of the Tarquinii. The truth seems to be that these oracles came to Rome from Cumae, but had previously found their way thither from Erythrae, in the neighbourhood of which, at Gergis in the Trojan Mt. Ida, we seem to be able, since the researches of Klausen (*Aeneas und die Penaten*, p. 203 foll.), to discern the localisation of the earliest collection of oracles. This collection, according to Heraclides Ponticus (Lactant. *l. c.*; Schol. Plat. *Phaedr.* p. 315; Isid. *Orig.* viii. 8, 6), was formed in the first half of the sixth century B.C., a time when oracles were in great request, and when also the conquest by the Lydians and Persians of the Greek cities of Asia Minor was causing a considerable migration from those parts to Italy and Sicily. For further information on this difficult subject the student may consult Klausen, *l. c.*, and Bouché-Leclercq, *Histoire de la Divination dans l'Antiquité*, vol. ii. pp. 133 ff. The evidence for the Erythraean origin of the Cumaean oracles will be found collected in Marquardt, iii. 352, note 7; the most striking fact in this connexion being the selection of Erythrae, Ilium, and Samos, among other places, for the search for a new collection, after the burning of the Capitoline temple in 83 B.C.

It is naturally impossible to determine how and with what motive these collections were originally formed. At all times in Greece it is likely that there were wandering prophets (*χρησμολόγοι*) and floating prophecies, in connexion with Dionysiac and Orphic rites, and distinct from the ancient and localised oracles of Dodona, Delphi, and others. It was the theory of Klausen that these were at the height of their influence in the sixth century B.C., and that they represented a kind of "protestant" reaction against the fame, credit, and wealth of the local oracular shrines; and thus came at that time to be collected and arranged. Of late, Bouché-Leclercq, on the ground that the northern coast of Asia Minor is the true home of the Sibylla, has sought to show that the Sibylline type of oracular utterance may be traced to a Trojan origin in the form of Cassandra and Manto, "both victims of Apollo, and both attached by most intimate ties to the worship of that god." But these are no more than hypotheses, and it is not possible to arrive at any certainty in the matter.

As little can be determined about the nature of the collection which found its way to Rome. Something, indeed, is known of the later collection formed after the destruction of the original one, but it is unsafe to argue back from the one to the other. The oracles were said to have been written on palm-leaves (Serv. *ad Aen.* iii. 444), a tree, as Bouché-Leclercq remarks (iv. 289), which was not to be found in Campania; and it is quite possible that this may be merely a fragment of an old mythical tradition of which the substance is lost. Virgil makes use of it when he makes Aeneas urge the Sibylla to foretell his fate in words, instead of committing them to leaves, alluding, however, at the same time to the Roman collection and its guardians:

"Te quoque magna manent regnis penetralia nostris:
Hic ego namque tuas sortes, arcanaque fata,
Dicta meae genti, ponam, lectosque sacrabo,
Alma, viros: foliis tantum ne carmina manda:
Ne turbata volent rapidis ludibria ventis."

According to this tradition, it has been supposed that they were referred to in the same way as Eastern nations refer to the Koran and Hafiz: that they did not search for a passage and apply it, but only shuffled the leaves and then drew one (cf. Niebuhr, *Hist. of Rome*, i. 506 foll.). But it is probable that, owing to the secrecy with which all such transactions were guarded by the Roman priests, the method of consultation was unknown even to the Romans themselves. That these prophecies were in the Greek language is almost beyond doubt, and probably they were written in hexameters, like other Greek oracular sayings, and like those of the later collection of which we have remains. Their application to the matter inquired about was no doubt entirely accidental, or subject to the arbitrary dealings of their interpreters; we may perhaps conjecture that it resembled that of the Biblical and Virgilian "sortes" of the Middle Ages, a verse being taken at chance, and twisted in any way so as to suit the circumstances. [SORTES.] And there need be little doubt that the interpreters frequently invented not only the application, but the response itself; as when, in order to drive Hannibal out of Italy, the Magna Mater Idaea was ordered to be brought to Rome (Liv. xxix. 10, 5), or for party purposes, as when Cinna and six tribunes were to be expelled from Italy in order to restore peace and order. (Granius Licinianus, p. 35, Bonn ed.) Another instance occurs in Liv. xxxviii. 45, 3.

They were deposited, as we have seen, in the temple on the Capitol, and placed in charge of *duo viri sacris faciundis*, a title which clearly implies the introduction of new rites (Liv. v. 13, 6). These officials, or priests, were self-electing, retained office for life, were free from military service, and remained patrician until by the Licinian rogations (B.C. 367) their number was increased to ten, and half the number were thenceforth to be of plebeian birth. As was natural, they were the first priesthood opened to the plebeians, their functions having no connexion with the "sacra" of the old patrician gentes (Liv. vi. 37, 12). The number ten held good till towards the end of the Republic, when, probably under Sulla's government, they were again increased to fifteen, which number is first mentioned by Cicero in 51 B.C. (*ad Fam.* 8, 4, 1). [See DECEMVIRI; SACERDOS.] This college of fifteen lasted until the time of Stilicho, who in A.D. 405 burnt the Sibylline books; it is mentioned frequently in inscriptions of the Empire. (See Marquardt, iii. 381, note 7.)

It would seem that the decemviri were not competent to consult the books on their own

account, but that every such consultation was ordered by a decree of the senate. The books were the property of the state, the decemviri only their guardians and interpreters; and, like the pontifices and augurs, they were in constitutional practice only the skilled assistants and advisers of the magistrates and senate. (The strictly state character of the oracles is well seen in the story that Tarquin himself punished a duumvir with the death of a parricide for divulging their secrets to a foreigner: Dionys. iv. 62; Val. Max. i. 1, 13.) The senate ordered the decemvirs to inspect (*adire, inspicere*) the books, and to interpret the oracle they found applicable, which was rarely if ever made public, but only the general tenor of the reply of the experts. This at any rate seems to have been the case down to B.C. 82, with which period only we are at present dealing; after that time, and the destruction of the original books, the whole system may be said to have become vulgarised. (Marquardt, iii. 382; Liv. vii. 27, xxi. 62; Dionys. *iv.* 62; Cic. *de Div.* ii. 54, 110.)

It was not on any ordinary occasion that the senate took the important step of ordering a consultation. On examining the passages of Livy in which such consultations are mentioned, it will appear that the books were only had recourse to in the face of alarming prodigies, pestilences, and other such disasters. (Cp. *e.g.* Liv. iii. 10; v. 13; x. 47; xxi. 62; xxii. 1, 9; xxix. 10; xxxvi. 37; xli. 21.) Rarely do we hear of anything like a definite prophecy (Liv. xxix. 10; xxxviii. 45); the result of the consultation is almost always an admonition to adopt a certain *ritual*, in order to expiate evil or avert calamity. It is through this ritualistic authority, and in the corresponding introduction of new forms of worship into the state, that the immense influence on the Roman religion of the Sibylline books, and their interpreters, made itself felt; and it will be necessary here to summarise the innovations due to them.

These momentous changes will be better understood if we recall the character of the purely Italian element in the religion of the early Romans. Their religious ideas were sober, practical, and unimaginative. Their deities were abstract conceptions rather than concrete forms: they were not worshipped in temples with florid ritual, or presented to view in the forms of statues. All worship had an immediate practical object, and the complications of Roman ritual were occasioned by nothing more than the intense desire to make no mistake which might defeat that object. All warmth of religious emotion, such as elsewhere favoured the growth of myth, or choric song and dance, or sacramental mysteries, was absent from the Italian religious mind; the *legal* side of ritual took its place, and at Rome was at all times maintained by the paramount authority of the pontifices. But it was an entirely new aspect of religion which the Sibylline books and their keepers introduced; and though the pontifices were wise in their generation, and antagonism between the two colleges is rarely apparent, they may be regarded historically as rivals—the one as championing the *ritus Romanus*, the other the *ritus Graecus*—through the remainder of Roman history.

First, we have the introduction of a series of new deities: either entirely Greek, as Apollo, Latona, Mater Magna, Aesculapius; or Greek deities attached to a Latin name and a pre-existing Roman idea, as Diana (=Artemis), Ceres (=Demeter), Proserpina (=Persephone), and Hercules, who, originally a form of Jupiter (=Semo Sancus), or possibly the Genius of Jupiter, now absorbed the characteristics of the Greek Hercules. The immediate cause of these introductions was, as we saw, the occurrence of pestilence, famine, or defeat (Liv. v. 13; x. 47; xxi. 62); the motive was the feeling, stimulated by the growing intercourse with foreigners and especially Greeks, that where the home deities did not suffice, or declined their aid, strangers whose worship would be open to all, and not only to patrician gentes, might be found efficacious. Their immediate connexion with the Sibylline books may easily be traced: *e.g.* Apollo is not only the god of prophecy, but a god of *pestilence;* Aesculapius comes in on the same ground; Ceres and Persephone may be connected with the *famines* and distress of the first half of the sixth century B.C., and it may be noted that the worship of the former had always a plebeian character, which illustrates the anti-patrician tendency of the Tarquinian policy, marked as we saw by the introduction of the books. Cybele or the Magna Mater Idaea, the great earth-deity of the original home of the oracles, was invoked to Rome in order to secure the expulsion of Hannibal from Italy, and so end a long series of disasters. (The new cult will be found examined in detail in Marquardt, iii. 358 foll., of which Bouché-Leclercq's account is only an abstract.)

Equally important was the change in *ritual*. This may be traced in the great development, resulting directly or indirectly from the books and the decemviri, in the Roman institution of *ludi*, whether *circenses* or *scenici* [see LUDI]; and especially noteworthy are the two sets of Apolline games, the Ludi Apollinares instituted in time of pestilence in 212 B.C. (Liv. xxv. 12; Macrob. *i.* 17, 29, "Bello Punico hi ludi ex libris Sibyllinis primum sunt instituti"), and the Ludi Saeculares, the history of which, though obscure, can be distinctly traced to the worship of Dis and Proserpina, and to the influence of these oracles. (Augustine, *Civ. Dei*, iii. 18, writing with Varro before him, so explains their origin. Cf. Marquardt, iii. 387.) The importance of this line of development in the social and religious life of the Romans cannot well be exaggerated. But the character of the new religion is best seen in the *lectisternia*, where the anthropomorphic appearance of the gods, the emotional and individual character of the cult, and the comparative absence of legal restraint and orderly procedure, are in marked contrast with the earlier forms of Roman worship. (See LECTISTERNIUM; and for the details of the Graecus ritus in all these ceremonies, Marquardt, iii. 44 foll., 186 foll.) The student who wishes to understand this contrast fully, should study the accounts of the *lectisternia* carefully, and compare them with the ritual of the Fratres Arvales or that of any of the purely Roman festivals.

The Sibylline books had fairly done their work when they were destroyed by fire in

B.C. 83; in combination with other tendencies and circumstances, they had wrought a revolution in Roman religious ideas, in morals, as well as indirectly in literature and art. The history of the new collection formed in B.C. 76 is far less interesting, and must be briefly summed up here.

While the temple of Jupiter Capitolinus was rebuilding, envoys were sent to various towns in Asia Minor, Greece, and Sicily (and especially to Erythrae, where about 1000 verses were collected), to gather a fresh supply of oracles, which were deposited, like the old ones, in the vaults of the temple on its completion, and given into the charge of the collegium, increased to fifteen previously by Sulla. Whether any fragments of this collection are still imbedded in the "*Oracula Sibyllina*" which have come down to us, is an exceedingly difficult question, and beyond the scope of this article. (Alexandre, *Oracula Sibyllina*, ed. 2, Paris, 1869, with Sibylline bibliography: cf. Bouché-Leclerq, ii. 133, 200;—Marquardt, iii. 351, note 10; 383, note 9. According to Ewald, the earliest extant verses are as early as 124 B.C.; but the great mass are of Jewish and Christian origin. The collection is a strange medley. Cf. also Fabricius, *Bibl. Graec.* i. 227 foll.) Their influence may be traced here and there in subsequent years, as in the famous oracle (real or forged) which forbade Ptolemy Auletes to be restored to Egypt by force of arms (Cic. *ad Fam.* i. 7; Dio Cass. xxxix. 15), or that which prophesied in B.C. 44 that a *rex* was needed to overcome the Parthians (Suet. *Jul.* 79). Augustus, finding spurious verses in circulation, ordered a close inspection, which resulted in the burning of 2000 so-called prophetic books, and in the removal of the genuine ones to the temple of Apollo on the Palatine, which he himself had dedicated (Suet. *Aug.* 31; Tac. *Ann.* vi. 12). Dio Cassius also states that he had some of them, which had faded, written over again by the priests (liv. 17). Others were rejected in the time of Tiberius, who also refused to allow a new volume to be added, as proposed in the senate by Caninius Gallus (Tac. *l. c.*). This later collection was certainly written in Greek hexameters, and, if we interpret Cicero rightly (*de Div.* ii. 54, 111: cf. Varro *ap.* Dionys. iv. 62), some at least of the verses were in the form of acrostics (ἀκροστιχίς); this is not likely, however, to have been the case with all.

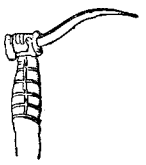
Under the Empire the books were rarely consulted: the duties of the quindecimviri were confined chiefly to the superintendence of the Cybele-worship, which now gained ground rapidly, especially in the month of March (Lucan, i. 599; *C. I. L.* vi. 488 foll.); and their influence was lessened by the arrival of other new cults in which they had no official part, and by the personal supervision of religion by the emperors. Occasional instances, however, of consultation occur. Tiberius, in spite of his proneness to ritual and superstition, had declined to allow an inspection of the books during an inundation of the Tiber in A.D. 15 (Tac. *Ann.* i. 76); but Nero ordered them to be consulted after the great fire in A.D. 64, and the old ceremonies were gone through (*ib.* xv. 44). In the period of intelligent government which followed, we do not seem to hear of them; but in 241, under Gordian, certain serious earthquakes were stopped by their means (Capitolinus, *Gordian*, 26). Again, under Aurelian in 270, when the Marcomanni had crossed the Alps, they were consulted by order of the emperor; and Vopiscus (*Aurel.* 20) gives an interesting account of the manner of this consultation, which shows that the quindecimviri were no longer indispensable, inasmuch as the senators themselves went to the temple of Apollo, and made the necessary search. Julian, as might be expected, was one of the last to make use of them (Ammian. Marc. xxiii. 1, 7). They were in existence in 391 (Symmachus, *Epist.* iv. 34, who was himself a quindecimvir; Claudian, *Bell. Get.* 231); but in the year 400 they were burnt by Stilicho, and Prudentius shortly afterwards alludes triumphantly to the dead superstition of paganism:

> "Mortua jam mutae lugent oracula Cumae."
> *Apoth.* 439 ff.

Lastly, it should be noticed that there are other collections of prophecies mentioned by our authorities, some of which at least were kept with the Sibylline books in the Capitoline temple, and may have been included in the general term *Sibyllini libri*. This was the case with the Etruscan oracles of Begoe or Vegoe (Serv. *ad Aen.* vi. 72), and with the *sortes* of the nymph Albunea of Tibur (Lactant. *Inst.* i. 6, 12). In B.C. 213 the senate ordered the praetor urbanus to investigate a variety of current prophecies, with the result that the *Carmina Marciana* of an unknown Marcius (or of two brothers, according to Cic. *de Div.* i. 40, 89; 50, 115; ii. 55, 113) were declared genuine and given into the charge of the decemvirs. This Marcius was probably a mythical or ideal personage, the name being connected with Mars, in whose worship some of the oldest traces of native Italian oracles are to be found. Livy has preserved the substance of two of these *carmina*, which were probably written in Saturnian verse (Liv. xxv. 12: cf. Macrob. *Sat.* i. 17, 28). All these books and others, such as those of Veii (Liv. v. 15, 11; Cic. *de Div.* i. 44, 100), are included in the general expression "libri fatales," which frequently occurs (Liv. *l. c.*; xxii. 9, 8, where it is synonymous with *libri Sibyllini*; xxii. 57, 6; and other passages). *Libri* alone is almost as common (iii. 10, 7; xxii. 1, 16); and thus it is impossible to draw any distinct line of demarcation between Greek and Italian collections. Even in regard to their usage this is to some extent so; for while, *e.g.*, the Marcian oracles recommend the cult of the Greek Apollo (Liv. xxv. 12), that of genuine Roman deities as well as Greek is found prescribed by the Sibylline books (as in Liv. xxi. 62 and xxiii. 1). The fact seems to have been that the overwhelming prestige of the latter acted by attraction on lesser local collections; and as Rome became the focus of all Italy, so the temple on the Capitol tended more and more to become the centre-point of the floating Italian divination. [W. W. F.]

SICA, a short curved sword, a weapon of the Thracians (*sica Θρακικὸν ξίφος ἐπικαμπές, Gloss. Labb.*: cf. Clem. Alex. *Strom.* i. 16, 75; Isid. *Orig.* xviii. 8). It was used therefore by the

Threces in the gladiatorial combats (Suet. *Cal.* 32; Mart. iii. 16): its shape explains the "falx supina" in Juv. viii. 201 (see Mayor *ad loc.*; GLADIATOR, Vol. I. p. 918 *b*). The annexed woodcut, from a terra-cotta lamp, shows a *sica* held by a Thracian (Baumeister, *Denkm.* p. 2099). As being smaller than the ordinary sword, and therefore more easily concealed, and perhaps as being sharp and deadly for a stab, it was the favourite weapon of robbers and murderers (*sicarii*), the *ferrum* with which "grassator agit rem" (Juv. iii. 305: cf. Cic. *Cat.* iii. 3, 8; *pro Mil.* 14, 37); and hence, as a legal term, *inter sicarios* comes to mean "on a trial for murder." [See LEX CORNELIA, p. 39.] [J. Y.] [G. E. M.]



Sica.

SICA'RIUS. [SICA.]

SICI'LICUS. This was the fourth part of the Roman uncia. For its value, see PONDERA, p. 456. [P. G.]

SICLUS (*σίγλος* or *σίκλος*) is a transliteration of the word *shekel* used by Semitic nations of West Asia. The shekel was in Syria and Babylon the unit of coinage, and varied in weight according to locality: see PONDERA, *ad init.* The ordinary Persian silver siglos weighed about 86 grains, and was reckoned by Julius Pollux as equivalent to $1\frac{1}{8}$ Attic drachms: the heavy gold shekel of Phoenicia weighed nearly 260 grains. Thus it need not surprise us to find, at a time when the Greek drachma was the universal unit of currency, that the siglos was in some places considered as a tetradrachm, in some places as a didrachm, and in some as a drachm. [P. G.]

SIDA'REUS (*σιδάρεος*). Julius Pollux (ix. 78) quotes from Strattis a mention of sidarei as small iron coins current at Byzantium. None of these are extant, nor of the celebrated iron coins of Sparta [PELANOR]; but we have several specimens of iron coins issued in the fifth century B.C. at cities of Peloponnesus. [P. G.]

SIGILLA'RIA. [SATURNALIA.]

SIGMA. [TRICLINIUM; MENSA, p. 157 *b*.]

SIGNA MILITARIA. We shall say a few words first on the troops to which the separate standards belonged and the function they fulfilled in the army, and afterwards discuss the form of the standards. The exhaustive, lucid, and learned monograph of A. von Domazewski (*Die Fahnen im römischen Heere*, 1885) must form the basis of any such discussion. In much of what follows, points have been taken for granted which have been supported by evidence in the article EXERCITUS.

Passing over the bundle of hay (*manipulus*) which is said to have been a standard in the time of Romulus (Plut. *Rom.* 8), the principal kinds of military standards may be classed as (1) *signa* (in the special sense), (2) *vexilla*, (3) *imagines*, (4) *aquilae*. It will be advisable to treat the first two together.

(1) and (2) *Signa* and *Vexilla*.—The chief distinctive feature of Roman warfare was that it was mainly carried on with the sword, and that the tactical unit was a small one, viz. the maniple (Varro, *L. L.* v. 88, "manipulos exercitus minimas manus quae unum secuntur signum:" cf. Serv. on Verg. *Aen.* xi. 463). Each of these maniples had a *signum*, Liv. xxvii. 14, 8: "ni C. Decimius Flavus, signo arrepto primi hastati, manipulum ejus signis sequi se jussisset;" but there appears to have been generally, if not always, two *signiferi* in the maniple (Polyb. vi. 24, 6), the second probably to act as a reserve in case the first were disabled or killed; so that we need not suppose that each century had a standard. From thus having a separate standard of its own, each maniple came to be called *signum*, *σημαία*, *e.g.* Liv. xxv. 23, 16; Polyb. vi. 24, 5.

These *signa* preceded the column on the march, but stood in the hindmost rank of the maniple during the fight. The term *antesignani*, taken together with the fact that where *signa* are spoken of in a battle without any qualification the reference is generally to the *signa* of the hastati (Liv. viii. 11, 7); the insufficiency of the evidence for the existence of other standards to justify the title *antesignani* (e.g. Plin. *H. N.* x. § 16); the probability that the standard-bearers, impeded with the excessively heavy standards, would have been almost sure to have been at once cut down if they stood in the front rank of the sword-fight, and so the rallying-point of the maniple gone (whereas the loss of a standard and its bearer is generally spoken of as an unusual occurrence and a sign of a serious defeat of the division); the fact that the front-rank men could be recalled by the trumpets if they pushed away from the standards—all these points tend to show that the case is not made out, though argued with strong conviction by Domazewski (pp. 10–12), that the standards occupied the front line in the battle. But they undoubtedly were at the head of the column on the march; and their great importance, as the centre-point of the tactical unit, may be shown from the number of phrases in which the word *signa* occurs (*signa tollere, signa movere, signa ferre, signa convertere, signa constituere, signa obicere*). The word of command was always directed to the standard-bearers (Liv. v. 55, 1; vi. 8, 1), and conveyed to them during the fight by the *tubicines*, who stood near the general, the signal of the *tubicines* being taken up by the *cornicines*.

The *signa* of the legions, then, were the standards of the maniples. Even after the regular introduction of cohorts and centuries as administrative units, the tactical unit remained the maniple consisting of two centuries. Caesar often mentions the maniple and always in connexion with the standards, e.g. *Bell. Gall.* vi. 34, 6, "si continere manipulos ad signa vellet, ut instituta ratio et consuetudo exercitus Romani postulabat:" cf. ii. 15, 1; vi. 40, 1. Even under the Empire the manipular arrangement remained in force as far as the standards were concerned, just as it did as regards the rank of the centurions; and so Tacitus makes mention of maniples (*Hist.* iii. 22; iv. 77, 78), and Dio Cassius, not having a word to express "maniple," renders it by *δύο ἑκατονταρχίας* (xlviii. 42, 2). In the battle at Forum Gallorum in 43 B.C. there were 22 cohorts and about 60 *signa* lost (Galba *ap.* Cic. *Fam.* x. 30, 5); the numbers show that the *signa* belong to the maniples. In the coins given below we see the legionary *signa* with H(astati) and P(rin-

cipes) on them. But during the Empire the manipular arrangement gradually disappeared, and Vegetius is quite right in saying that in his time (380 A.D.) each century had a *signum*.

That there was no special *signum* for the cohorts may be proved from these considerations: (1) that it would have served no purpose, (2) that there is virtually only one form of legionary *signum* on any representations we know of, and (3) that there is no certain trace whatsoever in the inscriptions or authors of there being two kinds of *signiferi*. When Caesar says (*Bell. Gall.* ii. 25, 1), "quartae cohortis omnibus centurionibus occisis signiferoque interfecto, signo amisso," he is doubtless thinking of the standard-bearer of one of the maniples, probably of that of the hastati: cf. Mommsen in *Eph. Epigr.* iv. 360.

Vexillum (diminutive of *velum*, Festus, p. 377; or perhaps *velum* may be a contraction of *vexillum*, as Cicero says, *de Orat.* 45, 135) was the oldest standard of the Roman army. It was raised on the Janiculum while the Comitia Centuriata were being held (Liv. xxxix. 15, 11; Dio Cass. xxxvii. 28, 1); floating over the general's tent, it gave the signal for battle (Plut. *Fab.* 15; cf. Caes. *Bell. Gall.* ii. 20, 1); it was the rallying-point of the soldiers in the case of a *tumultus* (Serv. *ad* Verg. *Aen.* viii. 1). The *signa* of the maniples during the Republic seem to have had a *vexillum* on them (see the coins below); and, indeed, both the names are applied to the legionary standards by Livy, *secundi hastati signum* (xxvi. 5, 15), *vexilla* [*manipulorum*] (viii. 8, 8), for *vexilla* were the oldest flags in the Roman army. It is probable that the new form of *signum* which had no *vexillum* at all was introduced by Augustus. But *vexilla* were the peculiar standards (1) of those divisions of infantry which were separated from the main division for some special duty, (2) of the troops of discharged veterans called out for further service.

As regards the standards of the cavalry, Domazewski (pp. 26, 27) draws a distinction between the cavalry of those divisions which consisted of both infantry and cavalry, such as the legions or the *cohortes equitatae;* and those troops which consisted solely of cavalry, such as the *alae* or the *equites singulares*. To the former belonged a *vexillum*, probably because the *signum* was appropriated to the infantry; to the latter both *signa* and *vexilla*—in each case one standard for each *turma*. Where both *signa* and *vexilla* appear, it is to be supposed that the *vexillum* was the original cavalry standard, which was later replaced, when no confusion was likely to ensue, by the more splendid *signum*.

Among the praetorians *signiferi* are found attached, to both the centuries and the cohorts; but, as the praetorians were arranged in maniples (Tac. *Ann.* xii. 56; xv. 33, 58), we may readily suppose from analogy that they were the divisions to each of which a *signum* was allotted.

The *auxilia* and the *numeri* had what we may call *signa*, and we shall speak of these below.

(3) *Imagines.*—In the early Empire *imaginiferi* are found belonging to the legions and to the auxiliary cohorts; each legion and each auxiliary cohort had one *imaginifer*. No evidence is found to prove that they existed among the auxiliary cavalry; yet each *ala* of the latter probably had a *signum* (cf. Tac. *Hist.* ii. 89) on which the emperor's *imago* was fixed. There is an interesting relief of one on a tombstone in Hexham Church, reproduced by Dr. Bruce, *Handbook to the Roman Wall*, p. 79. *Imagines* are never found affixed to the standards of the tactical units except in the case of the praetorians, which was a special body-guard of the emperor. In the legions the *imaginifer* belonged to the first cohort (*C. I. L.* iii. 6178, 20; Veget. ii. 6); in the *cohortes equitatae*, to the cavalry of that body (*C. I. L.* iii. 3256).

Legionary *Signum* from Mayence.

(4) *Aquilae.*—From the time of Marius the *aquila* was the standard of the legion. It of course had no tactical significance; but, besides being the sign of union of the whole legion, it marked where the commander happened to be, and accordingly where the main body of the legion was stationed. During the battle it was in charge of the *primus pilus* (Val. Max. i. 6, 11; Tac. *Hist.* iii. 22). In time of peace, during the Republic, it was kept at Rome in the Aerarium with the other standards (Liv. iii. 69, 8). In the camp it was placed in a little shrine (Cic. *Cat.* i. 9, 24; Dio Cass. xl. 18, 1;—Herodian, iv. 4, 5; v. 8, 6); for the standards were held as sacred (Plin. *H. N.* xiii. § 23), and regarded as constituting an asylum (*ib.* i. § 39).

The Form of the Standards.

(1) *Signa.*—The *signa* of the legions were in the main essentials similar to one another. The pole was a lance with a point at the lower end for fixing into the ground (*οὐρίαχος*, App. *Bell. Civ.* ii. 62; *cuspes*, Suet. *Caes.* 62) and a cross-piece of wood a little above this point to prevent the pole sinking too deep into the ground; sometimes, too, the pole had a handle. The pole was plated with silver (cf. Dexippus *ap.* Müller, *Frag. Hist. Graec.* iii. 682: *ἐπὶ ξύστων ἠργυρωμένων*). Towards the top of the pole was a transverse bar with ribands, sometimes of purple, hanging from it; and these often had at their ends silver ornaments shaped like ivy-leaves. Along this transverse bar there appears to have been placed a plate containing the name of the legion, cohort, and maniple to which the *signum* belonged. Below the transverse bar came a series of discs, probably of silver (Plin. *H. N.* xxxiii. § 58), like the *phalerae*. Hence we can readily believe the statements concerning the

Signum from Trajan's Column.

great weight of the standards: *τὰ τῶν στρατοπέδων σύμβολα . . . . μόλις ὑπὸ τῶν γενναιοτάτων στρατιωτῶν φερόμενα* (Herodian, iv. 7, 7). There were military orders given to the maniple or century; for we know from Zonaras (vii. 21) that these orders were given to whole troops as well as to individuals (*οὐ κατ' ἄνδρα μόνον ἀριστεύσαντα ταῦτα ἐδίδοτο, ἀλλὰ καὶ λόχοις καὶ στρατοπέδοις ὅλοις παρείχετο*). This accounts for the fact that the number of discs varies, sometimes being as many as seven, sometimes only two. We hear that in early times a *φιάλη* was given as a meed of value to a foot-soldier, and *φάλαρα* to a horse-soldier (Polyb. vi. 39, 3); later, that *φάλαρα* were given to both horse- and foot-soldiers; but we may perhaps assume that the *φάλαρα* given to the infantry were of the shape of a *φιάλη*: and just as the *alae* of cavalry got *torques* and were accordingly called *torquata* (Orell. 516; *C. I. L.* vi. 3538), so the *troops* of infantry got saucer-shaped *phalerae*. These discs could be taken off the pole; and poles without them were called *incompta signa*, and appeared as such at military funerals (Tac. *Ann.* iii. 2). *Ornare signa* (Suet. *Claud.* 13) seems to have been the expression used for putting these discs on the pole, though in this passage it is said of the eagle, not of the *signa* properly so called. Below these discs, generally acting as a support, was a crescent moon, which was probably a kind of amulet to avoid ill-luck (cf. Plaut. *Epid.* v. 1, 38 (638); Hesych. *s. v.* *σεληνίς*). Above the transverse box was sometimes a *corona aurea*, sometimes a small shield—both probably kinds of orders, though one cannot feel at all sure in the case of the latter—sometimes a small *vexillum*, which was certainly an order (Sall. *Jug.* 85, 29), sometimes an upstretched hand, the token of fidelity. Again beasts, especially the capricorn, are sometimes found below the discs, chiefly on the military coins of Gallienus, Victorinus, and Carausius. They were of the nature of amulets (cf. Saglio, *Dict. des Antiq.* i. 253). For further details on this point see Domazewski, pp. 54–56.

Two representatives are given above of legionary *signa*. The first is from a tombstone in Mayence (Domazewski, fig. 12): the knobs under the crescent have no special significance. The second (*ib.* fig. 23) is a *signum* taken from Trajan's Column: note the hand and the *vexillum*. The two coins below (*ib.* figs. 34, 35) are consular

Signa.

Coin of B.C. 83. Coin of B.C. 49.

coins of B.C. 83 and B.C. 49, with an *aquila* between two *signa*.

The standards of the auxiliary cohorts are so very like those of the maniples that there is no need to give a special representation of them.

The standards of the *numeri* are, however, noticeable, as they appear to have had figures of animals on the top: cf. Tac. *Hist.* iv. 22, "hinc veteranorum cohortium signa, inde depromptae silvis lucisque ferarum imagines ut cuique genti inire proelium mos est." One surmounted by a bull taken from a relief in the Museum at Chesters (the ancient Cilurnum on the Roman wall) is given by Dr. Bruce (*Lapidarium septentrionale*, 930 = Domazewski, fig. 90).

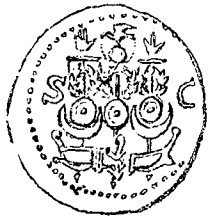
Praetorian Standard (1).

The standards of the praetorians had, like the *signa* of the legions, the transverse bar and the ribands and their ivy-leaves — sometimes above the bar, occasionally separated by a crown, a *vexillum* or a shield, an upright crown, or an image of a god. The most remarkable difference between these standards and those of the legions was that *crowns* (*aurea*, *muralis*, *classica*, or *vallaris*; see CORONAE) take the place of the *phalerae*. In the middle of the pole was placed a medallion containing a portrait of the emperor, or medallions if there were more emperors than one; the most important crown belonging to the maniples was placed between the medallions if there were two. Above and below the medallions were generally crowns. Above are two praetorian standards from Trajan's Column. On the top of the first is a figure of perhaps Victory before a *vexillum*, then a crown, the eagle surrounded by a crown, the transverse bar and one of its ribands with the ivy-leaf at the end, a crown, an *imago*, a *corona classica* (the beaks are quite plain), a crown, another *imago*, a crown, and a knob as a support. On the top of the other is the point of the lance, next a *vexillum*, crown, eagle surrounded with a crown, transverse bar with ribands, crown, *imago*, *corona muralis*, another crown, another *imago*, a crown, and a *knob*.

Praetorian Standard (2).

The standards of the *speculatores*, as far as we can make them out, consisted of an upright hand or a crown above the transverse bar. The latter had pendent ribands and ivy-leaves; under it

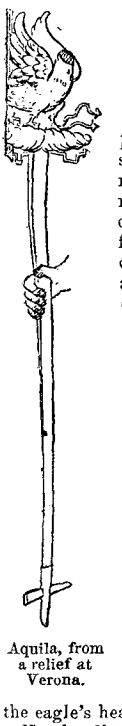
was a *phalera*, a crescent, and the rostrum of a ship: the latter is especially noticeable. The annexed cut is a coin of Galba.


Standards of Speculatores.

(2) *Vexilla.*—The chief feature of the *vexilla* was, that hanging down from the transverse bar was a rectangular fringed piece of cloth which bore the name of the legion and probably that of the emperor. The cloth was sometimes white, sometimes red, sometimes purple (Serv. on *Aen.* viii. 1; Capitol. *Gord.* 8, 3). Occasionally above this piece of cloth, which was the *vexillum* proper, is found a statue of Victory. Annexed is such a *vexillum* from Trajan's Column.

Vexillum, from Trajan's Column.

(3) *Imagines.* — These were medallions of the emperors affixed to poles (*προτομὰς Καίσαρος, αἳ ταῖς σημαίαις προσῆσαν*, Joseph. *Antiq.* xviii. 3, 1: *cf.* Dio Cass. lxiii. 25, 1, *εἰκόνας*; lxv. 10, 3; Tac. *Hist.* iii. 13, 31), though probably the *imagines* which were destroyed in a revolution are not merely those on the standards, but also the statues and busts of the emperor which were in the camp. That medallions of other emperors than the reigning one—no doubt those of the *divi imperatores*—were carried on the standards, is plain from Tac. *Hist.* iv. 62: "revolsae imperatorum imagines."


Aquila, from a relief at Verona.

(4) *Aquila.* — The eagle was placed on the top of a long pole—sometimes immediately, sometimes resting on a metal plate. It generally held a thunderbolt in its claws, and had its wings extended for flight; we know that it was considered a good omen for an army when starting to see an eagle in flight (Tac. *Ann.* ii. 17; *Hist.* i. 62). Occasionally the eagle was represented as holding an oak-leaf in its beak. It was made generally of silver (Cic. *Cat.* i. 9, 24), sometimes of gold (Dio Cass. xl. 18, 1; Herodian, iv. 7, 7). The pole had a spike, generally a cross-piece of wood above the spike to prevent it sinking too far, and sometimes a handle in the middle for pulling it up. If the legion as a whole had gained any especial distinction or ornament, that ornament was affixed to the pole, as in the case of the *signa*. The annexed *aquila* from the relief at Verona (Domaz. fig. 4) gives a good idea of the standard, though unfortunately the eagle's head is broken off.

Nearly all the material necessary for discussing the *signa* is given by Domazewski, *op. cit.* Besides that, some further assistance may be got from articles by Rein in Pauly, vi. 1179-1182, 2542-3, and Marquardt, *Staatsverwaltung*, ii.[2] 345, 353-7, 438-9. [L. C. P.]

SIGNI'NUM OPUS. [PICTURA.]

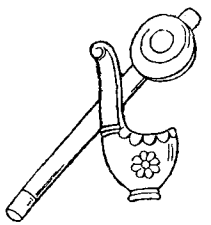
SIGNUM. [EXERCITUS, Vol. I. p. 807; SIGNA.]

SILENTIA'RII. [PRAEPOSITUS.]

SILICERNIUM. [FUNUS, Vol. I. p. 893.]

SI'LIQUA (*κεράτιον*) was the smallest Roman weight, being the sixth part of a scruple, scripulum, or $\frac{1}{144}$ of an ounce. [PONDERA.] The siliqua auri is spoken of as a coin in the time of Constantius II.: according to Mommsen (*Röm. Münzwesen*, p. 791), it is represented by the silver coins of the period of the weight of 36 grains, which may have been equivalent to 3 grs., the weight of the siliqua, in gold. [P. G.]

SIMPU'LUM or **SIMPU'VIUM**, a ladle-shaped earthenware vessel, like a cyathus, but of ruder form. Varro (*L. L.* v. 124) tells us that it was supplanted at the dinner table by its Greek equivalent [CYATHUS], but retained for sacrifices, and Pliny (*H. N.* xxxv. § 158) notes that it was still, by old custom, made of earthenware. The definition of Festus is, "vas parvum non dissimile cyatho quo vinum in sacrificiis libatur: unde et mulieres rebus divinis deditae simpulatrices dicuntur."


Simpulum and Malleus.

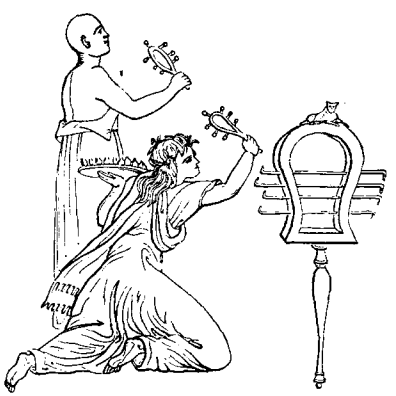
The cut here given is from the relief on the Arcus Argentariorum, and shows the sacred simpulum combined with the malleus used for striking certain victims. [See SECURIS.]

The question naturally presents itself, What was the relation of this vessel to the patera? Representations in Greek art show the wine poured into the patera from a jug. Was the jug similarly used in Roman sacrifices, and filled by means of a simpulum, or was the wine taken from the crater by a simpulum and poured straight into the patera? Our impression is that neither supposition is correct, and that the patera was not used at all in the *ritus Romanus* [see SACRIFICIUM, p. 586], but was introduced along with the *ritus Graecus*, in which the simpulum had no place. The writer has given his reasons for this view in the *Classical Review*, vol. iv. p. 69. It may be observed briefly here: 1. That the patera was the emblem of the Epulones, a comparatively recent order [see EPULONES], while the simpulum is the emblem of the Pontifex, who belongs to the old Roman religion (cf. Cic. *de Rep.* vi. 2, 11; Marquardt, *Staatsverw.* iii. 221). 2. That the representation of sacrificial implements in the Arcus Argentariorum shows a simpulum but no patera, which will be intelligible if the two were not used in the same rite. 3. That in the decree relating to silver articles retained for sacred purposes in the year the patella and salinum are mentioned, but not the patera (Liv. xxvi. 36; PATELLA). This is accounted for if we assume the patera to have

been introduced later; the simpulum being always of earthenware would naturally not be mentioned. 4. The words of Varro and Festus cited above tend to show that the simpulum was a form of Roman vessel handed down from primitive times before the introduction of Greek shapes, and with this agrees the mention in Juv. vi. 343 of the *simpuvium* and *niger catinus* of Numa (the latter perhaps a praefericulum) as primitive sacrificial utensils. If the view here taken is correct, we must suppose that the sacrificial simpulum was used in sacrifices *ritu Romano* to take wine from the larger vessel, or crater, and either transfer it to the *capis*, or pour it directly in libation, as appears in the passages of Festus and Pliny. [G. E. M.]

SIPA'RIUM. [THEATRUM, p. 821 *b*.]

SISTRUM (*σεῖστρον*), a mystical instrument of music, used by the ancient Egyptians in their ceremonies, and especially in the worship of Isis (Ovid, *Met.* ix. 784; *Amor.* ii. 13, 11, iii. 9, 34; *de Ponto*, i. 1, 38). It was held in the right hand (see woodcut), and shaken, from which circumstance it derived its name (*aera repulsa manu*, Tibull. i. 3, 24). Its most common form is seen in the right-hand figure of the annexed woodcut, which represents an ancient sistrum (cf. Micali, *Mon. ined.* tav. xvii.; Plut. *de Is. et Osir.* pp. 670, 671). Apuleius (*Met.* xi. pp. 119, 121,



Sistra.

ed. Aldi) describes the sistrum as a bronze rattle (*aereum crepitaculum*), consisting of a narrow plate curved like a sword-belt (*balteus*), through which passed a few rods, that rendered a loud shrill sound. He says that these instruments were sometimes made of silver or even of gold.

The introduction of the worship of Isis into Italy shortly before the commencement of the Christian era made the Romans familiar with this instrument. The "linigeri calvi, sistrataque turba" (Mart. xii. 29), are most exactly depicted in two paintings found at Portici (*Ant. d'Ercolano*, vol. ii. pp. 309–320), and containing the two figures of a priest of Isis and a woman kneeling at her altar, which are introduced into the preceding woodcut. The use of the sistrum in Egypt as a military instrument to collect the troops is probably a fiction (Verg. *Aen.* viii. 696; Propert. iii. 11, 43).

Sistrum is sometimes used for a child's rattle (Martial, xiv. 54; Pollux, ix. 127). [J. Y.]

SITELLA. [SITULA.]

SITO'NAE (*σιτῶναι*). [SITOS.]

SITOPHY'LACES (*σιτοφύλακες*), a board of officers, chosen by lot, at Athens. Their business was partly to watch the arrival of the corn ships, take account of the quantity imported, and see that the import laws were duly observed; partly to control the sales of corn in the market, and take care that the prices were fair and reasonable, and none but legal weights and measures used by the factors; in which respect their duties were much the same as those of the AGORANOMI and METRONOMI with regard to other saleable articles. Their number, according to the most probable correction of the words of Aristotle (*ap.* Harpocrat. *s. v.*), was the same as that of the other bodies with analogous functions; namely ten, five for the city and five for the Peiraeus (Vömel, *Zeitschr. f. Alterthumsw.* 1852, p. 32; Gilbert, *Staatsalterth.* i. 247; Fränkel, n. 145 on Boeckh). Another reading, followed by Boeckh and the authors of the *Att. Process* (p. 105 Lips.), gives ten for the city and five for the Peiraeus, or fifteen in all. The notion that there were originally only three rests on a false reading in Lysias (*Or.* 22, *κατὰ τῶν Σιτοπωλῶν*, § 8, where Scheibe rightly corrects *τέσσαρες* (*δ'*) for *δύο*: see his note, and Fränkel *l. c.*). According to Lysias (*ib.* § 16), the *σιτοφύλακες* had *often* been punished with death for mere inability to check the proceedings of the *σιτοπῶλαι*, but the passionate unfairness of this speech indisposes us to accept so extraordinary a statement on its sole authority.

Demosthenes refers to the entry in the books of the Sitophylaces (*τὴν παρὰ τοῖς σιτοφύλαξιν ἀπογραφὴν*) to prove the quantity of corn imported from Pontus, which (he says) was equal to all that came from elsewhere, owing to the liberality of Leucon, king of the Bosporus, who allowed corn to be exported from Theudosia to Athens free of duty (Dem. *c. Lept.* p. 467, § 32). These books were probably kept by the five who acted for the Peiraeus, whose especial business it would be to inspect the cargoes that were unladen. (Harpocr. *s. v.* *Σιτοφύλακες*: Boeckh, *P. E.* p. 83 = *Sthh.*^{3} i. 105.)

[C. R. K.] [W. W.]

SITOPO'LAE (*σιτοπῶλαι*). [SITOS.]

SITOS (*σῖτος*), corn. The soil of Attica, though favourable to the production of figs, olives, and grapes, was not so well suited for corn; and the population being very considerable in the flourishing period of the Athenian republic, it was necessary to import corn for their subsistence. According to the calculation of Boeckh, which does not materially differ from that of other writers, there were 135,000 freemen and 365,000 slaves residing in Attica. The country, which contained an area of 64,000 stadia, produced annually about 2,400,000 medimni of corn, chiefly barley. The medimnus was about 1 bushel, 3 gallons, and 5·75 pints, or 48 Attic *χοίνικες*. A *χοῖνιξ* was considered a fair daily allowance of meal (*ἡμερησία τροφή*) for a slave. The consumption of the whole population was about 3,400,000 medimni, requiring therefore an importation of at least a million. It came from the countries bordering on the Euxine Sea (Pontus, as it was called by the Greeks), and more especially from the Cim-

merian Bosporus and the Thracian Chersonese; also from Syria, Egypt, Libya, Cyprus, Rhodes, Sicily, and Euboea. The necessities of the Athenians made them exceedingly anxious to secure a plentiful supply, and every precaution was taken for that purpose by the government as well as by the legislator. Sunium was fortified, in order that the corn vessels (*σιταγωγοὶ ὁλκάδες*) might come safely round the promontory. Ships of war were often employed to convoy the cargo (*παραπέμπειν τὸν σῖτον*) beyond the reach of an enemy (Dem. *de Cor.* p. 251, § 77; *c. Polycl.* p. 1211, § 17). When Pollis, the Lacedaemonian admiral, was stationed with his fleet off Aegina, the Athenians embarked in haste, under the command of Chabrias, and offered him battle, in order that the corn-ships, which had arrived as far as Geraestus in Euboea, might get into the Peiraeus (Xen. *Hell.* v. 4, § 61). One of the principal objects of Philip in his attack on Byzantium was that, by taking that city, he might command the entrance to the Euxine, and so have it in his power to distress the Athenians in the corn trade. Hence the great exertions made by Demosthenes to relieve the Byzantines, of the success of which he justly boasts (*de Cor.* pp. 254, 307, 326, §§ 87, 241, 302).

As with those commercial states which, in modern times, import a large proportion of their food, a regularly-organised corn trade was a matter of the first necessity to the Athenians. What we learn of this organisation shows the business capacity of the Greeks, which in general was greatly inferior to that of modern Europe or even of the Romans, in a favourable light. The destination of corn-ships was frequently changed by advices after they had sailed (Dem. *c. Dionysod.* p. 1285, § 8 ff.); which could not have been done without a good system of intelligence. This enabled the vendors to sell in the best market, with the natural effect, not merely of raising prices where corn was cheap, but of lowering them where it was dear. Prices were thus brought to an equilibrium: for this, the true sense of *συντιμᾶν* in the passage just cited, see *Class. Rev.* i. 14. This natural flow of the commodity was checked by the short-sighted selfishness of governments; the Athenian in this respect being in all probability not the worst offender. Athenian legislation aimed at an artificial cheapness at the expense of speculators; exportation was entirely forbidden; and the consignment of corn to any other port than Athens (*σιτηγεῖν ἄλλοσε ἢ Ἀθήναζε*) was made a capital offence (Dem. *c. Phorm.* p. 918, § 37; Lycurg. *c. Leocr.* § 27). This was the rule for Attic traders, whether citizens or metoecs; while of the corn brought into Peiraeus in foreign bottoms two-thirds were to be carried up into the city and sold there (Harpocr. *s. v.* *Ἐπιμελητὴς ἐμπορίου*). No one might lend money to a ship that did not sail with an express condition to bring a return cargo, part of it corn, to Athens. If any merchant, capitalist, or other person advanced money or entered into any agreement in contravention of these laws, not only was he liable to the penalty, but the agreement itself was null and void, nor could he recover any sum of money, or bring any action in respect thereof (Dem. *c. Lacrit.* p. 941, §§ 50, 51). Information against the offenders was to be laid before the *ἐπιμεληταὶ τοῦ ἐμπορίου* [EPIMELETAE, No. 3]. Strict regulations were made with respect to the sale of corn in the market; and the proceedings of the *σιτοπῶλαι* or middlemen were narrowly watched both by the citizens and the importers (*ἔμποροι*, Lys. *Or.* 22, § 21). Conspiracies to buy up the corn (*συνωνεῖσθαι*), or raise the price (*συνιστάναι τὰς τιμάς*), were punished with death. The statement that they were not allowed to make a profit of more than one obol in the medimnus (*ib.* § 8) is illogical, and contradicted by the whole tenor of the passage: the true reading is *δεῖν γὰρ αὐτοὺς κἂν ὀβολῷ μόνον πωλεῖν τιμιώτερον* (Fränkel, n. 144 on Boeckh). It was, however, unlawful to buy more than fifty *φορμοὶ* at a time: the size of this measure is uncertain, but Boeckh supposes it to be nearly the same as a medimnus. These provisions were (or were supposed to be) carried out by the *σιτοφύλακες* [SITOPHYLACES]. Offences against the corn laws are mentioned by Demosthenes (*c. Timocr.* p. 743, § 136) among those for which no bail was allowed before trial; whether he refers to the *σιτοπῶλαι* or *σιτοφύλακες*, or to both, is not clear. These laws were systematically evaded in the pursuit of gain (Lys. *Or.* 22, *κατὰ τῶν Σιτοπωλῶν*, *passim*; Dem. *c. Dionysod.* l. c.).

In this interference with the natural course of trade, the political economy of the Athenians was scarcely more backward than that of modern Europe, including England, until quite recent times. Our own laws against "forestalling and regrating" were not extinguished until the end of the last century (M'Culloch, n. on Smith's *Wealth of Nations*, p. 237, ed. 1863); in Italy, it appears, bakers and flour-dealers are still liable to summary punishment both from mobs and municipalities. But the wholesale enactment of the death penalty brings out one of the worst features of the Athenian character, and is partly to be accounted for by the fact that the trade was mostly in the hands of aliens, who might be oppressed without remorse. Boeckh, who draws largely from the speech of Lysias *against the Corn-dealers*, seems scarcely aware of the impolicy as well as cruelty of the legislation it describes: an English scholar has criticised it in the true spirit of political economy (Mahaffy, *Social Life in Greece*, ed. 3, p. 403 f.).

We are not surprised to learn that scarcities (*σιτοδεῖαι*) frequently occurred at Athens, either from bad harvests, the misfortunes of war, or other accidental causes. The state then made great efforts to supply the wants of the people by importing large quantities of corn, and selling it at a low price. Public granaries were kept in the Odeum, Pompeum, Long Porch (*μακρὰ στοά*), and dockyard at the Peiraeus (Pollux, ix. 45; Dem. *c. Phorm.* p. 918, § 37, where see Paley and Sandys). *Sitonae* (*σιτῶναι*) were appointed to get in the supply and manage the sale. Demosthenes was appointed on one occasion to that office (*de Cor.* p. 310, § 248). Persons called *apodectae* (*ἀποδέκται*) received the corn, measured it out, and distributed it in certain quantities (Pollux, viii. 114). Public-spirited individuals would sometimes import grain at their own expense, and sell it at a moderate price, or distribute it

gratuitously (Dem. *c. Phorm.* p. 918, §§ 38, 39). We read of the Athenian state receiving presents of corn from kings and princes. Thus Leucon, king of the Bosporus, sent a large present, for which he had the honour of ἀτέλεια (exemption from customs-duties) conferred on him by a decree of the people (Dem. *c. Lept.* p. 467, §§ 33, 34; cf. Isocr. *Trapez.* § 57). Psammetichus, an Egyptian prince, sent a present in Olymp. 83. 4, Demetrius in Olymp. 118. 2; Spartacus, king of the Bosporus, a few years after. In later times, that made by the Roman Atticus is well known. On the whole of this subject the reader is referred to Boeckh (*P. E.* p. 77 ff. = *Sthh.*[3] i. 97 ff.), where also he will find the various prices of meal and bread at Athens, and other details, copiously explained. As to the duty payable on the importation of corn, see PENTECOSTE.

Σῖτος is strictly *wheat-flour*, ἄλφιτα *barley-flour*, πυροὶ *wheat*, κριθαὶ *barley*, ἄρτος *wheat bread*, μᾶζα *barley-bread*. Σῖτος, however, is often applied to all kinds of corn, and even in a larger sense to provisions in general.

[C. R. K.] [W. W.]

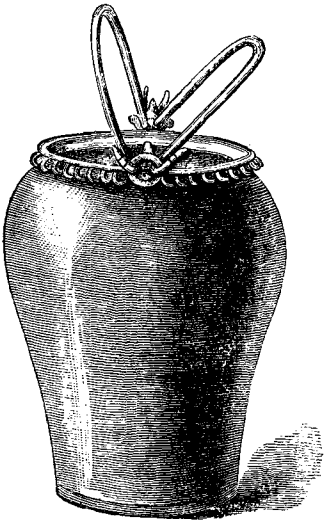
SITOU DIKE (σίτου δίκη). The marriage portion (προῖξ) being intended as a provision for the wife, although it was paid to the husband by her father, brother, or other natural guardian (κύριος), if anything happened to sever the marriage contract, or if, after a contract of marriage and after the payment of the marriage portion, the intended husband refused to perform his engagement (Dem. *c. Aphob.* i. p. 811, § 17; ii. p. 839, § 11; iii. p. 854, § 33), the husband or his representative was bound to repay it; or, if he failed to do so, he was liable to pay interest upon it at the rate of 18 per cent. per annum (ἐπ' ἐννέ' ὀβολοῖς τοκοφορεῖν, [Dem.] *c. Neaer.* p. 1362, § 52; 12 per cent., Dem. *c. Aphob.* i. p. 818, § 17). When the property of the husband was seized, the wife's dowry was exempted therefrom [(Dem.] *c. Everg. et Mnes.* p. 1156, § 57; yet see Lys. *de Bon. Aristoph.* §§ 9, 32); but the marriage was not dissolved on that account, as Van den Es (*de Jure Famil.* p. 50) supposes. Caillemer (*La Restitution de la Dot à Athènes*) gives three causes for the dissolution of marriage: (1) death, (2) civil death, and (3) divorce. 1. Upon the death of the husband without children, the wife and her money went back to the natural guardian; but if he died leaving children, she had the option of staying with them or going back to her κύριος. If she did the latter, the children (or their guardian, if they were under age) were bound to pay back the portion to the κύριος, or 18 per cent. interest in the meantime (Isae. *Pyrrh.* § 8 f., § 78); and if she married again, her κύριος was bound in honour to give the same sum to her new husband (Dem. *c. Boeot.* ii. p. 1010, § 7). If she did the former, she renounced thereby her right to her portion, which became the property of the children, who on their part undertook to provide for all her wants (Dem. *c. Phaen.* p. 1047, § 27; *c. Steph.* ii. p. 1135, § 20: cf. also Aeschin. *c. Tim.* § 28). Upon the wife's death without children, her portion went back to her guardian (Isae. *Pyrrh.* §§ 36, 38); but if she died leaving children, and these were of age, their father had to hand over to them their mother's portion, and, if they were not yet of age, he kept it for them until then (Dem. *c. Bocot.* ii. p. 1023, § 50 f.). 2. The law ordains that a person ransomed from the enemy shall become the property of the ransomer if he fails to pay the ransom (Dem. *c. Nicostr.* p. 1250, § 11); such a person would become a slave, and there could be no marriage between a slave and a free woman. There are, however, no instances recorded of this law being set in force and of a marriage being dissolved for that reason. 3. The portion of the wife had to be restored to her κύριος or interest paid upon it as stated above in case of divorce, both when her husband sent his wife away (ἀπόπεμψις, [Dem.] *c. Neaer.* p. 1362, § 52; Isae. *Pyrrh.* § 28: Schömann, *Gr. Alterth.* i.[3] p. 546, is wrong in supposing that the husband might keep her portion if she had committed adultery), and when the wife left her husband (ἀπόλειψις, Isae. *Pyrrh.* §§ 8, 35, 78; Dem. *c. Onet.* i. p. 866, § 8). Upon the transfer of a woman from one husband to another, which was not uncommon, the προῖξ was transferred with her (Isae. *Menecl.* § 9), or the former husband had to pay interest upon it so long as he retained it (Dem. *c. Onet.* i. p. 866, § 7: 10 per cent.).

A woman's fortune was usually secured by a mortgage of the husband's property [HORI]; but whether this was so or not, her guardian, in any of the cases above mentioned, might bring an action against the party who unjustly withheld it—δίκη προικὸς to recover the principal, δίκη σίτου for the interest. The interest was called σῖτος (alimony or maintenance), because it was the income out of which the woman had to be maintained; ἡ διδομένη πρόσοδος εἰς τροφὴν ταῖς γυναιξίν, etc. (Harpocr. *s. v.*; cf. Pollux, viii. 33). In earlier times it was probably customary to pay in kind, *i.e.* in corn or some other sort of provisions (cf. the expression in [Dem.] *c. Stephan. ii.* p. 1135, § 20, τὸν σῖτον μετρεῖν τῇ μητρί, of the son of an ἐπίκληρος who had come of age and taken possession of her inheritance); but it was soon found to be more convenient to commute this for a money payment. The δίκη σίτου was tried before the archon in the Odeum ([Dem.] *c. Neaer.* p. 1362, § 52; Pollux, viii. 33; Bekk. *Anecd.* p. 317; Photius, *s. v.*); in which, according to Boeckh (*Sthh.* i.[3] p. 110), corn stores were kept, though the passage he quotes (Dem. *c. Phorm.* p. 918, § 37) scarcely bears out this opinion. It is a matter of doubt whether the building of Pericles is meant (Hiller, *Herm.* 1872, p. 391 ff.), or the older one near the spring Enneakrounos (Pausan. i. 14, 1) built by Solon or Pisistratus (Bursian, *Geogr. v. Griechenl.* i. p. 299), the existence of which Wilamowitz denies (*Herm.* 1886, p. 602 n.). This cause, like the δίκη προικός, seems to have belonged to the ἔμμηνοι δίκαι, as it was presumed that the woman could not wait long for the means of her daily subsistence. It was ἀτίμητος, for the damages were clearly liquidated, being a mere matter of calculation, when the payment of the marriage portion was proved (*Att. Process*, ed. Lipsius, pp. 177 f., 510–527).

The regulations about marriage-portions, etc. were different in Gortyna. Whilst at Athens giving a portion, though very usual, was not

necessary to establish marriage as such (as distinguished from concubinage), and whilst there the amount of the portion was not fixed, we find that at Gortyna, if the father was willing to give a portion, its amount was regulated by the law of inheritance, viz. it was half a son's share (*φερνὴ δ' ἐστίν, ἂν ἀδελφοὶ ὦσι, τὸ ἥμισυ τῆς τοῦ ἀδελφοῦ μερίδος*, Strab. x. 4, 20), and a daughter thus endowed had no further claim on the inheritance. During marriage the wife's property was regarded throughout as a separate and individual possession. In case of divorce the wife received her own property brought to the marriage, half of the produce of her property, half of what she had "woven," and five staters, if the man was the cause of the divorce (*αἴτιος*, ii. l. 47 ff.). We do not know what the law was if the wife was the cause, *e.g.* if she had been unfaithful; she can scarcely have forfeited her property. There is no reason to suppose it was so at Athens, though it seems from Dittenberger, *Syll. I. Gr.* No. 344, l. 59 f., that at Ephesus in some cases the portion remained with the husband (*γήμαντες καὶ διαλυθέντες μὴ ἀποδεδώκασι τὰς φερνὰς οὔσας ἀποδότους κατὰ τὸν νόμον*). Upon her death without children, the husband had to give to her relatives the same as in a case of divorce, except the five staters (iii. l. 31 ff.); if there were children they inherited her property [HERES, II.]. Upon the husband's death without children, she received her own property, half of what she had "woven," a portion of the produce, and whatever her husband had given her (iii. l. 24 ff.); but if there were children and she married again, she received her own property only and her husband's gifts (iii. l. 17 ff.). Careful provisions were made against her carrying off anything belonging to her husband or children. [C. R. K.] [H. H.]

SI'TULA, *dim.* SITELLA (*ὑδρία*), a bucket for drawing water from a draw-well (Dig. 18, 1,



Situla of bronze. (Dennis.)

40, § 6) or for carrying it (Plaut. *Amph.* ii. 2, 30; Isid. *Orig.* xx. 15). Those for carrying water were either of earthenware (as in Egypt) and carried two together by a yoke, or of bronze (see Marquardt, *Privatleben*, p. 656). In Plaut. *Cas.* ii. 4, 17, it was a voting-urn; but in this sense we usually find the diminutive form *sitella* (Plaut. *Cas.* ii. 6, 11; Liv. xxv. 3, xli. 18), as also *urna* and *orca* (Verg. *Aen.* vi. 431; Val. Max. vi. 3, 4; Lucan, v. 394; Vopisc. *Prob.* 8). It seems that, as among the Greeks, the urn in which the lots were placed was filled with water; and when this was poured out, the lot which appeared first floating on it was decisive: hence in Plaut. *l. c.*, "Situlam huc tecum affer to *cum aqua et sortes:*" and the expressions in Vopiscus, "qui primum *emergeret*" and "Probi nomen *effusum est*" (cf. Cic. *in Verr.* ii. 51, 127; *in Vatin.* 14, 34; Marquardt, *Privatl.* p. 548). For the difference between *sitella*, the urn from which the names of the tribes or centuries were drawn to determine the order of voting, and *cista* the voting-box, see CISTA. [W. S.] [G. E. M.]

SMINTHIA (*Σμίνθια*), a festival celebrated at Rhodes (and perhaps elsewhere) in honour of Apollo Smintheus (Athen. iii. p. 74 ff; x. p. 445 a: cf. Hermann, *Gottesd. Alt.* § 67, note 10). As regards the places where Apollo was so named, see Strabo, x. 486, xiii. 604; Schol. *ad Il.* i. 39; Ael. *H. A.* xiii. 5, who speaks of a mouse fed in the temple of Apollo Smintheus. It is beyond our scope to discuss whether the name signifies "mouse-destroyer," and therefore "protector of crops," or whether the mouse symbolised a destroyer of enemies, or whether, as is more recently held, the mouse was a totem: see, however, Lang, *Custom and Myth*, p. 103; Baumeister, *Denkm.* p. 1670 (s. v. *Scopas*), where the subject is illustrated by a representation on a coin. [L. S.] [G. E. M.]

SOCCUS, *dim.* SO'CCULUS, denoted a slipper or low shoe, which did not fit closely, and was not fastened by any tie (Isid. *Orig.* xix. 33). Shoes of this description (*e.g.* the *πέρσικαι* and *διάβαθρον*: see CALCEUS) were worn, more especially among the Greeks, together with the PALLIUM, both by men and by women. We find "socci viriles et muliebres" distinguished in *Ed. Diocl.* 9, 25: the latter seem to be usually more ornamented (Plin. *H. N.* xxxvii. § 17; cf. Suet. *Cal.* 52). In the time of the Republic it was considered unbefitting a Roman to wear them (Cic. *pro Rab. Post.* 10, 27), and classed with wearing the pallium instead of the toga.

A comic actor wearing Socci.

As was stated under the article BAXA, the soccus was worn by comic actors (Hor. *Ars Poët.* 80, 90), and was in this respect opposed to the COTHURNUS (Ov. *Rem. Am.* 376; Mart. viii. 3, 13; Plin. *H. N.* vii. § 111). The actor of the MIMUS wore neither buskin nor slipper, and

was therefore called *planipes* (Teuffel, § 7; Mayor, *ad* Juv. viii. 191). The preceding woodcut is taken from an ancient painting of a comic actor, who is dancing in loose yellow slippers (*luteum soccum*, Catull. *Epithal. Jul.* 10). Cf. Marquardt, *Privatleben*, 595; Becker-Göll, *Gallus*, iii. 229. [SOLEA.] [J. Y.] [G. E. M.]

SOCI'ETAS, "partnership," is the name of a contract which arises when two or more persons agree together to conduct for their joint account any lawful business, or to share the profits and loss of any single piece of business, or even of all their havings and doings. According to agreement, the partners may contribute differently either in property or services, and may have different shares in the result. In default of agreement, the shares will be equal. As a rule the share of profits determines also the share of loss, and *vice versâ;* but this also is subject to agreement, only all partners must have some share in the profits. Otherwise, it would be as Cassius used to call it, with an allusion to the fable (cf. Phaedr. i. 5), a "lion-like" partnership (*societas leonina*), and invalid. Mucius (*i.e.* Q. Mucius Scaevola) held that the shares of loss must be the same as the shares of profit, but Servius (*i.e.* Serv. Sulpicius Rufus) held that this was not necessary, and his opinion prevailed (Dig. 17, 2, ll. 29, 30).

Partnership rests on consent, and may either be formed by particular words or inferred from facts ("et re et verbis et per nuntium coiri," Dig. *ib.* 4). It ceases on the death of a partner or on his bankruptcy, or on the extinction of the thing or conclusion of the business which is the object of the partnership, or on the occurrence of the time or condition agreed to, or by notice given by any partner to the others. Civil death (*capitis deminutio*) in this as in other matters was originally equivalent to natural death; but the later law confined such effect to the loss of liberty or citizenship, while it preserved the theory by holding that in the case of a mere change of status (*min. cap. dem.*) a new partnership arose by the consent of the partners as often as the existing one was dissolved. Notice of retirement is good only if the other partners are not unfairly put to a disadvantage; otherwise the retiring partner has to compensate them, and loses his share in the profits (Gaius, iii. 151–154; Dig. *ib.* 63, 10–65, 14 *sq.*).

A partner must account for all profits made by him in partnership matters, and manage the business as carefully as he does his own. He is liable for losses occasioned by his negligence, and cannot set off against them any profits produced by his exertions (Dig. *ib.* 25, 26). He can recover from his partners any expenses in the conduct of the business which he has properly incurred (Dig. *ib.* 52, 10–15; 60, 61; 67, 2; 72–74). The rights and responsibilities of partners were enforced by a special action, *actio pro socio;* i.e. a suit brought in the character of a partner. It could be brought not only by a partner against his fellows, but by or against a partner's heir, without the heir being himself a partner or being made so by this action (Dig. *ib.* 35–38; 63, 8; 65, 9). It was an action *bonae fidei*, i.e. it took account of equitable considerations on both sides. Hence the judge was called *arbiter* (Cic. *pro Rosc. Com.* 8; 24, 25; Dig. *ib.* 38). Condemnation in such a suit made a man infamous (Gaius, iv. 182; Dig. 3, 2, 1), but, as in other cases of close relationship, was not to be executed with such stringency as to deprive the defendant of the necessary means of subsistence ("in id quod facere potest condemnari oportet," Dig. 17, 2, 63 pr., 3). Other rights of action were not excluded, but their effect was limited to satisfaction in excess of what had been already won by this. It differed from the *actio communi dividundo* by being confined to partners in the strict sense of the term, *i.e.* persons to whom a community of goods has come by their own choice and purpose, and not merely by accident or legal devolution, and by its scope embracing not merely corporeal things, but debts and all kinds of mutual claims and equities (Dig. *ib.* 43; 10, 3, 1–3).

Partnership did not make its members into one legal body: its effects were confined to the members themselves; outsiders were in no way concerned. As a rule a partner bound himself only to third parties; and he could alienate only his own share of the partnership property (68, pr.). But some tendencies towards a different rule are found. From *ad Heren.* ii. 13, 19, it would appear that solidarity among the partners of a bank was sometimes customary ("id quod argentario tuleris expensum ab socio eius recte petere possis"), and the convenience of the public is given as the cause of a similar joint liability in the case of companies of slave-dealers (Dig. 21, 1, 44, 1) and of shipmasters (Dig. 14, 1, 1, 25, 1–4). And when partners appoint a captain of a ship or a manager of a shop, his action makes each and all liable to a suit at the hands of third parties. Of course a person thus singled out would have claims to be reimbursed proportionally by his partner.

As examples of partnerships may be mentioned: between neighbours to buy a field for profit (Dig. *ib.* 52, pr., 31); between an owner of cattle or of land and a farmer to pasture the cattle or till the land (2); trading in cloaks (*sagaria negotiatio*, 4); letting chambers (10); building a common wall (13); contributing horses to make up a team for sale (58, pr.); teaching grammar (71, pr.), &c. One of the Transylvanian wax tablets (A.D. 167) is a record of an agreement for partnership in a banking business (*danistaria*) concluded by stipulation (*C. I. L.* iii. p. 950; also in Bruns, *Fontes*). Two of Cicero's early speeches deal more or less with partnerships. That *pro Roscio Comoedo* relates to a slave belonging to Fannius, whom Roscius agreed to train as an actor, the slave thus trained to be employed for their common profit. The speech *pro Quinctio* relates to a partnership in a grazing farm.

Two special forms of partnership require distinct mention.

1. *Societas universorum bonorum* is often spoken of, and may very probably have originated in the position of brothers who were coheirs (cf. Dig. *ib.* 52, 8; 10, 2, 39, 3; 31, 89, 1), a relationship to which the name of *consortium* seems to have been specially applied (Dig. 27. 1, 31, 4; cf. Gell. i. 9, § 12). In this case all the corporeal property of each partner becomes at once without specific delivery common to both, and their future acquisitions by trade, inheritance, gift, damages for bodily hurt, &c. fell into the common stock (Dig. *ib.* 1–3).

2. *Societates publicanorum.* The companies who farmed the public taxes stood from their magnitude in a different position from ordinary partnerships; but little is known of their legal character. An heir, however, became a partner if accepted by the others, and, if not accepted, still shared in the profits and loss (Dig. *ib.* 59; 63, 8). Such interested persons may be meant by the term *adfines* (Liv. xliii. 16, 2; Kuntze, *Curs.* § 697). The shares (*partes*) in these companies were sold and rose and fell in price (Cic. *pro Rab. Post.* 2, 4; *in Vat.* 12, 29). Some account of their proceedings is given in Cic. *Verr. ii.* 70–77, §§ 170–190. [H. J. R.]

SOCII. The term *socii* is the most general of the many terms used to denote a class of states which, though in partial dependence on Rome and acknowledging to the full the Roman hegemony, were yet, through the possession of certain political privileges, not regarded as subject states, and were therefore strictly outside the circle of provincial administration. It was the most general term, since it denoted the only common bond which united these states with one another and with Rome. The separate relations that Rome might have with these states were manifold, but the basis of this union was the idea of an armed alliance, of which Rome was the head. This is expressed in the word *socius*, and still more clearly in its Greek form of *σύμμαχος*. The socii of Rome were those who were regarded as having entered into a perpetual military alliance with the ruling state; but the term *socius* hardly extends so far as the alliance itself. The original nucleus of this alliance, which embraced the whole of Italy and many states outside Italy, was the Latin league. But the Latins were as a rule distinguished from the socii, chiefly on account of the peculiar privileges they enjoyed in relation to Rome [LATINITAS], which were not shared by the other allied communities. This distinction is shown in such expressions as *socii ac nominis Latini* (Liv. xli. 8, 9), *socii et Latium* (Sall. *Hist.* i. 17), and perhaps in *socii Latini nominis*, if this is to be regarded as an asyndeton (Mommsen, *Staatsr.* iii. p. 661, n. 2 and 3). At the other end of the scale we find socii sometimes used loosely to describe purely subject states. Such usage naturally gained ground after the Social war had merged the Italian states, the original socii, in Rome, and caused a sharp distinction to be drawn between Romanised Italy and the mainly dependent outer world: but the usage is incorrect, and down to the end of the Republic we find the distinction drawn between the socii, whose alliance with Rome necessarily implied some degree of independence, and the purely subject states which fell under provincial rule (Cic. *in Caecin.* 3, 7, "socii stipendiariique." Suet. *Caes.* 25, "omnem Galliam praeter socias civitates in provinciae formam redegit").

The earliest political union under Rome, which formed the type of future unions, was the Latin league. The circle of alliance was subsequently extended outside the bounds of Latium by the break up of confederacies such as the Hernican and the Samnite, and the reception of the states, as well as of the Greek towns of the south of Italy, into the Roman confederacy; while the mixed nationalities of these new acquisitions, and the definite military burdens imposed upon the states so received, gave the alliance a purely military and political significance, in which the older bonds which drew these states together, community of blood and language, were wholly lost. The effect of this extension was to present Italy (Greek, Latin and Oscan) as a united whole, and to create a new nationality, of which the geographical and political significances were coincident, that of the *Italici*. This term was at first coincident with the expression *socii nominisque Latini*; but as the socii soon came to include favoured states in the extra-Italian world, such as Athens and Rhodes, it soon ceased to denote an exclusive political status, and became merely a descriptive expression. To the similar connexion, into which Rome entered with states outside Italy, the already organised Italian alliance gave the form in all its main outlines; there was the same recognition of independence and autonomy which was necessary to constitute alliance, although of necessity certain elements which entered into the Italian were less strongly marked in the extra-Italian union. This was particularly the case as regards the fixed military duties of the allies. In Italy such military requisitions were fixed, regular, and frequent, and the Italians furnished the large portion of the land forces which were Rome's chief source of power: the Greek states, on the contrary, like Neapolis and Rhodes, were generally requisitioned to furnish ships; and as the marine of the Romans attained nothing like the permanent importance of their land army, fixed requisitions on the extra-Italian allies were less frequent, and far less of a ruling element in the bond that connected them with the Romans. But the power to make requisitions always remained an essential part of the theory (Liv. xlv. 25; Polyb. xxi. 1, 4), and this condition was the same for the Italian and the non-Italian socii; it carried with it the idea of subjection as clearly as that of partial independence.

But the notion of subjection was expressed more in the fact than in the legal theory. It was shown most clearly by that intermediate position in which the state in question stood, before the terms of alliance were definitely concluded with it. This was the condition expressed by the word *deditio*. A community that as yet had no definite status in the Roman Empire, and yet sought such a status, had first to surrender itself to the power (*in dicionem*, Liv. xxxvii. 45, 2; *in potestatem*, Liv. xxxix. 54, 7), or the honour (*in fidem*, Liv. viii. 2, 13) of the Roman people, for the expressions "in fidem" and "in dicionem," though they are sometimes distinguished, according as the expectations and desires of the conquered people are considered, express the same condition (Polyb. xx. 9, 12, *παρὰ Ῥωμαίοις ἰσοδυναμεῖ τό τε εἰς τὴν πίστιν αὑτὸν ἐγχειρίσαι καὶ τὸ τὴν ἐπιτροπὴν δοῦναι περὶ αὑτοῦ τῷ κρατοῦντι*). A community that had come into this condition had no legal rights to be considered, and no legal claims to urge. If an alliance was sought and accepted, the terms of this alliance were dictated by the Romans; if such autonomy continued to be possessed by the state as was

necessary to constitute it a *socia civitas*, such autonomy was restored to it by the Romans. The international relations that followed this condition of temporary subjection were manifold: and the various relations towards herself that Rome imposed on such communities, as expressed by the terms *foedus*, *libertas*, *αὐτονομία*, cannot be sharply distinguished. These terms, though they may be used to denote different sides of the same status, yet express an ascending scale of rights, *αὐτονομία* involving least, *foedus* most. A state is self-governing (*αὐτόνομος*) in virtue of the enjoyment of its own laws: free (*libera*) in virtue of the nominally sovereign independence it enjoys in relation with Rome. Lastly, *foedus* existed between Rome and any state that had a sworn and therefore binding compact with Rome; but the term *foederati* was apparently not applied to all states that had such a treaty. It was not usually applied to the Latin communities, although strictly speaking they were *foederati* (Cic. *pro Balbo*, 24, 54, "Latinis, id est foederatis"), for the same reason that they did not come under the generic title *socii*, because their position was higher than that of the ordinary socii or foederati. Again the term *foederati* was not employed to denote the dependent kingdoms or dynasties that had terms of alliance with Rome. The standing relations between Rome and these *reges socii* being only regarded as binding during the lifetime of the ruling prince and having to be renewed with his successor, these communities, though regarded as members of the armed alliance, and therefore as *socii*, were not regarded as having their position secured by a lasting and irrevocable alliance, and were not therefore spoken of as *foederati*: and thus we find the *reges* not included in but classed by the side of the *populi liberi* and the *foederati*, in the enumeration of the different kinds of states that stood in any degree of permanent relationship with Rome (Aelius Gallus, *ap.* Fest. s. v. *postliminium*, p. 218, "cum populis liberis et cum foederatis et cum regibus postliminium nobis est ita uti cum hostibus"). The distinction between *liberi* and *foederati* is the distinction between states that were independent of any other sovereign power (Dig. 49, 15, 7, 1, "liber populus est qui nullius alterius populi potestati est subjectus"), and states the independence of which was recognised by a binding treaty. Every *foederata* was of necessity also a *libera civitas*, since no treaty could be concluded with a state that did not possess the sovereign power expressed in *libertas*: but a state might be libera, and have all the advantages which the recognition of independence conferred, without having what was in this case merely a permitted independence, recognised by a treaty the observance of which was guaranteed by the community that dictated it, without being, that is, a *foederata civitas* (*ἐπὶ συνθήκαις ἔνορκοι*, App. *Bell. Civ.* 1, 102), or as it was sometimes more fully called a *libera et foederata civitas* (Plin. *Ep.* 92; Suet. *Cal.* 3; Niebuhr, *Hist. of Rome*, iii. p. 616; Mommsen, *Staatsr.* iii. pp. 656, 657). In the terms of the foedus concluded between Rome and an Italian or non-Italian state, there was always practically a recognition of semi-dependence in the latter, and an assertion that the fullest hegemony was vested in the central state; but in some of these treaties there was a formal recognition to the same effect contained in the clause that the state to which the treaty was granted "should respect the majesty of the Roman people." A treaty containing this clause did not technically diminish the *libertas* of the state with which it was concluded, but merely asserted—what in every foedus was tacitly implied—the superiority of the state which dictated the treaty (Dig. 49, 15, 7, 1, "hoc adjicitur, ut intellegatur alterum populum superiorem esse, non ut intellegatur alterum non esse liberum." Cic. *pro Balbo*, 16, 35, "ille in foedere inferior cum alterius populi majestas conservari jubetur"). Vague as the expressions *foedus aequum*, *foedus iniquum* are, yet, when strictly employed, they appear respectively to denote a treaty the character of which was determined by the absence or presence of this restrictive clause (Dig. *l. c.*: "is foederatus est item sive aequo foedere in amicitiam venit sive comprehensum est ut is populus alterius populi majestatem comiter conservaret").

Every alliance implies the sacrifice of some rights on the part of the contracting states. The nature of the rights sacrificed on either side shows the equality or inequality of the alliance: and the real dependence of the socii on Rome was strongly marked by the perpetual sacrifice of certain rights on their part which were inconsistent with the hegemony of Rome. Such was the renunciation of the free right of declaring war, which was accompanied by the loss of the parallel right of making independent treaties; the sole exceptions are to be found in the case of the more distant *reges socii*, such as those of Mauritania and Cappadocia, who exercised the right, which was perhaps not formally denied to them, of conducting border wars on their own account. The Roman principle of the separation of interests also insisted on the breaking up of the standing national confederations within the allied states. The merging of the Latin confederacy in Rome had been followed by the break-up of the Hernican and Etruscan leagues, and no hegemony, such as that exercised by Rome over her socii, was permitted to any of these allied states over others, the "octo oppida sub dicione Praenestinorum" mentioned by Livy (vi. 29) being probably an exceptional *clientela* entered into for the purposes of revolt (Mommsen, *Staatsr.* iii. p. 658, n. 1). In the provinces also the ancient *συμμαχίαι* were broken up. This was the case with Athens, whose dependencies when retained became, as the island of Delos did, her actual possessions, which may have been regarded as cleruchies, and which were governed directly by Athenian *ἐπιμεληταί* (Gilbert, *Staatsalterth.* i. p. 425). Similarly, with the entrance of Rhodes into direct *societas* with Rome, her hegemony over Lycia and Caria was lost (Polyb. xxx. 5, 12; Liv. xliv. 15, 1).

The most distinctive duties performed by the allies of Rome were those connected with purposes of war. The idea of the alliance presupposed warlike service, and the position of Rome with respect to her allies no doubt carried with it the right to an indefinite demand for such service whenever occasion required. As regards the Italian allies, there were definite regulations as to the amount of the contingents they were

expected to furnish. The same was the case with the Greek states, the usual requisition on which was ships of war. The amount of the contingent was definitely fixed, and in some cases, as in that of the Rhodians, was changed from time to time (Dio Chrysost. *Or.* 31, p. 620), while to some of these states a special exemption from regular service was granted (Cic. *in Verr.* v. 19, 50). But it was from the land army of the Italians, the *togati*, or, as the Roman formula more fully expressed it, the "socii nominisve Latini, quibus ex formula togatorum milites in Italia imperare solent" (*C. I. L.* i. 200), that the main strength of the auxiliary forces was derived. The number of troops required was decreed every year by the senate (Liv. xli. 5, &c.), and the consuls fixed the amount which each allied state was to send, in proportion to its population capable of service. The names of persons so liable were contained in the *formulae* of the several states (Liv. xxii. 57, xxvii. 10, "milites ex formula paratos esse"), service being regulated by the census, which was modelled on that of Rome (Liv. xxix. 15, "censumque in iis coloniis agi ex formula ab Romanis censoribus data"), and under the conditions of the special exemptions from service granted by the treaty ("vacatio rei militaris ex foedere," Lex Jul. Munic. l. 93; *C. I. L.* i. n. 206). The consuls appointed the place and time at which the troops of the socii were to meet him and his legions (Polyb. vi. 21, 4; Liv. xxxiv. 56, xxxvi. 3, &c.). The contingents of the several states remained together in separate cohorts, each under its own commander, and each furnished with its own quaestor (Polyb. vi. 21, 5). The commander was, probably, in most cases the magistrate of the state, as the praetor of Praeneste (Liv. xxiii. 19, 7) and the soldiers of the separate states took the *sacramentum* to their own commander (Polyb. *l. c.*). Besides these separate officers, the consuls appointed twelve prefects, apparently Roman, as commanders of the whole body of the socii, and their power answered to that of the military tribunes in a consular army (Polyb. vi. 26, 5), the whole staff of officers acting in obedience to the consul. These prefects selected $\frac{1}{3}$ of the cavalry and $\frac{1}{5}$ of the infantry of the socii, who formed a select body called the *extraordinarii*. The remainder were then divided into two large divisions, called the right and the left wing (Polyb. *l. c.*; Liv. xxxv. 5); each of these *alae*, composed of cohorts and commanded by six praefecti, closely resembled a Roman legion, and we find the socii on one occasion organised as legions (Liv. xxxvii. 39). The infantry of the allies, on the occasion of a single levy, was usually more numerous than that of the Romans; their cavalry, which was divided into *turmae*, generally three times more numerous (Polyb. vi. 26). Pay and clothing were given to the allied troops by the states to which they belonged, the quaestors who accompanied each contingent being appointed for this purpose; but Rome furnished them with provisions at the expense of the Republic, the allied infantry receiving the same as the Roman, the cavalry somewhat less [STIPENDIUM]. The right of the allies to share in the distribution of the spoils of war and of conquered lands was freely recognised, and on some occasions they received an equal share with the Romans (Liv. xxxix. 5; xl. 43). But that they had no standing right to such an equal distribution, such as that said to have been possessed in ancient times by the Latin and Hernican confederacies (Dionys. vi. 95; viii. 77), is shown by the fact that on some occasions these proportions were not maintained (Liv. xli. 13). The contingents of the Italian socii are sometimes called *auxilia* (Sall. *Jug.* 39), those of the allies outside Italy being described as *auxilia externa* or *provincialia* (Liv. xxii. 37, 7; xl. 31, 1). After the Social war, however, which merged the Italian allies in Rome, the Italian *auxilia* or *togati* disappear, and the word *auxilia*, during the later Republic and the Empire, always signifies non-Italian contingents, chiefly those which made up the light-armed troops of the Roman forces.

Although the furnishing of regular contingents was not held inconsistent with the autonomy of the states in alliance with Rome, the furnishing of a regular tribute was. It is true that some of the dependent kingdoms paid a tribute (Polyb. ii. 12, 13) which was in the nature of a war-indemnity; but during the early period of the Roman Empire liability to tribute was a token of subjection, and neither the Italian allies nor the *liberae* or *foederatae civitates* in the provinces were subject to it; *foedus* implies *libertas*, and *libertas* (ἐλευθερία) is invariably conjoined with *immunitas* (ἀτέλεια, Paus. viii. 43, ἐλευθερίαν καὶ ἀτέλειαν. Strabo, p. 595, ἐλευθερίαν καὶ ἀλειτουργησίαν. Cic. *in Verr.* iii. 6, 13, "liberae et immunes"). Although this principle was modified to some extent in the later Republic [IMMUNITAS], yet *stipendiarii* was ever the main antithesis to *socii* (Cic. *pro Balbo*, 9, 24; Marquardt, *Staatsverw.* p. 346). This general immunity of the allied states was accompanied by an assertion, such as that contained in the Lex Antonia de Termessensibus of 71 B.C., that their territory was under their own control, and that such public revenues as were raised from it should be raised by their own governments and for their own local purposes (Lex de Term. *C. I. L.* i. n. 204, § i. 10, "quei agri, quae loca, &c., utei antea habeant possideant." Cf. *C. I. G.* 2737, ἔχωσιν κρατῶσιν χρῶνται καρπίζωνταί τε πάντων πραγμάτων ἀτελεῖς ὄντες), and it is on this right that the exemptions from the quartering of troops recognised in the law of Termessus (ii. 5) is based. Rome, however, claimed of her own right to confer exemptions from local burdens on the citizens of such states (Liv. xxiii. 20, 2; *C. I. L.* i. n. 206, l. 93) and to claim exemptions for her own citizens from local dues (Lex de Term. i. 35). The enjoyment of the control of their own territory by the allies was necessarily accompanied by the fullest permission of local administration both in respect to jurisdiction and the power of living according to local ordinances or of making local laws, provided these did not conflict with the terms of the treaty or the conditions expressed in the lex data (Lex de Term. i. 10, "suis legibus utei liceto, quod advorsus hanc legemnon fiat"). As regards jurisdiction, the allied state, if in Italy, was outside the authority of the Roman magistrate; if without the bounds of Italy, of the provincial administrator; and the exercise of jurisdiction by such an official was improper (Cic. *de Prov. Cons.* 3, 6,

"omitto jurisdictionem in libera civitate contra legis senatusque consulta;" cf. *pro Domo*, 9, 23). An important fact in the history of the allies is the extent to which they were affected by Roman legislation. A great distinction was observed in this respect between the nearer and the more distinct socii. Circumstances demanded that the near neighbours of the Romans, the *Italici*, should be brought into closer conformity with Roman customs than the more distant allies: and many institutions of the Roman civil law as well as many legislative acts were extended to the former. With regard to the laws mentioned by Cicero, of inheritances, testaments, and "innumerabiles aliae leges de civili jure" which were accepted by the allies ("quas Latini voluerunt adsciverunt," Cic. *pro Balbo*, 8, 21), there is no difficulty, but many others are mentioned as having bound the Italian allies, such as the plebiscitum regulating the *jus creditae pecuniae* (Liv. xxxv. 7) and the sumptuary Lex Didia which was an extension of the Lex Fannia to the Italici apparently against their will (Macrob. *Sat.* iii. 17, 6), in which there is no mention of the usual formula of acceptance, "fundi (*i.e.* auctores, Fest. p. 89) facti sunt." Formal acceptance, however, there may have been in these cases, and this was most distinctly recognised in the important matter of the conferring of the *civitas* [FOEDERATAE CIVITATES]. As regards this right of acceptance or rejection there was, in accordance with the principle already mentioned, no distinction drawn between a *libera* and a *foederata civitas* (Cic. *pro Balbo*, 8, 20, "foederatos populos fieri fundos oportere non magis est proprium foederatorum quam omnium liberorum"). By far the most striking instance we possess of the direct interference of Rome with the allied states is the Senatusconsultum de Bacchanalibus, which extended penalties to the members of the Bacchanalian conspiracy all over Italy (Liv. xxxix. 19; *C. I. L.* i. n. 190). This was an exceptional assumption of the senate's power even for Rome, and their power, as exercised in this case, was based on their actual control of the Roman world, and does not affect any legal theory of autonomy. The general position of the Roman senate, as regards the allies, was that of a uniting and controlling power. It might revoke grants which, as not being held by a fixed treaty, were terminable at pleasure (Lex de Term. ii. 5, "ne quis magistratus milites introducito nisi senatus nominatim decreverit"), and it adjusted the conflicting claims of states both within and without the bounds of Italy (Liv. xlv. 13; Dittenberger, n. 240): sometimes referring questions respecting the internal difficulties of these states to the decision of Roman *patroni*, with whom they had entered into relations of clientship (Liv. ix. 20; Cic. *pro Sulla*, 21, 60). The senate's control, as it was usually exercised, did not conflict with the amount of autonomy implied in the fact of alliance, since this did not extend to independent international relations. The tenure of independence by a *foederata civitas* lasted theoretically as long as the conditions of the foedus were observed: the autonomy of the states that were merely *liberae* was always from its very nature of a precarious tenure: but the notorious abuse of self-government by a foederata civitas might, during the principate, cause a foedus to be rescinded, and the direct provincial government to replace the misused autonomy (Suet. *Aug.* 47; *Claud.* 25; *Vesp.* 8). The tendency of the imperial administration was towards an equalisation in the position of provincial states, and even when libertas was not taken from the states which possessed it, yet the supervision of these by the διορθωταὶ or ἐπανορθωταὶ (*correctores*) and the λογισταὶ (*curatores*) appointed by the emperor (Mommsen, *Staatsr.* ii.^{2} p. 858; Marquardt, *Staatsverw.* i. p. 358) rendered their position but little different from that of the provincial subject towns: and the libertas, which was the necessary condition of societas, practically disappeared; but the name *liberae* still continued to be applied to certain states even after the extension of the civitas by Caracalla, and down to the time of Constantine (Marquardt, *Staatsverw.* i. p. 359).

(Mommsen, *Staatsrecht*, iii. pp. 645–715; Marquardt, *Staatsverwaltung*, i. pp. 18–89 and pp. 345–353; Walter, *Geschichte des römischen Rechts*, p. 192 ff.) [A. H. G.]

SO'CIUS. [SOCIETAS.]

SODA'LES. [COLLEGIUM.]

SODALI'TIUM. [AMBITUS.]

SOLA'RIUM. [HOROLOGIUM; DOMUS.]

SO'LEA. 1. The most primitive form of footgear is the sandal. It consists simply of a sole of matting, leather, felt, or wood bound to the foot by thongs and straps. It was not only worn by the Greeks and Romans of all periods, but still survives. In studying its use in classical times, there is great difficulty in distinguishing it from the various forms of boots and shoes which were used side by side with it. Even if we were able to identify the various shapes mentioned in literature with those shown on the monuments, the question would not be settled, for the transition from one class to another is represented by so many intermediate forms that a hard and fast line cannot be drawn.

In the Homeric age the πέδιλα, which were worn by men (*Il.* ii. 44, &c.), are doubtless sandals, for they are called ὑποδήματα (*Od.* viii. 368) and bound to the foot (*Il.* xxiv. 340, &c.). Whether women used them or not is doubtful, though goddesses wore them out-of-doors (*Il.* xiv. 186). The epithets καλά, χρυσεία, ἀμβρόσια, given to them, convey no information as to their shape and make. Those, however, worn by common folk must have been simplicity itself, for we are told how Eumaeus, when setting out for the city, made himself a pair out of a well-dressed ox-hide (*Od.* xiv. 23). Such sandals remained in use in the country, being mentioned by Sappho (*Frag.* 98, Bergk, τὰ δὲ σάμβαλα πεμπεβόηα), and Hesiod's advice to have them lined with felt (*Op.* 541) suggests that they were of the same kind as the sandals, worn over very thick stockings by the peoples of the lower Danube, the form adopted by the Bulgarian army being the best known. Such sandals were made in extremities even out of raw hide, and were known as καρβατίναι (Xen. *Anab.* iv. 5).

In classical times it was not unusual among the Greeks to go barefoot. With the Spartans this was indeed part of their discipline (Xen. *Rep. Lac.* ii. 3, and passages on ἀνυποδησία in Becker-Göll, *Charikles*, iii. 267), and philosophers

and others of an ascetic turn adopted the custom of Athens and elsewhere (cf. Theocr. xiv. 5, Πυθαγορικτὰς ὠχρὸς κἀνυπόδητος). Yet even Socrates, the best known of the barefoot philosophers (Aristoph. *Nub.* 103), though he wore no shoes in the snow and ice at Potidaea, put on slippers when going to Agathon's supper (Plato, *Symp.* 174), as was the fashion (Aristoph. *Eq.* 889). The cut and fit of his sandals and shoes was indeed not one of the least of the Greek dandy's anxieties (Plato, *Phaedo*, p. 64 D), and many are the jokes at ill-fitting boots (Aristoph. *Eq.* 321), which were the sure mark of a boor (Theophr. *Char.* 4). The general name for all sandals is *ὑπόδημα*, the word *σανδάλιον* or *σάνδαλον* being also used in the same sense (the old distinction between these words is due to a mistake of Salmasius; cf. Pollux, vii. 84, ed. Kuhn).

The sole of the sandal (*πέλμα*, *κάττυμα*) was of one piece or several layers of leather. One, for instance, discovered in the Tauric Chersonnese and now at St. Petersburg, has a sole made of eleven or twelve layers of leather, the upper surface being ornamented with gold (Stephani, *Compte Rendu*, 1865; cf. 1881, p. 142, and Taf. iii. 4 and 5). Thick soles were in fact worn, like modern high heels, to give ladies greater height (cf. Xen. *Oec.* 10, 2). Wood was used as well as leather, not only for coarse cheap clogs (*κρούπεζαι*, *sculponeae*), but for expensive and delicate sandals for ladies' wear (*τυρρηνικά*, Poll. vii. 92; Clem. Alex. *Paed.* ii. 11, 116). A specimen, which however probably belongs to Roman times, was discovered in 1876 near Kertsch in the Crimea. It is formed of three layers, joined together by pegs, the top layer being painted red and covered with leather. Round the edge are a number of pairs of holes for attaching strings or thongs (*Compte Rendu*, 1881, p. 143, with fig.). Cork was also used for soles (cf. Alexis *ap.* Athen. xiii. p. 568).

The most characteristic feature of the sandal was the *ζυγὸς* or *ζυγόν*, a strap which passed across the toes and held it on the foot (Arist. *Lys.* 416, and Schol. *ad loc.*). (In Strabo, vi. p. 259, however, *ἄζυγα σανδ.* certainly means, as Becker takes it in opposition to Bötticher, *odd* sandals, *i.e.* not a pair.) To the *ζυγὸς* was attached a thong, which passed between the great toe and the second toe. This and the other straps which held the other parts of the sole were, as a rule, kept tight by a latchet (*lingula*) over the instep. This was of metal, and of a heart- or leaf-shape. It was part of Parrhasius's magnificence to have had latchets of gold on his slippers (*χρυσοῖς τε ἀνασπαστοῖς ἐπέσφιγγε τῶν βλαυτῶν τοὺς ἀναγωγέας*, Athen. xii. 543 f). The network of straps and thongs was sometimes so thick as to make the sandals practically a shoe, and often reached as far as the calves. Such were doubtless the *βαῖδια*, which Pollux (vii. 64) explains as *πολυέλικτον ὑπόδημα*.

Of the different varieties, for the *βλαῦται* see CALCEUS, Vol. I. p. 332. The *βαυκίδες*, which were also fashionable and expensive (Poll. vii. 94), were probably somewhat the same, but only worn by women. Aristophanes also mentions *περιβαρίδες* as a luxurious form of sandal (*Lys.* 45, 47, 53), though Pollux says that it was only worn by slaves. [For the *κρῆπις*, see CREPIDA.]

As we have said, *ὑποδήματα* is a word used vaguely, and, though generally meaning sandals, stands sometimes for shoes. Thus in the Edict of Diocletian we have *ὑποδήματα Βαβυλωνικά*, the Latin equivalents being *soleae Babylonicae* (ix. 17) and *socci Babylonici* (ix. 23). Again, the *περσικαί*, a favourite woman's shoe at Athens (Arist. *Thesm.* 734; *Eccl.* 319), must have had a close upper (cf. Id. *Nub.* 151).

At Rome it was not the custom to go about barefoot, and all freemen wore boots or shoes when out of doors. Sandals and slippers were reserved for indoor use; and to wear them outside, in Greek fashion, was considered effeminate. Indeed, this was the favourite gibe which the Romans of the old school cast at those who found the *pallium* and *crepidae* more comfortable than the *toga* and *calceus*. Scipio the elder (Liv. xxix. 19, 12), Verres (Cic. *in Verr.* v. 33), Antony (Cic. *Phil.* ii. 30), Germanicus (Tac. *Ann.* ii. 59), and Caligula (Suet. *Cal.* 52) scandalised the sticklers at propriety in this way, and the prejudice lingered on even until the age of Hadrian (Gell. xiii. 22, 1).

The wearing of sandals or slippers when going out to supper was, however, quite a recognised one; for as it was the custom to have one's slippers taken off by the slave on reclining at the table (*soleas demere*, Plaut. *Trucul.* 367; *soleas deponere*, Mart. iii. 50, 3), sandals were much more convenient than boots. Hence the phrase *soleas poscere* (Hor. *Sat.* ii. 8, 77, &c.), "to prepare to take leave." Most guests came in a litter, but those who could not afford this walked in boots and carried their *soleae* under their arm (Hor. *Epp.* i. 13, 15). The general name for sandals in Latin is *solea*, *sandalium* being a transliteration which never became naturalised at Rome. [For CREPIDA, see that article.] Of other varieties the *gallicae* are the best known and were longest in use. The Edict of Diocletian mentions a number of different kinds for men and women with single or double soles, for travelling or country wear (*gallicae viriles rusticanae bisoles*, *gallicae viriles monosoles*, *gallicae cursoriae*, *taurinae muliebres bisoles* and *monosoles*, ix. 12), which shows that their use must have been popular and very extended. Of other sorts, those from Patara and Babylon and the Tyrrhenian (*v. ante*) were not peculiarly Roman, but worn all over the Hellenistic world.

The monuments showing Roman sandals do not differ in any important respect from the Greek shapes. (Becker-Göll, *Charikles*, iii. 267, 281; *Gallus*, iii. 227; — Hermann-Blümner, *Lehrbuch*, 181 foll., 196; Guhl and Koner, p. 225; Iwan Müller, *Handbuch*, iv. pp. 404, 409, 427, 432, 806, 880, 930; Marquardt, *Privatleben*, 1886, pp. 322, 595, 705; Baumeister, *Denkmäler*, art. *Fussbekleidung;* Daremberg and Saglio, *Dict. d'Antiq.*, arts. *Bluutai*, *Crepida;*—Blümner, *Technologie*, i. 276: *Leben u. Sitten*, i. 60;—Büchsenschütz, *Hauptstätte*, p. 91.) [W. C. F. A.]

2. *Solea*, a shoe for horses or mules. It is a matter for dispute at what date horses were shod for ordinary use in Europe; and a further and different question, when horse-shoes were first attached by nails. In Greek literature of a date before the Roman conquest there is no trace of any shoe for animals at all, except in the case of camels, who, according to Aristotle

(*H. A.* ii. 6 = p. 499 a), on a campaign had a sort of shoe (*καρβατίνη*) bound beneath the foot; but his remark, that this was done because the camel's foot was soft (*σαρκώδης*), makes this passage an argument against the existence of horse-shoes in Greece at that date. It is perhaps hardly necessary to point out that the Homeric epithet *χαλκόπους* (*Il.* xiii. 23), like *χαλκοκρότος* in Aristoph. *Eq.* 551, merely refers to the noise of the horses' hoofs, and is no more an argument as to material than *χαλκεόφωνος*. Further than this we have in Xenophon's *de Re Equestri* not only the argument of his silence about shoes, but also the fact that he gives (ch. 4) directions for the sort of pavement in the stable or stable-yard which would best harden the hoofs. In the *Anabasis* (iv. 5, 36) he describes a practice in the Armenian hill-country of binding bags (*σακκία*: unless we are to read *σακία*, *i.e.* discs, like small shields) under the feet of horses and mules; but this was only in the snow, to prevent them from sinking: some kind of "bog-shoes" is similarly used for horses to this day in Holland and in parts of Scotland (Fleming, *Horse-shoes*, p. 319). Lastly, the evidence of ancient art points the same way. We have no representation of shoes on horses, though on the frieze of the Parthenon, for instance, we should expect to see traces of shoes had they existed, as well as of bridles. It is quite possible that with all their methods for hardening the hoofs, they may have worn out quickly on roads: and as a fact historians note that this happened (Thuc. vii. 27; Diod. xvii. 94).

In Roman literature we find a very slight mention of shoes for mules: the *ferrea solea* left in the mud (Catull. viii. 23): the shoeing of Vespasian's mules (Suet. *Vesp.* 23): the silver shoes of Nero's mules (Id. *Ner.* 30), and the golden shoes of Poppaea's (Plin. *H. N.* xxxiii. § 140; cf. Dio Cass. lxii. 28). Upon these passages it must be remarked (1) that all refer to mules, (2) that they are probably exceptional cases, either for mules with weak or injured feet, or, as in the last two cases, for ostentation. We can have little doubt also that these shoes were not nailed, but bound on as will be described below: Arrian (*in Epict.* 3) speaks of *ὑποδημάτια* for asses.

The use of shoes or sandals made of hemp (*spartei*), bound on injured hoofs, is noticed by Columella (vi. 12), Galen (*de Alim.* i. 9), and Vegetius (i. 26), who gives precise instructions that in case of tender or injured feet they should be *calceati*, the shoes being either iron or hempen and attached by *lemnisci* or *fasciolae*. It is clear that these writers are speaking of use for exceptional cases; and moreover in Columella, i. 73, we find a recommendation that stables should have oak floors, "nam hoc genus ligni equorum ungulas ad saxorum instar obdurat," which implies that he did not mean the horses to be shod. The same deduction, that shoes were only for exceptional cases, may be made from their absence in the list of *ἱππικὰ σκεύη* given by Pollux, x. 56.

As regards nailed shoes, though the lines of Tryphiodorus (*Ἰλίου ἅλωσις*, 86) *οὐ μὲν ἐπὶ κνήμῃσιν ἀχαλκέες ἔξεχον ὁπλαί*, &c. seems to show that in his time (? 5th century A.D.) it was customary to shoe horses, yet it is impossible to say whether he means nailed shoes or sandals. Beckmann, in the passage which he cites from Leo (*Tactica*, v. 4), is probably right in setting down as the earliest mention of nailed horse-shoes. The words there (describing part of the cavalry equipment) are *σελῆναι σιδηραῖ μετὰ καρφίων*, *i.e.* "iron horse-shoes with nails." That this mention in the 9th century A.D. marks the *earliest* use of nailed horse-shoes shaped as they are now, is, we think, a wrong conclusion. Not only have we the relief from Gaul (see Baumeister, *Denkm.* fig. 2322) of a *carruca* drawn by horses with nailed shoes, but also numbers of ancient horses' shoes, not differing in shape from those now in use, have been discovered in France, Switzerland, and Germany, and a few in this country. A description of them with illustration will be found in Fleming (*op. cit.* ch. 3–6). That they are of a high antiquity there is no doubt, but we *think* him wrong in making some of them as old as the time of Julius Caesar. The evidence from position is not so clear as to necessitate any such belief, and had they been then in use in Gaul we can hardly doubt that they would have been adopted at least to some extent in Italy; and in that case, though it is quite possible that there might be no mention of them in general literature, we should expect it in Vegetius; and still more we should certainly find a forge at Pompeii. It would besides be strange that Caesar does not notice them. We should rather conclude that the Gauls began to nail horse-shoes considerably later than Caesar's time, perhaps after the date of Vegetius, and that the invention spread thence to Italy and Greece. Whether Greece had then, as now, the practice of nailing on iron *plates* with merely a hole in the centre is uncertain: but, inasmuch as it is the Turkish system now, we should judge that this pattern of shoe was brought into the Morea by the Turks, and that the true horse-shoe shape is marked by Leo's word *σελῆναι*. The objects figured below represent what are often called "Roman horse-shoes." They are found in France and elsewhere: several are in the Museum of Besançon: fig. 1.

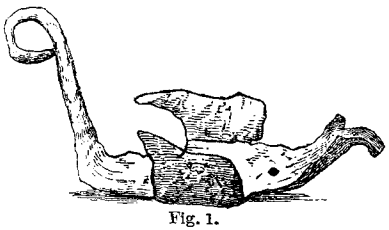


Fig. 1.

shows one in the British Museum, found at Reignac (Indre et Loire); another exactly like it

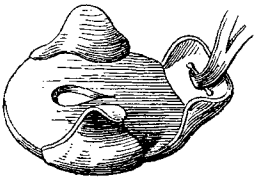


Fig. 2.

Fig. 3.

was found in the Thames among Roman relics, and is described in the *Archaeological Journal*, xi.

p. 416, as a lamp-stand. Fig. 2 (from Fleming) shows one preserved at Besançon. Mr. Fleming (ch. 7) thinks that they are slippers or skids for a wheel [SUFFLAMEN]: but many, if not all, are ill adapted for that purpose. We think that the more correct view is to accept them as "horse-sandals," attached as represented in fig. 3, but used only exceptionally for injured or cracked hoofs. This will account for their not being found more frequently, and also for the fact that they have been discovered close to ancient nailed horse-shoes. (See also Beckmann, *Hist. of Inventions*, ii. 270 ff.; and for still fuller details, Fleming, *Horse-shoes and Horse-shoeing*, ch. 1–7.) [G. E. M.]

SO'LIDUS (*νόμισμα*). The aurei or gold coins issued by the Roman emperors underwent from the time of Nero onwards a gradual but irregular reduction in weight, until they practically ceased to be a measure of value, and gold coin went only by weight. To remedy this state of things, Constantine introduced a new gold coinage, of which the pieces weighed $\frac{1}{72}$ of

Gold Solidus.

a Roman libra, about 70 English grains. The importance of this issue and its gradually debased successors is shown by the use in our own time of *soldo*, *sou*, and cognate terms. [P. G.]

SOLITAURILIA. [SUOVETAURILIA.]

SOLIUM. [THRONUS.]

SOPHRONISTAE. [GYMNASIUM.]

SORTES, lots. Among the modes of divination practised by the Italian nations, the drawing of lots was one of the most common and most characteristic. We do indeed find it also in Greece (Cic. *de Div.* i. 34, 76), but there it was entirely overshadowed by the prophetic frenzy, and inspiration through dreams. In Italy we must distinguish between the *sortes* which were localised in special temples, and which corresponded more or less to the Grecian oracles [ORACULUM, p. 292], and those which could be drawn by any person and in any place. Of the former kind, we hear specially of the *sortes* at Praeneste (Cic. *de Div.* ii. 41, 85, the *locus classicus* on the subject: cf. Propert. ii. 32, 3; Suet. *Tib.* 63), at Caere (Liv. xxi. 62), at Falerii (Id. xxii. 1), at the temple, celebrated afterwards by Byron, on the Clitumnus (Plin. *Ep.* viii. 8), and at the fons Aponus near Patavium (Suet. *Tib.* 14). It is probable that there were also *sortes* at the oracular seat of Fortuna at Antium, but the evidence is not quite clear that this mode of divination was practised there. The *sortes* were little tablets or counters, made of wood or other materials: after they had been mixed together, a boy would draw one at random, which then was taken as an omen. Some rough verse or proverb was written on each, such as the one mentioned by Livy (*l. c.*), "Mavors telum suum concutit," which appropriately enough is said to have leapt out from the other lots at Falerii when Hannibal was marching towards lake Trasimene. As a prognostication of misfortune, the lots are said to have become miraculously smaller in size (Id. *ib.*). Seventeen lots in bronze, oblong, and pierced with a hole (so that they could be strung together) have been discovered near Padua (and so not far from the fons Aponus above mentioned): the lines written on them are given by Th. Mommsen (*C. I. L.* i. 267–270). As a specimen take the following:—"Est equos perpulcer, sed tu vehi non potes istoc." A peculiar way of drawing the lots, common when mere chance was appealed to (without any thought of a prophetic intimation), will be found mentioned under the article SITULA. It is not clear whether the dice mentioned in the passage referred to from Suetonius (*Tib.* 14) would themselves have been called *sortes* or not. The range of prophecy comprised by these "lots" must have been limited, and their application often doubtful; hence we cannot be surprised at what Cicero tells us (*l. c.*), that this kind of divination was in his time obsolete, except at Praeneste. It had, however, been sufficiently famous in its time for the term *sortes* to be a customary name for any kind of oracular deliverance (cf. Cic. *de Div.* ii. 56, 115; Verg. *Aen.* iv. 346, 377. In *Aen.* vi. 72 the word is applied to the Sibylline books). The *sortes* of the fons Aponus had a revival in later times (see the Augustan history, *Claud.* 10; *Firmus*, 3).

While, however, the *sortes* as a branch of official religion died out more rapidly than perhaps any other kind of divination, as an irregular superstition they were the most long-lived of all the elements of heathenism, and lasted far into Christian times. The Sortes Vergilianae were famous (Lamprid. *Alex. Sever.* 14; Spartian. *Hadr.* 2). Just in the same way in which the heathens used Homer or Virgil, and as the Mussulmen of the present day use the Koran and Hafiz, so did Christians use the Bible and Psalter, by opening them at random, and taking the first line on which the eye fell as an indication of future occurrences. (See Augustin. *Confess.* iv. 3; and the very curious sermon *de Auguriis*, numbered cclxxviii. in the appendix to the sermons of Augustine, but probably by Caesarius.) Even the very form of tablets was borrowed from heathenism; they were made either of wood or bread, as we see from their prohibition by the council held at Auxerre (Autissiodurum) about A.D. 578. These *sortes sanctorum* (of which we learn that a volume existed) were frequently condemned by the councils; but so natural was the tendency, that even a conference of orthodox bishops could not help drawing omens from the accidental occurrence of passages in the lessons for the day, and recording them in their minutes (see *Acta Conciliorum*, vol. ii. p. 965. A reference to the words *Sortes* and *Sortilegi* in the index to these Acta will show a number of interesting passages on the subject; cf. also Gibbon, *Decline and Fall*, c. xxxviii., note 51. The curious word *caragi* or *caragii* apparently is used as more or less equivalent to *sortilegi*).

The Sortes Conviviales were tablets sealed up, which were sold at entertainments, and upon being opened or unsealed entitled the purchaser

to things of very unequal value; they were therefore a kind of lottery. (Suet. *Aug.* 75; Lamprid. *Heliogabal.* 22.) [W. S.] [J. R. M.]

SPECULUM (*κάτοπτρον, ἔσοπτρον, ἔνοπτρον*), a mirror. The mirrors of the Greeks, Romans, and Etruscans consisted almost invariably of small circular disks of metal, which could be placed upright on a table or held in the hand. Mirrors of glass are mentioned by Pliny (*H. N.* xxxvi. § 66) as being made at Sidon, and from a later source (Alex. Aphrod., *Probl.* i. 132 in Ideler, "Physici et medici Graeci minores," i. p. 45) we learn that glass mirrors were coated with tin, not, as with us, with quicksilver (*διὰ τί τὰ ὑέλινα κάτοπτρα λάμπουσιν ἄηαν; ὅτι ἔνδοθεν αὐτῶν χρίουσι κασσιτέρῳ*). No remains of such mirrors exist, however, and they were evidently little used. The usual material was bronze, *i.e.* an alloy of copper and tin, composed, as the analysis of various Roman mirrors has shown (Blümner, *Technologie*, iv. p. 192), of from 19 to 32 per cent. of the latter metal. In Imperial times, the best alloy for mirrors was made at Brundisium (Plin. *H. N.* xxxiii. § 45; xxxiv. § 48). The majority of extant mirrors are of bronze, but some made of silver have also come down to us: see e.g. *Bull. d. Inst.*, 1885, p. 180, a mirror found at Pompeii, and the silver mirror in the tomb of Seianti Thanunia (Brit. Mus.). Silver mirrors came into fashion under the Roman Republic (Pliny, *H. N.* xxxiii. § 45, says in the time of Pompey the Great), and in Imperial times were frequently used, even it is said by maid-servants (Plin. *H. N.* xxxiv. § 48; cf. xxxiii. § 45). They are often mentioned in the Digest (33, 6, 3; 34, 2, 19, § 8). A better reflexion was supposed to be given when the plate of silver was thick (Vitruv. vii. 3). At first, the silver was very pure, but metal of inferior quality was afterwards employed (Plin. *H. N.* xxxiii. § 45). Cheap imitations were manufactured, and some extant mirrors having the appearance of silver are in reality only plated with that metal, or are composed of a mixture of copper and lead (Friederichs, *Berl. ant. Bildw.* ii. p. 86).

There is no mention of mirrors in Homer, and the earliest Greek mirrors extant are not earlier than *circ.* B.C. 500. The prototype of the Greek mirror must, on our present evidence, be looked for in Egypt. The Egyptian mirrors now extant consist of bronze disks of oval or oblate form,—a shape, therefore, nearly the same as that of the Greek mirrors, though somewhat less elegant. They have, like many Greek mirrors, ornamented handles (of wood, stone, or metal), some in the form of the papyrus-sceptre or of a figure of a goddess (see the illustrations in Wilkinson, *Ancient Egyptians*, ed. Birch, vol. ii. pp. 350, 351). From the time of the Attic tragedians onwards mirrors are frequently mentioned in literature (Aesch. in Stob. *Serm.* xviii. 13; Eurip. *Troad.* 1107; *Medea*, 1161; *Onet.* 1112;—Xen. *Cyr.* vii. 1, § 2, &c.), and they are often represented on the monuments. On the vase-paintings female attendants are seen holding them before their mistresses, and among the Greek terra-cottas are figures of women holding circular mirrors while arranging their hair (*Gazette arch.* 1878, pl. 10 = Baumeister, *Denkm*, art. "Spiegel," fig. 1775; *Gaz. arch.* 1880, p. 39). On the Etruscan terra-cotta sarcophagus of Seianti Thanunia, in the British Museum (from Chiusi), is a reclining female figure holding a mirror. Before dealing with

Hand-mirror. (From a relief in the British Museum.)

the special characteristics of Greek, Roman, and Etruscan mirrors respectively, it should be stated that wall-mirrors were little used in antiquity. Large metal mirrors were suspended in barbers' shops (Lucian, *adv. Ind.* 29; Vitruv. ix. 9, 2); and we hear, under the Roman Empire, of mirrors large enough to reflect the whole person (Senec. *Quaest. nat.* i. 17, 8, "specula totis paria corporibus;" Ulpian, *Dig.* 34, 2, 19, § 8, "speculum . . . parieti adfixum;" cf. Plin. *H. N.* xxxvi. § 196).

GREEK MIRRORS.—Examples of mirrors of Greek workmanship and *provenance* were unknown till recent years, and the number at present discovered (at Corinth and elsewhere) is comparatively small. Like other articles of the toilet, mirrors were buried by the Greeks with the dead. They have two forms: (i.) the disk-mirror with a handle or a stand, (ii.) the box-mirror.

(i.) The disk-mirrors have one side (usually slightly convex) left plain and polished for reflexion. The other side is engraved with a design, or is left plain. The handle is often ornamented, or consists of a statuette—figures of Aphrodite being preferred. Many of these mirrors have a pedestal attached to the statuette, to enable them to be stood upright on the table. Some of the early extant mirrors are furnished with these statuette-stands, and sometimes Erotes, animals, or other ornaments are attached to the lower part of the disk. A good example is figured in the *Arch. Zeitung*,

Disk-mirror on a pedestal.

xxxvii. pl. 12 = Baumeister, *Denkmäler*, art. "Spiegel," fig. 1773.

(ii.) The box-mirror consists of two circular disks shutting into one another, and sometimes united by a hinge. The upper disk or cover is ornamented on the outside with a design in relief, and its interior is polished for reflexion. The lower disk, or box itself, is adorned inside with engraved figures. The reliefs on the box-mirrors and the engraved designs found both on the box- and the disk-mirrors are among the most beautiful and interesting remains of Greek art. The best specimens may be attributed to the 4th century B.C. Good examples may be seen in the Bronze Room of the British Museum. The reliefs usually consist of subjects relating to the cycle of Aphrodite and Dionysos. The relief of "Ganymede carried away by the eagle"

Etruscan Mirror. (Dennis.)

(engraved in Collignon, *Man. d'Arch.* p. 351) may be cited as a fine example of this class. Among the finest examples of engravings on mirrors are the Korinthos and Leucas mirror engraved in *Rev. arch.*, N. S., xxiii. (1872), pl. xi. p. 79, and in *Monuments grecs de l'Assoc. des Études grecques*, 1873, pl. iii.; the Genius of the Cock-fights mirror in the Lyons Museum (*Rev. arch.*, N. S., xvii. (1868), pl. xiii. p. 372 ff.); and the Nymph and Pan playing with astragali, in the British Museum (*Classical Review*, vol. iii. p. 86). (On the technique of the "engraved" mirrors, which were perhaps etched as well as engraved, see Blümner, *Technol.* iv. pp. 266, 267.)

ETRUSCAN MIRRORS.—The extant examples, many of which are figured in Gerhard's *Etruskische Spiegel* (continued by Klügmann and Körte), are extremely numerous. They have been found in tombs in Etruria and Latium,

some in *cistae*, others placed on the top of vases, or lying separately. They resemble the Greek mirrors in form. Box-mirrors occur, but most of the extant specimens are simple disks with the convex side polished for reflexion and the concave side engraved, and having a handle which was made in one piece with the mirror and sometimes inserted in an outer handle—now often missing—of bone or wood. The Etruscan mirrors that have come down to us are mainly of the fourth and third centuries B.C. The subjects represented are mainly drawn from Greek mythology (especially the Trojan legends), such as the Birth of Minerva, the Birth of Bacchus, Venus and Adonis, Achilles and Thetis, Castor and Pollux, &c. Various scenes from daily life (the toilet, the bath, and the palaestra) are also represented. The names of the personages depicted are nearly always written near them in Etruscan characters (*e.g.* Apul = Apollo; Achle = Achilles; Atunis = Adonis). The designs are nearly always the production of Etruscan copyists of Greek models, especially the vase-paintings. The work is often rough and careless, and the space generally overcrowded with figures. The reliefs on the box-mirrors are much inferior to those on the Greek box-mirrors. Various examples may be seen in the Etruscan Room at the British Museum, among which may be noticed Ganymede carried off by the Eagle, and other figures on the cover of a mirror from Praeneste (*Mon. dell' Inst. arch.* viii. pl. 47, fig. 2). Among the engraved mirrors some elegant and delicately treated designs occasionally occur, such as Semele, &c. on a mirror at Berlin (*Mon. dell' Inst.* i. 56 = Baumeister, *Denkm.* art. "Etrurien," fig. 557); the Healing of Telephus (Gerhard, *Etrusk. Spiegel*, pl. 228 = Baumeister, *Denkm.*, art. "Spiegel," fig. 1774); and the meeting of Helen and Menelaus after the taking of Troy (in the Brit. Mus.: *Mon. d. Inst. arch.* viii. pl. 33).

ROMAN MIRRORS.—These are of little artistic importance, and are usually disk-mirrors provided with an ornamented handle, which is sometimes in the form of a figure. The back of the disk (*i.e.* the side not used for the reflexion) is, if engraved, usually ornamented with decorative patterns and not with a subject-design. Typical examples of various hand-mirrors found at Pompeii may be seen in Overbeck-Mau, *Pompeii*, 4th ed. p. 453, fig. 252.

[*Authorities.*—Friederichs, *Berl. ant. Bildw.* ii. 18 ff.; Blümner, *Technologie*, iv. pp. 192, 194, 265 ff., 403; Blümner, art. "Spiegel" in Baumeister's *Denkmäler;* De Witte, *Les Miroirs chez les Anciens*, Bruxelles, 1873; Stephani, *Compte rendu*, 1870–71, p. 27; Hermann, *Lehrbuch* (ed. Blümner), iv. pp. 170, 171; Collignon, *Man. d'Arch. grecque*, p. 146 ff.; Mylonas, Ἑλληνικὰ κάτοπτρα, Athens, 1876, 8°, reviewed in *Bull. Corr. hell.* i. (1877), p. 108 f.; *Bull. Corr. hell.* viii. pp. 398, 399 (with references to earlier publications); *Rev. arch.* 1868, pl. xiii.; *Collect. Castellani*, Paris, 1884, No. 430; *Collect. Gréau*, Paris, 1885, No. 580. Other Greek mirrors have been published in the *Bull. Corr. hell.*; in the *Gazette archéologique* and other periodicals; E. Gerhard's *Etruskische Spiegel*, Berlin, 1843, &c., continued by Klügmann and Körte; Marquardt - Mommsen, *Handbuch der röm. Alt.* viii. 669, 692, 736; and other authorities cited above in the article.] [W——K W——H.]

SPECUS. [AQUAEDUCTUS.]

SPHAERISTE'RIUM. [GYMNASIUM; PILA.]

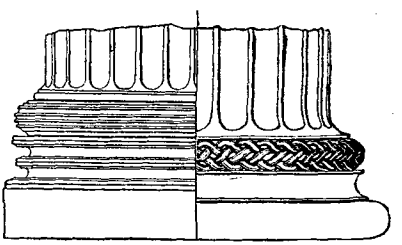
SPHAEROMA'CHIA. [PILA.]

SPHYRE'LATUS (σφυρήλατος: or sometimes, as a noun, σφυρήλατον, sc. ἄγαλμα, or ἔργον), "beaten out with the hammer," a simple method of working metal, which was used before the invention of casting, and also, in later times, especially for gold. All the works to which the name is applied by classical authors seem to have been of gold; for instance, the sphyrelatum of Zeus dedicated by Cypselus or the Cypselids (Strabo, p. 376; Plat. *Phaedr.* p. 136 B), a statue made of one of his wives by Darius (Herod. vii. 69), and the close-fitting gold covering made for the body of Alexander the Great (Diod. xviii. 26). And for so soft a material this process was doubtless the best adapted. Hence the comparison by the Pseudo-Theocritus (xxii. 47) of "iron muscles" to a σφυρήλατος κολοσσός is peculiarly unhappy, and due to an association with σφυρήλατοι πέδαι, &c. Though the name σφυρήλατα was seldom or never applied to bronze statues (L. and S. quote χαλκῆ from *Anth. P.* 14, 2, where the MS. reading is χρυσῆ), Pausanias (iii. 17, 6) describes a statue at Sparta made of beaten plates of bronze and riveted together by Clearchus of Rhegium. His statement that it was the earliest of all bronze statues is more consistent with the assertion that Clearchus was the pupil of some primitive artists, such as Dipoenus and Scyllis, than with another that he was the master of Pythagoras of Rhegium. There is, however, no classical authority for giving the name σφυρήλατον to a work of this description. [E. A. G.]

SPI'CULUM. [HASTA.]

SPIRA (σπεῖρα), *dim.* **SPI'RULA** (Servius in Verg. *Aen.* ii. 217), the base of a column. The word σπεῖρα is used in this signification in Greek inscriptions, being applied to the bases of the columns of the Erechtheum and of the temple of Zeus at Labranda (*C. I. G.* 160, l. 64; 2713, 2714). *Spira* is the term regularly used by Vitruvius and other Latin writers in the same signification (see esp. iii. 5, when the forms and proportions are prescribed).

The base, which is absent in Doric columns but always present in those of the Ionic or Corinthian order, may be either *Attic* or *Ionic;* it may be used either with or without a *plinth* beneath it. The *Attic* form [ATTICURGES] consists of an upper and a lower *torus* (*torus superior, inferior*), with a *scotia* (τροχίλος)



between them, bordered above and below by a *quadra:* it is found in all the Ionic buildings at

Athens, whether they have the Ionic or Attic form of the capital. The example given is from the Erechtheum (see right-hand part of cut). The Ionic consists of an upper torus, and of a lower member and two *trochili*, with double astragali above, between, and below. It is seen in the temple of Athena at Priene (see left half of cut) and elsewhere. That this is the original *Ionic* base is shown by the base of the primitive Ionic column from Naucratis (Petrie, *Naukratis*, i. pl. 3), where the lower part of the base, though not showing the two *trochili*, is of the same general character, and quite different from an *Attic* base.

The upper *torus* is sometimes fluted (*ῥαβδωτός*), as in the left-hand part of the cut, sometimes ornamented with a plaited ornament, as in the right-hand part; both treatments of the torus of the *Attic* base may be found even in the same building, in the Erechtheum.

In Etruscan columns the base consists simply of a *torus* resting on a *plinth;* in Roman buildings the plinth is almost always present, and all the Greek forms, but especially the *Attic*, are imitated. [E. A. G.]

SPI'THAME (*σπιθαμή*), *a span*, a Greek measure equal to 3-4ths of the foot. There was no proper Roman measure corresponding to it, but the later writers used *palmus* in this sense; the early writers express the Greek span properly by *dodrans*. [MENSURA, p. 161 *b*; PALMUS.] [P. S.]

SPO'LIA. Four words are commonly employed to denote booty taken in war,—*praeda, manubiae, exuviae, spolia*. Of these, *praeda* bears the most comprehensive meaning, being used for plunder of every description [PRAEDA] *Manubiae* was the money which the quaestor realised from the sale of those objects which constituted *praeda* (Gell. xiii. 24; Cic. *de Leg. Agr.* ii. 22, 59). The term *exuviae* indicates any thing stripped from the person of a foe, while *spolia*, properly speaking, ought to be confined to armour and weapons, although both words are applied loosely to trophies such as chariots, standards, beaks of ships, and the like, which might be preserved and displayed. (See Doederlein, *Lat. Syn.* vol. iv. p. 337; Ramshorn, *Lat. Syn.* p. 869; Habicht, *Syn. Handwörterbuch*, n. 758.)

In the Heroic ages no victory was considered complete unless the conquerors could succeed in stripping the bodies of the slain, the spoils thus obtained being viewed (like scalps among the North American Indians) as the only unquestionable evidence of successful valour; and we find in Homer that when two champions came forward to contend in single combat, the manner in which the body and arms of the vanquished were to be disposed of formed the subject of a regular compact between the parties (Hom. *Il.* vii. 77, &c.; xxii. 258, &c.). Among the Romans, spoils taken in battle were considered the most honourable of all distinctions; to have twice stripped an enemy, in ancient times, entitled the soldier to promotion (Val. Max. ii. 7, § 14); and during the Second Punic War, Fabius, when filling up the numerous vacancies in the senate caused by the slaughter at Cannae and by other disastrous defeats, after having selected such as had borne some of the great offices of state, named those next "qui spolia ex hoste fixa domi haberent, aut civicam coronam accepissent" (Liv. xxiii. 23). Spoils collected on the battle-field after an engagement, or found in a captured town, were employed to decorate the temples of the gods, triumphal arches, porticoes, and other places of public resort, and sometimes in the hour of extreme need served to arm the people (Liv. xxii. 57, xxiv. 21; Val. Max. viii. 6, § 1; Sil. Ital. x. 599), but those which were gained by individual prowess were considered the undoubted property of the successful combatant, and were exhibited in the most conspicuous part of his dwelling (Polyb. vi. 39), being hung up in the atrium, suspended from the door-posts, or arranged in the vestibulum, with appropriate inscriptions (Liv. x. 7, xxxviii. 43; Cic. *Philipp.* ii. 28, 68; Suet. *Nero*, 38; Verg. *Aen.* ii. 504, iii. 286; Tibull. i. l. 54; Propert. iii. 9, 26; Ovid, *Ars Am.* ii. 743; Sil. Ital. vi. 446). They were regarded as peculiarly sacred, so that even if the house was sold the new possessor was not permitted to remove them (Plin. *H. N.* xxxv. § 7). A remarkable instance of this occurred in the "rostrata domus" of Pompey, which was decorated with the beaks of ships captured in his war against the pirates; this house passed into the hands of Antonius the triumvir (Cic. *Philipp.* l. c.), and was eventually inherited by the Emperor Gordian, in whose time it appears to have still retained its ancient ornaments (Capitolin. *Gordian.* 3). But, while on the one hand it was unlawful to remove spoils, so it was forbidden to replace or repair them when they had fallen down or become decayed through age (Plut. *Quaest. Rom.* 37), the object being doubtless to guard against the frauds of false pretenders.

Spolia Opima.—This term applied only to spoils which were won in the field of battle by a Roman soldier from the leader of the opposing army. It is usually (though, as will be seen, not invariably) further limited by the condition that the Roman who thus slays and strips the chief opposing general must himself be the actual commander-in-chief of the Roman army (having the *auspicia*). These conditions were only fulfilled on three occasions (Plut. *Marcell.* 8; Propert. v. 11): first, when Romulus took the spolia opima from Acro, king of the Caeninenses; secondly, when A. Cornelius Cossus won them from Lar Tolumnius, king of the Veientes; and thirdly, when Marcellus won them from Viridomarus (or *Βριτόμαρτος*, as he is called by Plutarch), king of the Insubrians (Liv. i. 10, iv. 20, *Epit.* xx.; Propert. *l. c.*; Plut. *Rom.* 16, *Marcell.* 8; Sil. Ital. i. 133, iii. 587; *C. I. L.* x. 809). We have to notice, however, that Festus, *s. v.*, while he confirms the above limitation, as generally recognised in the use of the term, quotes Varro as saying, "Opima spolia esse etiam, si manipularis miles detraxerit, dummodo duci hostium [sed prima esse utique, quae dux duci. Vetari enim quae a duce recepta] non sint, ad aedem Jovis Feretrii poni." (The reading of Hertzberg, *De Spoliis Opimis* in *Philologus*, i. 331, is here followed.) The quotation from Varro goes on to distinguish the offerings made by the winners of *prima, secunda*, and *tertia spolia opima* respectively: and we gather that, though the spolia opima when spoken of without qualification meant rightly the *prima*, i.e. those won by general from general,

yet there were also the *secunda*, when they were won by a Roman officer slaying the hostile commander-in-chief, and the *tertia*, when a common soldier performed the same exploit. In the first case *alone* could they be dedicated in the temple of Jupiter Feretrius: in the other two cases, though dignified by the special name, they were no doubt preserved only in the same way as other *spolia*. This view obtains further support from a comparison of Florus, i. 33, 11, with Val. Max. iii. 2, 6; and the probable meaning of Dio Cass. li. 24 is, that when Crassus slew Deldo, king of the Bastarnae, not being *αὐτοκράτωρ στρατηγός*, he could not dedicate the spoils to Jupiter Feretrius, though they *were* opima (*ὡς καὶ ὄπιμα*). It should be observed in conclusion that the term was also used loosely in voting the "spolia opima" to Julius Caesar (Dio Cass. xliv. 4), and by Livy in speaking of the *spolia provocatoria* won in single combat with a subordinate in the hostile army as though they were *spolia opima*, but in this latter case it is probably adopted as the expression of a braggart. The question of *spolia opima* is discussed by Perizonius, *Animad. Hist.* c. 7, and more recently by Hertzberg, in *Philolog.* i. 331: see Marquardt, *Staatsverw.* ii. 579. [W. R.] [G. E. M.]

SPONDA. [LECTUS.]

SPO'NDEO. [OBLIGATIONES.]

SPO'NGIA (*σπόγγος*), a sponge. The use of sponges has come down from very early times, for the cleansing both of the body (Hom. *Il.* xviii. 414) and of tables (*Od.* i. 111). For the latter purpose, *i.e.* cleaning furniture, walls, and floors, it is more especially noticed in Latin literature (Mart. xiv. 144; Ulp. *Dig.* 32, 7, 12): as regards the use of sponges by invalids in Roman baths, see BALNEAE, Vol. I. p. 279. Small sponges were often fastened on a stick, and were then called *peniculi* (Ter. *Eun.* iv. 7, 7; cf. Mart. xii. 48; Plaut. *Stich.* ii. 2, 23), and were then used not only with long sticks for cleaning walls, &c., but also with short handles for cleaning boots (Plaut. *Menaechm.* ii. 3, 40; Fest. p. 230). The *penicillus* used for painting was no doubt generally a brush made with hair [PICTURA], but for laying on colour broadly and coarsely a *penicillus* made with sponge was also used (Plin. ix. § 148; Blümner, *Technol.* iv. 429). For its use to obliterate writing, see Mart. iv. 10; LIBER, p. 59 *a*; Marquardt, *Privatl.* 824; and to this use also we must refer Aesch. *Ag.* 1283. Pliny (*H. N.* ix. §§ 148–150) mentions especially the neighbourhood of Torone, the Syrtes, the Hellespont, and Malea as hunting-grounds for sponges, and the coasts of Lycia for the softest kind. Three kinds are distinguished—the hard and coarse *τράγος*, the softer *μανός*, and the fine *ἀχίλλειον* [cf. OCREA]. In this he is following Aristot. *H. A.* v. 16, p. 548. The searcher for sponges is called *σπογγοθήρας*, *σπογγοκολυμβητὴς* or *σπογγεύς* (Poll. i. 96, vii. 137; Athen. vii. p. 282 c; Becker-Göll, *Gallus*, i. 36; Hermann-Blümner, iv. p. 31). [G. E. M.]

SPONSA, SPONSALIA, SPONSUS. [MATRIMONIUM.]

SPONSOR. [INTERCESSIO.]

SPO'RTULA, the diminutive from *sporta* = *σπυρίς*, a wicker basket. In the days of Roman freedom clients were in the habit of testifying respect for their patron by thronging his atrium at an early hour, and escorting him to places of public resort when he went abroad. As an acknowledgment of these courtesies some of the number were usually invited to partake of the evening meal. After the extinction of liberty the presence of such guests, who had now lost all political importance, was soon regarded as an irksome restraint, while at the same time many of the noble and wealthy were unwilling to sacrifice the pompous display of a numerous body of retainers. Hence the practice was introduced under the Empire (probably as early as the time of Nero) of bestowing on each client, when he presented himself for his morning visit, a certain portion of food as a substitute and compensation for the occasional invitation to a regular dinner (*cena recta*); and this dole, being carried off in a little basket provided for the purpose, received the name of *sportula*. Hence also it is termed by Greek writers on Roman affairs *δεῖπνον ἀπὸ σπυρίδος*, which however must not be confounded with the *δεῖπνον ἀπὸ σπυρίδος* of earlier authors, which was a sort of picnic. [CENA, Vol. I. p. 393 *a*.] For the sake of convenience, it soon became common to give an equivalent in money, the sum established by general usage being a hundred quadrantes (Juv. i. 120; Martial, x. 70, 75). Martial indeed often speaks of this as a shabby pittance (*centum miselli quadrantes*, iii. 7; compare i. 60, iii. 14, x. 74), which, however, he did not scorn himself to accept (x. 75), but at the same time does not fail to sneer at an upstart who endeavoured to distinguish himself by a largess to a greater amount on his birthday (x. 26). About the year 87 the practice of inviting clients to the *cena recta* appears to have been revived under the influence of Domitian (cf. Martial, book iii. 7, 14, 60, &c.); but the change was disliked both by patrons and by clients: and a return was generally made to the money dole. The donation in money, however, did not entirely supersede the sportula given in kind, for we find in Juvenal at a somewhat later date a lively description of a great man's vestibule crowded with dependents, each attended by a slave bearing a portable kitchen to receive the viands and keep them hot while they were carried home (iii. 249). If the sketches of the satirist are not too highly coloured, we must conclude that in his time great numbers of the lower orders derived their whole sustenance and the funds for ordinary expenditure exclusively from this source, while even the high-born did not scruple to increase their incomes by taking advantage of the ostentatious profusion of the rich and vain (Juv. i. 95). It is, however, a natural conjecture of Friedländer's, that the small sums of money (less than a shilling a head) so received were regarded by the wealthier as merely formal presents, given by them in turn to their dependents. The custom of rich men receiving such gifts is not mentioned before the death of Domitian. A regular roll was kept at each mansion of the persons, male and female, entitled to receive the allowance; the names were called over in order, the individuals were required to appear in person, and the almoner was ever on his guard to frustrate the roguery of false pretenders (Juv. *l. c.*), whence the proverb quoted by Tertullian (*c. Marcion*, iii. 16), *sportulam furunculus captat.* The morning, as we have

seen above (Juv. i. 128), was the usual period for these distributions, but they were sometimes made in the afternoon (Martial, x. 70).

Nero, perhaps imitating the custom of private persons, ordained that, instead of a place at the public banquets (*publicae cenae*) given to the people on certain high solemnities, the poorer citizens should receive a portion of meat, afterwards commuted for a sum of money; but this unpopular regulation was repealed by Domitian (Suet. *Ner.* 16, *Dom.* 7; Martial, viii. 50).

When the Emperor Claudius on one occasion resolved unexpectedly to entertain the populace with some games which were to last for a short time only, he styled the exhibition a *sportula* (Suet. *Claud.* 21), and in the age of the younger Pliny the word was commonly employed to signify a gratuity, gift, or emolument of any description (Plin. *Ep.* ii. 14, x. 118).

(Compare a dissertation on the Sportula by Buttmann in the *Kritische Bibliothek* for 1821; see also Becker-Göll, *Gallus*, ii. 204 ff.; Marquardt, *Privatalt.* i.² 207–212; Friedländer, *Sittengesch.* i. 438–442.) [W. R.] [A. S. W.]

STABULA'RIUS. [RECEPTA ACTIO.]

STA'DIUM (στάδιον, pl. in prose most often στάδιοι: Doric σπάδιον; cf. Lat. *spatium*). **1.** The foot-race course at Olympia and the other places in Greece where games were celebrated. It was originally intended for the foot-race, but the other contests which were added to the games from time to time [OLYMPIA] were also exhibited in the Stadium, except the horse-races, for which a place was set apart, of a similar form with the stadium, but larger: this was called the HIPPODROMUS (ἱππόδρομος).

The plan of the Olympic stadium, as discovered by recent excavations, was rectangular. This, however, is exceptional, for most others known to us were terminated at one end by a straight line, at the other by a semicircle having the breadth of the stadium for its base. Round this area were ranges of seats rising above one another in steps.

It was constructed in three different ways, according to the nature of the ground. The simplest form was that in which a place could be found which had by nature the required shape, as at Laodicea. Most commonly, however, a position was chosen on the side of a hill, and the stadium was formed on one side by the natural slope, on the other by a mound of earth (γῆς χῶμα), as at Olympia, Thebes, and Epidaurus (Paus. ii. 27, § 6; vi. 20, §§ 5, 6; ix. 23, § 1). Sometimes, however, the stadium was on level ground, and mounds of earth were cast up round it to form seats, and covered with stone or marble. We have two celebrated examples of this construction in the Pythian stadium at Delphi and the Panathenaic at Athens. The former was originally constructed of Parnassian stone, and afterwards covered with Pentelic marble by Herodes Atticus (Paus. x. 32, § 1), who adorned in the same manner the stadium at Athens, which had been originally constructed on the banks of the Ilissus by the orator Lycurgus. The marble covering, which took four years to complete, has now disappeared, but the area is still left, with some ruins of the masonry (Paus. i. 19, § 7; Leake's *Topography of Athens*).

The stadium sometimes formed a part of the buildings of the gymnasium [GYMNASIUM], at other times it was placed in its neighbourhood, and often, as at Athens, stood entirely by itself. That at Olympia was just outside and slightly to the N.E. of the sacred enclosure called Altis.

The size of the Grecian stadia varied both in length and breadth; but this variety is possibly in some cases to be understood of the size of the whole enclosure, not of the length of the part marked out for the race; the latter would naturally have been fixed, while the former differed according to the accommodation to be provided for spectators, or the magnificence which the builder might wish to confer upon the structure. The length of the course, between the pillars which marked the beginning and the end of the race, was always 600 (Greek) feet, but the foot unit varied in size [*vide* MENSURA]. There was a tradition that Hercules measured it out at Olympia originally by his own foot. It is not improbable that Pheidon, who claimed to be a descendant of Hercules, and who presided as agonothete at the Olympic games, may have fixed the length of the stadium according to the standard of measure which he established.

The accounts left by ancient writers of the arrangement of the parts of the stadium are scanty, but from a comparison of them with existing remains of stadia we may collect the following particulars.

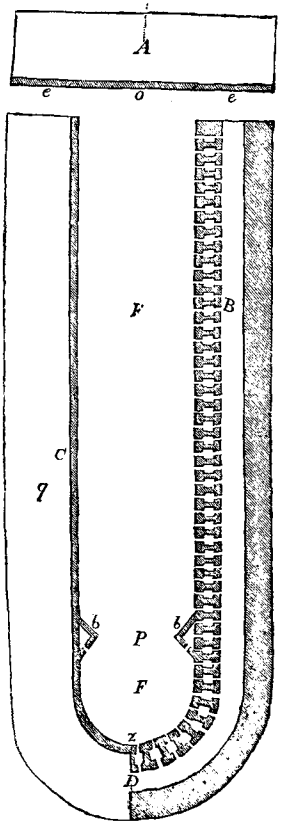
At one end a straight wall shut in the area, and here were the entrances, the starting-place for the runners, and (at Olympia) an altar of Endymion. At the other end, at or near the centre of the semicircle, and at the fixed distance from the starting-place, was the goal, which was the termination of the simple foot-race, the runners in which were called σταδιοδρόμοι: the race itself is called στάδιον and δρόμος: in the δίαυλος δρόμος the racers turned round this and came back to the starting-place. The starting-place and goal had various names: the former was called ἄφεσις, γραμμή, ὕσπληξ, and βαλβίς: the latter τέρμα, βατήρ, τέλος, καμπτήρ, and νύσσα. The term γραμμὴ is explained as the *line* along which the racers were placed before starting; ὕσπληξ, which means *the lash of a whip*, is supposed to have been a cord which was stretched in front of the racers to restrain their impatience, and which was let fall when the signal was given to start; the name καμπτὴρ was applied to the goal because the runners in the δίαυλος and δόλιχος *turned* round it to complete their course. These terms are often applied indifferently to the starting-place and the goal; probably because the starting-place was also the end of all races, except the simple στάδιον. The starting-place and goal were each marked by a square pillar (στῆλαι, κίονες κυβοειδεῖς), and half-way between these was a third. On the first was inscribed the word ἀρίστευε, on the second σπεῦδε, on the third κάμψον. The δολιχοδρόμοι turned round both the extreme pillars till they had completed the number of stadia of which their course consisted, which appears to have been different on different occasions, for the length of the δόλιχος δρόμος is variously stated at 6, 7, 8, 12, 20, and 24 stadia (Schol. *ad* Soph. *Electr.* 691).

The semicircular end of the area, which was called σφενδονή, and was not used in the races, was probably devoted to the other athletic sports. This σφενδονὴ is still clearly seen in the Ephesian and Messenian stadia, in the latter of which it is

surrounded by 16 rows of seats. The area of the stadium was surrounded by the seats for spectators, which were separated from it by a low wall or podium.

Opposite to the goal, on one side of the stadium, were the seats of the Hellanodicae, for whom there was a secret entrance into the stadium (*κρυπτὴ ἔσοδος*), and on the other side was an altar of white marble, on which the priestesses of Demeter Chamyne sat to view the games. The area was generally adorned with altars and statues.

Such were the general form and arrangement of the Greek stadium. After the Roman conquest of Greece the form of the stadium was often modified so as to resemble the amphitheatre by making both its ends semicircular, and by surrounding it with seats supported by vaulted masonry, as in the Roman amphitheatre. The Ephesian stadium still has such seats round a portion of it. A restoration of this stadium is given in the following woodcut, copied from Krause.



Stadium at Ephesus, restored.

A is the boundary wall at the Aphesis, 77 feet deep, B C the sides, and D the semicircular end, of the same depth as A; F F the area, including the *σφενδονή*; *b b* pieces of masonry jutting out into the area; *e e* the entrances; from *o* to *p* is the length of an Olympic stadium; from *q* to *z* the range of amphitheatrical seats mentioned above.

The stadium at Olympia (as distinct from the area which formed the course) was, as has been already mentioned, rectangular, with a breadth of about 32 and a length of 211 metres. The foot of the embankments which enclosed the area was bordered by a ledge of stone. The area itself lay at a depth of about three metres below the level of the adjoining Altis. We may here mention a few details respecting the Olympic stadium restored to view by recent excavations. In the simple course—the *στάδιον* or *δρόμος*—the runners merely traversed once the space from the starting line to the goal. But in the double course, or *δίαυλος*, they traversed this space twice. The judges were stationed at the end where the goal stood. Hence runners in the *δίαυλος*—and also in the *δόλιχος*, which always consisted of an even number of *στάδια*—must be supposed to have started from this end, in order to finish in the immediate presence of the judges. Thus the arrangements for starting were of necessity alike at both ends. At Olympia, accordingly, a row of flags, reaching across the course at either end, formed the common basis on which the competitors took their places before starting. Standing here in a line, they were separated from one another by posts inserted perpendicularly in the stone. The sockets in which these posts stood are still visible. Each is about four Olympia feet distant from the one next to it, thus allowing ample room for that play of arms customary among ancient Greek runners.

Stadia were in later times used for other purposes than running, *e.g.* for wild-beast shows or hunts (*κυνηγέσιαι*). Hence (as appears from the ruins of the stadium at Ephesus, and from two inscriptions found in the ruins of the stadium at Laodicea) an amphitheatre was sometimes built in connexion with the stadium. The podium was built round the course, and furnished with iron rails as a protection against the wild animals.

Stadia were late in appearing at Rome. Julius Caesar erected a stadium for athletes upon the occasion of his fivefold triumph (Suet. *Jul.* 39). Augustus, too, seems to have built a stadium in the Campus Martius (Id. *Aug.* 43, 45). Domitian also is named as having founded a stadium in which young women competed for prizes in running (Id. *Domit.* 4 and 5). But the exercises of the stadium never attained at Rome the same degree of popularity as those of the circus and amphitheatre.

(Krause, *Die Gymnastik und Agonistik der Hellenen*, p. 131, § 14; Müller, *Archäol. der Kunst*, § 200; OLYMPIA.)

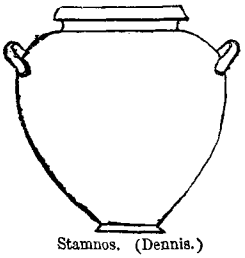
2. The word also signifies the chief Greek measure for itinerary distances, which was adopted by the Romans also, chiefly for nautical and astronomical measurements. It was equal to 600 Greek or 625 Roman feet, or to 125 Roman paces; and the Roman mile contained 8 stadia (Herod. ii. 149; Plin. *H. N.* ii. 23, § 21; Columell. *R. R.* v. 1; Strabo, vii. p. 497). This standard prevailed throughout Greece, under the name of the Olympic stadium, so called because, as above stated, it was the exact length of the stadium or foot-race course at Olympia, measured between the pillars at the two extremities of the course.

As to the length of the Olympic stadium, actual measurement has now put an end to all dispute. From starting-point to goal the distance is 192·27 metres. Divided by 600, this gives ·3205 metre as the length of the Olympic foot. As the Attic and Olympic foot-lengths were considerably less than this, we can understand how the fable obtained credence that the Olympic stadium was originally measured out by the foot of Hêrakles.

Respecting the origin of the stadium as unit of measurement, different opinions have been advanced. A recent view propounded by Prof. Ridgeway [for which see MENSURA, p. 161] bids fair to become generally accepted. According to this, the stadium is simply the ancient furrow-length. He traces the institution of this unit back to the time when the Aryan peoples had not yet separated. (*Vide*, in addition to the authors above referred to, Bötticher, *Olympia*,[2] and *Denkmäler des klassischen Altertums*, Nos. 28, 29, 29[a].)

There were multiples of the measure, corresponding to the longer races; thus the *δίαυλος* was 2 *στάδια*, and the *δόλιχος* 6 or more. (See above.) The *ἱππικὸν* of 4 stadia we may presume to have been the length of one double course in the chariot-race, which would give 2 stadia for the distance between the pillars in the hippodrome. In mathematical geography, the ordinary computation was 600 stadia to a degree of a great circle of the earth's surface. [P. S.] [J. I. B.]

STAMNUS (*στάμνος*, *σταμνίον*), an earthenware jar, often with red figures, used to hold wine or oil (Aristoph. *Lys.* 196, cf. *Ran.* 42; Athen. xi. p. 499 e). The word is still so used in Greece. It is sufficiently described by Dennis



Stamnos. (Dennis.)

Apulian Stamnos. (Dennis.)

as "a high-shouldered, short-necked plethoric vase with two small handles." The same writer gives also an "Apulian stamnos," a small and later variety with a lid, probably intended to hold honey or sweetmeats. [G. E. M.]

STATER (*στατὴρ*) was the standard unit both of weight and (more especially) of money, corresponding to the Oriental word *shekel*. As the coins which were the standard units in various districts varied in metal and in weight, the term *stater* was applied in antiquity to a great variety of pieces of money. The Greeks would have called the sovereign, the dollar, and the rupee all staters.

Gold Staters.—The earliest coins struck in gold were the Lydian pieces attributed to Croesus, stamped with the fore parts of a lion and a bull, and weighing about 130 grains. These were called *στατῆρες Κροίσειοι*: they were succeeded by the Persian gold coins of the same weight, called Darics or *στατῆρες Δαρεικοί*. About B.C. 400 Athens, Rhodes, Olynthus, and other cities began the issue of gold staters of nearly the same weight (about 133 grains), and this weight was also preserved in the gold

Gold Stater of Alexander.

staters of Philip and Alexander of Macedon and the successors of Alexander. Thus the gold stater was almost invariably in antiquity an Attic or Euboic didrachm [PONDERA] and of the metal value of about 23 shillings. Mr. Ridgeway has in the *Journal of Hellenic Studies* (vols. viii., ix.) produced evidence that the gold stater was originally regarded as representing the value of an ox.

Silver Staters.—As in Greece proper silver, not gold, was the staple of the currency, the stater was in the cities of that district of silver. Among the Aeginetans the stater, *στατὴρ Αἰγιναῖος*, was the didrachm of about 194 grains; and among the Corinthians the tridrachm of 135 grains, which was termed in Sicily *δεκάλιτρος στατήρ*, because it was equal in value to ten Sicilian litrae. But the litra (*q. v.*) was also in Sicily called a stater, as being a local measure of value. In Italy the coins which would elsewhere have been termed staters were called *numi*: as the Tarentine numus, and the Roman denarius and sestertius. At Athens the term stater was applied not only to the gold didrachm, but also to the silver tetradrachm, at all events in later times; and as in the Roman age the Attic drachm was regarded as equivalent to the denarius, and the denarius was the eighth part of a Roman ounce in weight, the stater or tetradrachm was stated to be of the weight of half an ounce. Similarly the Ptolemaic and Hebrew staters were tetradrachms of silver.

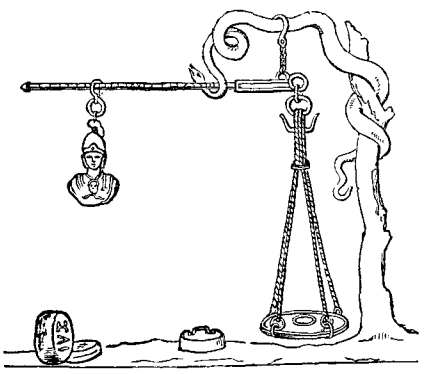
Electrum Staters.—The coins in electrum issued in early times by the Greek cities of Asia Minor were commonly spoken of as staters. Thus we frequently read in Attic inscriptions entries of *στατῆρες Φωκαϊκοί*, *Λαμψακηνοί*, and *Κυζικηνοί*, and Demosthenes speaks of a Cyzicene stater as equivalent in value to 28 Attic drachms (*adv. Phorm.* p. 914): there are reasons for thinking that it was of the same value as a Daric (Gardner, *Numismatic Chronicle*, 1887, p. 185). Cyzicene and Lampsacene staters (weight 248 grains) still exist in great abundance, but few Phocaic staters. Some electrum staters are figured under ELECTRUM.

It has been impossible in this slight summary to quote the passages from ancient writers, Pollux, Hesychius, &c., on which the above statements are based. But by turning to *στατὴρ* in the index to Hultsch's *Metrologici*

Scriptores, authority will be found for all of them. The common notion that the stater is necessarily a didrachm is erroneous. [P. G.]

STATE'RA, a steelyard. This seems to have been an invention of Italy: according to Isidore (*Orig.* xvi. 24), it was first used in Campania, and was called *trutina campana;* and it may be remarked that in Roman remains generally the steelyard is the commonest form of weighing machine discovered. There can be no doubt that the balance [LIBRA] was a far older contrivance than the steelyard: Blümner (in Baumeister's *Denkmäler*, p. 2078) conjectures as the primitive form a simple bar of wood placed through a ring or loop with the articles to be weighed against each other hung at the two ends. The more elaborate balance was a natural improvement on this, but the steelyard clearly involved more ingenuity and calculation.

An account of the steelyard will be found in Vitruvius, x. 3, 4. The parts defined are the beam or yard (*scapus*) suspended by a hook or chain which is called the handle (*ansa*); in this is the point of revolution (*centrum*), and near it is the *caput*, from which depends the scale (*lancula*): on the other side of the *centrum* the *scapus* is marked with points (*puncta*), which express the weight of objects in the scale as the *aequipondium*, or hanging weight, moves along the beam. This aequipondium was generally adorned with a head divine, human or animal.



Statera. (From Museum at Rome.)

The example here given is from the Museum of the Capitol at Rome. Others differ in having less ornament; and it is common also to find a hook attached to the shorter arm between the *centrum* and the *caput*, which was intended to hold articles whose size and shape made it convenient to hang them on, instead of putting them in the scale, and, as this altered the leverage, there was a double set of *puncta* on the beam to suit either arrangement. A third kind is shown in Baumeister (*Denkm.* fig. 2316), where a weight hangs on one arm of an ordinary balance, this arm being marked with *puncta*. It is clear that this was intended for use either as *libra* or *statera:* in the former case the weight would be detached; in the latter one scale would be detached (or allowance made for it in the *puncta*), and the other would be used as in the steelyard.

It must be observed that, though *statera* is strictly the steelyard, it is often used for a weighing machine of any kind: *e.g.* in Suet. *Vesp.* 25, the *statera* of the dream is clearly a balance with two scales; so also the *aurificis statera* is doubtless a balance of a peculiarly delicate kind contrasted with the *popularis trutina*, or less carefully adjusted balance; for *trutina* is used for any weighing machine, without distinction of form. (An illustration of this goldsmith's balance from an ancient relief is shown in Blümner, *Technologie*, iv. 312.)

The engraving in this article shows various weights (*aequipondia*, *σηκώματα*), such as may be seen in many museums, and of which a large collection may be studied in the British Museum. There was at Rome a special guild of *Sacomarii*, or makers of weights (*C. I. L.* x. 1930; Marquardt, *Privatl.* 713). For a marble altar set up by a guild of Sacomarii at Ostia, see Lanciani, *Ancient Rome*, p. 34, London, 1889.

[G. E. M.]

STATIO'NES FISCI. The Fiscus (*q. v.*) was divided into various departments, called *stationes*, according to the different revenues or business belonging to it (Cod. 4, 31, 1; 8, 43, 2; 10, 5, 1). Thus we hear of a *statio hereditatium* (Wilmanns, *Exempla Inscriptionum Latinarum*, 1272); a *statio xx. hereditatium* (Wilmanns, 1272, 1389); a *statio quadragesima Galliarum* (Wilmanns, 1397, 1398; see QUADRAGESIMA); a *statio ferrariarum* (Wilmanns, 1408); a *statio urbana* (Wilmanns, 2810); a *statio marmorum* (Wilmanns, 1377); a *statio annonae* (Orelli, *Inscr.* 4107 = 4420). We meet also with a *statio privatarum* (Wilmanns, 1277), and a *statio patrimonii Augusti* (Wilmanns, 1353, 2811). Officials connected with a statio are mentioned in the above inscriptions under the names of *procurator*, *praepositus*, *contrascriptor*, *princeps tabularius*, *optio tabellariorum*, *pedisequus*. [F. T. R.]

STATIO'NES MUNICIPIO'RUM. [GRAECOSTASIS.]

STATOR. [EXERCITUS, Vol. I. p. 794 *b.*]

STATUA'RIA ARS. This title will be used in the present article in its widest interpretation, including in fact all that we call by the name "sculpture," whether in relief or in the round, and whatever be the material in which it is executed. For details in various branches of the subject, special articles must be consulted; and for information as to the life, works, and style of the various artists mentioned, see the articles under their respective names in the *Dictionary of Biography and Mythology*. Here will be found—I. a description of the materials and technique of ancient sculpture; and II. a historical sketch of its development and decline, with special reference to the relations and periods of the various schools, and to extant works of sculpture.

I. *Materials and Technique.*

As to materials, we may distinguish (*a*) stone and marble; (*b*) bronze and other metals, such as silver; (*c*) wood, sometimes inlaid and gilded, or with portions in marble (*acrolithi*) or gold and ivory (*chryselephantina*); (*d*) terra-cotta. The technique must be considered in each case separately.

(*a*) *Stone or Marble.*—This is the most important to us, because, from the nature of the

materials, nearly all the statues still preserved are of this class. But it must always be remembered that this material had no such preponderance over the others in ancient times as it has in modern museums. But it was at all times very extensively used, and consequently we possess examples of all periods in stone or marble, from the shapeless dolls which show the first rude attempts to represent the human form, through the rise, finest period, and decline of sculpture, to the last decadence of Roman work.

The "invention" of sculpture in marble is traditionally attributed to Melas of Chios and his family, in which Archermus is the best-known name. Like other traditions of "inventions," this must not be insisted upon.

In the earliest period of sculpture, the squareness of the form of the body has often been noticed. Some have wrongly attributed this to an influence of wood technique. It is doubtless due to the fact that the early sculptors, like beginners of to-day, traced first the full aspect or profile of a figure on the front or side of their block, and then worked through at right angles to the surface: traces of this proceeding are clear on some unfinished statues, which have the flat surfaces and corners produced by it not yet rounded off.

Much confusion exists in the opinions of archaeologists as to the extent to which pointing from a finished clay model was used. In some cases points are still visible, not completely worked off the statue. But this is only in the case of late Hellenistic or Roman works, and it may be seriously doubted whether any such practice prevailed in the best times of Greek sculpture. Unfinished Greek statues—of which several exist in Athens—show no sign of it. The block is worked away in successive layers, more delicate instruments being used as the sculpture progressed. For the probable facts as to the use of clay models (*proplasmata*) see *sub voc.*, and also section (*d*) below. The tools mostly used were the punch, with a mallet, and various chisels; in a more advanced stage of the statue a claw chisel was used; it was then finished with an ordinary chisel. Traces of all these processes are clear in unfinished statues. The drill seems to have been used in earlier times only for fixing ornaments, &c. Callimachus is said to have been the first to make sculptural use of it. Later it was extensively used for the hair and the deeper folds of the drapery, and in careless work its marks were never worked off. A very highly polished surface is characteristic of works of the Hellenistic period, and especially of the Pergamene school. The application of colour is a question of great importance, which can now be decided with regard to archaic works, though there is still some difficulty as to statues of later periods. Where rough stone was used, colour was applied to all parts, more or less conventionally—red for the nude parts, and blue for hair, clothes, &c., being the colours most used. But as marble came to be more extensively and afterwards almost exclusively used, the beauty of the material and its exquisite rendering of the texture of the skin naturally precluded the use of colour on the nude parts: this was especially the case with female statues, the white colour for the skin of women being already prevalent on archaic vases. In the best preserved series, the archaic female statues on the Acropolis at Athens, we find the skin and the whole mass of the drapery left uncoloured; red is applied to the hair, lips, and eyes, in the last case with touches in dark purple or brown, and other colours; and the drapery has borders and scattered ornaments painted on it in red, blue, green, and dark purple or brown. A garment is completely coloured only when but a small portion of it shows; *e.g.* the breast and sleeve of a chiton when an outer garment is worn that conceals the rest of it. To judge from this evidence, it seems impossible that in the finest period it was customary to apply colour to the whole or great part of the surface of a statue. (We are, however, *told* that Praxiteles considered those works to be his best which were improved by the "circumlitio" of the painter Nicias.) Surviving examples of tinted statues of later period —one or two are known—may possibly be either experiments or imitations of terracotta or other materials. But it *is* impossible to be certain until we have as complete and well-preserved a set of statues surviving from some later period as those on the Acropolis from the time preceding the Persian wars—a discovery perhaps beyond hope.

In the earliest times all kinds of local marble were used; that of Paros, sometimes called lychnites, came early into common use from the fame of local artists, and its excellence made it always remain the favourite. Pentelic marble was extensively used at Athens during and after the fifth century; Hymettic only for inferior work, except in the earliest time. In the Roman period the quarries of Luna, the modern Carrara, were worked very extensively.

(*b*) *Bronze, &c.*—Bronze was probably the material most used by the great artists of antiquity, but the ease with which it was destroyed and melted down into useful metal has spared us but few examples. Beside statuettes, which are innumerable, only a few life-size or larger statues remain: among the most important are the archaic bearded head found on the Acropolis at Athens in 1887, a seated statue of a boxer found in Rome in 1886, and the head of Aphrodite in the British Museum. Various mixtures of bronze were known, and preferred by different artists; the Corinthian and Aeginetan were the best known [see AES].

The most primitive method of bronze-working implies no knowledge of casting, but merely hammering plates into the required shape and then riveting them together. Bronze-founding is said to have been "invented" by Rhoecus and Theodorus of Samos, about the middle of the sixth century; the nature and extent of this "invention" are not clear; a colossal bowl of bronze *is said* to have been made in Samos long before their time. It is doubtful at what period hollow casting of complete statues became usual. This was probably done, as it is now, by the *cire perdue* process. In this process the modelling is finished on a layer of wax over a fire-proof core. A casing is added, and the wax is then melted out and bronze poured in. On a vase, probably of the fifth century, is represented a bronze founder's workshop, where

the body, head, and limbs, cast separately, are being finished and inserted into their places by workmen. The final polishing and finish of detail took place after casting, and on the same vase are some workmen employed in these processes, which properly belong to CAELATURA, *q. v.* *Caelatura* also includes all purely decorative work in metal, such as was frequently applied to the details of great statues.

Silver and gold, as well as bronze, were occasionally used for statues; *e.g.* a gold *sphyrelatum* of Zeus was dedicated by the Cypselidae of Corinth at Olympia. Such a work is quite distinct from the *chryselephantina*, which probably are a development of the next material.

(*c*) *Wood*, often gilt and enriched with other materials. This material was extensively used in early times, but naturally has not been preserved: the primitive *ξόανα* were frequently, but not exclusively, of wood; the influence of wood technique on early sculpture has probably been exaggerated. The development of this material is seen in the works of Dipoenus and Scyllis of Crete, and the school they founded in Sparta. First comes the use of ivory and ebony; then the wood is coated with gold, and so the transition is easy to the great chryselephantine works, in which gold and ivory only are seen. Of course such statues must have had a core of wood when small (at Megara the wooden portions of an unfinished gold and ivory statue were preserved): this was replaced by an internal framework when on a large scale. *Acrolithi*, in which the ivory is replaced by marble, and the gold by gilded wood, were a cheap substitute for *chryselephantina*.

(*d*) *Terracotta* was very little used for monumental purposes by the Greeks, though it is said to have been used for temple sculptures at an early period in Italy. But the use of clay-moulding is a question of great importance and difficulty. Figurines in terracotta, mostly made for dedication in temples or burial in tombs, are preserved in very large quantities in all museums. They supply the models of the earliest and rudest art; they reproduce the masterpieces of all periods, and many artists devoted great skill and originality to their manufacture [TERRACOTTA]. These terracottas can only be referred to here for the information they give us as to the larger and more monumental works which form the subject of the present article. But in connexion with this material and the process of modelling it, must be also considered the use of finished clay models in making statues of marble or bronze. The clearest passage concerning this is in Pliny, xxxv. § 156: "Pasitelen, qui plasticen matrem caelaturae et statuariae sculpturaeque dixit, . . . et nihil umquam fecit antequam finxit;" and he makes similar statements as to Arcesilaus. We thus see that the practice was used by the chief artists of the first century B.C. We do not know for certain how much earlier it began. Just above (§ 153), but in confused context, Pliny seems to state that after the time of Lysistratus, the brother of Lysippus, no statues were made without the use of clay models. Thus it seems to be implied that a universal use of finished clay models came in after the end of the fourth century. On the other hand, the famous remark of Polycleitus, who worked mostly in bronze, *χαλεπώτατον τὸ ἔργον, ὅταν ἐν ὄνυχι ὁ πηλός*, seems to imply a use of finished clay models, at least in the case of bronze works, at a considerably earlier date. Great works in gold and ivory also seem to imply a finished clay model after which the scales could be worked. And we hear of one such work (by Theocosmus at Megara) in which, the materials failing, the body was supplied with plaster and clay—doubtless the model prepared for the work. But at least in the case of marble we have seen that execution was more or less free hand in the best period, and that pointing from a finished clay model was certainly not universal till Roman times, if even then. It is at any rate certain that the practice of making first a clay model, whatever was to be the final material, and leaving the rest to copying by more or less mechanical means, was not in use among Greek sculptors, who always carried out the details of practical execution in the final material as far as possible with their own hands. On unfinished works of Greek or even Hellenistic period (*e.g.* the small frieze of Pergamus) puntelli are not usually to be found; they occur on works of the Roman period.

II. *Historical Sketch.*

The beginnings of Greek sculpture may be assigned to about the year 600 B.C. What art existed before in Greece was either purely decorative, or entirely subordinate to foreign influences. It will be well to divide the whole history into periods, for greater facility in its consideration.

1. Before 600 B.C. Earliest traditions; foreign influences.

2. 600 B.C.—480 B.C. Greek archaic—Early schools.

3. 480 B.C.—400 B.C. Greek fifth century—Phidias, Polycleitus.

4. 400 B.C.—320 B.C. Greek fourth century—Praxiteles, Scopas, Lysippus.

5. 320 B.C.—150 B.C. Hellenistic—Asiatic schools.

6. 150 B.C.—300 A.D. Graeco-Roman and Roman.

1. *Before* 600 B.C. *Earliest traditions; foreign influences.*—Before considering Greek tradition, we must first recall the state of foreign arts at this time, and the channels by which they could influence the nascent art of Greece.

Egyptian art had in the seventh century reached a low ebb, having declined since the period of colossal works which accompanied the national revival under the Ramessid dynasty. But another revival took place under the prosperous rule of Psammetichus, marked more by delicacy of execution than greatness of conception. Psammetichus seems to have favoured foreign intercourse, and the first Milesian colony at Naucratis was founded in his reign. The direct influence of Egyptian art on Greece must, however, been less than the indirect, conveyed chiefly through the Phoenicians. The same people probably conveyed to Greece the influence of Assyrian art, which had passed through all the stages of its development before sculpture can be said to have begun in Greece. But at a time when no copies, casts, or drawings of foreign works of art existed, and when artists

cannot often have travelled to study foreign masterpieces, the only possible means for conveying foreign influence must have consisted in small and portable articles, arms and utensils, reliefs, statuettes and carvings in ivory, wood, metal, &c., such as could easily be made articles of traffic. Such objects might either be Phoenician imitations, or might be genuine products of the art they represented. With the arts of Asia Minor the case is different. The numerous Greek colonies here superseded any need of Phoenician intermediaries, and intercourse with Phrygia, Lydia, Caria, and Lycia is to be inferred both from tradition and extant remains. Various rock-cut sculptures of Asia Minor, such as the Niobe of Mount Sipylus, were known to the Greeks from early times. Above all, several of the islands served as centres where Oriental and Greek art met: the position of Cyprus in this respect is often misunderstood; the Greek element there was always subordinate, and all arts seem to have lingered and died out, but never to have developed. To Rhodes, on the other hand, may be traced many of the most fruitful influences in early Greece; and it seems probable that a similar position was held in the earliest times by Crete, though this cannot be certainly known till extensive excavations have taken place in that island.

Some vague tradition of the influences just mentioned may be traced in the myths of such creatures as the *Cyclopes*, *Idaean Dactyli*, and *Telchines*—monsters or daemons of superhuman strength and skill. The *Cyclopes* are usually said to come from Lycia; they are usually represented as the builders of colossal walls, such as those of Mycenae and Tiryns; but works of sculpture are attributed to them—a head of Medusa at Argos and the Lions over the gate at Mycenae (which really belong to a Phrygian series). The *Idaean Dactyli*, or Fingers from Mount Ida, are attributed sometimes to Ida in Phrygia, sometimes to Ida in Crete; besides possessing skill in magic, they are said to have invented the working of iron. The *Telchines*, often in later times confused with the Dactyli even in names, seem to belong to Rhodes (Ov. *Met.* vii. 365), but are also connected with Crete and Cyprus. They, too, work in iron and bronze, and also practise magic. To these mythical workmen are attributed such objects as the Trident of Poseidon, the thunderbolts of Zeus, the Sickle of Cronus. It is obviously absurd to look for historical races or persons in such stories; but the countries to which they are assigned may indicate the belief of the Greeks as to the quarters whence were derived the technical appliances of art in the earliest times.

The next step in tradition brings us to *Daedalus* and other names of what is sometimes called the *Heroic period* of art. Late writers describe the improvements made by Daedalus in sculpture, by opening the eyes, separating the legs, and freeing the arms from the body, and ascribe extant works to him, as if he were a historical person. But these statements are obviously mere euhemeristic or rationalistic explanations of old tales of magic; Plato, Euripides, and Aristotle ascribe to him, not only sculptural attainments, but feats of magic, such as are ascribed also to Hephaestus. It is also obvious that statues with eyes shut probably never existed, that the legs are separated in the conventional stride in Egyptian and other imported statuettes, and that the arms remained close to the body far later than any period that could be assigned to Daedalus. In Homer he is only referred to as devising a χορὸς (*i.e.* a dance or dancing-place) for Ariadne—not necessarily as a sculptor; a late misinterpretation identified the actual relief he made with one extant at Cnossus in Crete. But there is no more reason for attributing historical truth to his inventions in the art of sculpture than in that of flying. By the earlier Greeks he was regarded as a mythical inventor and magician, from whom families in Athens and in Crete claimed descent; he became later the personification of early Greek art, and hence, naturally enough, statues of Greek origin and unknown antiquity came to be attributed to him.

One or two other names of artists belong to the heroic period. As the maker of the Trojan wooden horse, *Epeius* has more claim to being mentioned as a sculptor in Homer than Daedalus has; later, at least one extant statue was attributed to him; but his character seems no less legendary. So, too, statues said to have been dedicated by various heroes were probably either imported or native works of unknown antiquity. Even Pausanias notes that a bronze statue said to be dedicated by Ulysses was cast in one piece, and so could not go back to his time. Two or three of the earliest Greek sculptors may perhaps belong to this period before 600 B.C.; but there are as yet no schools, and no regular succession. Some works of decorative relief must, however, be noticed, which, though not properly works of sculpture, are usually included in all books upon the subject. The *Shield of Achilles* is the first of this series. It is not to be imagined that the description in Homer (which, though probably an interpolation, is still as early as 700 B.C.) is derived from any single shield, or even that its individual scenes describe actual reliefs seen by the poet. But though the arrangement is his own, the detailed description of such a work seems to imply that the poet had seen similar subjects similarly treated, though not necessarily by a Greek artist; the nearest analogy is to be found in Phoenician bowls: with these, too, the arrangement in five concentric zones corresponds. The scenes, as in Oriental reliefs, are all from ordinary life. In the *Shield of Heracles*, wrongly ascribed to Hesiod, the same arrangement in zones, but more complicated, is described; but the scenes are already partly mythological.

We may compare these poetical descriptions of imaginary works with the *Chest of Cypselus*, dedicated at Olympia, which Pausanias describes. [ARCA.] Cypselus reigned in Corinth 657–629 B.C.; and as the chest was dedicated by his descendants the Cypselids, it may probably be assigned to the end of the seventh century. (Most authorities place it much earlier, saying that it is the identical chest in which Cypselus was hidden when a child; but even if it were so, the decorations were probably added just before dedication, as their character and the added inscriptions show.) Here the scenes, which were arranged in five friezes along the chest, and were carved in the wood with additions in ivory and gold, are taken entirely from mythology.

The nearest analogy to this work is seen in the Corinthian vases of the sixth century; being a decorative work, it can only be here quoted incidentally, to show the standard attained both in subjects and technical facility at the time when sculpture was first beginning in Greece. It is, however, recorded that certain images of the gods existed even in this earliest period. The only apparent exception to the statement that sculpture is unknown to Homer is offered by the figure of Athena in Troy, upon whose knees the matrons lay a robe. But this need not imply a completely finished statue; those covered in later times with votive drapery were of the rudest and most primitive description. The golden youths bearing torches in the palace of Alcinous, like the golden maidens of Hephaestus, belong to magic rather than to sculpture. Doubtless some of the representations of the gods dated from a very remote period; they are described as mere logs or rough stones, δόκανα or λίθοι ἀργοί, and in some cases are said to have fallen from heaven: these were often ornamented in various ways; often they were wrapped in drapery; sometimes they were plated with bronze: the *Apollo of Amyclae* was a bronze column, with helmeted head and hands and feet attached. Such rude images of the gods exist among all primitive peoples; but it was not the development of these images, of which the type was fixed by religious conservatism, that led to the rise of Greek sculpture. Statues, whether of the worshipper or the god, dedicated in temples, offered freer scope than the temple statue itself; and these were rather enlarged imitations, at first, of imported foreign models, than repetitions of the sacred image.

(For more details as to this period, see ACROLITHI, DAEDALA, DOKANA in Vol. I., and *Dict. Biog. & Myth.*: Cyclopes, Dactyli, Telchines, Hephaestus, Daedalus, Epeius.)

2. 600 B.C.—480 B.C. *Greek Archaic—Early Schools.*—During the rise of Greek sculpture, the artists recorded by literature belong to local schools or even families, which, while they influence one another, preserve a character of their own. It is not always easy to associate these schools with extant works. Tradition assigns various schools, working in various materials, to the islands: Chian marble workers, the family of *Melas*, *Micciades*, *Archermus*, *Bupalus*, and *Athenis*; Samian bronze-founders, *Rhoecus*, *Theodorus*, and *Telecles*; Cretans working in marble and wood, *Dipoenus* and *Scyllis*, the "Daedalids," who worked also in many cities of the mainland, and had scholars in Sparta and elsewhere. Generally we notice the importance of the islands, and not the same islands as in the previous period, except Crete with its tradition of Daedalid masters. Naxos and Paros with their marble quarries, Samos and Chios, in close touch with the art of eastern Asia Minor, and Thasos, are all conspicuous either for recorded artists or actual works that they have yielded.

Among the most primitive statues extant is that of *Hera from Samos*, in Paris (fig. 1), which is merely a round column below, with elaborate drapery. Parts of two similar figures are on the Acropolis at Athens.

From various indications, we are led to believe that what we may best call the Ionic style was in early times of great influence and importance. Several works are still preserved from Asia Minor: the seated statues from the sacred way at Branchidae near Miletus; the earlier temple of the Ephesian Artemis, with sculptured columns, some of them dedicated by Croesus (specimens of both these are in the British Museum); the frieze from the temple of Assos in the Troad (now mostly in the Louvre). A similar character may be noticed in some early Lycian sculptures, probably under Ionic influence — especially the Harpy monument (in the British Museum), and also in works found in some of the islands, and even the N.W. of Greece. Instances are a tombstone relief of a man and a dog (in Naples) from Asia Minor or an island; another tombstone, with a seated lady, a child and attendant (called *Ino Leucothea*, in the Villa Albani at Rome), also from the same region; a relief with Apollo, Hermes and the nymphs from Thasos (in the Louvre), and various tomb reliefs from Thessaly (mostly in Athens). All these works have some characteristics in common, which may be shortly described as softness and laxity of style, as opposed to the hard and precise sculpture of the Peloponnesian schools. Perhaps

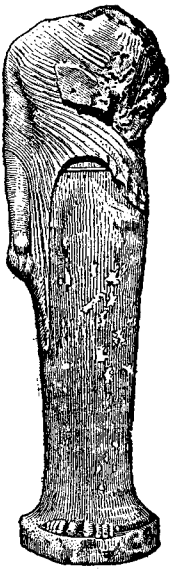


Fig. 1.
Hera, from Samos.
(Louvre.)

Fig. 2.
Winged figure by Archermus. (Athens.)

we may see also the influence of painting in the excellence of composition and general impression, combined with many inadequacies and even carelessness in details, which is often found in the sculpture of Northern Greece and the islands. The artists of the Ionic coast and islands doubtless travelled and exercised a wide influence. It is recorded that the Chian *Archermus* worked at Delos, and a pedestal has been discovered, with his name and that of his father, *Micciades*, to which belongs almost certainly, a female flying figure of very primitive style (fig. 2). It is recorded that *Archermus* was the first to represent Victory with wings, and here is probably the very statue in which he did this. The name of *Archermus*, inscribed in a different alphabet, occurs also on a base on the Acropolis at Athens; in the same place the names of *Endoeus*, *Aristocles*, and many other artists, probably Ionians, have been found. The Ionic influence in Athens is clearly visible in some early architectural sculptures found on the Acropolis, cut in rough stone and entirely coloured. These are mostly the pediments of early temples, and represent in low or high relief the combats of Heracles or Zeus with fish-tailed or snake-tailed monsters—Triton, as at Assos, Typhon, the Hydra, &c., whose tails conveniently fill the angles of the pediment, while the bodies show the heavy and sometimes grotesque forms characteristic of Asiatic Ionic art. The most important series of statues of early Attic art are a set of female figures (similar to others found in Delos and elsewhere), most of which were found in a position where they must have been buried just after the Persian invasion, and therefore date from the period immediately preceding it, say about 550–480 B.C. In these it is

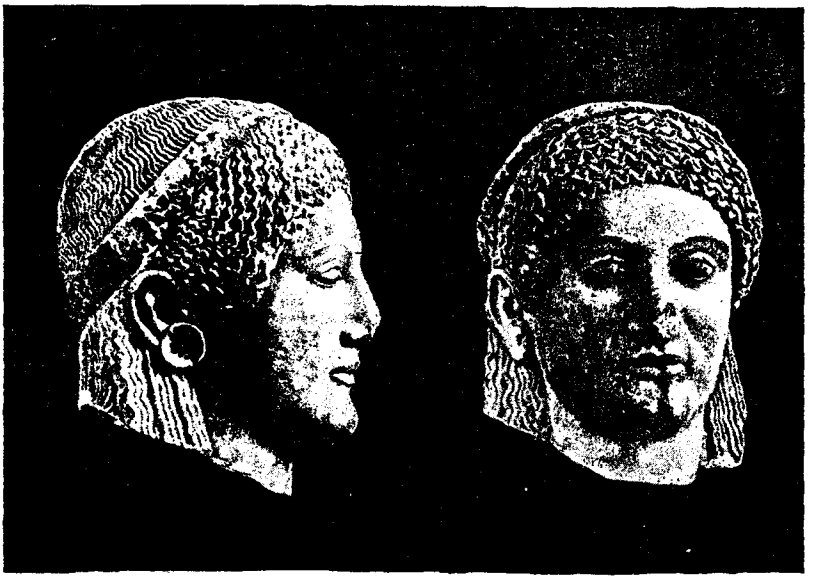


Fig 3.
Head of statue on Acropolis, Athens.

possible to trace the gradual development of Attic style, from the rude figures with stiff drapery and grimacing smile inherited from Ionic art, to the graceful drapery and "unconscious" smile noted by Lucian as characteristics of *Calamis*, the representative of this Ionic-Attic school in the fifth century. (The most advanced head of this type is represented in fig. 3.) Such female statues, often dedicated in sacred precincts and representing either a goddess or her worshipper, are the ultimate development of the type first seen in the primitive draped female statuettes found on early Greek sites, and often, doubtless, of foreign origin. A corresponding nude male type was developed into the series of statues commonly called "Apollo," and known by the place where they were found,—the *Apollo of Thera*, *of Tenea* (fig. 4), &c.

Discussions have arisen whether these are statues of that god, or portraits of the deceased erected on graves, or athlete statues; the fact is that they simply represent the common male type, and that without special indications, such as attributes or circumstances of finding, it is impossible to decide what was the artist's intention in making them. Here may be quoted especially the *Apollo of Thera*, which may be attributed to an island school. The stela of *Aristocles* also shows the tradition of the Ionic school in Athens. The pictorial and harmonious composition and expression, with the notion of power and rest they convey, offer the greatest contrast to Aeginetan and Peloponnesian works, lively and excellent in muscular detail, but angular and forced in attitude.

In the art of the Peloponnese various influences may be traced; some early grave reliefs from near Sparta, which show the deceased as a hero, with worshippers, are in flat planes with square-

cut edges, perhaps a reminiscence of wood technique. The earliest Spartan artists are said to have been scholars of the Cretans *Dipoenus* and *Scyllis*, and to have developed the combination of wood-carving and inlaying into chryselephantine sculpture. The works of this nature by *Theocles*, *Dontas*, and *Doryclidas* were preserved in the treasury of the Megarians and in the Heraeum at Olympia, and some of them were extensive groups. Even into Laconia Ionic influence also penetrated; *Bathycles* of Magnesia was employed to make a "throne" for the *Apollo of Amyclae*, already referred to. This throne must, from the description, have been a kind of carved screen surrounding the statue, ornamented with mythological scenes and statues, including "portraits" of the artist and his assistants. *Gitiadas* of Sparta, whose date relative to the other artists just mentioned is uncertain, made the statue and decorated the temple of Athena Chalcioecus at Sparta; its walls were covered with bronze reliefs of mythological subjects. Perhaps he may represent the Doric style of such decoration, as *Bathycles* does the Ionic; both were to be seen in the treasury of the Sicyonians at Olympia. *Gitiadas* made also statues of Aphrodite and Artemis "under tripods," corresponding to another made by *Callon* of Elis, and this fact is of importance for his chronology.

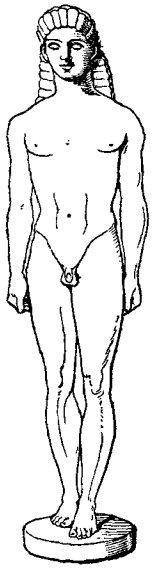


Fig. 4.
Apollo, from Tenea. (Munich.)

Another artist who worked in Sparta was *Clearchus* of Rhegium, also a pupil of Dipoenus and Scyllis, who made a bronze statue of Zeus, beaten in plates and riveted. He was the master of *Pythagoras* of Samos and Rhegium.

Two allied styles, those of Megara and its colony Selinus in Sicily, are known to us by architectural sculptures still preserved. The pediment of the Treasury of the Megarians at Olympia represents a gigantomachy, which both in subject and style strongly resembles the metopes of a Selinus temple of middle period. There is another temple at Selinus considerably older, and probably not much later than the foundation of the colony, and so belonging to the beginning of the sixth century. Its metopes, in high and round relief, but with thick ungainly forms and grotesque subjects and treatment, represent Perseus slaying the Gorgon, Heracles with the Cercopes slung on a stick across his shoulders, and a chariot, the last apparently of a more advanced art. There is also a third and much later temple at Selinus, in which the style of the metopes is graceful, but softer and weaker in composition and execution. In them the nude parts (faces and arms) of female figures are inserted in white marble, the rest being of coarse stone. (All the Selinus sculptures are now in Palermo.)

Many examples of archaic sculpture have been discovered in Boeotia, mostly showing the characteristics of a local school; but a grave relief of a draped man, signed by *Alxenor* of Naxos, shows that here also the influence of Asia Minor and the islands was not unknown; it shows pictorial treatment and remarkable foreshortening. But other works seem to show an independent local style, developing from the most primitive types, as seen in the *grave relief of Dermys and Citylus*, two roughly-shaped male figures, with long hair and no drapery, standing with their backs against a slab and their arms round one another's necks. The most important Boeotian works are a set of nude male statues of the so-called "Apollo" type; the *Apollo of Orchomenus* (fig. 5) has a stolid expression and careful but exaggerated surface rendering of muscles and skin. Several other statues showing similar but more advanced style have been found in the temple of Apollo Ptous. These all show a roundness of waist and conical shape of chest that contrast with Ionic statues. The latest of them has a grimacing smile, perhaps due to Attic or Aeginetan influence, and the forms of the body also approach the Aeginetan style. Similar characteristics may be seen in the Strangford Apollo in the British Museum.

Fig. 5.
Apollo, from Orchomenus. (Athens.)

In the development of the rendering of the nude male figure, the influence of the various athletic games, and of erecting statues of victors in the contests, can hardly be over-estimated. The first portraits of this sort are said to have been dedicated at Olympia about 540 B.C., but some are recorded earlier elsewhere, *e.g.* of Arrachion at Phigaleia, who was victor about 560 B.C., of a most primitive type from its description by Pausanias. But of course the statue need not in all cases be as old as the victory. These statues were doubtless at first mere reproductions of the conventional male type, not to be distinguished from the "Apollo" statues, but a specialisation of the type for various kinds of athletes, and even individual portraits followed: Pliny says that the last were only permitted to those who had been thrice victors. Throughout the course of Greek history the class of athletic statues was especially, but not exclusively, associated with the schools of Argos and Sicyon. In the later archaic period Sicyon is represented by *Canachus*, who made the bronze statue of Apollo

at Branchidae, carried off by Xerxes (or Darius). Cicero quotes his works as "rigidiora quam ut imitentur veritatem," and harder than those of *Calamis*. *Canachus'* brother *Aristocles* founded a school of sculptors of athletes that lasted seven generations.

At Argos, *Chrysothemis* and *Eutelidas*, who made athlete statues about 520 B.C., assert in an inscription that they belong to a regular school. But the best known early Argive artist was *Ageladas*, famous as the master of Phidias, Polycleitus, and Myron. He made statues of gods as well as of athletes: his artistic activity was prolonged over an extensive period, from the end of the sixth to the middle of the fifth century or even later; but his style we can only infer from his influence on others. The Argive type was transmitted to and perfected by Polycleitus; but Phidias seems to have added under this influence a Doric earnestness to the Ionic grace of Attic sculpture, and Myron to have developed a different athletic ideal. Other Argive artists are *Glaucus* and *Dionysius*, who made some great groups at Olympia, including an allegorical one of the founder of the games amidst a group of deities and personifications.

The place of Aegina in sculpture seems to be like its geographical position, intermediate between Argos and Athens. Its artists were of wide reputation in early times, and worked at Olympia, Athens, and elsewhere, as well as in their own island. Their favourite material was the Aeginetan bronze. *Smilis* ("the carver"), the earliest Aeginetan artist, is by many regarded as a purely mythical character, like Daedalus, with whom he is sometimes associated; but others regard him as a historical character, quoting the name of Stesichorus as analogous. The Xoanon of Hera at Samos was attributed to him. In historical times *Callon* and *Onatas* are the most prominent names. They flourished about the beginning of the fifth century. Callon is said to have been a pupil of *Tectaeus* and *Angelion*, who themselves were pupils of the Cretan *Dipoenus* and *Scyllis*, and who made the statue of Apollo at Delos. Thus we have two traditional connexions with the primitive sculpture of Samos and Delos. Callon's style is said by Quintilian to be harder than that of Calamis. *Onatas* worked in many places, and several important statues of divinities by him were known to Pausanias. At Olympia he made a group of the heroes before Troy casting lots; and another of the fall of the Iapygian king Opis, for the Tarentines. This last is very similar in subject to the pediments from Aegina now in Munich. Other distinguished artists of Aegina were *Glaukias* and *Anaxagoras*, both of whom worked at Olympia, the former for Gelo of Syracuse and others, and the latter for a common dedication by the Greeks after the battle of Plataea. Even in ancient times, some writers note the distinction between the Aeginetan and Attic styles, as the two best known types of archaic sculpture. The pediments from Aegina, though architectural works and so of marble, not of bronze, supply the most certain evidence as to the Aeginetan style. The composition is not adapted to fill the given field by decorative means, as in the much earlier pediments of the Ionic style, but by a symmetrical and graduated arrangement of the figures. Both pediments are of similar composition, portraying the fight over a fallen warrior in the centre, by warriors standing and kneeling, the corners being filled with other wounded men (fig. 6). The admirable and sculpturesque rendering of all details and the careful study of the nude male form recall the athletic schools. The remains of the east pediment, though more scanty, are the better finished both in details, such as the rendering of veins and in expression of face, the conventional smile being retained but modified; it has been suggested with probability that it was executed by a younger artist, who had to carry out the original design. The names of both *Callon* and *Onatas* have been found on bases on the Acropolis at Athens.

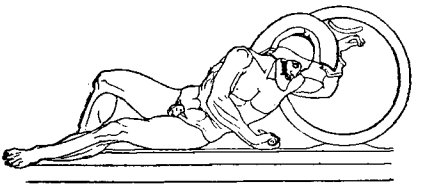


Fig. 6.
Fallen warrior, from Aegina.

Thus it is easy to trace the influence otherwise probably of Aegina upon some classes of Attic sculpture. The influence of athletic sculpture was felt also in Athens, where there was another set of sculptors representing a different tendency from the development of the Ionic style already mentioned. These are *Antenor* and *Critius* and *Nesiotes*. Antenor was employed to make the statues of the Tyrannicides Harmodius and Aristogeiton which were carried off by Xerxes, and replaced by others by Critius and Nesiotes. These statues have been identified on Athenian coins and reliefs, and hence in two marble statues at Naples. It is uncertain whether these reproduce the originals by Antenor or those later made to replace them; but both may probably have represented the same motive. The very fine, but dry and sinewy treatment of the body is remarkable, and more advanced than the treatment of the face (in the one remaining head), drapery, and hair—exactly the reverse of what we find in the Ionic-Attic style. Here may be mentioned also *Hegias*, said to have been the first master of Phidias; he is coupled by Quintilian with the Aeginetan Callon, as harder in style than Calamis.

After these names follow those of the immediate predecessors of Phidias, who belong to the next period. In all the great centres of art local styles and predilections as to subject had already been produced; and it was their rapid development that led up to the great sculpture of the fifth century.

The year 480 B.C., here adopted as the conclusion of the archaic period, forms a convenient boundary. On the one hand, the Persian wars mark the beginning of a new era in Greek art as in Greek history; on the other the expedition of Xerxes has in its material results afforded us the most certain criteria for fixing the age of later archaic and transitional works. On the Acropolis at Athens he defaced all works of art, and the fragments that remained were buried by the Athenians on their return, and

replaced by new works, thus affording scope to the artists of the time. But the buried fragments have been recovered, and when pieced together give us an excellent notion of the condition of sculpture immediately before the Persian wars. The same discovery may well be made on other sites that suffered a similar fate. Thus the circumstances of our knowledge as well as the historical crisis make this a fit point at which to review briefly the archaic period, and afterwards to notice the advances that immediately followed.

We have seen that, according to tradition, sculpture took its rise, so far as Greece is concerned, among the islands, Samos, Chios, and Crete; and that it spread on the one hand through Asia Minor, the Aegean Islands, Northern Greece, and Attica, in what we may conveniently name the softer or Ionic style; while on the other hand the Cretan artists had scholars in the Peloponnese, Central Greece, and elsewhere: in most of these regions we find a harder style, which may be named Doric; but even here we sometimes find Ionic artists employed. The two styles concentrated themselves in Argos, Sicyon, and Aegina on the one hand, and in Athens on the other. Towards the close of the archaic period they seem, while retaining their essential characteristics, to have influenced each other to a considerable extent.

(For details as to artists of this period and their works, see *Dict. Biog. and Myth.*:—*Corinth* — Butades (Dibutades). *Samos* — Rhoecus, Theodorus, Telecles. *Chios*—Melas, Micciades, Archermus, Bupalus, Athenis. *Crete*—Dipoenus, Scyllis; their scholars, Tectaeus and Angelion. *Athens*—Simmias, Endoeus, Aristion, Aristocles, Antenor, Amphicrates, Critius and Nesiotes. *Magnesia*—Bathycles. *Sparta*—Hegylus, Theocles, Dontas, Dorychidas, Gitiadas. *Rhegium*—Clearchus. *Sicily*—Perillus. *Aegina*—Smilis, Callon, Onatas, Glaucias, Anaxagoras, Calliteles. *Argos*—Eutelidas and Chrysothemis, Ageladas, Aristomedon, Glaucus and Dionysius. *Sicyon*—Canachus, Aristocles. *Elis*—Callon.)

3. 480 B.C.—400 B.C. *Greek Fifth Century.*—From this period onward it is less necessary to give any connected account, because the style and works of individual artists are far more prominent and better known; and for all such matters the articles in the *Dict. of Biog. and Myth.* must be consulted. Here will be found only such facts of this kind as serve to indicate relation or connexion of different artists and schools, and such notices of extant works as concern more than the individual artists to whom they are assigned.

During the previous period we found all styles of sculpture nearing the perfection of technical development; and we also found that all the artistic centres of Greece had already adopted their own speciality. Hence, in the fifth century, though Aegina disappears in art as in history, Argos and Sicyon remain, as before, noted for athlete statues in bronze, Athens for the variety of its artists and for the use of marble. It was now possible for great artists to express their ideas without the subordination to the difficulties of technical execution, or the constant struggling with those difficulties, that had hitherto been visible even in the highest attainments of sculpture. The attainment of a complete mastery over material difficulties prepared the way for the highest attainments of Greek art. Among the works of this period we meet for the first time with statues that are spoken of with unqualified admiration by classical writers, as of the highest excellence, and not merely interesting for their ancient period or the advance they show on previous attempts. This rapid advance in sculpture corresponds with a similar advance in literature and in thought and feeling, which leads up to the great century of Greece. The expeditions and defeat of the Persians had completely altered the relation of the Greeks to neighbouring peoples. For the ancient nations of the East, vaguely heard of as of unknown power, skill, and wisdom, were substituted the Persians, whom the Greeks hated and could conquer. Hence the feeling of Panhellenic unity, and of the conscious superiority of the Greeks as a race above all other people known to them. The numerous monuments erected from the spoils of the Persians or in commemoration of their defeat gave a new stimulus to all the arts, and the contest itself afforded subjects for both historical and allegorical representation. And in Athens, at least, the constitution was peculiarly favourable for the production of the greatest works; the democratic form of government encouraged that idealisation of the people without which its exploits could not be worthy of the highest artistic commemoration, while the actual predominance of such men as Cimon and Pericles gave the originality, greatness, and continuity of design which a purely popular government could not attain. Moreover, the combination of the Greeks in common dedications, and the successive supremacy of various cities, made larger sums available for artistic expenditure than could have been afforded by isolated states or individuals.

The fittest places for common national dedications were the great religious centres, Olympia and Delphi. Olympia was also noted for the great temple of Zeus, built by the Eleans themselves; both its architectural forms and historical evidence show that it was probably completed about 460 B.C.; and the extant architectural sculptures must be assigned to this period; they consist of metopes over the internal columns of the front and back, representing the labours of Heracles (partly in the

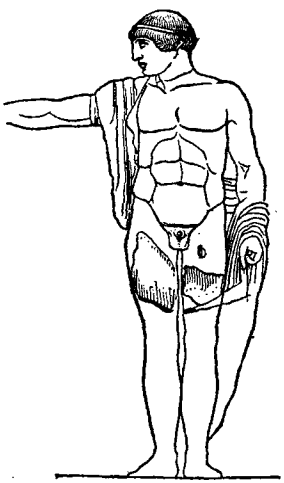


Fig. 7.
Apollo, from Temple of Zeus. (Olympia.)

Louvre, partly at Olympia), the east pediment with the preparations for the chariot-race of Pelops and Oenomaus, and the west pediment with the battle between the Lapiths and Centaurs. Pausanias ascribes these two pediments to *Paeonius* and *Alcamenes* respectively; and, as Alcamenes is said to have been a pupil of *Phidias*, difficulties have arisen, both as to chronology and as to style. Alternative explanations are that Pausanias was mistaken, or that the pediments were early works, before Alcamenes came under the influence of Phidias. All the sculptures of the temple, beside certain defects of detail that may be due to local execution, show a peculiar style, which is perhaps due to a combination of various influences. They show a breadth and freedom of pictorial composition that contrast strongly with the strict symmetry of the Aegina pediments; but in the execution there is none of the precision and delicacy that mark those groups. The uncertainty of line and carelessness or awkwardness of details must have been remedied to some extent by colour; and the distant effect was more considered than sculptural accuracy. Archaic hardness is thus avoided, and a softness and laxity takes its place. In composition, the pediments are symmetrical, but not monotonously so; they show in many ways an advance towards the perfection we see in the Parthenon; the front or east pediment is quiet, the back or west one full of groups in contorted motion: they have been to a great extent recovered, and are now at Olympia.

Before considering the great architectural sculptures, made under the direction of Phidias, which are the most characteristic surviving specimens of the art of the fifth century, three artists must be mentioned who are, as it were, the forerunners of the highest period,—*Calamis* and *Myron*, who both belong to Athens, and *Pythagoras* of Rhegium (previously of Samos). *Calamis*, as has been said, seems to represent the highest development of the grace and delicacy of treatment properly belonging to the Attic development of the Ionic style, and he is chosen out by Lucian for the expression of face (*σεμνὸν καὶ λεληθὸς μειδίαμα*, in which we may perhaps see the last relic of the archaic smile) and for the treatment of drapery. Copies of statues by him have been recognised on an altar at Athens. *Myron* inherits the vigour of the athletic Attic school of *Critius* and *Nesiotes;* but as a pupil of *Ageladas* he also fell under Argive influence. Several extant statues after Myron, reproductions of the famous *Discobolus* (see Vol. I. p. 644) and the *Marsyas*, show how completely he had mastered the difficulties of technique. His works even transgress the bonds of sculpturesque treatment in their choice of momentary attitudes and even of contortions,—a natural reaction against the rigidity of early works in the first consciousness of artistic freedom. Myron had scholars in Athens, who seem to have carried these tendencies still farther, and to have selected subjects for the sake of the difficulty or interest of the execution,—the first appearance of "genre" sculpture. The cow by Myron himself, one of the most famous statues of antiquity, seems to belong to the same class of works.

Pythagoras, like Myron, was fond of representing figures in vigorous movement; he also excelled in athlete portrait statues. He is praised by Pliny for symmetry and variety, and he also sought truth to nature in details such as the veins and muscles and hair: his limping Philoctetes was famous for the indication of the effect of his wounded foot on all parts of the body and limbs. Except on gems, no certain copy of a statue by Pythagoras survives, though the attribution to him of extant works, such as the "Choiseul-Gouffier Apollo" in the British Museum (an athlete statue), has been suggested.

Athens was at this time the chief centre of artistic work, and the beautifying of the city, first by Cimon and afterwards by Pericles, attracted foreign artists and encouraged native ones. The delicacy and grace of the Attic-Ionic style was carried to its highest point by *Calamis;* but *Myron* and *Phidias* both studied under Ageladas of Argos, and we find the influence of the Doric schools working strongly in Athens; *e.g.* in a marble head of an athlete and in one of a girl, both on the Acropolis at Athens. It has been suggested that Polygnotus of Thasos, who made many paintings in Athens, may have renewed the N. Ionic influence.

The architectural sculptures of Athens give a good notion of the state of art at this period; they are still to be seen, partly on the Parthenon, the Theseum, the Erechtheum, the temple of Wingless Victory, partly in the Museums of Athens and London. The sculptures of the Parthenon fall into three divisions—the metopes, the pediments, and the continuous inner frieze, which runs round the outside of the cella. It is probable that these three were put up in the order mentioned; and the style is consistent with this supposition. The metopes are of uneven merit, and some of them are the least advanced of the Parthenon sculptures, though others are of the most spirited design. The east pediment represented the birth of Athena; the west, her contest with Poseidon for the land: the surviving statues of these pediments are perhaps the finest works of sculpture extant. The continuous frieze is in very low relief, and shows the most perfect mastery of composition and technique; it represents the Panathenaic procession, horsemen, chariots, men, and women, advancing to the assembly of the gods above the east door. There is no especial reason for attributing the architectural sculptures of the Parthenon to *Phidias*, who is known to have made the chryselephantine statue within the temple, except that he is said to have had the general superintendence of the works of this period in Athens; the Parthenon sculptures show the excellence of those who worked under him. The Theseum sculptures consist of ten metopes at the east front and four on each of the sides adjoining; they show an angular, athletic style which may probably be attributed to the school of *Myron;* they resemble some of the earlier metopes of the Parthenon. The other two friezes of the Theseum, over the second row of columns at the back and front, though continuous, seem to divide themselves into groups derived from the Parthenon metopes. Thus the Theseum and Parthenon seem to be almost contemporary; the Parthenon was probably built between 447 and 434 B.C. The Erechtheum, as it now stands, was later; we

know from inscriptions that it was still unfinished in 409 B.C.: a great feature of this building is the portico borne by six *Caryatids;* the Ionic frieze was of white marble figures attached to a background of black Eleusinian marble — a substitute for a coloured background. The temple of Wingless Victory is most famous for its balustrade, with figures of Athena and winged Victories erecting trophies, &c.; they must belong to the close of the fifth century, and show the most beautiful studies of flowing draperies as an accompaniment and background to the figures. But it was not only in temples and public monuments that the perfection of sculpture showed itself at Athens. The influence spread even to the workmen who made tombstones; so that early in the fourth century we find numerous grave-reliefs, votive offerings, headings of decrees, &c., that recall by their style the great period of sculpture of the end of the fifth century.

Outside Athens, Athenian artists were sometimes employed at this time; thus the temple of Bassae near Phigaleia was built by Ictinus, the architect of the Parthenon; and so we may probably see in the frieze of that temple (now in London) the work of his associates. The subjects are the combats with Amazons and Centaurs; but the execution shows an inequality partly due to provincial style; and there is a striving after effect, especially in the treatment of drapery, that seems transitional to the next period.

Similar characteristics may be seen in several other works of this period or slightly later—the acroteria of the temple at Delos, the earlier of the temple sculptures at Epidaurus (both in Athens), the so-called *Nereid monument* from Xanthus in Lycia (now in London), and the reliefs of a tomb at Djölbaschi in Lycia (now in Vienna); but in the pictorial and effective treatment of these works some prefer to see the continuous Ionic tradition, rather than Attic influence. (A similarity is also visible in the Victory at Olympia by *Paeonius*, of the Ionic colony of Mende in Thrace. If he also made the eastern pediment at Olympia, it must have been under very different influence.)

So far works of architectural sculpture have been considered, because they alone survive to show us the style of the Phidian school. But these are only indirectly to be assigned to the master himself or his most distinguished pupils. The great works of which they most carefully superintended the execution were the colossal temple statues of gold and ivory [see CHRYSELEPHANTINA], such as the Zeus at Olympia and the Athena Parthenos at Athens by Phidias, always regarded in antiquity as the highest attainments of sculpture [see cut on p. 316 *a*]. These rich materials were in the fifth century regarded as the most fitting for the execution of great statues of divinities, which embodied a national ideal. The difficulty of technique as well as the expense—the gold alone of the Athena was worth £155,000—prevented the possibility of such works except under favourable circumstances, and in the fifth century alone we find an art with a mastery over material difficulties adequate for the production of such colossal works, and also possessing so noble an ideal of the gods it strove to represent.

Though the Attic school had so wide-spread and so varied an influence, that of the Argive *Polycleitus* was also of the utmost importance; and the narrower and more definite nature of his attainments made them more open to the imitation of subsequent artists than the lofty ideals of Phidias. Many extant works have been recognised as copies of known works of Polycleitus, the *Diadumenus*, the *Doryphorus*, the *wounded Amazon*, &c. It is characteristic of the definite nature of his attainments that he fixed a canon of bodily proportions, which he also embodied in a statue, probably the *doryphorus;* and this canon was accepted by the athlete sculptors of the schools of Argos and Sicyon as fixing a type, till afterwards modified by Euphranor and Lysippus. In details of execution, and especially in the treatment of bronze, his favourite material, Polycleitus is said to have excelled even Phidias; but there was a certain monotony in the conception and even the pose of his works. Though his athletic statues and his canon are his best known works, and most important for their influence on later art, it must not be forgotten that Polycleitus fixed the type of Hera by his chryselephantine statue in the Heraeum at Argos, just as Phidias did those of Zeus and Athena. His school, in Argos and also in Sicyon, numbered many important artists, who seemed to have followed their master closely, and to have held to their traditions with more tenacity than any other school in Greece.

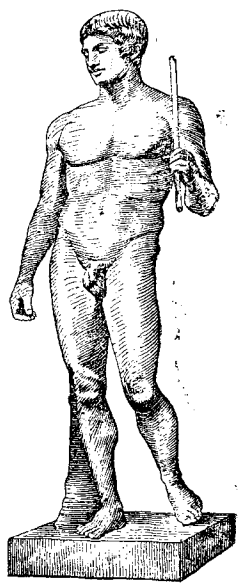


Fig. 8.
Doryphorus, after Polycleitus. (Naples.)

(For this period, see *Dict. Biog. and Myth.:* Calamis, Myron, Pythagoras; Paeonius of Mende, Phidias, Cimon, Pericles, Polygnotus, Mys. *School of Calamis* — Praxias, Androsthenes. *School of Phidias* — Alcamenes, Agoracritus, Colotes, Thrasymedes, Theocosmus. *School of Myron*—Lycius, Styppax, Cresilas, Strongylion. *Athens* — Callimachus, Demetrius, Pyrrhus, Socrates, Niceratus, Phyromachus (Pyromachus), Dinomenes. *Argos and Sicyon* — Polycleitus, Aristides, Canachus, Periclytus, Antiphanes, Patrocles, Daedalus, Naucydes, Alypus, Polycleitus (younger), Phradmon. *Peloponnese*— Apellas, Nicodamus, Cleoetas, Aristocles. *Megara*—Callicles, Telephanes.)

4. 400 B.C.–320 B.C. *Greek Fourth Century.* —During this period we find that much more depends on the individual character and predilections of the various artists; there is a

tendency, both in choice of subject and in execution, rather to give free scope to the imagination and skill of the artist than to employ him to embody in his works any national ideals or aspirations. The artist was thus more free from any considerations or influences not purely artistic; but already in the fifth century art had risen above the trammels of priestcraft, even in the case of religious sculpture; and it was not an unmixed advantage for the sculptor to be free to work from his own imagination, rather than from those ideals which belonged to the race or the city. Thus in the place of great works like the Olympian Zeus, the Athena Parthenos, or the Hera of Argos, we meet in the fourth century with subtly distinguished impersonations such as the Eros, Pothos, and Himeros of *Scopas*, or the half-human beings of the cycle of Dionysus. Even groups of subordinate divinities before represented, like the Graces, as embodying some attributes of Zeus or other great divinities, are changed to attendants of the cycle of Aphrodite, and treated accordingly. Again, instead of truly sculpturesque representations of permanent character (ἦθος), we notice renderings of more transient passions or excitements (πάθη), as in the raving Maenad of Scopas—subjects obviously not so well adapted to sculpture, though perhaps exhibiting more the skill of the artist.

As might be expected from the freedom and importance of individual artists, we find less limit than before in the number of the schools where artists were trained, and of the centres of their activity. Athens and Argos or Sicyon still remain important, but there are many notable artists who belong to neither; and the statues produced are scattered all over the Hellenic world. Thus Scopas was a native of Paros, and worked in his early years in the Peloponnese, and later in many parts of Asia Minor. The two greatest artists of this period were Scopas and Praxiteles. Scopas, who was probably of Parian origin, and worked in the Peloponnese in his youth and in Asia in his later years, introduced the representation of passionate subjects which afterwards was developed in Pergamus and Rhodes.

Praxiteles represents the highest attainment of the Attic school of marble sculpture, and is famous for the most beautiful forms, as Phidias for the noblest ideals, of Greek sculpture.

Fig. 9.
Head by Scopas, from Tegea. (Athens.)

From the nature of the period, it follows that most of the sculpture surviving which can be assigned to it with certainty may be found under the names of the sculptors: but it should be here stated that recent discoveries have added to these works. Thus there are in Athens two heads (fig. 9) and other fragments from the pediments made by Scopas for the temple of Athena Alea at Tegea, and the basis of the statue of Apollo at Mantinea by *Praxiteles*, with a relief of Apollo Marsyas and the Muses, and above all the Hermes of Praxiteles at Olympia. These are original works, and so superior to the numerous late copies in various museums from the works of these artists. (One of these, a copy of the Faun of Praxiteles, is reproduced in fig. 10.) For the *Mausoleum* sculptures, by Scopas and other artists (now in London), see *sub voc.* In London also are some of the sculptured columns from Ephesus, one of which is recorded to have been carved by Scopas, and the seated statue of *Demeter from Cnidus*, the Mater Dolorosa of ancient sculpture. The group of the Niobids of which copies exist in Florence and elsewhere

Fig. 10.
Satyr, after Praxiteles. (Rome, Capitol.)

Fig. 11.
Head of Niobe. (Florence.)

(fig. 11) belong to this period. Pliny mentions a doubt whether they were by Praxiteles or Scopas; this probably means merely that Roman tradition assigned them to the age when these two masters flourished.

Lysippus of Sicyon continued the traditions of the school of Polyclitus; he modified the "canon," so as to make the head smaller in proportion, and the body more slender. These character-

istics may be seen in his *Apoxyomenos* (fig. 12). To his school are also attributed certain inventions that imply a tendency towards realism on the one side, and purely academic work on the other — the making of casts from statues, and also the working up of casts made from the living model, both attributed to *Lysistratus*, brother of Lysippus.

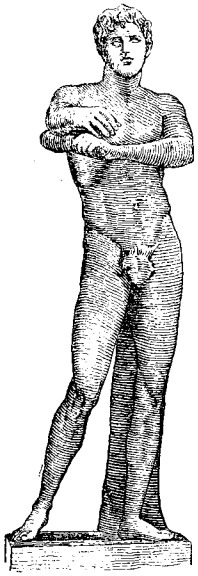


Fig. 12. Apoxyomenos, after Lysippus. (Rome, Vatican.)

Towards the close of this period, the personality of Alexander begins to dominate the art of sculpture. But the influences visible in sculpture were very complicated; and the younger Attic school carried the softness of Praxiteles to an extreme, while elsewhere athletic works tended to harden into anatomical studies; but all these tendencies only developed during the succeeding period.

But besides these tendencies, which ultimately led to the decline of art, we find some artists striving to retain the higher ideals of the fifth century; the most notable is *Damophon* of Messene, who seems in his choice of subjects and of materials to be influenced by the school of Phidias. Thus he may also be regarded as the first instance of a great artist who consciously imitated the style of an earlier period. Fragments of a group by him have been found at Lycosura in Arcadia, and are now in Athens.

(For details concerning sculptors of this period, see *Dict. Biog. and Myth. Paros*—Xenophon, Scopas; *Mausoleum*, Leochares, Bryaxis, Timotheus, Pythis. *Athens* — Cephisodotus, Polycles, Euclides, Praxiteles, Cephisodotus the younger, Timarchus, Sthennis, Silanion, Zeuxiades, Apollodorus, Polycrates, Euphranor, Polymnestus, and Cenchramus. *Sicyon*— Lysippus, Lysistratus, Daippus, Euthycrates, Tisicrates, Xenocrates. *Messene* — Damophon. *Thebes*—Hypatodorus and Aristogiton.)

5. 320 B.C.–150 B.C. *Hellenistic; Asiatic Schools.*—The political change which marks the beginning of this period had a great influence upon the history of art as of literature. The conquests of Alexander and their subsequent division opened up the East to Greek enterprise; and it is the new and flourishing cities which thus arose into prominence that form the great art centres of the next period, — Pergamus, Rhodes, Tralles, Ephesus, Alexandria, Antioch: some of these were not of course new cities, but a new era began for all of them with the age of Alexander. In the case of sculpture, the influence of Alexander was in part direct and personal, in part indirect. The numerous portraits of Alexander by *Lysippus* and his followers, in all characters and surroundings, led to a modification of the customary type of face so remarkable that many heads of this period have been misnamed Alexander from their resemblance to him, though the artist probably was merely representing the ordinary type of his school. And other personalities, mostly of the successors of Alexander, came to have almost as great an influence for a time. The courts of these Greek kings in Asia and Egypt formed the chief centres of literature and art, and sculptors as well as others worked under their patronage. Under such influences art strove to make up by the colossal scale of its works and the dramatic effect of its expression for the grandeur and simplicity that were lost; and academic study led to eclecticism, so that we recognise in works of this period methods and characteristics of various earlier schools, united or confused. On the other hand, the artificial life of courts and cities induced a craving for primitive simplicity, which found expression on the one hand in pastoral literature, and in some reliefs with country scenes, under pictorial influence; on the other in representations of child life, which now are more frequently rendered with truth to nature, as in the statue of a boy struggling with a goose, by *Boethus*.

It is an indication of the time that the Rhodians, when they had repelled an invasion, did not seek to honour their god by a statue expressing the national ideal, but to glorify him by erecting the biggest statue known—the colossus of the Sun-god by *Chares*, a pupil of Lysippus, who thus is associated with the new tendencies. A great statue of *Victory from Samothrace* (in Paris) was erected by Demetrius Poliorcetes about 300 B.C.; it shows a spirited treatment, but all the straining after effect that marks the Hellenistic period. But Pergamus was the most important art centre, and the victories of the Greek kings over the Gauls (or Galatians) afforded occasions and subjects for great dedicatory groups. To the period of Attalus I., 241–197 B.C., are to be assigned several statues and groups of Gauls, dying or killing themselves; the best known being the *Dying Gaul* of the Capitol at Rome. Attalus I. also dedicated statues in bronze, half life-size, of contests both between Greeks and Gauls, Persians, or Amazons, and gods and giants on the Acropolis at Athens, of which marble copies exist in many museums. Under Eumenes II., 197–159 B.C., was erected the *great altar at Pergamus*, ornamented with reliefs of the battle of gods and giants (now in Berlin): this, with its struggles, contortions, and dramatic expressions of excitement or pain, is the great example of this style (fig. 13). In the pathetic and dramatic rather than sculpturesque nature of subject and style in all these works we may see the ultimate development of the expression of passion and emotion in marble which Scopas introduced into Asia Minor. An even more extreme instance may be seen in the *Laocoon*, made by *Agesandros* of Rhodes and his companions; another famous group is the *Farnese bull*, or punishment of Dirce, by *Apollonius* and *Tauriscus* of Tralles. Fine specimens of the development of athlete sculpture in the Hellenistic period may be seen in the bronze statue of a boxer found recently

in Rome; and a head of another, also in bronze, at Olympia. All these works, and especially those of the Pergamene school, deserve from their magnificent rendering of anatomy and

Fig. 13.
Athena and Giant, from great altar at Pergamus. (Berlin.)

their spirited conception and treatment to be ranked among the greatest achievements of

Fig. 14.
Laocoon. (Rome, Vatican.)

sculpture, though the selection of subjects marks a period of decadence. But some artists still strove to retain the noble ideals and simplicity and breadth of treatment of an earlier time; and the result may be seen in the *Aphrodite of Melos*, which must be assigned to this period. Sometimes the same tendency led to a cold and academic treatment, as may be seen in works like the *Apollo Belvedere* and the *Artemis of the Louvre*. The tendency to local personifications must also be noticed; the first and best known instance is the statue of *Antioch* by *Eutychides*, another scholar of Lysippus.

The next period is assigned to Graeco-Roman art, but some of the artists who belong to it chronologically may be here mentioned, because they seem to carry on the Hellenistic traditions.

Fig. 15.
Aphrodite, from Melos. (From Murray, *Ancient Sculpture.*)

There is, for instance, an Ephesian family of artists of about 100 B.C., well known for their statues of fighting warriors, especially the so-called *Borghese Gladiator* (in Paris) by *Agasias*, which is unsurpassed as an anatomical study, and a statue from Delos by *Menophilus*. These may be regarded as the last products of the athletic school of Lysippus, though already contemporary with the beginnings of Graeco-Roman sculpture.

(See *Dictionary of Biog. & Myth.*: Alexander, Ptolemaeus, Attalus, Eumenes. *Pergamus* — Phyromachus, Stratonicus, Antigonus. *Rhodes*— Chares, Timocharis, Phyles, Sosipater, Mnasitimus and Teleson, Agesandrus, Polydorus, and Athenodorus. *Asia Minor*—Apollonius, Tauriscus, Apollodorus, Menophilus, Dositheus, Agasias. *Other artists* — Eutychides, Cantharus, Boethus. Other names in this and the succeeding period, for the most part associated only with isolated works, need not be quoted here.)

150 B.C.–312 A.D. *Graeco-Roman and Roman.* —The sack of Corinth 146 B.C.—or, roughly, the middle of the second century—may be regarded as the beginning of the Graeco-Roman era; the era, that is, when Greek artists no more worked either for their art or for their own people, but in order to please the tastes of their conquerors. But it was not only the art of the time that was affected; for from the beginning of this period all the best known works of art already existing were collected at Rome from all quarters, and at the end of it transferred to Constantinople in great numbers; and, thus collected together in great centres, they were more liable to accidents or to wholesale destruction than if scattered in quiet local centres of worship. Obviously no great or original schools are to be looked for in this period; but among the numerous independent Greek artists who worked either in Greece or Rome for the Roman market, some few stand out as of wider influence.

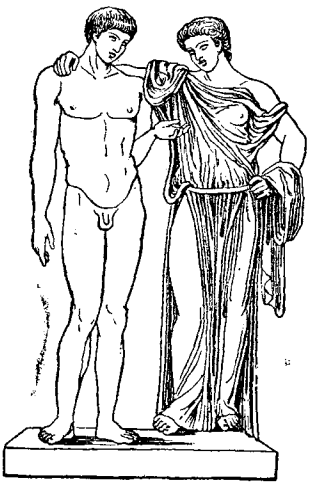


Fig. 16.
Orestes and Electra, by Stephanus. (Naples.)

Among these are *Arcesilaus* and *Pasiteles*, who both lived in the first century B.C. *Arcesilaus* is said to have sold his proplasmata at higher prices than finished works by others commanded. Of *Pasiteles* and his scholars, *Stephanus* and *Menelaus*, we possess some extant works (fig. 16) which show that he attempted to imitate the severe style of the athlete sculptors of the fifth century. But the majority of sculptors during this period were employed in meeting the enormous demand for sculpture to decorate baths, gymnasia, villas, &c., by the production not so much of original works as of copies of all the favourite statues that had been made by Greek artists of all previous periods,—a process of the utmost importance to us; for now that nearly all the originals have been lost or destroyed, it is this class of copies that now fills the museums of Europe, and more especially of Italy. In addition to copies of statues, sculptors of this age also reproduced as separate works figures from well-known groups or reliefs, and even signed these as the artist, as in the case of the "Farnese" Heracles by *Glycon*, a type originally belonging to the Hellenistic age. Only one branch of sculpture can be said to have had an independent development under Roman influence. Individual and naturalistic portraits had been made in the school of Lysippus, and were continued through the Hellenistic age; such commemoration of the individual was peculiarly pleasing to Roman taste, and Roman portrait statues and busts, especially of the great historical characters of the Augustan age and of the earlier emperors, are of unequalled excellence in their life-like execution and portrayal of personal character.

In the age of the Emperor Hadrian, who was a great patron of the arts, some revival may be noticed; this is especially associated with the portraits of Antinous, the favourite of the emperor, whose type of face and figure dominates the art of this period almost as those of Alexander dominated that of the Hellenistic age. But after this brief revival, the decline of the art of sculpture was even more rapid than before, until it began a new era in Byzantine times. Under the emperors, sculpture was called upon to commemorate historical events, and especially victories over the barbarians. The reliefs of the Column of Trajan are the finest of these, and represent with spirit and truth to fact the incidents of a Roman campaign. The Column of Antoninus is already very inferior in conception and execution. The various triumphal arches in Rome offered a wide field for decorations of this nature, and in those which still survive it is easy to trace the decline of sculpture from the age of Augustus to that of Constantine. Another favourite field for decoration, in Roman times, was offered by the sculptured *Sarcophagi*, which were covered with reliefs of historical and mythical subjects. The earlier among these show good design and workmanship; but in the later we can see the complete decay of all artistic power and feeling.

A few words may be added as to the preservation and survival of examples of ancient sculpture, and the classes into which they may be divided. When there was no care for the preservation of works of art, either among barbarous invaders or among those in whose posses-

sion they remained, it is obvious that only an accident could preserve any statue which was of an intrinsically valuable material, such as bronze or other metal; and though marble statues were not exposed to so great danger, they were constantly burnt for lime or broken up and used for building material. We may roughly assert that the statues that survive owe their preservation to one of three causes—either they were purposely secreted by their worshippers or admirers, as was the case with the *Hermes of Praxiteles* at Olympia and the *Aphrodite of Melos*; or they were accidentally buried amidst the ruins of the buildings that contained them, whether by a sudden destruction, or a gradual decay,—this is the chance that has preserved most of the statues that are recovered by excavation; or they have remained in a conspicuous position, and have been protected by some reverence or superstition, probably mistaken in its origin: thus the bronze statue of Marcus Aurelius on the Capitol was religiously preserved through the dark ages because it was supposed to represent Constantine. In studying the history of ancient sculpture, it is very important to estimate correctly the value of the monumental evidence, and to understand the exact relation of extant statues to the artist or school with which they are associated. In this aspect we may divide all the works of ancient sculpture that survive into four classes, as follows:—

(1) *Originals:* that is to say, statues actually made by the artist to whom they are assigned; but we may here distinguish—(*a*) Originals from the hand of known artists; such works of art as they executed themselves, and which thus show the perfection of their style and execution. Such works are very rare: the *Hermes of Praxiteles* is the finest example. (*b*) Works such as architectural sculptures, which were doubtless designed by some great sculptor, but of which the execution must have been left to assistants; in these, of course, great inequality of execution may be expected. (*c*) Works made in the period and by the artists of the school to which they must be assigned; but merely reproducing the ordinary character and types of that school, by the hand of inferior sculptors or mere artisans: these may vary from very high excellence to careless and inferior work. The best example is offered by the Attic grave reliefs.

(2) *Copies*, as faithful as the artist could make them, from originals by earlier sculptors: to this class belong the great majority of the statues in European museums, and especially in Rome and Italy. These vary very much both in the carefulness of their execution and in their faithfulness to the original from which they are derived. A great deal depends on the period and school of the copyist; if he is not far removed in period or style from the artist who made his original, his copy may very accurately reproduce its character: a Greek copyist is more likely to reproduce the style and spirit of his original, while one of Roman times is more likely to be accurate in the reproduction of details and accessories. Thus the characteristics of the school and period to which the copy must be assigned must always be taken carefully into consideration before any inferences are drawn as to the original from which it is derived.

(3) *Works of Artists who studied or imitated the style of an earlier period.* If these artists succeed completely in catching the spirit and style of the period they study, their works may be difficult to distinguish from those of an earlier period; but in most cases they cannot entirely free themselves from the influences that surround them: thus though in the *Aphrodite of Melos* we see the noble forms and broad treatment of the fifth century, in the artificial arrangement of the drapery the spirit of the Hellenistic age betrays itself. Sometimes we find later artists not merely seeking inspiration from the ideals of an earlier age, but imitating the characteristics of particular schools, as was the case with *Pasiteles* and his associates, who sometimes even made copies that must be assigned to the second class.

Fig. 17.
Dedication to Apollo Citharoedus. (Berlin.)

(4) *Archaistic works:* that is to say, works that imitate the mannerisms and details of execution of the archaic period; it is of course possible for this class in some cases to overlap the last: but the name "archaistic" is commonly applied to more mechanical works, made with an affectation of primitive characteristics. This affectation is introduced either from hieratic influence for dedications; or on decorative principles, the archaic stiffness supplying a conventionality suitable to such use; or, at a late period, from a mere seeking after the quaint or uncouth. Archaistic works must be carefully distinguished from authentic copies of archaic works of art, though sometimes they show the same characteristics as these. In a few cases it is possible to doubt whether a work is really archaic or archaistic, but it is rare to find an archaistic work so free from exaggeration of the mannerisms and quaintnesses of archaic works that any confusion is possible. Thus, in archaistic works the figures walk on tiptoe, and the floating ends of drapery are worked into the stiffest of conventional zigzags, and even curved up in an impossible manner; while in really archaic works, though in some details conventionality may be seen, yet we can also see the attempt of the artist to render nature so far as is possible within the limits of his power of expression. The maker of an archaistic work also betrays himself often by a later treatment of some details, as in the Athena at Dresden, in which, though the folds of the drapery are stiff and conventional, the designs on the border are worked with perfect freedom. But the distinc-

tion always extends beyond details, and the earnest attempt of an early artist to do his best is totally different from the affected mannerisms of a later imitator.

[On special periods or artists, the works published are too numerous to quote, but the following books contain a general treatment of the subject:—Brunn, *Geschichte der griechischen Künstler*, Brunswick, 1853, and Stuttgart, 1859 (the second edition, Stuttgart, 1889, is a mere reprint); Overbeck, *Die antiken Schriftquellen zur Geschichte der bildenden Künste*, Leipzig, 1868 (classical authorities have not been quoted in this article, as they may all be found in this book); Overbeck, *Geschichte der griechischen Plastik*, 3rd edit., Leipzig, 1881–2; Mitchell, *History of Ancient Sculpture*, London, 1883 (excellent for references to the literature of the subject); Murray, *History of Greek Sculpture*, London, 1880–3; Perry, *History of Greek Sculpture*, London, 1882; Paris, *La Sculpture antique*, Paris, 1888; Loewy, *Inschriften griechischer Bildhauer*, Leipzig, 1885. See also the articles on Sculptors and Sculpture in Baumeister, *Denkmäler des classischen Alterthums*, Leipzig, 1885–8.] [E. A. G.]

STELE (*στήλη*) is the name given to any block (usually of stone or marble) set up for a monumental purpose; thus it is constantly applied in inscriptions to the block on which a public document is to be incised. But the best known use of the term is to denote a monument set up over a tomb, either plain or with merely ornamental decorations, or containing a commemorative inscription, or a portrait of the deceased, painted or in relief, alone or grouped with other figures; combinations of these characteristics are common. The simplest form of stele consists of a plain marble slab or pillar surmounted by an anthemion, and inscribed with the name of the deceased; often two rosettes, side by side, are added—possibly a survival of

Fig. 1.
Tombstone of Phrasiclea. (Athens.)

an anthropomorphic representation. The most common subjects represented on grave reliefs may be thus classified:—

(1) *Simple representations of the deceased*, often in some common employment of daily life. Thus the warrior appears fully armed, standing as if on parade (Aristion), or on horseback slaying a prostrate foe (Dexileos). An athlete holds his strigil or exercises, and is attended by his trainer or his slave; a lady sits playing with her jewels, also accompanied by her attendants (*fig.* 1). A man or child is often represented playing with a pet animal.

(2) *Parting scenes.*—The deceased, standing or seated, takes leave of his or her relatives or friends; family scenes are usually depicted. In later and more elaborate designs a horse appears, as if the deceased were about to start on a journey, and a serpent also is seen as a symbol of the dead. These two symbolic figures are, however, only common in the next class; and in parting scenes of the best period the subject is only indicated by the appearance of melancholy in the faces and attitudes of the persons represented (fig. 2).

Fig. 2.
Parting scene; Stele of Damasistrata. (Athens.)

(3) *Banquet scenes.* — These seem to have originated in a kind of ancestor-worship, as is seen in the very early stelae from Sparta: in them the deceased, as a "hero," holds out a cup as if to require a drink-offering; his wife is seated on another throne behind him, and small worshippers approach with offerings. In later times we find some similar examples; on the painted stele of Lysias at Athens the deceased stands, holding a cup in his hand. In the Spartan reliefs a great serpent coils over the back of the throne, representing, probably, the deceased as the inhabitant of his tomb. In the typical banquet scene of later times the deceased reclines on a couch, and his wife sits on the foot of the couch or on a chair beside it; before them is a feast, of which they partake, and servants with cups or viands take the place of

the worshippers; a snake and a dog are often present; and a horse's head, as a symbol of a journey, often appears in a square at the upper corner (fig. 3). It has been suggested that we should see here the funeral banquet idealised, or

Fig. 3.
Tomb-stone with banquet scene. (*Marm. Oxon.*)

the enjoyments of the deceased in another life: the typical succession seems to indicate that we see rather a development of the representation in which the deceased, as a hero, receives offerings from worshippers, and reminds his descendants to give him more; but the enjoyment of those

Fig. 4.
Marble Stele, found at Sparta. (From Murray, *Ancient Sculpture.*)

presents in another life is doubtless included. The type of these reliefs is often reproduced in dedications to Asclepius and Hygieia or other minor divinities; and thus we receive a confirmation of the view that the deceased is, originally at least, to be regarded as a deified hero.

The numerous series of Greek stelae which still survive is of great value, not only for their subjects but also for their execution; they were mostly the work of inferior artists or mere artisans, but reflect the style of the greater artists of the place or period to which they belong. The most important are those found in Athens, and preserved either *in situ* in the Outer Ceramicus or in the National Museum at Athens.

The inscription on a grave stele usually gives merely the name of the deceased, with his father's name and his country or deme, and her husband's also in the case of a woman: this simplicity was almost universal in Attica, but simple metrical inscriptions containing the same information are found from the earliest times. Elsewhere, and commonly later, χαῖρε or χρηστὲ χαῖρε is added; but elaborate eulogies are extremely rare, at least before Roman times.

(A complete collection of ancient grave-stelae is now being published by the German Institute, *Die antiken Grabreliefs*, Berlin, 1890. See also Le Bas, *Antiquités figurées*, p. 85; Welcker, *Alte Denkmäler*, ii. p. 232; Stephani, *Der ausruhende Herakles;* Pervanoglu, *Das Familienmahl auf altgriechischen Grabstelen;* Holländer, *De operibus anaglyphis*, &c.; Salinas, *Monumenti Sepolcrali;* *Mittheilungen des deutschen Instituts zu Athen*, ii. p. 459, iv. p. 161, vii. p. 160, &c.; *Journal of Hellenic Studies*, 1884. p. 105; Pottier, *Les Lécythes blancs antiques;* Furtwängler, *Die Sammlung Sabouroff*. A discussion by P. Gardner and references to previous authorities may be found in the *Journal of Hellenic Studies*, 1884, pp. 105–142.) [E. A. G.]

STHE'NIA (σθένια), a festival with contests celebrated by the Argives in honour of Zeus surnamed Sthenius, who had an altar consisting of a large rock in the neighbourhood of Hermione (Hesych. *s. v.* Σθένια: compare Paus. ii. 32, § 7; 34, § 6). Plutarch (*de Mus.* p. 1140 c) states that the πάλη or wrestling, which formed a part of the contests at this festival, was accompanied by the flute; and he also mentions a tradition according to which the festival had originally been held in honour of Danaus, and that it was afterwards consecrated to Zeus Sthenius. [L. S.]

STIBA'DIUM. [MENSA.]

STILLICI'DIUM. [SERVITUTES, p. 653.]

STILUS (γραφίς, γραφεῖον, in late writers στῦλος). There can be no doubt that whatever the origin of the word the correct spelling is *stilus*, not *stylus*, and it is highly probable, if not certain, that the connexion in etymology with στῦλος (whence the spelling *stylus*) is mistaken also: the quantity of the two words is always different, and the root στιγ, whence στίζω, *stimulus*, &c. (Corssen, *Gr. Etym.* 214), suits the meaning better. Since στῦλος is used in this sense only by late writers, it is not improbable that they took it by a false reasoning to

represent the Latin word. For the true Greek words γραφὶς and γραφεῖον, see Plat. *Protag.* p. 326 D; Athen. p. 562 c, πινακίδα καὶ γραφεῖον ἐξηρτημένον (a line of Macho in 3rd cent. B.C.); Arist. *Phys.* vii. 4, 4; Pollux, x. 59. The stilus signifies—

1. An iron instrument (Ovid, *Met.* ix. 521; Martial, xiv. 21), resembling a pencil in size and shape, used for writing upon waxed tablets (Plaut. *Bacch.* iv. 4, 63; Plin. *H. N.* xxxiv. § 139). At one end it was sharpened to a point for scratching the characters upon the wax (Quintil. i. 1, § 27), while the other end being flat and circular served to render the surface of the tablets smooth again, and so to obliterate what had been written. Thus, *vertere stilum* means "to erase," and hence "to correct," as in the well-known precept *saepe stilum vertas* (Hor. *Sat.* i. 10, 72; Cic. *Verr.* ii. 41, 101). The stilus was also termed *graphium* (Ovid, *Amor.* i. 11, 23; Suet. *Jul.* 82), and the case in which it was kept *graphiarium* (Martial, xiv. 21) or *graphiaria theca* (Suet. *Claud.* 35). The annexed cut is from a picture found in Herculaneum.

Stilus. (*Mus. Borbon.* vol. vi. tav. 35.)

2. A sharp stake or spike placed in pitfalls before an entrenchment to embarrass the progress of an attacking enemy (*Bell. African.* 31; Sil. Ital. x. 415). It was intended to answer the same purpose as the contrivances called *cippi*, *lilia*, and *stimuli* by Caesar (*B. G.* vii. 73).

3. A bronze needle or rod for picking worms off fruit-trees (Pallad. iv. 10, § 20), also a wooden probe employed in gardening operations (Columell. xi. 3, § 53).

Stili were made also of bone or ivory (Isid. *Orig.* vi. 9, 2): a bronze stilus elaborately carved from Orvieto is figured in Baumeister, *Denkm.* 1585. See also Sen. *de Clement.* 1, 14; Augustin. *de Vet. Rel.* 39. The passages cited from Pliny and Suetonius show the possible use of a large-sized stilus as a weapon. [W. R.] [G. E. M.]

STIPENDIA'RII. (1) Persons who received a fixed pay or salary, as *stipendiariae cohortes* (Hirtius, *Bell. Afr.* 43; cf. Livy, viii. 8).

(2) Those peoples in the Roman provinces were so called who had to pay a fixed money tribute, *stipendium*, in contradistinction to the *vectigales* (Cic. *Verr.* iv. 60, 134), who paid *decumae*, or a fixed percentage of the produce of their lands or other income [see VECTIGALIA; PROVINCIAE]. The word *stipendium* was used for "tribute," because it was originally appropriated to the purpose of furnishing the Roman soldiers with pay (*stipendium*, Livy, iv. 36, 60; Tac. *Hist.* iv. 74). All provinces paid stipendium, except Sicily, and except Asia between B.C. 123–48. The money was for the most part raised and paid over by each township.

Later, the lawyers of the Empire distinguished *stipendium* from *tributum*, making both mean a land-tax of fixed amount; but the former was raised in senatorial provinces, the latter in Imperial provinces (Gaius, ii. 21).

(See also under VECTIGALIA, No. 13.)

[F. T. R.]

STIPE'NDIUM (contracted for *stipi-pendium*) is derived from *stips* and *pendo*, from the fact of original payments for service having been made by weight (Varro, *L. L.* v. 36, 50, "Milites stipendia ideo quod eam stipem pendebant;" cf. Plin. *H. N.* xxxiii. § 43): *stips*, of which only the oblique cases are found, meaning a donation in small coin (Dig. 55, 16, 17, "stipendium a stipe—quod per stipes, id est modica aera colligatur;" cf. Festus, pp. 296, 297). Its earliest meaning appears to be that of pay for the army, from which two kindred meanings are derived: that of military service, as in the phrases *facere stipendia*, *emereri stipendia*; and that of a campaign, as in the expressions *semestria*, *annua stipendia*. The sense of a tax or impost is probably a secondary use of the word derived from its primary meaning of military payment, the original taxes being those levied to defray military expenses. (For this meaning, see TRIBUTUM.)

In B.C. 406, at the beginning of the Veientine War, a regular payment (*stipendium*) was first made to the army; previously to this there had been no provision made for the foot-soldiers (*milites*), but each had served at his own cost (Liv. v. 4, "moleste autem ferebat miles de suo sumptu operam reipublicae praebere;" Zonaras, vii. 20, ἀμισθὶ γὰρ μέχρι τότε καὶ οἰκόσιτοι ἐστρατεύοντο), although Dionysius says of the year B.C. 406 that a *semestre stipendium* had been given to the army for the supply of provisions (εἰς ὀψωνιασμόν, Dionys. v. 47). The more probable date, however, is that of the siege of Veii; the ten years' campaign and the necessity of remaining in winter-quarters making it impossible for the legionaries to furnish their own support (Florus, i. 12, "tum primum hiematum sub pellibus;" Lydus, *de Mag.* i. 46). Previously to this some provision had been made for the equites, not in the way of furnishing them with necessaries during the campaign, but only for the purpose of supplying and maintaining their horses [AES EQUESTRE and AES HORDEARIUM]; but some years after the stipendium had been granted to the infantry we find the equites also receiving a similar support (Liv. v. 7, "equiti certus numerus aeris est assignatus;" Zonaras, vii. 20). This original stipendium, however, was not a regular payment for services (μισθός), but an indemnity for the expenses of the soldiers during a campaign; it is described by the expressions ἐφόδια (Diodor. iv. 16), σιτηρέσιον (Lydus, *de Mag.* i. 45), ὀψωνιασμός (Dionys. v. 47); but that it left some margin over as a reward for service seems shown by the words of Livy (v. 4, "miles gaudet nunc fructui sibi rempublicam esse"), as in the time of Polybius, when the stipendium was still regarded as an ὀψώνιον, the daily payment certainly exceeded the cost of the provisions supplied (Polyb. vi. 39). The payments

were made either half-yearly (Dionys. ix. 59; ix. 17, χρήματα εἰς ὀψωνιασμὸν ἓξ μηνῶν) or yearly (Diodor. xiv. 16), according as the campaign lasted under or over six months. Hence the transference of stipendium from its meaning of "pay" to that of "length of service or campaign." The year of war service began on March 1st, the old official New Year's day, and the six-months' service (*semestre stipendium*) ended with the close of August (Mommsen, *Rechtsfrage zwischen Caesar und dem Senat*, p. 15 *sq.*). Before the creation of the standing army for the purpose of provincial control, a period of service over six months was unusual; but eventually military duties extended over the whole year, a period of service over six months or two periods of six months being regarded as an *annuum stipendium* (Lex Julia Munic. *C. I. L.* 1, n. 206, l. 92, "quae stipendia majorem partem sui quojusque anni fecerit, aut bina semestria, quae ei pro singuleis annueis procedere oporteat"). The usual mode of payment before the time of the dictator Caesar was probably half-yearly; during the Empire, as will be seen in discussing the reforms in the rate of payment, the troops were paid every four months.

The effect of the regular stipendium was that the cost of the provisions given to the Roman soldiers was subtracted from their pay by the quaestor; while the *socii*, who were not paid by the state, had such advances made to them free of charge (Polyb. vi. 39). The allowance for the allies in Polybius' time was, for the infantry $\frac{2}{3}$ medimnus of wheat a month, for the cavalry $1\frac{1}{3}$ medimni of wheat a month and five of barley. The allowance for the infantry soldier of Rome was the same as that for the infantry soldier of the allied states, but the Roman equites received two medimni of wheat a month and seven of barley. The expenses for fresh supplies of uniform and arms were deducted, like the cost of provisions, from the Roman soldier's pay (Polyb. *l. c.*), and this was still the case in the early Empire. We find, indeed, that C. Gracchus passed a law which gave to the soldiers their uniforms free of charge (Plut. *C. Gracch.* 5); but even if this law was passed, it could not have been permanent, since we find from the complaints of the legionaries in the reign of Tiberius that the cost of uniforms, weapons, and tents was taken from their pay (Tac. *Ann.* i. 17). It is conjectured from two passages in Suetonius (*Jul.* 26 and 68) that in the later Republic corn was sometimes supplied by the state free of charge to the troops, and this certainly seems to be the case in the earlier Empire, since, on the meeting of the legions in the reign of Tiberius, they count among their grievances the fact that the expenditure for arms and uniforms was deducted from their pay, but do not mention the *frumentum*, which, if it had not been supplied gratis, would have been quite the largest item deducted (Tac. *Ann.* i. 17). The praetorian cohorts were first supplied with free corn in Nero's reign (Tac. *Ann.* xv. 72; Suet. *Ner.* 10), and during the later Empire it is known to have been supplied free of charge to the whole army (Lamprid. *Alex. Sev.* 52). The same was eventually the case with arms and uniform, and under the later Caesars the legionary's pay was unburdened by any military expenses (Dig. 49, 16, 14, 1; Lamprid. *l. c.* "non contra eum—Alexandrum—qui annonam, qui vestem, qui stipendia vobis attribuit").

As regards the rate of payment, there is no evidence to show that there was a fixed rate when the stipendium was first introduced. We first hear of regular proportions of pay in the time of Polybius, who tells us that the legionaries received two obols, the centurions four obols, and the equites a drachma a day (Polyb. vi. 39, 12). The drachma is equivalent to the denarius, which was originally worth ten asses; the foot-soldier received two obols, that is $\frac{1}{3}$ denarius, or $3\frac{1}{3}$ asses a day, which Plautus, leaving out the fraction, calls *tres nummi* (Plaut. *Mostell.* ii. 1, 10). For the year of 360 days this makes for the *annuum stipendium* of the foot-soldier, 1200 asses ($360 \times 3\frac{1}{3}$); of the centurion, who received double this amount, 2400 asses; of the eques, who received a full denarius, 3600 asses. In B.C. 217 the new uncial measurement was introduced, and the denarius is from this time forth worth sixteen instead of ten asses. Pliny, in his account of this lowering of the copper standard, says, "In militari tamen stipendio semper denarius pro decem assibus datus" (*H. N.* xxxiii. § 45): that is, where ten asses (the old denarius) had been given before, the new denarius (sixteen *asses*) was given now, and "the soldiers received *in silver* as much pay as before" (Boeckh, *Metrol. Unters.* p. 425). The pay, therefore, was still 120 denarii a year, but this, instead of being 1200 asses a year (120×10), was 1920 asses a year (120×16), or $5\frac{1}{3}$ asses a day instead of $3\frac{1}{3}$ asses, the former rate of payment. Till the time of Caesar the daily pay of the legionaries was $5\frac{1}{3}$ asses; Caesar is said by Suetonius to have doubled the pay (Suet. *Jul.* 26, "legionibus stipendium in perpetuum duplicavit"). If this were strictly true, the pay should have been raised to $10\frac{2}{3}$ asses, but we find from Tacitus that it was only raised to ten asses (Tac. *Ann.* i. 17, "denis in diem assibus animam et corpus aestimari"). The true nature of Caesar's reform is explained by Marquardt by reference to a passage in Suetonius, who tells us that Domitian "addidit et quartum stipendium militi aureos ternos." A stipendium is here said to be three aurei; the aureus was twenty-five denarii, and three aurei would be seventy-five denarii or 1200 asses (75×16). This shows that 1200 asses were still counted a stipendium in the new coinage as it had been in the old; and since Domitian is said to have added a *fourth* stipendium, Caesar's reform consisted in giving the soldiers three stipendia, reckoned as a stipendium had been in the old coinage (1200 asses) instead of one stipendium reckoned as it had been in the new coinage (1920 asses). The soldiers now, instead of 1920 asses a year, received 3600 asses a year (1200×3); that is, as Tacitus says, ten asses a day; or, reckoning the stipendium in denarii, the soldiers from the time of Caesar, instead of receiving 120 new denarii (1920 asses) a year, received 225 new denarii (3600 asses). Domitian increased the pay by three aurei, that is seventy-five denarii, so that after Domitian their pay would have been 300 new denarii a year ($225 + 75$) (Marquardt, *Staatsverw.* v. p. 93). That Caesar, in raising the pay to three stipendia a year, had

made the payments every four months, and that Domitian, although he added a fourth stipendium, still retained this mode of payment, is shown by the passage of Zonaras in which he speaks of Domitian's increase of the pay: *καὶ τοῖς στρατιώταις ἐπηύξησε τὴν μισθοφοράν· πέντε γὰρ καὶ ἑβδομήκοντα δραχμὰς ἑκάστου λαμβάνοντος, ἑκατὸν ἐκέλευσε δίδοσθαι* (Zonar. xi. 29): that is, as Caesar had divided the whole year's pay of 225 denarii into three stipendia of seventy-five denarii each, so Domitian divided the increased year's pay of 300 denarii into three stipendia of 100 denarii each. What the amount of the stipendium was in the time of the old libral as is unknown; but it has been conjectured that it was 240 of these libral asses, which would be about equivalent to 1200 of the later asses, at their value before the year B.C. 217; five of these *asses sextantarii* being, according to Boeckh, equivalent to one libral as (Boeckh, *Metrolog. Unters.* p. 458; Mommsen, *Die römische Tribus*, p. 43). We find in Gaius the mention of an old custom permitting the Roman soldier, in case of his not receiving the stipendium due to him, to distrain on the goods of the officer whose duty it was to administer the pay (Gaius, iv. 26).

Under the Empire the Roman forces were divided into four parts—the legionaries, the home troops (consisting of the urban and praetorian cohorts), the auxilia, and the fleet. Of the strength and rate of payment of these last two branches of the force we know nothing. That the soldiers of the praetorian cohorts received two full denarii—that is, thirty-two asses a day—is implied in the passage of Tacitus (*Ann.* i. 17; cf. 26), where the legionaries claim a full denarius or sixteen asses a day, alleging that the praetorians received *bini denarii*, although it is elsewhere stated that they received double pay (Dio Cass. liii. 11, 5), which, as the legionaries received ten asses a day, would be twenty and not thirty-two asses; and it is possible that this latter statement is strictly true, and that Tacitus makes the legionaries purposely exaggerate the rate of pay of the praetorian. The gross annual amount expended on the legionaries and the home troops in the reign of Tiberius is estimated by Marquardt at 186,840,000 sesterces (*Staatsverw.* v. p. 94), so far as the common soldiers are concerned: for the pay of the higher officers in the period of the early Empire is not known; that of a tribune seems to have been high (Juv. iii. 133), and we find in the third century that it was as much as 250 aurei or 25,000 sesterces (Mommsen in the *Berichte der Kaiserl. Gesellschaft der Wissenschaften*, 1852, p. 240). The historians of the later Empire furnish us with instances of very large annual grants furnished by the emperors, both in money and in kind, to tribunes of the legion (Trebell. Poll. *Claud.* 14, where the grant is called *salarium ex nostro privato aerario*: cf. Vopisc. *Prob.* 4); but these were rather in the nature of private grants made to distinguished officers, such as Aurelian the future emperor, to enable them to maintain more state than their ordinary pay permitted (Vopisc. *Aurel.* 9).

(Marquardt, *Staatsverwaltung*, v. p. 90 *sq.*; Boeckh, *Metrologische Untersuchungen*, p. 423 *sq.*; Dureau de la Malle, *Économie politique des Romains*, i. p. 134 *sq.*; Mommsen, *Die römische Tribus*, p. 31 *sq.*) [A. H. G.]

STIPULA'TIO. [OBLIGATIONES, p. 256.]

STOLA. The *stola* was a garment peculiar to the Roman matron, and was worn as a badge of lawful marriage (cf. Val. Max. vi. 1; Hor. *Sat.* i. 2, 94). It was a *tunica* put on over the shift or *tunica interior*, and reached down to the ankles. There is reason to believe that it was identical with the *tunica recta* or *regilla*, which the bride wore at the marriage ceremony (cf. Becker-Göll, *Gallus*, ii. 27). It was bordered below with a flounce or hem called *instita* (Hor. *Sat.* i. 2, 29), and seems from certain monuments to have also had a purple stripe as a border round the neck. This has been identified with the *patagium*, perhaps correctly, though the passages in which it is mentioned speak of the *patagium* as being of gold (Nonius, p. 540, 4; Tert. *de Pallio*, 3; TOGA), not purple. It had sleeves, reaching down to the elbows, fastened with a row of clasps, and not sewn. If, however, the *tunica interior* had sleeves, the stola was without them, as in the well-known statue of Livia, shown in the accompanying cut.

Statue of Livia.

Like the corresponding Greek garment, the stola was girded (cf. Ennius, *ap.* Non. p. 198, "et quis illaec est lugubri succincta stola;" though this is not conclusive, as is shown below) generally high above the waist, forming a cluster of folds (cf. Martial, iii. 93, 4). This, too, is shown by the monuments on which it appears. The word *stola*, as derived from the Greek *στολή*, had originally a quite general meaning (Nonius, p. 537, 24: "Stolam veteres non honestam vestem solum sed etiam omnem quae corpus tegeret"), and in Ennius it is used of men's as well as women's clothes (*Frag.* ed. Ribbeck, vv. 285, 287, 345). There is no record of the date at which it was adopted by the Roman women, but one cannot be wrong in connecting the change with the transformation which the PALLA had undergone. That is to say, when the palla, which was originally worn like the Doric shift, was used as a shawl or mantle, another undergarment besides the tunica interior became necessary, and that adopted by the matrons was the stola. The disuse of the TOGA, which was in the earliest times worn by women as well as men, is probably not unconnected with this change. However this may be, the *longa vestis* is mentioned as early as the Second Punic War as the privilege of married women (Macrob. *Saturn.* i. 6, 13; cf. *C. I. L.* i. 1194, "ita leibertate illei me, hic me decora[r]at stola"). It remained in use as the garb of the *matronae* (Cic. *Phil.* ii. 18, 44;—Varro, *L. L.* 8, 28; 9, 48; 10, 27) until the time of Tiberius, when it ceased to be fashionable. References to it in literature are, however, none the less frequent in post-Augustan writers (Mart. i. 35, 8, &c.), and in Ulpian it is one of the *muliebria vestimenta*: "quae matris familiae

causa sunt comparata" (Dig. 34, 2, 23, 2). Under the Empire, as its use in actual life became less common, it was apparently given a symbolic meaning, and bestowed on matrons who had the *jus liberorum*. Such at least is the most probable explanation of the title *stolata femina*, which occurs as a name of honour on inscriptions, chiefly of the 2nd and 3rd centuries A.D. (Orelli-Henzen, 3030, 7190, note 2; *C. I. L.* iii. 5225, 5283, 6155, p. 998: cf. Hübner, *Hermes*, 1878, xiii. p. 425 *seq.*, and *Comm. phil. in hon. Thes. Mommsenii*, p. 104 *seq.*). Such a stola was doubtless distinguished in some way from that in ordinary use. (Marquardt, *Privatleben*, pp. 60, 573–575, 581; Iwan Müller, *Handbuch*, pp. 803, 876–77; Becker-Göll, *Gallus*, ii. 27, iii. 253; Baumeister, *Denkmäler*, art. *Toga*, p. 1841.) [W. C. F. A.]

STRATE'GUS (*στρατηγός*) was the title applied to the chief military commanders in most of the constitutional governments of Greece; as a rule they had the direction of foreign affairs as well as the leadership in war: and, as the control of external relations was the most important part of administration in a Greek state, the *στρατηγία* was practically the chief magistracy in the communities in which it is found.

Strategi were set up in the Ionian states of Asia Minor after the despotisms had been overthrown in 504 B.C. (Herod. v. 38); at Argos we find *οἱ πέντε στρατηγοὶ* who commanded the five Argive lochi (Thuc. v. 59, 72): similar magistrates are also met with at Syracuse (Thuc. vi. 72), in later times in Boeotia (Keil, *Inscrip. Boeot.* p. 114), and in Amorgus (Gilbert, *Staatsalt.* ii. p. 209). They are also found frequently at the head of leagues; after the founding of Megalopolis we find a *στρατηγὸς* at the head of *τὸ κοινὸν Ἀρκάδων* (Xen. *Hell.* vii. 3, 1), and in the third century *στρατηγοὶ* at the head of the *κοινὸν τῶν Ἀκαρνάνων* (Polyb. v. 6; Liv. xxxvi. 11) and the *κοινὸν τῶν Ἀπειρωτῶν* (Dittenberger, n. 211). They were also the chief military officers of the Achaean and Aetolian leagues [ACHAICUM and AETOLICUM FOEDUS]; and after the reconstruction of the Thessalian alliance in 196 B.C., a strategus appointed yearly is found at the head of this confederacy [TAGUS]. In Egypt, under the Ptolemies and under Roman rule, the *στρατηγοὶ* were the governors of the nomes; over these were the *ἐπιστράτηγοι*, the governors of the three great districts of the Delta, Heptanomis, and Thebais: both these classes of officers being under the authority of the Praefectus Aegypti (Kuhn, *Verfassung des römischen Reichs*, pp. 481–493).

The *στρατηγία* at Athens, according to the unanimous verdict of ancient writers, was the highest political office in the state. Its importance was due to the great extent of the duties of administration which it involved, and to the special power of initiative in legislation with which its holder was invested; while the continuity in the office, due to the possibility of indefinite re-election, rendered possible a continuity of policy on the part of its holder. That this power of permanent administration was actually realised in the history of Athens, there can be no doubt; whether it was definitely contemplated in the theory of the constitution will depend on the view that is taken as to the mode in which the functions of this office were distributed; but in any case it may be asserted that in the *στρατηγία* we have the central point of Athenian administration, and any opinion as to the position of the strategus must inevitably affect our views as to the whole system of executive government at Athens. The strategi formed a college of ten, based on the ten tribes of the Cleisthenean constitution: and the number seems to have continued unaltered, as long as the collegiate principle was observed; it was not until a late period, falling between the years 52 and 42 B.C., that the college of generals was replaced, probably through an act of the dictator Caesar's, by a single magistrate bearing the title *ὁ στρατηγός*, *ὁ στρατηγὸς ἐπὶ τὰ ὅπλα* or *ἐπὶ τοὺς ὁπλίτας* (*C. I. A.* ii. n. 481, iii. n. 248; Gilbert, *Staatsalt.* i. 156, n. 3).

Amongst the powers of the strategi, the most distinctive was that of summoning the assembly. The debate in the assemblies thus specially convened (*σύγκλητοι*) seems to have been limited strictly to the proposal put before them by the general; and such assemblies took precedence of all other meetings of the *ἐκκλησία* (*C. I. A.* i. 40, l. 57, *ἄλλο δὲ προχρηματίσαι τούτων μηδέ, ἐὰν μήτι οἱ στρατηγοὶ δέωνται*); yet it seems that in convening them the generals could not omit the formality of consulting the *πρυτάνεις*, and that their motions, though standing first on the orders of the day, could only be introduced through the regular standing committee of the *βουλή* (Thuc. iv. 118, *ἐκκλησίαν δὲ ποιήσαντας τοὺς στρατηγοὺς καὶ τοὺς πρυτάνεις, κ.τ.λ.*). An important power, which resulted from this right of convening the assembly on matters of foreign administration, would have been the setting forth of the estimates of the military budget for the year, together with proposals for raising the requisite supplies. Foreign administration and finance must necessarily have gone closely together during the greater part of the history of Athens, and have been united in the same person; but the power of the generals was not limited to initiating measures for such grants; they had the control of the details of expenditure: the moneys voted from the treasuries of Athens for military purposes were placed in their hands (*C. I. A.* n. 273), and there were other extraordinary sources of revenue, such as those from booty (Lys. *c. Ergocl.* § 5), from the payments made by merchant-ships convoyed in time of war (*παρὰ τῶν ναυκλήρων καὶ ἐμπόρων*, Id. *de Bon. Aristoph.* § 50) and from fines imposed at their own discretion, over which they would probably have had entire control. As minister of finance for foreign affairs, it was the strategus who nominated to the trierarchy, in the 4th and probably in the 5th century (Dem. *adv. Boeot.* p. 997; § 8), and who had the *ἡγεμονία δικαστηρίου* in suits arising from it (Suid. *s. v. ἡγεμ. δικαστ.*), as well as a similar presidency in the court constituted for the settlement of disputes arising from the *εἰσφορά* (Suid. *l. c.*). Amongst the special military duties that devolved on the strategi at home were the distribution and command of the home forces, including the *περίπολοι*, and the control of the home defences (*φυλακαὶ κατὰ γῆν καὶ κατὰ θάλασσαν*, Thuc. ii. 24); duties which, after different functions were distributed amongst different members of the college, devolved on the general who bore the

title στρατηγὸς ἐπὶ τῆς χώρας (Plut. *Phoc.* 32). In the case of certain levies the generals exercised the right of personal selection (Philostr. *Vit. Soph.* i. 23, 1; Lys. *c. Alcib.* i. § 6; Gilbert, *Staatsalt.* p. 303, n. 1). They also had jurisdiction in military matters; the appeals against the levy were made to them (Lys. *de Mil.* § 4), and they had the ἡγεμονία δικαστηρίου in the case of the military charges known as the γραφαὶ ἀστρατείας, λιποταξίου and δειλίας (Lys. *c. Alcib.* i. § 21), which they either undertook in person or remitted to the ταξίαρχοι (Dem. *adv. Boeot.* p. 999, § 17). Besides this jurisdiction at home, the general seems to have had the power to punish with death the most serious offences, such as treasonable negotiations with the enemy, and to confer military honours for bravery in the field (Lys. *c. Alcib.* i. § 22; Plut. *Alcib.* 7); while the public funeral for citizens who had fallen in battle (δημόσιος τάφος) was proposed by him (Aristoph. *Aves*, 395 *sq.*). The initiative in cases of treason seems also to have been amongst his duties ([Plut.] *Vit. Antiph.* 23); and one of his chief responsibilities was the corn-supply of Athens (τὴν παραπομπὴν τοῦ σίτου, Boeckh, *Seeurk.* xiii. p. 423; cf. *C. I. A.* ii. n. 331). The duties of the generals as regards foreign administration must have involved the introduction of most of such business to the assembly; questions arising from treaties or the details of foreign policy must have been usually brought forward by them; while we find that they were responsible for the execution of a treaty, saw that the oath was taken, and that the proper sacrifices were offered on the occasion (*C. I. A.* Suppl. vol. i. p. 10, ll. 67 and 19). The existence of the Athenian Empire also added to the sphere of the general's powers; they must have been the commanders-in-chief of the φρουραρχοὶ and the φρουραί, which we find in the subject states, as in Erythrae (*C. I. A.* i. 9). They saw to the exaction of the tribute when it was in arrears, by commanding the ἀργυρολόγοι νῆες (*C. I. A.* iii. 19); and probably had the levying of contingents from the allies in ships and men (Droysen, *Hermes*, ix. p. 12).

It will be seen from this enumeration of their functions that the generals at Athens were at once leaders in war, ministers of war, foreign ministers, and to a great extent ministers of finance. It is difficult to see how such powers could have been exercised collectively by a college. Distributed they must have been, even in the 5th century B.C., where we as yet meet no trace of the subsequent differentiation of functions; but it is not easy to say how this distribution was effected, whether by agreement amongst the members of the college, or by lot, of the use of which some traces are found (Thuc. vi. 42, 62; viii. 30), or finally by the presidency of one of the members of the college who assigned the duties of the others. It is not until the close of the 4th century, about the year 325 B.C., that we find the practice arising of assigning different spheres of action to the generals on election. As late as the year 306–305 B.C. we find several generals elected for the performance of the same function (στρατηγοὶ οἱ ἐπὶ τὴν τοῦ πολέμου παρασκευὴν κεχειροτονημένοι, *C. I. A.* ii. n. 2733); but as early as 349 B.C. a mention is traced of a general with a special competence, the supervision of the εἰσφορά (Dem. *Olynth.* ii. p. 26, § 29; Gilbert, *Beiträge*, pp. 35–37), and at a later period we find the functions assigned to the several generals distinctly expressed in the titles borne by each. Such titles are (ὁ στρατηγὸς) ὁ ἐπὶ τὴν Μουνυχίαν καὶ τὰ νεώρια· ὁ ἐπὶ τὸν Πειραιᾶ· ὁ ἐπὶ τὴν χώραν· ὁ ἐπὶ τὴν χώραν τῆν παραλίαν· ὁ ἐπὶ Ἐλευσῖνος· ὁ ἐπὶ τὰς συμμορίας· ὁ ἐπὶ τὴν παρασκευήν· ὁ ἐπὶ τοὺς ξένους· ὁ ἐπὶ τὸ ναυτικόν· ὁ ἐπὶ τὰ ὅπλα or ὁ ἐπὶ τοὺς ὁπλίτας, this last title being borne by the general who stood at the head of the college and was elected to the first place by the people (χειροτονηθεὶς ἐπὶ τὰ ὅπλα πρῶτος ὑπὸ τοῦ δήμου, *C. I. A.* ii. 331; Gilbert, *Staatsalt.* i. pp. 221, 222).

The only known insignia of the general were the chlamys or military cloak (Ael. *V. H.* xiv. 10; Plut. *Quaest. Conviv.* i. 4, 2) and the στέφανος which was worn by all Athenian magistrates. They had specially reserved seats in the theatre (Theophr. *Char.* 21), and conducted the military processions at the Panathenaea (Dem. *Phil.* i. p. 47, § 26). Their place of business was the στρατήγιον (Plut. *Nic.* 5, 15; *Per.* 37; *Phoc.* 8), where they dined at the public cost (Dem. *de fals. Leg.* p. 490, § 190). Special honours were sometimes conferred on successful generals, which took the form of statues ([Andoc.] *c. Alcib.* § 31), of public dinners in the Prytaneum (Aristoph. *Eq.* 709), or of προεδρία (*ib.* 575, 702). There is some evidence that the generals received payment on foreign service, and it has been concluded from a passage in Aristophanes (*Acharn.* 602) that the rate was three drachmae a day, which was perhaps given as a σιτηρέσιον rather than as a μισθός.

There are some difficulties connected with the date at which the generals were elected; but there is almost a consensus of opinion in favour of the view that during the greater part of the 5th century and onwards they were elected towards the close of Munychion, at the beginning of the ninth prytany, and entered office on the first of Hecatombaeon, the beginning of the Attic year (Gilbert, *Beiträge*, p. 7; Beloch, *Attische Politik seit Pericles*, pp. 271–273; Droysen, *Hermes*, ix. p. 16 ff.; K. F. Hermann, *Griech. Staatsalt.* § 148, 7). They would thus have been elected in April or May, and entered office in July, the interval between the two acts being employed no doubt for the purpose of the δοκιμασία. But in time of war a general's command might be prolonged beyond his term of office, even though he were not re-elected; thus Laches, who was στρατηγὸς during 427–426, was first replaced by Pythodorus, στρατηγὸς for 426–425 in the winter of that year (Thuc. iii. 86, 115; Gilbert, *l. c.* p. 14). The generals gave in their names before the nine archons (Poll. viii. 87), and the elections were conducted by them on the Pnyx (Hesych. *s. v.* Πνύξ): election seems to have been preceded by canvassing (Plut. *Phoc.* 8), and was, in the 4th century, not unfrequently tainted by bribery. The generals took an oath on coming into office, a special clause in which was τοὺς ἀστρατεύτους καταλέξειν (Lys. *de Mil.* § 15). Besides the ordinary qualifications required for Athenian magistrates, the special qualifications required for the generals were that they should be married and have children, and possess property within the

bounds of Attica (Dinarch. *in Demosth.* § 71). There was apparently no qualification of age, but the *στρατηγία* was not usually held before the age of forty (Gilbert, *l. c.* p. 25). Re-election to the office in successive years was frequent; Pericles was general for fifteen years and Phocion forty-five times (Plut. *Per.* 15; *Phoc.* 8). A general might be deposed from office in the 4th century at the *ἐπιχειροτονία* held at the beginning of each prytany, and at the close of his office was subject to the usual audit (*εὔθυναι*), which in his case was conducted before a heliastic jury under guidance of the thesmothetae (Poll. viii. 88). This was mainly concerned with the account of the moneys which had passed through his hands; it was probably on a charge of malversation of funds that Pericles was convicted and fined (Thuc. ii. 65; Plut. *Per.* 23 and 35), but a special *γραφὴ κλοπῆς* might be preferred against him, either at the *εὐθυνὴ* or after the *ἀποχειροτονία*, together with other charges, such as the *γραφὴ προδοσίας* or *γραφὴ δώρων* [see EUTHYNE; EPICHEIROTONIA].

The question as to what was the precise process of election to the *στρατηγία* is at once the most important of those connected with the office and the most difficult to answer. It is equally doubtful who the electors were, and from what body the elected were chosen; and according to our decision on these points must depend to a large extent our estimate of the position of the *στρατηγὸς* in the state. In the early period of Athenian history the ten generals bore a close relation to the ten tribes; at Marathon each general commanded a tribe (Plut. *Arist.* 5), and Plutarch's language in this passage and in another, where he describes the employment of Cimon and his nine colleagues as judges in the theatre, tends strongly to the view that the general belonged to the tribe which he commanded (Plut. *Cim.* 8, *ἀπὸ φυλῆς μιᾶς ἕκαστον*: but see Gilbert, *Beiträge*, p. 23, who points out that Miltiades, who belonged to the tribe Oeneis, probably commanded the Aeantis). This was, however, certainly not the case at a later period: Pollux tells us that the generals were chosen out of all the citizens (*ἐξ ἁπάντων*, Poll. viii. 86); several instances are found of two generals in the same year belonging to the same tribe; and, as Gilbert says, "It would have violated all considerations of political expediency if the Athenians, through the condition that a general must be taken from each tribe, had robbed themselves of the possibility of employing two gifted and experienced men, because they happened to belong to the same tribe" (*Beiträge*, p. 24). Yet it is known that at the close of the 5th century the generals offered themselves as representatives of special tribes (Xen. *Mem.* iii. 4, 1); and, as they were chosen out of all Athenian citizens, two modes of election have been suggested: either that the generals were elected out of all the Athenian people by the special tribes and for the special tribes, or the view which is held by Droysen, that they were elected for each tribe from all the Athenians by the whole people (*Hermes*, ix. p. 8). The first, though in accordance with modern ideas of representation, is thought to be inconsistent with ancient ideas on the subject (Beloch, *l. c.* p. 279), while the second is contrary to all the analogies of tribal election in Athens (Pastoret, *Histoire de la Législation*, vi. p. 290). A modified view has been put forward by Beloch, which, while it gives a theory of election, contains a definite suggestion as to the distribution of powers within the college. He holds that the college consisted, not of ten equal members, but of a *πρύτανις* and *συνάρχοντες*, on the analogy of the treasurers of Athens and of the Hellenotamiae: the expression *ὁ δεῖνα καὶ συνάρχοντες* being found applied to the *στρατηγία* in an inscription (*στρατηγοῖς Ἱπποκρατεῖ Χολαργεῖ καὶ συνάρχουσιν*, *C. I. A.* n. 273). This president, he considers, was elected by all and out of all, but his nine colleagues each by his own tribe and from his own tribe, one of the ten tribes each year giving up its right to election. Consequently "in nine cases out of ten a general must have belonged to a phyle that was already represented, or conversely, when two generals are found to belong to the same phyle, one of them must be the prytanis" (Beloch, *l. c.* p. 287). This seems confirmed by the fact that between the years 441–0 and 356–5 there are nine certain instances of two generals, but no certain instance of more than two, belonging to the same tribe in the same year (Beloch, *l. c.* p. 276; Droysen, *Hermes*, ix. pp. 3 and 4): this occurs twice when Pericles, once when Laches is general, and one of the names is usually of sufficient eminence for us to consider its bearer a possible president of the college. The *πρυτανεία* of the college he also thinks to be signified by the expression *στρατηγὸς δέκατος αὐτός*, which is twice used in reference to Pericles (Thuc. i. 116; ii. 13). Gilbert had thought that the additions *πέμπτος*, *τέταρτος αὐτὸς* to a general's name signified some superiority of power possessed by that general over his colleagues, and that this power is the same as that expressed in the words *στρατηγὸς αὐτοκράτωρ*: thus *ὁ δεῖνα πέμπτος αὐτὸς* would mean that the general possessed authority over his four colleagues who went on the expedition with him; *ὁ δεῖνα δέκατος αὐτὸς* would signify, not necessarily that the general's nine colleagues went with him on an expedition, but that he possessed the power of an *αὐτοκράτωρ* over the whole college (Gilbert, *Beiträge*, p. 42 *sq.*). It is certain that a general was appointed *αὐτοκράτωρ*, not at the elections, but with reference to a definite service, although it is possible that, in the face of a pressing danger, a general might be elected with autocratic powers at the archaeresia (Plut. *Arist.* 8, *χειροτονηθεὶς αὐτοκράτωρ*). Only the most general instructions were given to such a commander: he was freed from the necessity of consulting the *βουλὴ* and the *ἐκκλησία* on the details of administration, could raise supplies at his own discretion (Thuc. vi. 26), and had perhaps authority over his other colleagues; three generals were so appointed for the Sicilian expedition (Thuc. *l. c.*: *οἱ Ἀθηναῖοι ἐψηφίσαντο εὐθὺς αὐτοκράτορας εἶναι καὶ περὶ στρατιᾶς πλήθους καὶ περὶ τοῦ παντὸς πλοῦ τοὺς στρατηγοὺς πράσσειν ᾗ ἂν αὐτοῖς δοκῇ ἄριστα εἶναι Ἀθηναίοις*: cf. Plut. *Arist.* 8 and 11), and Alcibiades in 408 B.C. was *ἁπάντων ἡγεμὼν αὐτοκράτωρ* (Xen. *Hell.* i. 5, 20). Beloch's theory, on the other hand, is that the *πρύτανις* differed from the *αὐτοκράτωρ* in that a general was appointed *πρύτανις* at the *ἀρχαιρεσίαι*,

αὐτοκράτωρ with reference to a definite service; that the one had a standing, the other only a temporary superiority over his colleagues; and that the two expressions would have coincided only when one στρατηγὸς αὐτοκράτωρ was appointed, in which case the president of the college would undoubtedly have been selected as the general on whom these special exemptions were conferred. If Beloch's theory is valid, this president of the college was the first minister of Athens; and it is no anachronism to speak of "party" government in the sense of "ministerial" government, when we are dealing with Athenian politics.

That this "ministerial" power was realised in later times is shown by an inscription of a στρατηγὸς ἐπὶ τὰ ὅπλα, who records that περιστάντων τῇ πόλει καιρῶν δυσκόλων διεφύλαξεν τὴν εἰρήνην τῇ χώρᾳ ἀποφαινόμενος αἰεὶ τὰ κράτιστα — καὶ τὴν πόλιν ἐλευθέραν καὶ δημοκρατουμένην αὐτόνομον παρέδωκεν καὶ τὰς νομὰς κυρίους τοῖς μεθ' ἑαυτόν (*C. I. A.* ii. n. 331). For the earlier period of Athenian history, it is difficult to establish a constitutional basis for this power: yet that it existed cannot be doubted. It is shown by the language in which Pericles' position is described (Thuc. ii. 65, στρατηγὸν εἵλοντο καὶ πάντα τὰ πράγματα ἐπέτρεψαν: cf. Diod. xiii. 42): he was alone responsible for the conduct of affairs, and had the power to prevent the ἐκκλησία from assembling (Thuc. ii. 23, 2). It is true that the expression ὁ δεῖνα καὶ συνάρχοντες may only denote a changing presidency; and the expressions τρίτος, τέταρτος, and even δέκατος αὐτὸς may be explained of specially conferred powers, yet something more seems to be demanded for a position such as that of Themistocles at Salamis (Plut. *Arist.* 8), of Pericles during the last fifteen years of his life, and of Nicias in 425 B.C. (Thuc. iv. 28): in these cases a definite leadership of the college seems to be implied, however vague and conjectural may be the powers which we are enabled to attribute to such a presidency.

(Gilbert, *Beiträge zur innern Geschichte Atticus im Zeitalter des Peloponnesischen Krieges*, pp. 1–72; *Handbuch der griechischen Staatsalterthümer*, i. p. 220 ff.;—Beloch, *Die Attische Politik seit Perikles*, Anhang i. pp. 265–330; Droysen, *Hermes*, ix. 1875 (*Bemerkungen über die Attischen Strategen*); K. F. Hermann, *Lehrbuch der griechischen Antiquitäten*, i. *Die Staatsalterthümer* (fünfte Auflage), §§ 123, 2; 129, 9; 148; 152; 166. On minor points see Müller-Strubing, *Aristophanes*, pp. 484 ff.; Müller, *de tempore quo bellum Pelop. initium coperit*, p. 44.) [A. H. G.]

STRATOR. [EXERCITUS, Vol. I. p. 804*a*.]

STRENAE (whence the French *étrennes*) were presents given on the 1st of January, as Festus says, "ominis boni causa" (cf. Plaut. *Stich.* v. 2, 24, and the precisely similar French proverb "à bon jour bonne étrenne"). The custom was supposed to be connected with the goddess Strenia, who brought good luck to the household "ab exortu fere urbis strenarum usus adolevit auctoritate Tatii regis, qui verbenas felicis arboris ex luco Streniae anni novi auspices primus accepit" (Symmach. *Ep.* x. 35): these *verbenae* are defined as laurel leaves (Lyd. *de Mens.* iv. 4). The custom is described in Ovid (*Fast.* i. 185 ff.). Some of the actual presents still exist: a cup with the inscription, "Anno novo faustum felix tibi" (Orelli, 4306); a lamp with the same (Id. 4307). Coins also were given, and a gold coin was the best of omens in Ovid's time (*Fast.* i. 221): the poorer client brought a copper coin, and, to represent the gold, a gilded date (Mart. viii. 33, xiii. 27).

New year's gifts were presented to Augustus in the Capitol, even when he was absent (Suet. *Aug.* 57; cf. Dio Cass. liv. 35). [VOTORUM NUNCUPATIO.] The person who received such presents was accustomed to make others in return (*strenarum commercium*); but Tiberius, who did not like the custom on account of the trouble it gave him, and also of the expense in making larger presents in return, frequently left Rome at the beginning of January, that he might be out of the way (Dio Cass. lvii. 8), and also forbade any such presents to be offered him after the 1st of January, as he used to be annoyed by them during the whole of the month (Suet. *Tib.* 34; Dio Cass. lvii. 17). The custom, so far as the emperor was concerned, thus seems to have fallen almost entirely into disuse during the reign of Tiberius. It was revived again by Caligula (Suet. *Cal.* 42; Dio Cass. lix. 24), but abolished by Claudius (Dio Cass. lx. 6); it must, however, have been restored afterwards, as we find it mentioned as late as the reigns of Theodosius and Arcadius (Auson. *Ep.* xviii. 4; Cod. Just. 12, 48; Gothofred. *ad Cod. Theod.* 7, 24, 1).

The festival is inveighed against as pagan by Christian writers (Augustin. *Serm.* 198, 2; Tertull. *de Idol.* 10. Other passages will be found in Graevius, *Thesaur.* xii. p. 409 ff., *strenarum historia*); but it lasted long, and still existed to be condemned by the Quinisextan Council at Constantinople ("Concilium in Trullo"), A.D. 692, if indeed we should not say that the French *étrennes* preserve the custom as well as the name.

On the strenae, see also Marquardt, *Staatsverwalt.* iii. 266; *Privatl.* 251.

[W. S.] [G. E. M.]

STRIAE. [COLUMNA, Vol. I. p. 490 *b*.]

STRIGA. [CASTRA, Vol. I. p. 381.]

STRIGIL. [BALNEAE, Vol. I. p. 278.]

STRO'PHIUM. Greek women wore in place of a corset a large variety of bands and straps, which were bound round the breast either under or over the shift. The names στρόφιον, ζώνιον, ἀπόδεσμος, and even ταινία and μίτρα, were given to these; but in all the meaning is general, and has no reference to their special purpose. Even στρόφιον is used by Athenaeus (xii. p. 543 f.) of the band which Parrhasius wore round his head. Roman matrons seem to have used a kind of corset, the *capitium* (cf. Varro, *L. L.* v. § 131), which, from Juvenal's reference to it (v. 143) as a *thorax viridis*, must have been stiff. Younger ladies wore bands and belts, like the Greek, for the same purpose (Catull. 64, 65). To these the names *amictarium* (Mart. xiv. 149), *taenia* (Apuleius, *Met.* x. 21), *mamillare*, *strophium* (Cic. *de Har. Resp.* 21, 44), and *fascia pectoralis* (Ovid, *A. A.* iii. 274) were given. From Martial (xiv. 65) one may infer that they were usually of leather. The monuments show not only bands girt round the breast of women, but in toilet scenes women bathing are often represented in a short close-fitting vest, which seems to be the *capitium*.

A statuette from Herculaneum shows a nude female figure putting the *fascia* (ταινία) over the breasts (*Ant. di Ercolano*, vi. tav. 17, 3 = Baumeister, *Denkm.* fig. 390).

On many female statues, especially those of the later periods, bands are shown which are not so much for the purpose of supporting the bust, but to keep the folds of a voluminous under-garment from shifting. They pass over the shoulders, cross at the breast, and are brought behind and fastened at the waist. What they were called is not known.

(Becker-Göll, *Charikles*, iii. 226; *Gallus*, iii. 251; Hermann-Blümner, *Privatalterthümer*; Baumeister, *Denkmäler*, art. "Busenband," p. 366; Marquardt, *Privatleben*, p. 484; Iwan Müller, *Handbuch*, pp. 431, 876; Böttiger, *Sabina*, ii. 114.) [W. F. C. A.]

STRUCTOR. [CENA.]

STULTO'RUM FE'RIAE. [FORNACALIA.]

STUPRUM. [ADULTERIUM; INCESTUM.]

SUBLIGA'CULUM. A piece of cloth tied or wrapped round the waist and worn as an apron or loin-cloth is one of the most primitive of garments, and is found in some form or other all the world over. That it was worn in Greece in pre-historic times is shown by the hunters on the inlaid sword-blade from the fourth grave at Mycenae (cf. Schuchardt, *Schliemann's Ausgrabungen*, p. 263, fig. 227; Milchhoefer, *Anfänge*, p. 145) and other monuments of the same age. In later times it is found frequently on archaic bronzes, and on early black-figured vase-paintings, as the dress of smiths and other craftsmen, as well as of labourers (cf. the olive-gatherers on a black-figured vase, in Baumeister, *Denkm.* p. 1047). It was also worn by warriors below their armour, but only in early times, for in later times it was supplanted by the linen shirt or χιτών.

There is some difficulty in tracing the use of the garment in literature. In Homer, for instance, Euryalus the boxer in *Il.* xxiii. 683 wears a ζῶμα, which is undoubtedly a loin-cloth, taking perhaps the shape of bathing drawers; but elsewhere the use of the word is not consistent (being sometimes evidently a kind of belt: cf. Studniczka, *Beiträge*, p. 67 foll.). The fact of the matter seems to be that, owing to the comparative severity of the Greek climate, it was never used, as in the East, as a man's sole garment, except where he was engaged in very violent exercise. Thus, in early times, διαζώματα were worn at the Olympic games (Thuc. i. 6). The custom, however, fell into disuse after Orsippos (Paus. i. 44, 1), who was victor in Ol. 15 (720 B.C.), had run without (cf. *C. I. G.* 1050). In classical times the apron is better known as the characteristic garb of cook (Hegesipp. 'Αδ. i. 7), the general name being περίζωμα or περιζώστρα (see LUCTATIO, and the woodcut on page 82 *b*).

At Rome, as in Greece, the apron or loin-cloth seems to have been an older undergarment than the shirt or TUNICA. It was worn not only by men, but also by women (Mart. iii. 87, 4), and was known as the *subligaculum* (Non. p. 29, 20), *subligar*, or *campestre*. In the Twelve Tables it goes by the name of *licium* (Gaius, iii. 192, 193). Its use in imperial times was chiefly confined to servants (*succincti linteo*, Suet. *Cat.* 26), and it was indeed generally regarded as the characteristic garb of the early Republic. Thus Horace speaks of *cinctuti Cethegi* as models of heroic simplicity (*A. P.* 50; cf. Porphyrion *ad loc.*). So, too, candidates for election had it as part of their old-fashioned costume (Plut. *Coriol.* 14; *Quaest. Rom.* 49, p. 340), while ascetics, like Cato the younger, adopted it as a protest against luxury (Plut. *Cat. Min.* 6; Val. Max. iii. 6, 7). One form of the apron, the *campestre* (cf. Isid. *Orig.* xix. 22, 5), was especially used by soldiers (= περίζωμα, Dionys. Hal.), though it was scarcely sufficient to compete with the *tunica* as a protection from cold (cf. Hor. *Ep.* i. 11, 6), and was doubtless soon given up for the shirt.

Of much the same shape were the drawers worn by actors (Cic. *de Off.* i. 35, 129) and dancers, which were also used by bathers, especially ladies (Mart. *l. c.*). An illustration is given under SALTATIO, p. 594. (Furtwängler, *Archaeologische Zeitung*, 1882, p. 329; 1884, p. 167;—Daremberg and Saglio, *Dict. d'Ant.*, s. v. *Cinctus*, p. 1172; Marquardt, *Privatleben*, pp. 282, 484, 580; Iwan Müller, *Handbuch*, pp. 803, 927; Voigt, *Zwölf Tafeln*, § 169, 31.) [W. F. C. A.]

SUCCE'SSIO is a term employed by the Roman jurists when speaking of the modes in which legal rights are acquired and lost. The relation of person and right, or of right and its subject, varies with the nature of the right itself. In respect of many rights, what is essential and permanent is the person in whom they reside: the rights themselves are merely transitory attributes. But in respect of property (using that term in its widest sense) this relation is reversed. Rights of property can as a rule pass from subject to subject: so far as they are concerned it is immaterial in whom they are vested for the time being, or, as Dr. Bruns has remarked, "as the coat changes its wearer, but itself remains the same, so can the right to the coat change its subject without being changed itself." Successio is the acquisition by one person of a right or rights hitherto vested in another, but not every such acquisition: it is in fact a species of what jurists call "derivative acquisition," of which there are two kinds. In the one a person tranfers to another a portion of his own rights, as where an owner constitutes a *jus in re aliena* [SERVITUTES], such as a usufruct or a right of way, over property of his own in favour of another: here the right of the latter is acquired derivatively, but there is no successio, the owner carving as it were a right differing in orbit from his own out of his own dominium. In the other, which is successio, the right of the one party passes in its integrity to the other, of whom it is said, "Succedit in locum ejus." Here a legal relation is presupposed between the two persons, the one of whom ceases to be invested with the right *eo instanti* that it becomes vested in the other; and to the latter it cannot be (in the eye of the law) a higher, larger, or more valuable right than it was to the former: "non debeo melioris condicionis esse quam auctor meus, a quo jus in me transit," Dig. 50, 17, 175; "nemo plus juris ad alium transferre potest, quam ipse haberet," Dig. *ib.* 54. Thus in the case of the transfer of ownership by traditio, the new ownership begins when the old ownership ceases, and it only arises in case the former possessor of the thing was also owner; that is, prior ownership is a necessary condition of subsequent ownership. Without a legal

relation between the two parties, the one of whom intends to transfer his right to the other, there can be no successio. For instance, if A acquires ownership in property hitherto belonging to B by usucapio, B ceases to be its owner, but there is no legal relation between A and B, and therefore no succession: the acquisition by A is original, not derivative. So, too, if B abandons property (*derelictio*) of which A takes possession with the intention of appropriating it, it becomes A's without more ado (Inst. ii. 1, 47): but here again the acquisition is original, and there is no succession. The requirement that the right should vest in the successor contemporaneously with its divestment from the other party is sometimes satisfied by a fiction, as in the succession of a heres: for though there might be a considerable interval between the death and the aditio of the inheritance, yet the latter, when once made, had by a legal fiction relation back to the moment of decease: "heres quandoque adeundo hereditatem jam tunc a morte successisse defuncto intelligitur," Dig. 29, 2, 54; "omnis hereditas, quamvis postea adeatur, tamen cum tempore mortis continuatur," Dig. 50, 17, 138.

Of successio there are two kinds. A man either succeeds to a single right or a number of single rights by themselves, which is called "singular succession:" or he succeeds to the whole property or proprietary relations of another, whereby the individual rights pass also, which is called "universal succession." The Roman phrases are somewhat different. It is said in Dig. 43, 3, 1, 13 (cf. Gaius, ii. 97), "in locum successisse accipimus sive in universitatem sive in rem sit successum:" so too we have "in eam duntaxat rem succedere" (Dig. 21, 3, 3), "in singularum rerum dominium succedere" (Dig. 29, 2, 37), "in rei tantum dominium succedere" (Dig. 39, 3, 24); "in universum jus, in universa bona" (Dig. 23, 3, 3, 1; 39, 2, 1).

In singular succession the person from whom the right passes is called the other's *auctor* (Dig. 50, 17, 175, cited above: "auctorum successio," Dig. 1, 2, 2, 13). As to the rights of which a singular succession is possible, something is said below; but the succession requires an act between the parties capable of transferring the right, whether it be mancipatio, traditio, or mere grant. The object of universal succession is a man's whole property, so far as it exceeds mere life interests, comprising *res in corporales* (*e.g.* what we term "choses in action") no less than *res corporales*, and in most cases his liabilities as well as his rights: the notion upon which it is based being usually a fictitious identity of person between the party hitherto entitled and the successor, so that the former, in relation to the object of succession, is not (*as in* singular succession) opposed to the latter as a disconnected person, and consequently is not here as a rule termed his *auctor*, though an instance of this (in inheritance) occurs in a constitution of Diocletian in the Codex Hermogenianus. The universal successor may very properly be regarded as and termed successor to a part of the whole, but only because it is such a part: he succeeds to the part because he succeeds to the whole. Of universal succession there is a variety of forms, of which the most important is succession upon death. On a man's decease, his heir or heirs, whether tney took by civil (*heredes*) or by praetorian law (*bonorum possessores*), took his property as an ideal whole: "bona autem hic, at plerumque solemus dicere, ita accipienda sunt: universitatis cujusque successionem, qua succeditur in jus demortui, suscipiturque ejus rei commodum et incommodum. Nam sive solvendo sunt bona sive non sunt, sive damnum habent sive lucrum, sive in corporibus sunt sive in actionibus, in hoc loco proprie bona appellabuntur" (Dig. 37, 1, 3, pr.). After the Senatusconsulta Trebellianum and Pegasianum, the same occurred where an heir transferred the whole inheritance to another under a trust [FIDEICOMMISSUM]. In the other cases of universal succession the so-called *passiva* of the person succeeded (*i.e.* his liabilities) did not by the civil law pass to the successor: but by the Edict this was generally so far modified that the latter became answerable for the *passiva* so far as the *activa* (assets) went. They comprise the following:—(1) The passing of a woman *in manum mariti*: "Cum mulier viro in manum convenit, omnia quae mulieris fuerunt viri fiunt dotis nomine," Cic. *Top.* 4, 23: "cum mulier in manum convenit, omnes ejus res incorporales et corporales quaeque ei debitae sunt coemptionatori adquiruntur, exceptis his quae per capitis deminutionem pereunt . . . ex diverso quod ea debuit quae in manum convenit non transit ad coemptionatorem . . . nisi si hereditarium aes alienum fuerit: tunc enim, quia ipse coemptionator heres fit, directo tenetur jure" (Gaius, iii. 83–4); and Gaius goes on to explain that though by the civil law no liability attaches after the coemptio for debts contracted by the woman before it either to herself or the husband, yet the praetor granted *utiles actiones* against her to the creditors, who, unless she were defended, would be put in possession for purposes of liquidation of all property which they might have proceeded against at civil law, but for the coemptio. (2) The giving of an independent person by himself in adrogation: "Si paterfamilias adoptatus sit, omnia quae ejus fuerunt et adquiri possunt, tacito jure ad eum transeunt qui adoptavit" (Dig. 1, 11, 15, pr.). *Mutatis mutandis*, Gaius says precisely the same of this, in respect of debts owed by the adrogatus, as he does of *conventio in manum*. (3) *Bonorum emptio* or bankruptcy, for which see Gaius, iii. 77–81; Inst. iii. 12, pr. (4) The reduction of a free woman to servitude under the Senatusconsultum Claudianum, in which case her whole property passed with her to her new master [SERVUS, 662 *b*]. In many other cases, though the object is to transfer the whole property, it is in fact effected by the transfer of the several things—*e.g.* in gift, in the constitution of a *dos*, in the formation of a *societas*, or the sale of an inheritance by the *heres*.

There are many rights which cannot be acquired by succession at all, and others which can be acquired by universal but not by singular succession. Speaking generally, none can thus pass but proprietary rights: for instance, the rights of *patronatus* over a *libertus civis* could not be bequeathed away to an *extraneus heres*, because, properly speaking, they were personal and based on a fictitious kinship: they devolved on the issue who were in the testator's power at his death, and who were potentially possessed of them even during the ancestor's lifetime

(Gaius, iii. 58). But the *jus patronatus* over a Latinus Junianus could be so bequeathed (Gaius, *ib.*), because it was a mere property right, the freedman becoming a slave again at the moment of his decease (Inst. iii. 7, 4). Yet in some rights there may be a successio which cannot be regarded as of a proprietary nature: *e.g.* the pater can transfer his patria potestas by *datio in adoptionem*, and in some cases the guardian could assign his rights of tutela (Gaius, i. 168 *sq.*).

Real rights, such as ownership, possession, and *jura in re aliena* (with the exception of servitudes), admit of succession of both kinds: they can be transferred by the appropriate mode of conveyance *inter vivos*, and devolve at death on the heir. No servitudes can be succeeded to "singularly," and personal servitudes, being as a rule mere life interests, were generally excluded from universal succession upon death: up to the time of Justinian usus and usufructus were destroyed by capitis deminutio of every kind, so that they could not, before his change in the law, pass upon a *conventio in manum* or *adrogatio*. Nor can there be any singular succession to obligations or rights *in personam:* if the subject of the right were really changed (by Novatio), the right itself was changed also; and if the right were assigned, there was no real change of subject, but the assignee merely exercised a right of action which remained vested in his assigner: upon this subject see OBLIGATIO.

The terms *successio, successor, succedere* by themselves have a general meaning and comprise both kinds of succession. Sometimes they denote universal succession without any addition, though where this is so the meaning is usually clear from the context (*e.g.* Gaius, iii. 82), but generally when universal succession is intended the word *universum* or some cognate term is added. *Successio* signifies the inheritance in many passages (*e.g.* "ex testamento successionem obtinere," Cod. 6, 20, 1: cf. Cod. 2, 53, 5, 3; 7, 34, 4; 3, 36, 10), and in some even the heirs (*e.g.* "Nullam ex priore matrimonio habere successionem," Cod. 5, 9, 3, pr.; *ib.* 2): "alienas successiones proprias anteponere" (Cod. 6, 42, 30). In Dig. 28, 2, 23, 1; *ib.* 29, 4, it denotes the substitution of a remoter for a nearer heir (cf. Dig. 38, 9, 1; 50, 17, 194): and in Dig. 20, 3, 3; 20, 4, 3, pr.; *ib.* 12, 9; *ib.* 16, the substitution of a subsequent for a prior mortgagee.

(Savigny, *System*, iii. 8 *sq.*; Puchta, *Institutionen*, § 198; Hasse, *Ueber Universal und Singular-Succession*, "Archiv für civ. Praxis," v. 1; Kuntze, *Die Obligationen und die Singular-Succession im röm. Rechte*, Leipzig, 1856.) [J. B. M.]

SUDARIUM, a linen handkerchief, carried in the hand or in the *sinus*, answering to our pocket-handkerchief, but primarily intended, as the word implies, to wipe the sweat from the brow or face (Quintil. vi. 3, 60; xi. 3, 148). It was a comparatively modern introduction, when fine linen came into use at Rome, which may be placed in the time of Cicero (Cic. *Verr.* v. 56, 146; Hehn, *Kulturpflanzen*, 146): with this agree the mention of the sudarium being used by Vatinius (Quintil. *l. c.*), and the *sudaria Saetaba* (of Spanish linen) spoken of by Catullus (12, 14; 25, 7). The word is borrowed by Hellenistic writers as *σουδάριον* (Luke xix. 20), for which Pollux (vii. 71) says that the older names were *ἡμιτύβιον* (Aristoph. *Plut.* 729) and *καψιδρώτιον*. The later name at Rome was *orarium* (Vopisc. *Aurel.* 48), and other less common names are found, such as *facitergium, manupiarium*.

Besides its use for wiping the face, it was worn round the neck (Petron. 67; Suet. *Ner.* 51), and was in the later period (as *orarium*) waved in the circus to signify applause (Vopisc. *l. c.*, cf. *κατασείειν ταῖς ὀθόναις ἐν θεάτροις*: Euseb. *H. E.* vii. 30), for which the lappet of the toga had formerly served (Ov. *Am.* iii. 2, 74). Göll (Becker-Göll, *Gallus*, iii. 268) denies that it was used to wipe the nose, which operation, he says, was performed in "the most primitive fashion." It is difficult to prove or disprove this as a universal rule; and the passage which he cites from Mart. vii. 37 is capable of either interpretation. The word *emungo* may imply the use of a handkerchief or the hand alone, the latter probably in Plautus, and certainly in *Anth. Pal.* vii. 134, Diog. Laert. iv. 46: but it may be questioned whether the use of the pocket-handkerchief was not coming in under the Empire, and the passage in Auct. *ad Herenn.* iv. 54, 67, seems to imply this even for the late Republic: that it was *so in the time of* Arnobius is clear from the etymology of the word *mucinium*, which (ii. 23) he uses as= *orarium*. [G. E. M.]

SUDATO'RIUM. [BALNEAE.]

SUFFLA'MEN, (*τροχοπέδη, ἐποχλεύς*), a drag to check the wheels of carriages or waggons (Juv. viii. 148, xvi. 50). It is defined by the scholiast on the former of these passages as "vinculum ferreum, quod inter radios mittitur dum clivum descendere coeperit reda:" *i.e.* it was usually a simple drag chain which locked the wheel. Rich, however, is mistaken in making the word *τροχοπέδη* an argument for its being a mere "fetter," since Athenaeus (iii. p. 99 c), who quotes that word from Herodes Atticus, and is the only authority for it, says that it was a *ξύλον διαβαλλόμενον διὰ τῶν τροχῶν*, and goes on to state that the same *ξύλον* was called *ἐποχλεὺς* by Simaristus. We must therefore suppose that the ancient drag was sometimes a drag-chain, sometimes a log of wood attached by two chains so as to check the wheel, as may be seen in waggons of the present day. We have no indication of anything like a "slipper" drag. Casaubon reads *ἐποχεὺς* in the passage of Athenaeus, but the occurrence of the word *μόχλος* in the context favours rather the other reading. [G. E. M.]

SUFFRA'GIA SEX. [EQUITES.]

SUFFRA'GIUM. [TABELLA; CIVITAS.]

SUGGESTUS, SUGGESTUM mean in general any elevated place made of materials heaped up (*sub* and *gero*), and is specially applied: 1. To the stage or pulpit from which the orators addressed the people in the Comitia. [ROSTRA.] 2. To the elevation from which a general addressed the soldiers (Tac. *Hist.* i. 35; Caes. *B. G.* vi. 3). 3. To the elevated seat from which the emperor beheld the public games (Suet. *Jul.* 76; Plin. *Paneg.* 51), also called *cubiculum*. [CUBICULUM.] [W. S.]

SUGGRUNDA'RIUM. [SEPULCRUM.]

SUI HERE'DES. [HERES, Vol. I. p. 952.]

SULPURA'TA. [IGNIARIUM.]

SUMPTUA'RIAE LEGES. Sumptuary laws are those by which a state attempts to

restrict the expenditure of its individual members. Occasionally regulations of this kind were inherent in the very structure of states of the ancient world, as was the case at Sparta; but more often their necessity was first felt in the later period of a nation's history, when conquest or commercial contact with the outer world had raised the standard of comfort of the people and had created new wants and desires. This is a necessary consequence of advancing civilisation; but, as Roscher says, "There is a limit at which new or intensified wants cease to be an element of higher civilisation, and become elements of demoralisation" (Roscher, *Polit. Econ.* ii. p. 221, E. T.), and this was the standpoint on which the ancient world based its sumptuary legislation. The main object of it was to effect an equalisation, regulated by some standard, in individual life; and although the definite aim at preserving a normal life amongst the citizens was most marked in Greek politics (Arist. *Pol.* ii. 9, 6; v. 11, 8;—Thuc. i. 6, 4), yet this attempt at *exaequatio* was also an element in sumptuary legislation at Rome (Liv. xxxiv. 4). Other objects were to preserve the financial resources of the state, mainly in accordance with the mercantile theory of ancient economic legislation (Tac. *Ann.* ii. 54), to prevent the aggressions of the rich against the poor from the *avaritia* which was a necessary consequence of *luxuria* (Liv. xxxiv. 4), and to banish the jealousies and consequent dangers which the glaring contrast between the lives of rich and poor inevitably fostered in a city state (Arist. *Pol.* iv. 11, 6 and 7; v. 9, 13;—Liv. *l. c.*). Sometimes this legislation attempted to remove definite moral evils, such as drunkenness and other forms of sensuality, from the community, in which they were felt to be growing up (Macrob. iii. 17, 4). The censorship at Rome, and institutions with similar moral functions corresponding to it in the Greek states, were often employed for the restriction of luxury (Arist. *Pol.* iv. 15, 13; Gell. xvii. 21, 39).

The sumptuary legislation of Greece was contained for the most part in the codes of the great lawgivers. A rhetra of Lycurgus is said to have forbidden the Spartans to have their houses made by any more elaborate implements than the axe and the saw (Plut. *Lyc.* 13): simplicity of food and clothing was enjoined to the male members of the population (Plut. *de San.* 12; Arist. *Pol.* iv. 9, 8): iron money was originally the only coinage in use (Plut. *Apophth. Lac. Lys.* 3), and private possession of gold and silver was forbidden even after these metals were employed for public purposes (Xen. *de Rep. Lac.* 7, 6; Plut. *Lys.* 17). By the laws of Zaleucus of Locri, we are told, the citizens of that state were forbidden to drink undiluted wine, except on the order of a physician, under pain of death (Athen. p. 429); while simplicity of dress and a limitation of the number of personal attendants were also enjoined (Diod. xii. 21). The Solonian legislation at Athens contained enactments against expensive female apparel and ornaments, particularly those given in the dowry (φερνή) of a bride (Plut. *Sol.* 20), and against expensive funerals (Plut. *Sol.* 21; Demosth. *in Macart.* p. 1071); there were also laws in force at Athens which limited the number of guests at entertainments (Athen. p. 245). Funeral regulations similar to those of Solon, we are told by Plutarch, existed in his native town of Chaeronea (Plut. *Sol.* 21).

Roman sumptuary legislation was progressive; it did not originate until a comparatively late period in the history of the state, and each law aimed at eradicating some definite and growing evil. The inefficiency of these laws and the extreme difficulty of enforcing them are amply attested (Tac. *Ann.* ii. 55; Gell. ii. 24, 3; Tertull. *Apol.* 6), but, even when recognised, were not sufficient to check further attempts in this direction. The fact that most of these laws dealt with the same subject, namely the expenses of the table, and enjoined very similar restrictions, shows how quickly each of them must have sunk into desuetude.

The earliest sumptuary regulations were those contained in the Twelve Tables limiting the expenses of funerals (Cic. *de Leg.* ii. 23). They were possibly copied from the similar regulations of Solon.

The LEX OPPIA, passed in 215 B.C., provided that no woman should possess more than ½ oz. of gold, or wear a dress of different colours, or ride in a carriage in the city or within a mile of it except during public religious ceremonies. This law, which was dictated by the necessities of the Punic war, was repealed twenty years later, in 195 B.C. (Liv. xxxiv. 1–8; Val. Max. ix. 1, 3; Tac. *Ann.* iii. 33).

The LEX ORCHIA, passed three years after Cato's censorship, and therefore in 181 B.C., was the first law that restricted the expenses of the table. It prescribed a limit to the number of guests that might be invited to entertainments. Cato is said to have opposed its introduction (Festus, s. v. *percemetatum*), but he also opposed its repeal in a speech, fragments of which have been preserved (Macrob. ii. 13, iii. 17; Festus, s. v. *obsonitavere;* Schol. Bob. *in* Cic. *pro Sest.* p. 310; Meyer, *Orat. Rom. Fragm.* p. 91).

This was followed by the LEX FANNIA. The date is fixed by Pliny (*H. N.* x. § 71) as 161 B.C., although Macrobius places this law twenty-two years after the Lex Orchia, and therefore in 159 B.C. It was passed in the consulship of C. Fannius and M. Valerius Messala, and grew out of a senatusconsultum, which enjoined that the *'principes civitatis* should swear before the consuls that they would not exceed a certain limit of expense in the banquets given at the Ludi Megalenses. Afterwards a consular law was promulgated (Sammonicus Serenus *ap.* Macrob. iii. 17, 4, "ipsi consules pertulerunt"), which went further than the Lex Orchia, in that it prescribed the nature and value of the eatables which were allowed to be consumed. It permitted the expenditure of 100 asses on the Ludi Romani, the Ludi plebeii, and the Saturnalia, and of 30 on some other festival occasions; but on all other days of the year it allowed only 10 asses to be spent. Hence Lucilius speaks of the "Fanni centussis misellos." It further forbade the serving of any fowl but a single hen, and that not fattened. One of its clauses was of a protective character, since it enjoined that only native wines should be consumed (Gell. ii. 24; Macrob. iii. 17; Plin. *H. N.* x. § 71; Tertull. *Apol.* vi.).

The LEX DIDIA was passed eighteen years later, in 143 B.C. It was a re-enactment of the

Lex Fannia with two alterations. It included in the penalties of the law not only the giver of the feast, which violated its regulations, but also the guests who were present at such a banquet. And it extended the provisions of the Lex Fannia to all the Italici, who had been under the impression that this law applied only to Rome (Macrob. *l. c.*).

The LEX LICINIA marks the next attempt at sumptuary legislation. It is impossible to assign any certain date to this law. It has been placed by some as late as the second consulship of Crassus and Pompey, 55 B.C. (Meyer, *Orat. Rom. Fragm.*); but Macrobius attributes it to P. Licinius Crassus Dives, and Gellius places it between the Lex Fannia and the laws of Sulla. It probably belongs either to the praetorship or to the consulship of P. Licinius Crassus, and therefore approximately either to the year 103 or to the year 97 B.C. It allowed 100 asses to be spent on the table on certain days, 200 on marriage feasts, and on certain other festivals (such as the Calends, Nones, and Nundinae) 30 asses; it fixed a limit to the amount of meat and fish that was to be consumed on ordinary days, and encouraged the consumption of garden-produce. A senatusconsultum enjoined that the law should come into force as soon as it was promulgated and before it was confirmed. Lucilius and Laevius commemorated the law, and Gellius relates that a Latin orator Favorinus spoke in support of it (Gell. ii. 24, xv. 8; Macrob. *l. c.* On the question of the date see *Dict. of Biog.*, arts. Favorinus and Lucilius).

The general neglect of the preceding laws ("legibus istis situ atque senio obliteratis," Gell. *l. c.*) caused the LEGES CORNELIAE of the dictator Sulla to be passed in 81 B.C. He carried a law restricting the expenses on sepulchral monuments (Cic. *ad Att.* xii. 35 and 36) and regulating the cost of funerals, which he violated on the death of his wife Metella (Plut. *Sulla*, 35). Another law restricted the luxury of the table, allowing 30 sesterces to be spent on the Calends, Ides, Nones, the "dies Ludorum," and certain "feriae," three on all other days (Gell. *l. c.*; reading with Gronovius "tricenos" and "ternos." Hertz reads "tricentenos" and "tricenos").

A LEX AEMILIA, which probably belongs to the consulship of Aemilius Lepidus and Q. Lutatius Catulus, 78 B.C., did not fix a fresh limit to expenses, but laid down regulations as to the kinds and quantities of food. Pliny mentions certain regulations of this kind as being embodied in a sumptuary law which he refers to the consulship of M. Aemilius Scaurus, 115 B.C. (Plin. *H. N.* viii. § 82: cf. Aurel. Victor, *de Vir. ill.* 72); and it is possible that there may have been two Aemilian laws on the subject.

The LEX ANTIA, which was subsequent to the last-named law, but cannot be dated precisely, besides limiting the expenditure on banquets, also limited the class of persons with whom a magistrate might dine out during his time of office (Gell. *l. c.*).

Next came the LEGES JULIAE. The dictator Caesar enforced the former sumptuary laws respecting entertainments, which had fallen into disuse (Dio Cass. xliii. 25; Cic. *ad Fam.* ix. 15, 5); they were not attended to during his absence (Cic. *ad Att.* xiii. 7), but, during his presence in Rome, the enforcement of them was rigorous; guards were placed round the market to seize forbidden luxuries, and sometimes dishes were taken from the tables of private individuals (Suet. *Jul.* 43). He also passed a law prohibiting the use of litters, of purple garments, and of pearls, except in the case of persons of a certain rank or age, or on certain days (Suet. *l. c.*).

The Emperor Augustus, in B.C. 22, passed laws regulating the expenses to be incurred on ordinary and festal days (Dio Cass. liv. 2, 3; Suet. *Aug.* 34). On the former an expenditure of 200 sesterces was permitted, on the latter an expenditure of 300, and on marriage festivals of 1000 sesterces; an edict of Augustus or Tiberius allowed expenses on various festivals to range from 300 to 2,000 sesterces, the increase in the permitted expenditure being allowed in the hope that this concession would secure obedience to the law (Gell. *l. c.*).

Tiberius, in spite of his distrust of the efficacy of sumptuary legislation (Tac. *Ann.* iii. 53, 54), was forced into making regulations to check the inordinate expenses on banquets (Suet. *Tib.* 34; Plin. *H. N.* xxxiii. § 8). To his reign also belongs a senatusconsultum prohibiting the use of gold plate, except in sacred rites, and preventing men from wearing silk (Tac. *Ann.* ii. 33; Dio Cass. lvii. 15, 1). Further sumptuary regulations checking the expenditure on food were made by Nero (Suet. *Nero*, 16); amongst later emperors Antoninus Pius and Marcus Aurelius regulated the expenses of gladiatorial shows (Capitol. *Vit. Antonin.* 12; *Vit. M. Ant. Phil.* 27), and the Emperor Tacitus again prohibited men from wearing silk, and forbade the wearing of gold-embroidered garments (Vopisc. *Vit. Tac.* 10). It was during the later Republic and the early Empire that luxury specially flourished, although the studied simplicity of the courts of Augustus and Tiberius must have had some influence in restraining it. After Galba began a new era of moderation, an effect which Tacitus traces to the decline of private fortunes, to the dangers attending the display of wealth, to the introduction of *novi homines* into the senate and into the best society of Rome, but principally to the influence of Vespasian, a prince "antiquo cultu victuque" (Tac. *Ann.* iii. 55). Other princes whose simplicity of life exercised an influence on the society of their times were Alexander Severus and Aurelian (Lamprid. *Vit. Sev.* 4; *Vit. Aurel.* 49).

(The *loci classici* on Roman sumptuary laws are Gellius, *Noctes Atticae*, ii. 24, and Macrobius, *Saturnalia*, iii. 17. See also Platner, *Exercit. II. de legibus sumptuariis Romanis*, Lips. 1752. On the whole subject of sumptuary legislation, see Roscher's *Political Economy*, ii. p. 220 (E. T.), and his article *Ueber den Luxus*, republished in the *Ansichten der Volkswirthschaft aus dem geschichtlichen Standpunkte.*) [A. H. G.]

SUOVETAURI'LIA, the triple sacrifice of bull, sheep, and pig, in the old Italian ritual of lustration [see LUSTRATIO, AMBARVALIA]. The word *solitaurilia* is also found, and was explained at length by Verrius Flaccus (Festus, 293 a) as having the same meaning; see on this question Jordan in Preller's *Röm. Myth.* i. 421. This sacrifice was doubtless of great antiquity in Italy, the three animals representing the most

valuable stock of the old Italian farmer. We find it in what was probably its original form in Cato's treatise on Husbandry, where the ritual is given for the lustration of the farm; the animals were driven three times round the fields, and sacrificed with a prayer to Mars. Here we find not only the sacrifice of the three animals when full-grown (*majora*), but also of their young (*lactentia* or *minora;* cf. Henzen, *Acta Fratr. Arv.* p. 143). Next we have the same ritual applied to towns, as in the Amburbia and Ambarvalia, and to the lustration of the people after the census; thus Livy, describing the census of Servius Tullius (i. 44), says, "Ibi (in Campo Martio) exercitum omnem suovetaurilibus lustravit; idque conditum lustrum appellatum, quia is censendo finis erat." The victims were here driven round the host before sacrifice, as in the country round the farm. In each case the ideas lying at the root of the ritual were expiation and purification; the two being inseparable in the old Italian mind, which seems also to have conceived of these religious performances as not only effective in doing away with evil in the past, but as at the same time protective against evil in the future.

The same ritual of the triple sacrifice was applied (in later times only, we may suppose) to other religious ceremonies besides the formal lustration. Thus, in Liv. viii. 10, we find it in the *devotio* of Decius; it is here still in close connexion with Mars, in whose worship it certainly originated (see Cato, *l. c.*). So also, in the sacrifices after the winning of the *spolia opima* (Fest. 189), it is mentioned as taking place in the Campus Martius, and at the altar of Mars. But the connexion with the religion of war gradually extended its use to the worship of other deities in particular aspects: thus we find it in the triumph, offered to Jupiter and other deities (Serv. *ad Aen.* ix. 627; cf. the triumphal sacrifice on the Column of Trajan). It was indeed contrary to the old *jus pontificium* to sacrifice the suovetaurilia to Jupiter (so expressly Ateius Capito in Macrob. iii. 10, 3); and Servius (*l. c.*) mentions the triumph as the only exception to the rule. At the laying of the foundation-stone of the Capitol in Vespasian's reign (Tac. *Hist.* iv. 53) the site of the temple which was to be dedicated to Jupiter, Juno, and Minerva, was previously lustrated by the suovetaurilia; but it does not appear certain that this sacrifice had any direct reference to those deities.

It may be noted that the history of this rite runs in exactly parallel lines with that of the deity with whom it was originally and at all

Suovetaurilia. (Relief in the Louvre.)

times specially connected. As Mars, the agricultural deity, developed a warlike aspect which eventually became the one by which he was best known; so the suovetaurilia, beginning as an agricultural rite, was later applied to warlike purposes. And as Mars gradually gave way to Jupiter and the Capitoline deities, so his ancient sacrifice came to be transferred to their worship.

The accompanying cut is from a fine relief now in the Louvre, formerly in Venice. The suovetaurilia is also represented on many other monuments and triumphal arches. [W. W. F.]

SUPERFI'CIES, SUPERFICIA'RIUS. The doctrine of the civil as of our own law, in respect of things attached to the soil, was that they became part of the soil itself, and so the property of its owner: "superficies solo cedit" (Gaius, ii. 73); "omne quod inaedificatur solo cedit" (Inst. ii. 1, 29). Hence, if A built on the land of B, he had no remedy against the latter if he claimed the land by *vindicatio*, unless he was in *bonâ-fide* possession of it himself, in which case, by entering the plea of *dolus malus*, he was entitled to retain possession until B would indemnify him for the expense of building it (Inst. *ib.* 30). If the land were built on land held under a lease, it acquired the name of Aedes Superficiariae (cf. Cic. *ad Att.* iv. 2, "superficies aedium"), but was in no way excepted from the general rule. "Both by Civil and Natural law," says Gaius in Dig. 43, 18, 2, "it belongs to the landowner;" though, if ejected against the terms of his agreement, the builder might of course obtain damages against the latter, but not restitution, by *actio locati*. But owing to historical reasons, as will be seen below, this species of interest became especially common at Rome; and where the right had been conceded by the landowner in perpetuity, or at least for a very long term, the praetor gave it a "real" character by entitling the person to whom it belonged both to real actions and to interdicts; a change based, according to Ulpian, on considerations of public policy: "sed longe utile visum est, quia et incertum erat, an locatio existeret, et quia melius est, possidere potius quam in personam experiri, hoc interdictum perponere et quasi in rem actionem polliceri" (Dig. 43, 18, 1, 1). The ownership of the proprietor of the soil was not called in question, but superficies, the interest of the other party, acquired the character of a *jus in re aliena;* and in Dig. 30, 86, 4, it is actually termed *servitus*. The right of the superficiarius, whether it extended over the whole house or only over a portion of it (*e.g.* a flat, Dig. 43, 17, 3, 7), was heritable (Dig. 43, 18, 1, 7) and alienable both *inter vivos* and by will: he could assert it against any one by whom it was infringed, and not merely against the owners of the soil (Dig. 30, 86, 4; 39, 2, 19, pr.); had the fullest use of the building and the servitudes annexed to it; could pledge and create servitudes over it available for the duration of his own interest (Dig. 43, 18, 1, 6, 7 and 9; 7, 7, 1, pr.; 13, 7, 16, 2). The duties of the superficiarius were in the main determined by the disposition under which he acquired his right, and usually comprised the payment of a ground-rent (*solarium*) to the landowner (Dig. 6, 1, 74; 20, 4, 15; 43, 8, 2, 17): he also had to pay all rates and taxes with which the building as such was chargeable (Dig. 43, 18, 1, 6). For the recovery of the house, if

dispossessed, he could use in their *utilis* forms all the actions which were competent to a dominus, especially vindicatio, actio Publiciana, negatoria, and confessoria (Dig. 43, 18, 1, 1, 3 and 6; 6, 1, 73, 1; *ib.* 74, 75; 6, 2, 12, 3): and against the owner of the soil he could in most cases bring also personal actions on sale or hire (Dig. 43, 18, 1, 1). That he had some sort of possession is proved by his title to interdicts, though as to its precise nature there is a difference of opinion. Some writers maintain that he had representative or derivative possession of the building and the soil as well, but this is disproved by the landowner's capacity to use the interdict Uti possidetis (Dig. 43, 17, 3, 7), for "plures eandem rem in solidum possidere non possunt" (Dig. 41, 2, 3, 5). That he could use the interdicts De vi and De precario in their direct, not *utilis* forms (Dig. 43, 16, 1, 5; 43, 26, 2, pr. and 3), establishes the view of those who attribute to him original possession of the building, and disproves that of others who credit him with a mere *juris quasi-possessio*. The praetor also gave him a special interdict De superficiebus (Dig. 43, 18, 1, pr. and 2), which was *retinendae possessionis causa*, and modelled after Uti possidetis. There is no evidence that the praetor required proof of traditio of the superficies by the dominus to the superficiarius as a condition of granting the latter his real action, though some hold that traditio was essential for the alienation of a superficies already created (cf. Dig. 43, 18, 1, 7). Of the modes in which the right of superficies originated the most important is contract with the owner of the soil, who by gift, exchange, or lease (Dig. 43, 18, 1, pr. and 3; *ib.* 2) might permit the other to build on his land. In Dig. 43, 18, 1, 1, it is said that it might also arise from sale: from which it may be inferred that it did not always originate in the superficiarius' building on *alienum solum*, but that the owner of land with a house on it might sell or let out the latter without the soil for a very long term or in perpetuity: an interest which after *causae cognitio* the praetor might treat as a superficies, it not having been his intention to ascribe civil possession and real rights to any and every lessee: "quod ait praetor .... causa cognita .... sic intelligendum est, ut si ad tempus quis superficium conduxerit, negetur ei in rem actio: et sane causa cognita ei, qui non ad modicum tempus conduxit superficiem, in rem actio competit" (Dig. 43, 18, 1, 3). Besides this, superficies might be created by a legacy in the landowner's testament (Dig. 30, 86, 4) and by adjudicatio in a *judicum divisorium*. Whether it could be acquired by usucapio is disputed: the passages bearing on the point are Dig. 6, 2, 12, 3, and 41, 3, 26.

The modes in which superficies was extinguished are substantially identical with those in which EMPHYTEUSIS determined, though it is a moot point here whether the landowner could evict the superficiarius on non-payment of solarium for two years: see Dig. 19, 2, 54, on which the affirmative opinion is based.

The prominence of superficies at Rome is commonly ascribed to the supposed fact that at one time all land belonged to the state, which refused as a general rule to grant ownership in it to individuals, but was not averse to allowing them to build on a *locus publicus* (Dig. 43, 8, 2, 17), an example of which is found in the assignment of the Aventine to the plebs by the Lex Icilia, B.C. 456 (Dionys. x. 31, 32: cf. Puchta, *Institutionen*, § 244, note e). If this was its origin, there is no doubt that when private property in land was recognised the precedent was largely followed by municipal corporations (of which there is a good instance in an inscription of A.D. 193 in Orelli's *Inscriptiones*, i. No. 39; Bruns, *Fontes*, p. 91: cf. *Zeitschrift für g. R.* xi. 219–238, xv. 335–341) and individuals; so that in later times it was common at Rome for the ground on which Insulae were built to remain the property of the owner of the soil, while other persons had a jus superficiarium in the different stories, in respect of which a rent was paid by them to him.

(Gaius, ii. 73–75; Dig. 43, 18; Niegolewski, *de jure Superficiario*, Bonn, 1848; Rudorff, *Beitrag zur Geschichte der Superficies*, "Zeitschrift für g. R." xi. 219 *sq.*; Schmid, *Handbuch*, ii. pp. 57 *sq.*; Degenkolb, *Platzrecht und Miethe, Beiträge zu ihrer Geschichte und Theorie*, 1867: to these may be added Wächter, *Das Superficiar- oder Platzrecht*, "Abhandlungen der Leipziger Juristen-Facultät," vol. i.) [J. B. M.]

SUPERSTITIO. In a certain sense, all Greek and Roman religion may be reckoned as superstition: for none of it was free from error. But it is right to make a distinction between such religious beliefs and practices as were accompanied with lofty thoughts and sound moral tendencies, and others which were merely malevolent or foolish. To the latter alone can the word "superstition" be properly applied. It is impossible, however, to draw any sharp line between religion and superstition; error lies close to truth on these difficult subjects. How far acts positively harmful, such for instance as human sacrifices, were at any time mingled with the official religion of Greece and Rome, is a question not easy to decide, nor does it form the subject of this article. [See SACRIFICIUM; OSCILLA; THARGELIA.]

Our subject here is superstition in the sense of the unlawful and guilty dealing with supernatural powers, a practice which is *ex vi termini* not religion, and of which the popular name is witchcraft. We find, it is true, in early literature the union of medicine with incantation (Hom. *Od.* xix. 457; Pind. *Pyth.* iii. 51), which lasted, though with less credence from educated men, into later times (Plat. *Charmid.* p. 155 E; *Rep.* iv. p. 426 B; Soph. *Aj.* 582, with Jebb's note; Hermann-Blümner, *Privatalt.* 355; MEDICINA): but this was beneficent action and belonged to the medical practice of the day; and moreover it was to some extent connected with a religious idea of prayer to the gods for recovery (cf. Pind. *l. c.*; Plin. *H. N.* xxviii. § 10). Of what would strictly be called witchcraft there is but rarely any mention in the great Greek authors down to the end of the 5th century B.C. There is, of course, the legendary Circe of the Odyssey: but even she is too much a goddess to be a witch; her powers are supposed rightfully to belong to her. Medea comes more near to the idea of a witch (in the ordinary stories of her, which date as early as Pherecydes and Simonides, and the author of the Νόστοι, as at least the argument to the

Medea of Euripides affirms); but Medea also is legendary, and, which also is to be noticed, she comes of a barbarous non-Greek race. The Works and Days of Hesiod is a poem in which we might certainly expect to find notice of witchcraft, if it existed in his day; but there is none. There are indeed some perfectly trivial superstitions in Hesiod, parallel to ours of the unluckiness of "spilling the salt;" but of serious superstition there is none. In Herodotus witchcraft is just mentioned (ii. 33; iv. 105; vii. 191); but in the two former passages it is mentioned in connexion with purely barbarous tribes, in the last passage in connexion with Persia. The Magi of Persia are not, properly speaking, magicians, though the word "magic," is derived from them; they are the priests of a lawful and regular worship, supposed to enjoy certain supernatural powers. Neither in Aeschylus or Sophocles, nor yet in Aristophanes, is there any mention of witchcraft, though in the last-named writer there are passages in which it might most naturally have been introduced; *e.g.* a wizard might have been one of the visitors to Peisthetaerus in the "Birds," just as the oracle-monger is; or again, in the "Clouds," Socrates might have been accused of witchcraft, whereas on the contrary he appears there as a sort of positivist. In Euripides there is mention of the γόης (sorcerer) and the ἐπῳδός (mutterer of incantations, *Hippolyt.* 1038; *Bacch.* 234); and the connexion of incantations with Asia, the "Lydian land," in the last passage, is notable, as pointing to the natural home of magic in the estimation of the Greeks. Yet the mention is of the barest, in both these passages. In Antiphon, at the very end of the 5th century, there is the charge of poisoning brought by a man against his own stepmother; and the stepmother would seem to have defended herself by alleging that she gave the poison as a "philtre," to bring back her husband's love (Antiph. Κατηγορ. Φαρμακ. 9). Here is an approximation to witchcraft, though of a mild sort. Plato, again, mentions sorcerers, *e.g.* in *Symp.* 203 D; but the extraordinarily vague mixture of words in that passage, γόης καὶ φαρμακεὺς καὶ σοφιστής ("sorcerer and poisoner and sophist") is against the view that sorcery was a well-developed or specialised occupation at that date. In another place he speaks (*Gorg.* p. 513 A) of the Thessalian women who "are said" to draw down the moon from heaven. In [Demosth.] *c. Aristogeit.* p. 793, § 79, we have what is perhaps the earliest historical instance (apart from the biblical one, 1 Sam. xxviii. 3, 9) of a woman being condemned to death on the charge of witchcraft; and here, again, the accusation of poisoning is mixed up with the more mysterious offence; though, to the common mind, poisoning was then as mysterious as witchcraft. It will be observed that the close of the 5th century, which is the date when "sorcerers" begin, however vaguely, to be mentioned as moving about *in Greece*, is exactly the era when that sincere religious belief which we find in Aeschylus and Pindar begins to fail, and scepticism, though abhorrent to the multitude, takes a somewhat wide range among inquisitive and thinking men. Pliny, indeed (*H. N.* xxx. § 1), says that a Persian, Osthanes, introduced magic into Greece about the time of the Persian wars; but even if this was so, it was but a seed that was then sown.

The superstition of the "evil eye" is perhaps first mentioned in Aristotle, *Problem.* xx. 34; though the words βασκαίνω and βάσκανος, in the sense of "to envy" or "envious," occur frequently before that date, and in very early writers. (The story of Peisistratus, given by Hesychius, and mentioned under FASCINUM, should, however, be noticed.)

It is not till we come to Theocritus, at the commencement of the 3rd century B.C., that witchcraft appears in full force, as in the well-known second idyll of that writer. (For the remedy of "spitting thrice" for the evil eye, cf. Theocr. vi. 39.) At this period, the mixture of religions over that vast area which was governed by the successors of Alexander, the weakening of each religion as a separate force, and yet the inability of men to do without them, afforded the most favourable possible *nidus* for the birth of irregular superstitions.

At Rome, magical arts are mentioned as early as the laws of the Twelve Tables, which forbid the "charming-away" of another person's crops (cf. Seneca, *Quaest. Nat.* iv. 7, "et apud nos in xii tabulis cavetur ne quis alienos fructus excantassit;" also Apuleius, *de Magia*, 47; Pliny, *H. N.* xxviii. § 17). In B.C. 329, we find a large number of Roman matrons accused and condemned of the practice of poisoning, and perhaps witchcraft as well (Liv. viii. 18: the words *recondita alia* should be noticed): the first time, Livy says, that the offence of poisoning was known in Roman history. He adds, that it was regarded as a prodigy, and as a frenzy on the part of the guilty persons; and to avert similar catastrophes in future, a dictator was appointed, who drove a nail into the right-hand wall of the Temple of Jupiter Optimus Maximus (this *place* is mentioned in vii. 3, where the custom is first recorded),—an ancient rite, originally adopted as a method of computing time, but afterwards employed superstitiously, as a means of warding off diseases bodily or mental. (See also Liv. ix. 28; Plin. *H. N.* xxviii. § 63.)

All through Roman history we find *amulets* worn to avert the malign influence of witchcraft, or of the evil eye [AMULETUM; FASCINUM]; but this difference is noticeable between earlier and later times, that in the earlier times the amulet bears the symbol of the indigenous gods of Italy (Picumnus, Carna, &c.), whereas in the later times all sorts of foreign gods, Oriental and Egyptian, are indicated upon them.

It is when we come to the closing years of the Roman republic, and to the times of the emperors, that we find the most extraordinary development of magical arts which the ancient world affords. The irreligious character of the art is then vividly borne in upon us by the fact that the magician threatens, instead of supplicating, the demons which he invokes (Lucan, vi. 441–492). It is impossible to doubt that at this period attempts were made to injure enemies, and to obtain private advantages, through supernatural means, in such a way as to exhibit magic as a really malevolent, if not also a maleficent, practice. Any injury which it really effected must have been through the fascination which it exerted on its victims; and perhaps such an instance as that in *C. I. L.* viii. 2756

may be of this sort: "Eunia hic sita est Fructuosa. . . . Quae non ut meruit ita mortis sortem retulit. Carminibus defixa jacuit per tempora multa, ut ejus spiritus vi extorqueretur [prius] quam naturae redderetur; cujus admissi vel Manes vel Di caelestes erunt sceleris vindices." It is certain that savage tribes have often supplied examples of the disastrous weakness here supposed. Numerous tablets of contents similar to the above have been found (*C. I. G.* 538, 539, 1034, 5858[b]: in Newton's *History of Discoveries at Halicarnassus, Cnidus, and Branchidae*, ii. 719, and others). The method of witchcraft implied in the words "carminibus defixa" in the last-quoted passage speaks for itself. Other methods were, the writing of the name of obnoxious persons on tablets, and marking them with magical signs and characters; the forming of waxen images of a person, and causing them to melt away or destroying them in some other gradual manner, in order that the person himself might share the fate of the image (Verg. *Ecl.* viii. 80; Hor. *Sat.* i. 8, 32); the collection of magical herbs and animal matter: in this last we are at the point where magic touches upon poisoning. Several incantations have been recently found in Cyprus in subterranean tombs (dating probably from the 1st century A.D.), which may now be seen in the British Museum. They consist of thin strips of lead (cf. "plumbeae tabulae," Tac. *Ann.* ii. 69), on which the incantation is scratched, beginning in some such way as "καταδέω So-and-so, his shop and all his property." Often words of unintelligible magic jargon are inserted. The strips have been rolled up and nailed on the walls within the tomb: in some cases the material is different, papyrus or a flat piece of talc. It must be observed that the essential point was to effect an entrance into somebody's tomb, no matter whose; since the spirits would then be sure to receive the message, and work the evil. If the tablet could be placed in a temenos of the Furies, it might be laid above ground without so much trouble or risk of fine [see VECTIGALIA TEMPLORUM; TYMBORUCHIA]: but otherwise the interior of a tomb was the only sure place. The same opportunity could doubtless be utilised also for obtaining bones to place under the house of the doomed man (Tac. *l.* c.) or use in other ways (Hor. *Sat.* ii. 8, 22; cf. *Rhein. Mus.* xviii. p. 568; Wessely, *Gr. Zauberpapyrus*). Besides the malevolent aims above indicated, magic also had for its object the obtaining the love of an unwilling person, the search into futurity, and the making of gold (Plin. *H. N.* xxxiii. § 79).

Few Roman writers from Cicero's time onwards are without some mention of witchcraft. The passages in Virgil and Horace are too well known for detailed reference. In Juvenal and Tacitus the astrologers (*mathematici*) are subjects of frequent mention (Juv. vi. 562, xiv. 248; Tac. *Hist.* i. 22, &c.). The death of Germanicus (Tac. *Ann.* ii. 69 *sqq.*) is one of the most curious problems in history for the doubt which it affords as to what exactly caused the fatal result; but, if we are to believe Tacitus (*l.* c.), the enemies of the prince had recourse to magic as one of the means of removing him. The notices of magic in Lucian are well known.

Christian emperors endeavoured, as Pagan emperors had done, to put down all magical arts; but the result was by no means equal to their success in putting an end to the regular heathen worship (cf. Beugnot, *Destruction du Paganisme*, i. 243).

How far the philosophers of Greece and Rome countenanced magic has been a subject of question. Of course such persons as Apollonius of Tyana, whose life is a collection of myths, and Alexander of Abonotichos, who was an arrant knave, are not here in question. But when Pliny, for instance, affirms that Pythagoras practised magic, we must, considering all that we know of Pythagoras from other quarters, withhold our assent. Indeed, the grounds for affirming it of any true philosopher are very slight. Aristotle, according to Origen (*c. Cels.* i. p. 19), clearly rejected it. So also did the celebrated physician Galen (*de Simpl.* vi.), who laments the disposition of a certain Pamphilus to go after sorcery and incantations while picking herbs, and declares that such practices are entirely outside the art of medicine.

The principal writers who may be referred to on this subject are Tiedemann, *Dissertatio quae fuerit artium magicarum origo;* Wachsmuth, *Von der Zauberkunst der Griechen und Römer*, in the *Athenaeum* of Berlin (ii. 209 *sqq.*); Rochas d'Aiglun, *La Science des Philosophes et l'Art des Thaumaturges dans l'Antiquité*, Paris, 1882, &c.; J. A. Hild, *Étude sur les Démons . . . des Grecs*, Paris, 1881; Maury, *La Magie et l'Astrologie dans l'Antiquité*, &c., 1860; and Marquardt, *Staatsverwaltung*, iii. 108 – 114. To the latter book this article is much indebted. . [J. R. M.]

SU'PPARUS. The *supparus*, which by writers of the Silver age was also called *supparum* (cf. Studniczka, *Beiträge*, p. 90, note 68), was a linen garment worn at Rome in the early days of the Republic. It was apparently used by both sexes, though it was a woman's rather than a man's garment (cf. Afranius, *Epist.* p. 180, ed. Ribbeck, "tace, puella non sum supparo si induta sum"). The passage which throws most light on its shape is that of Lucan, where speaking of Marcia, Cato's wife, he says:

> "Humerisque haerentia primis
> Suppara nudatos cingunt angusta lacertos."

This seems to show that the *supparus* was a form of mantle, not a long apron, as a passage in Nonius (p. 540, 8), which is probably corrupt, tells us. Unfortunately it has not yet been recognised on any monument.

From a derivation from the Oscan, which Varro mentions but rejects (*L. L.* 5, 131), it has been thought that it was borrowed from the people of that name. However this may be, there seems little doubt that it is connected with *siparum* and σίφαρος (a sail), and through them with φᾶρος. This derivation is corroborated by the fact that they are all of linen, and by the curious coincidence that φᾶρος also was a name both for mantles, sails, and linen cloth generally. (Studniczka, p. 90 ff.; Iwan Müller, *Handbuch*, pp. 876, 927; Marquardt, *Privatleben*, p. 484.) [W. C. F. A.]

SUPPLICA'TIO. A religious rite, or series of rites, decreed with two different objects: viz., 1, as a solemn act of thanksgiving to the gods on account of a victory or successful campaign; or 2, as an act of humiliation, on

account of some calamity, actual or impending, such as pestilence or defeat, or oftener on account of the occurrence of prodigies and portents, which were supposed to threaten evil to the state.

When a supplicatio was decreed in the sense of a thanksgiving, the procedure was as follows:—The senate was consulted by a magistrate, and authorised the consuls to issue an edict fixing the number of days over which it should extend, and other necessary particulars, such as whether it should be confined to the city only, or should take place throughout the extent of the Tribus Rusticae also, or even in the allied Italian communities; and to what god or gods special adoration should be paid (cf. Liv. xxvii. 51, xxxiv. 42, xl. 28, xlv. 3; Cic. *Phil.* xiv. 14, 37, where the senatorial decree is given in full; in this last case in the absence of both consuls, as in many others, the edict is to issue from the Praetor urbanus). This method of procedure was continued even under the Empire (Mommsen, *Staatsrecht*, iii. 2, 1061, note 6).

A supplicatio, in the sense of prayer and expiation, was also set on foot by senatorial decree; but in this case the magisterial edict (*indictio*) was based on the advice of a college of priests (cf. Mommsen, *l. c.*). In simple matters of expiation the senate would refer the question to the pontifices, who decreed the necessary simple *piacula*, according to old Roman custom (Liv. xxiv. 44, 9; xxx. 38, 9), in the form of a novendiale sacrum or obsecratio (Marquardt, *Staatsv.* iii.[3] 260); but in difficult matters, as for example where the meaning of a portent is doubtful, they refer the question to the keepers of the Sibylline books [DECEMVIRI SACRIS FACIUNDIS], who, after consulting the books, advise a supplicatio, sometimes with the addition of a fast (*jejunium*) or of a novendiale sacrum (Liv. xxxvi. 37). In one instance at least, Livy represents a supplicatio, in this case of one day only, as resulting from a decree of the PONTIFICES (Liv. xxvii. 37; cf. xxxii. 1, where he makes the *haruspices* take the place of the keepers of the Sibylline books). It does not therefore seem certain that in every instance an expiatory supplicatio was the result of an examination of the sacred books; but in the majority of cases it was so, and the ritual of the ceremony must be considered as closely bound up with the Greek forms of religious usage, introduced into Rome through the instrumentality of the books and their interpreters [see LIBRI SIBYLLINI].

The development of the rites of supplicatio in the course of Roman history cannot be traced with certainty. The elaborate ritual of the *Lectisternia*, which formed the chief part of an expiatory supplicatio, as well as (in later times at least) of those which were decreed as thanksgivings (Cic. *Phil.* xiv. 14, 37), belonged to an age in which Greek deities and Greek worship had made their way into the Roman state [see LECTISTERNIA]. All the prominent features of the *Lectisternia* were Greek: the reclining position of the images of the gods; the prostration of the worshippers, and the garlands they wore. Was there a purely Italian germ on which this foreign ritual had engrafted itself? Such a germ may perhaps be found in the Italian piaculum or expiatory sacrifice, which was capable of being extended in length and importance in the case of either periodical lustration or of alarming prodigia, and was often accompanied by processions and other rites, as we see it in the great ritual inscription of Iguvium (Tab. vi. Bücheler, *Umbrica*, pp. 42 foll.). Some even of the features of the *lectisternia* may possibly be traced to an Italian origin (Preller, *Röm. Myth.* i.[3] 150): Varro, *e.g.*, tells us (*ap.* Serv. *ad Aen.* x. 76) that at the birth of a child a couch was spread in the atrium of the house for Picumnus and Pilumnus—deities whose antiquity is some guarantee for that of the practice; and in the domestic worship of the Lares it was customary to set apart for them a part of each meal, and to use wine, incense, and garlands (Marquardt, iii. 128). Again, the obsecratio, which often formed a part of the general ritual of the supplicatio (as in Liv. iv. 21, 5; xxvii. 11), and which consisted of a formal prayer led by the priests and repeated by the people, in contradistinction to the prayers and prostrations of the *Graecus ritus*, where everyone prayed on his own behalf, betrays a genuine Italian character. But as the Greek spirit entered more and more into religious usage, not only the ordinary features of the *lectisternia*, but elaborate processions of singing virgins, and other such rites as are described in Liv. xxvii. 37, were added to the ordinary ceremony of the supplicatio.

A supplicatio in early times lasted from one to five days (Liv. iii. 63, 5; v. 23; x. 23; xxi. 8). Later on, in proportion as it lost the reality of its religious meaning, its length increased to ten, fifteen, twenty, and even fifty days; but in these cases it seems always to have been a ceremony of thanksgiving, and not of expiation. A supplication of ten days was first decreed in honour of Pompeius at the conclusion of the Mithridatic war (Cic. *de Prov. Cons.* 11, 27), and one of fifteen days after Caesar's victory over the Belgae, an honour which Caesar himself says had never been granted to anyone before (Caes. *B. G.* ii. 35). Later a supplicatio of twenty days was decreed after his conquest of Vercingetorix (*B. G.* vii. 90). From this time the senate seems to have frequently increased the length out of mere compliment to the general (Dio Cass. xliii. 14 and 42; Cic. *Phil.* xiv. 14, 37). In these cases it was of course impossible that all the days should be public holidays [FERIAE]; nor does it seem likely that at any period a supplicatio necessarily implied a holiday (Liv. iii. 5; xl. 28). A supplicatio was in the last age of the Republic usually regarded as a prelude to a triumph, but it was not always followed by one, as Cato reminds Cicero in a letter, after a supplicatio had been decreed in his honour during his proconsulship in Cilicia (Cic. *ad Fam.* xv. 5). The same honour was conferred upon Cicero on account of his suppression of the conspiracy of Catiline; this being the first occasion on which it had been awarded to any one acting in a civil capacity [TOGATUS], as he frequently takes occasion to mention (*Cat.* iii. 6, 10; *in Pis.* 3, 6; *Phil.* ii. 6, 13). [W. W. F.]

SYCOPHANTES (*συκοφάντης*). Plutarch (*Sol.* 24) explains *συκοφαντεῖν* as the informing against a man for exporting figs, and refers to an ancient law forbidding the export. [Different

reasons have been suggested for this prohibition: some say that the Athenians wished to keep this fruit to themselves (Ister *fr.* 35 = Athen. iii. p. 74 e); others that the law was passed at the time when the fruit had only just been discovered (Schol. Plat. *de Rep.* i. p. 340 D; Photius and Suid. *s. v.* *συκοφαντεῖν*: cf. Schol. Aristoph. *Plut.* 874), probably in order to increase its cultivation in Attica.] Boeckh (*Sthh.* i.[3] p. 55) prefers to connect *συκοφαντεῖν* with information against the stealing, not the exporting of figs, and suggests that the term may either have arisen out of charges brought by informers against persons who in some time of famine had robbed the sacred fig-trees, or that, since the theft of fruit in general was punished with great severity at Athens (Alciphr. *Epist.* iii. 40), it was in time applied to all those who brought such charges, which came to be looked upon as vexatious and harsh. Lancelot Shadwell (in a commentary on Luke iii. 14) rejects these explanations: "The first and obvious meaning of *συκοφάντης* is not one who shows up them that export figs or steal figs, but one *who discovers figs.*" Starting from Photius' explanation of *σείσαι* as *συκοφαντῆσαι*,—*ἀπὸ τῶν τὰ ἀκρόδυα σειόντων. Τηλεκλείδης Ἀμφικτύοσιν· ἀλλ' ὡς πάντων ἀστῶν λῷστοι σεῖσαι καὶ προσκαλέσαντες παύσασθε δικῶν ἀλληλοφάγων* (Mein. *Fr. Comic.* ii. p. 364). *Ἀριστοφάνης Δαιταλεῦσιν· ἔσειον· ἦτουν χρήματ' ἠπείλουν πάλιν ἐσυκοφάντουν* (ii. p. 1040, *fr.* 20),—he supposes "that the usage of *σείειν* in the sense of extorting money was derived from the notion of shaking fruit trees, and that the common notion of *συκοφαντεῖν* was also derived from the same source. *Σείειν καὶ συκοφαντεῖν* (Antiph. *de Saltat.* § 43) describes the operation of one who shakes a fig-tree in order to discover the fruit; for by his shaking the fig-tree, all the ripe figs are made to fall off. When these words are transferred to the business of an informer, *σείειν* means to agitate a man by threatening to inform against him, and *συκοφαντεῖν* means to discover his money; *i.e.* to make him pay a large sum of money in order to escape from the vexation of a lawsuit. Thus a man's money is called his 'figs,' a rich man is said to be 'full of fruit,' one who bleeds easily is said 'to be ripe,' and to extort money from a man is called 'plucking his figs': *e.g.* Aristoph. *Equ.* 324, 259, etc." *

Whatever the term may have signified originally, it came to be applied to all ill-natured, malicious, groundless, and vexatious accusations; it is defined by Suidas, *τὸ ψευδῶς τινὸς κατηγορεῖν.*

Sycophantes, in the time of Aristophanes and Demosthenes, designated a person of a peculiar class, not capable of being described by any single word in our language, but well understood and appreciated by an Athenian. He had not much in common with our *sycophant*, but was a happy compound of the *common barretor*, *informer*, *pettifogger*, *busybody*, *rogue*, *liar*, and *slanderer*. The Athenian law permitted any citizen (*τὸν βουλόμενον*) to give information against public offenders, and prosecute them in courts of justice (Plut. *Sol.* 18). This was done to encourage the detection of crime, and a reward (*e.g.* *τὰ ἡμίση τῶν φανθέντων*, [Dem.] *c. Theocr.* p. 1325, § 13; *C. I. A.* ii. No. 203 b, etc.;—*τὰ τρία μέρη ἃ ἐκ τῶν νόμων τῷ ἰδιώτῃ τῷ ἀπογράψαντι γίγνεται*, Dem. *c. Nicostr.* p. 1247, § 2, etc.) was frequently given to the successful accuser. Such a power, with such a temptation, was likely to be abused, unless checked by the force of public opinion, or the vigilance of the judicial tribunals. Unfortunately, the character of the Athenian democracy—and we may say of any democracy, Plut. *Timol.* 37—and the temper of the judges, furnished additional incentives to the informer (Isocr. *c. Callim.* §§ 9, 10; Xenoph. *Mem.* iv. 8, 5; see, however, Hyper. *pro Eux.* c. 45). Eminent statesmen, orators, generals, magistrates, and all persons of wealth and influence, were regarded with jealousy by the people. The more causes came into court, the more fees accrued to the judges, and fines and confiscations enriched the public treasury. The prosecutor therefore in public causes, as well as the plaintiff in civil, was looked on with a more favourable eye than the defendant, and the chances of success made the employment a lucrative one (*ἐγγλωττογαστόρων γένος*, Aristoph. *Av.* 1695 ff.; *ζῆν ἐκ τοῦ συκοφαντεῖν*, Isocr. *de Permut.* § 164; Xenoph. *Hell.* ii. 3, 12, etc.). It was not always necessary to go to trial, or even to commence legal proceedings. The timid defendant was glad to compromise the cause, to escape the annoyance and anxiety of a public trial, or to save his reputation, for not to have prosecuted nor to have been prosecuted was a much-coveted distinction (Lys. *de Affect. Tyran. Apol.* § 3; Isocr. *c. Euthyn.* §§ 5, 8; Plut. *Comp. Nic. c. Crasso*, 1; Lys. *c. Eratosth.* § 4, *pro Mantith.* § 12; Isae. *Cleon.* § 1; Hyperid. *pro Lycophr.* c. 14, etc.). When Lycurgus bought off an information for a talent, and was charged with this, he said he was much pleased that, after having administered the affairs of the state for so long a time, he was accused rather of giving than of receiving ([Plut.] *Vitt. X. Oratt.* p. 842 B). Rich people who were especially the prey of these informers tried to be on good terms with them (*θεραπεύειν*, Xenoph. *Symp.* 4, 29 f.). When Crito complained to Socrates, that for a man who wished to mind his own business it was difficult to live at Athens,—that at this very time people were bringing actions against him, not because they had suffered any wrong from him, but because they thought that he would rather pay them a sum of money than have the trouble of law proceedings,—Socrates advised him to secure the services of a man skilled in the law, to defend him against them; Crito did so and lived henceforth in peace (Xenoph. *Mem.* ii. 9). There was another source of income for these sycophants: they laid informations against people for money, *e.g.* Cephisius received 1000 drachmas from Callias for laying an information against Andocides (Andoc. *de Myst.* § 121). Thriving informers found it not very difficult to procure

* A quite different explanation is suggested by Zenodorus (*τῶν περὶ συνηθείας ἐπιτομὴ* in Miller, *Mélanges de Littérature grecque*, p. 412): *φιλοτιμίαν οὖν ἔχοντες οἱ Ἀθηναῖοι εἰς τὸ πρῶτοι* (l. *πρῶτον*) *αὐτοὶ λαβεῖν σῦκον, καὶ πρὸς ἀγαθοῦ οἰωνοῦ τοῦτο τιθέμενοι εἰς τοὺς ἀγροὺς ἐπεσκόπευον καὶ εἰς τὰς συκᾶς ζητοῦντες τί πέπειρόν τις ἴδοι· καὶ τὸ μὲν πρῶτον συκοσκόπος ἐκλήθη ὁ θεωρήσας αὐτὸ πρώτως, ὕστερον δὲ συκοφάντης, ἀπὸ τοῦ φῆναι τὸ σῦκον καὶ ἄλλοις δεῖξαι. ὁ γοῦν περιέργως ἔχων περὶ τοὺς ἀλλοτρίους βίους καὶ σκοπεύων καὶ ἐμφανίζων συκοφάντης ἐκλήθη.*

witnesses: according to Theopompus (Athen. vi. p. 254 b), Athens was full of *διονυσοκολάκων... ἔτι δὲ ψευδομαρτύρων καὶ συκοφαντῶν καὶ ψευδοκλητήρων*. The character of the *συκοφάνται* will be best understood by the examples and descriptions found in the Attic writers. Aristophanes directs the keenest edge of his satire against them. (See particularly *Acharn.* 818 ff.; *Av.* 1410 ff.; *Plut.* 850 ff.) Demosthenes says: *πονηρὸν ὁ συκοφάντης ἀεὶ καὶ πανταχόθεν καὶ βάσκανον καὶ φιλαίτιον* (*de Cor.* p. 307, § 242; cf. *c. Eubul.* p. 1309, § 34). *Συκοφαντεῖν τριάκοντα μνᾶς* in Lysias (*c. Evand.* § 24) signifies "to extort thirty minas by *sycophant*-like practices." (See further Aeschin. *de F. L.* § 145; Dem. *de Cor.* p. 291, § 189, etc.) That the increase of litigation and perjury was in some measure owing to the establishment of clubs and political associations, and the violence of party spirit, may be gathered from various passages of the Attic writers (Thuc. viii. 54, *ξυνωμοσίαι ἐπὶ δίκαις καὶ ἀρχαῖς*; Dem. *c. Boeot.* i. p. 995, § 2 = ii. p. 1010, § 9, *ἐργαστήριον συκοφαντῶν*; cf. *c. Zenoth.* p. 885, § 10; *c. Pantaen.* p. 978, § 39; *c. Theocr.* p. 1335, § 42).

The Athenian law did indeed provide a remedy against this mischievous class of men. There was a *γραφὴ συκοφαντίας* tried before the Thesmothetae (Poll. viii. 88, 46; the title of Lysias' speech against Aeschines was not *περὶ συκοφαντίας*, as Diog. Laert. ii. 63 says, but *περὶ χρέως*: cf. Sauppe, *Oratt. Att.* ii. p. 251). Any person who brought a false charge against another, or extorted money by threat of legal proceedings, or suborned false witnesses to give evidence that a summons had been served (Boeckh, *Kleine Schriften*, iv. p. 4), was liable to this *γραφή*. He might also be proceeded against by *εἰσαγγελία*, *προβολή*, or *φάσις* (Isocr. *de Perm.* § 314; Poll. viii. 47). The trial was an *ἀγὼν τιμητός* (Lys. *c. Agorat.* § 65, a fine of 10,000 drachmas: cf. Harpocr. *s. v. παλιναίρετος*; *ἄτιμοι ἐκ συκοφαντίας*, Aeschin. *de F. L.* § 177, cf. Hyper. *pro Eux.* c. 44—according to Heraldus, *Anim.* p. 555, capital punishment was the rule, but Andoc. *de Myst.* § 20 applies to a false *μήνυσις*, not to a *γραφὴ συκοφαντίας*).* Besides this, if any man brought a criminal charge against another, and neglected to prosecute it (*ἐπεξελθεῖν*), he was liable to a penalty of 1000 drachmas, and lost the privilege of instituting a similar proceeding in future, which was considered to be a species of *ἀτιμία* ([Dem.] *c. Theocr.* p. 1323, § 5 f.; *Lex. Rhet. Cantabr.* p. 669, 20 ff.; Dem. *c. Mid.* p. 548, § 103: when a *φάσις* against a merchant was not prosecuted, the punishment of the accuser was specially severe, [Dem.] *c. Theocr.* p. 1324, § 10 f., cf. Heffter, *Ath. Gerichtswerf.* p. 199). The same consequence followed if he failed to obtain a fifth part of the votes at the trial (Dem. *c. Androt.* p. 601, § 26; p. 647, § 80, etc.) except in an *εἰσαγγελία κακώσεως* (Isae. *Pyrrh.* § 47; Dem. *c. Pantaen.* p. 980, § 46), in a charge for destroying a sacred olive (Lys. *pro Sacra Olea*, § 37), and in an *εἰσαγγελία* for political offences up to a certain time, after which the unsuccessful accuser was made liable to a fine of 1000 drachmas without incurring *ἀτιμία* (Poll. viii. 53). The time when this change took place can only be approximately fixed. The accuser was *ἀκίνδυνος* at the date of Hyperides' speech *pro Lycophr.* (c. 7, 10); but when Demosthenes was assailed in the period following the disaster of Chaeronea by every kind of legal engine that could be brought to bear upon him, the accuser became liable to a penalty (and this was most likely the one mentioned by Pollux and Harpocration, viz. 1000 drachmas), or Demosthenes' prominent mention of the fact of his accusers having not received *τὸ μέρος τῶν ψήφων* would be pointless (*de Cor.* p. 310, § 250, *οὐκοῦν ἐν μὲν οἷς εἰσηγγελόμην ὅτε ἀπεψηφίζεσθέ μου καὶ τὸ μέρος τῶν ψήφων τοῖς διώκουσιν οὐ μετεδίδοτε*, etc.). The same fine was incurred if any man denounced a scrutiny against an orator and failed to obtain one-fifth of the votes (Dem. *c. Androt.* p. 599, § 21; p. 600, § 23). The *ἐπωβελία* in civil actions was a penalty of the same kind and having the same object: viz. to prevent the abuse of legal process, and check frivolous and unjust actions. Such were the remedies provided by law, but they were found inefficacious in practice; and the words of Aristophanes (*Plut.* 885) were not more severe than true: "There is no charm against the bite of a sycophantes" (Drumann, *d. Arbeiter u. Communisten in Griechenl.* pp. 96–105; Büchsenschütz, *Besitz u. Erwerb*, p. 568 f.; *Att. Process*, ed. Lipsius, p. 297 n. 285, pp. 413 ff., 914 f., 952 f., 245). [C. R. K.] [H. H.]

SYLAE (*σῦλαι*). When a Greek state declared war against another (Xen. *Hell.* v. 1, 1 and Schol.; Dem. *c. Mid.* p. 570, § 173; Dem. *c. Timocr.* p. 703, § 12, and Wayte's note, etc.), or when it or any of its members had received an injury or insult from some other state or some of its members, and the former was unwilling, or not in a condition, to declare open war, it was not unusual to give a commission or grant public authority to individuals (who sometimes formed a kind of company: *οἱ ἐπὶ λείαν οἰχόμενοι*, Dig. iv. *de Coll.* [ERANI]) to make reprisals. This was called *σύλας* or *σῦλα διδόναι τινὶ κατά τινος* (Dem. *c. Lacrit.* p. 931, § 26; Bekk. *Anecd.* p. 303, 27: *σῦλα δοῦναι κατὰ τῆς Χαλκηδονίων πόλεως· ἐπιγράψαι τῇ πόλιν λῃστεῦσαι*) or *λάφυρον ἐπικηρύττειν, ῥύσια καταγγέλλειν τινί* (Polyb. iv. 26, 36, 53, etc.). Suidas explains *σύλας* by *συλλήψεις* (cf. schol. Dem. *c. Lacrit.* p. 927, and *Etym. M.* s. v. *σῦλαι*). Scheibe (*Jahrb. f. class. Philol. Suppl.* i. p. 352 f.) distinguishes thus between *σῦλαι* and *σῦλα*: "*σῦλον* valere praedam ipsam, *σύλας* autem pignora quae ob pecuniam debitam auferantur (fere i. q. *ῥύσια*);" but see [Arist.] *Oecon.* ii. p. 1347 (ii. 10 Didot), *σῦλον ἔχειν κατά τινος*. Thus, when the Lacedaemonians thought the Athenians had broken the treaty with them by making incursions from Pylus, they issued a proclamation that any of their subjects might commit depredations on the Athenians (*λῃΐζεσθαι τοὺς Ἀθηναίους*, Thucyd. v. 115). In Lys. *c. Nicom.* § 22, we read *Βοιωτοὺς σύλας ποιουμένους*, because the Athenians were unable to repay two talents which the Boeotians had probably advanced to the Athenian exiles (for the support given to these, cf. Lys. *fr.* 78; Dinarch. *c. Dem.*

* Charondas ordained *τοὺς ἐπὶ συκοφαντίᾳ καταγνωσθέντας περιπατεῖν ἐστεφανωμένους μυρίκῃ* (Diod. Sic. xii 12); and Tennes, *τοῖς τὰ ψευδῆ κατηγοροῦσιν ὄπισθεν παρεστάναι τὸν δήμιον πέλεκυν ἐπηρμένον ὡς ἐλεγχθέντας παραχρῆμα ἀναιρεῖσθαι* (Suid. *Τενέδιος ἄνθρωπος*).

§ 25). Demosthenes (*de Coron. Trierarch.* p. 1232, § 13) declares that the deputy-captains of triremes so misbehaved themselves in foreign countries, plundering everybody they came near, that no Athenian could travel safely *διὰ τὰς ὑπὸ τούτων ἀνδροληψίας καὶ σύλας κατεσκευασμένας*, where *ἀνδροληψίας* refers to the arrest of the person, *σύλας* to the seizure of goods (see also *de Cherson.* p. 96, §§ 25, 28). In the *ναυτικὴ συγγραφὴ* in the speech of Demosthenes (*c. Lacrit.* p. 927, § 93), one of the conditions is that goods may be landed only *ὅπου ἂν μὴ σῦλαι ὦσιν Ἀθηναίοις*, *i.e.* wherever the Athenians have no rights of reprisal, and where therefore Athenian ships in their turn were not in danger. When any booty was taken by Athenian subjects, the people of Athens reserved to themselves the right of determining whether it was lawfully taken, whether it ought to be kept or restored, and what should be done with it (Dem. c. *Timocr.* p. 703, § 12, *ὡς ἀποχειροτονήσαθ' ὑμεῖς μὴ φίλια εἶναι*, cf. *argumentum*, p. 695 f.; Minerva of the Parthenon received the tithe, p. 741, § 129, cf. Lys. *c. Polystr.* § 24; Boeckh, *Sthh.* i.[3] p. 399). The same practice prevailed in other cities, *e.g.* in Chalcedon: *ὑπὲρ δὲ τῶν συλῶν διεδικάσαντο· τοῖς δὲ μὴ δικαίως συληθεῖσιν ἡ πόλις ἀπὸ τῶν προσόδων ἀπεδίδου*, [Arist.] *Oecon.* ii. p. 1347. It would seem that special treaties were made between states for the protection of property against reprisals: thus the covenant between Oeanthia and Chaleion (Rangabé, *Ant. Hellén.* No. 356 b = Hicks, *Gr. Histor. Inscr.* No. 31) prevented either state from injuring foreign merchants whilst visiting the other's port, and gave moreover certain rules for the court at either city before which a foreigner who had unjustly suffered seizure might get redress (cf. *Bull. d. Corresp. hell.* ix. p. 162). Sometimes as a special privilege *ἀσυλία* was granted to individuals: *C. I. A.* ii. No. 46, cf. *C. I. G.* No. 2056, *εἴσπλους καὶ ἔκπλους καὶ πολέμου καὶ εἰρήνης ἀσυλεὶ καὶ ἀσπονδεί*, etc. The theatrical artists enjoyed it: cf. *C. I. A.* ii. No. 551, l. 19 ff.: *μὴ ἐξέστω δὲ μηδενὶ ἄγειν τὸν τεχνίταν μήτε πολέμου μήτε εἰρήνης μηδὲ συλᾶν πλὴν ἐὰν χρέος ἔχων πόλει ᾖ ὑπόχρεως καὶ ἐὰν ἰδίᾳ ᾖ ἰδιώτου ὑπόχρεως ὁ τεχνίτας*: l. 84, *μηδὲ συλᾶν μηδὲ ῥυσιάζειν*: cf. Le Bas, *As. Min.* No. 84, *ἀσυλία καὶ ἀσφάλεια καθὼς καὶ τοῖς Διονυσιακοῖς τεχνίταις*. The Athenian grain fleet was usually accompanied by a convoy of men-of-war to protect them against the privateers (Dem. *de Cor.* p. 251, § 77; c. *Polycl.* p. 1211, § 17). The ancient practice may be compared with the modern one of granting letters of marque. (Salmasius, *de Mod. Usur.* p. 211 ff.; R. Dareste, *Revue des Études Grecques*, 1889, p. 305 ff.; Büchsenschütz, *Besitz und Erw.* p. 543 ff.) [C. R. K.] [H. H.]

SYLLOGEIS (*συλλογεῖς*), collectors, the name of two distinct offices at Athens. 1. The *συλλογεῖς τοῦ δήμου*, or Collectors of the People, seem to have been thirty members of the senate (*βουλευταί*) chosen annually, three from each tribe; the three who were Prytanes for the time being acted as presidents. It is further conjectured with great probability that they were identical with the thirty assistants of the Lexiarchi, mentioned as checking the attendance at the assembly (Ecclesia, p. 698 *b*; Köhler, *Mitth. des Archäol. Inst.* vii. 102 ff.; Fränkel on Boeckh, notes 394, 430). They had also duties in connexion with the state festivals. In the important inscription of 334 B.C. respecting the Dermatikon (*C. I. A.* ii. 741, Boeckh, *Sthh.*[3] ii. 107 ff.) they are associated with the *βοῶναι*, *ἐπιμεληταὶ τῶν Διονυσίων*, and *ἱεροποιοί*, and recorded to have paid in 721 drachmas from the Olympia (properly *Ὀλυμπίεια*, as in the Inscr.; cf. Olympia, p. 273 *b*). 2. There were also *συλλογεῖς* appointed as special commissioners, like the *σύνδικοι* and *ζητηταί* [Syndicus; Zetetae], to make lists of the confiscated property of oligarchs and bring it into the treasury (Isae. *ap.* Harpocr. *s. v.*; *Lex. Seguer.* p. 304, 4, *οἵτινες ἀπεγράφοντο τὰς οὐσίας τῶν ὀλιγαρχικῶν*). Schömann thinks that they were appointed only on one particular occasion, after the expulsion of the Thirty; and the grammarian who writes *ἀπεγράφοντο* may easily have mistaken this for a general rule (Schömann, *Assemblies*, p. 317 = 301 tr. Paley; Meier, *de Bon. Damn.* p. 206; *Att. Process*, p. 125 Lips.; cf. pp. 310, 759, 959). Boeckh does not distinguish the two kinds of *συλλογεῖς* (*P. E.* pp. 158, 215 = *Sthh.*[3] i. 192, 272). [W. W.]

SYMBOLAEON, SYNALLAGMA, SYNTHE'CE (*συμβόλαιον, συνάλλαγμα, συνθήκη*) are all words used to signify a contract, but are distinguishable from one another. *Συμβόλαιον* is used of contracts and bargains between private persons, and peculiarly of loans of money: thus *συμβαλεῖν εἰς τἀνδράποδα* is to lend upon the security of the slaves, Dem. *c. Aphob.* p. 822, § 27, cf. Isae. *Aristarch.* § 10;—Dem. *c. Zenoth.* p. 884, § 7; *c. Phorm.* p. 907, § 1; *c. Timoth.* p. 1185, § 2; *c. Dionysod.* p. 1284, § 4). *Συνάλλαγμα* signifies any matter negotiated or transacted between two or more persons, whether a contract or anything else (Dem. c. *Onet.* p. 867, § 12; p. 869, § 21;—*c. Apat.* p. 896, § 12;—*c. Timocr.* p. 760, § 192; p. 766, § 213). *Συνθήκη* is used of more solemn and important contracts, not only of those made between private individuals, but also of treaties and conventions between kings and states (Thuc. i. 40, v. 18, viii. 37; Xen. *Hell.* vii. 1, 2; Dem. *de Rhod. lib.* p. 199, § 20; *c. Aristog.* i. p. 774, § 16, etc.). Here we may observe, that *συνθῆκαι* is mostly used in the plural, instead of *συνθήκη*, the only difference being, that strictly the former signifies the terms or articles of agreement, in the same manner as *διαθῆκαι*, the *testamentary dispositions*, is put for *διαθήκη*, *the will*. *Ξυμβολαὶ* and later *σύμβολα* (Harpocr. *s. v.*) signified originally a compact between two states, in late Greek between two private persons [Symbolon, Dikai apo].

As to the necessity or advantage of having written agreements between individuals, see Syngraphe. National compacts, on account of their great importance, and the impossibility of otherwise preserving evidence of them, were almost always committed to writing, and commonly inscribed on pillars or tablets of some durable material (Thuc. v. 23, 47; see Aristoph. *Acharn.* 727). Upon a breach, or on the expiration, of the treaty, the pillars were taken down (Dem. *pro Megalop.* p. 209, § 27).

For breaches of contract various actions were maintainable at Athens: (1) in a general way *συμβολαίων* (Lys. *de Pec. Publ.* § 3, *λαχὼν ὁ πατὴρ παντὸς τοῦ συμβολαίου Ἐρασιστράτῳ*), or

συνθηκῶν παραβάσεως δίκη (Poll. vi. 153; viii. 31); (2) more specially χρέους (Poll. viii. 31), wherever a debt had become due by reason of some previous contract; (3) ἀργυρίου (Bekk. *Anecd.* p. 201, *sub fin.*;—Dem. *c. Boeot.* i. p. 1002, § 25; *c. Olympiod.* p. 1179, § 45); Callippus brought this action against Apollodorus, because the latter's father, the banker Pasion, had paid over a certain sum of money deposited with him by Lycon of Heraclea to Cephisiades instead of to Callippus, the proxenus of Heraclea. (4) ἀφορμῆς (Dem. *pro Phorm.* p. 943, *argument.* and p. 948, § 12: cf. Caillemer, *Le Contrat de prêt à Athènes*, p. 28 ff.). Apollodorus brought this suit against Phormio, claiming after his father's death a sum of twenty talents alleged to have been transferred to Phormio by his father as part of the working capital of the business; and (5) βλάβης, *e.g.* the action against Dionysodorus for the non-fulfilment of a contract ([Dem.] *c. Dionysod.* p. 1291, § 27). The main point of difference might be this: that in a general action for breach of contract, the plaintiff went for unliquidated damages, which the court had to assess; whereas, upon a claim to recover a debt or certain sum, the court had nothing more to do than to determine whether the plaintiff was entitled to it or not; the ἀγὼν was ἀτίμητος. All such actions were tried before *οἱ τετταράκοντα* (*Att. Process*, ed. Lipsius, pp. 675 f., 697 f.; p. 220 f.). [C. R. K.] [H. H.]

SY'MBOLON, DIKAI APO (δίκαι ἀπὸ συμβόλων). The ancient Greek states had no well-defined international law for the protection of their respective members. In the earlier times troops of robbers used to roam about from one country to another, and commit aggressions upon individuals, who in their turn made reprisals, and took the law into their own hands. Even when the state took upon itself to resent the injury done to its members, a violent remedy was resorted to, such as the giving authority to take σῦλα, or ῥύσια, a sort of national distress. As the Greeks advanced in civilisation, and a closer intercourse sprang up among them, disputes between the natives of different countries were settled (whenever it was possible) by friendly negotiation. It soon began to be evident, that it would be much better, if, instead of any interference on the part of the state, such disputes could be decided by legal process, either in the one country or the other. Among every people, however, the laws were so framed as to render the administration of justice more favourable to a citizen than to a foreigner; and therefore it would be disadvantageous, and often dangerous, to sue a man, or be sued by him, in his own country. The most friendly relation might subsist between two states, such as συμμαχία or ἐπιγαμία, and yet the natives of each be exposed to this disadvantage in their mutual intercourse. To obviate such an evil, it was necessary to have a special agreement, declaring the conditions upon which justice was to be reciprocally administered. International contracts of this kind were called σύμβολα, in older language ξυμβολαί (*C. I. A.* iv. No. 96, l. 4; ii. No. 11, l. 13, etc.), defined by Harpocration (*s. v.*) thus, συνθῆκαι ἃς ἂν ἀλλήλαις αἱ πόλεις θέμεναι τάττωσι τοῖς πολίταις ὥστε διδόναι καὶ λαμβάνειν τὰ δίκαια: and the causes tried in pursuance of such contracts were called δίκαι ἀπὸ συμβόλων. No such agreement has been preserved to us, and a few casual references by writers and some fragmentary inscriptions afford us but little information concerning the terms usually prescribed. Perhaps the most important passage on this subject is [Dem.] *de Halon.* p. 78, §§ 9–14, from which it appears (1) that such agreements in the case of Athens were ratified by a Heliastic court (under the presidency of the Thesmothetae, Poll. viii. 88; Reiske, *Ind. Graec. Dem.*, and Goodwin in *Amer. Journ. of Philol.* 1880, p. 10 ff., wrongly refer the demand of Philip for the right of κύρωσις not to the ratification of the agreement itself, but to a confirmation of the judgments rendered by the Athenian courts). The other contracting state was therefore compelled to send envoys to Athens with power to conclude the treaty as it was drawn up and settled by the Thesmothetae and the Heliastic court. Most of the states with whom the Athenians had to deal were content to acquiesce in this regulation. Philip, however, would not submit to it, and demanded that the terms should receive final ratification in Macedonia. Evidently his reason for this was, as is plainly stated by the orator (Hegesippus), that he might introduce in the treaty an admission on the part of the Athenians of the lawfulness of his holding Potidaea.

(2) That by such agreement there was as between the citizens of the contracting cities (and only these, cf. Polyb. xxxii. 37) reciprocity of suing and being sued (cf. Arist. *Pol.* iii. 1, 3 S., οὐδ' οἱ τῶν δικαίων μετέχοντες οὕτως ὥστε καὶ δίκην ὑπέχειν καὶ δικάζεσθαι· τοῦτο γὰρ ὑπάρχει καὶ τοῖς ἀπὸ συμβόλων κοινωνοῦσι; see also iii. 5 (9), 11, σύμβολα περὶ τοῦ μὴ ἀδικεῖν: thus the σύμβολα contained a special provision that a freeman should not be arrested: μὴ ἐξεῖναι μήθ' εἷρξαι μήτε δῆσαι, [Andoc.] *c. Alcib.* § 18).

(3) That the principle of such agreements was *causa sequitur forum rei*, i.e. the decision was given in the court of the defendant's city (Platner, *Proc. u. Klag.* i. p. 109), whilst the laws according to which the causes were decided were not those of the adjudging city, but laws made binding by the σύμβολα upon those who sued under them.

(4) That δίκαι ἀπὸ συμβόλων had the same sphere as the δίκαι ἐμπορικαί, and that commercial people would stand in need of them the most.

There were, however, as we learn from inscriptions, some essential points of difference between δίκαι ἀπὸ συμβόλων and δίκαι ἐμπορικαί. In the latter the suit was held in the state where the contract was made, i.e. *causa sequitur forum contractus*, and was decided by the general laws of that state, and not by the particular stipulations of the σύμβολα: thus a δίκη ἐμπορικὴ could be maintained against an Athenian on a contract made in Macedonia only if the Athenian was caught in Macedonia. This follows from *C. I. A.* ii. No. 11: suits on contracts made at Athens with Phaselitans must be tried at Athens before the Polemarch καθάπερ Χίοις: for all other contracts made with Phaselitans' suits must follow the terms of the σύμβολα, and such δίκαι ἀπὸ συμβόλων were under the ἡγεμονία of the Thesmothetae (Poll. viii. 88). Fränkel (*de Condic. jure jurisdict. soc. Ath.* p. 71) and Gilbert (*Griech. Staatsalt.* i. p. 406) wrongly

infer from this inscription that the rule of *σύμβολα* was *causam sequi forum contractus;* for the decree makes a special exception as regards contracts made at Athens by Phaselitans. Again, it is evident from *C. I. A.* iv. No. 61 a, l. 17 ff., that *σύμβολα* provided not only that individual citizens of the contracting states might sue one another, but also that one state might sue an individual citizen of the other state or *vice versâ* (*τοῖς ἰδιώταις πρὸς τοὺς ἰδιώτας ἢ ἰδιώτῃ πρὸς τὸ κοινὸν ἢ τῷ κοινῷ πρὸς ἰδιώτην*). In the case of an individual citizen of one state bringing a suit against another state, resort was probably had to a *πόλις ἔκκλητος* (Stahl, *de Soc. Athen. iudiciis*, p. 10. Goodwin, *l. c.* p. 8, supposes that in the *σύμβολα* as a rule such a *πόλις ἔκκλητος* was appointed; see Hicks, *Manual*, No. 149 A, § 6), *i.e.* the court of a third state was called in to decide the dispute: *e.g.* if a citizen of an allied city brought a suit against Athens, it could hardly be expected that an Athenian court would give judgment against Athens; here therefore, for obvious reasons, the rule *causam sequi forum rei* was departed from, and the decision entrusted to the court of a third city agreed upon by the two parties to the suit. (In a similar manner the claim of thirty talents made by the children of Diagoras against the people of Calymna was decided by a Cnidian tribunal, *Anc. Greek Inscr.* ed. Newton, ii. No. 299.) It was a recognised practice among the Greeks to refer disputes to the tribunal of a third state: thus the Corcyrians proposed to Corinth to refer the question of Epidamnus to any Peloponnesian cities which they both should agree upon: Thuc. i. 28, cf. v. 79, *αἱ δέ τις τῶν ξυμμάχων πόλις πόλει ἐρίζοι, ἐς πόλιν ἐλθεῖν ἄντινα ἴσαν ἀμφοῖν ταῖς πολίεσι δοκείοι*, etc.; and such causes were called *ἔκκλητοι δίκαι* (cf. Hesych. *s. v. αἱ ἐπὶ ξένης λεγόμεναι καὶ οὐκ ἐν τῇ πόλει*), and the city chosen by the parties to the suit *ἔκκλητος πόλις* (cf. *C. I. A.* ii. No. 308: *ἐπειδὴ τοῦ δήμου τοῦ Ἀθηναίων καὶ τοῦ κοινοῦ τοῦ Βοιωτῶν σύμβολον ποιησαμένων πρὸς ἀλλήλους καὶ ἑλομένων ἔκκλητον τὴν Λαμιέων πόλιν ἀνεδέξατο καθιεῖν τὸ δικαστήριον*, etc., Plut. *Apophth. Lacon.* p. 215 c; Aeschin. *c. Tim.* § 89, etc.). There is no evidence for Hudtwalcker's (*Diäteten*, p. 124 f.) opinion which makes a *πόλις ἔκκλητος* merely one of the two contracting cities to which a case is carried on appeal from the other, each being a city of appeal for all suits tried in the other's courts, so that *e.g.* a Rhodian in a suit with an Athenian tried at Athens could appeal to Rhodes, while an Athenian in a suit with a Rhodian tried at Rhodes could appeal to Athens. As Platner (*l. c.* i. p. 110) and Goodwin (*l. c.* p. 8) point out, the whole purpose of *σύμβολα* with their appointment of suits to be tried in either country would be frustrated if either party at his pleasure could annul the judgment in any suit and carry the case for trial before the courts of his own country.

According to the grammarians, the name *δίκαι ἀπὸ συμβόλων* was given also to the causes which the subject allies of the Athenians sent to be tried at Athens (Bekk. *Anecd.* i. p. 436, 1: *Ἀθηναῖοι ἀπὸ συμβόλων ἐδίκαζον τοῖς ὑπηκόοις· οὕτως Ἀριστοτέλης.* Hesych. *s. v. ἀπὸ συμβόλων· ἐδίκαζον Ἀθηναῖοι ἀπὸ συμβόλων τοῖς ὑπηκόοις, καὶ τοῦτο ἦν χαλεπόν.* Poll. viii. 62, *ἀπὸ συμβόλων δὲ* (*δίκη ἦν*) *ὅτε οἱ σύμμαχοι ἐδικάζοντο*). The fact that the Athenians had *σύμβολα* both with autonomous and subject allies is placed beyond doubt by inscriptions; *e.g.* from the words *κατὰ τὰς ξυ[μβο]λὰς αἳ ἦσα[ν πρὸ τούτου τοῦ χρόνου]*, *C. I. A.* iv. No. 96, in a decree referring to the Mytilenaeans after their reduction in 427 B.C. we may conclude that the Athenians had *σύμβολα* with them both before and after the revolt. *C. I. A.* iv. No. 61 a and ii. No. 11 (if Köhler's reading in l. 13 is correct: *κατ[ὰ τὰς πρὶν] ξυμβολάς*) show us *δίκαι ἀπὸ συμβόλων* with subject allies; and Thucydides (i. 77) also refers to this class of causes (though Boeckh, *Sthh.* i.[3] p. 476 n.; Grote, *Hist. of Greece*, v. p. 306 n.; and Goodwin, *l. c.* p. 14 f. are of opinion that *δίκαι ξυμβολίμαιοι* are not *δίκαι ἀπὸ συμβόλων*, but suits about *ξυμβόλαια* or business contracts). But *σύμβολα* involve *reciprocity*, and trials held under them were maintained in the courts of the defendant's city; in statements, however, like *ἐδίκαζον Ἀθηναῖοι ἀπὸ συμβόλων τοῖς ὑπηκόοις*, there is no mention of this reciprocity. However, as Morris (*Amer. Journ. of Philol.* 1884, p. 306) points out, "it would no doubt practically come to pass that most of such suits would, even by the terms of the treaties, have to be tried in Athenian courts. For in most cases the Athenians would be the defendants. The feelings with which the dominant Athenian demos, as a whole, regarded the subject allies, could hardly fail to exhibit themselves in the dealings of individual Athenians with those with whom they had commercial relations; and so it would come to pass that in the great majority of such cases it would be the citizen of an allied state who was the plaintiff, and he must necessarily, therefore, sue in an Athenian court. We may consider also that suits brought against Athenians by citizens of any one of the subject cities would all be tried at Athens; whereas the suits brought by Athenians against any citizens of their tributary states would be tried one at Rhodes, another at Phaselis, another at Samos, and so on. The judicial range, therefore, of the Athenian courts must have greatly surpassed that of the courts of any one of the allies, perhaps of all of them together; and thus, even without any formal infraction of the reciprocity implied by the existence of *σύμβολα*, the impression may easily have come to exist, which the statements quoted from the grammarians express, that it was the Athenians who decided, in accordance with the terms of the several *σύμβολα*, the commercial suits of their subjects."—Perhaps the grammarians mixed up two different sets of causes tried at Athens: viz. the *δίκαι ἀπὸ συμβόλων*—which were tried in the defendant's city, and as was but natural for the most part at Athens—and the causes of the subject allies, which were carried up for trial to Athens, after the allies had been deprived of most of their independent jurisdiction. Only by degrees did the Athenians claim this supreme jurisdiction over the members of their first confederacy. Thus, after the reduction of Chalcis in 446–5 B.C., the Chalcidians were left their own jurisdiction, with this limitation, that all offences which were punishable by disfranchisement, exile, or death were to be sent to Athens for trial (*C. I. A.* iv. No. 27 a, l. 71 ff., *τὰς δὲ*

εὐθύνας Χαλκιδεῦσι κατὰ σφῶν αὐτῶν εἶναι ἐν Χαλκίδι καθάπερ Ἀθήνησιν Ἀθηναίοις πλὴν φυγῆς καὶ θανάτου καὶ ἀτιμίας· περὶ δὲ τούτων ἔφεσιν εἶναι Ἀθήναζε εἰς τὴν ἡλιαίαν τῶν θεσμοθετῶν, etc.; for the meaning of ἔφεσις, cf. *Att. Process*, ed. Lipsius, p. 990 f., and Wilamowitz-Möllendorff, *Aus Kydathen*, p. 88 f.). In the time of the Peloponnesian war, however, Athenian jurisdiction extended much further, as is evident from [Xen.] *de Rep. Athen.* 1, § 16 f., τοὺς συμμάχους ἀναγκάζουσι πλεῖν ἐπὶ δίκας Ἀθήναζε (cf. Athen. ix. p. 407 b). Not only were all charges of treason or hostility against Athens carried thither for trial (*C. I. A.* i. No. 38; Aristoph. *Vesp.* 282 f., *Pac.* 639 f.) and the allied cities interdicted from the power of capital punishment (Antiph. *de caed. Her.* § 47); but as appears from Xenophon's mention of πρυτανεῖα, civil suits also were decided by the Athenian tribunals. It is not at all probable that all the private suits between citizens of the allied cities were carried up for trial to Athens, yet with our present information it seems impossible to determine which suits were tried at Athens and which were decided in the local courts; perhaps the amount involved decided the point (see *C. I. A.* iv. No. 22 a). Probably the precise regulations were different in the case of different cities. Thucydides (i. 77) seems to refer to the two sets of causes distinguished above: καὶ ἐλασσούμενοι γὰρ ἐν ταῖς ξυμβολιμαίαις (Cobet, *Nov. Lect.* p. 432; Hesych. *s. v.* ξυμβολιμαίας δίκας· Ἀττικοὶ τὰς κατὰ σύμβολα) πρὸς τοὺς ξυμμάχους δίκαις καὶ παρ' ἡμῖν αὐτοῖς ἐν τοῖς ὁμοίοις νόμοις ποιήσαντες τὰς κρίσεις φιλοδικεῖν δοκοῦμεν: in the former clause he refers to the δίκαι ἀπὸ συμβόλων which would be tried in the courts of the defendant's city, and in these the Athenians were at a disadvantage, inasmuch as the courts of their allies usually decided against them; in the latter clause he speaks of the causes of the allies tried in Athenian courts (παρ' ἡμῖν αὐτοῖς) on the basis of impartial laws for both of them.

Only one cause of this kind is preserved to us, viz. the speech of Antiphon on the death of Herodes. The defendant (Helus) and the accusers, the relatives of Herodes, were citizens of Mytilene (Blass, *Att. Bereds.* i. p. 162, supposes that Herodes was an Athenian, resident as κληροῦχος at Mytilene). We learn nothing from this speech as to the proceedings of such a trial except that the preliminary investigation was made on the spot, as we might expect, but that the trial took place at Athens.

Grote (*Hist. of Greece*, v. p. 307 n.) supposes that δίκαι ἀπὸ συμβόλων between Athenians and their allies existed only under the second Athenian empire, and that the passages quoted by grammarians from Aristotle apply only to these; but the term ὑπήκοοι is surely inapplicable to the members of the second confederacy. (*Att. Process*, ed. Lipsius, pp. 994–1005.) [C. R. K.] [H. H.]

SYMMO'RIA (συμμορία). The *symmories* at Athens were, in the fourth century B.C., groupings of citizens for two main purposes—for the contribution (when required) of the war-tax (εἰσφορά), and for the fitting out and general supervision of ships of war (τριηραρχία). The obscurity of the subject, which is great, arises partly from the scantiness of the evidence, partly from the doubt how far we can assume that the groupings or symmories for the war-tax were the same as those for the navy.

I. The symmories for the war-tax came first in point of time. They were instituted at an important era of Athenian history, the archonship of Nausinicus in B.C. 378, when Athens renewed the confederacy with the islands in the Aegean, and assumed maritime sway for the second time. Of this date we are informed by Philochorus (as quoted by Harpocration, *s. v.* συμμορία); but it is Polybius (ii. 62) who tells us that at this time the Athenians made an entire revision and classification of their landed and personal property. Aristotle, indeed (*Polit.* v. 7, 6), implies that such revisions were frequent in Greek states; but not, clearly, on such a scale as this under Nausinicus, which was a systematisation of taxation of a kind never before attempted at Athens. The fourfold Solonic classification of Athenian citizens into Pentacosiomedimni, Hippeis, Zeugitae, and Thetes, was not necessarily abolished by the symmories; but it seems to have been of little practical importance after this date; though Dem. *c. Macart.* p. 1067, § 54, and Isaeus, *de Apollod. Hered.* § 14 (quoted by Boeckh, iv. 5), imply some retention of the old terms.

The first and most difficult question which meets us in consideration of the war-tax symmories is this. Were the 1200, who undoubtedly constituted the trierarchical symmories, also the main (or perhaps the entire) constituents of the war-tax symmories? The most recent German scholarship has answered this question in the negative; and the present writer on the whole adheres to this decision. Those who desire merely to know results may therefore pass on to the next paragraph; but meanwhile, these are the arguments for and against. For the connexion of the 1200 with the war-tax symmories, Isocrates (*de Antid.* § 145) speaks of "the 1200 who pay the war-tax and perform liturgies" (τοὺς διακοσίους καὶ χιλίους τοὺς εἰσφέροντας καὶ λειτουργοῦντας). It must be admitted that this is a strong argument; but Isocrates is a loose rhetorical writer, and, writing at a time when the 1200 were prominent, he may have used the term simply as synonymous with "the richest men." Isaeus, whose career is reputed to have terminated at any rate not long after the institution of the trierarchical symmories, also spoke of "the 1200" in his speech against Ischomachus (as we learn from Harpocration, *s. v.* χίλιοι διακόσιοι). Still, the speech against Ischomachus may have been delivered after the establishment of the trierarchical symmories, and the reference may be to these. Lastly, the commentator Ulpian, writing on a passage at the close of the second Olynthiac of Demosthenes, gives an elaborate sketch of the constitution of the war-tax symmories, affirming them to have had 1200 members. But Ulpian is demonstrably wrong in important points; for instance, he affirms that there were *two* bodies of 300 at Athens, making up 600 citizens, accounted the richest. But from the orators it is absolutely clear that there was only *one* body of 300; and Ulpian probably got his 600 from a misinterpretation of the passage on which he was commenting. Hence his authority is but small. Now for the arguments *against* the con-

nexion. Demosthenes (*c. Meid.* p. 564, § 155), speaking after the establishment of the trierarchical symmories, refers to this measure as the first occasion when the Athenians made 1200 associates (*ὅτε πρῶτον μὲν διακοσίους καὶ χιλίους πεποιήκατε συντελεῖς ὑμεῖς*), an expression which certainly seems to imply that 1200 associates did not previously exist in the war-tax symmories. Secondly, the historian Philochorus treated of the symmories formed under Nausinicus in his fifth book, but did not treat of the 1200 till his sixth book (Harpocration, *s. vv. συμμορία* and *χίλιοι διακόσιοι*); it must be inferred that the 1200 were appointed at a later date than the original symmories. Thirdly, it seems undoubted that the whole number of citizens who paid the war-tax was more than 1200: Boeckh (iv. 9) has shown this convincingly; but yet why should 1200 citizens be appointed at all in connexion with the war-tax, if not to be the sole payers of it? They would not be separated in this definite way merely because they paid more than the rest; and they seem too many to have been appointed for the sake of the *προεισφορά*, or prepayment of the tax in times of pressing need. Fourthly, the phrase used by Demosthenes (*c. Euerg. et Mnesib.* p. 1145, § 21), in describing the appointment of the trierarchical symmories, should be noticed: "The law of Periander, in accordance with which the symmories were constituted." If the 1200 had been constituted before the law of Periander, why should they need to be constituted again by the law of Periander? for it is a most farfetched supposition to think that two different bodies of 1200 existed, each designed to contain the wealthiest citizens, one intended for the payment of the war-tax, the other for the trierarchy.

It seems therefore that the 1200 had nothing to do with the war-tax symmories. But there was another body, whose connexion with the war-tax symmories it is impossible to deny; and that is the Three Hundred, who so constantly recur in the pages of the Attic orators; whom from Isaeus (*de Philoct. hered.* § 60) we know to have been established a considerable time before B.C. 364, and who by that orator are spoken of almost as if they were the sole payers of the war-tax; an expression which we may fairly construe by Dem. *c. Phaenipp.* p. 1046, as being the sole persons bound to prepay it on behalf of others, or, in other words, under the obligation of the *προεισφορά*. But what was the connexion? Were they the "leaders of the symmories," *ἡγεμόνες συμμοριῶν*, so often mentioned? So it has often been supposed; and if it was so, then we must hold that the symmories were very large bodies, comprising the whole number of taxpaying citizens. But, though this view of the matter has something to commend it, the evidence on the whole tends to another view. The passage in the *Meidias* in which the "leaders" are mentioned (p. 565) gives the idea that they were a much smaller body than 300; and it is hardly possible to resist the impression which that passage (or rather p. 564) conveys, that Meidias was one of the 300, whereas Demosthenes distinctly states that he was not a "leader" (*ἡγεμών*). If then the Three Hundred were not the *leaders* of the symmories, what were they? Only one other conclusion seems possible; they were, themselves, the symmories. Not, of course, that they were the sole taxpayers; the bulk of the taxpaying citizens would be attached to them (*προσνενέμησθε*, Dem. *2nd Olynth.* p. 26) by the tribal tie (for we must hold true of the war-tax symmories, what from Dem. *de Symm.* p. 184 we know to be true of the trierarchical symmories, that they were tribal bodies); but distinctly, the symmories themselves were small, and not large bodies. Nor is this view at all devoid of evidence. For first, assuming that there were two symmories to each tribe, as we know (Dem. *l. c.*) that there were in the trierarchical symmories, or twenty symmories altogether; then Hyperides (*ap.* Harpocr. *s. v. συμμορία*) tells us that there were 15 men in each symmory; and $20 \times 15 = 300$. (It is true that Harpocration, who is puzzled by the statement of Hyperides, interprets *συμμορία* as equivalent here to *συντέλεια*, or the association of trierarchs who managed a single ship; and Lipsius agrees with this. But the terms *συμμορία* and *συντέλεια* were perfectly distinct; moreover there was no fixity in the numbers of a *συντέλεια*, and it is rather curious that while we have 5, 6, 7, 16 *συντελεῖς* mentioned as taking charge of a ship, the number 15 is nowhere mentioned in this relation.) Again, there is a passage in Dem. *c. Boeot. de Nomine*, p. 997, § 5, which clearly shows that the symmories were bodies of limited extent. The speaker, Mantitheus, who is clearly a person of considerable property, is contending against the claim of a certain Boeotus to assume the name of Mantitheus, and pointing out the inconveniences that will ensue if it be allowed; and he instances this: "In what manner will the generals enrol the name, if they enrol Mantitheus into a symmory, or appoint him trierarch?" (*τίνα δ' οἱ στρατηγοὶ τρόπον ἐγγράψουσιν, ἂν εἰς συμμορίαν ἐγγράφωσιν, ἢ ἂν τριήραρχον καθιστῶσιν;*) It is impossible to say that the war-tax symmory is not here meant, for Mantitheus runs through every possible duty which Boeotus and himself might be required to perform; and if the war-tax is not intended by this expression, it occurs nowhere in the list. Clearly, then, the war-tax symmory was a body to which Mantitheus might be appointed, but to which he did not necessarily, as a taxpaying citizen, belong. What, then, can the war-tax symmories have been, but the Three Hundred? and the form of the expression in Dem. *c. Phaenipp.* p. 1040, § 5 ("the generals were arranging the exchanges for the 300"), does at any rate very aptly correspond with this supposition.

If this be so, then the reform under Nausinicus included, besides a revision of the entire property of Athenian citizens, also the establishment of a body of Three Hundred, thirty from each tribe, every thirty being divided into two symmories of fifteen each, and the whole number being the richest men in Athens. For what purpose, then, were these Three Hundred set apart? Doubtless there would be a convenience in having the richest men in the state catalogued and known, even for the mere payment of the war-tax. But for a specific measure of this kind, some more stringent motive seems needed; and such a motive is found in the need for *pre-*

payment of the war-tax, in order that the state might obtain the money without delay. How important this prompt payment was to the state can be readily understood; and while the Three Hundred were permitted to recover from the less wealthy citizens their share of the tax in due course, the advance of the money was a real burden on themselves. The προεισφορὰ (by which name the prepayment was known) cannot be shown to have been in use before B.C. 378: whereas Lipsius (in *Jahrbuch der Philologie*, 1878, pp. 297–299) has given strong reasons for thinking that this advance of the war-tax became the normal method after the reform introduced under Nausinicus. And Dem. *c. Phaenipp.* p. 1046, § 25 (before referred to), is strong authority for thinking that the Three Hundred were the only persons liable to pay this advance of the war-tax. At the same time, when the Three Hundred once became an established institution, it is not necessary to suppose that the original motive which prompted their establishment was always borne in mind: thus there can be little doubt that Demosthenes in his minority (when he would not be required to advance the προεισφορὰ) belonged to them, just as in the trierarchical symmories there were many members who could not be called upon to discharge the office of trierarch (Dem. *de Symm.* 182, § 17).

At all events, this view gives an intelligible meaning and purpose to the war-tax symmories; while we need not deny that the reform under Nausinicus may have included other elements, as, perhaps, a fresh estimate of the ratable value of each man's property according to his wealth (in the case of the richest persons the ratable value was one-fifth of the whole, Dem. *c. Aphob.* i. p. 816, § 9); but of this we can say nothing. Nor can we absolutely say that no change was introduced into the war-tax symmories when the trierarchical symmories began (B.C. 358); but there is no evidence to this effect, unless the expression of Isocrates (*l. c.*) be regarded as evidence. At all events the opinion of Harpocration (whatever that may be worth—it occurs *s. v.* συμμορία) may be added to the evidence above given that the symmories were essentially limited bodies.

The difficulty of the whole subject is however so great, that it is desirable that a brief summary of the views previously held about it should be here given.

Ulpian considered that the members of the war-tax symmories were 1200 in number, and that they were the sole payers of the tax.

Boeckh considered that the members of the war-tax symmories were 1200 in number, but that they were not the sole payers of the tax; and apparently he regarded the re-arrangement of degrees of taxation as the real, and a sufficient, reason for the symmories altogether.

Lipsius was the first to suggest (*l. c.*) that the 1200 did not belong to the war-tax symmories at all. In substantial meaning, his view does not differ much from that which has been here given; but in nomenclature it differs. He holds that the symmories comprised the great body of taxpaying citizens, and that the Three Hundred merely stood at their head; whereas here the Three Hundred have been described as being, actually, the symmories. Nor is it clear what Lipsius thinks was precisely the object of the symmories—whether a re-arrangement of taxation, or the convenience of the prompt payment of the tax. Here the latter has been said to be the main object, through the προεισφορά.

II. The trierarchical symmories were established in consequence of the attempt of the Thebans upon Euboea in B.C. 358, which occasioned an urgent need for ships of war. That need was for the moment supplied by voluntary efforts (Dem. *de Cor.* 259); but this proved the starting-point of a new system, and a law was introduced by Periander (Dem. *c. Euerg.* 1145) and carried, whereby a new set of symmories, of 1200 members, was constituted expressly for the purpose of furnishing triremes expeditiously. For the working of this law, the article TRIERARCHIA must be consulted; but the constitution of the symmories must be briefly stated here, as far as we know it. First, the Three Hundred formed an important part as leading members of the Twelve Hundred (Deinarch. *c. Demosth.* § 42; and compare Aesch. *c. Ctesiph.* § 222; Hyperides *ap.* Harpocrat. *s. v.* συμμορία; and Dem. *c. Meid.* 564); the intention no doubt was that the Three Hundred should still pay the greater part of the expense of a trireme, but for a long time they managed to escape this, and to keep their own contributions down to the level of the poorer members of the Twelve Hundred, until the reform carried by Demosthenes (Dem. *de Cor.* 260, 261). Secondly, we do know with absolute certainty here that there were altogether 20 symmories (Dem. *de Symm.* 182), 2 symmories to each tribe (Id. p. 184), and 60 members to a symmory; but of the whole number of 1200 many were ineffectives (Id. p. 182). The speech of Demosthenes, *de Symmoriis*, was in part intended to correct this; but it had no practical effect. The members of a symmory (5, 6, 7, or even 16) who provided a single ship were called συντελεῖς, or collectively συντέλεια, which last word must be carefully distinguished from the συμμορία out of which the συντελεῖς were taken.

With respect to the tribal relations of the symmories, Boeckh has shown (cf. *See-Urkunden*, p. 185, and the passages there referred to) that members of different tribes might unite in the management of one ship; yet Demosthenes (*de Symm.* 184) seems to show that the tribal relation was always intended to exist, and we must remember that a tribe might sometimes be represented by a citizen not belonging to itself. Thus Demosthenes stood in a relation of peculiar alliance to the tribe Pandionis, of which he was not a member (cf. *c. Meid.* 511, 519).

It remains to say a few words on the officers of the symmories. Every symmory, whether for the war-tax or for the trierarchy, had a leader (ἡγεμών). It does not, however, appear that the leader had any formal duties; influence no doubt he had. Probably Boeckh is right in thinking that the person whose name is attached, in inscriptions, to the name of the symmory, was the "leader." Every trierarchical symmory had, besides the "leader," an "overseer" (ἐπιμελητής). That the overseer had occasionally very difficult duties in the way of recovering public property, and that he was very inefficiently supported in these duties, is obvious from Dem. *c. Euerg. et Mnesib.* passim. The

"overseers" were probably the same as the "twenty," mentioned in an inscription referred to by Gilbert (*Griech. Staatsalterth.* i. p. 352, note 4) as connected with the strategi in the choice of trierarchs. Necessarily also in close connexion with the symmories were the officers called διαγραφεῖς, who drew up lists of property, and of the rates due. (Bekker, *Anecd.* 236, 9; Harpocrat. *s. v.* διάγραμμα.)

The symmories of the resident aliens (μετοικικαὶ συμμορίαι), mentioned by Pollux, viii. 144, must be dismissed with merely a reference; we can hardly be said to know anything about them.

Perhaps the powers, elective and judicial, which the generals (στρατηγοί) exercised over the symmories have not been definitely enough stated in the preceding paragraphs. It is another proof of their tribal character; for the generals were tribal officers.

For the rest, the tenor of this article has been to show that the trierarchical symmories were neither identical with, nor yet wholly distinct from, the war-tax symmories; but a development and enlargement of them. And it is to such a conclusion as this, surely, that *à priori* probability points. We have every reason to suppose that the symmories of both kinds lasted as long as Athens continued an independent state.

The principal works that may be consulted on the subject are: Boeckh, *Staatshaushaltung der Athener* (Berlin, 1886—with Fränkel's notes); the same writer's *See-Urkunden* (Berlin, 1840); Thumser, *de Civium Atheniensium Muneribus* (Vienna, 1880); Lipsius (*Jahrbuch der Philologie*, 1878, pp. 289–299); and Gilbert's *Handbuch der Griechischen Staatsalterthümer* (Leipsic, 1881). [J. R. M.]

SYMPHO'NIA (συμφωνία) is mentioned by Cic. *Verr.* iii. 44, 105; Hor. *A. P.* 574; Liv. xxxix. 10; Polyb. xxvi. 10, 5, xxxi. 4, 8 (Dind.), as being a musical entertainment at banquets. We hear also of specially-trained slaves, who were called *symphoniaci*, and were kept by rich men to provide this music (Cic. *Mil.* 21, 55; *Verr.* v. 25, 64: cf. Gell. xix. 3; Macrob. *Sat.* ii. 4, 28): in Cic. *ad Fam.* vi. 9 symphonia means a dinner so accompanied. It was one of the luxuries introduced from Asia about 187 B.C. (Liv. xxxix. 6; Marquardt, *Privatleben*, 181; Becker-Göll, *Gallus*, ii. 147, iii. 373).

There has been much difference of opinion on the question what the symphonia was, and even whether it was vocal or instrumental music. Some, as Rich, hold that it was a sort of drum. This, which is surely highly improbable when we consider its use at dinner-parties, rests on the authority of Isidore (*Orig.* ii. 21) and the lexicographer Ugutio, who follows him (see Du Cange, *s. v.*). It may be remarked on this that Isidore, writing in the 7th century, is probably interpreting a word which he finds in older writers, not describing an instrument which he had seen. On the other hand, Baumeister (*Denkm.* p. 563) connects it with the Italian *sampogna*, and considers it to be a sort of bagpipe: a view which had previously been taken by some commentators on the passages in Dan. iii., where the LXX. translates by συμφωνία the similar Hebrew word (see *Dict. of the Bible*, s. v. Dulcimer). Dr. Pusey, again, in a learned note on this passage (*Lectures on Daniel*, p. 29), holds positively that in Greek and Latin the word never meant an instrument at all, but only chorus singing; and his view might find support in Jerome on St. Luke xv., who says that some Latin writers have wrongly taken it to be an organ, whereas it means only vocal harmony. We cannot, however, be sure whether Jerome is speaking generally or only in reference to this passage.

It seems to us at any rate reasonable to demand that whatever sense is given to *pueri symphoniaci* should agree with that which we accept for symphonia. If the ordinary view is correct, that these slaves were trained singers (so Marquardt, *Privatl.* p. 337; Becker-Göll, *l. c.*), then it would follow that symphonia meant concerted vocal music. But there is, it seems to us, some evidence against this. In the passages cited above from Cicero, Horace, Livy, and Macrobius, it may safely be asserted that the sense suits vocal or instrumental music equally well; and so they bring us no nearer to a conclusion. But when we read in Cic. *Div. in Caecil.* 17, 55, that a praefectus took possession of some *pueri symphoniaci* for his fleet, it seems absolutely necessary to suppose that these were slaves trained to play the flute and distributed through the fleet, to act each as a τριηραύλης. Further confirmation of this may be gathered from the introduction of the symphonia in naval use by Prudentius (in *Sym.* ii. 527), where the glosses (as also Ven. Fortunat. in the 6th cent.) take it to be a wind instrument, whether = *tuba* or *tibia*. Again, in Plin. *H. N.* ix. § 24, "delphinus symphoniae cantu mulcetur et praecipue hydrauli," it is hard to see how it could be coupled with the hydraulus, unless it was an instrument. (The passage in *H. N.* x. § 84 is not decisive.) The same deduction may be made from Petron. 34, where "symphonia" is clearly distinguished from "chorus cantans," as it seems to be also in Cic. *Coel.* 15, 35. Lastly, in spite of Dr. Pusey's denial, it seems to us necessary, in the two passages of Polybius cited at the beginning of this article, to understand συμφωνία as a band of flute-players (the κέρατιον being distinguished from it as a sort of cornet). Whether the flute so used was a special Asiatic pattern, or whether the point which differentiated it as Eastern consisted in the flutes being so graduated as to perform concerted music, cannot be determined: if the latter, the fact of the flutes being arranged for different parts may have distinguished the symphoniaci from the tibicines. We gather from Dig. 9, 2, 22, 1, that the music was so concerted that the loss of one of the symphoniaci would render the rest comparatively valueless, and therefore the damage was estimated in regard to the depreciation of the other "corpora" also, as in the case of a matched team of horses.

A single member of the συμφωνία was probably the χοραύλης, who appears in Martial, ix. 77, as *choraules*, to avoid the awkward word *symphoniacus*. It is possible, and indeed probable, that symphonia signified also a band composed of different instruments, and not of the flute only, like the private bands in some great houses at the present day: all the evidence seems to us against its meaning a single instrument, except in very late writers (see Du Cange),

where the word seems to have been adopted as the term for a flute. In an inscription (Wilmanns, 1344) we find a "Collegium Symphoniacorum" employed for public sacrifices.

The question whether the word *συμφωνία* was adopted as the nearest Greek approach to a Hebrew or Chaldaic word, or whether the Hebrew writer borrowed from the Greek, it is beyond our scope to discuss: reference may be made to *Dict. of the Bible*, and to Dr. Pusey as cited above. [G. E. M.]

SYMPHONI'ACI. [SYMPHONIA.]

SYMPHOREIS (*συμφορεῖς*). [EXERCITUS, Vol. I., p. 772 *a*.]

SYMPO'SIUM (*συμπόσιον, comissatio, convivium*), a drinking-party. 1. GREEK. The *συμπόσιον*, or the *πότος*, must be distinguished from the *δεῖπνον*: for though drinking almost always followed a dinner-party, yet the former was regarded as entirely distinct from the latter, was regulated by different customs, and frequently received the addition of many guests, who were not present at the dinner. For the Greeks did not usually drink at their dinner, and it was not till the conclusion of the meal that wreaths of flowers and wine were introduced, as is explained under CENA [Vol. I. p. 394 *b*]. Thus we read in the Symposium of Plato (p. 176 A) that after the dinner had been finished, the libations made, and the paean sung, they turned to drinking (*τρέπεσθαι πρὸς τὸν πότον*).

The enjoyment of Symposia was heightened by agreeable conversation, by the introduction of music and dancing, and by games and amusements of various kinds: sometimes, too, philosophical subjects were discussed at them. The Symposia of Plato and Xenophon give us a lively idea of such entertainments at Athens. The name itself shows that the enjoyment of drinking was the main object of the Symposia: wine from the juice of the grape (*οἶνος ἀμπέλινος*) was the only drink partaken of by the Greeks, with the exception of water. For palm-wine and beer [CEREVISIA], though known to many of the Greeks from intercourse with foreign nations, were never introduced among them; and the extraordinary cheapness of wine at Athens [VINUM] enabled persons even in moderate circumstances to give drinking-parties to their friends. Even in the most ancient times the enjoyment of wine was considered one of the greatest sources of pleasure, and hence Musaeus and his son supposed that the just passed their time in Hades in a state of perpetual intoxication, as a reward of their virtue (*ἡγησάμενοι κάλλιστον ἀρετῆς μισθὸν μέθην αἰώνιον*, Plat. *Rep.* ii. p. 363 D). It would appear from the Symposium of Plato, that even the Athenians frequently concluded their drinking-parties in rather a riotous manner, and it was to guard against this that such parties were forbidden at Sparta and in Crete. (Plat. *Min.* p. 320 A; cf. Aristoph. *Vesp.* 1253, and the speeches of Dem. *in Conon.* and Lys. *in Simon.*) It is curious that a distinction is preserved in the words *μεθυστικός*, applied to men, and *μέθυσος* to women, a usage which, as Mr. Rutherford remarks (*New Phrynichus*, p. 240), probably originated from an ethical cause: in the man it was more habitual, in the woman more accidental.

The wine was almost invariably mixed with water, and to drink it unmixed (*ἄκρατον*) was considered a characteristic of barbarians (Plat. *Leg.* i. p. 637 E). Zaleucus is said to have enacted a law among the Locrians, by which any one who was ill and drank of unmixed wine without the command of his physician, was to be put to death (Aelian, *V. H.* ii. 37); and the Greeks in general considered unmixed wine as exceedingly prejudicial to physical and mental health (Athen. ii. p. 38). The Spartans attributed the insanity of Cleomenes to his indulging in this practice, which he learnt from the Scythians (Herod. vi. 84). So universal was it not to drink wine unless mixed with water, that the word *οἶνος* is always applied to such a mixture; and whenever wine is spoken of in connexion with drinking, we are always to understand wine mixed with water, unless the word *ἄκρατος* is expressly added (*τὸ κρᾶμα, καίτοι ὕδατος μετέχον πλείονος, οἶνον καλοῦμεν*, Plut. *Conjug. Praec.* 20).

The proportion in which the wine and water were mixed, naturally differed on different occasions. To make a mixture of even half wine and half water (*ἴσον ἴσῳ*) was considered injurious (Athen. *l. c.*), and generally there was a much greater quantity of water than of wine. It appears from Plutarch (*Symp.* iii. 9), Athenaeus (x. p. 426), and Eustathius (*ad Od.* ix. 209, p. 1624), that the most common proportions of water to wine were 3 : 1, or 2 : 1, or 3 : 2. Hesiod (*Op.* 596) recommends the first of these, but it was generally regarded as weak (*ὑδαρής*) and fit *βατράχοις οἰνοχοεῖν* (Athen. x. p. 430 e), and 3 : 2 was the usual proportion for not intemperate drinkers.

The wine was mixed either with warm or cold water: the former, which corresponded to the *Calida* or *Calda* of the Romans [CALIDA], was by far the less common. On the contrary, it was endeavoured to obtain the water as cool as possible, and for this purpose both snow and ice were frequently employed. [PSYCTER.] Honey was sometimes put in the wine (Athen. i. p. 32 a), and also spices (Id. p. 31 e): in the latter case it received the name of *τρίμμα*, and is frequently mentioned by the writers of the New Comedy (Pollux, vi. 18). Other ingredients were also occasionally added (Athen. ii. p. 66; Lucian, *Nigrin.* 31; Aelian, *V. H.* xii. 31).

The mixture was made in a large vessel called the *κρατήρ* [CRATER], from which it was conveyed into the drinking-cups by means of *οἰνοχόαι* or *κύαθοι* [CYATHUS]. The cups usually employed were the *κύλιξ*, *φιάλη*, *καρχήσιον*, and *κάνθαρος*, of which an account is given in separate articles. The *ῥυτόν*, or drinking horn, was also very commonly used [RHYTON]. We find several craters on vases representing drinking scenes. (See, for example, *Mus. Borbon.* vol. v. t. 51.)

The guests at a Symposium reclined on couches and were crowned with garlands of flowers, as is explained under CENA. A master of the revels (*ἄρχων τῆς πόσεως, συμποσίαρχος* or *βασιλεύς*) was usually chosen to conduct the Symposium (*παιδαγωγεῖν συμπόσιον*, Plat. *Legg.* i. p. 641 A), whose commands the whole company had to obey, and who regulated the whole order of the entertainment, proposed the amusements, &c. The choice was generally determined by the throwing of astragali or tali; but we find in Plato (*Symp.* p. 213 E) Alcibiades constituting himself Symposiarch (in Plaut. *Stich.* v. 4, 15, he is called *strategus*). The proportion in which

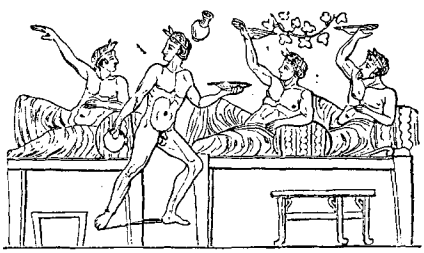
the wine and water were mixed was fixed by him, and also how much each of the company was to drink, and also the size of the drinking vessel. Upon those who disregarded his authority he imposed penalties, often absurd acts of buffoonery to make the victim ridiculous (Lucian, *Saturn.* 4): sometimes he ordained similar absurdities on the company generally, or special members of it with a specified penalty in default of performance (Plat. *Symp.* i. 4, 3). To such cases the "leges insanae" (Hor. *Sat.* ii. 6, 69) refer, and it is not surprising that Plato, in the passage cited from the *Laws*, desires *νήφοντά τε καὶ σοφὸν ἄρχοντα* as Symposiarch. The servants (*οἰνοχόοι* and *οἰνηροὶ θεράποντες*), usually young slaves, who had to mix the wine and present it to the company, were also under his orders; but if there was no Symposiarch, the company called for the wine just as they pleased. The dexterity of a well-trained cup-bearer in presenting the *φιάλη*, held *ἐπὶ τῶν δακτύλων ἀκρῶν*, is noticed by Poll. vi. 95; cf. *τοῖς τρισὶ δακτύλοις*, Xen. *Cyrop.* i. 3, 8. This method of holding the *φιάλη ὀμφαλωτὸς* is explained on p. 350 *a*, and is shown in the following woodcut, but it applies only to the *φιάλη*. Other cups, such as the *κύλιξ*, were often similarly filled at the crater and handed round, as may be seen in vase-paintings (Panofka, xxxiv. 2 = Guhl and Koner, fig. 201): but the more usual practice was that the guest held the cylix and the slave filled it with a small wine-jug (*οἰνοχόη*) which he had dipped in the crater and carried round the table (*Od.* ix. 10; Athen. x. p. 42; Xen. *Symp.* ii. 27; *Mon. Inst.* iii. 12).

Before the drinking commenced, it was agreed upon in what way they should drink (Plat. *Symp.* p. 176, A, B), for it was not usually left to the option of each of the company to drink as much or as little as he pleased, but he was compelled to take whatever the Symposiarch might order. At Athens they usually began drinking out of small cups (*μέτρια ποτήρια*, Athen. x. p. 431 e), but, as the entertainment went on, larger ones were introduced (Diog. Laërt. i. 104). In the Symposium of Plato (pp. 213, 214) Alcibiades and Socrates each empty an immense cup, containing eight cotylae, or nearly four English pints; and frequently such cups were emptied at one draught (*ἀπνευστὶ* or *ἀμυστὶ πίνειν*, *ἀμυστίζειν*, Athen. x. p. 431 *b*; Lucian, *Lexiph.* 8; Suidas, *s. v.* 'Αμυστί).

The cups were always carried round from left to right (*ἐπὶ δεξιά*), which Latin writers express by "a summo" (Plaut. *Pers.* v. 1, 19; *Asin.* v. 4, 1), and the same order was observed in the conversation and in everything that took place in the entertainment (*ἐπὶ δεξιὰ διαπίνειν*, Plat. *Rep.* iv. p. 420 E; *ἐπὶ δεξιὰ λόγον εἰπεῖν*, *Symp.* p. 214 B; Athen. xi. p. 463 *e*). The company frequently drank to the health of one another (*προπίνειν φιλοτησίας*, Lucian, *Gall.* 12; Athen. xi. p. 498 d), and each did it especially to the one to whom he handed the same cup. (Compare Cic. *Tusc.* i. 40, 96, "Graeci in conviviis solent nominare, cui poculum tradituri sunt.") Great men on great occasions often made the cup a present to the guest who so received it (Pind. *Ol.* vii. 5; Athen. xiii. pp. 575, 576), whence the word *προπίνω* acquired a new meaning.

Music and dancing were usually introduced, as already stated, at Symposia, and we find few representations of such scenes in ancient vases without the presence of female players on the flute and the cithara. Plato, indeed, decidedly objects to their presence, and maintains that it is only men incapable of amusing themselves by rational conversation, that have recourse to such means of enjoyment (*Protag.* p. 347 C, D; *Symp.* p. 176 E); but this says nothing against the general practice, and Xenophon in his Symposium represents Socrates mightily pleased with the mimetic dancing and other feats performed on that occasion. The female dancers and the players on the flute and the cithara were frequently introduced at the Symposia of young men for another purpose, and were oftentimes actually *ἑταῖραι* [HETAERAE], as we see clearly represented on many ancient vases (see for example *Mus. Borbon.* vol. v. t. 51). Respecting the different kinds of dances performed at Symposia, see SALTATIO. The *σκόλια* were indeed a more refined and intellectual kind of music, as they were usually sung only by selected guests who were known to be skilled in music, and often in poetical composition. The song being started by one singer, was continued by any other to whom he handed the lyre and myrtle bough (Aristoph. *Vesp.* 1219; Athen. xv. p. 694 f; Müller, *Lit. of Ancient Greece*, i. p. 249).

Representations of Symposia are very common on ancient vases. Two guests usually reclined on each couch (*κλίνη*), as is explained in Vol. I. p. 393, and illustrated by the following cut



Symposium, from a vase-painting.

from one of Sir W. Hamilton's vases, where the couch on the right hand contains two persons, and that on the left is represented with only one, which does not appear to have been the usual practice. The guests wear garlands of flowers, and the two who are reclining on the same couch hold a *φιάλη* in the right hand.

Sometimes there are four or five persons on one couch, as in the following woodcut, taken from Millin (*Peintures de Vases Antiques*, vol. ii. pl. 53). Three young and two older men are reclining on a couch (*κλίνη*), with their left arms resting on striped pillows (*προσκεφάλαια* or *ὑπαγκώνια*). Before the couch are two tables. Three of the men are holding a *calix* or *κύλιξ* suspended by one of the handles to the fore-finger, the fourth holds a *φιάλη*, and the fifth a *φιάλη* in one hand and a *ῥυτὸν* in the other. [CALIX; PATERA; RHYTON.] In the middle Comos is beating the tympanum.

Respecting the games and amusements by which the Symposia were enlivened, it is unnecessary to say much here, as most of them are described in separate articles in this work. Enigmas or riddles (*αἰνίγματα* or *γρῖφοι*) were

among the most usual and favourite modes of diversion [AENIGMA]. The Cottabos was also another favourite game at Symposia, and was played at in various ways [COTTABOS]. The other games at Symposia, which require mention, are the ἀστραγαλισμὸς and κυβεία, explained

Symposium, from a vase-painting.

under TALI and TESSERAE; the πεττεία, spoken of under LATRUNCULI; and the χαλκισμός. The latter consisted in turning round a piece of money placed upright on its edges, and causing it suddenly to stop while moving by placing a finger on its top (Pollux, ix. 118; Eustath. *ad Il.* xiv. 291, p. 986).

Lest some of the details above given should convey the idea that a Greek Symposium was a mere drunken revel, we must point out that, as Blümner remarks (*Leben und Sitten der Gr.* ii. 42), it differed in its essential nature from the drinking bout "of the Middle Ages and up to the seventeenth century" (we might put it later); for the main object and usual result was intellectual conversation, as described by Plato, Xenophon, and later writers, although it might sometimes end in excess and disorder. On the other hand, the extreme on this side also must be avoided; we must not suppose that the high philosophic level of Plato's Symposium was universal or indeed anything but exceptional. Socrates was not always of the party, and besides it must be recollected that Plato's scene is designed to introduce philosophy, not primarily to leave an exact picture of manners. On this point there is a chapter by Professor Mahaffy (*Social Life in Greece*), in which he suggests a University supper-party as the standard; and there is much truth in this, for at the universities too we have in an intellectual centre among diverse sets of people all degrees of social converse,—high philosophy, literature, aestheticism, sporting topics (as various as from Olympic games to quail-fights), and sometimes also the riotous ending. (See also Becker-Göll, *Charikles*, ii. 335 ff.; Blümner, *Privatalt.* 245 ff.; Mahaffy, *Social Life in Greece*, ch. xi.) [W. S.] [G. E. M.]

2. COMISSATIO.—That this word (doubtless connected with κῶμος) was the strict equivalent at Rome to the Greek symposium (*i.e.* that it was a wine-party quite distinct from the *cena* which preceded it) is clear from several passages. In the *Mostellaria* Callidamates, who has dined elsewhere, says, "me ibi male convivii sermonisque taesum est, Nunc comissatum ibo ad Philolachem;" and so also Demetrius in Liv. xl. 7, at the end of the *cena*, says, "Quis comissatum ad fratrem imus?" (cf. Id. xl. 9.) The above passages relate to Greek life, and it must be observed that this going after dinner from one house to another for the wine-party seems to have been a Greek custom, rather than Roman (it appears, however, in Petron. 65): but at Rome also the distinct break between the cena and the comissatio is noticeable, so that there might be the one without the other, as in Suet. *Dom.* 21, "convivebatur . . . nec ut postea comissaretur;" and there is a passage of St. Ambrose (*de El. et Jejun.* 13) which is worth quoting as a description of manners precisely the same at a much later date, "Cernas poculorum diversorum ordines, vasa exposita aurea et argentea: deinde procedente potu longius contentiones et certamina quis potu praecellat: nota gravis si quis se excuset, si quis temperandum forte vinum putet: et haec donec ad mensas perveniatur secundas: at ubi consummatae fuerint epulae, et putes jam esse surgendum, tunc de integro potum instaurant et cum consummarunt tunc inchoare se dicunt: tunc deferuntur phialae, tunc maximi crateres: mensura proponitur, certatur sub judice; sub lege decernitur." Besides the regular term *comissatio*, Cicero uses sometimes the word *compotatio*; and *convivium*, being a general term for any "convivial" meeting (Cic. *de Sen.* 13, 45), may signify the wine-party as well as the dinner, unless it is contrasted with comissatio: it is used in this sense in Cic. *Tusc.* i. 40, 96.

It is not certain how far *comissatio* was a genuine Roman custom and how far borrowed from the Greeks. The passage of Cic. *de Sen.* 14, 46, implies a custom of social conversation over wine after dinner in old times, but does not, as Marquardt rather fancifully argues, imply a *magisterium* of the wine-party; for Göll is certainly right in saying that the two sentences refer to totally different things. There is, as will be seen, a slight indication of a *magister bibendi* in early times, but not a certainty. The probable account is that the *Graecus mos* brought in the *regular organisation* of the comissatio, on much the same lines as the Symposium

described above. We may therefore venture to set down as the "Graecus mos bibendi" at Rome (1) the wreaths and perfumes [CORONA; UNGUENTUM], which were not as a rule worn during dinner, but marked the beginning of the *συμπόσιον* or the comissatio (Plut. *Symp.* iii. 1, 1; Athen. xv. p. 685 d; Mart. x. 19), and were Greek in origin. The gradual rise of this custom is perhaps marked in Pliny's notice of two persons punished for wearing flowers towards the end of the Second Punic War (*H. N.* xxi. § 8). (2) The appointment by the dice of one among the company as president, = the Symposiarch, and called *rex* (Macrob. *Sat.* ii. 1; Hor. *Od.* i. 4, 18), *arbiter bibendi* (Hor. *Od.* ii. 7, 25), and *magister* (Varro *ap.* Non. 142, 8; cf. Hor. *Sat.* ii. 2, 123). From this passage of Varro we may perhaps infer, what is natural enough, that the older Romans had some such president of the party; but the magister here also, like the magisterium of Varro, *L. L.* v. 122, may possibly refer only to a "publicum convivium," and we shall probably be right in regarding as mainly derived from Greece the duties of this post described in the first part of the article—settling the proportions of wine to water, making rules for the entertainment and enforcing penalties (Cic. *Verr.* v. 11, 28); while at those parties which had no such ruler appointed, any guest could follow his own fancy as to drinking much or little, being, as Horace expresses it, "solutus legibus insanis" (*Sat.* ii. 6, 69: the same absence of Symposiarch is signified by the "culpa magistra" of *Sat.* ii. 2, 123). (3) In particular the method of drinking healths (*propinatio*), which is specially noted as *Graeco more bibere* (compare Cic. *Verr.* i. 26, 66, and Ps.-Ascon. *ad loc.*, with Cic. *Tusc.* i. 40, 96). This consisted in naming some person, and then, after touching the wine with the lips, handing the cup to him to drain. Before the general *propinatio* there was a custom, whether widely prevalent or not, of naming some deity. We see this in Plaut. *Asin.* iv. 1, 35, and connected with it is probably the "da Lunae propere novae" of Hor. *Od.* iii. 19, if we reject the very ingenious, but, as it seems to us, too fanciful interpretation which Mr. Verrall (*Studies in Horace*) has given to that passage. In imperial times there was the formal toast to the emperor (Ov. *Fast.* ii. 637; Dio Cass. li. 19); and then the propinatio of different persons according to the fancy of individual guests.

There are, however, some intricate questions connected with the Roman health-drinking which need discussion, especially as regards the number of cyathi. There is, of course, no doubt that the *rex* or *arbiter* fixed the proportions of wine and water just as in the Greek symposium; but it is probably an error to understand the passages, which mention such and such a number of cyathi, as referring to this proportion: it is, we have little doubt, more correct to explain them as specifying the amount of the mixture, whatever its strength, which each cup was to receive. If the drinking was to be hard, large cups were called for (Cic. *Verr.* i. 26, 66; Hor. *Sat.* ii. 8, 35; Plaut. *Curcul.* ii. 3, 81), so that whatever number was imposed might be received by each guest in his cup and drained either at one draught (like the Greek *ἀμυστὶς*) or not, according to the injunctions of the "leges insanae" (cf. Plin. *H. N.* xiv. § 145). Accordingly we find the specified numbers ranging from one cyathus (Mart. i. 106) upwards; and when a man drinks a "septunx" (Mart. iii. 82) or "septeni cyathi" (Plaut. *Pers.* v. 1, 19), it means that he had seven cyathi, *i.e.* a little over half a pint, poured into his cup at once: if he drinks a "bes," it means that he has 8 cyathi in his cup, and so forth. Marquardt has declared for this view, and Göll inclines to it: it appears to us that it should be adopted for the following reasons:—1. The other theory would involve a perpetual change of the mixture in the crater for each *name* that was proposed. 2. In this case the proportions of wine and water would be regulated by the proposer of the toast, instead of, as is commonly believed, by the *rex*. 3. It involves us in difficulties of numbers: is it conceivable that when Martial speaks of drinking "one cyathus" he means a mixture of which $\frac{11}{12}$ was water? (and if he does, what is the use of adding "diluti"?) and again in *Id.* 11 of Ausonius, which well illustrates a vexed passage of Horace:

> "Ter bibe, vel totiens ternos; sic mystica lex est,
> Vel tria potanti, vel ter tria multiplicanti
> Imparibus novies ternos contexere cubum,"

the suggestion of 27 cyathi as a possibility excludes the idea of fractional numbers where the unit = 12 cyathi. No doubt it is seldom that the number does exceed 12, but, as 12 cyathi = about 1 pint, it is natural that the amount allowed to each cup was generally much less: the poet in Hor. *Od.* iii. 19 prefers 9 (rather under a pint) for each draught, the moderate man only 3. In Ovid, *Fast.* iii. 532, this is expressed by "ad numerum bibunt;" and the suggestion (of course a poetical exaggeration) that in drinking *ages* of the guests they might arrive at Nestor's (*i.e.* 90 cyathi) strengthens the argument drawn above from Ausonius.

Similarly, in the fanciful adaptation of the number of cyathi to the name mentioned in each toast, as many cyathi are ordered as there are letters in the name (see Mart. i. 71; xi. 36, where Gaius gives 5 cyathi, Julius 6, and Proculus a *bes* = 7 cyathi); or the different names of the same man taken singly or combined, in the nominative or the vocative, might allow great variety, "Det numerum cyathis Instantis litera Rufi," &c. (Mart. viii. 51).

[For the vessels used, and the means of cooling or warming, see CALDA, COLUS, CRATER, PSYCTER.] The amusements at these parties are mentioned under CENA in Vol. I. p. 397 *b*: that the Romans, as a less witty and refined people than the Greeks, depended more on such amusements and less on conversation, is certainly the case; but it is a matter of degree: the only essential difference lay in the fact that at Rome wives and children might possibly be present at these entertainments, which were often unedifying orgies (cf. Cic. *Verr.* i. 26, 66; Plut. *Quaest. Conv.* vii. 8, 4; Sen. *Ep.* 95; Juv. vi. 425). See further on this subject Marquardt, *Privatleben*, 331–340; Becker-Göll, *Gallus*, i. 203–211. [G. E. M.]

SYNALLAGMA (*συνάλλαγμα*). [SYMBOLAEON.]

SYNDICUS (*σύνδικος*), *an advocate*, is frequently used as synonymous with the word

συνήγορος, to denote any one who pleads the cause of another, whether in a court of justice or elsewhere. Συνδικεῖν also is used indifferently with *συνηγορεῖν* or *συναγωνίζεσθαι* or *συνειπεῖν* (Andoc. *de Myst.* § 150;—Dem. *c. Zenoth.* p. 885, § 12; *c. Steph.* i. p. 1127, § 84; *de Coron. Trierarch.* p. 1232, § 16, etc.; *c. Onet.* i. p. 872, § 31; *c. Mid.* p. 576, § 190;—Hyper. *pro Eux.* c. 25; [Dem.] *c. Dionysod.* p. 1298, § 50, etc.). The state or a corporation or a private individual might be represented by them. Thus, the five (Dem. *c. Timocr.* p. 707, § 23, *lex*) public advocates, who were appointed to defend the ancient laws before the Nomothetae, when new laws in their stead were proposed, are called *σύνδικοι* (Dem. *c. Lept.* p. 501, § 146; only four names are given, but as Wolf, *Proleg.* p. 145, suggests, that of Leptines must be added) or *συνήγοροι* (Dem. *c. Timocr.* p. 711, § 36). The same name was applied to those orators who were sent by the state to plead the cause of their countrymen before a foreign tribunal. Aeschines, for example, was appointed to plead before the Amphictyonic council on the subject of the Delian temple, but for some reason (Philostr. *Vitt. Soph.* i. 18, 4) the council of Areiopagus removed him, and appointed Hypereides in his stead (Dem. *de Cor.* p. 271, § 134, *σύνδικος*: [Plut.] *Vitt. X. Oratt.* p. 840 E, *συνήγορος*). These extraordinary advocates are not to be confounded with the Pylagorae, or ordinary Amphictyonic deputies (Schömann, *de Com.* p. 321). To such *σύνδικοι* refers the law (Dem. *c. Lept.* p. 503, § 152): *μὴ ἐξεῖναι ὑπὸ τοῦ δήμου χειροτονηθέντα πλέον ἢ ἅπαξ συνδικῆσαι*: see also Aeschin. *c. Tim.* § 19, *ἄν τις Ἀθηναίων ἑταιρήσῃ . . . μηδὲ συνδικησάτω τῷ δημοσίῳ*.—The Demarchus and *σύνδικοι* appear as accusers of defaulters before a court of Demotae (Lolling, *Mitth. d. d. archäol. Inst.* iv. p. 203: cf. p. 196). Σύνδικοι, annually elected, took part in the *δοκιμασία* of new members of an *ἔρανος* (*C. I. A.* iii. No. 23).—A private individual either chose such advocates himself or his fellow-tribesmen chose them for him (Andoc. *de Myst.* § 150, *οἱ φυλέται οἱ ῥηθέντες μοι συνδικεῖν*; Dem. *c. Aristocr.* p. 689, § 206; Hyper. *pro Eux.* c. 26, *δέκα συνηγόρους ἐκ τῆς Αἰγηίδος φυλῆς ᾐτήσω*).

Σύνδικοι was also the name of extraordinary functionaries at Athens, appointed soon after the overthrow of the Thirty Tyrants, who exercised jurisdiction in disputes concerning confiscated property (Harpocr. *s. v. πρὸς οὓς τὰ δημευόμενα ἀπεφέρετο*, etc.), *e.g.* when an information was laid against a man for having in his possession goods which were liable to be seized in execution on behalf of the state (Lys. *de Bon. Aristoph.* § 32), or when somebody's property having been confiscated, a claim was made by a mortgagee or other creditor having a lien thereupon, to have his debt satisfied out of the proceeds (Lys. *de Pecun. publ.*), or by the wife to have her dowry returned (*Att. Process*, ed. Lipsius, p. 525, n. 127). Such a claim was called *ἐνεπίσκημμα*, and to prosecute it *ἐνεπισκήψασθαι* ([Dem.] *c. Timoth.* p. 1197 f., § 45 f.; Harpocr. *s. v.*, etc.). One of the duties of these *σύνδικοι* was to receive informations from the *φύλαρχοι* against those persons who had served in the cavalry under the Thirty Tyrants, and who by a special decree of the people were ordered to restore to the treasury the *κατάστασις*, *i.e.* the sum paid to them by the state for their equipment (Lys. *pro Mantith.* § 7); from this passage it would appear that such money was as a rule not paid back (Boeckh, *Sthh.* i.[3] p. 319 f.; Grote, *Hist. of Gr.* viii. p. 106, differs from this view). (*Att. Process*, ed. Lipsius, p. 921, n. 443; pp. 123–125;—Schöll, *Quaest. Fisc. Jur. Att.*)

About the *σύνδικοι* in Orchomenus, see Keil, *Syll.* i. B, p. 15: in Sparta, Boeckh, *C. I. G.* i. p. 610; Marquardt, *Röm. Staatsverw.* i. p. 522. [C. R. K.] [H. H.]

SYNE'GORUS (*συνήγορος*) may be translated an advocate or counsel, though such translation will convey to the English reader a more comprehensive meaning than the Greek word strictly bears.

According to the ancient practice of the Athenian law, parties to an action were obliged to conduct their own causes without assistance (Quint. *Inst.* ii. 15, 30); but on the increase of litigation the sciences of law and rhetoric began to unfold themselves, and men who had paid no attention to these were unable to compete with more experienced opponents. To consult a friend before bringing an action, or about the best means of preparing a defence, were obvious expedients. It was but another step to have a speech prepared by such friend out of court, to be delivered by the party himself when the cause was brought to trial. A class of persons thus sprang up, somewhat in the nature of chamber counsel, who received money for writing speeches and giving legal advice to those who consulted them (Isocr. *de Perm.* § 41). [LOGOGRAPHI.] Antiphon was the first who made a profession of it ([Plut.] *Vitt. X. Oratt.* p. 832 C; according to Paus. vi. 17, 8, it was Tisias). Still, whatever assistance the party might have received out of court, the law which compelled him to appear in person at the trial remained in force; although the prohibition to speak by counsel was so far relaxed, that if the party was labouring under illness, or through any physical or mental debility was unable to conduct his own cause without manifest disadvantage, he might (by permission of the court) procure a relation or friend to speak for him. Thus, when Miltiades was impeached for treason, and by reason of a gangrene in his hip was unable to plead his own cause, he was brought on a litter into court, and his brother Tisagoras addressed the people on his behalf (Corn. Nep. *Milt.* c. 7). So, when Isocrates was ill, his son Aphareus spoke for him in the cause about the *ἀντίδοσις* ([Plut.] *Vitt. X. Oratt.* p. 839 C). And in the speech of Demosthenes against Leochares we see that the son conducts his father's cause (p. 1081, § 4). As a general rule, the party was expected to address the court himself; for the judges liked to form an opinion of him from his voice, look, and demeanour; and therefore, if a man distrusted his own ability, he would open the case himself by a short speech, and then ask permission for his friend or friends to come forward (Hyper. *pro Eux.* c. 25 f.; *pro Lycophr.* c. 8 f.; [Dem.] *c. Phorm.* p. 922, § 52; *c. Neaer.* p. 1349, § 14; Aeschin. *c. Ctes.* § 202, etc.: cf. SYNDICUS). This was seldom refused; and in the time of the orators the practice was so well established, that the principal speeches in the cause were not unfrequently made by the advocate. The defence by Demo-

sthenes of Ctesiphon against Aeschines may be cited as an example. In this it will be seen that Demosthenes was as much interested as the defendant himself; and it is further to be observed, that the advocate was looked upon with more favour on this very account; for as no fees were allowed to be taken, a speaker was regarded with suspicion who had no apparent motive for undertaking the cause of another person. Hence we find in most of the *συνηγορικοὶ λόγοι*, that the speaker avows what his motives are; as, for instance, that he is connected by blood or friendship with the one party, or at enmity with the other, or that he has a stake in the matter at issue between them. (See the opening of the speeches of Isaeus *de Nicost. her.* and *de Philoct. her.*; Isocrates, *c. Euthyn.*; and Demosthenes, *c. Lept.* and *c. Androt.*: cf. Lyc. *c. Leocr.* § 138, *ἐκπέπληγμαι μάλιστα ἐπὶ τοῖς μήτε γένει μήτε φιλίᾳ μηδὲν προσήκουσι, μισθοῦ δὲ συναπολογουμένοις ἀεὶ τοῖς κρινομένοις*, etc.) In the cause against Leochares above cited, it is evident that the son had an equal interest with his father in preserving the inheritance, and therefore he would be considered in the light of a party. The law which prohibited the advocate from taking fees, under peril of a *γραφὴ* before the Thesmothetae ([Dem.] *c. Steph.* ii. p. 1137, § 26; cf. Plat. *Legg.* xi. 15, p. 937 E f.), made no provision (and perhaps it was impossible to make an effective provision) against an influence of a more pernicious kind, viz. that of political association, which induced men to support the members of their club or party without the least regard for the right or justice of the case (*ξυνωμοσίαι ἐπὶ δίκαις καὶ ἀρχαῖς*, Thucyd. viii. 54). Hence the frequent allusions by the orators to the *ἐργαστήρια συκοφαντῶν, μοχθηρῶν ἀνθρώπων συνεστηκότων, παρασκευὰς λόγων, μαρτύρων, συνωμοτῶν*, all which expressions have reference to that system of confederation at Athens, by which individuals endeavoured to influence and control the courts of justice. (See ERANI; SYCOPHANTES; Reiske, *Index in Orat. Att.* s. vv. *Ἐργαστήριον* and *παρασκευή*.) That friends were often requested to plead, not on account of any incapacity in the party, but in order that by their presence they might exert an influence on the bench, is evident from an attentive perusal of the orators. In some cases this might be a properly legitimate course, as where a defendant charged with some serious crime called a man of high reputation to speak in his behalf, and pledge himself thereby that he believed the charge was groundless. (For this reason Lycurgus was in great request as *συνήγορος*: [Plut.] *Vitt. X. Oratt.* p. 841 E; Rutil. Lup. *de Fig.* ii. 4.) With such view Aeschines, on his trial for misconduct in the embassy, prayed the aid of Eubulus and Phocion, the latter of whom he had previously called as a witness (Aeschin. *F. L.* sub fin.).

In cases of dispute concerning the amount of tribute to be paid, the members of the confederacy might either plead their cause themselves (Antiph. *fr.* 48 ff.) or through *συνήγοροι* (Id. *fr.* 13). Five *συνήγοροι* were chosen to represent the *οἶκος Δεκελειῶν* in the assembly of the phratry (*C. I. A.* ii. No. 841 b, l. 31 ff.).

Συνήγοροι (or *κατήγοροι*) was also the name given to the public advocates appointed to manage the prosecution in causes of importance, wherein the state was materially interested, more especially in those which were brought before the court upon an *εἰσαγγελία* (in the fifth century, Lipsius, *Leipz. Stud.* vi. p. 320). Thus, Pericles was appointed, not at his own desire, to assist in the impeachment of Cimon (*εἷς τῶν κατηγόρων ὑπὸ τοῦ δήμου προβεβλημένος*, Plut. *Pericl.* 10). The generals might choose from the senate *συνήγοροι*, not more than ten in number, to assist in prosecuting Antiphon, Archiptolemus, and Onomacles for treason ([Plut.] *Vitt. X. Oratt.* p. 833 E). Public prosecutors were chosen by the people to bring to trial Demosthenes, and others charged with having received bribes from Harpalus (ten *κατήγοροι*, Dinarch. *c. Dem.* § 51; *c. Aristog.* § 6: see also Jebb, *Att. Orators*, i. p. 222). [RHETORICE GRAPHE.] The fee of a drachm (*τὸ συνηγορικὸν*) mentioned by Aristophanes (*Vesp.* 691) was probably the sum paid to the public advocate *per diem* whenever he was employed on behalf of the state.

In ordinary cases, however, the accuser or prosecutor (*κατήγορος*) was a distinct person from the *συνήγορος*, who acted only as auxiliary to him. It might be, indeed, that the *συνήγορος* performed the most important part at the trial, as Anytus and Lycon are said to have done on the trial of Socrates, wherein Meletus was prosecutor; or it might be that he performed a subordinate part, making only a short speech in support. But, however this might be, he was in point of law an auxiliary only, and was neither entitled to a share of the reward (if any) given by the law to a successful accuser, nor liable, on the other hand, to a penalty of a thousand drachmas, or the *ἀτιμία* consequent upon a failure to get a fifth part of the votes. Here we must distinguish between an advocate and a joint prosecutor. The latter stood probably precisely in the same situation as his colleague, just as a co-plaintiff in a civil action. The names of both would appear in the bill (*ἔγκλημα*), both would attend the *ἀνάκρισις*, and would in short have the same rights and liabilities; the elder of the two only having priority in certain matters of form, such as the *πρωτολογία* (*argum.* Dem. *c. Androt.* p. 592). In the proceeding against the law of Leptines, there were two prosecutors, Aphepsion and Ctesippus the son of Chabrias; each addressed the court, Aphepsion first, as being the elder; each had his advocate, the one Phormio, the other Demosthenes (*argum.* p. 453 f.).

There seems to have been no law which limited the number of persons who might appear as advocates, either in public or private causes. There was, however, this practical limitation, that as the time allowed for speaking to either party was in most cases measured by the clepsydra, if either chose to employ a friend to speak for him, he subtracted so much from the length of his own speech as he meant to leave for that of his friend, and the whole time allowed was precisely the same, whatever the number of persons who spoke on one side (this applied also to the public advocates, Dinarch. *c. Dem.* § 114; *c. Aristog.* § 6; for an exception, see HERES, iv.). Both parties were usually (not always: cf. Dem. *F. L.* p. 407, § 213) allowed to make two speeches, the plaintiff beginning, the defendant

following, then the plaintiff replying, and lastly the defendant again. These are often called *λόγοι πρότεροι* and *ὕστεροι* respectively, but are not to be confounded with the *συνηγορίαι* or *δευτερολογίαι* which immediately followed the speech of the party in whose favour they were made. (*Att. Process*, ed. Lipsius, pp. 920–925, 759.)

With respect to the custom of producing friends to speak in mitigation of damages or punishment, see TIMEMA. As to the public advocates appointed to defend the old laws before a Heliastic court, see SYNDICUS, NOMOTHETES.

It has been shown clearly by Schömann, that Petitus was wrong in supposing that the orators or statesmen who spoke in the assembly are called *συνήγοροι* (*Legg. Attic.* iii. 3, p. 344 f., "Quamquam inter Magistratus censendi non sint Oratores, tamen *ἐν τοῖς ἰδιώταις* non sunt numerandi, cum expressis verbis distinguantur ab iis in Aeschinis *Or. adv. Tim.* (§ 8), *τρίτον δ' ἐφεξῆς τοὺς περὶ τῶν ἄλλων ἡλικιῶν, οὐ μόνον περὶ τῶν ἰδιωτῶν ἀλλὰ καὶ περὶ τῶν ῥητόρων* . . . Nemo autem temere huic Oratorum albo adscribebatur, sed quotannis decem sorte legebantur, qui drachmam de publico accipiebant, eo, quo orabant, die docet Aristoteles ap. Schol. Aristoph. ad hunc e *Vespis* versum (689): *ἐλάμβανον γὰρ οἱ ῥήτορες δραχμήν, ὅτε συνηγόρουν ὑπὲρ τῆς πόλεως ἢ ὑπὲρ ἄλλου τινός. ἐκ τούτου δὲ φαίνεται ὅτι μισθοφόρος ἦν ἡ ἀρχή. κληρωτοὺς δὲ γενομένους δέκα συνηγόρους Ἀριστοτέλης φησίν.* Qui enim *συνήγοροι* hic dicuntur, ii sunt *ῥήτορες*," etc.). The speakers in the popular assembly are always distinguished by the title of *ῥήτορες* or *δημήγοροι*, or, if they possessed much influence with the people, *δημαγωγοί*: and it is not to be supposed that they constituted a distinct class of persons, inasmuch as any Athenian citizen was at liberty to address the assembly when he pleased; though, as it was found *in practice* that the possession of the *βῆμα* was confined to a few persons who were best fitted for it by their talent and experience, such persons acquired the title of *ῥήτορες*, etc. (Schömann, *de Comit.* pp. 107–109, 210; *Journ. of Philol.* iv. p. 90 f.). There appears, however, to have been a regular appointment of *συνήγοροι*, ten in number, with whom the Scholiast on Aristoph. *l. c.* confounded the *ῥήτορες* or orators, viz. the officers who assisted the Logistae in auditing magistrates' accounts: cf. Bekk. *Anecd.* i. p. 301, 4, *συνήγοροι ἄρχοντες ἦσαν κληρωτοὶ οἳ τοῖς λογισταῖς ἐβοήθουν πρὸς τὰς εὐθύνας τῶν ἀρξάντων τινὰ ἀρχήν*: and *Lex. Rhetor. Cantabr.* p. 672, 24, *Λογιστὰς αἱροῦνται δέκα . . . καὶ ἄλλους δέκα συνηγόρους οἵτινες συνανακρίνουσι τούτοις*: Photius, *s. v. οὐ μόνον οἱ τοῖς ἰδιώταις συναγορεύοντες, ἀλλὰ καὶ ἄρχοντες Ἀθήνησιν.* See also the oath of the *συνήγοροι* of the Myrrhinusians in *C. I. A.* ii. No. 578; R. Schöll, *de Syneg. Att.* p. 30 ff. Aristotle (*Polit.* vii. 5 (8 *B*), § 10) says that the authorities to whom magistrates rendered their accounts were called in some of the Greek states *εὔθυνοι* (*e.g.* in Teos, Dittenberger, *Syll.* No. 349, 58 ff.), in others *λογισταί* (*e.g.* in Ephesus, Dittenberger, *Syll.* No. 253, 29 ff.; Issa, *C. I. G.* No. 1834, etc.), in others *ἐξεταστάι* (*e.g.* in Erythrae, Dittenberger, *Syll.* No. 370, 25; in Nesos, Hicks, *Manual*, No. 138, etc.), and in others *συνήγοροι* (*e.g.* in Iasus, Dittenberger, No. 77, 11; Gilbert, *Handb. d. Griech. Staatsalt.* ii. p. 336). (*Att. Process*, ed. Lipsius, p. 115.) Three *συνήγοροι* are mentioned in a decree of Zelea, to be chosen by lot from amongst nine citizens elected to act as *ἀνευρεταὶ τῶν χωρίων τῶν δημοσίων*, etc. (Dittenberger, *Syll.* No. 113, l. 30 ff.) [H. H.]

SYNGRAPHE (*συγγραφή*) signifies a written contract (*γραμματεῖον*); whereas *συμβόλαιον* does not necessarily import that the contract is in writing; and *ὁμολογία* is, strictly speaking, a verbal agreement (Valesius on Harpocr. *s. v. ἀσυνθετώτατον*); *χειρόγραφον* is a term foreign to Attic law (it first occurs Polyb. xxx. 8, 4).

No particular form of words was necessary to make the instrument valid in point of law, the sole object being to furnish good evidence of the parties' intention. The agreement itself was valid without any writing; and would form the ground of an action against the party who broke it, if it could be sufficiently proved. Hence it was the practice to have witnesses to a parol agreement. The law declared *κυρίας εἶναι τὰς πρὸς ἀλλήλους ὁμολογίας, ἃς ἂν ἐναντίον μαρτύρων ποιήσωνται* ([Dem.] *c. Phaenipp.* p. 1042, § 12; *c. Everg. et Mnes.* p. 1162, § 77; *c. Dionysod.* p. 1283, § 2; Plat. *Symp.* p. 196 *C*). This was especially the practice in early times (*ἁρμονίαι*, *Il.* xxii. 255; *συνημοσύναι*, *Il.* xxii. 261; or *ῥῆτραι*, *Od.* xiv. 393; Platner, *Notion. juris et just. ex Hom. et Hes. carm. expl.* p. 142 f.; see also Solon's law in Bekk. *Anecd.* i. p. 242, 20 ff.). But as the art of writing became more widely known, parol agreements grew rarer, and contracts were as a rule reduced to writing;* and it seems that for the maintenance

* It seems that such contracts were written either on wax tablets or on papyrus. In Dem. *c. Dionysod.* p. 1283, § 1, the borrower has in every respect the advantage over the money-lender: he gets from him money "in hard cash and in sterling coin," and leaves him for it his agreement—*ἐν γραμματειδίῳ δυοῖν χαλκοῖν ἐωνημένῳ καὶ βιβλιδίῳ μικρῷ πάνυ.* Salmasius rightly distinguishes between *γραμματεῖδιον* and *βιβλίδιον* as regards the material; but his view that by *γραμματεῖδιον* the *συγγραφὴ* was meant, and by *βιβλίδιον* the *χειρόγραφον*, is not correct, since *χειρόγραφον* is a term foreign to Attic law (*de Mod. Usur.* p. 403: "per *γραμματεῖδιον* intelligit tabulas syngrapharum, per *βιβλίδιον* chirographa, quia ut syngraphae in tabulis ceratis perscribebantur, ita chirographa in chartaceis, quo *βιβλίδια* appellabantur." *Συγγραφὴ* might be called either *γραμματεῖδιον* or *βιβλίδιον*, according to the material it was written on. Thus Orus distinguished the two words (*Etym. Magn.* p. 240 *sub fin.*): *ἰστέον ὅτι τινες γραμματεῖον λέγουσι τὸ μικρὸν βιβλίον· ὁ δὲ Ὧρος λέγει ὅτι οὐ λέγεται τὸ μικρὸν βιβλίον γραμματεῖον ἀλλ' ἡ μικρὰ δέλτος*: cf. Birt, *d. antike Buchwesen*, p. 21, "by *βιβλίδιον* we must understand one or more leaves of papyrus." The above explanation given by Gneist (*d. formellen Verträge des neueren röm. Obligationsrechts*, etc., p. 478), by which *καὶ* is taken in a disjunctive sense, is more probable than his suggestion that *βιβλίδιον* was the wrapper or cover of the *συγγραφή*. *Γραμματεῖον* occurs in the newly discovered speech of Hyper. *c. Athenog.* (of which columns 3 and 4 are published in the *Revue des Études Grecques*, 1889, by Revillout, p. 1 ff., and by Reinach, p. 169 ff.), c. 4: *ἦσαν δὲ αὐτοῖ συνθῆκαι πρὸς ἐμέ· ὧν ἐγὼ ἀναγινωσκομένων μὲν ἤκουον . . . καὶ σημαίνεται τὰς συνθήκας εὐθὺς ἐν τῇ αὐτῇ οἰκίᾳ, ἵνα μηδενὶ τῶν εὐφρονούντων ᾖ ἀκοῦσαι τὰ ἐγγεγραμμένα, πρασεγ-*

of an ἐμπορικὴ δίκη it was necessary to have a written contract (Dem. c. *Zenoth.* p. 882, § 1). Such contracts were leases (μισθώσεις: cf. Dem. *pro Phorm.* p. 945, § 4, αἱ συνθῆκαι καθ' ἃς ἐμίσθωσε Πασίων τὴν τράπεζαν τούτῳ: c. *Steph.* i. p. 1111, § 31; c. *Pantaen.* p. 968, § 5), loans of money (Dem. c. *Phorm.* p. 908, § 6; συγγραφαὶ ναυτικαὶ and ἔγγειαι, c. *Lacrit.* p. 932, § 27, and Bekk. *Anecd.* i. p. 283, 9 f., or συμβόλαια ναυτικὰ and ἔγγεια, Dem. c. *Apatur.* p. 893, § 3), and all executory agreements, where certain conditions were to be performed. Ἐκδιδόναι ἀνδριάντα κατὰ συγγραφήν is to give an order for the making of a statue of certain dimensions, of a certain fashion, at a certain price, etc., as specified in the agreement (Dem. *de Cor.* p. 268, § 122; cf. [Andoc.] c. *Alcib.* § 17; Xenoph. *de Re Equest.* 2, 2: see also Dem. c. *Apatur.* p. 897, § 14 f.; c. *Olympiod.* p. 1170, § 10 f.; Lyc. c. *Leocr.* § 23; Aeschin. c. *Tim.* §§ 160, 165, etc.). The rent, the rate of interest, with other conditions, and also the penalties for breach of contract ([Dem.] c. *Nicostr.* p. 1249, § 10; c. *Dionysod.* p. 1291, § 27, etc.), were particularly mentioned in these agreements, and the names of the witnesses ([Dem.] c. *Olympiod.* p. 1170, § 11, etc.) and of the sureties (if any, Dem. c. *Apatur.* p. 904, § 35) were specified. The agreements themselves were sealed by the parties (also by the surety, Dem. c. *Lacrit.* p. 928, § 15), and deposited, before witnesses (p. 927, § 14), with some person (or persons in case of duplicate copies, Dem. c. *Phorm.* p. 916, § 32), mutually agreed on between the parties (*C. I. A.* ii. No. 573; Dem. c. *Phorm.* p 908, § 6; c. *Apatur.* p. 904, § 36; Lyc. c. *Leocr.* § 23, etc.). An example of a contract on a bottomry loan (ναυτικὴ συγγραφὴ) will be found in Dem. c. *Lacrit.* p. 926, § 10 ff., where the terms are carefully drawn up, and there is a declaration at the end, κυριώτερον δὲ περὶ τούτων ἀλλὰ μηδὲν εἶναι τῆς συγγραφῆς, "which agreement shall be valid, anything to the contrary notwithstanding" [FENUS] (cf. Dareste, *Bull. de Corresp. Hellén.* 1884, pp. 370–376). Bankers were often chosen as the depositaries of agreements and other documents, having peculiar confidence reposed in them. Money was put into their hands without any acknowledgment, and often without witnesses. They entered these and also the loans made by themselves to others in their books (γράμματα or ὑπομνήματα), and such entries served practically the same purpose as a συγγραφή, being accepted as evidence in courts of justice (Isocr. *Trapez.* §§ 2, 53; Dem. *pro Phorm.* p. 950, § 20; p. 956, § 36, etc. Philippi, however, denies these bankers' books any special authority, *Jahrb. f. class. Philol.* 1866, p. 611 ff.).—In Sparta such agreements were called κλάρια (Plut. *Agis.* 13) or σκυτάλαι (Photius, *s. v.*); for the peculiar formalities observed in drawing them up, see Schol. Aristoph. *Av.* 1284, and Suid. *s. v.* σκυτάλη. Amongst the Locrians συγγραφαὶ were not allowed (Zenob. v. 4). (*Att. Process*, ed. Lipsius, p. 675 ff.)

For συγγραφαὶ (*C. I. A.* iv. No. 22 a; Lys. c. *Nicom.* § 17 f.) in the sense of bills prepared by special committees (συγγραφεῖς), "ordonnances, une catégorie de mesures législatives qui est distincte des lois et des décrets," see Foucart, *Bull. de Corresp. Hellén.* 1880, p. 248 ff.; Sauppe, *Attica et Eleus.* p. 10 ff. [NOMOTHETES.] [C. R. K.] [H. H.]

SYNOI'KIA (συνοικία) differs from οἰκία in this: that the latter is a dwelling-house for a single family; the former is adapted to hold several families, a lodging-house, *insula*, as the Romans would say. The distinction is thus expressed by Aeschines (c. *Tim.* § 124): ὅπου μὲν γὰρ πολλοὶ μισθωσάμενοι μίαν οἴκησιν διελόμενοι ἔχουσι, συνοικίαν καλοῦμεν, ὅπου δ' εἷς ἐνοικεῖ, οἰκίαν. The lodging-houses were let mostly to foreigners who came to Athens on business, and especially to the μέτοικοι, whom the law did not allow to acquire real property, and who therefore could not purchase houses of their own (Dem. *pro Phorm.* p. 946, § 6). As they, with their families, formed a population of about 45,000, the number of συνοικίαι must have been considerable. Pasion, the banker, had a lodging-house valued at 100 minas ([Dem.] c. *Steph.* i. p. 1110, § 28). Xenophon recommended that the μέτοικοι should be encouraged to invest their money in houses, and that leave should be granted to the most respectable to build and become house-proprietors (οἰκοδομησαμένοις ἐγκεκτῆσθαι, *de Vect.* 2, 6). The ἰσοτελεῖς laboured under no such liability; for Lysias and his brother Polemarchus, who belonged to that class, were the owners of three houses (c. *Eratosth.* § 18). The value of houses must have varied according to the size, the build, the situation, and other circumstances. Those in the city were more valuable than those in the Peiraeus or the country, *caeteris paribus*. Two country-houses are mentioned by Isaeus (*Hagn.* § 42) as yielding a return of a little less than 8½ per cent. interest on the purchase-money. But this probably was much below the average. The summer season was the most profitable for the letting of houses, when merchants and other visitors flocked to Athens. The rent was commonly paid by the month. Lodging-houses were frequently taken on speculation by persons called ναύκληροι or σταθμοῦχοι, who made a profit by underletting them, and sometimes for not very reputable purposes (Isae. *Philoct.* § 19). Hesychius explains the word ναύκληρος· ὁ συνοικίας προεστὼς σταθμοῦχος; and Harpocration (*s. v.*), and *Lex. Rhet. Cantabr.* p. 673, 20, remark that Hyperides used the word in a peculiar sense for ὁ μεμισθωμένος ἐπὶ τῷ τὰ ἐνοίκια ἐκλέγειν ἢ οἰκίας ἢ συνοίκιας. (Boeckh, *Sthh.* i.³ pp. 49, 84, 176 ff.) [C. R. K.] [H. H.]

SYNOI'KIA (συνοίκια or συνοικέσια), a festival celebrated every year at Athens on the 16th of Hecatombaeon in honour of Athena. It was believed to have been instituted by Theseus to commemorate the concentration of the government of the various towns of Attica and Athens (Thucyd. ii. 15; Steph. Byz. *s. v.* Ἀθῆναι). According to the Scholiast on Aristophanes (*Pax*, 1019), an unbloody sacrifice was on this day offered to the goddess of peace (εἰρήνη)

γράψας μετ' ἐμοῦ Νίκωνα τὸν Κηφισέα. ἐλθόντες δ' ἐπὶ τὸ μυροπώλιον, τὸ μὲν γραμματεῖον τιθέμεθα παρὰ Λυσικλεῖ Λευκονοεῖ ... τότ' ἤδη τοὺς φίλους καὶ τους οἰκείους συνήγαγον καὶ τὰ ἀντίγραφα τῶν συνθηκῶν ἀνεγινώσκομεν, etc. This same speech in c. 3 and 4 has twice mention of πληρωταὶ τῶν ἐράνων.

[*C. I. A.* i. 157]. This festival, which Plutarch (*Thes.* 24) calls *μετοίκια*, is mentioned both by him and by Thucydides as still held in their days. It must not be connected with the Panathenaea (which was a far more ancient festival), as has been done by some writers, but must be regarded rather as a separate peace festival. (A. Mommsen, *Heortol.* p. 114.) [L. S.]

SYNTAXIS (*σύνταξις*), a contribution, assessment. Under the revived Athenian empire in the 4th century B.C. the PHOROS of the 5th century was euphemistically called by this name. The reassertion of maritime supremacy by the Athenians dates formally from the archonship of Nausinicus (B.C. 378–7); but there are indications that the levying of tribute had begun as early as 380, the date of the *Panegyricus* of Isocrates (*τοὺς νησιώτας δασμολογεῖν*, § 132; *τῶν Κυκλάδων νήσων ἀμφισβητοῦμεν*, § 136). The pretence of equal and honourable alliance was soon dropped, and the new confederacy became as unpopular as the old. These *συντάξεις* are frequently mentioned by the Orators (Isocr. *Areop.* § 2; *de Pace*, § 36; *Antid.* § 113;—Dem. *de Pace*, p. 60, § 13; *de Cor.* p. 305, § 234; *συντάξεις καὶ φόρους*, Isocr. *Panath.* § 116): occasionally in inscriptions (*C. I. A.* ii. 62 and 108; *Mitth. d. Inst.* ii. 142). In Plutarch we find an illustration of the more or less considerate way in which such contributions might be levied (*Phoc.* 7); and of the Athenian habit of calling unpleasant things by soft names (*ὑποκορίζεσθαι*, *Sol.* 15: *τοὺς δὲ φόρους συντάξεις* is one of his instances).

(Boeckh, book iii. ch. 17, "On the Tributes and Allies of Athens after the Anarchy," esp. *P. E.* p. 418 ff. = *Sthh.*[3] i. 494 ff., with Fränkel's notes; Grote, cc. 75, 77, vol. vii. pp. 38, 90, ed. 1862, and note on *συντάξεις*, p. 91.) [W. W.]

SY'NTHESIS. The synthesis was a costume specially made for wearing at dinner, and was also known as *vestis cenatoria* (*στολὴ δειπνῖτις*) or *cenatorium* alone. It seems, from the other uses of the word *synthesis*, to have been a suit rather than a single garment, and was apparently easily put on and off, for we hear of dandies wearing several changes of attire at the same dinner (Mart. v. 79, 2). It was most in vogue during the Saturnalia (Mart. xiv. 1, 1, &c.); and it cannot have been altogether a fashion of the times of the Empire, for the Arval brothers wore it at their feasts (*Acta*, 27 [Mai, 218, 219], 17 [Mai, 241]). In their case, as befitted a solemn festival, the synthesis was white; but for ordinary occasions green (Mart. x. 29, 4), purple (Petron. 30), and other bright colours (Mart. ii. 46) were preferred. (Marquardt, *Privatleben*, pp. 322, 371; Iwan Müller, *Handbuch*, pp. 875, 928; Becker-Göll, *Gallus*, i. 15.) [W. C. F. A.]

SYRINX (*σύριγξ*), any sort of pipe or tube (see Dictionaries), but especially the Pan's Pipe, or Pandean Pipe. This was the appropriate musical instrument of the Arcadian and other Grecian shepherds, and was regarded by them as the invention of Pan, their tutelary god (Verg. *Ecl.* ii. 32, viii. 24), who was sometimes heard playing upon it (*συρίζων*: see Theocr. i. 3, 14, 19; Schol. *in loc.*; Longus, iv. 27), as they imagined, on Mount Maenalus (Paus. viii. 36, § 5). It is similarly attributed to Faunus (Hor. *Od.* i. 17, 10). When the Roman poets had occasion to mention it, they called it *fistula* (Verg. *Ecl.* ii. 36, iii. 22, 25; Hor. *Od.* iv. 12, 10; Ovid, *Met.* viii. 192, xiii. 784; Mart. xiv. 63; Tibull. i. 6, 30; Cic. *de Orat.* iii. 61, 225). It was also variously denominated according to the materials of which it was constructed, whether of cane (*tenui arundine*, Verg. *Ecl.* vi. 8; Hom. *Hymn. in Pana*, 15; *ποιμενίῳ δονάκι*, Brunck, *Anal.* i. 489), reed (*calamo*, Verg. *Ecl.* i. 10, ii. 34, v. 2; *κάλαμος*, Theocr. viii. 24; Longus, i. 4), or hemlock (*cicuta*, Verg. *Ecl.* v. 85). In general seven hollow stems of these plants were fitted together by means of wax, having been previously cut to the proper lengths, and adjusted so as to form an octave (Verg. *Ecl.* ii. 32, 36); but sometimes nine were admitted, giving an equal number of notes (Theocr. viii. 18–22). Another refinement in the construction of this instrument, which, however, was rarely practised, was to arrange the pipes in a curve so as to fit the form of the lip, instead of arranging them in a plane (Theocr. i. 129). A syrinx of eight reeds is shown in the gem figured on page 305. The inference from Athen. iv. p. 184 is that the syrinx of joined reeds was an improvement on the single reed-pipe, which he calls *μονοκάλαμος σῦριγξ*: in the tradition there cited Hermes invented the single *σῦριγξ*, Silenus the *πολυκάλαμος*, and Marsyas the method of joining with wax. The annexed woodcut is taken from a bas-relief in the collection at Appuldurcombe in the Isle of Wight (*Mus. Worsleyanum*, pl. 9). It represents Pan reclining at the entrance of the cave, which was dedicated to him in the Acropolis at Athens. He holds in his right hand a drinking-horn [RHYTON] and in his left a syrinx, which is strengthened by two transverse bands.

Pan with Syrinx. (From a bas-relief.)

The ancients always considered the Pan's Pipe as a rustic instrument, chiefly used by those who tended flocks and herds (Hom. *Il.* xviii. 526; Apoll. Rhod. i. 577; Dionys. Perieg. 996; Longus, i. 2, 14–16, ii. 24–26); but also admitted to regulate the dance (Hes. *Scut.* 278). This instrument was the origin of the organ [HYDRAULA].

The *σῦριγξ μονοκάλαμος* was played like our flute, not by a mouthpiece like the *αὐλός* [see TIBIA]: hence the Schol. *ad* Pind. *Pyth.* xii. says that Midas, having broken the mouthpiece, played on the rest of the *αὐλὸς* as if it were a flute, *i.e.* by blowing across the *τρυπήματα*. The *σῦριγξ* of the *αὐλός*, in Plut. *Mus.* 21 and Aristox. p. 28, was probably a *τρύπημα* near

the mouthpiece (cf. Baumeister, *Denkm.* p. 561; TIBIA). [J. Y.] [G. E. M.]

SYSSI'TIA (*συσσίτια*). The custom of taking the principal meal of the day in public prevailed extensively amongst the Greeks from very early ages. It existed not only with the Spartans and Cretans, amongst both of whom it was kept up till comparatively recent times, but also at Megara in the age of Theognis (*v.* 309), and at Corinth in the time of Periander, who, it seems, abolished the practice as being favourable to aristocracy (Aristot. *Pol.* v. 11 = p. 1313 a, 41). At Athens the practice survived in the public meals for official persons, for which see PRYTANEUM. Nor was it confined to the Hellenic nation: for according to Aristotle (*Pol.* vii. 10 = p. 1329 b, 7) it prevailed still earlier amongst the Oenotrians in the south of Italy, and also at Carthage, the political and social institutions of which state resembled those of Sparta and Crete (*Pol.* ii. 11 = p. 1272 b, 26). The origin of the usage cannot be historically established; but it seems reasonable to refer it to infant or patriarchal communities, the members of which, being intimately connected by the ties of a close political union and kindred, may naturally be supposed to have lived together almost as members of the same family. But however and wherever it originated, the natural tendency of such a practice was to bind the citizens of a state in the closest union; and accordingly we find that at Sparta Lycurgus availed himself of it for this purpose, though we cannot determine with any certainty whether he introduced it there, or merely perpetuated and regulated an institution which the Spartans brought with them from their mother-country and retained at Sparta as being suitable to their position and agreeable to their national habits. The latter supposition is perhaps the more probable. The Cretan usage Aristotle (*Pol.* vii. 10 = p. 1329 b, 6) attributes to Minos; this, however, may be considered rather "the philosopher's opinion than as an historical tradition:" but the institution was confessedly of so high antiquity, that the Peloponnesian colonists may well be supposed to have found it already existing in Crete, even if there had been no Dorian settlers in the island before them (Thirlwall, *Hist. Gr.* i. 287).

The Cretan name for the Syssitia was Ἀνδρεῖα or Ἄνδρια (Aristot. *Pol.* ii. 10 = p. 1272 a, 3; Ephor. *ap.* Strab. x. p. 483). This title affords of itself a sufficient indication that the public meals were confined to men and youths (cf. Plat. *Legg.* vi. p. 780 E, 781 A); the women and children were supported out of the same revenues, but at their own homes (Aristot. *Pol.* ii. 10 = 1272 a, 17; Dosiadas *ap.* Ath. iv. p. 143 b; cf. Thumser, *Staatsalterth.* p. 143 n.). In some of the Dorian states, however, though not in Crete, it has been inferred from an allusion in Pindar that there were syssitia of the young unmarried women (Pind. *Pyth.* ix. 35; Hoeck, *Kreta*, iii. 123). All the adult citizens among the Cretans partook of the public meals: the companies or messes (*ἑταιρεῖαι*) into which they were distributed for this purpose were likewise called *ἀνδρεῖα* (Ath. *l. c.*). These companies were perhaps originally confined to persons of the same house and kindred, but afterwards any vacancies in them were filled up at the discretion of the members (Hoeck, iii. 126). The divinity worshipped under the name of Ζεὺς Ἑταιρεῖος (Hesych. *s. v.*) was considered to preside over them. These *ἑταιρεῖαι* are mentioned in inscriptions (Cauer,[2] 121; Gilbert, *Staatsalterth.* ii. 225 n.; Thumser, *Staatsalterth.* p. 142, n. 5); see further COSMI, Vol. I., p. 555 *b*.

According to Dosiadas, who wrote a history of Crete (Ath. *l. c.*), there were in every town of the island (*παντὸς τοῦ*) two public buildings, one for the lodging of strangers (*κοιμητήριον*), the other a common hall (*ἀνδρεῖον*) for the citizens. In the latter of these the Syssitia were given, and in the upper part of it were placed two tables for the entertainment of foreign guests (*ξενικαὶ τράπεζαι*),—a circumstance deserving of notice, as indicating the extent to which the Dorians of Crete encouraged mutual intercourse and hospitality. Then came the tables of the citizens. But besides these there was also a third table on the right of the entrance dedicated to Ζεὺς ξένιος, and perhaps used for the purpose of making offerings and libations to the god.

The Syssitia of the Cretans were distinguished by simplicity and temperance. They always *sat* at their tables, even in later times, when the custom of reclining had been introduced at Sparta (Cic. *pro Mur.* 35, § 74). The entertainment began with prayer to the gods and libations (Pyrgion *ap.* Ath. iv. p. 143 e). Each of the adult citizens received an equal portion of fare, with the exception of the "Archon," or "Master of the Tables," who was perhaps in ancient times one of the *κόσμοι*, and more recently a member of the *γερωνία* or council. This magistrate received a fourfold portion: "one as a common citizen, a second as president, a third for the house or building, a fourth for the furniture" (*τῶν σκευῶν*, Heraclid. Pont. 3, § 6 = Müller, *Fragm. Hist.* ii. 212): an expression from which it would seem that the care of the building and the provision of the necessary utensils and furniture devolved upon him. Haase conjectures *τῶν συσκήνων* for *τῶν σκευῶν*, and thinks that the president was enabled, by means of this portion, to confer an honour on any of the members of the mess at his discretion (Schömann, *Antiq.* i. 309 n.). The management of all the tables was under the superintendence of a female of free birth (*ἡ προεστηκυῖα τῆς συσσιτίας γυνή*, Ath. *l. c.* 143 d), who openly took the best fare and presented it to the citizen who was most eminent in council or the field. She had three or four male assistants under her, each of whom again was provided with two menial servants (*καλαφόροι*, or wood-carriers, Ath. 143 b). There was a *προεδρία* of strangers, which seems to imply that they were also helped first (Heracl. Pont. *l. c.*; Ath. 143 c). On each of the tables was placed a cup of mixed wine, from which the messmates of the same company drank. At the close of the repast this was replenished, but all intemperance was strictly forbidden by a special law (Plat. *Minos*, p. 320 A).

Till they had reached their eighteenth year, when they were classed in the *ἀγέλαι*, the youths accompanied their fathers to the Syssitia, where orphans also were provided (Hoeck, iii. 185); and the boys waited upon the men

(Ephor. *ap.* Strab. x. p. 483). Sons were seated near their fathers on a lower bench, and received only a half portion of meat: the orphans appear to have received the same quantity as the men, but without any condiments (*ἀβαμβάκευτα*, Pyrgion *ap.* Ath. iv. 143 e). The boys, like the men, had also a cup of mixed wine in common, which however was not replenished when emptied. During the repast a general cheerfulness and gaiety prevailed, which were enlivened and kept up by music and singing (Alcman *ap.* Strab. p. 482 = *fr.* 22, Bergk[4]). It was followed by conversation, which was first directed to the public affairs of the state, and afterwards turned on valiant deeds in war and the exploits of illustrious men, whose praises might animate the younger hearers to an honourable emulation. To each *ἀνδρεῖον* there was a *παιδονόμος*, who controlled the behaviour and manners of the youths (Ephor. *l. c.*; cf. PAEDONOMI).

In most of the Cretan cities, the expenses of the Syssitia were defrayed out of the revenues of the public lands and the tribute paid by the Perioeci, the money arising from which was applied partly to the service of the gods, and partly to the maintenance of all the citizens, both male and female (Arist. *Pol.* ii. 10 = p. 1272 a, 17); so that in this respect there might be no difference between the rich and the poor. From the statement of Aristotle compared with Dosiadas (Ath. *l. c.*), it appears probable that each individual received his separate share of the public revenues, out of which he paid his quota to the public table, and provided with the rest for the support of the females of his family. This practice, however, does not appear to have prevailed exclusively at all times and in all the cities of Crete. In Lyctus, for instance, a colony from Sparta, the custom was different: the citizens of that town contributed to their respective tables a tenth of the produce of their estates; a practice which may be supposed to have obtained in other cities, where the public domains were not sufficient to defray the charges of the Syssitia. But both at Lyctus and elsewhere, the poorer citizens were in all probability supported at the public cost.

In connexion with the accounts given by the ancient authors respecting the Cretan Syssitia, there arises a question of some difficulty, viz. How could one building accommodate the adult citizens and youths of such towns as Lyctus and Gortyn? The question admits of only two solutions: we are either misinformed with respect to there being only one building in each town used as a common hall, or the number of Dorian citizens in each town must have been comparatively very small.

The Spartan Syssitia were in the main so similar to those of Crete that one was said to be borrowed from the other (Aristot. *Pol.* ii. 10 = p. 1271 b, 22; 1272 a, 3). They were anciently called *ἀνδρεῖα*, as in Crete, but later *φιδίτια* (Aristot. *l. c.*; Alcman, *l. c.*). Of this celebrated name three possible etymologies are hinted at by Plutarch (*Lycurg.* 12): (1) That the true form was *φιλίτια*, "friendly feasts;" this was long accepted as the right explanation (Müller, *Dor.* iv. 3, § 3; Hoeck, iii. 123; Göttling on Aristot. *Oecon.* p. 190; L. and S., ed. 7): (2) from *φειδώ*, "frugal feasts;" but the first syllable is short (Antiphan. *fr.* 44 M.; Cobet, *Nov. Lect.* p. 728): (3) from *ἔδω*, to eat, the *φ* representing a lost digamma; this is the simplest and best (Bielschowsky, p. 12; Gilbert, *Staatsalterth.* i. 71 n.; Thumser, *Staatsalterth.* p. 185 n.). To these Schömann adds a conjecture of his own: (4) from *ἵζω*, root *ἑδ*, "sittings" (*Antiq.* i. 271, 545 E. T.). It will be seen that (3) and (4) agree in substituting a labial for a lost digamma, about which there can be no difficulty; *βαγὸς* is connected with *ἄγω*, *ἀπέλλα* with *ἀολλής*. The Spartan Syssitia differed from the Cretan in the following respects. Instead of the expenses of the tables being defrayed out of the public revenues, every head of a family was obliged to contribute a certain portion at his own cost and charge; those who were not able to do so were excluded from the public tables (Aristot. *Pol.* ii. 10 = p. 1271 a, 35; HOMOEI). The guests were divided into companies generally of fifteen persons each, and all vacancies were filled up by ballot, in which unanimous consent was indispensable for election. No persons, not even the kings, were allowed what was called an *ἀφίδιτος ἡμέρα* (Hesych. *s. v.*), or excused from attendance at the public tables, except for some satisfactory reason, as when engaged in a sacrifice, or a chase, in which latter case the absentee was required to send a present to his mess (Plut. *Lycurg.* 12; *Agis*, c. 10). Each person was supplied with a cup of mixed wine, which was filled again when required; but drinking to excess was prohibited at Sparta as well as in Crete. The repast was of a plain and simple character, and the contribution of each member of a mess or *φιδίτης* was settled by law (Thumser, p. 188; Plut. *l. c.*). The principal dish was the *μέλας ζωμὸς* or black broth, with pork (Ath. iv. p. 141 b). The *ἐπάϊκλον* or second course (from the Doric *ἄϊκλον*, a meal) was however more varied, and richly supplied by presents of game, poultry, fruit, &c., and other delicacies which no one was allowed to purchase. Moreover, the entertainment was enlivened by cheerful conversation, though on public matters (Xen. *Rep. Lac.* 5, § 6). Singing also was frequently introduced, as we learn from Alcman (*l. c.*), that "at the banquets and drinking entertainments of the men it was fit for the guests to sing the paean." The arrangements were under the superintendence of the Polemarchs.

The use and purposes of the institutions described above are very manifest. They united the citizens by the closest ties of intimacy and union, making them consider themselves as members of one family, and children of one and the same mother, the state. They maintained a strict and perfect separation between the higher and the subject classes both at Sparta and in Crete, and kept up in the former a consciousness of their superior worth and station, together with a strong feeling of nationality. At Sparta also they were eminently useful in a military point of view, for the members of the Syssitia were formed into corresponding military divisions, and fought together in the field, as they had lived together at home, with more bravery and a keener sense of shame (*αἰδὼς*) than could have been the case with merely chance comrades (Herod. i. 65). Moreover "they gave an

efficacy to the power of public opinion which must have nearly superseded the necessity of penal laws" (Thirlwall, vol. i. p. 289). With respect to the political tendencies, they were decidedly arranged upon aristocratical principles, though no individual of a company or mess was looked upon as superior to his fellows. Plutarch (*Quaest. Sympos.* vii. 9, p. 714 B) accordingly calls them *συνέδρια ἀριστοκρατικά*, or aristocratical meetings, and compares them with the Prytaneum and Thesmothesium at Athens.

The simplicity and sobriety which were in early times the characteristic both of the Spartan and Cretan Syssitia, were afterwards in Sparta at least supplanted by luxury and effeminate indulgence. The change was probably gradual, but the kings Areus and Acrotatus (B.C. 300) are recorded as having been mainly instrumental in accelerating it. The reformer Agis endeavoured but in vain to restore the old order of things, and perished in the attempt. Yet Cicero says that in his time the Lacedaemonians reclined only upon wooden couches, without cushions ("quotidianis epulis in robore accumbunt," *pro Mur.* 35, § 74). Athenaeus, on the other hand, quotes Phylarchus for the luxury, which may have been confined to special occasions (iv. 141 *extr.*, 142: Phylarchus lived about B.C. 215).

Authorities.—Hoeck, *Kreta*, iii. 120–139; Müller, *Dorians*, iv. 3; Thirlwall, i. 288, 331; Grote, pt. ii. ch. 6 = ii. 146; Schömann, *Antiq.* i. 269 ff., 306 ff. E. T.; A. Bielschowsky, *de Spartanorum Syssitiis*, Vratislav. 1869; Gilbert, *Staatsalterth.* i. 71, ii. 225; Thumser, *Staatsalterth.* in Hermann-Blümner, §§ 22, 28.

[R. W.] [W. W.]

SYSTY'LOS. [TEMPLUM.]

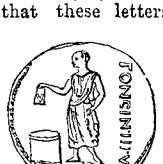
T.

TABELLA, the voting tablet, by means of which votes were given at Rome both in the assemblies and in the courts of law.

1. In the assemblies the votes were originally the answers of the individual citizens to the magistrate who consulted the people as to their will and pleasure (*rogavit populum quid vellent juberent*). All evidence goes to show that the answers were originally given *vivâ voce* to the officials (*rogatores*) in attendance on the presiding magistrate. In the case of an election these officials pricked each vote on the tablet which bore the name of the candidate in whose favour it was given, who was said *punctum ferre*, a phrase which remained in use metaphorically after the custom on which it was based had been abandoned (Hor. *Epist.* ii. 2, 99; *Art. Poet.* 343). The result was then reported to the magistrate, who declared elected (*creavit*) the candidates with a majority. The only difficulty in accepting this view arises from the meaning of the word *suffragium*: it can hardly be doubted that this means originally a potsherd, a broken piece of tile (Corssen, i. 397); but there is no evidence or probability that voting by this means was ever practised at Rome in the assembly; the name may have been transferred from the use of the potsherd under other circumstances, but of this there is no proof (Mommsen, *Röm. Staatsr.* iii. 402, n. 1). Wunder's attempt (*Var. Lect.* p. clxvii. *sqq.*) to show that voting by pebbles (*ψῆφοι*) was in use, at least in passing or rejecting proposed laws, has not found favour with scholars. His arguments are derived entirely from passages in Dionysius, which only show that the writer transferred to an earlier time the arrangements of his own day (Mommsen, *ib.* 404, 2). The ballot was introduced first for the election of magistrates, B.C. 139 [TABELLARIAE LEGES]. After this date each voter received one *tabella*, on which were written the names, or more probably (cf. Cic. *pro Domo*, 43, 112) only the initials, of the candidates; and apparently he voted by pricking the tablet at the name of the favoured candidate. It is important to distinguish the *tabella* by means of which the citizens gave their votes, from the *tabula* or list on which the *custodes* checked off the votes, as they were taken out of the *cistae* and reported. (Cf. Tyrrell on Q. Cic. *de Pet. Cons.* 8.)

In voting upon laws after the introduction of the ballot, each citizen was provided with two tickets, one inscribed V. R., i.e. *uti rogas*, for assent; the other A., i.e. *antiquo*, "I approve the old law," for rejection (cp. Cic. *ad Att.* i. 13, 3). When Clodius desired to secure the failure of a *rogatio*, he contrived that no tickets marked V. R. should be issued (Cic. *ad Att.* i. 14, 5). Walther's view (*Geschichte*, i. 126, note 117), that when the Comitia acted as a court the tablets were different, does not seem well supported (cf. Lange, *Röm. Alt.*[3] ii. 489).

2. In trials the judices were provided with three *tabellae*, one marked A., for *absolvo*, "I acquit;" the second with C., for *condemno*, "I condemn;" the third with N. L., for *non liquet*, "It is not clear to me." The first of them was called *tabella absolutoria*, the latter *tabella damnatorii* (Suet. *Aug.* 33): Cicero also calls the former *littera salutaris*, the latter *littera tristis* (*pro Mil.* 6, 15). In Caesar (*Bell. Civ.* iii. 83) we read that Domitius proposed that the senators who followed Pompeius should on their return to Rome be given each three *tabellae*, by which they might pass a verdict upon those who had remained at Rome: "unam fore tabellam, qui liberandos omni periculo censerent; alteram qui capitis damnarent, tertiam qui pecunia multarent." A tabella marked with the letters L. D. is represented on a denarius of the Caelian gens; and as C. Caelius Caldus introduced one of the *tabellariae leges*, it has been plausibly suggested that these letters denote *Libero* and *Damno* respectively (cf. Spanheim, *Numism.* ii. 198–200, ed. 1706; Mommsen, *Röm. Münzwesen*, p. 636). The annexed cut represents a coin of (Cassius) Longinus *iii vir*, referring to the Lex Cassia; the tablet is marked V. (Mommsen, *ib.* Cf. Cohen, *Monnaie de la République*, pll. xi. and xix.)



[A. S. W.]

TABELLA'RIAE LEGES, the laws by which the ballot was introduced in voting in-

the Comitia; *tabellae* being the tablets overlaid with wax on which votes were secretly inscribed. Secret voting was introduced for the purpose of weakening the power of the optimates. As to the ancient mode of voting at Rome, see TABELLA. There were four enactments known by the name of Tabellariae Leges, which are enumerated by Cicero (*de Legg.* iii. 16, 35). They are mentioned below according to the order of time in which they were passed.

1. LEX GABINIA, proposed by the tribune Gabinus B.C. 139, introduced the ballot in the election of magistrates (Cic. *l. c.*); whence Cicero (*Agr.* ii. 2, 4) calls the tabella "vindex tacitae libertatis."

2. LEX CASSIA, proposed by the tribune L. Cassius Longinus B.C. 137, introduced the ballot in the "Judicium Populi," with the exception of cases of Perduellio. The "Judicium Populi" undoubtedly applies to cases tried in the Comitia by the whole body of the people [JUDEX, Vol. I. p. 1027], although Ernesti (*Index Leg.*) wishes to give a different interpretation to the words. This law was supported by Scipio Africanus the younger, for which he was censured by the aristocratical party (Cic. *de Legg.* iii. 16, 37; *Brut.* 25, 97; *pro Sestio*, 48, 103; —Ascon. *in Cornel.* p. 78, ed. Orelli).

3. LEX PAPIRIA, proposed by the tribune C. Papirius Carbo B.C. 131, introduced the ballot in the enactment and repeal of laws (Cic. *de Legg.* iii. 16, 35).

4. LEX CAELIA, proposed by C. Caelius Caldus B.C. 107, introduced the ballot in cases of Perduellio, which had been excepted in the Cassian law (Cic. *l. c.*; *pro Planc.* 6, 16;—Plin. *Ep.* iii. 20).

There was also a law brought forward by Marius B.C. 119, which was intended to secure freedom and order in voting (Cic. *de Legg.* iii. 17, 38; Plut. *Mar.* 4). [W. S.] [E. A. W.]

TABELLA'RIUS, a letter-carrier. As the Romans had no public post, they were obliged to employ slaves, who were called *Tabellarii*, as special messengers to convey their letters when they had not an opportunity of sending them otherwise (Cic. *Phil.* ii. 31, 37; *ad Fam.* xii. 12, xiv. 22). Those who were out of Italy could get their letters conveyed not only by ships' captains, but also by the special tabellarii of the provincial governor (Cic. *ad Att.* v. 19; *de Prov. Cons.* 7, 15), or by those of the publicani (Cic. *ad Att.* v. 15 and 16): for these tabellarii of proconsuls, see also Auct. *de Bell. Hisp.* 2. [W. S.] [G. E. M.]

TABE'LLIO, a notary (Suidas, *s. v.*). Under the Empire the Tabelliones succeeded to the business of the Scribae in the times of the Republic [SCRIBAE]. They were chiefly employed in drawing up legal documents, and for this purpose usually took their stations in the marketplaces of towns (Capitol. *Macrin.* 4; Cod. 4, 21, 17; Novell. 73, c. 5, &c.). They formed a special order in the state (Gothofr. *ad Cod. Theod.* 12, 1, 3). [W. S.]

TABERNA. 1. (*σκηναί, γέρρα*), a shop or booth. [DOMUS, Vol. I. pp. 679, 680; AGORA, Vol. I. pp. 46, 47.]

2. A wine-shop or tavern. [CAUPONA.]

TABERNA'CULUM, TENTO'RIUM (*κλισίη, σκηνή*), a tent. The former of these words was no doubt originally applied to a shed or hut of boards (cf. Fest. s. v. *tabernacula;* TUGURIUM); but it became the ordinary term for a tent (Cic. *Brut.* 9, 37; Caes. *B. C.* i. 81; Liv. xxii. 42). These were made of skins stretched from wooden supports, like our canvas tents; hence the name *tentoria*, which, as we may gather from Festus (s. v. *contubernales*), is put concisely for *tentoriae pelles*. The tent-maker was called *tabernacularius* (Grut. 6428; Henzen, 6101). Constant supplies of hides for this purpose were drawn from the provinces by armies in the field (Cic. *Verr.* ii. 2, 5, *coria; in Pis.* 36, 87, *pellium nomine*). Campaigning was "sub pellibus durare" (Liv. v. 2): during winter the soldiers were either in towns, or, if they held a permanent camp in remote and uncivilised countries, they were lodged in huts of wood, turf or stones [CASTRA]: to keep them in tents during the winter was a mark of severity (Tac. *Ann.* xiii. 35; cf. Caes. *B. G.* iii. 29; Long *ad loc.*). The word *papilio*, "pavilion," may be, as Rich thinks, intended to describe the look of a tent with its curtains looped up. [For the size of Roman tents and their arrangements, see CONTUBERNIUM; Marquardt, *Staatsverw.* ii. 427.]

The *κλισίαι* of Homer were not tents, but wooden or wattled huts; that of Achilles (larger no doubt than the ordinary *κλισίη*, and with separate rooms, but of like material) was of fir-planks and thatched with reeds (*Il.* xxiv. 451), and *εὔπηκτος*, which implies carpenter's work (*ib.* 675). [See Buchholz, *Hom. Realien*, ii. 340.] In later Greek warfare (where any shelter is required) we find generally tents of skins, like those of the Romans, which are usually called *σκηναί* (Xen. *Anab.* i. 5, 12; cf. *σκηνορράφος*, Zonar. p. 1655; Ael. *V. H.* ii. 1), but also *διφθέραι* (Xen. *Anab.* i. 5, 10); *διφθέραι* with iron tent-pegs (Arr. *Anab.* iv. 19): wooden huts were also used and termed *σκηναί*, which explains the burning of the *σκηναί*, as too troublesome to carry, in Xen. *Anab.* iii. 2, 27: so Droysen takes it, but it is also possible that wooden framework for the *διφθέραι* may have been burnt. (See Droysen, *Kriegsalterth.* § 11 = Hermann-Blümner, *Lehrbuch*, ii. 13.) [For the augural *tabernaculum*, see AUGURIA; TEMPLUM *ad init.*] [G. E. M.]

TABLI'NUM. [DOMUS, Vol. I. p. 670 b.]

TA'BULA LUSO'RIA (*πίναξ*), a board for playing games, called also ALVEUS from having a raised rim. Ancient backgammon and draughts, and the boards on which they were played, are treated under DUODECIM SCRIPTA and LATRUNCULI respectively. Other games, played with and without dice, are described, though less intelligibly, by the grammarians (Pollux, ix. 97, 98; Eustath. *ad Od.* p. 1397). Bruzza, writing in 1877, states that upwards of 100 tabulae lusoriae, serving for six different games, had been found in Rome and the environs, mostly in the Castra Praetoria and the Catacombs (*Bullett. comunale*, 1877, pp. 81–99); from an examination of subsequent lists it does not appear that any further discoveries of a like sort have been made down to the present time. More than 60 of these are of the type given below, in which 36 letters are arranged in three double rows of six each: others, instead of the letters, have 36 arbitrary signs which served the same purpose; and one in particular repeats 36 times the words

palma feliciter expressed in a monogram. We have selected a few of the more suggestive examples; in order to make each row consist of six letters, it will be seen that some liberties are taken with the spelling.

1. VICTVS	0	LEBATE
LVDERE	0	NESCIS
DALUSO	0	RILOCV[M].
2. SEMPER	0	IN HANC
TABVLA	0	HILARE
LVDAMV	0	SAMICI.
3. VICTOR		VINCAS
NABICE		FEELIX
SALBUS		REDIAS.
4. INVIDA		PVNCTA
IVBENT		FELICE
LVDERE		DOCTVM.
5. ABEMUS		INCENA
PVLLVM		PISCEM
PERNAM		PAONEM.

BENATORES.

Nos. 1 and 2 are divided in the middle by a representation of the *calculi* with which the game was played; No. 3 by the figure of a sailing ship. Nos. 2 and 4 are metrical, after a fashion. The forms LEBATE (*leva te*, "take yourself off"), NABICE (*naviga*), SALBUS and BENATORES show the confusion of *b* and *v*, as in Spanish and modern Greek; PAONEM illustrates the French *paon*. In No. 1 the M of LOCVM seems to have been inserted by mistake, as the six letters are complete without it. The word BENATORES is of course not included in the letters that mark the board; it may imply that the game afforded a mild excitement to tired sportsmen after their day's work. Nos. 1 and 3 were found in a Christian tomb, and have been quoted to prove that the discipline of the early Church as regards games of chance was not very strict. Compare *Dict. of Chr. Ant.*, s. v. *Dice*.

It is conjectured that this was a game in which each player tried, under certain unspecified conditions, to get three men into a row (Ov. *A. Am.* iii. 365, *Trist.* ii. 481; cf. Isid. *Orig.* xviii. 64). A tabula lusoria described by Martial (xiv. 17) had backgammon and draught boards on opposite sides. (Marquardt, *Privatl.* 836–838.) [W. W.]

TABULAE or PUGILLARES (πίνακες, δέλτοι, πυξίον, πινάκιον, γραμματεῖον), writing tablets. Although Livy, i. 24, seems to make a formal distinction between *tabulae*, i.e. bronze tablets, and *cera*, yet in general the plural of *tabula* is used to signify thin slips of wood or other material, usually of an oblong shape, covered over with wax, whence *cera* and *cerae* are used for the tablets themselves. The wax, which was written upon by the stilus or γραφίς [STILUS], was coloured (red in Ov. *Am.* i. 12, 11, but generally black), so that the letters marked by the stilus were white. The layer of wax was sometimes so thin that the writing was marked on the wood itself below, as may be seen in some tablets that have been preserved. As to renewing the tablets by scraping off the old and pouring fresh melted wax over them, "cera . . . rasis infusa tabellis" (Ov. *Art. Am.* i. 437), see Herod. vii. 239. Ordinary Greek writing tablets were covered with μάλθη, a composite and softer wax, which in Dem. *c. Steph.* ii. p. 1132, § 11, is contrasted with the tablets covered with gypsum (γραμματεῖον λελευκωμένον: cf. λεύκωμα, *lex ap.* Dem. *Timocr.* p. 707), intended for more permanent documents. This composite wax was, however, termed indifferently μάλθη or κηρός (compare Aristoph. *Vesp.* 108 and *Fr.* 206). The schoolboy's writing tablet was sometimes a single *tabula* which he carried suspended by a ring (Hor. *Sat.* i. 6, 74, Orelli *ad loc.*; Plaut. *Bacch.* iii. 3, 37): tablets thus hung on the wall of the school-room are shown in the cut from the Duris vase under LUDUS LITTERARIUS (p. 96).

More expensive tablets were made of citron-wood or ivory (Mart. xiv. 3, 5), but the commoner woods were generally used, such as beech, fir, and box (whence the name πυξίον). The outer sides consisted of wood; the inner sides only were covered with wax. They were fastened together at the back by means of wires, which answered the purpose of hinges, so that they opened and shut like our books; and to prevent the wax of one tablet rubbing against the wax of the other, there was a raised margin around each, as is clearly seen in the woodcut under STILUS. There were sometimes two, three, four, five, or even more tablets fastened together in the above-mentioned manner. Tablets so folded and bound together were called *codex* or *codicilli* (compare Catull. 42, 5 and 11): where a very large number were combined, they had a handle, by which to carry or to hang them up, and were called *codices ansati* (*C. I. L.* x. 7852). [CODEX.] Two such tablets were called *diptycha* (δίπτυχα), which merely means "twice-folded" (cf. δίπτυχον δελτίον, Herod. vii. 239) [DIPTYCHA]. The Latin word *pugillares*, which is the name frequently given to tablets covered with wax (Mart. xiv. 3; Gell. xvii. 9; Plin. *Ep.* i. 6), is derived from *pugnus*, *pugillus*, because they were small enough to be held in the hand. Such tablets are mentioned as early as the Homeric poems, which speak of a πίναξ πτυκτός (*Il.* vi. 169; Munro *ad loc.*; Jebb, *Homer*, p. 112). Three tablets fastened together were called *Triptycha* (τρίπτυχα), which Martial (xiv. 6) translates by *triplices* (*cerae*); in the same way we also read of *pentaptycha* (πενταπτυχα), called by Martial (xiv. 4) *quintuplices* (*cerae*), and of *polyptycha* (πολύπτυχα) or *multiplices* (*cerae*). The above are called also γραμματεῖον or γραμματείδιον δίθυρον, τρίπτυχον ἢ πλειόνων πτυχῶν (Poll. x. 51). [See woodcuts under LIBER, p. 58.] The pages of these tablets were frequently called by the name of *cerae* alone; thus we read of *prima cera*, *altera cera*, "first page," "second page" (Suet. *Ner.* 17; Hor. *Sat.* ii. 5, 53; Mart. iv. 72). In tablets containing important legal documents, especially wills, the outer edges were pierced through with holes (*foramina*), through which a triple thread (*linum*) was passed, and upon which a seal was then placed. This was intended to guard against forgery, and if it was not done such documents were null and void (Suet. *Ner.* 17; Paulus, *Sent. Rec.* v. 25, § 6; TESTAMENTUM).

Waxen tablets were used among the Romans for almost every species of writing, where great length was not required. Thus letters were frequently written upon them, which were secured by being fastened together with packthread and sealed. Accordingly we read in

Plautus (*Bacch.* iv. 4, 64) when a letter is to be written:

"Effer cito stilum, ceram, et tabellas, et linum."

The sealing is mentioned afterwards (l. 96). The impression of the seal was made either upon wax (as in Plaut. *l. c.*; Ov. *Am.* ii. 15, 16; Plin. *H. N.* ii. § 137), or upon a specially prepared clay, called *cretula* (Cic. *Verr.* iv. 26, 58), *creta Asiatica* (Cic. *pro Flacc.* 16, 3, where *cera* also is mentioned as the alternative), γῆ σημαντρίς (Herod. iii 38), σφραγὶς Λημνία (Aret. *de Curat.* 2, 2): see also Cic. *Cat.* iii. 5, 10. For the seals themselves, see SCALPTURA, p. 604. (Compare Cic. *in Catil.* iii. 5.) Tabulae and tabellae are therefore used in the sense of letters (Ovid, *Met.* ix. 522). Love-letters were written on very small tablets, called *Vitelliani* (Mart. xiv. 8, 9), of which word, however, we do not know the origin. Tablets of this kind are presented by Amor to Polyphemus on an ancient painting (*Mus. Borbon.* vol. i. tav. 2).

Legal documents, and especially wills, were almost always written upon waxen tablets, as mentioned above; but even when written on parchment or papyrus they were still technically called *tabulae* (Ulp. *Dig.* 37, 11, 1; cf. δέλτοι, Luc. *Tim.* 22). Such tablets were also used for accounts, in which a person entered what he received and expended (*tabulae* or *codex accepti et expensi*, Cic. *pro Rosc. Com.* 2), whence *novae tabulae* mean an abolition of debts either wholly or in part (Suet. *Jul.* 42; Cic. *de Off.* ii. 23). The above are merely some instances of the extensive use of waxen tablets; others are given in Marquardt, *Privatleben*, pp. 804, 805.

Two ancient waxen tablets have been discovered in a perfect state of preservation, one in a gold mine four or five miles from the village of Abrudbànyá in Transylvania, and the other in a gold mine in the village itself. Of this interesting discovery an account has been published by Massmann in a work entitled "Libellus Aurarius, sive Tabulae Ceratae, et antiquissimae et unice Romanae in Fodina Auraria apud Abrudbanyam, oppidulum Transsylvanum, nuper repertae," Lipsiae (1841). An account of these tablets, taken from Massmann's description, will serve as a commentary on what has been said above. Both the tabulae are *triptycha;* that is, consisting of three tablets each. One is made of fir-wood, the other of beech-wood, and each is about the size of what we call a small octavo. The outer part of the two outside tablets of each exhibits the plain surface of the wood; the inner part is covered with wax, which is of a black colour, and is surrounded with a raised margin. The middle tablet has wax on both sides with a margin around each; so that each of the two tabulae contains four sides or four pages covered with wax. The edges are pierced through, that they might be fastened together by means of a thread passed through them. The wax is not thick in either; it is thinner on the beechen tabulae, in which the stilus of the writer has sometimes cut through the wax into the wood. There are letters on both of them, but on the beechen tabulae they are few and indistinct; the beginning of the first tablet contains some Greek letters, but they are succeeded by a long set of letters in unknown characters. The writing on the tabulae made of fir-wood is both greater in quantity and in a much better state of preservation. It is written in Latin, and is a copy of a document relating to some business connected with a collegium. The name of the consuls is given, which determines its date to be A.D. 169. For the great collection of 127 diptychs and triptychs found at Pompeii in 1875, see *Hermes*, xii. 88; Overbeck, *Pomp.*[4] 489. Wooden tablets written upon with ink, which have been found in Egypt, are noticed by Marquardt (*Privatleben*, p. 802).

Waxen tablets continued to be used in Europe for the purposes of writing in the Middle Ages; but the oldest of these with which we are acquainted belongs to the year 1301 A.D., and is preserved in the Florentine Museum.

The tablets used in voting in the comitia and the courts of justice were also called tabulae as well as tabellae. [TABELLA.] [W. S.] [G. E. M.]

TA'BULAE PU'BLICAE. [TABULARIUM.]

TABULA'RII were notaries or accountants, who are first mentioned under this name in the time of the Empire (Sen. *Ep.* 88;—Dig. 11, 6, 7; 50, 13, 1, § 6). Public notaries, who had the charge of public documents, were also called tabularii (Dig. 43, 5, 3), and these seem to have differed from the tabelliones in the circumstance that the latter had nothing to do with the custody of the public registers. Public tabularii were first established by M. Antoninus in the provinces, who ordained that the births of all children were to be announced to the tabularii within thirty days from the birth (Capitol. *M. Anton.* 9). Respecting the other duties of the public tabularii, see Cod. Theod. 8, 2, and Gothofr. *ad loc.* For the tabularii of the army, see EXERCITUS, Vol. I. p. 803 *a.* [W. S.]

TABULA'RIUM, the place, at Rome and elsewhere, where the *tabulae publicae*, or state archives, were kept, corresponding to the μητρῷον at Athens [ARCHEION]. The *tabulae publicae* comprised rogations, senatusconsulta, and plebiscita; records of finance, of public contracts, of debtors to the state, the censors' registers (*tabulae censoriae*), registers of births and deaths (Capitol. *M. Anton. Phil.* 9); records of judicial matters, not only of trials, but also of jury lists (Cic. *Phil.* v. 5, 15), and records of elections (Cic. *Pis.* 15, 36). But these were not all, at all periods of history, kept together in one place or under one control. The records of the censors and finance were probably from a very early date onwards kept in the treasury in the Temple of Saturn, and under control of the quaestors. [AERARIUM; QUAESTOR.] On the other hand, from the date 447 B.C. the plebeian aediles had charge not only of plebeian archives, but also of senatusconsulta, subject to a general control or right of inspection by the tribunes (Liv. iii. 55; Zonar. vii. 15); and when these records also were transferred to the Aerarium (see below), the quaestors shared with the aediles and tribunes the charge of the state archives in general (see Mommsen, *Staatsr.* ii. 490). This arrangement, giving the custody to aediles and tribunes conjointly with the regular officials of the treasury, lasted till 12 B.C., when Augustus took it away from them on account, as Dio says, of their negligence (Dio Cass. liv. 36; cf. Cic. *de Leg. Agr.* iii. 20, 46). In consequence again of loss and decay of documents, Tiberius A.D. 16

appointed special *curatores tabulariorum publ.* to assist the regular officers of the treasury (Dio Cass. lvii. 16). The changes made by various emperors between *quaestors, praetors,* and *praefects* of the treasury are described under AERARIUM, Vol. I. p. 36 *a* (cf. Mommsen, *Staatsr.* ii. 557–560).

The *permanent* depository, or tabularium, for plebiscita and senatusconsulta was in the Temple of Ceres until the year 187 B.C., when they were transferred to the Aerarium (Liv. xxxix. 4), which, so far as our evidence shows, became then the sole permanent tabularium at Rome (cf. Serv. *ad Georg.* ii. 502). It may be inferred from this that the burning of the tabularium during civil tumults early in the 1st century B.C., alluded to by Cicero (*pro Rab. perd.* 3, 8; *de Nat. Deor.* iii. 30, 74), must imply that the part of the Temple of Saturn which formed the tabularium was destroyed at that time and afterwards rebuilt. The history of the remains of a so-called tabularium above the Forum, and the precise meaning of the statement that Lutatius Catulus built a tabularium in B.C. 78 (*C. I. L.* vi. 1313, 1314), still need elucidation, but need not be discussed here. [See *Dict. of Geography, s. v. Rome;* Middleton, *Rome,* p. 232; O. Richter in Baumeister's *Denkm.* p. 1482; Mommsen, *Ann. Inst.* 1858, p. 211, who thinks that the *substructio* spoken of belonged to the Temple of Jupiter Capitolinus.] There were also *temporary* tabularia at Rome for the *tabulae censoriae,* which seem to have given rise to the belief in a number of permanent tabularia (Burn, *Rome and the Campagna,* p. 97). The fact is that the censors held the census of the people in the Campus Martius, and deposited the records *during their term of office* in the Temple of the Nymphs (Cic. *pro. Mil.* 27, 73), which is believed to have been in the Campus. The equestrian census was held in the Forum, and accordingly its records were deposited by the censors *during their term of office* in the Atrium Libertatis (Liv. xliii. 16), which from Cic. *ad Att.* iv. 16 seems to have been in or near the Forum. At the expiration of their office they deposited all their records in the Aerarium (Liv. xxix. 37), except possibly in very early times, when they seem to have retained them in their private *tablina* (Dionys. i. 74). The existence of these temporary tabularia besides the permanent tabularium of the treasury may be implied in the plural word of Verg. *Georg.* ii. 502; but it is more probable that the poet speaks of *the* tabularium and merely uses the plural for the singular.

It is an error also to regard the Temple of Jupiter Capitolinus as a tabularium (if we mean thereby a receptacle for *tabulae publicae*). The treaties and agreements with foreign states and the senatusconsulta ratifying such agreements were deposited in this temple, but they were always engraved on bronze plates (*tabulae aeneae,* χαλκώματα), and were not included in the *tabulae publicae,* nor was their repository called a tabularium. (Polyb. iii. 26; Cic. *Phil.* iii. 12, 30; *ad Fam.* xiii. 36; Suet. *Vesp.* 8; Liv. xxvi. 24; Mommsen, *Staatsrecht,* i. 255.)

As regards the method of entering decrees, &c., on the *tabulae publicae,* see SENATUSCONSULTUM, p. 637; SCRIBA; Mommsen, *Staatsr.* iii. 1011–1021. In the chief town of every province there was a tabularium in which records of surveys and the registers of the census (by Greek writers called ἀναγραφαί) were preserved (Marquardt, *Staatsverw.* ii. 313, where numerous inscriptions are cited): it appears, however, that abstracts or copies were also sent to Rome, as is stated by both Tertullian (*adv. Marcion,* 4, 7) and Chrysostom (vol. ii. p. 356 c, Montf.) in treating of the ἀπογραφή mentioned in the Gospels (Marquardt, *ib.* p. 216). So also there were tabularia in Italian towns for municipal records (Cic. *pro Arch.* 4, 8; cf. *pro Cluent.* 14, 41). [For the *tabularium castrense,* see EXERCITUS, Vol. I. p. 803 *a.*] [G. E. M.]

TAEDA (δαΐς, *Att.* δάς, *dim.* δᾳδίον), a torch of fir-wood, called on this account *pinea taeda* (Catull. 61, 15; Ovid, *Fast.* ii. 558). Hence the name *taeda* is given to the tree itself (Plin. *H. N.* xvi. § 44; cf. Hor. *Od.* iv. 4), for there can be no doubt that "torch" was the primary sense of the word. Before the adoption of the more artificial modes of obtaining light, described under CANDELA, FAX, FUNALE, and LUCERNA, the inhabitants of Greece and Asia Minor practised the following method, which still prevails in those countries, and to a certain extent in Scotland and Ireland, as well as in other parts of Europe, which abound in forests of pines (Fellows, *Exc. in Asia Minor,* pp. 140, 333–335):—A tree having been selected of the species Pinus maritima, *Linn.*, which was called πεύκη by the ancient Greeks from the time of Homer (*Il.* xi. 494, xxiii. 328), and which retains this name, with a slight change in its termination, to the present day, a large incision was made near its root, causing the turpentine to flow so as to accumulate in its vicinity. This highly resinous wood was called δάς, *i.e.* torch-wood (Thuc. vii. 53); a tree so treated was called ἔνδᾳδος, the process itself ἐνδᾳδοῦν or δᾳδουργεῖν, or more fully δαδοκοπεῖν πεύκην (Theophr. *H. P.* v. 16, 2), and a tree so affected is said by Pliny "taeda fieri" (*H. N.* xvi. § 45): the workmen employed in the manufacture are called δᾳδουργοί. After the lapse of twelve months the portion thus impregnated was cut out and divided into suitable lengths. This was repeated for three successive years, and then, as the tree began to decay, the heart of the trunk was extracted, and the roots were dug up for the same purpose (Theophr. *H. P.* i. 6, § 1; iii. 9, §§ 3, 5; iv. 16, § 1; x. 2, §§ 2, 3;—Athen. xv. 700 f). These strips of resinous pine-wood are now called δᾳδία by the Greeks of Mount Ida (Hunt and Sibthorp, in Walpole's *Mem.* pp. 120, 235).

For the uses of the torch by Greeks and Romans and its significance in marriages and funerals, see FAX. [J. Y.] [G. E. M.]

TAE'NIA. [VITTA; STROPHIUM.]

TAGUS (ταγός), a commander or ruler, was more particularly the name applied to the chief magistrate of Thessaly, and to magistrates of the Thessalian towns, at various periods of the history of that country. Under this head it is proposed to give a short account of the constitution of Thessaly.

The Thessalians are said to have been an Epirot tribe, which crossed the Pindus, conquered the country to which it subsequently gave its name, and either drove out or reduced to subjection the original inhabitants (Herod. vii. 176; Thuc. i. 12; Diod. iv. 57). They

seem to have settled originally in that part of Thessaly known as Θεσσαλιῶτις (Buttmann, *Mythol.* xxii. p. 262), and soon after to have completed the conquest of Πελασγιῶτις, for it was to these two districts that the Penestae, who were the remains of the earliest of the native tribes which submitted to their dominion, belonged (Archemach. *ap.* Athen. vi. p. 264; see PENESTAE). They then completed the conquest of the rest of Thessaly, and reduced the neighbouring tribes of Achaeans, Perrhaebi, and Magnetes, with which they had been long at war (Arist. *Pol.* ii. 9, 2), to the condition of permanent dependencies (ὑπήκοοι, Thuc. ii. 101, iv. 78, viii. 3; see PERIOECI).

The princes who led the Thessalians to their new homes across the Pindus were, like the leaders of the Dorian invasion, Heracleidae (Pind. *Pyth.* i. 10 *sq.*; Hom. *Il.* ii. 679; Buttmann, *Mythol.* ii. p. 260). As the Heracleidae were found at Sparta in the families of the Agids and Eurypontids, and at Corinth in that of the Bacchiadae, so in Thessaly they were represented chiefly by the Aleuadae and Scopadae; and it is with the names first of Aleuas and later of Scopas that the organisation of Thessaly is connected. Thessaly appears as a united whole under the rule of Aleuas the Red-haired (Ἀλεύας ὁ Πύρρος), a semi-mythical personage, to whom no date can even approximately be assigned (Plut. *de Fr. am.* 21; Ael. *de Nat. anim.* viii. 11). We are told, on the authority of Aristotle, that he divided the country into the four districts of Thessaliotis, Phthiotis, Pelasgiotis, and Histiaeotis, which were called τετράδες (Harpocrat. *s. v.* τετραρχία: Phot., Suid., *s. v.*; Strabo, ix. p. 430). This division, which was probably based on some preceding natural division due to the mode in which the country had been conquered, continued unchanged to the latest times; and that it was not merely nominal, but had a material significance of the nature of which we are ignorant, is shown by the frequency with which it asserted itself as a real element in the Thessalian constitution. Aleuas is also said to have fixed certain regular military contingents, enjoining each κλῆρος, which was perhaps a subdivision of the τετράς, to furnish forty horsemen and eighty hoplites (Arist. *ap. Schol. vac. in* Eur. *Rhes.* 307). We are further told that the tribute to be paid by the subject states was fixed by a certain Scopas (Xen. *Hell.* vi. 1, 19, προεῖπε δὲ καὶ τοῖς περιοίκοις πᾶσι τὸν φόρον ὥσπερ ἐπὶ Σκόπα τεταγμένος ἦν φέρειν), who is assigned by modern authorities to the first half of the sixth century B.C. (Gilbert, *Staatsalt.* ii. p. 8; Buttmann, *Abh. der Berl. Akad.* 1832, p. 190 *sq.*).

From this time to the Persian wars Gilbert thinks that there was always a king of Thessaly, and that he was chosen from the Heracleidae, though not always from the same family of this race. Herodotus calls the Aleuadae "kings of Thessaly" at the time of the Persian invasion (Herod. vii. 6), and he also states that in 510 B.C. Thessaly as a united whole (κοινῇ γνωμῇ χρεώμενοι) sent their king Κινέην ἄνδρα Κονιαῖον (Κυτινιαῖον, Stein) to help the Pisistratidae (Herod. v. 63). As late as 454 B.C. we find a certain Orestes of Pharsalus called king of Thessaly (Thuc. i. 111), and even at this period Thessaly may have been a united nation, and the noble families have still considered themselves vassals to a king of their own race and perhaps of their own choosing. There is no evidence to show that the names βασιλεὺς and ταγὸς were interchangeable; ταγὸς may have been one of the titles of the monarch, as "dictator" and "magister populi" were probably amongst the titles of the ancient kings of Rome; and as the king at Athens became the ἄρχων, so in Thessaly he may have become the ταγός (Buttmann, *Mythol.* ii. p. 275). The office was a temporary resumption of the monarchy, chiefly in respect of its military authority, and was created for the purpose of uniting the independent states of Thessaly for some common purpose. The Tagus was apparently elected by a majority of the states (Xen. *Hell.* vi. 1, 8); and the whole military force of the country was placed under his command: the surrounding tribes, which seem, after the fall of the monarchy, to have been dependent on particular states, as the Perrhaebi in Larisa (Strabo, p. 440), were all brought under the control of this temporary central government (Xen. *Hell.* vi. 1, 9, πάντα τὰ κύκλῳ ἔθνη ὑπήκοα μὲν ἐστιν, ὅταν ταγὸς ἐνθάδε καταστῇ). The tribute (φόρος), which they seem usually to have paid to the particular states on which they were directly dependent (Strabo, *l. c.*), was now exacted for the common purposes of the league (Xen. *Hell.* vi. 1, 12); and they were made to furnish light-armed troops, which the Tagus levied (*ib.* vi. 1, 9). At the same time he raised the greatest force which the free states of Thessaly were capable of affording, and which amounted on these occasions to 6,000 cavalry and more than 10,000 infantry (Xen. *Hell.* vi. 1, 8).

But such a union of the states of Thessaly was rarely realised; and we meet with no actual instance of the appointment of a Tagus until after the Peloponnesian war. It is not known when the monarchy came to an end, but it probably continued, in name at least, down to the year 454 B.C. (Thuc. i. 111); it was followed by a general break-up of the union of Thessaly; and though the words of Thucydides (iv. 78, 3), τὸ πάντων κοινόν, may point to some loose confederacy or common council, and though there seems to have been a strong common democratic sentiment running through the whole country, yet the different states were largely independent of one another and almost entirely under the control of their separate hereditary oligarchies (Thuc. *l. c.*). Thus Larisa was governed by the Aleuadae, Cranon by the Scopadae, and Pharsalus by the Creondae (Herod. vi. 127, vii. 6, ix. 58; Diod. xv. 61, xvi. 14; Schol. in Theocr. xvi. 34). The Aleuadae and Scopadae we know were related (Ov. *Trist.* 512; Buttmann, *Mythol.* ii. p. 270), and perhaps most of the great families of Thessaly were connected, at least by being Heraclidae, and therefore of the original royal race, if not by being offshoots of the Aleuadae, who, we are told, ruled in many cities (Pind. *Pyth.* 10 *ad fin.*, ἐν δ' ἀγαθοῖσι κεῖται πατρωΐαι κεδναὶ πολίων κυβερνάσιες). Sometimes a powerful state, like Pharsalus, extended its rule over other smaller cities (Xen. *Hell.* vi. 1, 8), but each of the larger states seems to have been practically independent both in foreign and domestic politics. In 431 B.C., at the com-

mencement of the Peloponnesian war, we find that each of the cities which sent help to the Athenians appointed its own commander, and that the forces from Larisa were led by two generals, each chosen from a separate clan or faction in the city (ἀπὸ τῆς στάσεως ἑκάτερος, Thuc. ii. 22); and we also find nobles, like Menon of Pharsalus in 364 B.C., arming their Penestae and taking an independent part in the wars of foreign nations (Dem. *c. Aristocr.* § 238). These instances point to the disorganised condition of Thessaly, which was indeed a noted characteristic of the country throughout its history (Liv. xxxiv. 51). The towns were under the control of a feudal nobility, who maintained their power the more easily through the preponderance of cavalry amongst the Thessalians, which their wealth and the character of the country enabled them to support, and the comparative unimportance of the ὁπλῖται (Arist. *Pol.* iv. 3, 3; Thuc. ii. 22; Herod. v. 63; Dem. *l. c.*). The country was distracted at once by clan-feuds and by the struggles of the democracy against the dominant castes. In some states a compromise was for a time effected, as at Larisa, where a mediator (ἄρχων μεσίδιος) was at one time called in to allay the feuds in the ruling family (Arist. *Pol.* v. 6, 13), and where different magistrates of a democratic character, called πολιτοφύλακες and δημιουργοί, were appointed, to satisfy the claims of the popular party (*ib.* v. 6, 6, iii. 2, 2; *Etym. M.* s. v. δημιουργός).

The rule of the nobility continued until the close of the Peloponnesian war; and it was not until 404 B.C. that the democratical reaction became strong enough to cause its overthrow. In this year Lycophron of Pherae attempted to raise himself to the position of Tagus of Thessaly (Xen. *Hell.* ii. 3, 4). Unable to secure his election by constitutional means, he made himself tyrant (Diod. xiv. 82), and attempted to unite the whole of Thessaly under his sway. This object was actually accomplished by his successor Jason in 375 B.C. (Xen. *Hell.* vi. 1 *sq.*; Diod. xv. 60); but after the assassination of the latter in 370 B.C., his successors Polydorus, Polyphron, and Alexander of Pherae were unable to maintain the constitutional hegemony, and the office of Tagus developed into an irregular tyranny (Xen. *Hell.* vi. 4, 33; Diod. xv. 61), for the suppression of which the aid of the Thebans under Pelopidas was repeatedly called in.

Meanwhile we find that, about 364 B.C., an attempt was made at a reconstruction of the constitution of united Thessaly, for the purpose of joint action against Alexander of Pherae. We find again the κοινὸν τῶν Θετταλῶν, composed of the four τετράδες (*C. I. A.* ii. n. 88). At its head stood an ἄρχων, and each τετρὰς seems to have had its πολέμαρχοι, with πέζαρχοι for the command of the foot-soldiers and ἵππαρχοι for the command of the cavalry, and other officers, apparently of a religious character, called ἱερομνήμονες (*C. I. A.* ii. n. 88, where πολέμαρχοι and πέζαρχοι are mentioned; Dittenberger, n. 85—a treaty of alliance between Athens and Thessaly in 361 B.C.—l. 17, τὸ κοινὸν τὸ Θετταλῶν—τὸν ἄρχοντα ὃν εἵλοντο Θετταλοί: l. 24, ἐξορκώσουσιν Ἀγέλαον τὸν ἄρχοντα καὶ τοὺς πολεμάρχους καὶ τοὺς ἱππάρχους καὶ τοὺς ἱππέας καὶ τοὺς ἱερομνήμονας καὶ τοὺς ἄλλους ἄρχοντας, ὅποσοι ὑπὲρ τὸ κοινὸ τὸ Θετταλῶν ἄρχουσιν). But this independent organisation was not of long duration. The subsequent usurpations of Sisiphorus and Lycophron induced the aristocracy to call in the assistance of Philip of Macedon, who deprived Lycophron of his power in 352 B.C. (Dem. *Olynth.* ii. p. 19, § 7); and this interference in the affairs of Thessaly paved the way for its subjection to Macedonia, which was effected in 344 B.C.

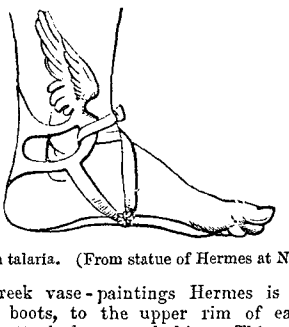
Philip re-organised the country by instituting tetrarchies (τετραρχίαι, Dem. *Phil.* iii. p. 120, § 35; Harpocr. *s. v.*) and decarchies (δεκαδαρχίαι, Dem. *Phil.* ii. p. 71, § 24); but it is doubtful whether these two modes of organisation were coexistent, and, if so, what relation the latter bore to the former. The tetrarchy was no doubt a re-institution of the division into τετράδες: and the decarchy has been variously explained as a council of ten under which each of the principal cities was placed, or as a similar council which governed each of the four divisions, or as a supreme council which was invested with the government of the whole country: this last alternative being on the whole the most probable (Dem. *l. c.* τὴν καθεστῶσαν νῦν δεκαδαρχίαν: see Whiston's note *in loc.*). Thessaly remained henceforth dependent on the Macedonian kings until the year 196 B.C., when the Romans, by the victory of Cynoscephalae, wrested it from Philip V., and restored the autonomy of the country.

From this time we get a renewal of the alliance of the Thessalian states (κοινὸν Θεσσαλῶν); at the head of this confederacy stood a στρατηγός, appointed yearly, and we find the names of such στρατηγοὶ recorded both in inscriptions and on coins (*Rev. Arch.* xxxi. 1876, pp. 256, 257). The tribes formerly dependent on Thessaly—the Dolopes, Perrhaebi, and Magnetes—were now constituted as independent states (Liv. xxxiii. 34; Polyb. xviii. 30, 6; see Mommsen, *Staatsr.* iii. p. 658, n. 1): thus we find that the Magnetes had a general council of their own ("Magnetum consilium," Liv. xxxv. 31), and a supreme magistrate who bore the title *Magnetarches* (Liv. xxxv. 39 and 43). The constitution of the separate Thessalian states, as they were organised by T. Quintius Flamininus, was of a timocratic character (Liv. xxxiv. 51, "a cursu maxime et senatum et judices legit, potentioremque eam partem civitatium fecit, cui salva et tranquilla omnia magis expediebant"). On the occasions when the states were summoned to discuss measures which concerned the whole of Thessaly, the general council met at Larisa (Liv. xxxv. 31; xlii. 38, "Thessalorum Larissae fuit consilium").

During the Macedonian and Roman rule we find the word ταγὸς occurring frequently as a title of the magistrates of the Thessalian states; it is found in the fourth century B.C. at Pharsalus and Cranon (Cauer, nn. 395 and 400), in the third century at Larisa (Cauer, n. 409 B.C. 219 and 214), and about the year 196, at the commencement of the period of Roman rule, at Cyretiae (*C. I. G.* n. 1770). At Larisa and Cyretiae they were the chief magistrates; thus letters of Philip V. of Macedon and of T. Quintius Flamininus are addressed τοῖς ταγοῖς καὶ τῇ πόλει χαίρειν (Cauer, n. 409; *C. I. G.* n. 1770): in other states they appear as directing the pro-

ceedings of the ἐκκλησία, and as the executive and finance officers (Cauer, n. 386 a, προστατεύοντος τᾶς ἐκκλησίας τᾶν ταγῶν φίλωνος: Gilbert, *Staatsalt.* ii. p. 15). [Gilbert, *Handb. der Griech. Staatsalt.* ii. pp. 5–16; Buttmann, *Mythologus*, No. xxii. (*Von dem Geschlecht der Aleuaden*); Voemel, *de Thessaliae incolis antiqu.*, Frankf. 1829; Hoew, *de Thessalia Macedonum imperio subjecta*, Gryphiae, 1829; Schömann, *Antiq. Jur. publ. Graec.* p. 401; C. F. Hermann, *Political Antiquities of Greece* (Eng. trans.), § 178; Wachsmuth, *Hellen. Alterth.* i. 2, § 60, p. 106; Duncker, *History of Greece* (Eng. trans.), bk. ii. ch. v.] [A. H. G.]

TALA'RIA (πτερόεντα πέδιλα), coverings for the feet, either boots or sandals, with small wings attached. They are represented in ancient art and literature as the attributes of Hermes (*Il.* xxiv. 340; *Od.* v. 44; Verg. *Aen.* iv. 239, Mercury) and of Perseus (Hes. *Scut.* 216–220; Ov. *Met.* iv. 664 ff.), and had the property of carrying their wearers through the air, over land and sea. On the monuments, Hermes is often (though not invariably) depicted as wearing these winged boots or sandals (see *e.g.* Furtwängler, *Vasenk.* 1753, 2182, 2345; Couze, *Heroen- u. Göttergest.*, Taf. 71, 1; Overbeck, *Gal. her. Bildw.*, Taf. 15, 12). In the Hellenistic and Roman periods the wings are sometimes attached to the bare ankles of Hermes or Mercury (*e.g.* Baumeister, *Denkm.* art. Hermes, fig. 740 = *Mus. Borb.* vi. 2). On the resting Hermes at Naples (Baumeister, *Denkm.* art. Hermes, fig. 738; see also woodcut to the present article) the wings are attached by straps to the feet of Hermes. It should be noted that on



Foot with talaria. (From statue of Hermes at Naples.)

early Greek vase-paintings Hermes is found wearing boots, to the upper rim of each of which is attached a curved object. This appears to be a strap for pulling on the boot, and not a rude representation of a wing (Roscher, *Lexikon*, art. Hermes, p. 2400;—Baumeister, *Denkm.* art. Athena, fig. 171; *ib.* art. Herakles, fig. 722; *ib.* art. Dreifuss- und Dreifussraub, fig. 512). Examples of the talaria of Perseus may be seen on the early vase figured in *Monumenti*, vol. x. pl. 52 = Rayet and Collignon, *Hist. de la Céramique*, p. 75, fig. 38; see also Baumeister, *op. cit.*, art. Perseus, fig. 1439, 1440. [W—K W—H.]

TALASSIO. [Matrimonium.]

TALENTUM (τάλαντον) was the heaviest unit of weight in use among the Greeks; and as a talent of gold, silver, or copper was a definite amount of money, varying of course with the standard by which it was weighed, the word stood also for monetary units. A large number of talents were in use in different parts of Greece —the Euboic, the Aeginetan, the Phoenician, &c. —the weights of which will be found in the tables under Pondera. Pollux (ix. 86) mentions several of these, and gives their value in proportion to the Attic talent. He also remarks that the talent of each district contained 60 minae of that district, and the mina 100 drachmae.

There were, however, one or two talents of a peculiar character which require special mention. The talent of gold of Homer (*Il.* ix. 124; xviii. 507; xxiii. 262) was certainly some quite small amount; and ancient writers conjectured that it was of the weight of a daric (128 grains), a view which modern investigations tend to confirm. Of somewhat greater value was a talent of gold mentioned by the poet Philemon as consisting of three χρυσοῖ or gold staters. Possibly they may have been the equivalent of a talent of copper.

Like all other nations, the Greeks used various talents for different classes of goods. The Babylonians, as we have set forth under Pondera, had one talent for gold, one for silver, and one for goods. In Athens in historical times the emporic or commercial talent was quite differen from the talent of the mint, bearing to it a relation of about 3 to 2. And even for different sorts of heavy goods special weights were employed. Thus we hear of a talent for weighing wood (ξυλικὸν τάλαντον) as in use at Antioch and at Alexandria; and in all places the Attic weights seem to have been used for drugs. For abundant references to ancient authorities, see τάλαντον in the index to Hultsch's *Metrologici Scriptores*. [P. G.]

TALIO, from *talis*, signifies an equivalent, but it is used only in the sense of a punishment, or penalty the same in kind and degree as the mischief which the guilty person has done to the body of another (cf. Isidor. v. 27, "Talio est similitudo vindictae, ut taliter quis patiatur, ut fecit. Hoc enim et natura et lege est institutum, ut caedentem similis vindicta sequatur"). A provision as to talio occurred in the Twelve Tables: "Si membrum rupit ni cum eo pacit talio esto" (Festus, s. v. *Talionis;* Gell. xxi. 1; Gaius, iii. 223). It appears that, according to this law, a defendant declared guilty in the *actio de membris ruptis* of having broken the limb of the plaintiff was condemned to the penalty of retaliation at the hands of the individual injured or his friends, unless he could agree with his adversary that a pecuniary composition should be substituted for retaliation (*pactum de redimenda talione*). A practice came to be established, that in case of disagreement as to the amount of composition to be paid, the party who had committed the wrong might demand an arbitrator of the magistratus for the purpose of having the damages fixed, so that he could escape from liability to talio by paying a fair composition (Gell. xx. 1, 37, &c.: "hanc quoque ipsam talionem ad aestimationem judicis redigi necessario solitam. Nam si reus, qui depacisci noluerat, judici talionem imperanti non parebat, aestimata lite judex hominem pecuniae dampnabat, atque ita, si reo et pactio gravis et acerba talio visa fuerat, severitas legis ad pecuniae multam redibat"). The punishment of talio was only inflicted under the Twelve Tables on account of the breaking of a limb (*propter membrum ruptum*); for the breaking of a bone

(*propter os fractum*) as distinct from a limb, the penalty was 300 asses if the person injured was a freeman, and 150 if he was a slave; for other injuries, 25 asses: such sums being considered adequate compensation in early times of great poverty, as Gaius tells us (iii. 223).

The principle of talio is generally found in systems of primitive law, gradually giving place, as at Rome, to that of pecuniary damages or penalty. Cato, as quoted by Priscian (vi. p. 710, Putsch), says in reference to Punic law: "Si quis membrum rupit, aut os fregit, talione proximus cognatus ulciscatur." Talio, as a punishment, was a part of the Mosaic law: "breach for breach, eye for eye, tooth for tooth; as he hath caused a blemish in a man, so shall it be done to him again" (Levit. xxiv. 20). (Rein, *Das Criminalrecht der Römer*, pp. 37, 358, 816, 915; Rudorff, *Römische Rechtsgeschichte*, ii. 325, note 1; Voigt, *Zwölf Tafeln*, ii. § 132.) [E. A. W.]

TALUS (ἀστράγαλος), the name of a bone in the hind leg of cloven-footed animals which articulates with the tibia and helps to form the ankle-joint (Aristot. *Hist. An.* ii. 1, § 34). In the language of anatomists it is still called *astragalus;* the English name is sometimes "huckle-bone," but more commonly "knuckle-bone" (Germ. *Knöchel*). The astragali of sheep and goats, from their peculiar squareness and smoothness, have been used as playthings from the earliest times, and have often been found in Greek and Roman tombs, both natural and imitated in ivory, bronze, glass, and agate (Propert. iii. 24, 13; Mart. xiv. 14; Ficoroni, *Tav.* 2). Those of the antelope (δορκάδειοι) were sought as objects of elegance and curiosity (Theophr. *Char.* 5; Athen. v. p. 193 f). They were used to play with, principally by women and children (Plut. *Alcib.* 2), occasionally by old men (Cic. *de Sen.* 16, § 58). A painting by Alexander of Athens, found at Resina, represents two women occupied with this game. One of them, having thrown the bones upwards into the air, has caught three of them on the back of her hand (*Ant d'Erc.* i. tav. 1). See the following woodcut, and compare the account of the

Tali. (From a painting at Herculaneum.)

game in Pollux (ix. 99). Polygnotus executed a similar work at Delphi, representing the two daughters of Pandarus thus employed (παιζούσας ἀστραγάλοις, Paus. x. 30, § 1). But a much more celebrated production was the group of two naked boys, executed in bronze by Polycletus, and called the *Astragalizontes* (Plin. *H. N.* xxxiv. § 55). A fractured marble group of the same kind, preserved in the British Museum, exhibits one of the two boys in the act of biting the arm of his playfellow, so as to present a lively illustration of the account in Homer of the fatal quarrel of Patroclus (*Il.* xxiii. 87, 88). To play at this game was sometimes called πεντελιθίζειν, because five bones or other objects of a similar kind were employed (Pollux, *l. c.*; Hermipp. *fr.* 33 M.); and this number is retained among ourselves. This game was entirely one of skill; and in ancient no less than in modern times, it consisted not merely in catching the five bones on the back of the hand, as shown in the woodcut, but in a great variety of exercises requiring quickness, agility, and accuracy of sight.

The name was also given to dice for playing games of chance [ALEA]; at first, no doubt, merely the natural bones marked with pips, afterwards of a conventional shape reproducing the peculiarities of the knuckle-bone. The length was greater than the breadth, so that they had four long sides and two pointed ends, one of them called κεραία (Aristot. *l. c.*), the other without a name. Of the four long sides, which alone were marked, two were broader, the others narrower. One of the broad sides was convex (πρηνὴς or πρανής), the other concave (ὑπτία); while of the narrow sides one was flat and called χῖον, the other indented. This was called κῶον, and as the rarest was also the luckiest throw, marked 6: the χῖον was marked 1, the broader sides 3 and 4, so that the numbers 2 and 5 were wanting. From the difference of their shapes they did not absolutely require to be marked, and sometimes the pips were dispensed with (Poll. ix. 99, τὸ δὲ σχῆμα τοῖς κατὰ τὸν ἀστράγαλον πτώματος ἀριθμοῦ δόξαν εἶχεν). It was the under side of the die, not the upper, that counted, as must be inferred from the fact of the narrowest side giving the highest throw (Marquardt, *Privatl.* 828).

The Greek and Latin names of the numbers were as follows (Pollux, *l. c.*; Eustath. *in* Hom. *Il.* xxiii. 88; Suet. *Aug.* 71; Mart. xiii. 1, 6): —1. Μονάς, εἷς, κύων, Χῖος (Brunck, *Anal.* i. 35, 242); 2. *Ion*, Οἴνη: *Unio, Volturius, canis* (Propert. v. (iv.) 8, 45; Ovid, *A. A.* ii. 206, *Trist.* ii. 473); 3. Τριάς: *Ternio;* 4. Τετράς: *Quaternio;* 6. Ἑξάς, ἑξίτης, Κῶος: *Senio.*

As the bone is broader in one direction than in the other, it was said to fall upright or prone (ὀρθὸς ἢ πρηνής, *rectus aut pronus*), according as it rested on a narrow or a broad side (Plut. *Quaest. Sympos.* v. 6, p. 680 a; Cic. *de Fin.* iii. 16, § 54).

Two persons played together at this game, using four bones, which they threw up into the air, or emptied out of a dice-box [FRITILLUS]. The numbers on the four sides of the four bones admitted of thirty-five different combinations. The lowest throw of all was four aces (*jacit volturios quatuor*, Plaut. *Curc.* ii. 3, 78). But the value of a throw (βόλος, *jactus*) was not in all cases the sum of the four numbers turned up. The highest in value was that called *Venus*, or *jactus Vencreus* (Plaut. *Asin.* v. 2, 55; Cic. *de Div.* ii. 59, § 121; Propert, Suet. *ll. cc.*), in which the numbers cast up were all different (Mart. xiv. 14), the sum of them being only fourteen. It was by obtaining this throw that

the king of the feast was appointed among the Romans (Hor. *Carm.* i. 4, 18; ii. 7, 25) [SYMPOSIUM], and hence it was called *Basilicus* (Plaut. *Curc.* ii. 3, 80). Certain other throws were called by particular names, taken from gods, illustrious men and women, and heroes. Thus the throw, consisting of two aces and two trays, making eight, was denominated *Stesichorus*. A multitude of these names of throws are given by Pollux (vii. 204 ff.), who quotes the following lines from the Κυβευταὶ of Eubulus (*fr.* 57 M.):—

Κεντρωτός, ἱερός, ἅρμ' ὑπέρβαλλον πόδας,
κήρυνος, εὐδαίμων, κυνωτός, ἅρτια,
Λάκωνες, ἀντίτευχος, Ἀργεῖος, δάκνων,
Τιμόκριτος, ἐλλείπων, πυαλίτης, ἐπίθετος,
σφάλλων, ἀγυρτής, οἶστρος, ἀνακάμπτων, δορεύς,
Ἄμπων, Κύκλωπες, ἐπιφέρων, Σόλων, Σίμων.

The number of names far exceeds that of possible throws, so that some must have been identical. When the object was simply to throw the highest numbers, the game was called πλειστοβολίνδα (Pollux, ix. 117). Before a person threw the tali, he often invoked either a god or his mistress (Plaut. *Capt.* i. 1, 5; *Curc.* ii. 3, 77–79). These bones, marked and thrown as above described, were also used in divination (Suet. *Tib.* 14).

For the cubical die marked on all six sides, see TESSERA (Eustath. *ad Il.* xxiii. 87, p. 1397; Becq de Fouquières, *Jeux des Anciens*, ed. 2, pp. 325–356; Marquardt, *Privatl.* 826 ff.)

[J. Y.] [W. W.]

TA'MIAS (ταμίας) was a name given to any person who had the care, management, or dispensing of money, stock, or property of any description, confided to him, as a steward, butler, housekeeper, storehousekeeper, or treasurer. The word is applied metaphorically in a variety of ways. But the ταμίαι who will fall under our notice in this article, are more especially the treasurers of the temples and the revenues of different Greek states.

The name and office of ταμίαι occur in inscriptions throughout the Grecian world. One of the duties most commonly assigned to them was that of paying the expenses of public sacrifices; they are likewise mentioned as responsible for payments for the setting up of pillars with inscriptions, for honorary crowns, for the entertainment of foreign ambassadors and the salaries of those sent out for contracts for leases on behalf of the state, for lending at interest on its account, &c. (See lists of towns and inscriptions, mostly from Dittenberger, in Gilbert, *Staatsalterth.* ii. 334, and the Index.)

In ancient times every temple of any importance had property belonging to it, besides its furniture and ornaments; and a treasury where such property was kept. Lands were attached to the temple, from which rents accrued; fines were made payable to the god; trophies and other valuables were dedicated to him by the public; and various sacred offerings were made by individuals. The wealthiest of all the temples at Athens was that of Athena in the Acropolis, in which were kept the spoils taken from the Persians (τὰ ἀριστεῖα τῆς πόλεως), besides magnificent statues, painting, and other works of art (Dem. *c. Timocr.* 741, § 129). To the goddess large fines were specially appropriated by the law or given by decree of the courts or the assembly; and besides this she received a tenth of all the fines that went to the state, a tenth of all confiscations and prizes taken in war, a sixtieth of the tribute paid by the subject-allies [HELLENOTAMIAE]. Her treasurers were called ταμίαι τῶν ἱερῶν χρημάτων τῆς Ἀθηναίας (*C. I. A.* i. 117 ff., 188), or shortly, ταμίαι τῆς θεοῦ (*ib.* i. 324, &c.), and ταμίαι τῶν τῆς θεοῦ (*See-Urk.* p. 465; *C. I. A.* ii. 612, &c.), even simply ταμίαι (*ib.* i. 273, 299). They appear to have existed from an early period. Herodotus (viii. 51, 53) relates that the ταμίαι τοῦ ἱεροῦ with a few other men awaited the attack of Xerxes upon the Acropolis, and perished in its defence. They were ten in number, chosen annually by lot from the class of Pentacosiomedimni, and afterwards, when the distinction of classes had ceased to exist, from among the wealthiest of Athenian citizens (Harpocr. and Suid., *s. v.* Ταμίαι: Poll. viii. 97; *C. I. A.* i. 32, 299).

In early times there seem to have been as many boards of ταμίαι as there were temples; but in the archonship of Antilochides, 435–4 B.C., they were all united into one board (probably also of ten members), the ταμίαι τῶν ἄλλων θεῶν: while those of Pallas still remained distinct (*C. I. A.* i. 32, 194). Their treasury was at this time transferred to the same place as that of Athena, to the Opisthodomos of the Parthenon, where the state-treasures were also kept (Aristoph. *Plut.* 1193). In the archonship of Eucleides (B.C. 403), or soon after, these two boards were consolidated into one, now called οἱ ταμίαι τῶν ἱερῶν χρημάτων τῆς Ἀθηναίας καὶ τῶν ἄλλων θεῶν (*C. I. A.* ii. 2, 642 ff.). After a few years—the date is fixed by inscriptions at between 390–385 B.C. (Gilbert, i. 236 n.)—they were again separated, and in the time of Demosthenes we find the two bodies of ταμίαι still subsisting, οἱ τῶν τῆς θεοῦ and οἱ τῶν ἄλλων θεῶν (Dem. *c. Timocr.* p. 743, § 136).

All the funds of the state were considered as being in a manner consecrated to Pallas; while on the other hand the people reserved to themselves the right of making use of the sacred monies, as well as the other property of the temples, if the safety of the state should require it (Thucyd. ii. 13). It is to be observed that, though the state-treasure (ὅσια χρήματα) and the sacred treasure (ἱερὰ χρήματα) were kept for security in the same place, the Opisthodomos, they were always under distinct management. On this point the statement of Boeckh (*P. E.* p. 164 = *Sthh.*[3] i. 200), that the ταμίαι τῆς θεοῦ were the common treasurers of both funds, requires correction from the researches of Kirchhoff (*Abh. d. Berl. Akad.* 1876; Fränkel, n. 268 on Boeckh). In the fifth century the state treasure was in the custody of the Hellenotamiae; the ταμίαι τῆς θεοῦ, and those of the other gods, drew from the sacred treasure what was required for religious purposes, of course on their own responsibility; and they advanced money out of it to the state, in the form of loans bearing interest (*C. I. A.* i. 273), though in hard times the repayment was often delayed. After the Peloponnesian war there must have been for a long time little or no reserve in the state treasury, and no special provision for its custody was wanted.

Payments made to the temples were received by the treasurers in the presence of some mem-

bers of the senate, just as public monies were by the Apodectae; and then the treasurers became responsible for their safe custody. They had no discretionary power of dealing with the treasure committed to their care; it was by a special decree that Androtion obtained authority to melt down the golden crowns (Dem. *c. Androt.* p. 615, § 70); and if the story is true that they once lent money to the bankers for their own profit (Schol. *ad* Dem. *c. Timocr.* p. 743, § 136), it was an act of embezzlement. As to fines, see EPIBOLE, PRAETORES; and on the whole of this subject, Boeckh, bk. ii. ch. 5.

The treasurer of the revenue, *ταμίας* or *ἐπιμελητὴς τῆς κοινῆς προσόδου*, was a more important personage than those last mentioned. He was not a mere keeper of monies, like them, nor a mere receiver, like the Apodectae; but a general paymaster, who received through the Apodectae all money which was to be disbursed for the purposes of the administration (except the property-taxes which were paid into the war-office, and the tribute from the allies, which was at first paid to the Hellenotamiae, and afterwards to other persons hereafter mentioned), and then distributed it in such manner as he was required to do by the law: the surplus (if any) he paid into the war-office or the Theoric fund. As this person knew all the channels in which the public money had to flow, and exercised a general superintendence over the expenditure, he was competent to give advice to the people upon financial measures, with a view to improve the revenue, introduce economy, and prevent abuses. He is variously called *ταμίας τῆς κοωῆς προσόδου* (Decret. *ap.* Ps.-Plut. *Vitt. X. Oratt.* p. 852 B; in p. 841 B it is simply *ταμίας*), or *τῶν κοινῶν προσόδων* (Plut. *Arist.* 4), or *ὁ ἐπὶ τῆς διοικήσεως* (spurious decrees, *ap.* Dem. *de Cor.* p. 238, § 38, p. 265, § 115), or more usually *ὁ ἐπὶ τῇ διοικήσει*: this last appears to have been the official title (see Inscrr. in Gilbert, i. 233 n.): and was the nearest approach that Athenian institutions admitted to a modern finance minister or "Chancellor of the Exchequer." To him Aristophanes refers in *Eq.* 948. He was elected by *χειροτονία*, and held his office for four years, but was capable of being re-elected. A law, however, was passed during the administration of Lycurgus, prohibiting re-election (*Vitt. X. Oratt.* p. 841 C.); so that Lycurgus, who is reported to have continued in office for twelve years, must have held it for the last eight years under the names of other persons. On the financial career of Lycurgus, see Mahaffy, *Gr. Lit.* ii. 366. The power of this officer was by no means free from control; inasmuch as any individual was at liberty to propose financial measures, or institute criminal proceedings for malversation or waste of the public funds; and there was an *ἀντιγραφεὺς τῆς διοικήσεως* appointed to check the accounts of his superior. On the *πορισταὶ* who at one time assisted him in his duties, see Antiph. *de Chor.* § 49; Aristoph. *Ran.* 1505; Fränkel, n. 273 on Boeckh. [PORISTAE.]

The money disbursed by the treasurer of the revenue was sometimes paid directly to the various persons in the employ of the government, sometimes through subordinate pay offices. Many public functionaries had their own paymasters, who were dependent on the *ταμίας τῆς προσόδου*, receiving their funds from him, and then distributing them in their respective departments. Such were the *τριηροποιοί*, *τειχοποιοί*, *ὁδοποιοί*, *ταφροποιοί*, *ἐπιμεληταὶ νεωρίων*, who received through their own *ταμίαι* such sums as they required from time to time for the prosecution of their works. The payment of the judicial fees (*δικαστικὸν*) was made by the *κωλακρέται*. [COLACRETAE.] The *ταμίαι* of the sacred vessels, *τῆς Παράλου* and *τῆς Σαλαμινίας*, acted not only as treasurers, but as trierarchs; the expenses (amounting for the two ships together to about sixteen talents) being provided by the state. They were elected by *χειροτονία* (Demosth. *c. Mid.* p. 570, § 171; Pollux, viii. 116). Other trierarchs had their own private *ταμίαι*, for the keeping of accounts and better dispatch of business (Boeckh, *P. E.* bk. ii. ch. 6; Schömann, *Antiq. Jur. Publ.* pp. 250, 312).

The duties of the *Ἑλληνοταμίαι* are spoken of in a separate article. [HELLENOTAMIAE.]

The war fund at Athens (independently of the tribute) was provided from two sources: 1st, the property-tax [EISPHORA], and 2ndly, the surplus of the yearly revenue, which remained after defraying the expenses of the civil administration, *τὰ περιόντα χρήματα τῆς διοικήσεως* ([Dem.] *c. Neaer.* p. 1346, § 4). They had under them a treasurer, called *ταμίας τῶν στρατιωτικῶν*, who gave out the pay of the troops, and defrayed all other expenses incident to the service. Demosthenes, perhaps on account of some abuses which had sprung up, recommended that the generals should have nothing to do with the military fund, but that this should be placed under the care of special officers, *ταμίαι καὶ δημόσιοι*, who should be accountable for its proper application: *τὸν μὲν τῶν χρημάτων λόγον παρὰ τούτων λαμβάνειν, τὸν δὲ τῶν ἔργων παρὰ τοῦ στρατηγοῦ* (*de Cherson.* p. 101, § 47). The notion of Boeckh (*P. E.* p. 181 = *Sthh.*[3] i. 223), Meier (in *Att. Process*), and Schömann (*Ant. Jur. Publ.* p. 252, n. 7), that one of the Strategi was called *στρατηγὸς ὁ ἐπὶ τῆς διοικήσεως*, is now rejected (Fränkel, n. 322 on Boeckh; Lipsius, *Att. Process*, p. 120, n. 243). No such phrase occurs among the special titles of Strategi gathered from inscriptions by Gilbert (*Staatsalterth.* i. 221 f.).

So much of the surplus revenue as was not required for the purposes of war, was to be paid by the treasurer of the revenue into the Theoric fund; of which, after the Archonship of Euclides, special managers were created. [THEORICA.]

Lastly, we have to notice the treasurers of the demi, *δήμων ταμίαι*, and those of the tribes, *φυλῶν ταμίαι*, who had the care of the funds belonging to their respective communities, and performed duties analogous to those of the state treasurers. The demi, as well as the tribes, had their common lands, which were usually let to farm. The rents of these formed the principal part of their revenue. *Φύλαρχοι*, *δήμαρχοι*, and other local functionaries were appointed for various purposes; but with respect to their internal economy we have but scanty information. (Schömann, *Assemblies*, pp. 371–378 = 349–355 tr. Paley; *Ant. Jur. Publ.* pp. 203, 204.) [C. R. K.] [W. W.]

TAPE'TE (*τάπης*, *τάπις*, or *δάπις*), a piece of tapestry, a carpet.

The use of tapestry was in very ancient times

characteristic of Oriental rather than of European habits (Athen. ii. p. 48 n); we find that the Asiatics, and also the Carthaginians, who were of Asiatic origin, and the Egyptians, excelled in the manufacture of carpets, displayed them on festivals and other public occasions, and gave them as presents to their friends (Xen. *Anab.* vii. 3, § 18, 27). They were nevertheless used by the Greeks as early as the age of Homer, sometimes as pillows, sometimes as coverlets (*Il.* x. 156; xvi. 224; xxiv. 230, 645;—*Od.* iv. 298; vii. 337), and by some of the later Roman emperors they were given as presents to the combatants at the Circensian Games (Sidon. Apoll. *Carm.* xxiii. 427). The places most renowned for the manufacture were Babylon (Arrian, *Exped. Alex.* vi. 29, § 5; Sidon. Apoll. *Epist.* ix. 13), Tyre and Sidon (Heliodor. v. p. 252, ed. Commelin.), Sardes (Athen. ii. p. 48 b, vi. p. 255 e, xii. p. 514 c; Non. Marcell. p. 542), Miletus (Aristoph. *Ran.* 542), Alexandria (Plaut. *Pseud.* i. 2, 13), Carthage (Athen. i. p. 28 a), and Corinth (Id. i. p. 27 d). In reference to the texture, these articles were distinguished as those which were light and thin with but little nap, chiefly made at Sardes and called ψιλοτάπιδες (Athen. vi. p. 255 e, xii. p. 514 c; Diog. Laërt. v. 72), and those in which the nap (μαλλὸς) was more abundant, and which were soft and woolly (οὖλοι, Hom. *Il.* xvi. 224; μαλακοῦ ἐρίοιο, *Od.* iv. 124). The thicker and more expensive kinds (μαλλωτοὶ) resembled our baize or drugget, or even our soft and warm blankets, and were of two sorts, viz. those which had the nap on one side only (ἑτερόμαλλοι), and those which had it on both sides, called ἀμφίταποι (Athen. v. p. 197 b, vi. p. 255 e; Diog. Laërt. v. 72, 73), *amphitapae* (Non. Marcell. p. 540; Lucil. *Sat.* i. p. 188, ed. Bip.), or ἀμφιτάπητες (Eustath. *in* Hom. *Il.* ix. 200), and also ἀμφίμαλλοι or *amphimalla* (Plin. *H. N.* viii. § 193). They were frequently of splendid colours, being dyed either with the kermes (Hor. *Sat.* ii. 6, 102–106) or with the murex (*conchyliata*, ἁλουργεῖς, ἁλιπορφύροι), and having figures, especially hunting-pieces, woven into them (Sidon. Apoll. *l. c.*: Plaut. *Pseud.* i. 2, 14; *Stich.* ii. 2, 54; Lucret. ii. 35; Oribas. ii. p. 310, ed. Daremberg). These fine specimens of tapestry were spread upon thrones or chairs, and upon benches, couches, or sofas, at entertainments (Hom. *Il.* ix. 200, *Od.* iv. 124, xx. 150; Verg. *Aen.* i. 639, 697–700; Ovid, *Met.* xiii. 638; Cic. *Tusc.* v. 21, 61; LECTUS), more especially at the nuptials of persons of distinction. Catullus (lxiv. 47–220) represents one to have been so employed, which exhibited the whole story of Theseus and Ariadne. They were also used to sleep upon (Hom. *Il.* x. 156; Anac. viii. 1, 2; Theocr. xv. 125; Aristoph. *Plut.* 540; Verg. *Aen.* ix. 325, 358), and for the clothing of horses (*Aen.* vii. 277). The tapestry used to decorate the bier and catafalque at the APOTHEOSIS of a Roman emperor was interwoven with gold (Herodian, iv. 2, p. 82, ed. Bekker). The Orientals upon occasions of state and ceremony spread carpets both over their floors and upon the ground (Aeschyl. *Agam.* 910–960; Athen. iv. p. 131 b, xii. p. 514 c). [For the use of tapestry or Persian carpets as wall-hangings, *portières*, &c., see AULAEA.]

The *toralia* (valances, cf. LECTUS, p. 19 *a*) were sometimes *segmentatae*, i.e. either patchwork, or ornamented with "appliqué" work, pieces of tapestry or of embroidery in gold and colours sewn upon the *toral* (or *vestis*) in different shapes, as squares, rounds or stripes (Juv. vi. 89), and frequently in Arval inscriptions (see Marquardt, *Privatl.* 548). Tertullian calls the process "vestes purpura *oculare*" (*de Pud.* 8).

Besides the terms which have now been explained, the same articles of domestic furniture had denominations arising from the mode of using them, either in the TRICLINIUM (*tricliniaria Babylonica*, Plin. *H. N.* viii. 48, § 196) or in the CUBICULUM (*cubicularia polymita*, Mart. xiv. 150), and especially from the constant practice of spreading them out (*textile stragulum*, Cic. *Tusc.* v. 21, 61; *vestis stragula*, Liv. xxxiv. 7; Hor. *Sat.* ii. 3, 118; στρωμναί, Plut. *Lycurg.* p. 86; Athen. iv. p. 142 a, στρώματα, ii. p. 48 d). The Greek term *peristroma*, which was transferred into the Latin (Diog. Laërt. *l. c.*; Plaut. *Stich.* ii. 2, 54; Cic. *Phil.* ii. 27, 167), had probably the special signification of *valance* or drapery round the sides of the couch: the distinction is marked in Athen. ii. p. 48 c (cf. v. p. 197 b), and a representation of such *peristromata* on a funeral couch may be seen under FUNUS, Vol. I. p. 890. Its meaning therefore is much the same as that of *toral*, but it probably included (as indeed toral may have done) coverlets so large that they not only covered the couch, as στρώματα, but also hung down in drapery (Becker-Göll, *Charikles*, ii. 77; Marquardt, *Privatl.* 586; Semper, *der Stil.* p. 258). The word *plagulae* is sometimes used as equivalent to *stragula* or στρώματα, but usually means a curtain [see LECTICA]. [J. Y.] [G. E. M.]

TAPHUS (τάφος). [SEPULCRUM.]

TARENTI'NI LUDI. [LUDI SAECULARES.]

TARRHUS (ταρρός). [NAVIS, p. 224.]

TAU'RIA, a name given to the festival of Poseidon at Ephesus, in which those ministering were called ταῦροι (Hesych. *s. v.*; Athen. x. p. 425 c; Artemid. *Oneir.* i. 5). [L. S.]

TAU'RII LUDI. [LUDI TAURII.]

TAUROBO'LIUM. This rite was introduced at Rome when the worship of Syrian and Persian deities was established or extended there under the Antonines (Capitol. *M. Ant. Phil.* 13; Gibbon, *Rom. Emp.* ii. 265), and especially that of Mithras, the Persian sun-god, which lasted down to the end of the third century (Lamprid. *Comm.* 9; Hieronym. *Ep.* 57, vol. iv. 2, p. 591), and of Cybele in its later development [compare MEGALESIA]. A temple of the Magna Mater where these rites of *taurobolium* were celebrated stood on the Vatican, and a portion of St. Peter's is built over its site (*C. I. L.* vi. 494–564): a Mithraeum or temple of Mithras stood in the Campus on the edge of the seventh region and the *Via lata* (*ib.* 749–754); another on the Esquiline (*ib.* 748); others in different parts of Italy, as Ostia (Burn, *Rome and Campagna*, 371). Priesthoods were established with elaborate grades and strange titles, κόρακες, κρύφιοι, *leones*, *leaenae*, ἡλιοδρόμοι, *patres* (Hieronym. *l. c.*; Tertull. *de Cor.* 15). Whether this worship was coloured by an engrafting of a perverted Christianity, it is not our purpose here to inquire (see Tertull. *de Praescr. Haeret.* 40; Matern. 27, 8; Pressensé, *Hist. des Trois Premiers Siècles*, ii. 2, pp. 12–20). A special feature of

these mysteries was the baptism of blood from a slaughtered bull or ram (*taurobolium* or *criobolium*), which was supposed to regenerate those who were so sprinkled. In the reign of Julian persons of the highest rank and the great priesthoods of the state participated [SACERDOS, p. 576]. We find a description of the ceremonies in Prudent. *Peristeph.* x. 1011–1050: the persons who were to be so consecrated to regeneration, wearing the *mitra* with a golden circlet and the *cinctus Gabinus*, were placed beneath a platform upon which a bull or ram decked with garlands and having gilded horns was slain: the blood flowing through the chinks in the platform streamed over those beneath, each of whom was supposed to return home "taurobolio in aeternum renatus" (*C. I. L.* vi. 510). Numerous ancient reliefs represent these rites (see cut under ACINACES; Zoega, *Bassirel.* i. 59, 103; Baumeister, *Denkm.* p. 925). The votive altars have symbols on them: *e.g.*, on one found on the Vatican and dedicated to Cybele by a XV. vir Julius Italicus, A.D. 305, is engraved a pine-tree with a syrinx, pedum, tympana, and the heads of a bull and ram and the words "taurobolium percepi" (*C. I. L.* vi. 497): on an altar to Mithras of the year A.D. 376, two pine-trees, under which respectively are bound a ram and a bull, in the branches hang pedum, fistulae, and sistra. This is dedicated by Ulpius Faventinus: "Augur, pater et hieroceryx Dei solis invicti Mithrae, archibucolus Dei Liberi, hierophanta Hecatae, sacerdos Isidis," and the inscription concludes with the lines—

> "Vota Faventinus bis deni suscipit orbis
> Ut mactet repetens aurata fronte bicornes,"

which probably means that the ceremony is to be renewed in twenty years (*ib.* 504). Especially un-Roman in its phraseology is one which a praefectus urbis dedicates, A.D. 374, to Mater Magna, Hermes, and Attis Menotyrannus, "diis animae suae mentisque custodibus" (*ib.* 499). The *taurobolium* was introduced not only in the rites of Mithras and Cybele, but also in those of Venus Caelestis (*C. I. L.* x. 1546). For further details, see Marquardt, *Staatsverw.* iii. 87 ff.; Pressensé, *l. c.*; Lanciani, *Ancient Rome*, pp. 166, 192. [G. E. M.]

TAXIARCHI (*ταξίαρχοι*) were military officers at Athens, who were next in rank to the strategi [STRATEGUS]. They were ten in number, like the strategi, one for each tribe, and were elected in the same way, namely by *χειροτονία* (Dem. *Phil.* i. p. 47, §§ 26, 27; Pollux, viii. 87). In war each commanded the infantry of his own tribe (Dem. *c. Boeot.* i. p. 999, § 17; Aesch. *de fals. Leg.* § 169), and they were sometimes, at any rate, summoned to the council of war (Thucyd. vii. 60). In peace they assisted the strategi in levying and enlisting soldiers; the preparation of the register (*κατάλογος*) of those liable to service rested upon the demarchs for each deme, and the taxiarchs as representing the tribes, under the strategi. They might also be called upon to act as the deputies of the strategi in military trials (Dem. *c. Boeot.* I. c.).

The taxiarchs were so called from their commanding *τάξεις*, which were the principal divisions of the hoplites in the Athenian army. Each tribe (*φυλή*) formed a *τάξις*, whence we find *φυλή* used as synonymous with *τάξις* (Lys. *in Agorat.* §§ 79, 82). As there were ten tribes, there were consequently in a complete Athenian army ten *τάξεις*, but the number of men contained in each would of course vary according to the importance of the war. Among the other Greeks the *τάξις* was the name of a much smaller division of troops. The *λόχος* among the Athenians was a subdivision of the *τάξις*, and the *λοχαγοί* were probably appointed by the taxiarchs (Schömann, *Ant. Jur. Publ.* p. 253 ff.).

[W. S.] [W. W.]

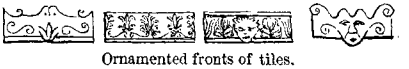
TAXIS (*τάξις*). [TAXIARCHI.]

TECTO'RIUM OPUS. [PARIES.]

TEGULA (*κέραμος, κεραμίς*), a tile, made of baked clay, yellow or red. Under the name of *tegulae* are included (1) wall-tiles = *testae* or *lateres cocti*, so called to distinguish them from the *lateres* or sun-dried bricks [LATER]; for the manner in which these were used in building, see MURUS, pp. 189, 190, and DOMUS, Vol. I. p. 684: (2) having tiles either laid simply as large flat tiles 1½ feet or 2 feet square (*tegulae sesquipedales, bipedales*, Vitruv. v. 10, 2; Pallad. i. 19, 1), or in small pieces (*tesserae*) to form patterns (see Birch, *Ancient Pottery*, p. 478; BALNEAE, Vol. I. p. 278; PICTURA, p. 397): (3) flue tiles, either *tubi* or *tegulae mammatae* [see BALNEAE, Vol. I. p. 277]: (4) roofing tiles, which have more particularly to be described in this article. At Rome the houses were (after the period of the ruder thatch) roofed with shingles (*scandulae*), down to the time of Pyrrhus, when tiles began to supersede the old roofing material (Plin. *H. N.* xvi. § 36; Niebuhr, *Hist. of Rome*, vol. iii. p. 559). [For Greek roofs, see DOMUS, Vol. I. p. 663.]

Tiles were originally made perfectly flat, or with nothing more than the hook or nozzle underneath the upper border, which fulfilled the purpose of fixing them upon the rafters. They were afterwards formed with a raised flange on each side, as is shown in the annexed woodcut representing the section of four of the tiles remaining at Pompeii.

Section of tiles at Pompeii.



Ornamented fronts of tiles.

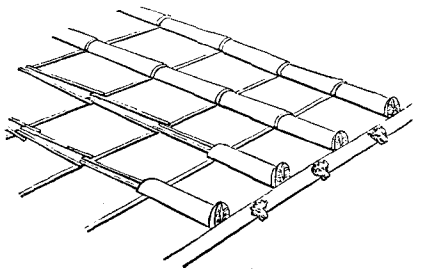
Frontons of tiled roof.

In order that the lower edge of any tile might overlap the upper edge of that which came next below it, its two sides were made to converge downwards. This is illustrated in Birch by the annexed flange-tile. See also the next woodcut representing a tiled roof, from a part of which the joint-tiles are removed in order to show the overlapping and the convergence of the sides. It was evidently necessary to cover the lines of junction between the rows of flat tiles, and this

was done by the use of semicylindrical tiles called *imbrices* (καλυπτῆρες, Dionys. vi. 92; Poll. x.

Flange tile found in London. (Birch.)

157). The first woodcut on preceding page shows the section of three imbrices found at Pompeii, and indicates their position relatively to the flat tiles. This is also shown in the cut below. The roof, by the exact adaptation of the broad *tegulae* and



Tegulae.

the narrow *imbrices* throughout its whole extent, became like one solid and compact framework (Xen. *Mem.* iii. 1, § 7; *confringit tegulas imbricesque*, Plaut. *Most.* i. 2, 28; Plin. *H. N.* xxxv. § 159). The rows of joint-tiles divided the roof into an equal number of channels, down which the water descended into the gutter (*canalis*) to be discharged through openings made in the lions' heads, the position and appearance of which are shown in the woodcuts. An ornamental arrangement of tiles called *pavonaceum* is mentioned by Pliny (xxxvi. § 159): probably the tiles were then semicircular and overlapped like the feathers in the tail of a peacock. The rows of flat tiles terminated in a variously ornamented front, which rose immediately above the cornice, and of which four specimens are shown in the first woodcut. The first and fourth patterns are drawn from tiles found at Pompeii, and the two intermediate from tiles preserved in the British Museum and brought thither from Athens. The lions' heads upon the third and fourth are perforated. [ANTEFIXA.] The frontons, which were ranged along the cornice at the termination of the rows of joint-tiles, were either painted or moulded in various forms. The first woodcut shows three example of such frontons, which belong to the Elgin Collection in the British Museum. They are drawn on a much larger scale than the other objects in the same woodcut. The invention of these ornaments is ascribed to Butades of Corinth (Plin. *H. N.* xxxv. § 153).

For greater splendour, especially where tiles were to be used in temple-roofs [TEMPLUM], marble slabs cut like tiles were used (*marmoreae tegulae*, Liv. xlii. 3; Val. Max. i. 2, 20): the invention was ascribed to Byzes of Naxos in the 7th cent. B.C. (Pausan. v. 10, 2). We hear also of bronze and bronze-gilt tiles (Plin. *H. N.* xxxiii. § 57). For the construction of roofs, see DOMUS, Vol. I. pp. 668, 685. (Birch, *Ancient Pottery*, pp. 469-481; Blümner, *Technologie*, ii. 29 ff.; Marquardt, *Privatleben*, pp. 636 ff.)

[J. Y.] [G. E. M.]

TEICHOPOEI (τειχοποιοί). Among the various persons to whom was entrusted the management of public works at Athens (ἐπιστάται δημοσίων ἔργων), were those whose business it was to build and keep in repair the public walls. It is needless to observe how important to the city of Athens were her walls and fortifications, more especially the long walls, which connected the upper city with the Peiraeus, and which gave it the advantages of an island. These were maintained at considerable expense. The τειχοποιοὶ appear to have been elected by χειροτονία, one from each tribe, and, like other similar officers, for a year. They were considered to hold a magisterial office (ἀρχή), and in that capacity had a ἡγεμονία δικαστηρίου. Aeschines calls them ἐπιστάται τοῦ μεγίστου τῶν ἔργων. Funds were put at their disposal, for which they had their treasurer (ταμίας), dependent on the treasurer of the revenue (Aeschin. *c. Ctes.* § 27). They were liable to render an account (εὔθυναι) of their management of these funds, and also of their general conduct, like other magistrates. The office of τειχοποιὸς has been invested with peculiar interest in modern times, on account of its having been held by Demosthenes, and its having given occasion to the famous prosecution of Ctesiphon, who proposed that Demosthenes should receive the honour of a crown before he had rendered his account according to law. As to the nature of the office, and the laws thereto relating, we may probably rely upon the account given by Aeschines. (Aeschin. *c. Ctes.* §§ 14, 17, 24; cf. documents (doubtful) *ap.* Dem. *de Cor.* p. 243, § 55, p. 266, § 118; Boeckh, *P. E.* pp. 170, 203 = *Sthh.*[3] i. 211, 257.) [C. R. K.] [W. W.]

TELA (ἱστός), a loom. The elementary principle of weaving being merely the crossing of threads over and under, it is probable that it first took the form of simple plaiting (Lucret. v. 1349; cf. the term ἔμπλεξις τοῦ στήμονος, Plat. *Polit.* p. 282 E); but we have no record of a time when the real loom in some form or other was unknown to the Greeks and Romans. Its construction in many points is clear, but there are also several questions which cannot be answered with certainty, and about which we must be content with conjectures. Even now the dispute whether writers of the Augustan age are speaking of the upright or the horizontal loom cannot be said to be ended.

From plaiting comes naturally the idea of stretching fixed threads and working a cross thread alternately over and under: for every-

thing woven consists of two parts, the fixed thread or warp (*stamen*, *στήμων*), and the woof or weft (*subtemen*, later *trama*,* *κροκή*). Instead of *κροκὴ* we sometimes find *ἐφυφὴ* used (Plat. *Legg.* v. p. 734 E), and in this passage, as well as in Plat. *Polit.* p. 283 E, we find noticed one of the most important differences between the warp and the weft; viz. that the threads of the former are strong and firm in consequence of being more twisted in spinning, while those of the latter are comparatively soft and yielding. This is in fact the difference which in modern silk manufacture distinguishes *organzine* from *tram*, and in cotton manufacture *twist* from *weft*. Another name for the weft or tram was *ῥοδάνη* (*Batr.* 181; Eustath. *ad Il.* xxiii. 762; *Od.* v. 121).

It may facilitate reference to arrange the parts of the loom under different heads, noting the terms discussed in each:—I. Words connected with the arrangement of the *stamen* (*στήμων*, warp); viz. the framework, *jugum*, *insubuli*, *scapi*, *κελέοντες*; *ordiri*, *διάζομαι*, *καῖρος*: *pondera* *ἀγνῦθες*, *λεῖαι*: II. Those connected with the *licia* or *μίτοι* ("shedding" by leashes or heddles); viz. *arundo*, *liciatorium*, perhaps *insilia* (*κανών*, perhaps *ἀντίον* = "heddle-leaf"): III. With the radius (*κερκίς*, shuttle); viz. *πήνη*, *panus* (bobbin or spool), *subtemen*, *trama* (*κροκή*, weft, woof or tram): IV. With the *spatha*, and the later *pecten* (*σπάθη* and *κτείς* = reed, lay, batten): V. The question of upright and horizontal looms: VI. Style and pattern.

I. The threads of the warp were called *stamina*, *στήμονες*, because they were, at any rate originally, fixed at certain intervals in a row, *upright*, i.e. perpendicularly from the top to the bottom of the loom (Varr. *L. L.* v. 113). For the same reason the very first operation in weaving was to set up the loom, *ἱστὸν στήσασθαι* (Hom. *Od.* ii. 94; Hes. *Op.* 779); and the web or cloth, before it was cut down or "descended" from the loom (*κατέβα ἀφ' ἱστῶ*, Theoc. xv. 35), was called "vestis pendens" or "pendula tela" (Ov. *Met.* iv. 395; *Ep.* i. 10), because it hung down from the transverse beam, which was probably the *jugum*, our "yarn-beam." This transverse beam with the two upright side-posts (*ἱστοπόδες* or *κελέοντες*, Theoc. xvii. 34) formed the whole framework (*ἱστὸς* or *tela*) of the primitive loom. Blümner indeed denies that jugum had this meaning, on the ground that Ovid (*Met.* vi. 55) uses it in speaking of what he believes to be the horizontal loom. But (1) from analogy of the other senses of the word [see JUGUM], the only *natural* view is, that in the loom it means the bar connecting the uprights (Ahrens well compares the jugum under which the vanquished passed): (2) this explains the *jugum* of the lyre, which we may suppose to have been named from a resemblance to the loom, the strings stretched from the jugum being compared to the threads of the warp: (3) even if Blümner's theory were right as to the horizontal loom—(for arguments against it, see under V.)—the jugum might still be the cross-bar joining the side-pieces, on which the warp-threads (here called collectively "tela") are bound: and (4) the name of *tela jugalis* (Cat. *R. R.* 10, 14) is then easily explained as being the primitive loom, in which the warp was fastened directly to the jugum, with no second cross-bar or "yarn-beam" underneath, as in the woodcut below. The doubtful words to be noticed in the structure of the loom are *insubuli* and *scapi*. The former is explained by Blümner as = *κανόνες*: the words of Isidore, however (*Or.* xix. 29), "insubuli quia infra supra sunt," seem rather to indicate that the yarn-beam and cloth-beam were together known by this name. In the earliest and simplest frame, as will be shown, where the web was not longer than the loom itself, the top-bar acted as the yarn-beam, and there was no cloth-beam at all, but (as in the Chiusi vase, and in the Icelandic loom represented in fig. 1) it was a useful addition to have a second upper bar as yarn-beam, which might take the form of a roller with a reserve of warp, and again, instead of the *καῖρος* and weights at the bottom of the loom, to have a beam on which the cloth could be rolled as it was made. *Scapi*, according to Blümner, also = *κανόνες*, as in the gloss "scapi, *κανόνες γερδιακοί*:" Rich and Monro (*ad* Lucret. v. 1361) translate it "yarn-beam:" the use of scapus in Plin. *H. N.* xiii. § 77 for the roll of a book would rather suggest the cloth-beam as its part in the loom; but on the whole, if we reason from the ordinary sense of scapus, we may best suppose the scapi of the loom to be the *side-posts* = *κελέοντες*, for which a Latin name is wanted: the epithet "sonans" may refer to the rattling of the loom generally.

The fastening of the warp to the top-bar or *jugum* was called specially *διάζεσθαι*, *στημονίζεσθαι*, and in Latin *ordiri*, *exordiri* (Plaut. *Pseud.* i. 4, 6; *Bacch.* ii. 3, 116; cf. Cic. *de Or.* ii. 33, 145): the handing of the threads for this process, when two persons were setting up the loom, is *προφορεῖσθαι*, which involved some running backwards and forwards, which is the meaning of the word in Aristoph. *Av.* 4 (Schol. *ad loc.*; Hesych. *s. v.*: the rendering in L. and S. is at variance with these authorities). The process is well illustrated by Nonnus (*Dion.* vi. 150):—

> *καὶ ποσὶ φοιταλέοισι παλίνδρομος ἀκρὸν ἀπ' ἀκροῦ*
> *πρωτοπαγὴ ποίησε διάσματα, φάρεος ἀρχήν,*
> *ἱστῷ δ' ἀμφὶς ἕλισσεν.*

This moving backwards and forwards (*ἱστὸν ἐποίχεσθαι*, *Od.* x. 222) belonged to the old fashion of standing to weave, before the fashion of sitting and beginning the web at the bottom of the loom was introduced from Egypt. Nonnus describes it in Epic manner, though the loom at which the worker *sat* no doubt prevailed in his

* This word is, we venture to think, wrongly explained by Marquardt and Blümner, who, though they admit the later meaning = *subtemen*, assign as its proper meaning "the opening of the warp when parted to let the weft through." If that were the case, and it were nothing but a void, it is difficult to see how it could ever mean a woven piece. In truth both *ἤτριον* (strictly "the woven thing") and *trama* mean the crossing of threads after the *subtemen* is shot through; hence *trama* came to mean also the *subtemen* itself (Serv. *ad Aen.* iii. 483; Isid. *Or.* xix. 29; Non. p. 149, 22), but in Plin. *H. N.* xi. § 81, it is clearly the web of crossed threads, and this meaning will suit Sen. *Ep.* 90, 24, and Pers. vi. 73, where the bare crossed threads, with the nap worn away, are signified. That *ἤτριον* also means *web* seems clear from Plat. *Phaed.* p. 268 A; Tim. *Lex. Plat.*; Theocr. xviii. 337; *Anth. Pal.* ix. 350.

time. In setting the warp for lighter fabrics the threads were stretched fewer and further apart, and the web was then ἀραιόστημος or μανόστημος, as opposed to the thicker and coarser στημόνιον, πολύστημος or πυκνόστημος. But the warmth required in winter was secured by driving the softer weft threads closer, στημόνι δ' ἐν παύρῳ πολλὴν κρόκα μηρύσασθαι (Hes. *Op.* 538).

It may be supposed that the threads of the warp would easily fall out of place and become entangled unless they were secured at both ends: this in more modern looms is effected by the "yarn-roll" or "yarn-beam" at one end, and the "cloth-roll" at the other. In the older Greek and Roman looms the warp was fastened to the *jugum* at the top, and the lower end of each warp-thread was passed through a loop (καῖρος), and also had a weight attached to it to make it hang straight. This lower row of loops (καῖροι, καίρωμα) must (as Blümner rightly shows, *Techn.* i. 126) be distinguished from the μίτοι or *licia* with which they are sometimes confused. This is clear from the explanation in *Etym. Mag.* and Eustath. *ad Od.* vii. 107, παρὰ τὸν μίτον [*i.e.* parallel to, but below, the μίτοι] ὑπὲρ τοῦ μὴ συγχεῖσθαι τοὺς στήμονας. Hence it is probable that the Homeric adjective καιροσέων is a mere synonym for ὑφασμένων. The weights attached to the end of each warp-thread were called ἀγνῦθες or λεῖαι (Poll. vii. 36), in Latin merely *pondera* (Sen. *Ep.* 90, 20): they were either simple stones with a hole bored through them, or made of pottery: a great number of these have been found: Blümner refers to Ritschl, *Ueber antike Gewichtsteine*, Bonn, 1866; see also the account of those found at Hissarlik (Schliemann, *Troja*, p. 163); it is possible that many of the terra-cotta "whorls" which he thinks intended for spindles may have been weights for weaving (*ib.* p. 41). In the Scandinavian ode translated by Gray as *The Fatal Sisters*, the weights are warriors' skulls. Perhaps the expression there, "the weights that *play* below," may explain the λίθον ὀρχηστῆρα of Nonn. *Dion.* xxiv. 254.

Whilst the improvements in machinery have to a great extent superseded the use of the upright loom in all other parts of Europe, it remains almost in its primitive state in Iceland. The following woodcut is reduced from an engraving of the Icelandic loom in Olaf Olafsen's *Economic Tour* in that island, published in Danish at Copenhagen, A.D. 1780, which will probably illustrate the earlier Greek and Roman loom better than any of the few representations on ancient vases which have been discovered. (For the best of these, Penelope's loom, on a vase from Clusium, see Baumeister, *Denkm.* fig. 2332.) We observe underneath the jugum a roller which is turned by a handle, and on which the web is wound as the work advances. The threads of the warp are divided into thirty or forty parcels, to each of which a stone is suspended for the purpose of keeping the warp in a perpendicular position and allowing the necessary play to the strokes of the spatha, which is drawn at the side of the loom: they correspond to the καῖρος or καίρωμα described above. These knotted bundles of threads to which the stones were attached often remained after the web was finished, in the form of a fringe. [FIMBRIA.]

In the centre of the web we see the attachment of the threads of the warp by means of leashes

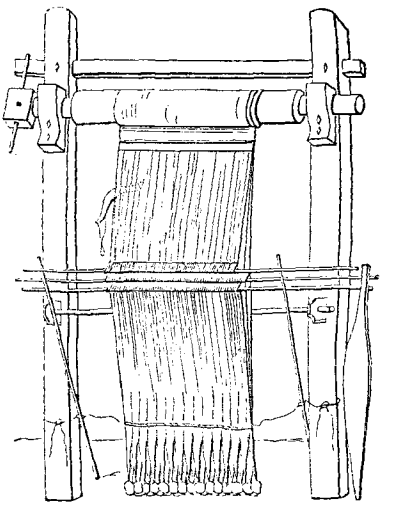


Fig. 1. Icelandic loom.

to three rods (κανόνες, *liciatoria*). This important and intricate part of the loom needs some explanation.

II. In the most primitive method of weaving it is probable that the passage for the weft was opened merely by a transverse rod (*arundo*, κανών) passed through the warp, separating the threads so that they were alternately on either side of the arundo. This seems to be shown in Circe's loom (fig. 4), for we can hardly think Ahrens (*Philog.* xxxv. p. 391) right in taking it to be Circe's magic wand. Such a method of course only admits of plain weaving without a pattern, and moreover the shifting of the arundo would be slow and tedious: in order that the weft might be taken backwards and forwards across the warp passing over or under as might be required, it would be necessary laboriously to raise or depress each thread separately, as in plaiting, unless the improved plan, which was already in use in the Homeric age, of "decussating," or as it is now called "shedding," the warp by leashes (μίτοι, *licia*) had been invented. By a leash, or as weavers term it "a heddle," we are to understand a thread having at one end a loop, through which a thread of the warp was passed, the other end being fastened to a straight rod (κανών, *arundo*; later *liciatorium*). Thus, supposing that only plain weaving without a pattern is required, so that the weft is merely to pass over and under alternately, and we number the warp-threads 1, 2, 3, 4, &c., all the leashes holding the threads of uneven numbers 1, 3, &c. are tied to one rod or *liciatorium*, while all those holding the threads 2, 4, &c. are tied to another, and by simply moving one rod forward and the other back a free passage is opened for the weft to shoot through. But here, though there might be a coloured stripe by changing at regular intervals the colour of the thread in the weft, or other variations by colouring different threads of the

warp (see below), there could be no elaborate colour pattern and no pattern at all of the *texture*. This was produced, just as it is now, by a contrivance for passing over at requisite places a number of warp-threads together, so that the weft might pass under one and over two or under one and over three, and so on. Since it is obvious that it must not be the same single threads that are raised (or, in the upright loom, brought forward) and the same two or more that are depressed (otherwise there would be no weaving at all), it is necessary that there should be an additional set of leashes or "heddles" for every increase of variation, so as to vary the threads which are raised or depressed. When there was one additional set, the weaving was called *bilix*, *δίμιτος*, of which the Icelandic loom in the woodcut above gives an example: with two additional sets it was *trilix*, and then could pass under one and over three: for great complexity of pattern a great many sets of leashes were used (see further below). The details of this part of the subject can be studied in modern weaving. The *principle* of varying the pattern was really exactly the same as in the loom of to-day: the only difference lies in the mechanical contrivances which make the work vastly more rapid. In the earliest times not only the shuttle, but the *liciatoria*, *κανόνες*, or leash-rods ("heddle-leaves"), were worked by the hand. This is signified by Homer:

> *ἐπὶ δ' ὤρνυτο δῖος Ὀδύσσευς*
> *ἄγχι μάλ' ὡς ὅτε τίς τε γυναικὸς ἐϋζώνοιο*
> *στήθεός ἐστι κανών, ὅντ' εὖ μάλα χεροὶ τανύσσῃ*
> *πανίον ἐξέλκουσα παρὲκ μίτον, ἀγχόθι δ' ἴσχει*
> *στήθεος.*—(*Il.* xxiii. 760, imitated by Nonn. *Dion.* vi. 152, 631.)

Here, as rightly explained by Blümner and Marquardt, Odysseus is near to Ajax, as the *κανὼν* or leash-rod is to the breast of the weaver, when she brings it forward with one hand (*ἀγχόθι ἴσχει στήθεος*), in order with the other hand to draw the weft through the "shed," or, as it is expressed, "behind the leashes," *i.e.* behind the warp held in the leashes (*παρὲκ μίτον*). Heyne and others, who make the *κανὼν* the shuttle, not only give the word a wrong meaning, but miss the point, since at the upright loom part of the warp must always be between the shuttle and the weaver, and it is only the *κανὼν* which would be moved nearer the body. It is possible, perhaps probable, that the Greeks and Romans of later times used treadles for moving the *liciatoria*, but we have no direct evidence of it, nor any word to express it: as, however, they worked many machines with the feet, it is unlikely that they omitted to do so in weaving. Some indeed explain INSILIA in Lucret. v. 1352 as *treadles*, but we believe it to be more correctly understood as=*liciatorium* (see Munro *ad loc.*). The Icelandic loom, like the Homeric, has no treadle, and hence we see two rods at the side which can give some help to the single weaver by fixing the leash-rod, as required, while he works the shuttle; but this is clearly a slower process than using the feet to release the hands. The *ἀντίον* (Aristoph. *Thesm.* 822) Blümner explains as a special name of one of the *κανόνες* (cf. Poll. vii. 36).

III. We have described the comparatively coarse, strong and much-twisted threads designed for the *warp* arranged in parallel lines, and the leashes ready to "shed" them: we have now to speak of the shuttle which conveyed the *weft* or *woof* across. This implement was called *κερκὶς* in Greek and *radius* in Latin (Hom. *Od.* v. 62; Plat. *Polit.* p. 281 E, *Cratyl.* p. 388 C; Ov. *Met.* iv. 275, compared with Hom. *Il.* xxii. 448): it is imagined of gold in Homer (*l. c.*), but was usually of wood (Plat. *Cratyl.* p. 389; Ov. *Met.* vi. 132): the end pointed (Soph. *Ant.* 976; Ov. *Met.* vi. 56): the humming sound of its passage is expressed by Aristoph. *Ran.* 1315. The *κερκὶς* or *radius* was strictly, like our shuttle, the receptacle for the "bobbin" (*πήνη πηνίον, panus, panuvellium*) on which the weft was wound (Hom. *Il.* xxiii. 762; Eur. *Hec.* 470; *Anth. Pal.* vi. 288; Varr. *L. L.* v. 114; Isid. *Or.* xix. 29). The annexed woodcut shows the form in which

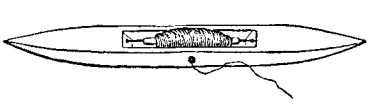


Fig. 2. The shuttle.

it is still used in some retired parts of our island for common domestic purposes, and which may be regarded as a form of great antiquity. An oblong cavity is seen in its upper surface, which holds the bobbin. A small stick, like a wire, extends through the length of this cavity, and enters its two extremities so as to turn freely. The small stick passes through a hollow cane, which our manufacturers call a *quill*, and which is surrounded by the woof. This is drawn through a round hole in the front of the shuttle, and, whenever the shuttle is thrown, the bobbin revolves and delivers the woof through this hole. The ancient "shuttles" in the Mayence Museum (Blümner, p. 146) are probably, though not certainly, rightly so named. They are pen-shaped and would have to be turned round for the return passage, only one end being pointed. The process of winding the yarn so as to make it into a bobbin or pen was called *πηνίζεσθαι* (Theoc. xviii. 32), or *ἀναπηνίζεσθαι* (Aristot. *H. A.* v. 19). The reverse process by which it was delivered through the hole in front of the shuttle (see the last woodcut) was called *ἐκπηνίζεσθαι*. Hence the phrase *ἐκπηνιεῖται ταῦτα* means "he shall disgorge these things" (Aristoph. *Ran.* 586; Schol. *in loc.*).

IV. Supposing the warp to have been thus adjusted, and the pen or the shuttle to have been carried through it, it was then decussated or "shedded" by drawing forwards the proper rod, so as to carry one set of the threads of the warp across the rest, after which the weft was shot back again (the shuttle being thrown by the hand, as was the case even down to 1738), and by the continual repetition of this process the warp and woof were interlaced; and in "fancy" weaving, with several sets of leashes, the pattern was produced. It was necessary further to close up the weft threads. It has been said above that, after the weft had been conveyed by the shuttle through the warp, it was driven originally in Rome and Greece upwards, as is represented in the first woodcut, but afterwards, according to the prevalent

fashion in Egypt, downwards, as in the second (Isid. *Orig.* xix. 22; Herod. ii. 35). Two different instruments were used in this part of the process. The simplest and most ancient was in the form of a large wooden sword (*spatha*, σπάθη, *dim.* σπάθιον, Plato, *Lysis*, p. 208; Aesch. *Choeph.* 226). From the verb σπαθάω, to beat with the spatha, cloth rendered close and compact by this process was called σπαθητός (Athen. xii. p. 525 d): when the weft is not driven close, as in light, transparent fabrics, it is called λεπτοσπάθητος (Soph. *Fr.* 400): the close texture πολυσπαθής (*Anth. Pal.* vi. 39). This instrument is still used in Iceland exactly as it was in ancient times, and a figure of it, copied from Olafsen, is given in the first woodcut.

The spatha was, however, superseded by the comb (*pecten*, κτείς), the teeth of which were inserted between the threads of the warp, and thus made by a forcible impulse to drive the threads of the woof close together. (Ovid, *Fast.* iii. 820, *Met.* vi. 58; Juv. ix. 26; Verg. *Aen.* vii. 14; Nonn. *Dion.* xxiv. 253; Poll. vii. 35.) As to its form, we are told only that it was an implement with teeth. Blümner doubts if the example from an Egyptian tomb figured by Rich is a pecten, but we think that the correctness of Rich in this point is established by the very similar pecten of which we give an illustration. It is the comb now used in parts of Asia Minor in the loom shown below (fig. 6), which we believe to resemble closely the later form of the Greek and Roman loom. As a late introduction, instead of the σπάθη, it is mentioned only in late Greek writers: it originated in Egypt, whence it is called *Niliacus* in Mart. xiv. 150 (cf. Verg. *Cir.* 179).* Among us the office of the comb is executed with greater ease and effect by the *reed*, *lay*, or *batten*.

Fig. 3. Weaving comb used in Asia Minor. (Benndorff.)

The lyre [LYRA], the favourite musical instrument of the Greeks, was only known to the Romans as a foreign invention. Hence they appear to have described its parts by a comparison with the loom, with which they were familiar. The terms *jugum* and *stamina* (Ov. *Met.* xi. 169) were transferred by an obvious resemblance from the latter to the former object; and, although they adopted into their own language the Greek word *plectrum* (Ovid, *Met.* xi. 167–170), they used the Latin PECTEN to denote the same thing, not because the instrument used in striking the lyre was at all like a comb in shape and appearance, but because it was held in the right hand and inserted between the strings of the lyre as the comb was between the stamina of the loom (Verg. *Aen.* vi. 647; Pers. vi. 2).

V. *The two kinds of upright looms and the supposed horizontal loom.* — At some time or other a more convenient form of loom was introduced into Europe, in which the web was worked in a flat horizontal frame instead of hanging vertically in front of the weaver. The parts of this loom are the same in nature and object as those described above, except that, as the warp frame lies flat, the leashes or heddles must be worked vertically up and down instead of backwards and forwards; and if the Romans used such a loom, the *licia* and *liciatorium* depended from a cross-beam raised above the flat *tela*. But when this change came, and even whether it belongs to anything earlier than mediaeval times, is a matter of doubt. The view of Blümner and Marquardt is that in the Augustan age the horizontal loom had already superseded in ordinary use the upright loom. We are led to conclude, though with diffidence in opposing such authorities, that the evidence is not only too slight to warrant such an assertion, but that it points the other way: we go far beyond Rich in this view, and hold, with Ahrens, that the horizontal loom does not belong to ancient Greece and Rome at all, and was probably introduced into Europe by the Arabs.

First, as to the passages which speak definitely of a change in looms: Artemidorus speaks of two kinds of looms, the ἱστὸς ὄρθιος, at which the weaver is said περιπατεῖν, and the ἕτερος ἱστός, at which she sits (*Oneirocr.* iii. 36). Similarly, *standing* to weave is called "old-fashioned" by Festus, pp. 277, 8; 288, 33; Serv. *ad Aen.* vii. 14; Hesych. *s. v.* ἐποιχόμενοι; Isid. *Orig.* xix. 22. But sitting does not imply the horizontal loom: it merely distinguishes the "Egyptian" fashion of beginning the cloth at the bottom of the loom, as will be seen below. Nor can any argument be drawn from the implements used. Blümner (as was said before) believes *jugum* to be only the beam for hanging *licia* above the horizontal loom, and therefore assumes that all looms, in which a jugum is mentioned, are horizontal: but we cannot accept his view about the meaning of jugum as proved or even likely: if it were, Ovid's "tela jugo vincta est" (see above) must refer to binding the licia on to this beam: but to use *tela* for *licia* would be strange, when we compare "addere licia telae." Then again it is said that the mention of *pecten* implies the horizontal loom because Hesychius says, *s. v.* σπαθητόν, τὸ ὀρθὸν ὕφος σπάθῃ κεκρουμένον οὐ κτενί: but this refers to the *tunica recta*, or *regilla* (see below), woven from the top downwards (the weft being driven upwards) in the fashion of the time when the spatha only was used; weaving from the bottom upwards, from which it is distinguished, belonged equally to the upright loom, and in the *Epithalamium Laurentii et Mariae* (*Poet. Lat. Min.* iii. 295, Bahrens) the tela is *suspensa*, but still the pecten is used.

We may remark also that not only does no Greek or Latin writer mention any difference of weaving beyond this upwards and downwards weaving and the positions of sitting and stand-

* Blümner wrongly takes the *pecten* in Martial to mean "shuttle;" the distinction is merely between weaving and embroidery, and the *pecten*, as belonging to the loom, is used to express weaving. We are inclined also to agree with Conington in giving *pecten* its usual and correct meaning in the two passages of Virgil where Blümner and Marquardt believe that it was used for *radius* (*Aen.* vii. 14, *Georg.* i. 294). Such confusion of terms is surely a greater difficulty than understanding "argutus" and "percurrit" of the comb.

ing, but of the few representations of weaving which are given in ancient art, none show anything but the upright loom; and lastly, the following passage from Theophylact, archbishop of Bulgaria A.D. 1070, shows that he knew nothing but the two kinds of upright looms: ἄλλοι δέ φασιν ὅτι ἐν Παλαιστίνῃ ὑφαίνουσι τοὺς ἱστοὺς οὐχ ὡς παρ' ἡμῖν, ὄντων ἄνω μὲν τῶν μίτων καὶ τοῦ στήμονος, κάτω δὲ ὑφαινομένου τοῦ πανίου καὶ οὕτως ἀναβαίνοντος, ἀλλὰ τοὐναντίον κάτω μέν εἰσιν οἱ μίτοι ἄνω δὲ ὑφαίνεται τὸ ὕφασμα (*ad Joann.* xviii. p. 825).

The changes in ancient Greek and Roman looms from the earliest to the latest period of literature we believe to have been as follows. The earliest loom (the Homeric loom and the early Roman loom, the *tela jugalis* of Cato) resembled the Icelandic loom (fig. 1) except that it was a simpler framework without the yarn-beam, and so far like the representation of Circe's loom taken from the Vatican Aeneid (fig. 4). But this representation is an anachronism in making the web begin at the bottom. The author of this ancient picture (whom it is of course absurd to make an authority as to the Homeric loom) has in this point adhered to the fashion of his own day: but in the simpler frame he has probably come near to the primitive pattern. Homer's loom, however, had leashes, which are not given here, besides the simple κανών. The essential distinction between the early Greek and Roman looms and the later was that pointed out by Herodotus (ii. 35), that the web began at the top, and therefore the weaver always thrust the weft upwards (ἄνω τὴν κροκὴν ὠθοῦσι) in striking it close with the σπάθη. The *tunica recta* or *regilla*, enjoined with the conservatism of religion for the marriage garment, was woven at this ancient loom ("sursum versum," "in altitudinem," Isid. *Orig.* xix. 22; Fest. p. 277, 8: the words

Fig. 4.

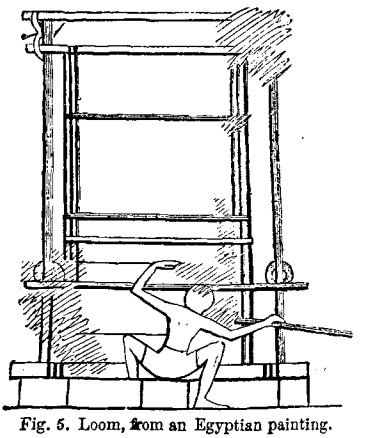


Fig. 5. Loom, from an Egyptian painting.

=the ἄνω ὠθοῦσι of Herodotus): it was woven also in one piece of the size of the loom frame, as there was no rolling up of the cloth-beam or unrolling of the yarn-beam. At such a loom also, as was said above, the weaver stood, and possibly, in the lack of well-arranged leashes and heddles, had to walk round the loom for the adjustment of the warp threads.

At a later time, probably quite at the end of the Republic, the Egyptian fashion (Herod. *l. c.*), of beginning the web at the bottom and so weaving in a sitting posture, was introduced. The cut (fig. 5) of an Egyptian weaver from a wall-painting (Wilkinson, *Ancient Egyptians*, vol. ii. 170) illustrates this kind of loom. We think that Wilkinson is right in considering the painting, which Rich (s. v. *subtemen*) gives as an instance of Egyptian horizontal weaving, to be not weaving at all, but the plaiting of mats. An even better illustration of the Egyptian loom as adopted by the later Romans and Greeks is afforded by a sketch of the modern Lycian weaving (fig. 6), which we have taken from Benndorff (*Reise*). The weaver is using the comb described on page 768 *a*.

Fig. 6. Weaver in modern Lycia. (Benndorff.)

We have little doubt that this faithfully reproduces in its form the Roman loom which is characterised as the later kind, though the arrangements of leashes, &c., may often have been more elaborate: this pattern may well have been introduced into Asia Minor at some date later than the time of Herodotus, and have lingered there since. With this Egyptian form came in the other improvements described in I. and IV., the substitution of the *pecten* for the *spatha*, and the discontinuance of the weights (ἀγνῦθες, λεῖαι, *pondera*). It is needless to say that the changes were not made all at once all over the Roman Empire: the older form no doubt lingered in many places, particularly in the more remote countries. Hence the stone weights found in Germany and elsewhere may well belong to a date when at Rome itself the later form of loom prevailed and weights were no longer of any use. Rejecting, as we feel compelled to do, the idea of a horizontal loom,

we believe that no further change in the loom took place except the development of dexterity in its manipulation.

VI. After enumerating those parts of the loom which were necessary to produce even the plainest piece of cloth, it remains to describe the methods of producing its varieties, and more especially of adding to its value by making it either warmer and softer, or more rich and ornamental. If the object was to produce a checked pattern (*scutulis dividere*, Plin. *H. N.* viii. § 196; Juv. ii. 97), or to weave what we should call a Scotch plaid (and it is worthy of notice that Pliny attributes this pattern to a Celtic people), the threads of the warp were arranged alternately black and white, or of different colours in a certain series according to the pattern which was to be exhibited. On the other hand, a striped pattern (*ῥαβδωτός*, Diod. Sic. v. 30; *virgata sagula*, Verg. *Aen.* viii. 660) was produced by using a warp of one colour only, but changing at regular intervals the colour of the weft. Of this kind of cloth the Roman *trabea* (Verg. *Aen.* vii. 188) was an example. [TOGA.] Checked and striped goods were no doubt, in the first instance, produced by combining the natural varieties of wool, white, black, brown, &c. [PALLIUM]. The weft also was the medium through which almost every other diversity of appearance and quality was effected. The warp as mentioned above was generally more twisted, and consequently stronger and firmer than the weft: and with a view to the same object different kinds of wool were spun for the warp and for the weft. The consequence was, that after the piece was woven, the fuller drew out its nap by carding, so as to make it like a soft blanket (Plato, *Polit.* p. 302) [FULLO]; and, as stated above, when the intention was to guard against the cold, the warp was diminished and the weft or nap (*κρόξ*, *κρόκυς*) made more abundant in proportion (Hesiod, *Op.* 537; Proclus *ad loc.*). In this manner they made the soft *χλαῖνα* or LAENA [PALLIUM]. On the other hand a weft of finely twisted thread (*ἧτριον*) produced a thin kind of cloth, which resembled our buntine ("lacernae nimia subteminum tenuitate perflabiles," Amm. Marcell. xiv. 6). Where any kind of cloth was enriched by the admixture of different materials, the richer and more beautiful substance always formed part of the weft. Thus the *vestis subserica*, or *tramoserica*, had the weft of silk [SERICUM]. In other cases it was of gold (Verg. *Aen.* iii. 483; Servius *in loc.*)—the invention of Attalus, according to Plin. *H. N.* viii. § 196, and thence called *vestes Attalicae*, but it was probably older in the East and got its name because Attalus prized it; of wool dyed with Tyrian purple (Ovid, *Met.* vi. 578; *Tyrio subtegmine*, Tibull. iv. 1, 122; *picto subtegmine*, Val. Flacc. vi. 228); or of beavers'-wool (*vestis fibrina*, Isid. *Orig.* xix. 22). Hence the epithets *φοινικόκροκος*, "having a purple weft" (Pind. *Ol.* vi. 39), *ἀνθοκρόκος*, "producing a flowery weft" (Eurip. *Hec.* 470), *χρυσεοπηνήτος*, "made from bobbins or pens of gold thread" (Eurip. *Orest.* 841), *εὔπηνος*, "made with good bobbins" (Eurip. *Iph. in Taur.* 1465), *κερκίδι ποικιλλοῦσα*, "variegating with the shuttle" (Eurip. *Iph. in Taur.* 223), &c.

But besides the variety of materials constituting the weft, an endless diversity was effected by the manner of inserting them into the warp. The terms *bilix* and *δίμιτος*, the origin of which has been explained, probably denoted what we call *dimity* or *twilled* cloth, and the Germans *Zwillich*, where by missing over a certain number of warp-threads a ridged pattern is produced. The poets apply *trilix*, which in German has become *Drillich*, to a kind of armour, perhaps chain-mail, no doubt resembling the pattern of cloth which was denoted by the same term (Verg. *Aen.* iii. 467, v. 259, vii. 639, xii. 375; Val. Flaccus, iii. 199) [LORICA, p. 81]. All kinds of damask were produced by a very complicated apparatus of the same kind (*plurimis liciis*), and were therefore called *Polymita* (Plin. *H. N.* viii. § 196; Mart. xiv. 150), for which *multicia* (Juv. ii. 66) is probably, as Blümner thinks, an equivalent (cf. *Gloss. Philox.* s. v.).

The sprigs or other ornaments produced in the texture at regular intervals were called flowers (*ἄνθη*, Philostr. *Imag.* ii. 28; *θρόνα*, Hom. *Il.* xxii. 440) or feathers (*plumae*). Another term, adopted with reference to the same machinery, was *ἐξάμιτον*, denoting velvet. In the Middle Ages it became *ζάμιτον*, and thus produced the German *sammet*, our *samite*.

As far as we can form a judgment from the language and descriptions of ancient authors, the productions of the loom appear to have fallen in ancient times very little, if at all, below the beauty and variety of the damasks, shawls, and tapestry of the present age. In addition to the notices of particular works of this class, contained in the passages and articles which have been already referred to, the following authors may be consulted for accounts of some of the finest specimens of weaving: Euripid. *Ion*, 190–202, 1141–1165; Aristot. *Mir. Auscult.* 96, = p. 838; Athen. xii. p. 541; Verg. *Aen.* v. 250–257, *Cir.* 21–35; Ovid, *Met.* vi. 61–128; Stat. *Theb.* vi. 64, 540–547; Auson. *Epig.* 26; Lamprid. *Heliog.* 28; Claudian, *in Stilich.* ii. 330–365.

Although weaving was amongst the Greeks and Romans a distinct trade carried on by a separate class of persons (*ὑφάνται*, *textores* and *textrices*, *linteones*; cf. even in the Homeric age the *γυνὴ χερνῆτις*, *Il.* xii. 433), who more particularly supplied the inhabitants of the towns with the productions of their skill (Cato, *R. R.* 135; Plat. *Phaed.* p. 87 B, *Rep.* ii. p. 370 D; Pausan. vii. 21), yet every considerable domestic establishment, especially in the country, contained a loom (Cato, *R. R.* 10, 14), together with the whole apparatus necessary for the working of wool (*lanificium*, *ταλασία*, *ταλασιουργία*). (Hesiod, *Op.* 779; Verg. *Georg.* i. 285, 294.) [CALATHUS.] If in the more luxurious age the most ornamental work was purchased, the slave household (*familia rustica*) at least was thus clothed, and the commoner *stragula* were made (Dig. 33, 7, 12, 5; Paul. *Sent.* 3, 6, 37). In Greece as at Rome in earlier times the matron and her daughters, assisted by female slaves, wove garments for husband, sons and brothers (Plat. *Legg.* vii. p. 805 E; Aesch. *Cho.* 231; Eur. *Ion*, 1417): so of the Roman matron weaving in the *atrium*, Liv. i. 57; Ascon. *in Milon.* p. 43, and even in later times, Arnob. ii. 67; *C. I. L.* vi. 1527, 11602.

When the farm or the palace was sufficiently large to admit of it, a portion of it called the *ἱστῶν* (*histones*, Varro, *R. R.* i. 2), *textrina* or *textrinum*, was devoted to this purpose (Cic. *Verr.* iv. 26, 58, 59; Isid. *Or.* xiv. 8; cf. Hor. *Od.* ii. 18, 6). The work was there principally carried on by female slaves (*quasillariae*, αἱ ἔριθοι, Theoc. xv. 80; Hom. *Od.* vii. 235, xxi. 350; *C. I. L.* vi. 6639-6646) under the superintendence of the mistress of the house, who herself also together with her daughters took part in the labour, both by instructing beginners and by finishing the more tasteful and ornamental parts (Vitruv. vi. 7, p. 164; Symmachus, *Epist.* vi. 40). But although weaving was employed in providing the ordinary articles of clothing among the Greeks and Romans from the earliest times, yet as an inventive and decorative art, subservient to luxury and refinement, it was almost entirely Oriental. Persia, Babylonia, Egypt, Phoenicia, Phrygia, and Lydia, are all celebrated for the wonderful skill and magnificence displayed in the manufacture of scarfs, shawls, carpets, and tapestry. [CHLAMYS; PALLIUM; TAPES.]

For the weaving of sacred robes in Greek temples, see ARRHEPHORIA, HERAEA, PANATHENAEA; and cf. Pausan. iii. 16, 2. (On the construction of the loom, see also Blümner, *Technologie*, i. pp. 120–157; Marquardt, *Privatleben*, 519–527; Ahrens, in *Philolog.* xxxv. 385 ff.) [J. Y.] [G. E. M.]

TELAMO'NES. [CARYATIDES.]

TE'LETAE (*τελεταί*). [MYSTERIA.]

TELO'NES (*τελώνης*). Most of the taxes and duties at Athens were farmed by private persons, who took on themselves the task of collecting, and made payments in respect thereof to the state. They were called by the general name of *τελῶναι*, while the farmers of any particular tax were named after it *ἑλλιμενισταί*, *εἰκοστῶναι*, *πεντηκοστῶναι*, or, as the farmers and collectors were often the same persons, *εἰκοστολόγοι*, *πεντηκοστολόγοι*, &c. The tax or duty was let to the highest bidder. Several persons (like a *societas* of Roman *publicani*) often joined in the speculation (Plut. *Alcib.* 5); the principal or chairman of the company, in whose name the bidding took place, and who was responsible to the state, was called *ἀρχώνης* (Andoc. *de Myst.* § 133). Of course securities were required from the farmer or the company for the payment of the dues (Dem. c. *Timoc.* p. 745, § 144; Andoc. *l. c.*). The office was frequently undertaken by resident aliens, citizens disliking it on account of the vexatious proceedings to which it led. The farmer had power to search for and seize contraband or uncustomed goods (Demosth. *Pantaen.* p. 958, § 6); he watched the harbours, markets, and other places to prevent smuggling; brought a *φάσις* [PHASIS] or other legal process against persons whom he suspected of defrauding the revenue, or even arrested them and took them before a magistrate. To enable him to do all this, he was exempted from military service ([Dem.] c. *Neaer.* p. 1353, § 27). The taxes or duties were thus let out (*τέλη ἐκδιδόναι*) by the ten *πωληταί* acting under the authority of the senate [POLETAE]. The payments (*καταβολαὶ τέλους*, Dem. c. *Timoc.* p. 731, § 98), regulated by the *νόμοι τελωνικοί* (*ib.* p. 732), were made at stated Prytaneiai in the senate-house ([Dem.] c. *Neaer.* l. c.). There was usually one payment made in advance (*προκαταβολή*); the succeeding one or ones were probably called *προσκαταβλήματα*. (This, at any rate, is the account of Suidas; but it seems inconsistent with Demosthenes' use of *προσκαταβλήματα* in p. 731. Boeckh, edit. 3, accepts Suidas' account and supposes Demosthenes to be speaking inexactly.) On any failure in payment the farmer became *ἄτιμος* (c. *Neaer.* l. c.) if he was a citizen, and might be imprisoned (Dem. c. *Timoc.* pp. 745, 746). If the debt were not paid by the end of the ninth Prytaneia (probably the ninth of the year, the last but one, not the ninth from incurring the debt) it was doubled, and, if it were not then paid, the debtor's property was forfeited to the state (Andoc. *de Myst.* § 73; Dem. c. *Timoc.* p. 730). (See the speech of Demosthenes against Timocrates, and Boeckh's *Staatshaushaltung*, edit. 3, p. 406 ff.) [F. T. R.]

TELOS (*τέλος*), a tax. In enumerating here the taxes of Athens (about which city we know most) we may take the opportunity to mention all the chief sources of Athenian revenue. They may be divided into three groups,—taxes paid at Athens, taxes paid abroad or by foreigners for the benefit of Athens, and income derived not from taxes but from the corporate property of the state.

A. The taxes imposed by the Athenians and collected at home were either ordinary or extraordinary. The former constituted a regular source of income; the latter were only raised upon emergency.

(1) The ordinary taxes were generally farmed out; see TELONES. They included (i.) the customs and harbour dues; see PENTECOSTE. (ii.) Duty paid on all sales in the market (*ἐπωνία*). The amount is unknown (though Boeckh in the 3rd edit. of his *Staatshaushaltung* thinks it was 1 per cent.). Xen. *de Vect.* 4, 49, probably alludes to the *ἐπωνία*; and the *ἀγορᾶς τέλος* of Aristoph. *Ach.* 896 may be identical with it. (iii.) The *διαπύλιον* (Hesych.) or gate-money is probably different from the above. (iv.) A *τριώβολον* was paid by freedmen (Harpocr. s. v. *μετοίκιον*). (v.) The same amount was probably paid by slaveowners for each slave (Xen. *de Vect.* 4, 25). This, Xenophon says, was a very productive tax before the Spartans fortified Dekeleia and encouraged the Athenian slaves to run away. (vi.) The *πορνικὸν τέλος*, of unknown amount. It was farmed separately (Aeschin. c. *Tim.* § 134). (vii.) The law-court fees (*πρυτανεῖα*, *παράστασις*, *παρακαταβολή*, q. v.) were a lucrative item, especially under the Athenian Empire, when the allies brought suits to be decided at Athens (Thuc. vi. 91). (viii.) *Δερματικόν*. The value of the skin, horns, &c., of the victims slain at certain public sacrifices (cf. the usage at Sparta, Herod. vi. 56, 57). (ix.) *Μετοίκιον*. The poll-tax of the resident aliens [METOECI]: 12 drachmae annually, probably paid by men only. Freedmen paid this tax in addition to the *τριώβολον* (Harpocr. s. v. *μετοίκιον*). (x.) The resident aliens also paid a special entrance-fee for the sale of their goods in the market (Dem. *Eubul.* p. 1309, § 34. In this passage, however, the words *ξενικὰ τελεῖν* are sometimes understood of the *μετοίκιον*).

(2) The extraordinary taxes at Athens were (i.) the *εἰσφορὰ* or property-tax [EISPHORA].

This fell also on μέτοικοι (Dem. *Androt.* pp. 609, 612). (ii.) The compulsory services called λειτουργίαι (LEITOURGIA), an institution also found existing elsewhere (Herod. v. 83). Some of these at least were shared by μέτοικοι (Dem. *Lept.* p. 462, § 18). (iii.) Voluntary contributions on extraordinary occasions (ἐπιδόσεις) [EPIDOSIS]: see Lysias, xxx. 26.

B. Of taxes paid by foreigners for the benefit of Athens. (i.) The tribute, φόρος [PHOROS], of the allied states formed in the flourishing period of the Republic a regular and most important source of revenue. In B.C. 413 it was changed to a 5 per cent. duty on all commodities exported or imported by the subject states [EICOSTE]. (ii.) A temporary duty of 10 per cent. (δεκατὴ) on merchandise passing from or into the Euxine was established in B.C. 409. (Xen. *Hell.* xi. 22; cf. iv. 8, 27, 31; Dem. *Lept.* p. 475, § 60). The charge on other articles may have really helped the Athenian revenue; but the charge on corn must have raised the price of corn at Athens. (iii.) Plunder taken in war: sale of prisoners for slaves.

C. Other sources of revenue were derived by the Athenians from (i.) certain lands of which the state held the tithes. (This however is doubtful; see DECUMAE, Vol. I. p. 604.) (ii.) Rents from public lands (Aristoph. *Vesp.* 658): from pastures, forests, mines, saltworks, rivers; also, the sum paid by the lessee of the theatre. The mines (μέταλλα) must have here constituted the largest item. The silver mines of Laurion, which also yielded other substances, afforded a considerable sum to the state, being rented by persons who worked for their own profit, paying to the state first a sum of money for the privilege of working, and secondly 1–24th of the net produce. The collection of the latter charge was itself probably farmed-out. The labour of mining was performed by slaves. Some particulars about the mining system may be found in Demosthenes' speech against Pantaenetus. The mines at Laurion were exhausted in the time of Strabo (ix. p. 399); the scoriae or waste-products (σκωρία, ἐκβολὰς) were then being reworked, and they can now be again worked at a profit. The valuable gold mines of Skapte Hyle in Thrace (Herod. vi. 46) became Athenian property by the conquests of Cimon. (iii.) Fines and confiscations: see TIMEMA, DEMIOPRATA, and EPIBOLE.

These various sources of revenue, of which Aristoph. *Vesp.* 655–660 gives a rough enumeration (omitting the Leitourgiai), produced in B.C. 423, according to Aristophanes, an annual income of 2000 talents. Xen. *Anab.* vii. 1, 27, says that the Athenians began the Peloponnesian War with 1000 talents coming in annually. Boeckh's calculations (in the 3rd edit. of the *Staatshaushaltung*, vol. i. p. 510) bring him nearest to Aristophanes' estimate. But during the Peloponnesian War the income fell enormously, and it is not easy again to arrive at anything like a fixed sum. (See, however, Dem. *Philipp.* iv. p. 141, § 37.) The orator Lycurgus, "almost the only statesman of ancient times who really understood finance" (Boeckh), is said to have raised the total revenue for a time to 1200 talents (Plutarch, *Vit. Dec. Orat.* vii. § 25).

A land-tax, or charge on the produce of land, seems to have been not uncommon in Herodotus' time (vi. 46), but we do not hear of it at Athens unless it be under the tyranny of the Peisistratidai, who took 5 per cent. (Thuc. vi. 54): the charge seems to have ended with their expulsion. [F. T. R.]

TEMENOS. [VECTIGALIA TEMPLORUM.]

TEMPLUM. It will be well to preface the important part of this article, which relates to temple buildings, by a few remarks about the strict meaning of the word *templum*, and the distinction originally existing between the words *aedes*, *templum*, *sacellum*, *delubrum*, and *fanum*. That this distinction was confused by lax usage, especially in poetry, and that it in time disappeared altogether, must of course be admitted; but that it existed not merely in a very early period of Latin is clear from the fact that Augustus marks it when he calls the Temple of Apollo on the Palatine and that of Mars Ultor *templa*, and others *aedes* (*Monum. Ancyr.* 19: see below).

The word *templum* is from the same root as the Greek τέμενος, *i.e.* some space cut off and separated. Its augural signification was beyond a doubt its genuine Roman use. The templum in augury had a twofold meaning: 1. The space of sky which the augur marked off with his *lituus* by imaginary lines, the *cardo* from north to south and the *decumanus* from east to west, thus dividing the space observed into four regions (Serv. *ad Aen.* i. 92; Varro, *L. L.* vii. 7). From this augural *templum caeli* comes the familiar "caelestia templa" of Lucretius (i. 120, &c.), which, as Munro remarks, "conveys a solemn and stately notion." 2. The space of earth to be included for observations, which was a rectangular space called *locus effatus*, or more fully *locus effatus conceptis verbis*, i.e. a space bounded by points which he announced aloud, naming (*conceptis verbis*) trees or other stationary objects as the limits for observation in each direction. This space also was divided into four regions by lines (*cardo* and *decumanus*, as above), and the observer (usually a magistrate, who *qua* observer was the *auspex* as distinguished from the augur) sat at the point (*decussis*) where these imaginary lines intersected (Varro, *L. L.* vii. 8; Liv. i. 18; Cic. *de Div.* i. 17, 31). It will be seen that in both these senses of the augural templum the idea of *cutting off* (τέμνω) is preserved, and also that the shape of the templum was rectangular. Further, in the place where the observer was to sit (except where there was, as at Rome, a permanently established *auguraculum*: see Vol. I. p. 251 *b*), the observer pitched a tent [TABERNACULUM], also quadrangular in shape, with a single opening, commanding the spaces of earth and sky which formed the templa. There has been some difference of opinion as to the aspect of this *tabernaculum*. Regell's opinion seems to be correct, that for observing lightning by the *templa in caelo* the tabernaculum looked to the south, but for observing birds by the *templa in terra* it faced the east, whence, as in Liv. i. 18, the south is on the right hand, the north on the left (see Regell in *Jahrb. f. Philol. u. Paedagog.* cxiii. 607 ff., and Mau's note in Marquardt, *Staatsverw.* iii.² 403). The tabernaculum was called *templum minus*, and thus we have a templum of real as well as of imaginary lines: so Festus (v. 157), "templum est locus ita *effatus* (by

imaginary lines) aut ita *saeptus* (by real enclosure) ut [ex] una parte pateat angulosque adfixos habeat ad terram;" and Servius (*ad Aen.* iv. 200), "templum dicunt non solum quod *potest claudi* (by imaginary lines) verum etiam quod pilis aut hastis aut aliqua tali re (as in a permanent auguraculum) et linteis aut loris (the linen or leathern tent) aut simili re *saeptum est quod effatum est* (i.e. the imaginary lines are made real: see also Mommsen, *Staatsrecht*, i.[3] 105). [For the method of taking auspices, see AUSPICIA; and for the connexion between the shape of the pomerium and the augural templum, see POMERIUM, pp. 443, 444.]

This use of templum for augury was, we cannot doubt, the original religious sense of templum, and accordingly, in the extended meanings which the word subsequently takes of consecrated spaces, and later (perhaps not till near the end of the Republic) of buildings, it is still confined to such spaces or buildings as have been "inaugurated" by the augurs, and moreover the shape is still rectangular. Such inaugurated and consecrated places were (1) those for the assembly of the senate, *curiae* (Hostilia Pompeia, Julia) or actual temples of the gods, since the senate could only transact business "in loco per augurem constituto" (Gell. xiv. 7); (2) the Comitia Curiata and Centuriata (Liv. v. 52; Val. Max. iv. 5); (3) the Rostra (Cic. *in Vatin.* x. 24; Liv. viii. 14); (4) a temple in the ordinary sense, *i.e.* a house built for a god and inaugurated as well as consecrated. For the building of a temple, or indeed for any permanent inaugurated *templum*, it was necessary first that the ground should not only be *effatus* (i.e. have pronounced limits), but also be *liberatus;* that is to say, any prior claims upon the ground not merely of private ownership, but of *fana* or *sacella* which might once have been upon it, had to be abrogated [EXAUGURATIO], and the ground and building assigned by the augurs to that deity to whose service it was to be dedicated, and next the temple itself was consecrated by the pontifices (cf. Serv. *ad Aen.* i. 446; Liv. i. 55).

Templum, however, in this sense of a god's house, was probably a comparatively modern equivalent for *aedes* or *aedes sacra*. Jordan (in *Hermes*, xiv. pp. 567 ff.) presses this somewhat far, giving *aedes* as the proper term for a Roman or Italian temple, and *templum* for one in the colonies; and explaining the passage above mentioned from the *Mon. Ancyr.* on the theory that Augustus called the temples at Rome, which were built on publicum solum, *aedes*, while those to Apollo and Mars, built on his privatum solum, he called *templa*. In this same passage, however, he speaks of "duo et octoginta *templa* deum," and it seems to us a truer view that the use of templum for aedes was coming in before the end of the Republic, and that Augustus in speaking by name of pre-existing temples uses the term which originally described them, but in those which he has just built uses the term now in vogue. Cicero certainly uses the word *templum* as "temple" frequently (e.g. *de Div.* i. 2, 4); and the figurative use in Lucretius (iv. 264; v. 103) of the mouth as "templum linguae" and the breast as "templum mentis" implies that *templum* was then the term in common parlance for a building enshrining some deity. It must be noticed that the round shape which we see in the Aedes Vestae and some others did not properly belong to a *templum*, which should follow the rectangular augural temple; and with this agrees the fact alluded to above, that this round aedes was consecrated by the pontifices, but not inaugurated by the augurs, and hence not a possible meeting-place for the senate (Serv. *ad Aen.* vii. 153; Gell. xiv. 7). It is a significant fact that the shrine of the Dea Diva in the Arval grove, which like that of Vesta belongs to the most primitive Roman religion, was also a round building, and it might reasonably be inferred that the round shape was the earlier form for a god's house, just as the circular hut built round a central pole is the early architecture for a human habitation, and that the rectangular temple came later in with the augural *templum*.

The word *delubrum* is derived from the same root as *lavabrum* (or *labrum*), *pollubrum*, &c., and thus meant originally a place of purification (for we must certainly reject the derivation from *delibrare*, "to strip the bark and make a wooden image"): that such a rite of purification belonged to the old unroofed *loca sacra*, where there might be merely an enclosure with an altar or shrine, there can be no doubt; and from this aspect of purification (which in later temples appears in the ἀπορραντήρια or *labra*) such a sacred space might be called *delubrum*, i.e. the dedicated plot of ground within which were rites of purification, and so in the Argean procession "ad aedem dei Fidii in delubro ubi aeditimus habitare solet" the delubrum is clearly the sacred precinct, as distinguished from the aedes, but in time *delubrum*, like *sacellum*, was used both for the sacred enclosed spot and the shrine upon it; cf. "regiis temporibus delubra parva facta" (Varro *ap.* Non. 494), where the delubra are contrasted with the later and more stately aedes or templum. We are here speaking only of strict definition. In poets no distinction between *aedes*, *templum*, and *delubrum* is observed: even Cicero's usage is open to doubt, though it may be remarked that the passages cited by Marquardt as showing a promiscuous use of the words (*N. D.* ii. 43, 83, and various passages in the Verrine orations) are speaking of Sicilian, not of Roman temples. In later prose, though not in Livy, all distinction vanishes (cf. Plin. *H. N.* xxxv. § 144; xxxvi. § 26).

Though *fanum* is found in a general sense for any *locus sacer* consecrated by the pontifices, but not inaugurated [FANUM], and so often means sacred buildings, aedes or sacella, as well as sacred areas such as *luci*, yet it is also true, as Jordan points out, that the strict use of *fanum* did not include aedes or actual houses of the gods at Rome, but only "loca sacra cum aris [or later also "cum aediculis"] *sine tecto;*" and that when it is used of temples it belongs only to temples of non-Roman deities: this explains the origin of *fanaticus*, which was first applied to such "fanatic" priests as those of Isis. (See further on this subject Marquardt, *Staatsverwaltung*, iii.[2] 151 ff.; and especially Jordan in *Hermes*, xiv. 567 ff.) [G. E. M.]

TEMPLE ARCHITECTURE.

Greek Temples.—Among the Greeks, as among most Pagan races, the temple was not a building

in which a congregation met and worshipped, but was rather regarded as the house and treasury of the god.* In the most primitive times temples (in the later sense of the word) seem to have been very rare, their place being taken by an altar in the open air, or by a sacred stone (*βαίτυλος*) which was both the symbol of some divine presence and the place of sacrifice. See Prof. Robertson Smith, *Religion of the Semites*, lect. v. The kingly heroes of Homer, such as Odysseus, themselves played the part of a priest, and offered sacrifice to Zeus Herkeios on the altar in the fore-court of their palaces. Such an open-air altar was discovered by Dr. Dörpfeld in the courtyard of the palace at Tiryns; and this domestic altar survived at the entrance of Greek houses long after actual temples had been built [see DOMUS]. Other primitive forms of temples were natural caves in the rock, or hollow trees, the former being usually associated with the cults of Chthonian deities. The word *μέγαρον*, which is sometimes applied to temples of Chthonian deities, is supposed to be derived from a Phoenician word meaning a cavern or cleft in the rock.

The next stage appears to have been the construction of a small cell-like building, consisting of a mere *cella* or *σηκὸς* without any columns or subdivision into more than one chamber. The most remarkable examples which still exist of this early form of temple are to be seen in the Island of Euboea, especially one near Karystos, on an elevated site on Mount Ocha, overlooking the sea. This is a rectangular stone building, about 40 feet by 24 feet (externally) in plan. In one of the long sides is a small central doorway, formed of three large blocks of stone, between two slit-like windows. The roof consists of large thin slabs, each projecting beyond the course below, till they meet at the ridge. Light and air are given by a hypaethral opening in the stone roof—a long narrow slit, 19 feet long by 18 inches wide. The height of the walls internally is 7 feet. The worship of Hera was the special cult in this part of Euboea.

The words used by the Greeks to denote temples are chiefly these: *ναός*, or in Attic *νεώς*, equivalent to the Latin *aedes*, the "house" of the god; *ἱερὸν* frequently has a more extended meaning, including not only the *ναὸς* but also the sacred enclosure around it, *τέμενος* (Thuc. iv. 90) or *ἱερὸς περίβολος*. In other cases *ἱερὸν* and *ναὸς* are used as equivalent terms, as, *e.g.* by Pausanias (viii. 45, § 3), where he records the building of the Temple of Athene Alea at Tegaea: *Ἀθηνᾶς τῆς Ἀλέας τὸ ἱερὸν τὸ ἀρχαῖον ἐποίησεν Ἄλεος· χρόνῳ δὲ ὕστερον κατασκευάσαντο οἱ Τεγεᾶται τῇ Θεῷ ναὸν μέγαν.* A peculiar phrase is used by Homer (*Il.* ix. 404) to denote the Temple of Apollo at Delphi: he calls it the *λάϊνος οὐδός*, "stone threshold," as if using a part for the whole building. Other words—such as *μέγαρον*, *ἄδυτον*, *ἀνάκτορον*, *σηκός*—seem to have been taken from terms originally used for parts of domestic buildings, meaning "the hall," "the private chambers," "the royal house," "the cell or inner chamber." The words *μέγαρον* and *σηκὸς μυστικὸς* were especially applied to the abnormal Hall of the Mysteries at Eleusis, which was also called the *τελεστήριον*, in reference to the initiations which there took place. Strictly speaking, it was not a temple at all. The real Temple of Demeter, which stood near the Hall of Initiation, was a very much smaller building.

Returning to the development of the Greek temple, the next stage after the simple *σηκός*, such as that on Mount Ocha, was probably a building with a prostyle portico, constructed mainly of unburnt brick with wooden columns, closely resembling the hall or *μέγαρον* of a pre-Homeric palace, such as that which Dr. Dörpfeld excavated within the Acropolis of Tiryns. The accompanying figures (1 and 2) show the probable

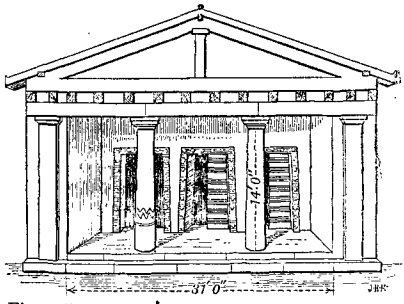


Fig. 1. Restoration of the front of the principal Hall (*μέγαρον*) of the prehistoric Palace at Tiryns.

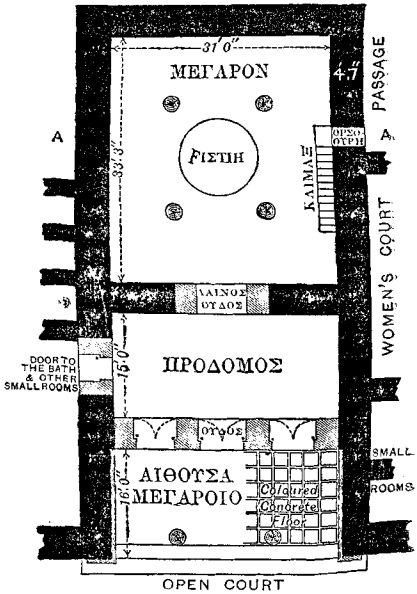


Fig. 2. Plan of the Hall at Tiryns.

* One result of the Greek temple being regarded merely as a house for the god, was that in many cases the temple was usually kept shut up. Thus in Athens the Thesmophorion, the Lenaion, and the Eleusinion were only opened on one day of festival in the year ([Dem.] *in Neaer.* p. 1371, § 76); and the Temple of Eurynoma at Phigaleia was always closed (Paus. viii. 41, § 4). In more than one thiasos inscription the priestess is mentioned as *ἀνοίγουσα τὸ ἱερὸν ἐν ταῖς καθηκούσαις ἡμέραις*, implying that on ordinary days the shrine was closed. (See Martha, *Les Sacerdoces Athéniens*, p. 88.)

appearance of this hall when perfect. Both in plan and in its façade it is clearly the prototype of the later stone temples of the Greeks. The walls were of unburnt brick, covered with hard fine stucco decorated with painting; the lowest courses of the wall were of stone, to a height of about two feet above the ground, in order to prevent injury to the unbaked clay of the bricks from rising damp. A sort of survival of this structural stone plinth existed even in the latest temples of the Greeks, which were wholly built of marble: the lowest course immediately above the pavement is usually very much deeper than the rest of the masonry, as if marking a change of material even when none exists. The columns both of the portico and of the inner chamber were of wood, each resting on a carefully levelled block of stone.

This use of crude brick for the walls and wood for the columns appears to have survived in many cases till very late, more especially in the private houses of the Greeks. Dr. Dörpfeld has pointed out that even the *Heraion* at Olympia was originally built in this primitive fashion, but that stone columns were introduced one by one as the wood pillars decayed. Thus we see columns of many different dates among the existing remains. Pausanias (v. 16) mentions one ancient wooden column as still existing *in situ* in the Heraion at the time of his visit. Of the walls nothing remains but the stone plinth, carefully levelled to receive the first course of crude bricks, so the original wall probably was never rebuilt in stone. The entablature was apparently of wood, like the columns, as no remains of stone cornice or architrave were found.

Vitruvius (ii. 3) describes the careful manner in which crude bricks (*lateres*) were made by mixing gravel, pounded pottery, and chopped straw with clay which had been long exposed to the weather. He records that a decree of the city of Utica ordained that none of these bricks should be used till they had been inspected by a magistrate to see if they were thoroughly dried, and had been kept the required time, which was five years, after they had been moulded. [LATER.]

In 1888 an interesting discovery was made by Dr. Halbherr at Gortyn in Crete. Excavations on the site of the *Pythion*, or Temple of the Pythian Apollo, revealed some remains of an early temple built of large blocks of stone without any cement. The building, which from the inscriptions cut on the outside of its walls is apparently a work of the 7th or 6th century B.C., consisted simply of one rectangular chamber, a mere *cella*, without columns or *pronaos*; though in later times a *pronaos* was added in front of the entrance. A very interesting point about this primitive temple was the fact that it had been lined internally with plates of bronze, like the great "beehive tomb" at Mycenae, and other Greek structures of prehistoric date. The bronze pins which fixed these plates still remain on the internal face of the great blocks of which the walls were built. (See Halbherr in *Monumenti antichi*, Part I., 1889; published by the Acad. dei Lincei.)

The last stage of the development of the Greek temple was a building with walls and columns wholly of stone or marble, such as those of which many examples still remain.

Vitruvius (iii. 2) classifies temples according to the arrangement of their columns in the following manner:—I. Ναὸς ἐν παραστάσι, *in antis*, with two columns between the *antae* of the projecting side walls (see fig. 3). [ANTAE.]

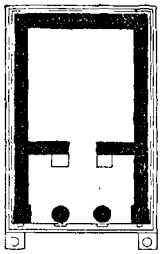


Fig. 3. Plan of the Temple *in antis*. Temple of Themis at Rhamnus in Attica, with a marble throne on each side of the door.

II. Πρόστυλος, *prostylos*, with four columns in front. III. Ἀμφιπρόστυλος, *amphiprostylos*, with four columns at each end (see figure 4).

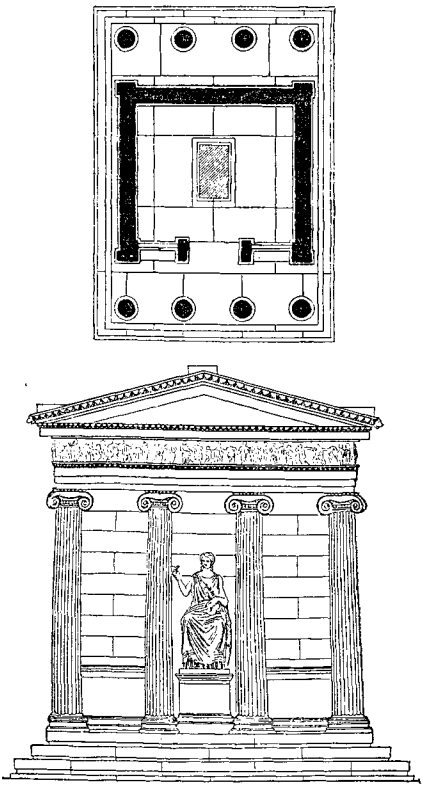


Fig. 4. Plan and façade of the Ionic, amphiprostyle Temple of Nike Apteros, on the Acropolis of Athens.

IV. Περίπτερος, *peripteros*, with columns along both sides and ends (see figure 5). V. Δίπτερος, *dipteros*, with a double range of columns all round (see figure 6). VI. Ψευδο-

δίπτερος, *pseudo-dipteros*, with one range of columns only, but placed at the same distance from the cella wall as the outer range of the dipteral temple (see fig. 7). VII. Ψευδο-περίπτερος, *pseudo-peripteral*, is another variety which Vitruvius does not give in his list (iii. 2),

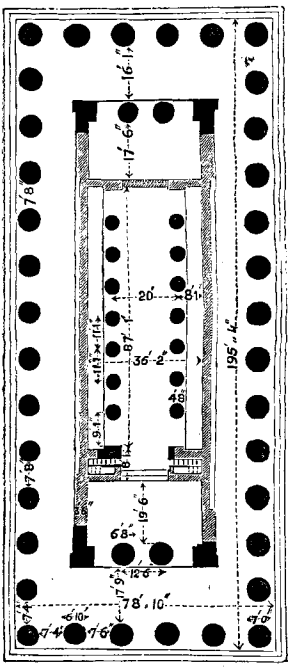


Fig. 5. Plan of the large hexastyle peripteral Temple at Paestum; showing the *pronaos* and *posticum* at the ends of the *cella*, the internal rows of columns and the stairs leading to the gallery over the aisles.

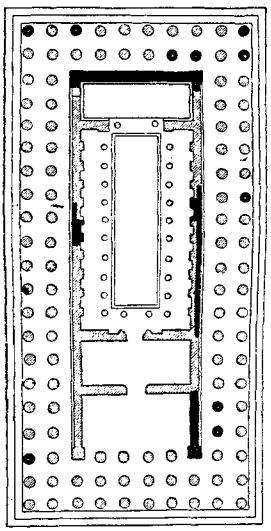


Fig. 6. Plan of the Temple of Apollo Didymaeus, near Miletus, a decastyle, dipteral temple of the Ionic order, with *pronaos* and *prodomus*, or inner vestibule, and, at the other end of the cella, an *opisthodomus*.

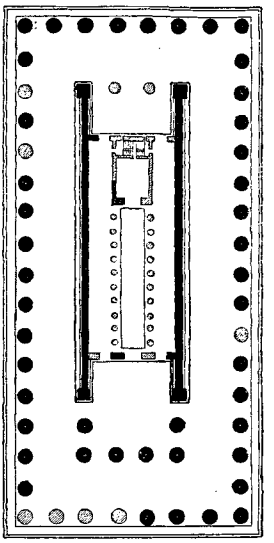


Fig. 7. The great octastyle, pseudo-dipteral Temple in the agora of Selinus in Southern Sicily, with a small inner sanctuary (*adytum*) at the end of the cella.

though he mentions it later on (iv. 8, § 6). This has no complete columns along the sides, but half or "engaged" columns built into the side walls of the cella. The great Temple of Zeus at Agrigentum is an example of this, dating *c.* 500 B.C. or earlier. This plan was more commonly used by the Greeks for tombs, such as the lion tomb at Cnidus, than for temples. Among the Romans it was very frequently used, as, for example, in the Temples of Concord, Vespasian,

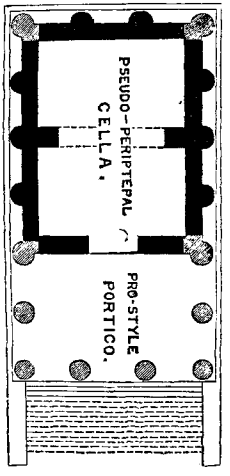


Fig. 8. Plan of the so-called Temple of Fortuna Virilis in the Forum Boarium at Rome. The black shows the part built of tufa: the hatching shows the harder travertine used at points where special strength was needed.

Faustina, and the so-called Temple of Fortuna Virilis in Rome. The main object of this plan was to give greater width to the cella (see fig. 8).

The last class named by Vitruvius is the *Hypaethros*, which appears to be an arbitrary class of his own. He describes the hypaethral temple as having ten columns at each end, and being dipteral along the flanks. Inside the cella are two tiers of columns, one above the other, supporting the roof, in the middle of which is an opening to the sky. As an example he gives the octastyle Temple of Olympian Zeus in Athens. The real fact is that the hypaethral temple does not form a separate category, as any of Vitruvius' last three classes might be hypaethral, the two tiers of columns being common in Greek peripteral temples, as, *e.g.*, in the Parthenon, and in the great temple at Paestum, where some of the upper range of internal columns still exist.

It should be observed that Vitruvius' remarks about Greek temples must be accepted with great caution. He evidently knew very little about them, except perhaps some of the largest Ionic temples in Asia Minor. His ignorance on the subject is shown in many ways, and especially by his statement that the Doric style was unsuited and little used for Greek temples (see Vitruv. iv. 3, §§ 1, 2). In studying Vitruvius' very interesting work, it should always be remembered that he was rather a practical architect than a learned antiquary, and that he had little or no personal knowledge of Greek buildings.

Vitruvius also gives different names to temples according to the number of columns on their fronts, namely:—

Τετράστυλος,	tetrastyle,	with four	columns.
Ἑξάστυλος,	hexastyle,	,, six	,,
Ὀκτάστυλος,	octastyle,	,, eight	,,
Δεκάστυλος,	decastyle,	,, ten	,,

A peripteral temple could not be less than hexastyle, nor a dipteral temple less than octastyle.

The sacred Hall at Eleusis, which was quite abnormal in plan, had a portico with twelve columns in front. It is very rare to find a Greek temple with an uneven number of columns at its ends. The second temple in point of size at Paestum has nine columns at each end, together with a central row of columns down the middle of the cella. The most probable explanation of this unusual arrangement is that the temple was dedicated to two deities, and therefore was divided longitudinally by a row of pillars. The great pseudo-peripteral Temple of Zeus at Agrigentum has seven engaged columns at each end. These are almost the only examples of Greek temples with an uneven number of columns at the ends. The number of the columns on the flanks varies very much, but is usually more than double that of the fronts. Thus, for example, the following temples —which are all Doric, *hexastyle*, peripteral— have on their flanks—Temple at Aegina and Temple of Nemesis at Rhamnus, 12 columns; Temple of Theseus in Athens, the so-called Temple of Hera at Agrigentum, and the Temple of Zeus at Olympia, 13 columns; great temple at Paestum, 14 columns; temples at Corinth and Bassae, 15 columns; Heraion at Olympia, 16 columns.

Of *octastyle* temples, the Parthenon, and the great Temple of Zeus at Selinus, have on their flanks, 17 columns; the Corinthian Temple of Olympian Zeus in Athens, 20 columns; the Ionic *decastyle* Temple of Apollo at Didyme had 21 columns.

The only other Greek decastyle temple was the Heraion at Samos: the number of columns on its sides has not yet been certainly discovered.

Vitruvius (iii. 3) gives the following list of names for the various classes of temple intercolumniations or spans, measured from column to column in the clear. It should, however, be remembered that this list refers only to late Greek or Roman temples, not to buildings of the best Greek period, about which Vitruvius seems to have known nothing. The figures in this list give the intercolumniations in terms of the diameters of the shafts at the lowest part.

Πυκνόστυλος	1½	Pycnostyle.
Σύστυλος	2	Systyle.
Εὔστυλος	2¼	Eustyle.
Διάστυλος	3	Diastyle.
Ἀραιόστυλος	more than 3	Araeostyle.

The larger Greek temples were divided into different parts. The inner space within the front portico was called the *πρόναος*; that at the rear was the *posticum* (see fig. 5); the principal chamber, which usually contained the statue of the deity, was the *cella* or *σηκός*: it was frequently divided into a "nave" and "aisles" by two ranges of internal columns. In some cases, as in the Parthenon and the temple at Corinth, a chamber at the back was walled off from the rest of the cella: this was the *ὀπισθόδομος*; it was used as a treasure chamber. A similar chamber in the Temple of Apollo at Delphi formed an inner sanctuary, *τὸ ἄδυτον*: in it was placed the gold statue of Apollo, the mystic Omphalos, and other sacred objects which only the priests were allowed to approach.

One or more staircases were frequently introduced into the cella. In the Temple of Zeus at Olympia the stairs (*ἄνοδος σκολιὰ*) led to the *ὑπερῷον*, or gallery over the aisles, whence a good view was obtained of the colossal gold and ivory statue by Pheidias (see Paus. v. 10). In the so-called Temple of Concord at Agrigentum, the two stone staircases which led to the roof are still in perfect preservation. Similar staircases in the two other temples at Agrigentum still exist, though they are not so complete (see also fig. 5). In many cases, as in the Parthenon, these stairs appear to have been made of wood.

In the Temple of Concord (so called) at Agrigentum the doorways at a high level still exist, which gave access to the space between the wooden roof and the ceilings of the *pronaos* and *posticum*. In some temples a vestibule, *prodomus*, existed behind the *pronaos* (see fig. 6).

Stylobates and Steps.—The base or *stylobate* of a Greek temple consisted of two or more steps, the height of which was not in proportion to a man's stature, but was fixed by the height of the building. The usual number of steps in Doric temples was three, but a few temples, such as the so-called Theseum in Athens and the

Heraion at Olympia, only had two. In the larger temples, such as the Parthenon, the height of the "riser" of the steps is too great for practical purposes of approach, and so smaller intermediate steps were introduced at certain places to give convenient access to the raised peristyle.

The *cella* floor is usually raised two or three steps above the peristyle. At Paestum the floor of the cella of the great temple is raised to the very unusual height of 4 ft. 9 in. above the top step of the stylobate. In many cases the central portion of the cella floor is slightly sunk below the level of the "aisles:" this was probably intended to receive any rain-water which descended through the open hypaethrum, or, in some cases, to form a shallow tank for water in order to correct the natural dryness of the air in temples which contained a chryselephantine statue, the ivory of which was thought to suffer from the want of some moisture in the atmosphere (Paus. v. 11). In the Temple of Zeus at Olympia the reverse was the case, the surrounding country being damp and marshy, and so the shallow sinking in front of Pheidias' statue was kept full of oil, which was also used as a lubricant for the ivory when it was cleaned by the official *φαιδρυνταί*. This receptacle was made of black marble with a kerb or rim of white Parian.

The paving of temples was usually formed of large slabs of stone or marble: those in the Parthenon are squares of white marble 1 foot thick and about 4 feet square. In some cases the internal floor was made of a fine hard cement, as, *e.g.* in the temple at Aegina, where the pronaos and the central portion of the cella are paved with cement coloured red. So also the Heraion at Olympia had in the cella a paving of red cement.

The pronaos of the Temple of Zeus at Olympia, built 469–457 B.C., was paved with a curious early kind of mosaic, formed, not of squared *tesserae*, but of natural pebbles of different colours selected from the bed of the river Alpheus. These are set in a fine white cement on a thick bed of concrete. The design consists of Tritons and sea-monsters within a conventional border. This is almost the only example of mosaic of the Greek period that has been found, though mosaics of the Roman period in Greece are far from rare.

In many cases an open gutter, cut out of long blocks of stone or marble, was placed round the lowest step of the stylobate to carry off the rain-water which fell from the eaves of the roof. The water from the roof was discharged through lions' heads placed at intervals along the *cymatium* or top member of the cornice, after the fashion of a mediaeval gurgoyle. Vitruvius (iii. 5, § 15) recommends that only those lions' heads should be pierced which came over the centre of the peristyle columns, to diminish the amount of falling water that the rain could blow towards the cella wall, each column acting as a shelter. The other (unpierced) heads were merely for ornament. The rain-water from the gutters was carried in pipes or open channels to tanks which were built or cut in the rock at various places near the temple: several exist in the Acropolis of Athens close by the Parthenon.

The great Ionic temples of Asia Minor were in some cases raised on a lofty stylobate, consisting of many steps extending all round the building. The Temple of Artemis at Ephesus, dating from the time of Alexander the Great, was constructed with no less than fourteen steps leading up to its peristyle: this great height was, however, exceptional. The decastyle Temple of Apollo at Didyme had only three steps, and the erection of temples on lofty stylobates was rather a Roman than a Greek custom.

Roofs.—Greek temples were roofed with simply framed "principals" and strong rafters, covered with tiles of baked clay, or, in the more magnificent buildings, with slabs of white marble jointed and fitted with the closest accuracy, so that not a drop of water could penetrate. According to Pausanias (v. 10), marble roof-tiles were invented by Euergos of Naxos. The magnificent group of buildings on the Acropolis of Athens were all roofed in this costly manner. Even the stone Temple of Apollo at Bassae was roofed with marble tiles, a fact which Pausanias specially records (viii. 41) as one of the chief glories of the building. In no part of a Greek temple was more elaborate care lavished than in the formation of these marble tiles (*σωλῆνες*, *tegulae*); each was "rebated" at top and bottom to give the closest possible fit, and each side joint was covered by an overlapping "joint-tile" (*καλυπτήρ*, *imbrex*), the edges of which were ground down to an absolute accuracy of surface. At the eaves the end of each joint-tile was covered by a *καλυπτὴρ ἀνθεμωτός*, *antefixa*, an ornament which usually was sculptured with a lotus or acanthus relief. In the temple at Bassae each joint-tile was worked out of the same block of marble as the adjacent roof-tile, involving an immense amount of labour and waste of marble.

Ceilings.—The peristyle, and in some cases the pronaos and posticum, had ceilings under the wooden roof formed of great slabs of stone or marble decorated with a series of deeply-sunk panels or coffers (*lacunaria*), all worked in the solid, and ornamented with delicate enriched mouldings round the edge of each offset. With regard to the wider span of the cella, it is uncertain to what extent inner ceilings were constructed. Probably in some cases wooden ceilings with square *lacunaria* were used; in other cases the rafters of the roof and the underside of the marble tiles were left visible, as is shown by the fact that marble tiles have been discovered with traces of painted ornament on their lower surface. The whole visible woodwork, whether rafters or internal ceiling, was decorated with gold and colour, like the rest of the building. Vitruvius (iv. 2, 2) speaks of roof-panels painted blue by the wax encaustic process.

Screens.—Various parts of a Greek temple were usually shut off by elaborate bronze screens or grills which were frequently gilt. Thus, for example, in the Parthenon, tall bronze screens closed the intercolumniations of the pronaos and posticum. Another screen surrounded the chryselephantine statue of Athene, and the "aisles" of the cella were screened off in the same way from the central space in front of the statue. In some cases these metal screens rested on a marble plinth, but more commonly they

were fixed by melted lead into the paving of the temple.

Doorways.—Even in cases where there was a polished marble door architrave, as in the Parthenon and the Propylaea in Athens, it appears to have been usual to fix an inner jamb-lining of wood. This wooden architrave and the valves of the doors were both covered with richly-worked reliefs in gold and ivory, at least in the richer temples. Descriptions of this costly decoration are given in the treasure lists of the Parthenon (see *C. I. A.* ii. 708). The heavy gold plating and ivory reliefs on the doors of the Temple of Athene at Syracuse were stripped off by Verres, as Cicero states in his impeachment. This gold plating made the doors very heavy, and so they were hung, not on hinges, but on massive bronze pivots, which revolved in sinkings in the lintel and sill of the opening. Each valve, in the case of a large doorway, usually ran on a bronze wheel, the marks of which are plainly visible in the Parthenon and in many other temples, on the marble threshold and pavement.

Temple Treasuries (thesauri, θησαυροί).—In some temples, as *e.g.* the Parthenon and the early temple at Corinth, a special chamber, the *opisthodomus*, was cut off from the rest of the cella as a store-place for the rich treasures in gold and silver which belonged to the temple or had been deposited there as if in a bank. In the Parthenon the opisthodomus appears to have been fitted up with shelves and cupboards. Inventories of the Parthenon treasures cut on marble which still exist mention various objects as being on the first, second, or third shelf, if that is the true meaning of the arrangement according to *ῥυμοί*. Other portions of the Parthenon treasure were kept in the pronaos and in the cella, ἑκατόμπεδον or Παρθενὼν proper (see Newton and Hicks, *Attic Inscriptions in the Brit. Mus.*, Part I.). In other cases, when there was no separate treasure-room, part of the pronaos or posticum was screened off from the central passage and used as a store-place.

In later times some of the most venerated temples, such as those at Delphi* and Olympia, grew so rich in cups, tripods, statuettes, and other votive offerings made of gold and silver, that there was not sufficient room to hold them in the temple itself, and so a number of separate little treasure-houses were built within the sacred precincts. These were often named after various Greek states whose offerings were kept within them. At Olympia a long row of these *thesauri* have been discovered: in design they were like small temples, the cella having either a *prostyle* portico or a portico *in antis*.

Materials and Construction.—The earlier temples were chiefly built of stone, even in districts where marble was plentiful. Very coarse local stones were frequently used, but whether the stone was fine or coarse it was invariably coated with a thin skin of very fine hard cement, usually made of lime and powdered marble or white stone, mixed with white of egg, milk, or some natural size, such as the sap of trees. This beautiful substance, which was almost as hard, white, and durable as marble itself, is similar to the *caementum marmoreum*, the making of which is described at length by Vitruvius (vii. 3, §§ 6–8). The use of this marble cement not only protected soft stone from the weather and made the temple look as handsome as if it had been built of real marble, but it also had the advantage of forming a good, slightly absorbent surface for painted decoration, which seems always to have been applied to Greek buildings. For this reason, even when the temple was built of solid marble, it was not uncommon to coat it with a thin skin or *priming* of marble dust cement for the use of the painter.

In some of the early stone temples, especially in Sicily and at Olympia, terracotta mouldings and enrichments of a very elaborate kind were used to decorate the building. In some cases the whole of the entablature was simply built in squared blocks of stone, and then wholly covered with a casing of moulded terracotta, very carefully jointed and fixed with bronze pins. These terracotta casings were painted with elaborate and delicate patterns in blue and red, brown and white ochres. [TERRACOTTAS.] In other cases the mouldings of the entablature and the like were roughly cut in the coarse stone, and then the fine finished mouldings and enrichments were worked in the marble-dust cement which coated the whole stone-work.

By degrees marble came into use for building temples; at first in a very sparing way, being used only for the sculptured reliefs, and not always for the whole of those. In one of the temples at Selinus no marble is used in the building except a few small bits employed for the nude parts of the female figures in the metopes. All the rest of the sculpture is of the local limestone. At Bassae the use of marble is more extended; the whole of the sculpture and the roof-tiles are of marble. At Aegina the sculpture and only the lower courses of tiles were of marble. A further extension of its use was in the last Temple of Apollo at Delphi, in which the columns of the front were of marble, all the rest of the building (except the sculpture) being of local stone. The Alcmaeonidae of Athens were the contractors for this temple; and though their contract was only for stone, yet they were liberal enough to supply these marble columns for the front of the temple (see Herod. v. 62). Lastly the whole temple from the floor to the roof was built of marble, and in the 4th century B.C. the great temples of Asia Minor were built of marble, even in cases where no marble quarries were at hand. Coloured marbles, though largely used by the Romans, were but little employed in Greek temples.*

In Athens the dark grey Eleusinian marble was used in some cases for steps, pavements, or plinths; and in the Erechtheum the main external frieze was made of this dark marble, ornamented with figures carved in white marble in half-relief, and attached to the ground with bronze pins. With this exception nothing but

* For an account of the Temple of Apollo and the treasures of Delphi, see Middleton, *Journ. Hell. Studies*, vol. ix., 1889, p. 282 *seq.*

* The earliest recorded instance of the use of coloured marble in a Greek or semi-Greek building was at Halicarnassus, where the palace and tomb of King Maussolus, who died in 353 B.C., were decorated with linings of Proconnesian marble (see Pliny, *H. N.* xxxvi. § 47; MAUSOLEUM).

white marble was used in the Athenian temples after the Persian war, at least above the ground-line. The native limestone (*πῶρος*) was commonly used for foundations. Many different kinds of decorative materials were used: rosettes and other ornaments of gilt bronze were frequently attached to the eyes of the volutes of Ionic capitals, and in the centres of the panels of the *lacunaria* of the ceilings. Bits of coloured glass or enamels of brilliant tint were inlaid in the interstices of the plait-band ornaments of Ionic capitals and bases. The Erechtheum especially was enriched with bronze and enamel ornaments of many kinds. Rings of gold ornament decorated the bases of the Ionic columns of the Artemision at Ephesus, and we read of the joints in a temple wall at Cyzicus being marked with lines of gold inlay (see Pliny, *H. N.* xxxvi. § 98).

In the marble masonry of the finest Greek temples extraordinary care was taken to fit each block closely to the next. Each block was first cut and rubbed to as true a surface as possible, and then, after it was set in its place, it was moved backwards and forwards till by slow grinding it was fitted with absolute accuracy to the block below it. The drums of the columns were ground true in the same way by being revolved on a central pin fixed in a wooden socket, which was let into the centre of the bed of the drum. Small projecting blocks of marble (*ὦτα*) were left by the masons, first to give a hold to the loops of rope while the drum was being raised to its place, and secondly these projections formed a sort of handle by which the great drum of marble could be made to revolve. Of course, with such perfect fitting as this, no cement or mortar of any kind was used, and with time and pressure the adjacent blocks seem in many cases to have, as it were, grown together, so that when a portion of the wall is thrown down a fracture will often run diagonally through two blocks of marble rather than separate the two at the joint. In the absence of cement great labour and much metal were expended in fastening each block with bronze or iron clamps and dowels, all carefully fixed with melted lead. Every block in the Parthenon, for example, is not only clamped to the adjacent blocks in the same course, but is fixed by upright dowels to the courses above and below,—a refinement of precaution, which to modern builders would seem quite needless; there being no side thrust, and the blocks being of such great size and weight as to be in no danger of any movement, except perhaps during an earthquake.

Optical refinements.—Nothing in the way of human workmanship can be more wonderful than the perfection and minute accuracy with which every part of a Greek temple of the best period was executed. The very elaborate system of curved lines and inclined *axes*, which the highly sensitive eye of the Greek thought necessary to the beauty of a building, shows, more clearly than anything else, how far superior to ours were the aesthetic perceptions and the delicately trained eyesight of the ancient Greek. The general principle of the optical corrections used by the Greeks is explained by Vitruvius, though he appears not to have been acquainted with all their refinements. He writes (vi. 2, § 1): "Acuminis est proprium providere ad naturam loci aut usum aut speciem *detractionibus* vel *adjectionibus* temperaturas efficere, uti, cum de symmetria sit detractum aut adjectum, id videatur recte esse formatum, in aspectuque nihil desideretur."

A careful study of existing Greek temples, and especially of the Parthenon, has shown that the following classes of optical corrections were used.*

I. Entasis (*adjectio*) of columns (Vitruv. iii. 3, § 13): the lines of the shafts, instead of diminishing regularly from bottom to top, are slightly convex, giving a very delicate swelling to the central part of the shaft. A column formed with straight lines appears to get thinner than it ought towards the middle, owing to the effect of the light behind it, which appears, as it were, to eat into or encroach upon the column, especially midway between the top and bottom. This *entasis* is the only one of the many optical refinements of the Greeks which is used in modern buildings.

II. The columns at the angles of peripteral temples were made slightly thicker than the rest, and the intercolumniations at the angles were reduced. The object of this was to prevent the angle columns from appearing thinner than the others on account of their being seen against a brighter background than those which showed against the cella walls—a dark object always appears smaller against a bright ground, such as a sunny sky, than if seen with a dark ground behind it.

III. The main horizontal lines of the temple were formed slightly convex, in order to prevent an appearance of weakness and sinking in the middle. Thus the steps and floor of the stylobate, and the horizontal lines of the entablature, have a very slight and delicate curve, the rise varying, *e.g.* in the Parthenon, from $\frac{1}{450}$ to $\frac{1}{750}$ of the length.

IV. An inward slope of all vertical lines and planes to give an appearance of *stability*. The columns were not set upright, but all sloped inwards towards the building. The cella walls were built "battering;" that is, thicker at the bottom than at the top. Even the principal flat surfaces of the capitals and entablature were made so as to slope inwards.

V. In some cases when the point of sight is near, and the moulding high up, as with the capital of an *anta*, the chief planes of the moulding slope *forwards* instead of inwards, to correct the excessive foreshortening which otherwise would prevent the vertical flat surfaces from being seen from below.

A very interesting inscription has been discovered at Lebadea in Boeotia, giving the specification for the partial rebuilding of a temple there to Zeus. It gives many curious details about the construction of the building, and contains the following clause about the optical corrections which were to be used: *τὰ δὲ ἄλλα ὅσα μὴ ἐν τῇ συγγραφῇ γεγράπται κατὰ τὸν κατοπτικὸν νόμον καὶ ναοποίκον ἔσται*, —"as concerns other matters not written in the specification, let them be done according to the

* For further information on this subject, the student is referred to the very valuable work on *Athenian Architecture* by F. C. Penrose, 2nd edit., 1888, published by the Dilettanti Society.

optical rules for the construction of temples" (see Choisy, *Études Épigraphiques sur l'Architecture Grecque*, p. 173 *seq.*).

Fig. 9 shows in a very exaggerated form the most important optical corrections in the Parthenon, as discovered by Mr. F. C. Penrose.

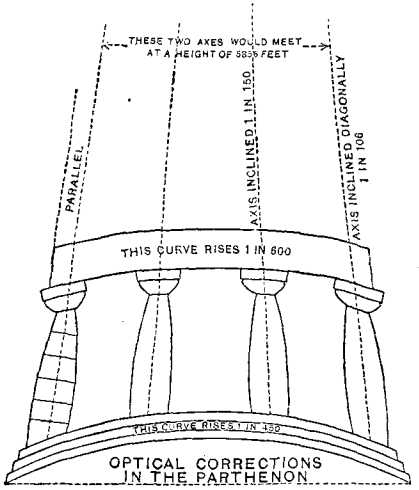

THESE TWO AXES WOULD MEET AT A HEIGHT OF 5855 FEET
PARALLEL
AXIS INCLINED 1 IN 150
AXIS INCLINED DIAGONALLY 1 IN 106
THIS CURVE RISES 1 IN 600
THIS CURVE RISES 1 IN 450
OPTICAL CORRECTIONS IN THE PARTHENON

Fig. 9. Diagram showing the various optical corrections used in the Parthenon.

Each block of marble is worked accurately so as to form its proper proportion of these delicate curves, which, *e.g.* in the entablature, amounts only to a rise of 2 inches in 100 feet of length.

The general system of design in a Greek temple is very different from that of such a building as a Gothic cathedral. In the latter the *module* or unit of scale has some relation to the height of the human figure, and great size is gained by *multiplying* parts, not by merely *magnifying* the scale. In a Greek temple the *module* or unit is the diameter of the external columns,* and a large peripteral temple may be exactly like a small one with all its parts magnified. Thus in the largest temples the doorway, magnified in proportion to the size of the columns, has no relation to the human height; and in details, such as the entablature, a large cornice will have no more members than a small one, but merely each member increased in size. Beautiful and unrivalled in execution as Greek architecture is, this want of adaptability, which comes from the use of a single external order only, is a very real practical defect.

Methods of Decoration in Greek Temples.

Sculpture.—In Doric temples the usual parts which were decorated with sculpture were the *pediments* or triangular gables at the ends: these usually contained groups of figures in relief or in the round. The *metopes*, or panels between the triglyphs over the architrave, were filled with reliefs: in some cases, as in the Parthenon, every external metope contained a relief; in other cases only, those on one or both ends. The celebrated Parthenon frieze (*ζωοφόρος*) was set within the peristyle at the top of the cella wall. At Bassae the frieze was inside the cella, over the "engaged" columns which projected from the side walls of the cella, and there were also sculptured metopes inside the peristyle. In Ionic and Corinthian temples, which had no triglyphs and metopes, a continuous sculptured frieze was usually carried along the main entablature. The *Artemision* at Ephesus was not only decorated with pedimental sculpture and an external frieze, but a number of its columns had their lower drums sculptured with life-sized figures in relief—the *columnae caelatae* of Pliny, *H. N.* xxxvi. § 95. In addition to this some of the columns were set on square sculptured plinths. Even the older temple to which Croesus was a liberal benefactor had columns decorated with reliefs in the same way.

Some Greek temples, such as that at Bassae and the Heraion at Olympia, were constructed with a series of recesses separated by engaged columns along the side walls of the interior of the cella. These were designed to hold single statues of the deities. The celebrated Hermes of Praxiteles stood in one of the shrine-like recesses of the Heraion at Olympia. The more celebrated temples, especially those which stood on the site of some great agonistic contest—such as Delphi, Corinth, and Olympia—were crowded with votive statues, both inside the cella and in the portico and peristyle. At Olympia and Delphi, before the Roman spoliation, the statues in and around the temples must have been numbered by the thousand. A very large proportion of these were of bronze, in many cases thickly plated with gold. Even in Pliny's time the sacred periboli at Olympia and Delphi still contained fully 3,000 statues each (*H. N.* xxxiv. § 36): and at the time of Pausanias' visit to Delphi they must have been more numerous still (see his long account of them x. 8–15, 18, 19, and 24). He names nearly 150 statues at Delphi as being worthy of special notice.

The principles of composition which were applied to the sculpture on Greek temples were mainly these:—In the pediments the interest of the motive usually converged towards the centre. In a continuous frieze the interest was more distributed; in the Parthenon frieze it culminates in the central group over the main entrance. In the metopes combats were favourite subjects, giving strongly-marked diagonal lines of composition, which formed a pleasant contrast to the vertical lines of the triglyphs. When a continuous frieze was sculptured with battle scenes, as is the case at Bassae, the composition formed a series of zigzag lines which gave a continuous flow of action. In all cases great care was taken by the Greek sculptor to make his work harmonise with its architectural surrounding, very unlike modern sculpture on buildings, which usually has no more relation to its position than if it were a mantel-piece ornament.

Painting.—Rich painted decoration in brilliant colours seems to have been used to ornament all the Greek temples. Even the sculpture was

* Vitruvius (iv. 3, § 4) makes the *modulus* a half-diameter of the column for convenience of calculation, but the real unit is the whole diameter of the shaft at the bottom, as he has it at iii. 3, § 7.

painted, either wholly or simply set off by a coloured background, and enriched with borders and other patterns on the drapery. Accessories, such as weapons, trappings of horses and the like, were usually of gilt bronze. The mouldings of the entablatures, capitals, and other parts were all picked out in red, blue, and gold, with very minute and elaborate patterns painted on the larger members, in the coffers or panels of the *lacunaria*, and on the cross-beams of marble which supported the great ceiling slabs over the peristyle. Certain enriched mouldings, such as the "bead and reel," appear to have been nearly always gilt, and in almost all the patterns of the richest temples thin bands of gold were used to separate and harmonise the brilliant tints of colour.

The interior of the temple walls was often covered with large paintings of figure subjects: in the Parthenon, for example, the pronaos contained a painting of the rock Aornus and the fissure which drew into it birds flying over it. In the cella were portraits of Themistocles and Heliodorus (see Paus. i. 2, 37): and Pliny (*H. N.* xxxv. § 101) records that in the portico of the Parthenon was a painting by Protogenes of Caunus, representing the sacred triremes Paralus and Ammonias. Similar pictures decorated the internal walls of most Greek temples.

Votive shields of gilt bronze were frequently attached to the architraves of Greek temples, as was the case with the Parthenon, the Temple of Zeus at Olympia, and that of Apollo at Delphi (Paus. v. 10, 2, and x. 19, 3). Part of the Parthenon architrave was decorated with hanging wreaths or festoons of flowers worked in bronze. The positions of these and of the shields are still marked by the stumps of the bronze pins which fixed them to the marble. In some cases sets of votive armour and weapons were hung to the cella walls, both inside and out, as well as *ex-votos* of many other kinds.

Orientation.—Greek temples are usually placed with their *axes* east and west: the front is commonly towards the east. There are, however, exceptions to this rule: the Temple of Apollo at Bassae stands north and south, but has on its east flank the unusual feature of a side door, placed near the statue of the god—possibly to allow the rays of the rising sun to strike the statue of Apollo, who was there worshipped as the deliverer from a fearful pestilence which had devastated the neighbouring city of Phigaleia, about the middle of the 5th century B.C.

Greek temples of the historic and autonomous period were built in two styles, *Doric* and *Ionic*. The Corinthian style belongs to a later period.

Doric Temples.—In the mainland of Greece, in Magna Graecia, and in Sicily, the Doric style was the first to be developed. Almost all the existing Greek temples in these countries are Doric. The chief *archaisms* or points of difference between the early and the fully-developed Doric temples are these:—In the older examples the columns are proportionally shorter and thicker, the architrave is heavier, the intercolumniation is closer, the diminution of the shafts of the columns is proportionally greater; the abacus of the capital is shallow and wide-spreading, the echinus of the capital is formed with a more bulging curve. Entasis and other optical refinements are used in a limited and imperfect way. The shafts of the columns are as far as possible monolithic; marble is used very sparingly or not at all.

The largest number of early Doric temples which still exist are in Sicily; at Syracuse, Agrigentum, Selinus, and Segesta. Another example of very early date is the temple at Corinth. Of the later, fully-developed Doric, the chief examples are in Athens, and at Bassae in Arcadia.

The temple in Aegina occupies an intermediate position in point of date. With regard to the oldest existing temples it is impossible to fix any exact date; there is, however, little doubt but that the two earliest temples at Selinus, and one in Syracuse, of which very little more than two columns now exist, are not later than the end of the 7th century B.C. The latest Greek Doric temple of which any remains still exist is probably that of Athene Alea at Tegaea, which was designed by Scopas in the early part of the 4th century B.C. (see Paus. viii. 45).

The main characteristics of the Doric style are these—columns without bases, with shallow flutings not separated by a fillet. The capital consists of a square *abacus* resting on a slightly curved cushion-like member, which is called the ἐχῖνος (*echinus*), from its resemblance to the shell-fish popularly called a sea-urchin. The architrave which rests on the abaci of the columns is plain, without any sinkings or *fasciae*, such as are used in the Ionic style. Above the architrave comes the frieze, which is divided into triglyphs (τριγλύφοι), and metopes (μετὰ ὀπάς). As Vitruvius quite correctly points out (iv. 2), the Doric order is a survival in stone of a primitive method of construction in wood.

The grooved triglyphs were copies of the ends of the tie-beams of the roof principals. The holes in the upper course of the wall in which the tie-beams rested were called (ὀπαί), and hence the intermediate spaces were the μετ' ὀπαί, *metopes*. In the early wooden buildings the metopes were frequently left open to admit light and air (see Eur. *Iphig.* 113); and in domestic buildings they probably served as an exit for the smoke from the central hearth (Ἑστία) in the middle of the μέγαρον or hall. In later times the metopes were closed and decorated with painting or sculpture.

Above the Doric frieze was the cornice, the third and last part of the entablature: this was very simple, consisting mainly of a deep overhanging block with a plain flat surface called the *corona*, and on its *soffit* or under-side a series of *mutules*, covered with three rows of three circular projections, *guttae*. The mutules were survivals in stone of the ends of the small rafters, which showed above the ends of the tie-beams. The top member of the cornice, *cymatium*, was originally the upturned edge of the eaves' tiles, and was pierced at intervals to allow the rain-water to escape (see fig. 10).

The description already given of the plans and general arrangement of Greek temples applies to those of the Doric style, except that no Doric *decastyle* temple appears to have been built, though the dodecastyle portico of the Hall of the Mysteries at Eleusis had columns of the Doric order. This, however, was not, as is men-

tioned above, a temple, but rather a great hall or *μέγαρον*.

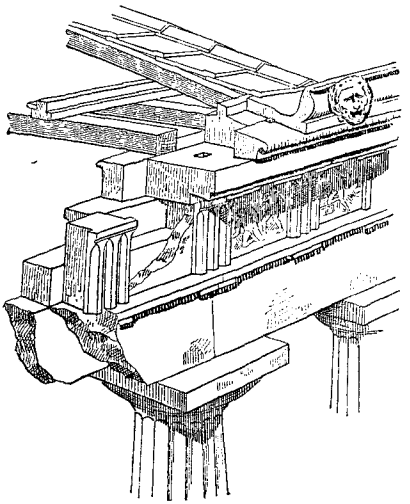


Fig. 10. Drawing to show the construction of the entablature of a Doric temple of the 5th century B.C., and the manner in which it supported the timbers of the roof. One of the pierced lions' heads for rain-water is shown on the top-member (*cymatium*) of the cornice.

The method in which Greek temples were lighted is a rather difficult problem: windows were not used till Roman times, and it appears fairly certain that some form of opening in the roof (*ὀπαῖον*, *hypaethrum*) was the usual way in which light was admitted into the cella.* Prof. Cockerell found at Bassae one of the marble roof-tiles which had formed the border to some such opening. A raised rim or kerb was worked on the tile so as to prevent water dripping from the roof into the interior. The existing circular *hypaethrum* in the dome of the Pantheon in Rome shows the great aesthetic beauuty of such a method of lighting; the inconvenience from rain falling on to the marble paving is comparatively slight.

After a long-established custom of sacrificing on altars in the open air, there was probably a survival of sentiment in favour of having some part of a temple *sub divo*. Both religious and poetical notions have almost always closely associated the notion of the visible sky with the abode of God. Support is given to the hypaethral theory of lighting by a curious passage of Justin, xxiv. 8, who relates that when Delphi was attacked by the Gauls the Pythia and the priests cried out that they saw Apollo descending through the roof opening of the temple—"eum se vidisse desilientem in templum per aperta culminis fastigia." An ingenious theory was invented by Mr. James Fergusson, that the hypaethrum or *ὀπαῖον* was not over the central space of the cella, but that there was one on each side over the aisle galleries; the light being admitted sideways, through windows like those of a mediaeval clerestory (see Fergusson, *The Parthenon*, 1883). There is, however, little real evidence to support this theory, and the explanation would not apply to those numerous temples which had no "aisles" or internal columns to support a gallery.

The general appearance of the façade of a Doric temple is shown in the annexed figure (No. 11) of the temple at Aegina, as restored by

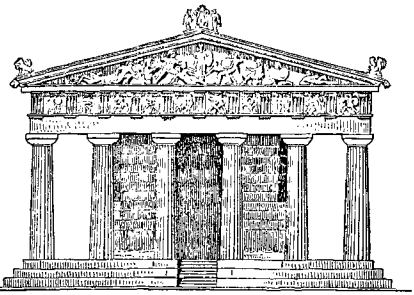


Fig. 11. The façade of the Doric, hexastyle, peripteral temple in Aegina, restored from the existing remains by the late Prof. Cockerell.

Cockerell from the existing remains. The pediment has fallen, and the sculpture is now at Munich, but most of the columns are very perfect. The date of this temple is probably about the middle or latter part of the 6th century B.C.

It should be observed that some temples of the Doric style had internal columns of a different order. The columns in the opisthodomus of the Parthenon were probably Ionic. At Bassae the internal columns of the cella were Ionic, and at Tegea it is probable that the columns of the pronaos and posticum were Ionic, while those inside the cella were Corinthian (see Paus. viii. 45, § 3 *seq.*). The Propylaea of the Athenian Acropolis has a similar combination of the Doric with the Ionic style.

In the earlier temples all the columns seem to have been Doric, as we see in the great temple at Paestum, where the internal columns still exist.

The so-called *Temple of Demeter*—or, more correctly, the *Σηκὸς μυστικός*—at Eleusis, was a completely different building from ordinary Greek temples, as it was a great hall of meeting for those initiated into the mysteries of Demeter, Kore, and other Chthonian deities. It has recently been excavated and plans of the successive structures made with great care and skill by Dr. Dörpfeld (see *Fouilles d'Éleusis*, Athens, 1889: cf. also Paus. i. 38).

The latest building was a large square hall containing six rows of seven columns each. On three sides, there were two doorways, six in all. The fourth side, which was built against the scarped face of the hill, had no entrance on the ground-floor. It appears probable that the building was in two stories.* On the ground-floor eight tiers of step-like seats were

* The windows in the Erechtheum were an addition of the time of Constantine, or even later.

* The upper story was probably used for the production of those striking scenic effects, imitations of thunder and lightning and the like, which were employed by the priests to fill the minds of the neophytes with awe and wonder. Traces of some curious machinery are still visible in the inner propylaeum of the temenus.

placed against all four walls; the lines of seats being broken only by the doorways. In front was the great Doric dodecastyle portico built by Philo in the 4th century B.C. The plan of the whole building is Oriental rather than Greek in character. It closely resembles the "Hall of the Hundred Columns" in the palace of Darius and Xerxes at Persepolis. Dr. Dörpfeld discovered remains of two earlier and smaller buildings of similar plan on the same site.

The sacred temenus was approached through an inner and an outer propylaeum; the larger, outer one, of Roman date, is a close copy of the propylaeum of the Athenian Acropolis. In front of the outer gateway was a small amphiprostyle temple of Artemis, some remains of which still exist. (See *Bull. Cor. Hell.* i. 1885.)

The following are the principal Doric temples of which remains still exist, arranged as nearly as possible in chronological order:—

Syracuse, Island of Ortygia, Temple of Artemis, hexastyle, very archaic, scanty remains. 7th century B.C., or even earlier.

Selinus (Sicily), three temples on the Acropolis, all hexastyle, with 19, 14, and 13 columns respectively on the flanks, of local limestone, very early in style. 7th cent.

Syracuse, Ortygia, Temple of Athene, hexastyle, now built into the cathedral. Late 7th cent.

Selinus, great Temple of Zeus in the Agora (see fig. 7), octastyle, with 17 columns on the flanks: never finished. 7th cent.

Corinth, hexastyle, with 15 columns on the flanks; only 7 columns now remain. Late 7th cent.

Segesta, Sicily, hexastyle, the peristyle perfect, but the cella wholly gone, probably unfinished. 6th cent.

Agrigentum, Sicily, the great Temple of Zeus, *heptastyle*, with 14 columns on the flanks, pseudo-peripteral, slight remains. 6th cent.

Aegina, hexastyle, with 12 columns on the flanks; very perfect (see fig. 11). 6th cent.

Paestum, Lucania, the so-called Temple of Poseidon (see fig. 5), hexastyle, with 14 columns on the flanks, very perfect. 6th cent.

Delphi, Temple of the Pythian Apollo, hexastyle, peripteral; designed by Spintharus of Corinth soon after the burning of the previous temple (the fourth on that site) in the year 548 B.C. Second half of the 6th cent.

Agrigentum, Sicily, three hexastyle temples, two of them very perfect. Late 6th or early 5th cent.

Selinus, the middle temple on the Agora. *c.* 500 B.C.

Assos, Asia Minor, hexastyle, with sculpture on the architrave, very rude in style, scanty remains. *c.* 480 B.C.

Athens, so-called Temple of Theseus, hexastyle, with 13 columns on the flanks, very perfect. *c.* 465 B.C.

Olympia, Temple of Zeus, built by Libon of Elis, hexastyle, with 13 columns on the flanks; little remains standing. 469–457 B.C.

Olympia, the Heraion, a mixture of many dates, mostly destroyed, hexastyle, with 16 columns on the flanks.

Athens, the Parthenon, octastyle, with 17 columns on the flanks, still fairly perfect, built by Ictinus. 450–438 B.C.

Selinus, hexastyle temple in the Agora. Middle of 5th cent.

Sunium, Attica, hexastyle, a few columns only remain. Middle of 5th cent.

Bassae, Temple of Apollo Epicurius, hexastyle, with 15 columns on the flanks, built by Ictinus, still fairly perfect. *c.* 440 B.C.

Rhamnus, Attica, Temple of Nemesis, hexastyle, peripteral; and Temple of Themis, cella with portico *in antis*, and walls of polygonal masonry, a late survival of this early method of building (see fig. 3). Middle of the 5th century.

Eleusis, the Hall of the Mysteries, with a dodecastyle portico, which is a later addition. *c.* 440–220 B.C.

Tegea, Temple of Athene Alea, built by Scopas, hexastyle, with 13 columns on the flanks; date soon after 393 B.C.

Paestum, enneastyle temple, and a small hexastyle temple, probably built by native Lucanian architects in the 4th cent. B.C.

Ionic Temples.—The main points in which the Ionic order differs from the Doric are these:—The columns have bases, and the capitals are decorated with volutes and a moulded abacus, instead of the simple echinus and plain abacus of the Doric style. The whole entablature is more elaborate, the architrave being divided into receding planes or bands (*fasciae*), and the members of the cornice more numerous and elaborate. The small cubical projections called *dentils*, which are set closely along the fully-developed Ionic cornice, are one of the chief characteristics of the style, though not always present in Athenian examples. Besides these important differences of design, the whole character of an Ionic temple is more light and graceful than that of a Doric building. Thus Vitruvius fancifully compares the Doric order to the proportions of a man, and the Ionic to those of a woman (Vitruv. iv. 1, §§ 6, 7). The columns are more slender, and so in proportion taller; the diminution and entasis are less. The intercolumniation, or distance from column to column, is wider, giving a lighter effect to the whole building. The flutes on the columns are separated by flat strips or "fillets," and the members of the mouldings are much more largely enriched with carving.

No very early example of an Ionic temple is now in existence; but some very primitive Ionic capitals, which have recently been found deeply buried on the Athenian Acropolis, show that even in Attica the Ionic style, though in an undeveloped form, was used before the Persian invasion. The earliest Ionic temple in Greece proper, which existed till modern times, was a very graceful little building on the Ilissus, close by Athens, but this was destroyed about a century ago. Luckily it is well illustrated in Stuart and Revett's valuable work on Athens. It was a tetrastyle, amphiprostyle building, and from some of its details, especially the absence of dentils in the cornice, seemed a sort of link between the Doric and Ionic styles. It was probably built soon after the Persian invasion, about 475 B.C. The somewhat similar little Temple of Nike Apteros on the Acropolis, which has been carefully rebuilt and is now in a very perfect state, belongs to a rather later date, probably about the middle of the 5th century B.C. It is a mere shrine for a single statue, the cella being little over 12 feet square; and it possesses the remarkable peculiarity of having no front wall to the cella, but only two square pilasters to carry the architrave (see fig. 4). The open end of the cella was closed by a bronze screen fitted in between the pilasters and the *antae*.

Large and magnificent as are the great Ionic temples of Asia Minor, none of them can approach the beauty of the Athenian *Erechtheum*, either in delicate richness of detail or

in minute perfection of workmanship. The Erechtheum, which stands to the north of the Parthenon, was rebuilt towards the end of the 5th century on the site of a very primitive temple of Athene Polias, which was burnt by the Persians in 480 B.C. It is a very complicated building, containing a group of many different shrines, and is quite unlike any other Greek temple. The main cella, which had a hexastyle portico towards the east, was subdivided by cross walls, and floors in several different chambers at various levels. Owing to this cella having been gutted to make it into a Christian church, the original plan is now a matter of some doubt. All that is certainly known is that some part, probably the eastern portion of the cella, was the shrine of Athene Polias, and contained a very sacred ancient *ξόανον* or wooden statue of the goddess. This statue is referred to in the official title of the temple as given in an existing inscription of the year 409 B.C., when the building was still in progress; the title is *ὁ νεὼς ὁ ἐμ πόλει ἐν ᾧ τὸ ἀρχαῖον ἄγαλμα*. Another part of the temple was called the *Ἐρεχθεῖον*, or shrine of Erechtheus, the mythical ruler of Athens, whose presence was symbolised by a living snake which was kept in the building (Herod. viii. 41, and Plut. *Themis*, 10). A third portion of the cella was the *Κεκρόπειον* or shrine of Cecrops. The building or its temenus also contained the spring of salt water and the olive-tree which were supposed to have been produced by Poseidon and Athene during their contest for the sovereignty of Attica (see Pausanias, i. 26, § 5 *seq.*). On the north of the cella is a very beautiful tetrastyle portico, at a much lower level than the eastern portico: in a vault under the portico floor are traces of the salt spring and the marks made by Poseidon's trident—*σημεῖον τῆς τριαίνης*—which were shown to Pausanias. On the opposite or south side of the main cella is the well-known Caryatid portico, supported by six graceful female figures, one of which is now in the British Museum. The entrance was by a side door in this little porch, leading down by a small flight of steps to the lower level at the west end. In the west wall a doorway gave access to a long sacred enclosure called the *Πανδρόσειον* in honour of Pandrosos, the one faithful daughter of Cecrops. In this court probably stood the sacred olive and an altar to Zeus Herkeios (see Dion. Hal., quoting Philochorus, *de Deinarcho*, 3). The three windows, which till recently existed in the west wall of the cella over the door, were insertions of a late date, probably of the time of Constantine, when the temple was made into a church. The apse, which was then built at the other end, unfortunately caused the destruction of the east portico, and in fact the whole building was gutted to make it into a single chamber.

The Erechtheum is richer in detail than any other Ionic temple, and is also quite alone in the minute delicacy of the execution of all its ornaments and mouldings. The capitals were decorated with a band of lotus pattern below the necking: the volutes were enriched with ornaments of gilt bronze, and delicate plaited mouldings, both on the capitals and bases, were inlaid with bits of jewel-like enamel. All the mouldings and reliefs were decorated with gold and colour. The whole work was extraordinarily elaborate and costly, and so took many years to execute. It appears not to have been completely finished till after the close of the Peloponnesian war. A very interesting inscription, with a report of its exact state in 409 B.C., is now in the British Museum (see Newton and Hicks, *Greek Inscriptions in British Museum*, i. p. 84).

The following is a list of the chief Ionic temples of which some remains still exist:—

In Greece proper:—

Athens: the temple of Nike Apteros and the Erechtheum on the Acropolis.

Olympia: the circular Philippeion, with 18 Ionic columns outside, and, inside the cella, engaged columns of the Corinthian order: similar in plan to the Roman Temple of Vesta shown in fig. 13.

In Asia Minor:—

Sardis: temple of Cybele, octastyle, with columns 60 feet high, of which only three remain, date about 500 B.C.

Xanthus in Lycia: Heroon of unknown dedication, a small tetrastyle, peripteral building on a lofty *podium*. Its sculpture is now in the British Museum. The date is doubtful, but it is probably not earlier than *c.* 400 B.C.

The Troad: Temple of Apollo Smintheus, octastyle, pseudo-dipteral, with very close (pycnostyle) intercolumniation. Most of the existing building seems to date from a period probably about 400 to 350 B.C.

Samos: Temple of Hera, decastyle, dipteral (see Paus. vii. 4, and Vitruv. vii. Praef. 12). The existing temple is of the 4th cent. B.C. An earlier temple on the same site was built in the 7th cent. B.C. by Rhoecus of Samos; Herodotus mentions it as the largest temple he had seen (see iii. 60, ii. 148, and i. 70). The existing remains were first excavated by the Dilettanti Society in 1812. (See *Antiq. of Ionia*, i. p. 64; and *Bull. Cor. Hell.* iv. p. 383.)

Magnesia ad Maeandrum: Temple of Artemis Leucophryne, hexastyle, pseudo-dipteral, built by Hermogenes about 350 B.C. (See Vitruv. vii. Praef. 12.)

Teos: Temple of Dionysus, hexastyle, also built by Hermogenes about 350 B.C. (See Vitruv. vii. Praef. 12; and iv. 3, 1.) At iii. 3, 8 Vitruvius mentions this temple as an example of *eustyle* intercolumniation. He goes on to say that its architect Hermogenes was the first to invent the pseudo-dipteral plan for a hexastyle temple by omitting the second (inner) range of columns, and so giving a wider ambulatory round the cella for shelter from rain for a crowd of people. (See *Antiq. of Ionia*, Part iv. 1881.)

Priene: Temple of Athene Polias, hexastyle, very similar to the temple at Teos; it was built in the second half of the 4th cent. B.C. and was dedicated by Alexander the Great, as is recorded in the following inscription, which was discovered during the excavations of the Dilettanti Society:—*Βασιλεὺς Ἀλέξανδρος ἀνέθηκε τὸν ναὸν Ἀθηναίῃ Πολιάδι.*

Branchidae near Miletus: Temple of Apollo Didymaeus; decastyle, dipteral (see fig. 6). This and the temple at Samos were the only two Greek decastyle temples. That of Apollo Didymaeus seems never to have been completed. Vitruvius (vii. Praef. 16) mentions it as one of the four greatest temples of the Greeks, and that its architects were Paeonius of Ephesus and Daphnis of Miletus, about 350 B.C. Pausanias (vii. 5) says that, though unfinished, it is one of the wonders of Ionia. According to Strabo, p. 634, it was left roofless on account of its excessive span. (See *Gaz. des Beaux Arts*, xiii. p. 497, and xiv. 1876.)

Ephesus: Temple of Artemis (Artemision), octastyle, dipteral, built during the reign of Alexander the Great, 356–323 B.C.

In many respects this last was the most magnificent and celebrated of all Greek temples; the last temple built on the site ranked as one of the seven wonders of the world. It should, however, be remembered that the great size of the Artemision was a very important factor in its celebrity. In point of beauty of workmanship and minute refinement of detail it was far surpassed by the earlier Greek temples, such as the Parthenon and the Erechtheum. Between the 7th century B.C. and the time of Alexander the Great three successive temples were built on the same site. 1. The original temple built by Theodorus of Samos, the partner of Rhoecus, who was architect of the Heraion in Samos, probably about the year 630 B.C. 2. The temple which was begun by Chersiphron and finished by his son Metagenes about the end of the 6th century B.C. This temple was burnt by an incendiary, named Herostratus, the night when Alexander the Great was born, in 356 B.C. 3. The last temple built during the reign of Alexander was designed by his favourite architect Dinocrates. (See Pliny, *H. N.* xxxvi. § 98; and Vitruv. x. 2, §§ 11, 12; vii. Praef. 12; and ii. Praef. 1–4). It should be observed that much confusion exists in the statements of Vitruvius, Pliny, and other authors as to the architects of the temple, owing to their not distinguishing clearly between the three successive buildings.

Considerable remains of the last temple, and pavements and foundations of the two earlier buildings, were discovered in the years 1870–6 by Mr. Wood; but unfortunately no satisfactory account or plan of his discoveries has been published. Mr. Wood discovered after long search that the Artemision, surrounded by its extensive temenus, stood, not within the city of Ephesus, but nearly a mile outside the Coressian gate. It had eight columns on the fronts, and probably twenty on the flanks: the stylobate, which consisted of no less than fourteen steps, measured at the lowest step about 418 by 240 feet. The columns were 56 feet high, and about 6 feet in diameter above the base. As has been already mentioned, some of the columns and their pedestals were enriched with sculpture, as were also the *antae*, of very varying degrees of excellence, some being well designed and graceful in motive, while other reliefs are extremely coarse and clumsy. None of the sculpture is remarkable for any high degree of finish or delicacy. The main entrance from the pronaos led, not directly into the cella, but into a large vestibule, part of which was probably shut off for use as a treasury. The temple was enormously rich in statues and votive offerings of all kinds in gold and silver; its doors were most magnificently decorated with plating of gold and ivory. A fragment of one of the bases of the main order, now in the British Museum, has remains of an ornament of pure gold fixed with lead between the double *tori*. The inside of the cella was decorated with a large mural painting of Alexander Ceraunophorus by Apelles and many other pictures, and contained a large number of fine statues by Scopas, Timotheus, Leochares, and other sculptors of the Asia Minor School. The temenus was very large, enclosed by a massive wall, and planted with groves of trees. It formed one of the most sacred sanctuaries of Asia Minor, and was the resort of great numbers of men who were flying from punishment for some misdeed. By degrees the bounds of the *asylum* or sanctuary were enlarged, until they not only extended up to the walls of Ephesus, but even included part of the city, which thus became the resort of evil-doers, and was a great source of trouble to the citizens. Augustus therefore restricted the limit of the space which had the privileges of asylum.

The British Museum also possesses some very interesting fragments which belonged to the second temple, begun about the middle of the 6th century, to which the Lydian king Croesus was a liberal benefactor. These fragments show that the earlier temple had some of its columns decorated with life-sized reliefs after the same fashion as the last building. Some of these were given by Croesus, whose name and dedication were inscribed on the upper torus of one of the bases, some fragments of which are now in the British Museum. One remarkable peculiarity of this 6th-century building was that the large cymatium, which formed the top member of the main cornice, was decorated with figures in relief, which can have been hardly visible owing to their small scale and great height from the ground. See A. S. Murray, *Journ. of Hell. Studies*, vol. x. p. 1 *seq.*

Graeco-Roman Temples.

There are also two very magnificent Ionic temples in Asia Minor which date from the Roman period: these are at *Aphrodisias* in Caria, and at *Aizani* in Phrygia; both are octastyle, pseudo-dipteral buildings, with fifteen columns on the flanks. The elaborate, but somewhat coarse and extravagant, sculptured ornaments show that the date of these two very similar temples is probably not earlier than the 1st or 2nd century A.D. Each was surrounded with an extensive peribolus wall, within which a smaller space is enclosed by an open *porticus* or cloister; in the centre of this the temple itself stands. The temple at Aizani is remarkable for having a fine vaulted crypt under the cella floor, twenty-eight feet wide and fourteen feet high, probably used as a treasure chamber. (See Le Bas, *Voyage Arch. dans la Grèce*, &c. ed. Reinach, 1888; Texier and Pullan, *Asia Minor*, 1865; and the various treatises published during the last hundred years on *The Antiquities of Ionia* by the Dilettanti Society, vols. i. to iv. See also Newton, *Travels in the Levant*, 1865, and *History of Discoveries at Halicarnassus*, &c., 1862.)

The Corinthian Order was the latest development of Greek architecture, and did not come into use till a period of decadence had set in. It is an elaborated form of Ionic, with capitals enriched by two tiers of acanthus leaves instead of the Ionic volutes. Vitruvius (iv. 1, 9) relates a pretty and fanciful story about the origin of the Corinthian capital, which was supposed to have been invented by Callimachus; cf. Paus. i. 26 *ad fin.* The oldest existing example of the Corinthian order is the choragic monument of Lysicrates, in Athens, of 334 B.C., and even this is Corinthian of an incompletely developed type.

With the Romans the Corinthian order was a very favourite style for temples, but no purely Greek Corinthian temple is known to exist, though many dating from Roman times are to be found in various parts of the Hellenic world.

The most famous example is the great Temple of Olympian Zeus at Athens, which was designed by a Roman architect named Cossutius for Antiochus Epiphanes about 170 B.C. (see Vitruv. iii. 2, 8, vii. Praef. 15; and Paus. i. 19). The existing remains have been described by F. C. Penrose in the second edition of his *Athenian Architecture*, 1888. The earlier temple was begun about the year 530 B.C. by the Peisistratid tyrants of Athens: it was designed on a very large scale with columns about 7 feet in diameter, but was never completed. Mr. Penrose, during his excavations in 1887, found some of the stone drums of this older temple used as foundations for the marble Corinthian columns of Cossutius' building. He also found traces of a smaller and still older temple than that of Peisistratus. The existing temple, though commenced by Antiochus, was not completed till the reign of Hadrian, who was a very liberal benefactor to Athens. The excavations of 1887 showed that it was *octastyle*, not decastyle, as had previously been thought, thus showing the correctness of Vitruvius' statement on this point (see Vitruv. iii. 2, 8). It was dipteral, with twenty columns on the flanks, and three rows at each end in front of the pronaos and posticum. Part of the cella behind the statue of Zeus was divided by a cross wall, so as to form an opisthodomus. In spite of the cella being (proportionally) very narrow, there were ranges of internal columns, forming two narrow aisles with galleries over them. The size of the temple, measured on the top step of the stylobate, was 354 feet by 135 feet. The magnificent Corinthian columns, of which fourteen are still standing, are 6 ft. 6 in. in diameter, and 60 feet high: the style of the capitals and the beauty of the workmanship make it probable that these columns date from the time of Cossutius, *c.* 170 B.C., rather than from the reign of Hadrian. The gold and ivory statue within the cella was a copy of that by Pheidias at Olympia (Paus. ii. 27, 1). The columns from this temple which Sulla (*c.* 86 B.C.) removed to Rome to use in the Temple of Capitoline Jupiter, were, as Mr. Penrose has suggested, probably monolithic shafts of coloured marble from the interior of the cella (see Plin. *H. N.* xxxvi. § 45).

Circular Greek Temples.

A form of Greek temple not included in the above classification is the *Tholus*, a round building, often surrounded by columns forming a circular peristyle. The *Prytaneum*, which existed in every important Greek city, seems to have been usually a building of this kind. It contained an ever-burning sacred fire in honour of Hestia (*Ἑστία*) or Vesta; so also the Roman temples of Vesta were built on this circular plan.* [PRYTANEUM.] Remains of the famous *Tholus* at Epidaurus have recently been discovered. It was a large handsome building of Parian marble, within the sacred temenus of Asclepios, to whom it was dedicated. It was designed by Polycleitus the younger in the 4th century B.C., and contained mural paintings by Pausias (see Paus. ii. 27; THOLUS).

Another circular temple or *Heroon* was the *Philippeion* at Olympia, remains of which were discovered a few years ago by the German excavators. It was surrounded by a circular peristyle of 18 Ionic columns: the interior of the cella was decorated with engaged columns of the Corinthian order. In design it closely resembled the Temple of Vesta in the Roman Forum, after its rebuilding by Severus (see Paus. v. 20).

For an account of the management, ritual, and property of temples, see SACERDOS, THESAURUS, and VECTIGALIA TEMPLORUM.

Roman Temples.

Little originality was shown by the Romans in the designs of their temples, as in other artistic matters. Though skilful builders and good practical engineers, they had very little talent for art, or even good taste in matters of design; and thus it happened that the special Roman modifications made in designs which they borrowed from others were very usually far from being improvements from the aesthetic point of view. In early times Roman temples were copied from those of the Etruscans; in later times, after the conquest of Greece, the temples of the Romans were imitations of Greek temples, more or less modified to suit their different practical needs.

In its primitive form the Etruscan temple appears to have been a wooden structure, with trunks of trees for columns, widely spaced, and carrying a timber architrave. Terracotta mouldings, friezes, and other enrichments were very largely used, all decorated with rather coarse painting in different-coloured ochres, and the brilliant red *minium*. Terracotta was also used by the Etruscans for sculpture on a large scale, both for the principal statue of the deity within the cella, and also for groups or reliefs in and over the pediment of the façade. Varro (quoted by Pliny, *H. N.* xxxv. § 154), speaking of the Temple of Ceres by the Circus Maximus, remarks that before the introduction of Greek art into Rome, "all things connected with temples were Etruscan." The Etruscans were also remarkable for their technical skill as bronze workers. Much of the oldest Roman sculpture in bronze shows a strong Etruscan influence; and many important statues, such as "the Orator" and the Chimaera in the Museum in Florence, and the Capitoline Wolf in Rome, are evidently the work of Etruscan artists.

The Roman *Tuscan* style was a survival of the ancient Etruscan forms. Vitruvius' dissertation on Tuscan temples appears to be based on the one important example of a temple built in the primitive Etruscan way, which survived till the time of the Empire (see Vitruv. iv. 7). This was the great *Temple of Jupiter Capitolinus*, which stood on the south-western peak of the Capitoline hill, one of the earliest of the Roman temples, which, though frequently burnt and rebuilt, was always restored in the old Etruscan style for religious reasons—hieratic rules being always very conservative. Like the chief temples

* This circular form of temple was probably derived from a primitive hut made of wattled osiers; see Ovid, *Fast.* vi. 261 *sq.*, and Festus, s. v. *Penus*.

of most Etruscan cities, the Temple of Jupiter Capitolinus was jointly dedicated to a triad of deities — Jupiter, Juno, and Minerva; Tinia, Thalna, and Menrva. Thus the cella was divided into three parts, each with its own doorway opening under the prostyle portico. The columns were very widely spaced (*araeostyle*), and so, even when the main building had been reconstructed in marble, the architrave was still necessarily made of wood, as the length of bearing from column to column was too great for a stone or marble lintel to span. Before the burning of the temple in 83 B.C., the apex of the pediment was surmounted by a large quadriga of terracotta, the work of an early Etruscan sculptor, which was said to have been brought from Veii by Tarquinius Superbus, who built the first temple (Liv. i. 53).

Fig. 12 shows part of a relief from the triumphal arch of M. Aurelius,* representing the Emperor offering sacrifice after a victory in front of the temple, which had been rebuilt during the reign of Vespasian. This relief shows clearly the doors of the three cellae, the widely-spaced columns of the portico, and the sculpture in the pediment and above it, which was pro-

Fig. 12. Part of a relief showing the façade of the triple Tuscan Temple of Jupiter Capitolinus, with the doors of the three cellae and the sculpture in and on the pediment.

bably a reproduction in marble of the original terracotta groups.

Vitruvius, in his fourth book, has written a good deal on the designs of Roman temples; and he gives elaborate directions for the setting out of their plans and for the proportions of their columns, and other details in the various orders. It should, however, be remembered that he is merely expressing his own views of what is most desirable in a building, and that his rules are mostly quite arbitrary, and were by no means universally followed in Roman buildings. Most existing temples show that Vitruvius' theories were little known or regarded by other architects, and they are therefore of less importance to the modern student of archaeology than has usually been supposed.

Differences between Greek and Roman Temples.

The later Roman temples, which were built under the influence of Greek art, were designed in three styles or orders,—namely, *Roman-Doric*, *Ionic*, and *Corinthian*. Roman temples of all these styles were built with certain modifica-

* Now in the Capitoline Museum.

tions which were introduced by the Roman or Graeco-Roman architects.

The cella of a Roman temple was usually wider in proportion than that of a Greek temple, and was without "aisles" or inner ranges of free columns, though "engaged" or even complete columns were very commonly set along the internal walls of the cella. Owing to the increased width of the cella, there was frequently no peristyle along the flanks of the Roman temples, but only "engaged" columns on the outside of the cella. Roman temples were very often set, not on a mere stylobate of steps, but on a lofty base or *podium*, with plinth and cornice of its own. The proportion between the front and the sides of the Roman temples was far more variable than it was among the Greeks.

In some Roman temples windows were introduced, as, *e.g.*, in the Temple of Concord in the Forum Romanum. The slope of the roof, and consequently that of the pediments, were much steeper in a Roman than in a Greek temple. Monolithic columns of coloured marble or granite were commonly used, and in matters of construction and decoration generally the differences were very great. Especially under the later Roman Empire there was a great tendency to overload the buildings with ornament. In some cases every member of a cornice was completely covered with carved enrichments, leaving no plain surfaces as a relief to the eye, and to enhance the value of the ornament. A certain amount of vulgarity and gaudiness of effect is characteristic of the temple architecture of the Romans, very much in the same way as with their domestic buildings. In point of beauty of workmanship, Roman temples vary very much. Some of the finest, which were probably built by architects who were Greeks either by blood or by education, are almost as delicate in detail and highly finished as a Greek temple of the 5th century B.C.; especially those which were built in the reign of Augustus, as, *e.g.*, the temples of Concord and of Castor in the Roman Forum. In the 3rd and 4th centuries A.D., or even earlier, the workmanship is very coarse, and the sculptured ornament very weak and clumsy in design. The coarse taste of the Romans led them to care little for the pure beauty of white marble, even though decorated with painting, and so it was with them a common custom to line the whole interiors of the temples with thin slabs or veneers (*crustae*) of richly-coloured marbles, which, from the time of Augustus onwards, were imported in immense quantities from Asia Minor, Greece, Northern Africa, and other countries. Even white marble was but little used before the reign of Augustus, but the discovery of the magnificent quarries at Luna (modern *Carrara*) soon made white marble to be very common among the building materials of Rome, especially as a casing to stone or concrete walls.

Treasures in Roman Temples.—As was the case with Greek temples, vast stores of treasure were frequently preserved in the temples of the Romans. A very fine collection of silver plate, in the form of richly-decorated cups, vases, *paterae*, and statuettes, was discovered in 1830 below the remains of the Temple of Mercury of Canetum in Bernay, Département de l'Eure. This find, consisting of about 80 pieces of plate of various dates from the 3rd century B.C. to the 2nd century A.D., is now preserved in the Bibliothèque Nationale of Paris (see Chabouillet, *Cat. des Camées, etc. de la Bibl. Imp.*, Paris, 1858, p. 418). It was also not uncommon for wealthy Romans to deposit their own plate or money for safe keeping in the treasury of some temple. These Roman treasuries were usually formed under the temple floor in some part of the lofty *podium* on which most Roman temples were built. Remains of these strong rooms are to be seen in several of the temples in the Forum Romanum; they are cellar-like cavities in the immense mass of concrete which forms the bulk of the *podium*. This is the case in the temples of Castor, Divus Julius, Concord, Vespasian, and Saturn. The entrance to the treasury of the Temple of Castor is shown on fig. 14 (cf. Juv. *Sat.* xiv. 260).

In early times the *methods of construction* used in Roman temples were very similar to those of the Greeks. The walls were built of large squared blocks (*opus quadratum*) of the local stone, whatever that happened to be, always coated with a fine hard cement. In Rome itself the earliest temples were built of the soft brown *tufa*, of which the Roman hills chiefly consist,—a stone which decays rapidly under exposure to the weather, but lasted perfectly well as long as it was covered with cement. Towards the close of the Republic harder and more durable stones were used; namely, the volcanic *lapis Albanus* (modern *peperino*) and the *lapis Tiburtinus* (mod. *travertino*), a hard limestone which exists in large beds near Tibur (*Tivoli*). Under the Empire concrete was very largely used for foundations, and for the inner core of walls; it was made of lime, pozzolana (*pulvis Puteolanus*), and broken fragments of stone.

Only a very few of the most magnificent Roman temples were built of solid blocks of marble, as, *e.g.*, the Temple of Apollo on the Palatine hill, built by Augustus, of which no remains are now visible. This splendid building, which was crowded with sculpture by distinguished Greek sculptors and other spoils from Hellenic cities, was most sumptuously decorated with paintings, doors plated with gold and ivory, and the most costly furniture of every description, such as tripods, tables, cups, and even large statues of gold and silver—a perfect museum of Greek art of every period from the 6th century B.C. downwards. Many others of the chief temples of Rome contained very large collections of Greek works of art of all kinds, from colossal bronze statues down to caskets of engraved gems, as, *e.g.*, the Temple of Concord and the Temple of Peace. In fact, the whole of Greece was ransacked to enrich the capital of the Roman conquerors, and it is probable that no Greek city ever possessed so magnificent a collection of Hellenic works of art as did the city of Rome during the reign of Nero, before the great fire destroyed so large a part of the city and its stores of foreign spoils. From one place alone, Delphi, Nero is recorded to have carried away 400 bronze statues, and this was merely one incident in the great system of spoliation which had been carried on almost incessantly, ever since the sack of Corinth by Mummius, in 146 B.C.

On the whole, Roman temples were loftier

than those of the Greeks, lighter in their general proportions, and had their columns more widely spaced. The closest (most pycnostyle) intercolumniation that Vitruvius mentions has wider spans than any of the chief Doric temples of the Greeks (see Vitruv. iii. 3, 2).

Roman Orders: I. *Doric* (Vitruv. iv. 3).—This differs from the Greek Doric in many respects. The columns have bases, and the capitals have a moulding above the square abacus, and a *torus* necking some distance below the annulets under the echinus. The shafts were often left unfluted, and the angle triglyphs were placed over the axis of the angle columns, not brought up to the extreme corner of the frieze as in Greek Doric. The mouldings and all the details were different from the Greek prototype.

II. *Ionic* (Vitruv. iii. 5).—This order differs less from the Greek Ionic than is the case with the last-mentioned style. The variations in the capitals, bases, and entablature are not important, and the principal differences between Greek and Roman Ionic temples fall chiefly under the general heads mentioned above—viz. modifications of plan and arrangement.

III. *Corinthian* (Vitruv. iv. 1).—As is stated above, this order was more used by the Romans than by the Greeks, in spite of the fact that the great Temple of Olympian Zeus at Athens was built in the Corinthian style. Owing to its richness of detail, most of the more magnificent temples of the Romans were built in the Corinthian style. The so-called *Composite* order is not really a separate order, but merely a variation of the Corinthian, the chief difference being in the capitals, which have a rather awkward combination of the Ionic volute with the Corinthian acanthus leaves. The earliest existing example of this style is the triumphal arch of Titus on the Summa Sacra Via in Rome. Under the later Empire Composite capitals were very largely used.

The chief temples in Rome of which remains still exist are these:—

The Temple of Vesta, at the south of the Forum Romanum, was one of the most primitive of all the Roman temples; in it was preserved the sacred fire, guarded by the six Vestal Virgins, whose large and magnificent house has, within the last few years, been exposed to view, close by the remains of the temple. This most sacred of all Roman shrines was not a *templum* in the strict meaning of the word, but rather an *aedes sacra*, as it was not consecrated by the augurs, the presence of the sacred fire being sufficient to give it a character of the highest sanctity. It was frequently burnt and rebuilt, the last restoration being that of the Emperor Severus, who rebuilt it as a circular marble Corinthian temple, with 18 columns, on a high podium. The tufa foundations, of which considerable remains still exist, are of much earlier date. Of the marble part nothing remains but fallen fragments of columns and entablature, which are, however, sufficient to give the design of the whole when complete. We repeat here the cut already given under CANCELLI.

Another circular temple, dedicated to one of

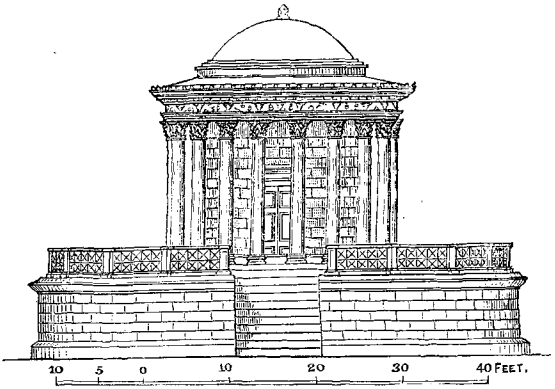


Fig. 13. The Temple (*aedes*) of Vesta, as rebuilt by Severus, restored from existing remains by Comm. Lanciani.

the most primitive cults of ancient Rome, was the *Temple of the Dea Dia* in the sacred grove of the *Collegium* of the *Fratres Arvales*, a short distance outside the Porta Portuensis. [For the Arval brothers, see ARVALES.]

The *Pantheon*, built by M. V. Agrippa in the Campus Martius, is the most stately and magnificent of all Roman circular temples. It was, most probably, originally designed as part of the *Thermae* of Agrippa, near to which it stands; but it seems to have been consecrated as a temple to a number of deities as soon as it was completed. It is covered by a magnificent dome 142 feet in diameter, with a circular hypaethral opening at the top. The walls, which are 20 feet thick, are of concrete faced with triangular bricks, and partly covered with a lining of marble slabs both inside and outside. The dome, which is also of concrete, was covered with tiles of gilt bronze. Magnificent monolithic columns of coloured marbles from Phrygia and Numidia are used to decorate the series of altar-recesses round the interior. In front is a stately octastyle portico of the Corinthian order, with monolithic unfluted columns of grey and red granite from Egypt. An inscription on the frieze records its building by Agrippa in 27 B.C. Within the pediment was a large group in bronze of the battle of the gods and the giants. The great doorway still contains its original double doors of massive bronze, divided into moulded panels, with enriched bosses on the framing; the whole was once thickly gilt. With the exception of the *Temple of Divus Romulus*, the son of Maxentius, in the Forum Romanum, the Pantheon is the only Roman building which still retains its original bronze doors *in situ*. Those of the *Curia* are now placed in the main entrance of the Lateran Basilica, having been moved there in the 16th century.

The principal temples which, in part at least, still exist in the *Forum Romanum* are these:—

The *Temple of Castor*, at the south angle of the Forum, was a very fine octastyle, peripteral

building of Corinthian style, elevated on a lofty *podium*. Three of its columns of white Pentelic marble are still standing, together with a portion of the rich entablature. The existing temple was built in the reign of Augustus on the site of an older stone temple dedicated to the Dioscuri in commemoration of their appearance in Rome after the battle of Lake Regillus (see fig. 14).

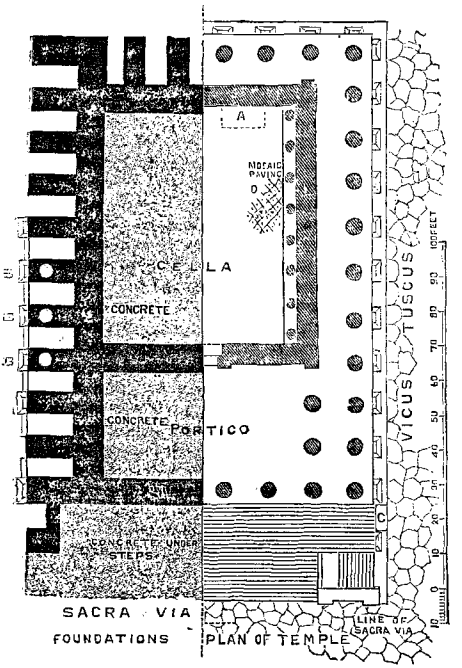


Fig. 14. Plan of the Temple of Castor and Pollux in the Forum Romanum. The right-hand half shows the upper temple, the other half shows the construction of the *podium*, consisting of a great mass of concrete surrounded by walls of *opus quadratum*.

A. Pedestal of one of the two statues.
B B B. Spurs of foundation wall to carry the marble columns.
C. Entrance to a small treasure-chamber in the podium.
D. Existing fragment of mosaic pavement.

The *Temple of Divus Julius* stands close by that of Castor; it was built by Augustus in honour of his adoptive father. Nothing now remains but the massive concrete podium, and a few scattered fragments of marble. Vitruvius (iii. 3, 2) mentions this temple as an example of close or pycnostyle intercolumniation.

The *Temple of Concord*, which was rebuilt by Augustus on an enlarged scale, is abnormal in plan, owing to its position close against the wall of the so-called *Tabularium* of the Capitol. It had a large oblong cella, decorated with rows of internal columns set on a lofty plinth or podium all round the interior, and a lofty hexastyle portico facing on to the Forum, and approached by a long flight of marble steps. The details of the entablature and the internal decorations of the cella are very rich and delicate in execution. On each side of the portico were two large windows to light the cella, which contained a very fine collection of Greek sculpture. Except the great concrete *podium*, little now remains of this once magnificent temple.

The *Temple of Vespasian*, which stands close by that of Concord, was a prostyle, hexastyle building of the Corinthian order. Its rear wall, like that of the Temple of Concord, is set against the front of the "Tabularium." This temple was built by Titus and Domitian in honour of their father: three of its columns are still standing, made of Luna marble.

The *Temple of Saturn* stands in front of the last-named building. The present temple, which occupies the site of one of the oldest of the Roman temples, dates only from a rebuilding in the reign of Diocletian after a fire. It is a prostyle, hexastyle building, of the Ionic order, with columns of granite. It was very carelessly and clumsily rebuilt; some of the columns are set upside down, and the details of mouldings and enrichments are of the coarsest style. In early times part of this temple was used as the public treasury of Rome—the *Aerarium Saturni* (see Servius *ad Aen.* ii. 116, and Macrob. *Saturn.* i. 8).

The *Temple of Faustina* stands at the eastern angle of the Forum. It is a hexastyle, prostyle, Corinthian building, with large monolithic columns of Carystian marble (modern *cipollino*). The temple was built by Antoninus Pius in honour of his wife Diva Faustina, and after his death the temple was jointly consecrated to him also by the Roman senate. With the exception of the back wall of the cella, the building is still very perfect.

Two small bronze shrines, *aediculae*, stood on the verge of the Forum. One of these was the *Shrine of Concord*, near the large marble temple dedicated to that deity (Liv. ix. 46). The other was the bronze *Shrine of Janus*, on the north-east side of the Forum, the doors of which were only closed during the rare times when the Romans were at peace with all the world. This curious little building is very clearly shown on a First Brass of Nero, struck to commemorate the closing of its doors. It is simply a small cella, covered with bronze plates, and decorated with an elaborate frieze of the same metal; the whole was probably gilt.

Though not what we should call temples, yet, in the Roman sense, the *Curia* or Senate-house and the *Rostra* were *templa*, as having been consecrated by the augurs. The present remains of the *Curia*, on the north-east of the Forum, are not older than the time of Diocletian. It is a very simple building of concrete faced with brick; the whole of its marble decorations have been torn away.

The existing *Rostra*, a platform for public speeches, on the north-west side of the Forum, dates from the time of Julius Caesar, 44 B.C. The front of the platform, which is 80 feet long, was faced with white marble, and decorated with the bronze beaks of ships taken at Antium. [ROSTRA.]

Temples in the Imperial Fora.—The five Fora in Rome, which were built under the Empire to

relieve the press of business in the old Forum Romanum, each contained an important temple in a central position within the circuit of its walls. The first of these was built by Julius Caesar, near the north angle of the old Forum. Within it was a temple dedicated to Venus Genitrix, whose statue was the work of the Greek sculptor Arcesilaos (Suet. *Jul.* 26, and Plut. *Caes.* 60). No remains of this temple are now visible, the site being covered by modern houses.

The second Forum, that of Augustus, contains the *Temple of Mars Ultor*, dedicated to commemorate the vengeance taken on the murderers of J. Caesar. It is a prostyle, tetrastyle, Corinthian temple: a considerable part of it still exists, close by the *Arco de' Pantani*. The adjoining piece of circuit-wall of the Forum is one of the most imposing of all the ancient remains in Rome; it is built of massive *opus quadratum* of *peperino*.

The next Forum, built by Vespasian near the east angle of the old Forum, contained a very magnificent *Temple of Peace*, richly decorated with Greek spoils in the form of statues in bronze and marble by the most celebrated sculptors. In this temple were also placed the spoils of the Temple at Jerusalem, sacked by Titus in 70 A.D., including the candlesticks, the table of offering and the trumpets, all of gold, which are represented in one of the reliefs inside the Triumphal Arch of Titus on the Summa Sacra Via. No remains of this temple are now known.

The fourth Forum, built by Nerva, contained a fine tetrastyle, prostyle, Corinthian temple dedicated to Minerva. Part of it remained till the year 1606, when it was finally destroyed for the sake of its fine marble columns, which were taken by Pope Paul V. to use in decorating the Basilica of Sta. Maria Maggiore.

The latest Forum, architecturally the most magnificent of them all, was built by Trajan about the year 114 A.D. Its temple stood on the north-east side of the Forum, facing the great triumphal Column of Trajan, which is still one of the most conspicuous and best-preserved monuments of ancient Rome.

The *Campus Martius*, which was the most magnificent portion of ancient Rome, contained a large number of fine temples, mostly crowded with works of art. One group of three temples, set closely side by side, bordered on the small Forum Olitorium. Scanty remains of the three still exist in the church of S. Niccolò in Carcere: they are shown on one of the fragments of the marble plan of Rome, made in the time of Severus, which is now preserved in the Capitoline Museum. Another very magnificent group of temples adjoined the *Porticus Octaviae*.

The Capitoline Hill.—Two of the chief temples of Rome stood on the Capitoline hill; the one on the Tarpeian peak was dedicated to Jupiter Capitolinus. It has been described above.

The opposite peak, the *Arx*, was crowned by the great *Temple of Juno Moneta* ("the Adviser"): it was the site of the early Roman mint, whence *moneta* came to mean "money." The stately Franciscan church of Sta. Maria in Ara Coeli now occupies its site.

A number of smaller temples occupied the depression between the two peaks of the Capitoline hill which was known as the *Asylum*. One of these, the *Temple of Jupiter Feretrius*, dated from pre-historic times, and was popularly said to have been founded by Romulus (Liv. i. 10).

A small, very perfect, circular temple of unknown dedication stands in the Forum Boarium on the Tiber bank, close by the mouth of one of the great drains, *cloacae*. In design and size it closely resembles the Temple of Vesta, shown in fig. 13.

The largest of the temples in Rome was the double *Temple of Roma Aeterna and Venus Felix*, built by Hadrian and Antoninus Pius, and said to have been designed by Hadrian. Remains of its immense concrete *podium* are visible on the north side of the Sacra Via, extending down towards the Colosseum. It was a decastyle, dipteral temple of the Corinthian order, with two apsidal-ended cellae set end to end, and enclosed by the same double peristyle of enormous monolithic columns of porphyry and granite. The concrete walls of the two cellae were faced with blocks of marble and decorated with internal niches and columns of various richly-coloured foreign marbles. Inside the cellae were colossal statues of Venus and Roma, together with many imported statues and other works of art. Throughout the Middle Ages the ruins of this magnificent temple were used as quarries to supply marble and porphyry. The greater part of the sumptuous marble decorations and statues were burnt into lime on the spot in kilns formed of broken pieces of the great granite and porphyry columns. This is the reason why so very little now remains of this enormous building.

The *Temple of Quirinus*, on the Quirinal hill, which existed as early as the time of Vitruvius (reign of Augustus), was also dipteral. It was of the Doric order, with octastyle fronts (Vitruv. iii. 2, 7). No remains of it are now visible.

The two last-named buildings were the only dipteral temples in Rome itself.

For further details on the temples of Rome, see Middleton, *Ancient Rome in* 1888 (Edinburgh, 1888).

Provincial Temples.—A large number of important Roman temples still exist in various provinces of the Empire. The *Temple of Roma* and *Divus Augustus* at Ancyra in Galatia—a Corinthian hexastyle, peripteral building—is of special interest from the walls both of the cella and pronaos being cut with the celebrated inscription of the *Res gestae* of Augustus, which was copied from the sepulchral inscriptions on two bronze pillars in front of the Mausoleum of Augustus in Rome. The text is given, both in Greek and Latin (see Mommsen, *Mon. Ancyr.* 1883). (For this and for other Roman temples in Asia Minor, see Texier and Pullan, *Asia Minor*, 1865, and Perrot et Guillaume, *Explor. Arch. de Galatie*, 1872; others are illustrated by Le Bas, *Voy. Arch. en Grèce*, &c., ed. Reinach, 1888.)

Northern Africa is also rich in remains of Roman temples of Imperial date. A very remarkable group of temples exists at Suffetula (modern Sbeitta, in Algeria), in the province of Carthage. A handsome *temenus* or *porticus*, surrounded by a colonnade, about 200 feet square, encloses three temples built side by side,

of similar size and design, except that the central one has Composite capitals, while the others are Corinthian. Each is a tetrastyle, prostyle building, with engaged columns outside the cella walls. A fine triple archway, inscribed with the names of Hadrian and Antoninus Pius, is set at the entrance into the *temenus*. This system of grouping several temples together was a common Roman custom, intended to give great magnificence of effect.

One of the best-preserved of Roman temples is the so-called *maison carrée* at Nîmes (Nemausus). This is a richly decorated Corinthian building, with a hexastyle, prostyle portico and engaged columns outside the cella walls. Its detail is remarkably delicate and well designed, as is the case with other Roman buildings in Southern France; probably on account of some survival of early influence from the Greek colonists of Massilia (Marseilles) and its neighbourhood.

Romano-British Temples.—In Britain remains of a good many Roman temples have been discovered, but none are in a good state of preservation. Though similar in plan and general design to the temples in Italy, they differ in being usually built of rubble stone-work, made of local materials, instead of the concrete faced with marble which is so common in Rome. Mosaic floors occur frequently, with *tesserae* made of burnt clay and different-coloured limestones, instead of the rich marbles which were used in the mosaics of Italy and Africa. In all cases the walls seem to have been coated with stucco, though very frequently but little of the stucco still remains, owing to its being made of the inferior Oolitic limes, and without the *pozzolana* which gives such enduring strength to the cements and stuccoes of Italy. It was, no doubt, owing to the want of *pozzolana* that the Romans in Britain made comparatively so little use of concrete for building walls and vaults.

At Lydney, in Gloucestershire, a very interesting temple was discovered in 1805, dedicated to a Romano-British deity called *Nodens*, who appears to have been akin to the classical Aesculapius. A very extensive enclosure surrounds the temple, and on one side of it are remains of a large house, designed on the usual Romano-British plan, with its rooms grouped round the four sides of an open *porticus*, very like a mediaeval cloister (see *Archaeologia*, v. p. 208; and Bathurst, *Roman Antiquities of Lydney*, 1810).

The remains of the Roman city of Silchester are specially interesting for the completeness, in plan at least, of the whole group of sacred and secular buildings around the public Forum (see *Archaeologia*, vol. l., p. 263). In most cases, however, Roman cities in Britain have continued to be inhabited ever since the Roman period, and the building of later houses has usually obliterated the remains of the ancient structures. [J. H. M.]

TENSAE. [THENSAE.]

TEPID'ARIUM. [BALNEAE.]

TE'REBRA (*τρύπανον, τρυπάνιον, τέρετρον*), any instrument for boring wood, stone, or metal. Pliny gives Daedalus as the traditional inventor (*H. N.* vii. § 198; cf. SERRA). We find a distinction between *terebra antiqua*, which produced dust (*scobis*), and *terebra gallica*, which produced *ramenta* or shavings (Plin. *H. N.* xvii. § 116; Colum. iv. 29, 15 and 16). The definition is not very clear: some have imagined that the *antiqua* was a simple gimlet, and the *gallica* a centre-bit, of which implement an ancient specimen is preserved in the Zürich Museum (see Blümner, *Techn.* ii. fig. 43, i): the iron part, which alone remains, is like that of a modern centre-bit. A centre-bit, however, would not be a convenient tool for boring a tree in order to graft; and moreover the fact that both Pliny and Columella give as a further distinction of the *gallica* that it does not, like the other kind, generate heat in boring, suggests that the *antiqua* was a drill-borer, in principle like that described in the Odyssey (see below), and the *gallica* a gimlet with a large spiral. It may be added that we should expect the simple pointed drill, worked as Homer describes it, to be an earlier contrivance than a borer with a spiral, which implies more advanced art both in the inventor and the maker. Blümner suggests that the *τρύπανον* and *τέρετρον* correspond respectively to the *terebra antiqua* and *terebra gallica;* but the definition in *Etym. Mag.* makes the *τέρετρον* merely a smaller *τρύπανον*.

We find on monuments one kind of terebra exactly like our gimlet: another kind in common use (and probably the older "invention of Daedalus") was the "bow-drill," a borer twirled round by means of a bow, the string of which was twisted round the handle of the drill. This contrivance lasted till modern times, but has now, we believe, been universally superseded by the "brace" or bent handle. In the cut on page 243 both parts of the bow-drill are shown separately; the compasses (*circini*) lie between them. The shipwright's borer mentioned in *Od.* ix. 384, Eur. *Cycl.* 460, was similar in principle, but on a larger scale. In these passages it is described by the general term *τρύπανον*: it had also a specific name *ἀρίς* (*Anth. Pal.* vi. 103; Poll. viii. 113). The wooden holder for the iron part of the terebra was called *vagina* (Plin. *H. N.* xvi. § 230). More references and several figures from ancient representations of boring implements will be found in Blümner, *Technologie*, ii. pp. 223–226. [G. E. M.]

TERENTI'NI LUDI. [LUDI.]

TERMINA'LIA, a festival in honour of the god Terminus, who presided over boundaries (Dionys. ii. 74; Plut. *Num.* 16, *Qu. R.* 15). His statue was merely a stone or post stuck in the ground to distinguish between properties. The boundary-stone at its first setting up was consecrated with peculiar ceremonies. A trench being dug, a victim was sacrificed: the blood was poured into the trench while the ministrants were veiled (which speaks for the antiquity of the rite and its *Roman* character; cf. SACRIFICIUM, p. 586 *a*): the body of the victim, along with corn, fruits, incense, honey and wine, was cast into the trench and the whole consumed by blazing pine-brands: the boundary-stone was set upon the bed of ashes (Sic. Flacc. p. 141, 8). On the festival the owners of adjacent property crowned the statue with garlands and raised a rude altar, on which they offered up some corn, honeycombs, and wine, and sacrificed a lamb (Hor. *Epod.* ii. 59) or a sucking-pig. They concluded with singing the praises of the god (Ovid, *Fast.* ii. 639, &c.). The public festival in

honour of this god (perhaps, as Huschke thinks, in earlier times marking the conclusion of the Roman year) was celebrated at the sixth milestone on the road towards Laurentum (*Id.* 682), doubtless because this was originally the extent of the Roman territory in that direction (Marquardt, *Staatsverw.* iii. 202).

The festival of the Terminalia was celebrated *a. d.* vii. *Kal. Mart.*, or the 23rd of February on the day before the Regifugium. When Cicero in a letter to Atticus (vi. 1) says, "Accepi tuas litteras a. d. v. Terminalia" (*i.e.* Feb. 19), he uses this mode of defining a date, according to Mommsen, because being then in Cilicia he had no official notice of the intercalation which was due that year. But Huschke thinks that this was then the regular mode of expressing that date in ordinary (not intercalated) years. He cites an Inscr. from Capua, 14th Feb. A.U.C. 659, "Pagus Herculaneus scivit a. d. x. Terminalia" (Orelli, 3793). As to the method of intercalation, and the connexion of the date Feb. 23rd with the conclusion of the old Roman year, see CALENDARIUM, Vol. I. pp. 341 *b*, 342; and compare Mommsen, *Chronologie*, p. 38; Huschke, *Das röm. Jahr*, p. 149. [W. S.] [G. E. M.]

TERRACOTTAS. Finding the term κεραμικὴ τέχνη too comprehensive, since it included the whole of the potter's art, the Greeks had recourse to certain special names or phrases for works of art modelled or moulded in terracotta: they called the maker of statuettes a κοροπλάστης or κοροπλάθος; ὑπνοπλάθος was one who modelled figures to be fired in a kiln; a relief made from a mould was an ἔκτυπον or ἐκτύπωμα; and, in general, terracottas were ἀγάλματα ὀπτῆς γῆς. The Romans, while using such special words as *antefixa* and *ectypa* for reliefs, designated statues and statuettes of terracotta as *signa fictilia*, and the makers of them *fictores* or *plastae*. They had no extensive art of pottery and vase-painting as had the Greeks; and for that reason the term *ars fictilis* adequately described all their productions in terracotta.

In Greece the oldest application of terracotta as an art independent of the vase-maker was for the roofs and cornices of temples. For this purpose marble is said to have been first introduced by Euergos of Naxos, whom Pausanias (v. 10, 3) confounds with his son Byzes. This happened as early as the seventh century B.C., during the reign of Alyattes in Lydia. But that the invention had not at once found acceptance is certain from fragments of cornices found at Olympia and in Sicily, which show that terracotta had continued to be employed in architecture long after this date. A very careful inquiry on this subject, with plates displaying the original patterns and colours of the archaic terracotta cornices, will be found in a memoir by Dörpfeld and others (*Die Verwendung von Terrakotten*). The designs of these cornices were made from moulds (τύποι), and one mould of a lion's head, for example, would be sufficient for a whole cornice. The uniformity of effect was compensated by brightness of colouring. According to tradition, it was a Corinthian, Butades, who first made terracotta masks for the fronts of the roof-tiles; that is, for the cornices of temples. His date has not been ascertained; his personality has been rendered slightly legendary; but the tradition embodies a fact otherwise known, viz. the important position of Corinth in early times as a centre of work in terracotta, having a powerful influence in Greece on the one hand and in Etruria on the other. Meantime as regards the continued use of terracotta in architecture down to Roman times, we may cite the examples of cornices found in the ruins of Pompeii (H. von Rohden, *Die Terracotten von Pompeï*, 1880) and the numerous panels with reliefs obtained from the neighbourhood of Rome, of which a specimen will be seen under ANTEFIXA representing the making of the Argo. Or, to take an earlier example from Greece itself: when Pausanias (i. 3, 1) speaks of ἀγάλματα ὀπτῆς γῆς on the roof of the Stoa Basileios at Athens, he probably refers to such decorations of the cornice as those just mentioned. The Stoa in question stood in the Ceramicos, at Athens, and the *agalmata* represented Theseus throwing Sciron into the sea and Hemera carrying off Cephalos. Two subjects, unless repeated in the manner just described, could not be regarded as sufficient decoration for a Stoa. Further, it may be inferred that the two groups were in relief, from the fact that the violent action of the figures would not suit sculpture in the round in a material so weak as terracotta. Hemera carrying off Cephalos occurs in a fine archaic relief in the British Museum found at Camiros in Rhodes, and evidently made to be attached as an ornament to some background. For similar reliefs found in Athens, and treated in the same severe but delicate style, see Schöne, *Griechische Reliefs*, pll. 30–35. They may have been made to be attached to the walls of tombs, or for the internal decoration of houses, and would come within the term τύποι. The Ceramicos at Athens was so named, according to Pliny (*H. N.* xxxv. § 155), from its being there that Chalcosthenes had his workshop and made rude figures (*crudo opera*) of clay. When marble finally replaced terracotta for architectural purposes, the designs and processes of colouring which had been evolved in the decoration of the clay were transferred without change to the new material.

In Etruria and among the early Romans the application of terracotta to architecture appears to have been more extensive than in Greece. Pliny says (*H. N.* xxxv. § 157), "elaboratam hanc artem Italiae et maxume Etruriae;" and these words follow upon a statement quoted from Varro that all the artistic decorations of temples were of Etruscan workmanship, previous to the time when Damophilos and Gorgasos adorned with sculpture in terracotta and with paintings the temple of Ceres in Rome. Of terracotta was the statue of Jupiter in his temple on the Capitol which Tarquinius Priscus (or perhaps Superbus) commissioned the artist Turrianus to make (Pliny, *loc. cit.*). On high festivals the face of this statue was painted with minium. On the highest point of the front pediment of this temple stood a terracotta quadriga (κατὰ κορυφὴν ἐπιστῆσαι, says Plutarch, *Publicol.* 13, but Pliny, *loc. cit.*, is less explicit: "fictiles in fastigio templi ejus quadrigas"). This quadriga had been removed forcibly by Tarquin from Veii, where it had been held sacred and inviolable from a circumstance attending the making of it, as related

by Plutarch in the passage just cited. When put into the kiln to be baked, the quadriga, instead of shrinking in size as usual from the drying-up of the moisture in the clay, expanded so much that the roof and sides of the kiln had to be removed to get it out. As regards this technical effect, it may be remarked that the Assyrian tablets with cuneiform inscriptions frequently have a number of small holes punctured in the clay to allow the escape of moisture during the process of baking. In a work of art, however, especially a large group modelled in the round, the only safeguard against its being destroyed by the shrinking of the clay in the kiln lay in its being hollow and thin, so that whatever moisture was in the clay could readily escape. How difficult a task it was to obtain success under such circumstances may be seen in the large sarcophagus from Caere (Cervetri) now in the Etruscan saloon in the British Museum (engraved, Dennis, *Etruria*, 2nd edit. i. p. 227, and *Encyclopaedia Britannica*, 9th edit., *s. v.* Etruria, vol. viii. pl. 8). In this case the clay seems to have been largely mixed with pounded brick, and to have acquired thereby great tenacity. But notwithstanding this precaution, and the fact that the two figures reclining on the lid of the sarcophagus are hollow even to the toes, it will be seen in several places that the shrinkage has seriously damaged the artistic effect. The date of the sarcophagus in question can hardly be later than B.C. 550, and it may thus perhaps fairly be taken as an illustration of the style of art presented by those statues in terracotta, which Pliny says (*H. N.* xxxv. § 157) the early Romans were not ashamed to worship: such for example as the Hercules he mentions, the quadriga and the Jupiter already referred to. Probably also the pediments of the Temple of Jupiter Capitolinus, as of other temples, were occupied with statues of terracotta (Vitruvius, iii. 3, 5, "ornantque signis fictilibus aut aereis inauratis earum fastigia Tuscanico more." Cicero, *de Divinat.* i. 10, 16, "Cum Summanus in fastigio Jovis O. M. qui tum erat fictilis a caelo ictus esset," &c.). What appears to be the front of this Temple of Jupiter, with the quadriga on its apex, and with Jupiter, Juno, Minerva, and other deities in the pediment, is represented on a bas-relief of the time of Marcus Aurelius (engraved, *Mon. dell' Inst. Arch.* v. pl. 36). Cato complained (Livy, xxxiv. 4, 4) that these old-fashioned terracotta decorations of temples were despised in his time. The high antiquity of this branch of art may be seen from the fact stated by Pliny (*H. N.* xxxv. § 159), that among the trade guilds instituted by Numa was one of workers in clay.

While surpassing the Greeks in the production of large groups in terracotta, the Etruscans failed in their statuettes. We may take as examples two, now in the British Museum, that were found in the Polledrara tomb near Vulci, with objects reaching back to at least B.C. 600, if not half a century earlier. These terracottas (one of which is engraved in Micali, *Monumenti Inediti, pl.* 4, *fig.* 5), though rude in design, are of a fine clay, and present a combination of colour and gilding from which it could be supposed that in the phrase above quoted from Vitruvius—"signis fictilibus aut aereis inauratis"—this last word may have applied to the terracottas (*fictilibus*) as well as to the bronzes (*aereis*). Terracotta figures combined with vases are of pretty frequent occurrence in the black ware of Chiusi (Clusium), and, like this ware itself, they appear to be imitated from designs in bronze or other metal. It is reasonable to conclude so from the fact that the details on the surface of them are marked by hatched lines, as in metal working. The modelling is always rude, and a considerable antiquity may be claimed for these terracottas; no less than for a small but more freely-modelled vase, in the form of a lion, from Veii, and inscribed in Etruscan characters, *Felthur Hathisnas*, now in the British Museum (Fabretti, *C. I. I.* No. 2561).

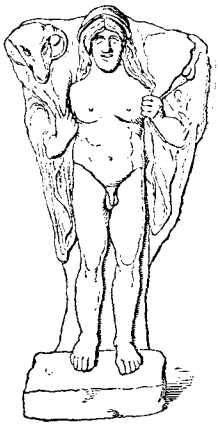
Etruscan urns of terracotta are for the most part of a late date, and deal with popular Greek myths and legends, or parting scenes, according to designs evidently invented by Greek artists. The numerous portraits in this material are also as a rule late. But though very deficient in execution, they are mostly marked by great force in the conception, and the broad forms by which it is conveyed. It has been supposed that the Etruscans had obtained this art, or at least a strong impetus to the practice of it, from the artists (*fictores*) Eucheir, Eugrammos, and Diopos, who, to escape the tyranny of Cypselos in Corinth, accompanied Demaratus, the father of Tarquin, to Etruria (Brunn, *Griech. Künstler*, i. p. 529). It is known that Corinth was one of the earliest seats of the fictile art in Greece, and, considering the inexhaustible quantities of fine clay lying close at hand still, it is not strange that this art had flourished there. Etruria, however, surpassed her instructress, at least in the magnitude of her works. It was at Corinth that the idea of a pediment for a temple, doubtless filled with figures in terracotta, was invented (Pindar, *Olymp.* xiii. 21); and it was Butades of Corinth who, as has already been said, was believed to have been the first to introduce into the architectural decoration of temples those antefixal ornaments which have been found at Olympia and in Etruria.

By far the most numerous class of Greek terracottas consists of statuettes, and the great majority of them represent more or less youthful female figures, whence arose the name of κοροπλάθος or κοροπλάστης, applied to the makers of them. A female figure draped to the ground naturally presented a broad base on which it could stand securely, as compared with an undraped figure with easily-broken ankles to support it. It was not strange, therefore, that the latter—and the same applies to male figures—should have been generally avoided, unless where a convenient attitude, such as sitting on a rock, could be found. Again, whether it was from the unsuitability of the material to the prevalent conceptions of gods and heroes that figures of these latter were not reproduced as terracotta statuettes, the fact remains that deities and heroes are of extremely rare occurrence. Yet it is clear that figures of deities were used for domestic worship, as in the case of a small clay figure of Hephaestos mentioned by the Scholiast of Aristophanes (*Aves*, 436) as seated at the hearth in the character of Ephoros of the fire. Among other deities Aphrodite, Artemis, Eros, and Hermes may be said to have been fairly

identified. Scenes from daily occupations are frequent; so also are dolls and playthings, more or less comic, such as the graves round Corinth still yield in numbers. A fair proportion of the statuettes represent what seems to be an ideal of a beautiful young woman, much as in the China ware of our own time.

Except the earliest examples, which are rudely modelled with the hand, these statuettes are made from clay moulds, many specimens of which still exist (see the collection in the Terracotta Room of the British Museum). More correctly, only the front of the figure is made from the mould, the back of it being as a rule merely a plain piece of clay formed by the hand [see ECTYPUS]. Or when the design is carried round the back, as in forming the head for example, it appears to have been usually executed by the hand. Even in the beautiful group of Astragaligusae in the British Museum (*Gaz. Arch.* 1876, p. 97), the back of which, contrary to what is customary in terracottas, is not without considerable attractions, the modelling seems to have been completed in this manner. It was necessary that there should be no undercutting in the mould which would obstruct the removing of the figure from it; for the ancients do not appear to have known the modern process of making piece-moulds. Or if any injury were done in the removing, it would be necessary to restore it afterwards with the hand, just as it was necessary to carry out afterwards in this way whatever part of the design could not be expressed in the mould. The scope thus allowed for variety in the finishing of the figures enabled the coroplastes to give a different appearance to figures from the same mould, in which also he was greatly aided by freedom in the use of bright colours (*τῶν δὲ κοροπλάθων ἴδιον τὸ τὰ χολοβαφῆ βάπτειν*, Pollux, *Onom.* vii. 163). For example, there are two groups from the same mould, the one found in the Crimea and now in St. Petersburg (*Compte-rendu*, 1873, pl. 1, fig. 2), the other found at Naucratis and now in the British Museum (*Naucratis*, Pt. ii. pl. 16, fig. 18), which yet express differently this or that feature of the mould, and show also what changes could be effected by colour. To produce a mould, the first step was to model the desired figure in clay or in wax; if the former material, a core of wood was used, which was called *κάναβος* (Pollux, *Onom.* vii. 164, and x. 189); if in wax, the model was next covered with clay and subjected to fire, upon which the wax melted away, leaving its impression on the clay covering, which then became a mould. This clay covering is called *ἡμίλιγδος* in Pollux (*Onom.* x. 190), and from his description it would appear that the clay was pierced with a number of small holes for the escape of the vapours rising from the melting wax, whence the *ἡμίλιγδος* was compared to a shield pierced by many darts. In most cases the colours are simply painted on the terracotta and easily destroyed, yet instances are not uncommon in which the whole figure is covered with a glaze which gives it the appearance of an enamelled surface. In the best period of this glazed ware the colour is a uniform white. Somewhat later we find white, brown, and green, as in the unique vase from Tanagra, in the British Museum, in the form of a goose, on which rides Eros. Apparently this is a revival of a process which may be seen in certain archaic vases from Camiros, either made or influenced by Phoenician processes. In late Greek and Roman times there is the green glazed ware, consisting chiefly of vases with designs in relief. Among the terracottas found at Pompeii may be mentioned a group painted in bright and varied colours which have been converted by fire into a glaze. This is the interesting group representing Pero giving her breast to her famished father Cimon, and commonly known as the Pietà Romana. This group is further interesting for comparison with the existing ancient paintings of the same subject (Rhoden, *Terracotten von Pompeii*, pl. 47: cf. pp. 58, 59).

There is no class of antiquities with so little of general interest in the subjects they represent as these terracotta statuettes, unless perhaps the Athenian lecythi, which are known to have been made expressly for tombs; and from this comparison, together with the fact of their being mostly found in tombs, it is a reasonable conjecture that they were in many cases made for funeral purposes. Others, doubtless, like the figure of Hephaestos already mentioned, were destined for domestic use. There is still a belief that the female figures among them often represent Demeter or Persephone, though the symbols by which these deities are commonly recognised are more or less wanting. But undoubtedly there are many statuettes which, though not to be positively identified as belonging to the lower world, yet clearly convey an impression of their having been destined for sepulchral ends. Such, for example, are the figure of a youth holding a cock at his side, or female figures holding an egg or a pomegranate. So also the masks with which the tombs of Camiros have enriched the British Museum. For there is little doubt but that the original purpose in making masks of this kind was to cover with them the faces of the dead. Nor would this exclude the giving of others of less than life-size as tributes to the dead. Grotesque figures do not seem appropriate for tombs; yet there they are in not inconsiderable numbers.



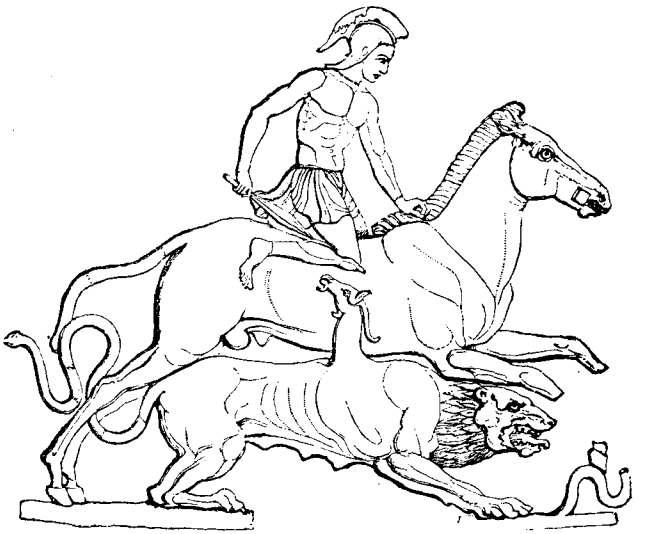
Terracotta from Gela. (British Museum.)

It has been found strange that so prolific a profession as that of the coroplastes should not have frequently reproduced the celebrated statues of the Greek masters. Among the known instances may be cited the terracotta here figured as a copy probably from the Hermes Criophoros, by the sculptor Calamis; or again, there is the very fine statuette of a Diadumenus (*Hellen. Journal*, vi. p. 243, pl. 61), which reproduces the canon of Polycletus as modified afterwards by Lysippus.

An attempt has also been made to prove that the not very uncommon group of one female figure carrying another on her back is a copy from a group of Demeter carrying Persephone, by Praxiteles, known generally as the *Cutagusa*. But in the first place there are doubts as to the meaning of *κατάγουσα* in this instance, a German archaeologist having interpreted it as "spinning" (Loeschke, *Arch. Zeitung*, 1880, p. 102). While there is no good reason for this interpretation, the fact remains that there is no authority for assuming Praxiteles to have represented Demeter and Persephone in this attitude, even if he did represent the one carrying or conducting the other. It is the attitude of play, as in the accompanying group of Eros on the shoulders of a maiden, and answers to the game in daily life called the *Hippas*. These groups are published, and the theory of a Praxitelean origin of them strongly advocated, by M. Rayet, in his *Monuments de l'Art Antique*.

Terracotta from Centorbi in Sicily. (British Museum.)

Judged according to artistic qualities, the oldest Greek statuettes are well represented in the British Museum by a series found in tombs at Camiros, in which, while the head is modelled with some skill and care, the body is only a rudimentary trunk. Colour is sparingly employed. Equally rude is a smaller series from Tegea, in Arcadia, but they are more ambitious in regard to the body, and less so in regard to the head. No colour is applied to them. The terracotta is coarse, and of a dark red colour. A slight advance, but not enough to constitute a new period, will be seen in others from Camiros, where there is an attempt to indicate the limbs in due proportion to the head, where colours are more freely used and the quality of the clay finer. These are mostly female figures seated, with their hands on their knees, and their arms not detached from the mass of the body. It may be regarded as the beginning of a new period, when the drapery comes to be indicated by modelling in the clay, and some action or attribute is conveyed: for example, a female figure holding a dove, as in specimens from Camiros; a female figure, perhaps a priestess, holding a pig for sacrifice, as in specimens from Sardinia; or grotesque figures from Camiros. Occasionally strong contrasts of colours—red and blue—are employed, generally as a mere coating, but sometimes to pick out details of dress not indicated in the modelling. This period did not close till it had attained what may be considered the ideal and best stage of archaic terracottas, as represented by numerous female figures, tall, severe in attitude and aspect, with drapery falling in simple but stately lines, the left hand holding the skirt and the right raised to the breast. Of this stage are the masks already spoken of from Camiros, vases modelled in the form of Sirens, or to imitate the head of Heracles, of Achelöos, apes and other animals: so also the archaic reliefs, emblemata, in the British Museum, representing (1) Bellerophon mounted on Pegasus slaying the Chimaera, from Melos; (2) Perseus, also mounted on Pegasus, which apparently has just sprung from the decapitated body of Medusa, from Melos; (3) group described as Sappho and Alcaeus, from Melos (Welcker, *Alte Denkmäler*, ii. pl. 12, fig. 20). Of the same style and period are the groups of Peleus carrying off Thetis, and Eos carrying off Cephalos, from Camiros. Usually the Melos clay is of a pale colour, better seen in the statuettes than in the reliefs of this period. The Camiros clay is always a faint red, with innumerable fine points in it sparkling like mica. The age of Pheidias, or nearly so, is represented by a few terracottas from Athens. For example,



Bellerophon and the Chimaera. (From the terracotta in the British Museum.)

three figures, possibly of Leda holding a swan. The one is a massive, noble figure, standing

nearly nude;* in the other two Leda has one foot raised on a rock, and throws up an end of

Perseus and Medusa. (From a terracotta in the British Museum.)

her drapery, as if she were about to spring on the rock: but here, though the two figures are at first sight the same, the action of the arms is in fact reversed, and an extensive yet subtle variety introduced. The one figure is glazed over in a white colour; the other is merely painted white. These three Ledas are in the British Museum, as are also several other female figures of this period from Athens, with white glazed surfaces, and a relief in which one Maenad plays on a tympanon while another dances, the scene being before a temple, indicated by an altar and a column.

From the next period of art, as known from the sculptures of the Mausoleum, there are such terracottas as the female figure found by Sir C. T. Newton at Cnidos, closely corresponding in action and drapery with the statue of Artemisia from the Mausoleum, the fragmentary figures from the ruins of that building, and some few examples from other localities, as Athens and Corinth. A slight advance towards florid treatment of drapery and other details may be seen in the terracottas found near Larnaca, in Cyprus, consisting frequently of female figures with high richly-ornamented crowns (see the collection in the British Museum; and Heuzey, *Terres cuites du Louvre*, pl. 15). The climax of this stage is reached in the ordinary type of the terracottas which have been found in such great numbers in the tombs at Tanagra, in Boeotia, since 1873, when this cemetery was first discovered. Some of the tombs are of an archaic character, but the majority are of the age here in question (the 3rd cent. B.C.), and contained statuettes of terracotta, the most beautiful of which were found enclosed in coarse clay vases. They represent usually subjects from daily occupation, or youthful ideal figures, interesting from their costume, and especially for the hat they sometimes wear, suggesting the reference to Sophocles, *Oed. Col.* 314, κραταὶ δ' ἡλιοστερὴς κυνῆ πρόσωπα Θεσσαλίς νιν ἀμπέχει. The attraction exercised by these figures from Tanagra may be judged from the numbers of them that have been engraved and published in almost every form, from the costly volume of coloured designs issued by the German Archäologisches Institut, under the editorship of Prof. Kekulé (Stuttgart, 1878), to the slight outlines of the *Gazette des beaux Arts* (xi. 1875, pp. 297 and 551, and xii. 1875, p. 56), and other publications enumerated in Rayet's *Monuments de l'Art Antique*. Next in rank to Tanagra for the number of interesting terracottas which it has yielded is Myrina, in Asia Minor, where the French carried on extensive excavations in 1880–82. The results appear in the work of MM. Pottier and Reinach, *La Nécropole de Myrina*, 1887 (see also Froehner, *Terres cuites d'Asie Mineure*, 1881), with numerous plates, and containing, among other interesting matter, a detailed account of the processes employed in producing the statuettes: *e.g.* the quality of the clay, with its differences of colour, due partly to differences of firing and partly to materials employed in the preparation; the moulds, of which a large number were obtained, many of them bearing the names of the artists who made them; and the various methods of colouring the statuettes. In these respects the Myrina terracottas do not differ from those of Tanagra. But in an artistic sense they are readily distinguishable by a degree of coarseness and voluptuousness which is wanting at Tanagra, by a greater love of nude forms, and by a strong desire for groups in which accuracy is sacrificed to picturesque effect. At present it is difficult to say from what source the coroplastae, whether at Myrina or at Tanagra, derived their inspiration. In some instances we find types of figures or of attitudes that may very well have been derived from the painted Greek vases of the latest period—towards the end of the 4th cent. B.C. But a more accurate comparison may be found in some of the mural paintings that have survived in Rome and Pompeii, which, if not actually executed in the Hellenistic period, are always believed to be derived from originals of that age. We may assume that the coroplastae by the nature of their profession appealed only to a particular class of sentiments, which required for their gratification nothing more than some easily recognised type of beauty, or some grotesque figure drawn from daily life. Possibly, therefore, much that we do not now understand in the work of the coroplastae would be accounted for if we had any records of the public demands which they worked to supply. So far at least we may agree that these demands had been mostly of a local character, from the fact that the figures of Tanagra, of Myrina, of Cyrene, of Sicily, are distinguishable

Terracotta statue found at Pompeii.

as no other class of Greek antiquities, except the Athenian lecythi. The terracottas from the Cyrenaïca are mostly of a late period, and only rarely possessed of beauty or interest. Late also are those from Centuripa (Centorbi), in Sicily, elongated in figure, sometimes coarsely modelled (Kekulé, *Terracotten von Sicilien*). Of coarse clay and with a preference for pink and white colouring, is the still later and numerous class from Canosa, in Italy, intended mostly to be attached to large ornamental vases. Of life-size terracottas only a small number exist, and these are generally of a late period, such as the statue of an actor from Pompeii figured above.

[A. S. M.]

TERU'NCIUS. [As, Vol. I. p. 203.]

TE'SSERA, *dim.* TESSE'RULA and TESSELLA (*κύβος*), a square or cube; a die; a token.

The use of small cubes of marble, earthenware, glass, precious stones, and mother-of-pearl for making tessellated pavements (*pavimenta tessellata*, Suet. *Jul.* 46) is noticed under EMBLEMA, in Vol. I.; cf. PICTURA, p. 397.

The dice used in games of chance [ALEA] had the same form, and were commonly made of ivory, bone, or some close-grained wood, especially privet (*ligustra tesseris utilissima*, Plin. *H. N.* xvi. § 77). They were numbered on all the six sides like the dice still in use (Ovid, *Trist.* ii. 473 ff.); and in this respect as well as in their form they differed from the *tali*, which are often distinguished from tesserae by classical writers (Gellius, xviii. 13, § 2; Cic. *de Sen.* 16, § 58). [TALUS.] Whilst four tali were used in playing, only three tesserae were anciently employed. Hence arose the proverb, *ἢ τρὶς ἓξ, ἢ τρεῖς κύβοι*, *i.e.* "either three sizes or three aces," meaning, all or none (Plat. *Legg.* xii. 968 E; Schol. *in loc.* p. 946 a, ed. Turic.; Pherecrates, *fr.* 123 M. = Zenob. *Cent.* iv. 23); for *κύβος* was used to denote the ace, as in the throw *δύο κύβω καὶ τέτταρα*, *i.e.* 1, 1, 4 = 6 (Eupolis, *fr.* 358 M.; Aristoph. *Ran.* 1400; Schol. *in loc.*). Three sizes is mentioned as the highest throw in the Agamemnon of Aeschylus (33). As early as the time of Eustathius (*in Od.* i. 107) we find that the modern practice of using two dice instead of three had been established.

The ancients sometimes played with dice *πλειστοβολίνδα*, when the object was simply to throw the highest numbers. For other games with dice, see DUODECIM SCRIPTA, LATRUNCULI, TALUS; for the boards on which they were played, ALVEUS, TABULA LUSORIA; cf. Becq de Fouquières, *Jeux des Anciens*, ed. 2, pp. 302–324.

Objects of the same materials as dice, and either formed like them or of an oblong shape, were used as tokens for different purposes. The *tessera hospitalis* was the token of mutual hospitality, and is spoken of under HOSPITIUM, p. 981 *b*. This token was probably in many cases of earthenware, having the head of Jupiter Hospitalis stamped upon it (Plaut. *Poen.* v. 1, 25; 2, 87–99). *Tesserae frumentariae* and *numariae* were tokens given at certain times by the Roman magistrates to the poor, in exchange for which they received a fixed amount of corn or money (Suet. *Aug.* 40, 42; *Nero*, 11). [FRUMENTARIAE LEGES.] Similar tokens were used on various occasions, as they arose in the course of events. For example, when the Romans sent to give the Carthaginians their choice of peace or war, they sent two tesserae, one marked with a spear, the other with a CADUCEUS, requesting them to take either the one or the other (Gellius, x. 27).

Various tesserae are preserved in museums, the British Museum being particularly rich in such specimens: the materials are ivory, bone, porcelain, and stone. One class of these are theatrical, *i.e.* were used as tickets of admission, and answer to the *σύμβολα* of the Greeks; another class are agonistic, thought to have been issued on the occasion of public games or contests. Others, again, are believed to have been distributed as *sortes convivales* or as *sparsiones*. The *sortes convivales* were a kind of lottery drawn by guests at a banquet, through which they were entitled to prizes varying in amount (Lamprid. *Heliog.* 22). In the *sparsiones* the tickets were scrambled for, instead of being drawn (Dio Cass. lxi. 18; Martial, viii. 78, 7). There are other miscellaneous tesserae, not included under the above headings. The most interesting class of tesserae are the gladiatorial, of which the British Museum contains about a dozen probably genuine, and other doubtful examples. These are usually carved out of a piece of ivory or bone, of a long shape, and inscribed on the four long sides (cf. TALUS). On the first line is the gladiator's name in the nominative case, on the second his trainer's in the genitive; the third gives the letters SP, followed by the date of the month and day; the fourth the consuls, marking the year. At one end is a hole by which it was suspended. The abbreviation SP stands for SPECTATUS, as is proved by the letters SPECTAT. on a tessera found at Arles. These tesserae were given by the munerarius, or exhibitor of the games, to a gladiator when *spectatus* or approved by passing successfully through a certain number of contests (cf. Hor. *Epist.* i. 2, 2). In one or two exceptional instances the word is SPECTAVIT, explained to mean either (1) that the gladiator, fighting no longer (*emeritus*), became "a spectator" of the games, or (2) that he became an "inspector" of other gladiators. For special discussions of this subject, see Ritschl in *Abh. Bayer. Akad.* 1866, pt. ii. p. 223; Hübner, in *Monatsbericht Berl. Akad.* 1867, p. 747; Mommsen, in *Hermes*, xxi. 266; A. Elter, in *Rhein. Mus.* 1886, p. 517; P. J. Meier, *ib.* 1887, p. 122; *Guide to the Second Vase Room, British Museum.*

From the application of this term to tokens of various kinds, it was transferred to *the word* used as a token among soldiers. This was the *tessera militaris*, the *σύνθημα* of the Greeks. Before joining battle it was given out and passed through the ranks as a method by which the soldiers might be able to distinguish friends from foes. Thus at the battle of Cunaxa the word was "Zeus the Saviour and Victory," and on a subsequent engagement by the same troops "Zeus the Saviour, Heracles the Leader" (Xen. *Anab.* i. 8, § 16; vi. 3, § 25). The soldiers of Xenophon used a verbal sign for the same purpose when they were encamped by night (vii. 3, § 34). Aeneas Tacticus (c. 24) gives various directions necessary to be observed respecting the word. On the *tessera* or watchword in the Roman camp, see CASTRA, p. 377 *b*. [J. Y.] [W. W.]

TESSERACONTE'RES. The invention of war-ships larger than the trireme, viz. quadrireme and quinquereme, belongs to the epoch which follows that of the Peloponnesian War. In the first half of the 4th cent. B.C. the Athenians possessed a few quadriremes; but the quinquereme, which was destined to be the line-of-battle ship of the succeeding century, had not yet become common. At the siege of Tyre (Curt. ii. 4) Alexander had only one quinquereme as his admiral's ship. Later on we find the Carthaginian fleet consisting mainly of vessels of five banks of oars; and from one of these which fell into their hands, and was used as a model, the Romans constructed those fleets which were engaged at Mylae and Ecnomus and the Aegates Insulae. According to Pliny (vii. § 56), it was Alexander who conceived the idea of constructing still larger vessels, and gave orders for building ships of seven or even ten banks. It remained, however, for his successors to carry out these plans, of whom Demetrius Poliorcetes was the most energetic and successful in matters of naval construction. Demetrius himself superintended the building of vessels of fifteen and sixteen banks (Plut. *Dem.* 43), and this passion for huge ships seems to have continued among the Macedonians (cf. Liv. xxxiii. 16, "Regiam unam inhabilis prope magnitudinis quam sedecim versus remorum agebant"). Ptolemy Philadelphus had fourteen ships of eleven, two of twelve, four of thirteen, one of twenty, and two of thirty banks of oars. To surpass these latter, Ptolemy Philopater constructed the Great Eastern of ancient days, the famous Tesseraconteres, a triumph of naval architecture in point of construction, but useless for practical purposes, and in reality only the splendid toy of a despotic king. Her dimensions, as given in Athen. v. p. 203, are as follows:—Length, 420 ft.; breadth (within parodi), 57 ft.; height, forward 72 ft., aft 79 ft. She had four rudders, each 45 ft. long, and her upper tier of oars (*θρανιτικαί*) were 57 ft., weighted with lead inboard. She was *δίπρωρος* and *δίπρυμνος*; had seven beaks, of which one was longer than the rest; also beaks projecting from the catheads (*κατὰ τὰς ἐπωτίδας*). She had twelve *ὑποζώματα*, each 900 ft. long; that is, sufficient to gird her from stem to stern. Her proportions were graceful, and her ornamentation elaborate. Figures of animals, 18 ft. in length, adorned both stem and stern, and every available surface was covered with painting, the whole of the rowing space from the keel upwards being decorated with ivy wreaths and thyrsi. The rowing complement was over 4,000; the *marines* numbered 2,850; there were 400 seamen (?) for the service of the ship; and below decks a vast multitude of people.

Such, in brief, are the details preserved concerning this remarkable vessel, which however, probably after her trial trip, was left for show in the dock specially constructed for her by a Phoenician engineer.

As regards dimensions, she was about the same as H.M.S. Warrior (420 ft. × 58 ft.), an ironclad of a type now becoming obsolete. It is not possible to be certain as regards the meaning of *δίπρωρος* and *δίπρυμνος*, but Graser's view seems plausible, that she was, in construction, anticipatory of the class of twin vessels (such as the Castalia and Calais-Douvres), which have been tried of late with varying success. It would seem however, from the mention of the seven beaks, that the double prow was prolonged into one, at all events above the water-line, and, in all probability, the double stern likewise, so that the Acrostolia and Aphlasta would be as in other vessels. The four rudder paddles would thus probably have been carried two on each side, as often seen in Egyptian vessels, though Graser seems to suppose one on each side of the two sterns. The disposition of the rowers in the Tesseraconteres has been a matter of much controversy. It is interesting to find that Graser in his detailed description of the Tesseraconteres has adopted for her as for all the larger rates above quinquereme a reduced scale, allowing only 7 instead of 8 square ft. per man for rowing space, and the vertical distance of the banks from 2 ft. to 1 foot. Probably this is also nearer the true measurement in the smaller rates from quinquereme downwards.

Allowing 20 ft. for draught, the Tesseraconteres gave a height of 44 ft. on either side for the insertion of 40 banks of oars. The curvature of the vessel fore and aft, and the consequent contraction of the rowing space, would necessarily diminish the number of men in each tier from the highest to the lowest. Graser, by an ingenious calculation, brings the total number of oarsmen to 4054 (Athen.: *ὀλίγῳ πλείους τῶν τετρασχιλίων*). For the disposition of these (allowing 7 ft. interscalmium) there was for the topmost bank on each side a longitudinal space of 367 ft., in which were seated on either side the 53 thranites (the topmost men of 53 complexus, diagonal lines, of oarsmen), and for the lowest, or thalamite bank, a longitudinal space of 345 ft. Of the 53 complexus, 40 were complete, giving a sum of 1600 on each side. In the remaining 13, incomplete complexus, 427 men found their places on either side (3200 + 854 = 4054). The principle of the *ζύγωσις* must have been similar to that of the trireme [see NAVIS], benches (*ζυγὰ*) being fitted between the vessel's side and the *διαφράγματα*, though in the case of the Tesseraconteres these were probably divided by decks at certain intervals. The upper tiers of oars, when fastened to the *σκαλμὸς* or thowl pin, were almost at equilibrium between the outboard and inboard portions, so that the movement of the whole would not be difficult. The oar-ports of the thalamites must have been dangerously close to the water. Graser places them at 2¼ ft. above the water-line less than those of the trireme, which were not under 3 ft. And perhaps this is the reason of the terms in which Plutarch speaks of her (*Dem.* 43): *ἀλλὰ θέαν μόνην ἐκείνη παρέσχε, καὶ μικρὸν ὅσον διαφέρουσα τῶν μονίμων οἰκοδομημάτων φανῆναι πρὸς ἐπίδειξιν, οὐ χρείαν, ἐπισφαλῶς καὶ δυσέργως ἐκινήθη.* [E. W.]

TESTA. [FICTILE.]

TESTAMENTUM is defined by Ulpian as being "mentis nostrae justa contestatio in id sollemniter facta ut post mortem nostram valeat." (Cf. Modestinus in Dig. 28, 1, 1: "Testamentum est voluntatis nostrae justa sententia de eo, quod quis post mortem suam fieri velit.") In this passage the word *justa* means *jure facta*, "as required by law." The

word *contestatio* is here equivalent to *testatio*, which is the act of making a solemn declaration before witnesses, and so of making a will or testament (cf. Voigt, *Zwölf Tvf.* 1, § 19). Gellius (vi. 12) properly finds fault with Servius Sulpicius for saying that testamentum is compounded "a mentis contestatione." He who made a testamentum was testator (Suet. *Ner.* 17).

In order to be able to make a valid Roman will, the testator must have the *testamentifactio* (Cic. *ad Fam.* vii. 21), which term expresses the legal capacity to make a valid will; the word has also other significations. [HERES.] The right of making a will was the privilege only of Roman citizens who were patresfamilias, except that filiifamilias were allowed to make a will respecting their *castrense* or *quasi-castrense peculium*. [PATRIA POTESTAS.] The following persons consequently had not testamentary capacity: those who were in the *potestas* or *manus* of another, or *in mancipii causa* [MANCIPII CAUSA], as descendants subject to power, though with the above-mentioned dispensation in favour of filiifamilias, wives *in manu*, persons in the semi-servile state of *mancipium* and slaves, except that *servi publici* were allowed to dispose of half their *peculium* (Ulp. xx. 16); Latini Juniani died like slaves in respect of property, and so could not make a will; *peregrini* and *peregrini dediticii* were devoid of testamentary capacity; an *impubes* could not dispose of his property by will, even with the sanction (*auctoritas*) of his tutor (for an account of the *substitutio pupillaris*, see HERES). When a male became *pubes* — that is, was fourteen years of age—he became capable of making a will, and a female obtained the power, subject to the limitations explained below, on the completion of her twelfth year: *muti, surdi, furiosi*, and *prodigi*, "quibus lege bonis interdictum est," had not the *testamentifactio*. The reasons why these several classes had not the *testamentifactio* were: the mutus, because he could not utter the words of *nuncupatio;* the surdus, because he could not hear the words of the *familiae emptor;* the furiosus, because he had not intellectual capacity to declare his will (*testari*) about his property; and the prodigus, because he had no *commercium* (Ulp. *Frugm.* xx. 3). Justinian removed the testamentary incapacity of surdi and muti, which had previously been a subject of imperial dispensation (Cod. 6, 22, 10: cf. Inst. ii. 12, 3). The penalty of testamentary incapacity was imposed on certain classes of persons by statute (Gell. xv. 13; Dig. 28, 1, 18, § 1, 26; Theoph. *ad* Inst. ii. 10, 6). [INTESTABILIS.]

Women had originally no *testamentifactio*, as their right of disposing of property was restricted in order to serve the interest of their agnates, and they had been incapable of making a will in early times on account of their inability to take part in the proceedings of the Comitia, where wills had to be made (cf. Gell. v. 19, "quoniam et cum feminis nulla comitiorum communio est"). When they did acquire the power, they could only exercise it by means of certain juristic contrivances, to which we find references in the writings of Cicero and of Gaius. Of course a daughter in the power of her father, whether she was married or unmarried, and a wife *in manu*, could never make a will, since they could not hold property. The rules therefore as to a woman's power of making a will could only apply to unmarried women after the death of their father or after emancipation from his power, and to married women who were not in the power of a father or a husband (Karlowa, *Die Formen der röm. Ehe*, 96, &c.). In order to qualify a woman who had independent property to make a will, it was necessary that she should cease to be a member of her familia by undergoing a capitis deminutio, a change which required the concurrence of her agnatic tutor. The capitis deminutio was effected by a *coemptio fiduciae causa*, the coemptionator or purchaser of the woman acquiring *manus* over her, though only as a matter of form, and being bound by a fiducia to remancipate her to some one of her choice. The person to whom she was remancipated became her fiduciary tutor, and gave his formal sanction (*auctoritas*) to her will, which was required in order to give it legal validity. It will be seen from the above that a woman was incapable of making a will unless she obtained the consent of her agnatic tutor, who, as being her intestate heir, would be interested in preventing her from disposing of her property. The agnatic tutela of women was abolished by the Lex Claudia (Gaius, i. 157, 171; Ulp. xi. 8); but the auctoritas of a tutor was still required, as a matter of form, to enable a woman to make a will, except in certain privileged cases (Gaius, ii. 112; Ulp. xx. 15). On the recommendation of Hadrian, the senate made the ceremony of *coemptio* unnecessary for the purpose of giving legal validity to a woman's will (Gaius, i. 115 a). Between the time of Gaius and the publication of the Theodosian Code, the *perpetua tutela* of women became obsolete, and with it the last formal difference between their wills and those of men.

In accordance with the above explanation, Cicero observes (*Top.* 4, 18): "If a woman has made a will, and has never undergone a capitis deminutio, it does not appear that the Bonorum Possessio can be granted in pursuance of such will according to the Praetor's edict; for, if it could, the edict must give Bonorum Possessio in respect of the wills of servi, exules, and pueri." The Bonorum Possessio or praetorian title to the inheritance was not given by the Praetor to persons who were incapable of taking the hereditas; accordingly Cicero means that, if a woman made a will without having sustained a capitis deminutio, the will could have no effect at all in giving a praetorian title to the inheritance, any more than the wills of other persons who had not the testamentifactio. The case of Silius (Cic. *ad Fam.* vii. 21) may be a case of a woman's making a will without coemptio, for it appears that a woman (Turpilia) had disposed of property by will, and Servius Sulpicius was of opinion that this was not a valid will, because the will-maker had not the testamentifactio. The following references may be consulted as to this matter:—Cic. *pro Caecin.* 6, 17; *pro Flacc.* 35, 86; *pro Muren.* 12, 27; *ad Att.* vii. 8;—Liv. xxxix. 19; Gaius, i. 150. *Libertae* could not make a will without the auctoritas of their patronus, for they were in the tutela legitima of their patronus: the patron was always allowed to refuse his sanction to such a will. Libertae who had a certain

number of children could, however, make a will without the auctoritas of their patronus. [PATRONUS.] The Vestal Virgins had no tutor, and yet they could make a testament. The Twelve Tables released them from all tutela "in honorem sacerdotii" (Cic. *de Rep.* iii. 10, 17; Gaius, i. 145).

In order to constitute a valid will, it was necessary that a heres should be instituted, which might be done in such terms as the following:—"Titius heres esto, Titium heredem esse jubeo." (Ulp. 24, § 15, "Ante heredis institutionem legari non potest, quoniam vis et potestas testamenti ab heredis institutione incipit.") All persons who had the commercium could be heredes; slaves also could be made heredes,—a testator's own slave, if the institution was coupled with his manumission; the slave of another, if there was testamentifactio between the testator and his master, the slave in this case acquiring the inheritance for his master by command of the latter.

But there were many classes of persons who could not be heredes: such were peregrini and peregrini dediticii, as having no commercium, and Latini Juniani, by the provision of the Lex Junia. Whether according to primitive law women could be made heredes is uncertain, but from an early time they were on the same footing as men in this respect, until by the Lex Voconia (B.C. 69) they were made incapable of being heredes to a person in the first class of the census (Cic. *in Verr.* i. 42, 107; Gell. vii. 13). There was a rule that *incertae personae* could not be instituted; hence it was originally impossible to institute posthumous persons, though in course of time forms of instituting and exheredating *postumi sui* were established. [HERES.] Though unascertained persons could not, generally speaking, be instituted, their institution came to be allowed if they were instituted *sub certa demonstratione:* e.g. "ex cognatis meis, qui nunc sunt, si quis filiam meam uxorem duxerit." Justinian made their institution valid in all cases, provided that they became determinate subsequent to the making of the will. Originally juristic persons could not be instituted, since they could not themselves perform the legal act of entering on an inheritance (cf. Ulp. 22, 5: "Nec municipium nec municipes heredes institui possunt, quoniam incertum corpus est, et neque cernere universi neque pro herede gerere possunt, ut heredes fiant"); but this rule was never applicable to the aerarium or to the fiscus, and in the case of other juristic persons exceptions were gradually made to it: thus municipalities were made capable by senatusconsulta of inheriting the property of their own freedmen (Ulp. 22, 5); exceptions were also made by statute in favour of certain gods and goddesses, viz. Jupiter Tarpeius, Apollo Didymaeus, Mars in Gallia, Minerva Iliensis, Hercules Gaditanus, Diana Ephesia, Mater Deorum, Siphylensis quae Smyrnae colitur, Caelestis Salinensis in Carthage (Ulp. *l. c.* § 6). According to the law of Justinian, churches, piae causae, and communes were capable of being instituted; other juristic persons only if specially privileged in this respect.

Besides capacity on the part of the testator and the person instituted heres, there must be a proper observance of the forms required by law for the validity of a will. Thus we come to consider the rudimentary forms of a Roman will and their subsequent modifications. The earliest will or testament was made *calatis comitiis;* that is, in the Comitia Curiata, which were summoned (*calata*) twice a year for this purpose (Gaius, ii. 101; Ulp. 20, 2; Inst. ii. 10, 1, cum Theoph.; Gell. xv. 27). The testamentum calatis comitiis was probably an adoption by a person who had no children of an intestate *suus heres* rather than a will in the strict sense (cf. Schulin, *Das griechische Testament verglichen mit dem römischen;* and as to the use of adoption for the purpose of disposing of an inheritance in Hindoo Law, see Maine's *Ancient Law*, p. 193). The adoption was, we may suppose, of a peculiar kind, the person who was the object of it not being regarded as the testator's son till after the death of the latter, and then only in case there had been no revocation of the disposition. The proceeding would be of a legislative character in its form, somewhat similar to that of arrogation; for the opinion of some writers, that the populus only bore witness to the transaction in its Comitia and did not sanction it, does not seem to rest on good ground. No doubt, however, the consent of the populus was from an early time little more than a formality (Gans, *Erbrecht*, ii. 27; Ihering, *Geist d. r. R.* i. 145; Schulin, *l. c.*; Sohm, *Institutionen*, § 99). A will was also valid in early times which was made *in procinctu;* that is, one declared by a man before his comrades when in the field before the enemy; for an army in movement and under arms is *procinctus* (Festus, *s. v.* Procincta; Gaius, *l. c.*). A third mode of making wills was introduced, which first existed alongside and then superseded the older forms. It was effected *per aes et libram;* that is, by mancipium, whence the name of *testamentum per aes et libram*, or mancipative will.

The origin of this mode of testamentary disposition may have been to enable plebeians to make a will, they being excluded from the Comitia Curiata, but the patricians must have soon found it convenient to use the same form. The power of making provision respecting the disposition of property after death is expressly recognised by the law of the Twelve Tables in the words "uti legassit super pecunia tutelare rei suae ita jus esto," the word *legare* being here equivalent to *legem dicere*—that is, to declare the law which was to govern the devolution of property (Muirhead, *Roman Law*, p. 167, n. 1). Thus, according to the law of the Twelve Tables, if a man had neither made his will at *calata comitia* nor in *procinctu*, and was in imminent danger of death, he would mancipate (*mancipio dabat*) his familia—that is, his patrimonium or family property—to a friend, and request him to carry out his wishes after his death. The *familiae emptor*—that is, the person to whom the familia was conveyed by mancipation—is said by Gaius to have been in the place of heres (*loco heredis*), the testator having instructed him as to what he wished to be given to each legatee after his death. We cannot gather from Gaius that the familiae emptor ever acquired a beneficial interest in the property mancipated to him, as Sir H. Maine (*Ancient Law*, ch. vi.) states, but only loco heredis for the purpose of paying legacies, and possibly for the purpose of

paying in the first place the debts of the deceased, though this is not stated. It is not probable that the familiae emptor became personally liable for the testator's debts. His function seems in fact to have been somewhat analogous to that of an executor in English law, especially if only the movable property could be the subject of such a disposition in early times, as may possibly have been the case. That the familiae emptor was regarded as a mere mandatory for carrying out the wishes of the testator, and had no right to derive any benefit from the estate, is shown by the formal words used in the mancipation to him, "familiam pecuniamque tuam endo *mandatela tua custodelaque mea*" (Gaius, ii. 104). We may infer from the fact of the familiae emptor being *loco heredis*, that he could be legally compelled to carry out the testator's wishes, and was not simply bound in good faith to do so. According to Sir H. Maine (*Ancient Law*, l. c.), the effect of the mancipation was to vest the inheritance immediately and irrevocably in the familiae emptor, a mancipation being an *actus legitimus* not admitting of *condicio* or *dies*. But this view of the transaction appears to be defective in that it takes no account of the power of making a qualified mancipation, recognised by the Twelve Tables in the words, "Cum nexum faciet mancipiumque, uti lingua nuncupassit, ita jus esto" (Festus, *s. v.* Nuncupata). Accordingly the familiae emptor would be subject to the terms imposed on him by the nuncupation which was a part of the mancipation, and by these the mancipant would reserve possession of his property during his lifetime, together with a right of revoking his disposition at pleasure. The familiae emptor would, in fact, become merely formal owner of the property. It will be seen from the above that the mancipative will in its rudimentary form was not a unilateral proceeding, like the later will, but a transaction *inter vivos*, not intended to operate as a universal succession to a heres, but made for the purpose of distributing property to legatees by way of singular succession.

In course of time a great change took place in the character of the mancipative will, in that the familiae emptor ceased to fulfil any real function, and was no longer regarded as even the formal owner of the inheritance. The testator by his will, expressed either in writing or by word of mouth at the time of the mancipation, instituted a heres as his universal successor, who was personally liable to creditors, and who took the inheritance subject to any legacies with which the testator had charged it. Henceforward a testamentum may be defined as a last will by which a heres is instituted (Dig. 29, 7, 20: "Julianus ait, tabulas testamenti non intellegi, quibus heres scriptus non est, ut magis codicilli quam testamentum existimandae sint"). The will might be oral or written, but the ordinary practice was to make a written will, so that the dispositions of the testator might not be known till after his death. The mode of proceeding was this (Gaius, ii. 104). The testator, after having written his will (*tabulae testamenti*), called together five witnesses, who were Roman citizens, and a libripens, as in the case of other mancipationes, and mancipated his property (*familia pecuniaque*) [FAMILIA] to some person in compliance with legal forms (*dicis causa*). This person, the familiae emptor, uses these words, which have been already referred to as showing his original function: "Familia pecuniaque tua endo mandatelam tuam custodelamque meam, quo tu jure testamentum facere possis secundum legem publicam, hoc aere (et ut quidam adjiciunt aenea libra) esto mihi empta." The emptor then struck the scales with a piece of money which he gave to the testator as the price of his purchase; after which, the testator, taking the will in his hand, said: "Haec ita ut in his tabulis cerisque scripta sunt ita do ita lego ita testor itaque vos Quirites testimonium mihi perhibetote." This was called the *nuncupatio* or publishing of the will; in other words, the testator's general confirmation of all that he had written in his will, which derived its legal effect from the clause in the Twelve Tables quoted above.

As the familiae emptio was supposed to be a real transaction between the emptor and testator, the testimony of their several families was excluded, and consequently a person who was in the power of the familiae emptor, or in the power of the testator, could not be a witness. If a man who was in the power of another was the familiae emptor, it followed that his father could not be a witness, nor his brother, if the brother was in the power of the father. A filiusfamilias who after his *missio* disposed of his *castrense peculium* by testament, could not have his father as witness nor any one who was in the power of his father. The same rules applied to the libripens, for he was a witness. A person who was in the power of the heres or of a legatee, or in whose power the heres or legatee was, or who was in the power of the same person as the heres or a legatee, and also the heres or a legatee, could all be witnesses, since neither the heres nor the legatees were parties to the mancipation. But Gaius observes that it would be improper for the heres, and the man who is in the power of the heres or in whose power the heres is to witness the will. According to the law of Justinian, a person in the familia of the heres could not be witness to the will (Inst. ii. 10, 10).

The Edict established a less formal kind of will, since it acknowledged the validity of a written will when there had been no mancipatio, provided there were seven witnesses and seven seals, and the testator had the testamentifactio at the time of making the will and at the time of his death (Gaius, ii. 147). The terms of the Edict are given by Cicero (*in Verr.* i. 1, 45). The Edict only gave the Bonorum Possessio or Praetorian title to the inheritance, which was not effective (*sine re*) against the civil title *ab intestato* of an agnate, until it was made so (*cum re*) by a rescript of Marcus Aurelius (Gaius, ii. 120). This so-called Praetorian testament existed in the Republican period. Thus a man had his choice between two forms of making his will; the Civil form by mancipatio, and the Praetorian with seven seals and seven witnesses, and without mancipatio (Savigny, *Beytrag zur Geschichte der röm. Testam.*, *Zeitschrift*, vol. i. p. 78).

The Praetorian testament prepared the way for the abolition of mancipatio, the essential character of a will made according to the Jus

Civile, and in the legislation of Justinian the form of making a testament was simplified. It required seven male witnesses of competent age and legal capacity, and the act must be done in the presence of all, at the same place and at the same time; that is, it must be continuous. The testator might declare his last will orally (*sine scriptis*) before seven witnesses, and this was a good will. If it was a written will, the testator acknowledged it before the witnesses as his last will, and put his name to it, and the witnesses then subscribed their names and affixed their seals. [Cf. Inst. ii. 10, 3: "Sed quum paullatim tam ex usu hominum, quam ex constitutionum emendationibus coepit in unam consonantiam jus civile et praetorium jungi, constitutum est, ut uno eodemque tempore (quod jus civile quodammodo exigebat) septem testibus adhibitis et subscriptione testium (quod ex constitutionibus inventum est), et (ex edicto praetoris) signacula testamentis imponerentur; ut hoc jus tripertitum esse videatur, ut testes quidem et eorum praesentia uno contextu testamenti celebrandi gratia a jure civili descendant, subscriptiones autem testatoris et testium ex sacrarum constitutionum observatione adhibeantur, signacula autem et numerus *testium* ex edicto praetoris."] The testator *might* write his will or have it written by another person, but such other person could derive no advantage under the will. [SENATUSCONSULTUM LIBONIANUM.]

It is natural that there should be much difference of opinion respecting the nature of the earliest forms of Roman testament, since the evidence which has come down to us on this subject is extremely scanty. Rein (*Das röm. Privatrecht*, p. 373, note) has referred to the modern writers who have discussed this subject (for an account of the views of recent writers, see Schulin, *l. c.*): he has adopted the opinion of Niebuhr, according to which, "as the property of an extinct house escheated to the curia, that of an extinct curia to the publicum of the citizens at large, the consent of the whole populus was requisite; and this is the origin of the rule that testaments were to be made in the presence of the pontiff and the curiae" (*Hist. of Rome*, vol. ii. p. 338). But there is no evidence of the assertion contained in the first part of this passage; and if this rule as to escheat is admitted to be a fact, the rule that testaments must be confirmed by the pontiff and curiae is no necessary conclusion. Niebuhr further observes that "the plebeian houses were not so connected; but the whole order had a public coffer in the temple of Ceres; and when the army, being assembled in centuries, either on the field of Mars or before a battle, passed the last will of a soldier into a law, it thereby resigned the claims of the whole body to the property." This assertion also is not supported by evidence, and is therefore a mere conjecture against the probability of which there are sufficient reasons.

If we are right in following the opinion of those who think that the testamentum calatis comitiis was carried into effect by means of the adoption of a heres, the consent of the pontiff and curiae was required in order to give it effect, just as in the case of other adoptions or arrogations. [ARROGATIO.] But it is said that the power of disposition in the case of a testamentum in procinctu could not depend on the consent of the whole populus, in each particular instance; for the nature of the circumstances excluded such consent. A Roman had therefore full power of disposition in procinctu, and from this it is inferred as a probable conclusion that the will made at the Calata Comitia was not a legislative act, but simply one declared before the populus. This argument does not, however, seem to have much force, since it is highly probable that the testamentum in procinctu was instituted at a time when the consent of the Comitia to wills had become merely formal. The adoption in the Comitia, or the simple designation of a person as adopted, would come to be regarded as the institution of a heres, and so the conception of a heres ex testamento would be established. Hence the institution of a heres in a mancipative will may perhaps have been derived from the idea of the designation of a heres in the Comitia, as universal successor.

Some writers assert that the testamentum in procinctu could only be made after the auspices were taken, which gave the testament the religious sanction; that when the auspices ceased to be taken in the field, this kind of testament ceased to be made; and that the military testaments mentioned about the latter part of the Republic (as by Caesar, *Bell. Gall.* i. 39; Vel. Pat. ii. 5, &c.) were not the same kind of testaments, but purely military testaments made without any form, which in the Imperial period became in common use and of which Julius Caesar probably introduced the practice (Dig. 29, 1, *de Testamento Militis*). Cicero, however, speaks of the will In procinctu (*de Or.* i. 53) as then in use, and he describes it as made "sine libra et tabulis;" that is, without the forms which were used after the introduction of the testamentum per aes et libram. Thus the testamentum in procinctu always retained its characteristic of being exempted from legal *forms*, but as to the *capacity* of the testator it was always subject to the same rules of law as other wills, so far as we know.

The form of the mancipative will seems at first sight to favour the opinion that the testamentum calatis comitiis was simply declared in the presence of the populus, for it is generally admitted, and the extant passages are consistent with the opinion, that the testamentary form *per aes et libram* existed while the two original forms were still in use. Now, in the testamentum per aes et libram there is no pretence for saying that any consent was required, except that of the buyer and seller; for though the five witnesses to the testament (*cives Romani puberes*) may have been representatives of the five classes of Servius Tullius, the classes were represented as witnesses only, not as persons who gave their consent to the act. It seems improbable, it is said, that there could have existed at the same time a form of testamentum to which the consent of the testator was sufficient, and another form in which it was not. But the only possible answer to this argument is that the consent of the sovereign people had become a form, and therefore it was indifferent, so far as concerns this consent, whether the will was made at the Comitia where it would be fully witnessed, or per aes et libram where it would

be witnessed by the five representatives. In the time of the classical jurists the testamentum per aes et libram was the ordinary form of testament, according to Jus Civile; it is probable that the testamentum calatis comitiis and in procinctu had long previously become obsolete.

As already observed, there seems to have been no rule of law that a testament must be written. The mancipatio required no writing, nor did the institution of a heres. Thus it is said (Dig. 28, 1, 21) that the heres might either be made by oral declaration (*nuncupatio*) or by writing. Written wills, however, were the common form among the Romans at least in the later republican and in the imperial periods. They were written on tablets of wood or wax, whence the word *cera* is often used as equivalent to *tabella*; and the expressions *prima, secunda cera* are equivalent to *prima, secunda pagina*. The will might be written either by the testator or by any other person with his consent, and sometimes it was made with the advice of a lawyer. It was written in the Latin language, until A.D. 439, when it was enacted that wills might be in Greek (Cod. 6, 23, 21). By the old law a legacy could not be written in the Greek language, though a fideicommissum could be so given. It does not appear that there was originally any signature by the witnesses. The will was sealed, but this might be done by the testator in secret, for it was not necessary that the witnesses should know the contents of the will; they were witnesses to the formal act of mancipatio, and to the testator's declaration that the tabulae which he held in his hand contained his last will. It must, however, have been in some way so marked as to be recognised, and the practice of the witnesses (*testes*) sealing and signing the will became common. (As to the will of Claudius, see Suetonius, *Claudius*, 44.) It was necessary for the witnesses both to seal (*signare*)—that is, to make a mark with a ring (*anulus*) or something else on the wax—and to add their names (*adscribere*). The five witnesses signed their names with their own hand, and their adscription also declared whose will it was that they sealed (Dig. 28, 1, 30). The seals and adscriptions were both on the outside. A senatusconsultum, which applied to wills among other instruments, enacted that they should be witnessed and signed as follows: they were to be tied with a triple thread (*linum*) on the upper part of the margin, which was to be perforated at the middle part, and the wax was to be put over the thread and sealed. Tabulae which were produced in any other way had no validity. (Compare Paulus, *S. R.* v. 25, 6, where *impositae* seems to be the true reading, with Suet. *Ner.* 17.) A man might make several copies of his will, which was often done (*ut vulgo fieri solet*, Dig. 31, 1, 47; a case put to Proculus) for the sake of caution. Both Augustus and Tiberius made two copies of their wills (Suet. *Aug.* 101; *Tiber.* 76). When sealed, it was deposited with some friend, or in a temple, or with the Vestal Virgins; and after the testator's death it was opened (*resignare*) in due form. The witnesses or the major part were present; and after they had acknowledged their seals, the thread (*linum*) was broken and the will was opened and read, and a copy was made; the original was then sealed with the public seal and placed in the archium, whence a fresh copy might be got, if the first copy should ever be lost (Paulus, iv. 6). This practice, described by Paulus, may have been of considerable antiquity. The will of Augustus, which had been deposited with the Vestal Virgins, was brought into the senate after his death (Tac. *Ann.* i. 8): none of the witnesses were admitted except those of senatorial rank; the rest of the witnesses acknowledged their signatures outside of the Curia (Suet. *Tib.* 23).

A passage in a Novel of Theodosius II. (A.D. 439, *de Testamentis*) states the old practice as to the signature of the witnesses. "In ancient times a testator showed (*offerebat*) his written testament to the witnesses, and asked them to bear testimony that the will had so been shown to them (*oblatarum tabularum perhibere testimonium*)," which are almost the words of Gaius. The Novel goes on to state that the ignorant presumption of posterity had changed the cautious rule of the ancient law, and the witnesses were required to know the contents of the will; the consequence of which was that many persons preferred dying intestate to letting the contents of their wills be known. The Novel enacted what we may presume to have been the old usage, that the testator might produce his will sealed, or tied up, or only closed, and offer it to seven witnesses, Roman citizens and puberes, for their sealing and adscription, provided at the same time he declared the instrument to be his will and signed it in their presence, and then the witnesses affixed their seals and signatures at the same time also. A will was opened in the presence of the witnesses to it, so that they might acknowledge their seals, and, having been read, copies of it were allowed to be taken; it was then sealed up and deposited in the public archives (Paul. iv. 6, 1). Valentinian III. enacted that if a testamentum was holographum, witnesses were not necessary.

A fragment of a Roman will, belonging to the time of Trajan, was published by Puggé in the *Rheinisches Museum*, vol. i. p. 249, &c.; and it is explained by Rudorff (*Das Testament des Dasumius, Zeitschrift*, &c. vol. xii. p. 301).

The penalties against fraud in the case of wills and other instruments were fixed by the Lex Cornelia. [FALSUM.]

The institution of a heres was essential to a will. A will was either wholly or partly invalid in which sui heredes were neither instituted nor exheredated, but simply passed over in silence; the praetor made a similar rule in the case of emancipati. The rules on this subject are stated in HERES (Roman) and BONORUM POSSESSIO.

A testament which was invalid from the first was *injustum* or *non jure factum*, when the proper forms had not been observed; a void will is sometimes said to be *nullum* or *nullius momenti*, as in the case of a filiusfamilias who is *praeteritus*. A testamentum justum might become either ruptum or irritum or destitutum in consequence of subsequent events (Dig. 28, 3, 1).

A testament became *ruptum* if the testator made a subsequent testament in due form as required by law: and it made no matter whether or not there turned out to be a heres

under the second will: the only question was whether there could have been one. If then the heres named in the second will refused the hereditas, or died either in the lifetime of the testator or after his death, and before the cretio, or failed to comply with the conditions of the will, or lost the hereditas under the Lex Julia et Papia Poppaea—in all these cases the paterfamilias died intestate.

The testator must have a capacity to make a will, and continue to have the capacity until his death; but this principle does not apply to mental sanity, for the will was valid if the testator became insane. But the will became *irritum* if the testator sustained a capitis deminutio after the date of the will; or if it failed of effect because there was no heres, it was *destitutum*. If a will failed to take effect for want of a heres, the deceased died intestate; the intestate heir might, however, be bound to carry out the provisions of the will, if requested to do so by fideicommissum. (As to the use of *substitutio* for the purpose of preventing intestacy, see HERES.) If a will took effect, the whole property of the deceased passed to the heirs instituted in the will, whether or not this was the intention of the deceased. The rule "nemo partim testatus et partim intestatus decedere potest" may be explained by the fact of the will having developed out of adoption.

If a man who had made a will was taken prisoner by the enemy, his will was good *jure postliminii* if he returned home; if he died in captivity, it was made as valid by the Lex Cornelia as if he had not been a captive.

Though a will might be injustum and irritum by the Jus Civile, it was not always without effect; for the Bonorum Possessio secundum tabulas might be had by the scriptus heres, if the will was witnessed by seven witnesses, and if the testator had the testamentifactio, at the time of making the will and at the time of his death, though not at some intervening period. The distinction between the case of a will which was invalid Jure Civili for want of due forms, and one which was invalid for want of legal capacity to dispose of property by will, was well recognised in the time of Cicero (*Top.* 11). A will also became ruptum by agnatio; that is, if a suus heres was born after the making of the will who was not either instituted heres or exheredated, as the law required. A quasi agnatio also arose by adoption, or by the in manum conventio, or by succession to the place of a suus heres, as in the instance of a grandson becoming a suus heres in consequence of the death or the emancipation of a son: a will also became ruptum by the manumission of a son, that is, where the son after a first and second mancipation returned into the power of his father. [EMANCIPATIO; HERES.]

A testament was called *inofficiosum* which was made in legal form, "sed non ex officio pietatis." For instance, if a man had exheredated his own children, or passed over his parents, or brothers or sisters, the will was in form a good will; but if there was no sufficient reason for this exheredation or praeterition, the persons aggrieved might have an *inofficiosi querela*. The ground of the complaint was the allegation that the testator was "non sanae mentis," so as to have capacity to make a will. It was not alleged that he was furiosus or demens, for these were technical words which implied complete legal incapacity. Perhaps this fiction of insanity was derived from Greek law, *μανία* of the testator having been the alleged ground under early Attic law for actions brought by relations to set aside wills in which they were disinherited (Schulin, 16; Sohm, *Inst.* § 100, n. 6). No person could maintain a *querela inofficiosi* except brothers and sisters of the same father, and brothers and sisters could only maintain their claim against *scripti heredes* who were *turpes personae*. The complaint also could only be maintained in cases where the complaining parties had no other right or means of redress. Originally the querela could be brought if less than one-fourth of the share of the claimant *ab intestato* was left to him, whether as heir or legatee was immaterial, by the law of Justinian. If any portion, however small, was left by the will to the complaining party, he could not maintain a *querela inofficiosi*, and he was only entitled to so much as would make up his proper share (*portio legitima*). If the judex declared the testamentum to be inofficiosum, it was rescinded, and the querelant succeeded *ab intestato*; but if there were several heredes, the testament would only be rescinded as to him or them against whose institution the judex had pronounced. The querela was tried by the centumviral court, as long as the court existed. [CENTUMVIRI.] (Plin. *Ep.* v. 1; Inst. ii. 18; Dig. 5, *de Inofficioso Testamento.*)

Justinian made various changes in the rules restricting testamentary freedom in favour of near relations. 1st. He provided that if anything was left to such relation he was not to be entitled to the querela, but only to the actio ad supplendam legitimam. 2nd. By 18 Nov. he increased the amount of the *portio legitima*. 3rd. By 115 Nov. he amalgamated the law respecting formal exheredation of sui heredes with that respecting inofficiositas. He obliged ascendants and descendants respectively to institute one another heredes, if there was a right of succession in the event of intestacy, and only allowed exheredation on certain grounds expressed in the statute. A testator had to declare a statutable ground of exheredation in his will. If a relation entitled under this law was instituted, but not so much as his portio legitima was left to him, he had the actio ad supplendam legitimam. If not instituted, he had the querela inofficiosi testamenti, unless he had been exheredated for due cause. The effect of the querela was not to set aside the will altogether, but to let in the querelant to the extent of his intestate share.

The *querela inofficiosi* is explained by Savigny with his usual perspicuity (*System*, &c. vol. ii. p. 127). When a testator passed over in his will any of his nearest kinsfolks, who in the case of intestacy would be his heredes, this gave rise to the opinion that the person thus passed over had merited this mark of the testator's disapprobation. If this opinion was unfounded, the testator had done an unmerited injury to the person, and his remedy was by getting the will set aside, as made under the influence of passion. If the will was set aside, the testator was thereby declared to have died intestate, and the complainant obtained the hereditas which

was the immediate object of the querela, or his share of it. But the ultimate object of the querela was the public re-establishment of the injured honour of the complainant, who in this action appeared *in a hostile position with respect* to the testator who had brought his character into question. Consequently this action had for its ultimate object vindicta, and the peculiarity of the action consisted in the difference between this ultimate object of the action and the immediate object of it (property), which was merely a means to the ultimate object. [VINDICTA.]

There is no evidence to show when the querela inofficiosi was introduced as a mode of setting aside a will. The phrase *testamentum inofficiosum* occurs in Cicero, and in Quintilian (*Inst. Or.* x. 2).

Codicilli were an informal will: they may be defined to be a testamentary disposition of such a kind which does not allow any direct universal succession, and, consequently, neither the direct appointment nor exheredation of a heres, even though the codicilli are confirmed by a testament; but he who was appointed heres by a testament might be requested by codicilli to give the hereditas to another altogether or in part, even though the codicilli were not confirmed by a testament. A legacy could not be given by codicilli, unless the codicilli were confirmed by a will; and this must be the case to which Pliny refers (*Ep.* ii. 16). Acilianus had made Pliny "heres ex parte," but he had also made codicilli in his own handwriting, which, as Pliny alleges, were void (*pro non scriptis habendi*) because they were not confirmed by the will. Now, as already observed, it appears from Gaius (ii. 273) that a person who was appointed heres by a will might be required by codicilli to give the whole hereditas or a part to another, even though the codicilli were not confirmed by a will. But Pliny is speaking of codicilli which were void for want of a testamentary confirmation; and this, as we learn from Gaius, is the case of a legacy given by codicilli which have not been confirmed by a will. This confirmation might be either prospective or retrospective ("si in testamento caverit testator, ut quidquid in codicillis scripserit, id ratum sit," Gaius, ii. 270; "quos novissimos fecero," Dig. 29, 7, 8). This passage of Pliny as to the confirmation of codicilli by a testament has sometimes been misunderstood. It is stated (Dig. 29, 7, 8), "Conficiuntur codicilli quatuor modis: aut enim *in* futurum confirmantur aut in praeteritum, aut per fideicommissum testamento facto aut sine testamento." These four modes are referred to in Gaius: the first two are contained in the words above quoted, "Si in testamento," &c.: the third is the case of the heres institutus being required to give the hereditas to another person by codicilli non confirmati; and the fourth is the case of a fideicommissum given by codicilli of a person who made no other testamentary disposition. It was a rule of law that codicilli, when duly made, were to be considered (except in a few cases) as incorporated in the will at the time when the will was made, a principle which led to various legal conclusions, which the Roman jurists deduced with their usual precision (Dig. 27, 7, 2).

Originally there was probably no particular form required for codicilli; but there must have been evidence of their containing the testator's intention. Subsequently witnesses were required, and five witnesses were sufficient for codicilli made in writing, if the witnesses subscribed their names to the codicilli (Cod. 6, 36). But a man could, without writing and in the presence of five witnesses, impose a fideicommissum on his heres. A testament which was defective as such, might be effectual as codicilli. The power to make codicilli was the same as the power to make a testament. (Dig. 29, 7, *de Jure Codicillorum*; Inst. ii. 25.)

The articles on HERES, BONORUM POSSESSIO, LEGATUM, FIDEICOMMISSUM, &c., should be read with this article. (Gaius, ii. 101–108; Ulp. *Frag.* xx.; Inst. ii. 10, &c.; Dig. 28, 1; Cod. 6, 23; Vangerow, *Pandekten*, &c., ii. § 427, &c.; Holder, *Erbrecht*; Köppen, *System Erbrechts*; Schirmer, *Handbuch des röm. Erbrecht*; Dernburg, *Beitr. zur Gesch. der röm. Test.*; Vering, *Römisches Erbrecht*; Gans, *Das Erbrecht.*)

[G. L.] [E. A. W.]

TESTIS, a witness. 1. GREEK. [MARTYRIA.] 2. ROMAN. [JUSJURANDUM.]

TESTU'DO (χελώνη), a tortoise, was the name given to several other objects.

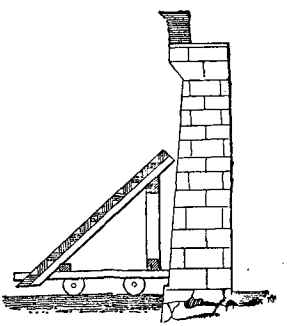
1. To the Lyra, because it was sometimes made of a tortoise-shell. [LYRA.]

2. To an arched or vaulted roof (Verg. *Aen.* i. 505; Cic. *Brut.* 22, 87). Thus, for instance, in a Roman house, when the Cavum Aedium was roofed all over and had no opening or compluvium in the centre, the Cavum Aedium was called Testudo (Varr. *L. L.* v. 161, ed. Müller). [DOMUS, Vol. I. pp. 670, 685.]

3. In military affairs testudo (χελώνη) is used as a generic term for all kinds of movable roofs used to protect men or engines. The first mention of a χελώνη is in Xen. *Hell.* iii. 1, 7. There were different kinds of such shed-like constructions, all of which were made of wood and mounted on wheels.

(*a*) χελώνη κριοφόρος (*testudo arietaria*, Vitruv. x. 19 (13), 7) was a shed-like protection for the battering-ram; see ARIES.

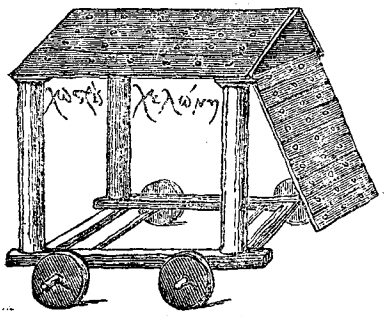
(*b*) χελώνη διορυκτρίς (Apollod. 138, Wescher) or ὀρυκτρίς (Anonym. *ap.* Wescher, p. 214), used for protecting soldiers when they were undermining a wall. Its front was quite perpendicular, so that it could be run up close to the wall; and the line of the roof formed by the two sides, which sides themselves sloped down to the ground, extended backwards as in the accompanying cut (taken from Marquardt, *Staatsverwalt.* ii.² 529; cf. in some measure Wescher, *Poliorcétique des Grecs*, fig. lvii.). This is the way Vitruv. x. 21 (15), 1, and Athen. *de Mech.* 19 Wescher, are to be reconciled; for the figure given by Müller in Baumeister (fig. 577,



χελώνη διορυκτρίς.

vol. i. p. 540) does not agree with Vitruvius, *l. c.*

(*c*) χελώνη χωστρὶς (Diod. ii. 27; "testudo quae ad congestionem fossarum paratur," Vitruv. x. 20 (14), who elaborately describes it after Philo the Athenian, giving numerous measurements) was used when the ground in front of the walls of a besieged town had to be altered in any way to further the siege, *e.g.* ditches to be filled, acclivities levelled, &c. Its distinctive feature was that it had on the front next the enemy a sloping roof, as in the subjoined cut.



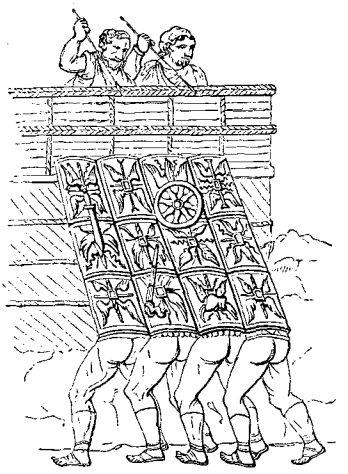
χελώνη χωστρίς.

The size of this testudo, as that of other testudines, of course varied. That described by Philo appears to have been about 39 by 35 feet (Droysen, *Griech. Kriegsalt.* p. 227). All the testudines were as a general rule covered with a double layer of fresh hides, which were stuffed with sea-weed or chaff steeped in vinegar, or other non-inflammable substances (Vitruv. *l. c.*). These coverings were called *centones*, and sacks of this nature were also used for extinguishing fires (Dig. 33, 7, 12) and for receiving the blows of missiles discharged from engines (Caes. *Bell. Civ.* ii. 9).

(*d*) χελώνη ἀρετή (Athen. *de Mech.* 38 Wescher), probably like (*b*), except that its roof appears to have been arched, not pointed. It seems to have been specially adapted to withstand great weights when hurled down on the besiegers (Apollod. p. 138 *fin.* Wesch.).

For further details on these testudines, see Vitruvius, *l. c.*; Apollodorus, pp. 140 ff., 154 ff., Wescher; and Droysen, *Griech. Kriegsalt.* pp. 287 ff.

4. The name of Testudo was also applied to the covering made by a close body of soldiers: the soldiers of the outside rank placing their long semi-cylindrical shaped shields (*clipei*, ἀσπίδες) in front, and the others placing their flat shields (*scuta*, θυρεοί) over their heads to secure themselves against the darts of the enemy. The shields fitted so closely together as to present one unbroken surface without any insterstices between them, and were also so firm that men could walk upon them, and even horses and chariots be driven over them (Dio Cass. xlix. 30). A testudo was formed (*testudinem facere*) either in battle to ward off the arrows and other missiles of the enemy (cf. Liv. x. 29, 6, 12; and *phalange facta* in Caes. *Bell. Gall.* i. 24), or, which was more frequently the case, to form a protection to the soldiers when they advanced to the walls or gates of a town for the purpose of attacking them (Dio Cass. *l. c.*; Liv. x. 43; xxxi. 39, 14; xxxiv. 39, 6;—Caes. *B. G.* ii. 6; Sall. *Jug.* 94; Tac. *Ann.* xiii. 39; *Hist.* iii. 27, 31. See cut annexed, taken from the Antonine Column).



Testudo of shields.

Sometimes the shields were disposed in such a way as to make the testudo slope. The soldiers in the first line stood upright, those in the second stooped a little, and each line successively was a little lower than the preceding down to the last, where the soldiers rested on one knee. Such a disposition of the shields was called *Fastigata testudo*, on account of their sloping like the roof of a building, κεραμωτῷ καταρρύτῳ παραπλήσιον (Polyb. xxviii. 12). The advantages of this plan were obvious: the stones and missiles thrown upon the shields rolled off them like water from a roof; besides which, other soldiers frequently advanced upon them to attack the enemy upon the walls. The Romans were accustomed to form this kind of testudo, as an exercise, in the games of the Circus (Liv. xliv. 9; Polyb. xxviii. 12). [W. S.] [L. C. P.]

TETRADRACHMON. [DRACHMA.]

TETRARCHA or TETRARCHES (τετράρχης). This word was originally used, according to its etymological meaning, to signify the governor of the fourth part of a country (τετραρχία or τετραδαρχία). We have an example in the ancient division of Thessaly into four tetrarchies, which was revived by Philip (Harpocrat. *s. v.* Τετραρχία: Strabo, ix. p. 430; Demosth. *Phil.* iii. p. 117, § 26; Eurip. *Alcest.* 1154; Thirlwall's *Greece*, vi. pp. 13, 14; Gilbert, *Staatsalt.* ii. 13). [TAGUS.] Each of the three Gallic tribes which settled in Galatia was divided into four tetrarchies, each ruled by a tetrarch. [PAGUS.] (Strabo, xii. pp. 566, 567; Plin. *H. N.* v. § 42.) This arrangement subsisted till the later times of the Roman republic (Appian, *Mithrid.* 46; *Syr.* 50; *Bell. Civ.* iv. 88), but at last the twelve tetrarchs of Gallograecia were reduced to one, namely Deiotarus (Liv. *Epit.* xciv.; Cic. *pro Deiot.* 15; Hirtius, *de Bell. Alex.* 67). Some of the tribes of Syria were ruled by tetrarchs, and several of the princes of the house of Herod ruled in Palestine with this title

(Plin. *H. N.* v. § 16, 19;—Joseph. *Antiq.* xiv. 13, § 1, xvii. 8, § 1, xi. 4, § 18, xvii. 11, § 1, xi. 2, § 2; *Vit.* 11; Marquardt, *Staatsverw.* i. 401).

In the later period of the Republic and under the Empire, the Romans seem to have used the title (as also those of *ethnarch* and *phylarch*) to designate those tributary princes who were not of sufficient importance to be called kings. (Compare Lucan, vii. 227; Sallust, *Catil.* 20; Cic. *pro Mil.* 28, 76, *in Vatin.* 12, 29; Hor. *Sat.* i. 3, 12; Vell. Paterc. ii. 51; Tac. *Ann.* xv. 25.) [P. S.]

TETRASTY'LOS. [TEMPLUM.]

TETRO'BOLUS. [DRACHMA.]

TETTARACONTA, HOI (*οἱ τετταράκοντα*), *the Forty* (Isocr. *Antid.* § 237; Dem. *c. Pantaen.* p. 976 § 33), one of the minor magistracies at Athens, were also called *δικασταὶ κατὰ δήμους*, "district judges" (Id. *c. Timocr.* p. 735, § 112); but except in these passages they seem only to be mentioned by the grammarians. Their number was originally thirty, but was increased to forty after the expulsion of the Thirty Tyrants, in consequence, it is said, of the hatred of the Athenians for the number thirty (Harpocrat., quoting Aristotle; Suid. [in the same words]; Pollux, viii. 100). They were chosen by lot, apparently in equal numbers from each tribe: Demosthenes (*Timocr.* l. c.) speaks slightingly of them as unimportant persons in whom no qualification of property or ability was required. They went on circuits through the demes (urban as well as rural, Lips. *Att. Proc.* p. 91), and decided of their own competence trivial causes where the matter in dispute was not above the value of ten drachmas; beyond that amount they carried the cause before the *διαιτηταί*, and themselves acted as *εἰσαγωγεῖς*: that is, they received the accusation, drew up the indictment, and attended to all that was understood in Attic law by the *ἡγεμονία δικαστηρίου* (Poll. *l. c.*). Isocrates somewhat vaguely describes those who were brought before them as *τούς τ' ἐν τοῖς ἰδίοις πράγμασιν ἀδικοῦντας καὶ τοὺς μὴ δικαίως ἐγκαλοῦντας*. The extent of their jurisdiction in cases of *αἰκία* and *τὰ περὶ τῶν βιαίων* (Dem. *Pantaen.* l. c.) has been a matter of some dispute; but Schömann, Teuffel (*ap.* Pauly, *s. v. τεσσαράκοντα*), and Lipsius are unquestionably right in limiting their power of decision to "slanders and assaults of minor importance" (*nichtpeinliche Injurienklagen*). In aggravated or murderous assaults, including rape [BIAION DIKÉ], their office must have been that of *εἰσαγωγεῖς*. We cannot suppose their criminal jurisdiction to have been more extensive than their civil; it is not in keeping with Athenian institutions that men who could only decide up to the amount of ten drachmas should have tried offences which were in many cases capital. It has been suggested that in these serious cases (*e.g.* the aggravated assault which forms the subject of the speech *against Conon*) they acted as a jury under the *ἡγεμονία* of the Thesmothetae; but, as we have said elsewhere, their number was much too small for an Athenian jury (cf. *Class. Rev.* i. 15), and it is not likely that they ever acted as *δικασταί* in the ordinary sense. For the Athenian practice of employing small courts only in trifling cases, a *δικαστῶν πλῆθος* in others, cf. Aristot. *Pol.* iv. 13 (16) = p. 1300 b, 23 and 32.

Like other magistrates, they had their *σανίδες* or white boards on which legal notices were posted (Isocr. *l. c.*), and were responsible (*ὑπεύθυνοι*) for their conduct in office. When Demosthenes (*Timocr.* l. c.) speaks of them as having to account for public monies, this must refer to the court fees (*πρυτανεῖα*) deposited by the suitors. Whether they exercised their jurisdiction jointly as a board, or in certain divisions, is not expressly stated; but it is almost certain that they sat by tribes, *i.e.* in boards of four, and that the tribal judges rather obscurely alluded to by Lysias (*c. Pancl.* § 2) and Isaeus (*ap.* Harpocrat. *s. v. ὅτι*) are to be identified with the Forty. Their connexion with the tribes suggests that they may have been established by Cleisthenes, though on this point also we have no precise information. We need not, however, understand that before his legislation no cases were tried in the demes, and that the parties were compelled to go into the city for every little legal dispute (Schömann, p. 474).

The grammarians seem sometimes to have confused the district judges with other officers: with demarchs (Schol. *ad* Aristoph. *Nub.* 37; cf. Schömann, p. 474 n.; *Att. Proc.* p. 53 Lipsius); and under their older name of *τριάκοντα* with the thirty assistants of the Lexiarchi (Phot. *s. v. τριάκοντα*: ECCLESIA, p. 698 *b*). The statement of the scholiast Ulpian (on Dem. *c. Mid.* p. 542, § 86) as to the number of the Diaetetae has been proved by inscriptions to be impossible as regards that body [DIAETETAE, Vol. I., p. 621 *a*]; whereas the figures given, with the slight correction of Heraldus (*ἦσαν δὲ τεσσαράκοντα, τέσσαρες καθ' ἑκάστην φυλήν*), are exactly applicable to the *κατὰ δήμους δικασταί* (Lips. *Att. Proc.* p. 91 n.). (Cf. Pollux, viii. 40; Harpocrat. *s. v. κατὰ δήμους δικαστής*: *Lex. Seguer.* pp. 306, 15, 310, 21; Schömann, *Ant. Jur. Publ.* p. 267, 10, *Antiq.* i. 473 f., E. T.; and esp. *Att. Process*, pp. 88–93, Lipsius). [W. S.] [W. W.]

THALLO'PHORI (*θαλλοφόροι*). [PANATHENAEA, p. 327 *a*.]

THALY'SIA (*θαλύσια*), a festival celebrated in honour of Dionysus and Demeter (Menand. Rhet. quoted by Meursius), or according to others of Demeter alone, as it is described by Theocritus in his seventh idyll, and by the grammarians who wrote the arguments to the same. It was held in autumn, after the harvest, to thank the gods for the benefits they had conferred upon men (Spanheim *ad* Callimach. *Hymn. in Cer.* 20 and 137; Wüstemann *ad* Theocrit. *Idyll.* vii. 3). [L. S.]

THARGE'LIA (*θαργήλια*), a festival celebrated at Athens on the 6th and 7th of Thargelion (= about May 24, 25) in honour of Apollo and Artemis (*Etym. M.*; Suidas, *s. v. Θαργήλια*), as their birthdays (cf. DELIA), or according to the Scholiast on Aristophanes (*Equit.* 729) in honour of Helios and the Horae; the latter statement, however, is in substance the same as the former. The Apollo who was honoured by this festival was the Delian Apollo, Apollo Patrous (Athen. x. p. 424).

The Thargelia and the Delphinia were the chief festivals of Apollo at Athens. The word *θαργήλια* means generally the fruits of the earth as derived from the sun's heat, or else the first fruits of the crop (*Etym. M.* 443). Now it was an old custom to send an offering of corn each

year to the Delian Apollo; and when Apollo was adopted by the Athenians into the circle of their divinities, the offering still continued. This was doubtless the nucleus of the festival.

The first act was the sacrifice of a sheep on the 6th to Demeter Chloe (Schol. on Soph. *Oed. Col.* 1600), who appears to have had a temple on the Acropolis (Schol. on Aristoph. *Lys.* 835). It is an error to suppose that this is the Χλόεια, and that the latter festival was held on the 6th of Thargelion (= about May 24th); for the corn was not green in Thargelion; nor can that month be called *περὶ τὸ ἔαρ*, which is the time specified by Cornutus for the Chloea (*περὶ τὸ ἔαρ Δήμητρι Χλόην θύουσι, Nat. Deor.* 28), for Dionysius (i. 63) mentions the 23rd of Thargelion as occurring towards the end of summer. Then followed still on the sixth a great purificatory sacrifice (Plut. *Symp.* viii. 1, 2 = 717 Reiske; Diog. Laërt. ii. 44; Harpocrat. *s. v. φαρμακός*). The manner in which this purification was effected is very extraordinary and certainly a remnant of very ancient rites, for two persons were put to death on that day, and the one died on behalf of the men and the other on behalf of the women of Athens. The name by which these victims were designated was *σύβακχοι* (Hellad. *ap.* Phot. 534) or more usually *φαρμᾰκοί* (in Ionic, as always in Hipponax, *φαρμᾰκοί*: cf. Bergk, *Lyr. Graec.* ii. p. 462): according to some accounts both of them were men, but according to others the one who died on behalf of the women was a woman and the other a man (Hesych. *s. v. Φαρμακοί*). On the day when the sacrifice was to be performed the victims were led to the different temples of Apollo in the city, —to those of Apollo Patrous, Delphinius, and Pythius (cf. Mommsen, *Heort.* p. 421),—and afterwards out of the city to a place near the sea, with the accompaniment of a peculiar melody, called *κραδίης νόμος*, played on the flute (Hesych. *s. v.*). [Schömann (*Griech. Alterthümer*, ii. 456), however, says the *κραδίης νόμος* does not apply to this: cf. Plut. *de Musica*, 1133.] The neck of the one who died for the men was surrounded with a garland of black figs, that of the other with a garland of white ones; and while they were proceeding to the place of their destiny, they were beaten with rods of fig-wood, and figs and other things were thrown at them. Cheese, figs, and cake were put into their hands that they might eat them. They were at last burnt on a funeral pile made of wild fig-wood, and their ashes were thrown into the sea and scattered to the winds (Tzetzes, *Chil.* v. 726). Some writers maintain that they were thrown into the sea alive, as at Leucas (cf. Strabo, x. 452), but the matter is very uncertain. We are not informed whether this expiatory and purifying sacrifice was offered regularly every year, but from the name of the victims (*φαρμακοί*) as well as from the whole account of Tzetzes, which is founded on good authorities, it appears highly probable that an actual sacrifice only took place in case of a heavy calamity having befallen the city (*νοσούσης τῆς πόλεως*), such as the plague, a famine, &c.; and that in ordinary times (cf. Müller, *Dorians*, i. 329) the solemnity was merely formal. Schömann (*op. cit.* ii. 254, 456) is of opinion that the victims were condemned criminals: but while there is no evidence for the statement, there is an *a priori* improbability that a sin offering would be made of those whose lives were forfeit in any case. Tzetzes (*l. c.*) says the victim was *τὸν πάντων ἀμορφότερον* (a very Greek idea), and Schol. on Aristoph. *Ran.* 733 says they were *τοὺς φαύλους καὶ παρὰ τῆς φύσεως ἐπιβουλευομένους, i.e.* deformed. At Massilia a somewhat similar solemnity was almost certainly formal. One of the poorer classes voluntarily gave himself up to be supported for a year; after which time he was clad in sacred garments, led through the city with execrations heaped on him, and thus bearing as was supposed all the ills of the state was cast out beyond the boundaries (Petron. *ap.* Serv. on Verg. *Aen.* iii. 57). What persons were chosen as victims on such occasions is not mentioned, and we only learn from Suidas (*s. v. Φαρμακοί*) that they were kept at the public expense (*δημοσίᾳ τρεφόμενοι*).

On the second day of the Thargelia, the 7th, there was offered a thank-offering to the Sun-god; and, as at the Pyanepsia, the children bore about branches of olive, bound with wool, called *εἰρεσιῶναι*, which they finally hung up before the doors (Schol. Aristoph. *Eq.* 729; *Plut.* 1054). Porphyrius (*Abstin.* ii. 7) gives a long list of natural and artificial products which were offered on this day to Helios and the Horae, beginning with the moist earth (*ἰλύς*), from which all things spring (cf. Hermann, *Gottesd. Alt.* § 60, 8). The second day of the Thargelia was also solemnised with a procession, and an agon which consisted of a cyclic chorus performed by men and boys at the expense of a choragus (Lysias, *de Muner. accept.* § 1; Antiphon. *de Choreut.* §§ 11, 12, 13; *C. I. G.* 213). At the Thargelia each choragus had two tribes allotted to him, out of which he was to supply a chorus (Antiph. *l. c.*; Schol. on Dem. *Lept.* 465, § 27). The prize of the victor was a tripod, which he was required to dedicate in the Temple of Apollo which had been built by Peisistratus (Suidas, *s. v. Πύθιον*). At the assembly of the Thargelia crowns were proclaimed (Law *ap.* Dem. *Mid.* 517, § 10). The Archon Eponymus and his *ἐπιμεληταί* had the management of the festival (Poll. viii. 89). On this day it was customary for persons who were adopted into a family to be solemnly registered and received into the gens and the phratria of the adoptive parents. This solemnity was the same as that of registering one's own children at the Apaturia (Isaeus, *de Apollod. hered.* c. 15). [ADOPTIO (Greek).]

Respecting the origin of the Thargelia, there are two accounts. According to Istrus (*ap.* Phot. *Lex.* p. 467; *Etym. M.*, and Harpocrat. *s. v. Φαρμακὸς*) the *φαρμακοί* derived their name from a man *Φάρμακος*, who, having stolen the sacred phials of Apollo and being discovered by the men of Achilles, was stoned to death, and this event was commemorated by the awful sacrifice at the Thargelia. Helladius (*l. c.*), on the other hand, states that at first these expiatory sacrifices were offered for the purpose of purifying the city of contagious diseases, as the Athenians after the death of the Cretan Androgeus were visited by the plague: and there certainly was some connexion between the Delphinia and the Theseus-legend (Mommsen, *op. cit.* 421, note; Preller, *Griech. Myth.* i. 209). But probably this expiatory sacrifice was

appointed by Epimenides; for we know (Diog. Laërt. i. 110) that at his suggestion two youths, Cratinus and Ctesibius, were put to death and a plague was stayed. (See Meursius, *Graecia Feriata*, s. v. Θαργήλια: Bode, *Gesch. der lyrisch. Dichtkunst der Hellen.* i. p. 173, &c., where an account is also given of the κραδίης νόμος: K. F. Hermann, *Handb. der Gottesd. Alterth.* § 60, n. 4; Preller, *Griechische Mythologie*, i. 209; Schömann, *Griechische Alterthümer*, ii. 254, 455–6; A. Mommsen, *Heortologie der Athener*, 50, 53, 414–425.) [L. S.] [L. C. P.]

THEATRUM. As the Greek drama sprang from the choral dances round the altar of Dionysus, so the architectural form of the Greek theatre was developed from the circular dancing-place, the ὀρχήστρα. At first there was no chorus distinct from the general body of worshippers, all of whom were free to join in the dance. As soon as a regular Chorus was insti-

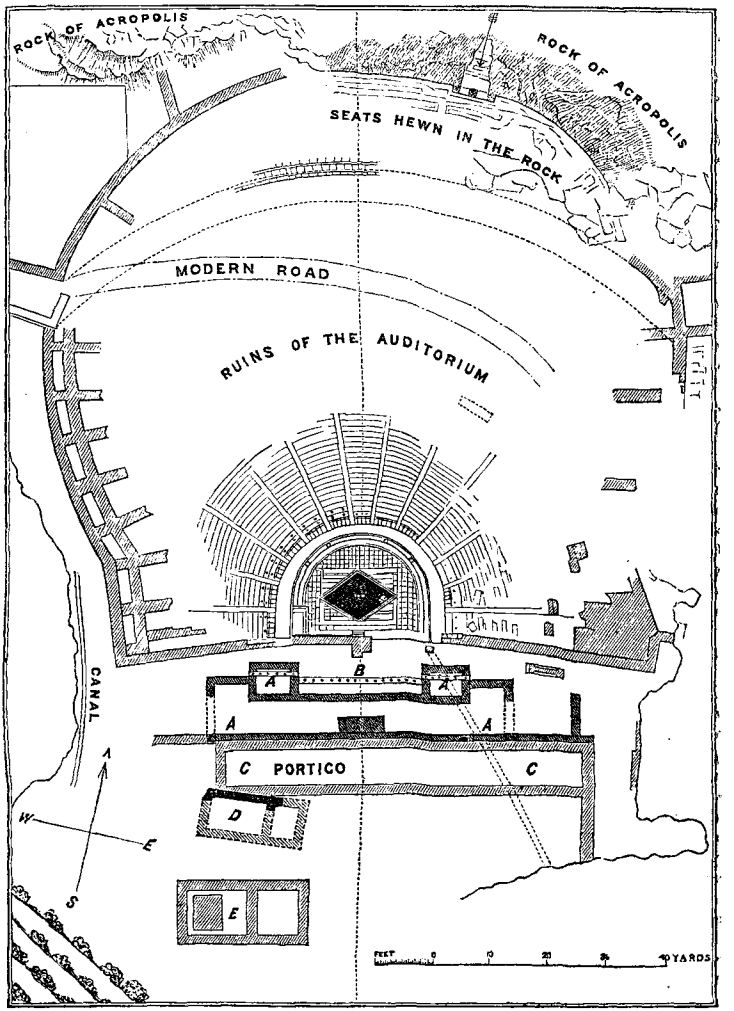


Fig. 1. Dionysiac Theatre.

tuted, it became necessary to reserve a circular space of ground for it. A ring of stones sufficed to mark off this circle. The altar of Dionysus was placed at its centre. The spectators stood around it, and watched the dance. So long as the dramatic element was limited to a dialogue between the Chorus and one actor, that person could stand on a raised place in the middle of the Chorus, and address himself to various points of the circle in turn. But when Aeschylus added a second actor, it became necessary that the actors should play towards some one side. It was no longer possible that the spectators should form a complete circle. They were now arranged in a semicircle, or something like it. But the whole circle of the dancing-place was still, as of old, kept clear for the Chorus. The actors stood facing the spectators, not within the circle of the dancing-place, but on the further side of it. Behind them was the tent

or booth (*σκηνή*) in which they dressed. It was an easy improvement to conceal this tent from the spectators by a wooden screen, which could represent the front of a house, or such other background as suited the play. This screen was the *προσκήνιον*—that which masked the *σκηνή*. In the matured theatre the term was retained, though its primitive sense may have been forgotten. The "proscenium" was the background visible to the audience, whether this was a temporary wooden structure, or, as in later times, a permanent wall. Then *σκηνή* came to denote that part of the theatre which belonged to the actors, as distinguished from *ὀρχήστρα*, the place of the Chorus. Thus the *κομμός*, a lyric dialogue between Chorus and actor, is defined by Aristotle as *θρῆνος κοινὸς χοροῦ καὶ ἀπὸ σκηνῆς* (*Poet.* 12): and he uses the phrase *ἐπὶ σκηνῆς* where we should say, "on the stage" (*ib.* 24).

The oldest theatre of which we have any knowledge is the Dionysiac theatre at Athens. It has generally been supposed that a permanent stone theatre existed in the *Λήναιον*, or precinct of Dionysus, from the early years of the 5th cent. B.C. This belief rested on a passage in Suidas (*s. v.* *Πρατίνας*). He states that "in the 70th Olympiad" (500–496 B.C.) Pratinas was exhibiting tragedy, in competition with Choerilus and Aeschylus, when "the wooden benches (*ἴκρια*) on which the spectators were standing happened to fall; and, in consequence of this (*ἐκ τούτων*), a theatre was built." But the history of the Dionysiac theatre has been placed in a new light by the recent researches of the German Archaeological Institute at Athens. The excavations, begun in 1886, have yielded the following results, according to Dr. W. Dörpfeld:—(1) In the 5th cent. B.C., and down to about 330 B.C., the precinct contained no permanent building for scenic purposes. There were in it two temples of Dionysus (Fig. 1, *D*, *E*), both to the south of the present theatre. The older of these (*D*), which was the more northerly, dated from a time before Peisistratus. Close to it, on the N.E., was a circular *ὀρχήστρα*, about 78 feet in diameter, of which traces have been found under the buildings erected by Lycurgus. This *ὀρχήστρα* was then the only permanent provision for drama. All scenery, therefore, was temporary; and the spectators sat on wooden benches. It is observed that Andocides, in the speech on the Mysteries (399 B.C.), speaks of the conspirators whom he observed within the precinct of Dionysus as *ἀπὸ τοῦ ᾠδείου καταβαίνοντας εἰς τὴν ὀρχήστραν*, not *εἰς τὸ θέατρον* (§ 38): and the latter word, when used by Aristophanes, always means "the spectators." (2) The first permanent building for drama in the *Λήναιον* was that completed by Lycurgus, about 330 B.C. It consisted of a stone wall with two small wings, like towers, projecting from it on right and left (*A*, *A*); the length of the wall between them was about 65 ft. 7 in. The temporary decorations (of wood, with linen hangings) were erected in front of this wall, and supported by the wings. Behind the wall was an oblong room, extending somewhat beyond the wings, and serving for the use of the actors. A portico (*C*, *C*), opening on the precinct of Dionysus, ran along the south side of it. The new orchestra was to the north of this building. Dr. Dörpfeld supposes that it formed, like the older one, a complete circle, and that there was no raised stage; the actors stood on the same level with the Chorus. Rows of stone seats for the spectators were now constructed. After the time of Lycurgus no change, except of detail, took place in the auditorium. (3) At some later date, which cannot be fixed, a permanent stone proscenium (*B*), adorned with columns, and about 10 or 12 ft. high, was built in front of the wall with projecting wings which Lycurgus had erected. As the wings no longer served a practical purpose (in supporting the temporary scenery), they were annexed to the new proscenium, a part being cut off the front of each, so as to bring them more nearly into line with it. (4) An architrave-inscription found in the theatre shows that it was modified and embellished in the reign of "Claudius," by whom Nero seems to be meant. It was probably at this time that the orchestra received its present pavement of Pentelic and Hymettos marble; the significance of the diamond-shaped figure traced in the centre is uncertain. To this period also is referred the erection of a raised stage, supported in front by a sculptured wall. (5) The latest recorded changes in the Dionysiac theatre are associated with the name of a certain Phaedrus, and took place probably in the 3rd cent. (*C. I. A.* iii. 239). To these belong the existing front wall of the stage, adorned with sculpture of an earlier period; also the balustrade which now separates the auditorium from the orchestra, and the partial covering of the orchestra-canal with marble flags.

It is maintained by Dr. Dörpfeld that, not only in the Dionysiac theatre, but in all theatres of the Greek type, the actors stood on the same level with the Chorus; a stage raised above the orchestra was a Roman invention; and where such a stage occurs in a theatre of Greek origin, it is a later addition, made under Roman influence. The Roman raised stage, he thinks, was developed, when a Chorus was no longer used, by depressing the level of the circular orchestra in that part of it—the part furthest from the actors—where the Chorus formerly stood. This startling theory is based chiefly on the nature of the proscenium as it appears in the remains of some Greek theatres. The theatre of Epidaurus (Fig. 2), built about the middle of the 4th century B.C., is the best-preserved example of the Greek type; excavations have lately been made in it by the Greek Archaeological Society (1883).

The orchestra forms a complete circle, defined by a ring of flat stones. Beyond this circle, on the side furthest from the audience, are remains of a wall, about 12 ft. high, adorned with Ionic half-columns, and flanked by slightly projecting wings; there was one door in it, at the middle point. This wall must have been either the background of the scene, or the front of a raised stage. It is argued that it must have been the background, because (*a*) 12 ft. would be too great a height for a stage; (*b*) the width of the stage—about 8 ft.—would have been too small; (*c*) there is no trace of steps leading from the top of the wall to the orchestra. A similar wall occurs in the theatre at Oropus, and is identified as the *προσκήνιον* by an inscription which it bears. The theatre in the Peiraeus affords another example.

On the other hand, several considerations tell in favour of the received view, that Greek actors, at every period, had a raised stage. (1) The statement of the architect Vitruvius, who wrote about 20 A.D., is decisive, so far as the Roman period is concerned. He states that the Greek theatre had a raised stage, about 10 or 12 ft. high, but narrower than the Roman; the Greeks, he says, called it λογεῖον. Vitruvius uses the word *proscaenium* to describe this stage; and the same use of the term occurs in other writers, both Roman and Greek (cf. A. Müller, *Gr. Bühnenalterthümer*, p. 54, n. 2). Dr. Dörpfeld is therefore reduced to assuming that Vitruvius has made a mistake,—confusing the background of the scene in a Greek theatre with the front of a raised stage. But it is absurd to suppose that Vitruvius should have made such a blunder about the Greek theatres of his own day; and that, having accurately described a raised stage which did not exist, he should also have invented a name for it, λογεῖον. (2) The theatre at Megalopolis in Arcadia has just been excavated by members of the British School at Athens (see an account by Mr. W. Loring in the *Report* of the School for 1890). The date of the theatre may be placed in the second half of the 4th century B.C. Here there is a raised stage, of which the height was originally about 6 ft., and the width about 18 ft. A flight of steps, extending from end to end of it, led down to the orchestra. That it was a stage, and not a background, is proved (*a*) by these steps, (*b*) by the fact that access was given to it by three doors in the wall behind it. There is no reason to doubt that this stage is of the same date as the auditorium. A later Roman stage has been found in front of it. By this example, then, the existence of a raised stage in a Greek theatre of the 4th century B.C. is placed beyond doubt.

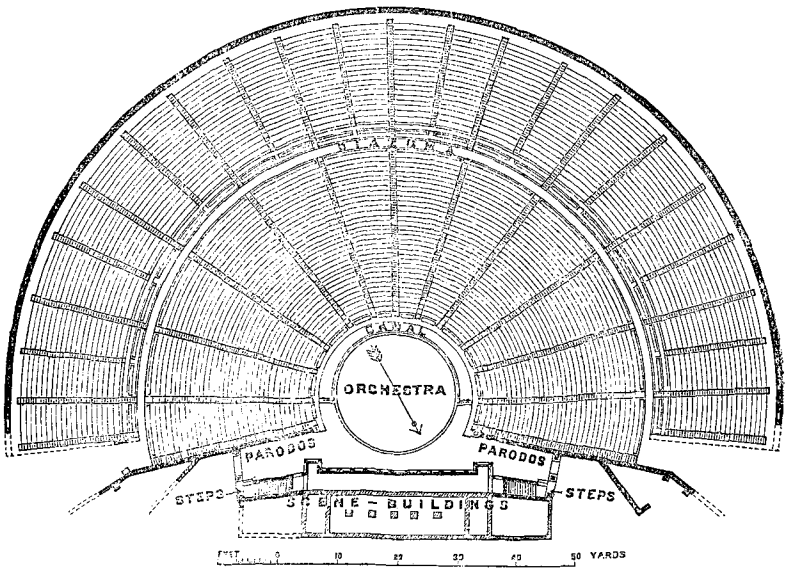


Fig. 2. Theatre at Epidaurus.

(3) With regard to the 5th century B.C., it was not to be expected that any remains of a raised stage should be found; temporary wooden structures would leave no trace. The Greek plays do not supply any literary evidence which can be deemed conclusive. There are some passages which indicate that the place where the actors stood was accessible to the Chorus (*e.g.* Soph. *Oed. Col.* 836 ff.);—as would be the case, if we supposed a stage with steps leading up to it, as at Megalopolis. Among the passages which seem to imply a raised stage, we may notice Ar. *Vesp.* 1514, where Philocleon says, ἀτὰρ καταβατέον γ' ἐπ' αὐτούς. This may, indeed, be rendered, "I must *enter the lists* against them;" but it also implies some change of position, more marked than such as would consist in moving merely from one spot in the orchestra to another, and would be most naturally explained by a descent into the orchestra from the stage. Some vases of Lower Italy, referable to the period 300–100 B.C., depict scenes from the Old Attic Comedy acted on a raised λογεῖον (cf. Baumeister, *Denkm.* pp. 1750 ff.). Plato (*Symp.* p. 194 A) speaks of the tragic poet Agathon as ἀναβαίνοντος ἐπὶ ὀκρίβαντα μετὰ τῶν ὑποκριτῶν. This probably refers, not to a performance in the theatre, but to the προάγων (TRAGOEDIA: cf. A. Müller, p. 365, n. 3). Still, it shows that the idea of placing actors on a raised platform was familiar to Athenians of the 5th century B.C. Even in the days before Thespis, when one member of the Chorus held a dialogue with the rest, he was mounted, we are told, on a kind of table (ἐλεός: Pollux, iv. 123). A recent writer suggests that the source of this story may have been a Comedy in which the beginnings of Tragedy were burlesqued (Hiller, *Rhein. Museum*, xxxix. p. 329). If this were so, it would only show that some sort of raised stage was conceived as necessary for even the most primitive

form of drama. Lastly, there is a strong *a priori* objection to the theory that actors and Chorus stood on the same level. The Chorus were usually drawn up in ranks facing the actors. With his cothurnus and mask, a tragic actor would still not overtop the Chorus by more than a head. Hence, a view of the actors would have almost been wholly denied to spectators whose seats were in the middle part of the lowest row. But those were the seats assigned to the most distinguished persons. This argument cannot be met by saying, as Dr. Dörpfeld does, that the Chorus was "usually" divided into ἡμιχόρια (leaving the actors visible between the two groups). Such an arrangement was not usual, but very exceptional. It may be allowed that, when the stage came to be as high as 12 ft., permanent means of communication between stage and orchestra cannot have existed, though temporary wooden steps might be employed at need. But before stages of that height came into use, such communication had ceased to be requisite, since the Chorus had no longer an active part in drama.

Vitruvius gives the ground-plan of a Greek theatre as follows. Describe a circle for the orchestra, and in it inscribe three squares. One side of one of these squares will represent the front line of the stage (A B). A parallel tangent to the circle will be the back wall of the stage (C D). The stage (*pulpitum*, λογεῖον) must be not less than 10, or more than 12 feet high. Next, parallel with A B, draw a diameter of the circle, E F. It will be seen in the diagram that at E and F the semicircle is so continued as to make a horse-shoe, ending at G H. The curves which thus continue it are segments of circles described from E and F as respective centres, with E F as radius. This is known as "the construction from three centres," viz., E, F, and the centre of the orchestra. The auditorium is shut in by lines which bisect the right angles at I and K. The space between G H and C D is a raised stage.

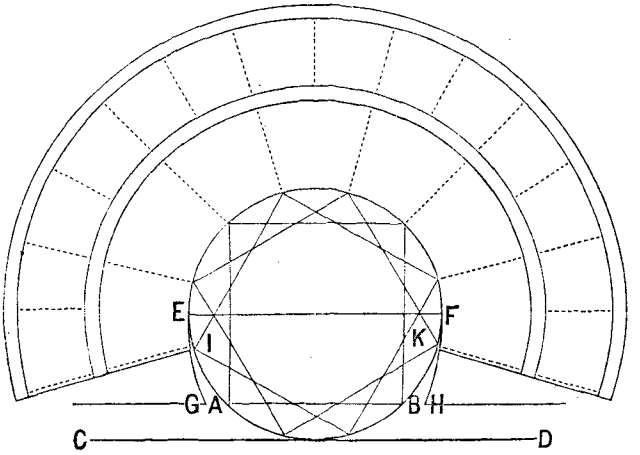


Fig. 3. Greek Theatre of Vitruvius.

The 4th century B.C. was the period at which stone theatres became usual in Greece. We may now proceed to consider their characteristics more in detail.

The ὀρχήστρα.—It has been seen that, even in the matured theatre, the "dancing-place" was still a complete circle, as in the old days of the cyclic choruses. Its central point was sometimes marked, either by a small pit (as at the Peiraeus), or by a stone (as at Epidaurus). Such marks probably indicate the spot on which the altar of Dionysus was to be placed. The word θυμέλη, "a place of sacrifice," means in classical poetry either "a shrine," or, more specifically, "an altar." Lexicographers and scholiasts often mention a θυμέλη in connexion with the theatre; but they do not agree as to what it was, nor do they furnish any certain clue. The most probable conclusion is that the θυμέλη was the altar of Dionysus, in the centre of the orchestra. Another view is that the name θυμέλη was transferred from the altar to a platform in the orchestra on which the altar was placed, and that this platform was the station of the Chorus,—connected by steps with the lower level of the orchestra (κονίστρα) and with the higher level of the stage (λογεῖον). It is true that the use of θυμέλη to denote a kind of stage was current in later times, when *thymelici*, "music-hall artists," were distinguished from actors proper (Isidore, *Orig.* xviii. 47). But this use arose under Roman influences, and cannot be assumed for the Greece of the 5th or 4th century B.C. A channel, to carry off rain-water, often surrounded the orchestra, being bridged by stones at the points from which the stairways led up to the seats.

The Auditorium.—In default of a special term like *cavea*, this is sometimes called θέατρον: though that word, when it does not mean the whole building, more often denotes the spectators (as we speak of "the house"). In the older Greek theatres the public entered by the side-passages (πάροδοι) between the proscenium and the orchestra,—the same which the Chorus used. Sometimes, indeed, we find an alternative mode of access, viz. by a path traversing high ground, and leading directly to one of the upper tiers:

this was the case at Athens, but it was exceptional. A crowd entering by the *πάροδοι* would find the pressure greatest at the mouths of the semicircular passage between the orchestra and the lowest row of seats,—before the spectators had distributed themselves to the several parts of the house. This fact helps to explain a peculiarity of construction. The lowest row of seats is not, as a rule, completely concentric with the orchestra, but is usually so contrived as to leave a wider space at the points just mentioned. A further advantage of this arrangement was that it afforded a better view to those who sat at each end of the semicircle.

Flights of steps ascending from the orchestra to the highest tier of seats divided the auditorium into wedge-like segments. The Greek word for such a segment was *κερκίς*, which properly meant "radius;" the Latin term was *cuneus*. A further division into upper and lower zones was effected by passages called *διαζώματα*, "girdles" (*praecinctiones*), which ran completely round the semicircle. At Epidaurus there is only one *διάζωμα*, which is not half-way between the lowest and highest tier, but nearer to the latter; and, while the lower zone (between the *διάζωμα* and the orchestra) is divided into only twelve *κερκίδες*, the upper contains twenty-two. At Athens only one *διάζωμα* can now be traced, but there may have been another: the number of *κερκίδες* is thirteen. The word *διάζωμα* can denote, not only the passage itself, but the zone which it marks off: thus "the eleventh row in the upper zone" is expressed by *τὸ ἐνδέκατον τοῦ δευτέρου διαζώματος βάθρον* (*C. I. G.* 4283). *ζώνη* is also used in that sense. Above the highest tier, another open passage ran round the house. The term *ἴκρια* properly denoted the wooden benches on which, in the earlier times, the spectators sat (cf. Ar. *Ach.* 24 f.: *ὠστιοῦνται ... περὶ πρώτου ξύλου*). When stone seats were introduced,—which at Athens does not appear to have occurred before the time of Lycurgus (*c.* 330 B.C.),—such seats were founded, where it was possible, on the natural rock of the slope. At Athens, as at Megalopolis, artificial substructions were required in several parts, and this must almost everywhere have been the case, more or less. The material used for the seats varied much. Sometimes it is marble, as at Iassus in Caria and Perga in Pamphylia; at Athens and in the Peiraeus, it is (for the ordinary seats) a white limestone, finely wrought; while the smaller provincial theatres were often content with coarser stone and workmanship. The tiers of seats were called *βάθρα* or *ἀναβαθμοί*. At Athens the space allotted to one person was indicated merely by a line engraved on the stone (as at Sparta by a groove): it is described as *ἕδρα*, *τόπος*, *χώρα*, *χωρίον*, or simply *θέα* (*θέαν ἀγοράζειν*, *καταλαμβάνειν*).

The privilege of *προεδρία* in the theatre was given chiefly to four classes of persons: (1) certain priests and priestesses, among whom the priest of Dionysus was foremost: (2) certain magistrates: (3) foreigners who were honoured in an official character, as *πρέσβεις* or *θεωροί*: (4) citizens or foreigners who were honoured in their personal capacity, as benefactors of the state. For such persons special seats were provided, like armchairs, called *θρόνοι* or *καθέδραι*. At Athens these chairs, made of Pentelic marble, occupy the whole of the lowest row, while others are placed in different parts of the house, though in no case higher up than the twenty-fourth row; those assigned to priests or officials bear their titles; thus the central chair of the semicircle is inscribed, ΙΕΡΕΩΣ ΔΙΟΝΥΣΟΥ ΕΛΕΥΘΕΡΕΩΣ. According to one recent view, the chairs in the lowest row date from the time of Lycurgus; it has more generally been supposed that all these chairs are of the Roman age,—as all the present inscriptions certainly are. At Epidaurus several rows of seats with backs and arms were assigned to those who enjoyed *προεδρία*. Elaborate ornament was often applied to such chairs,—the feet being shaped like lion's claws,—the front or back carved with mythical subjects in relief, etc.

The acoustic properties of a Greek theatre would be naturally good, since the actors had a high wall behind them and a rising slope in front. Vitruvius, indeed, says that artificial aid was sought from "brazen vessels," "which the Greeks call *ἠχεῖα*," so placed in the auditorium as to reverberate the voices of the actors. He even speaks of these "resonators" as being nicely adapted to the required musical pitch (ii. 1, 9). The theatre at Aizani in Cilicia has a series of niches above the *διάζωμα*: and similar niches exist elsewhere. According to one view, these niches held the *ἠχεῖα*, while another connects them merely with the substructions of seats. The statement of Vitruvius leaves no doubt that *ἠχεῖα* were used, at least sometimes, in the theatres of his own day: but it remains uncertain whether such a device was employed by the Greeks of an earlier time.

The outer wall enclosing the auditorium ordinarily followed the curve of the semicircle, unless the nature of the ground caused some deviation. At Athens the auditorium was partly bounded on the N. by the steep rock of the Acropolis, while the rest of its boundary was formed by strong walls of conglomerate. Where the external appearance of these walls became important, viz. in the S. and S.W. portions, they were cased with finely-wrought limestone. The general outline at Athens was that of a large segment of a circle, described from a centre considerably N. of the point which served as centre of the orchestra: for a small distance at the S.W. corner the curve passed into a straight line. Examples also occur in which the walls enclosing the auditorium were rectangular, as at Cnidus, and in the smaller theatre at Pompeii. The walls flanking the seats at each end of the semicircle were either carried in a single sloping line from the topmost tier to the orchestra, or built in a series of steps corresponding with the tiers. In the best Greek period such walls were not exactly parallel with the line of the proscenium, but started inwards a little, towards the centre of the orchestra. This was the case at Athens and at Epidaurus.

Scenic Decoration.—The testimonies on this subject are of two classes. (1) Notices in writers chiefly belonging to the Roman age, especially lexicographers and scholiasts. Among these the most important is the grammarian Julius Pollux (*flor.* 170 A.D.), in his *Onomasticon*, book iv., sections 128–132 (*περὶ ὑποκριτῶν σκευῆς*). As has lately been shown by Rohde (*De Iulii Pollucis in apparatu scaenico enarrando fontibus*,

Leipsic, 1870), the source principally used Pollux was a work by Juba, a writer of the later Alexandrian age, entitled *Θεατρικὴ ἱστορία*, in at least seventeen books; while Juba, in his turn, had sources going back to Aristophanes of Byzantium (200 B.C.), but not further. The besetting fault of Pollux, in abridging from this ample material, seems to have been an omission to distinguish between the normal and the occasional resources of the stage. (2) The second kind of evidence is that derived from the Greek dramatic texts themselves. This source, scanty as it is, is the principal one on which we have to rely in regard to the practice of the 5th and 4th centuries B.C. Not long ago it was the custom to treat the notices in Pollux and the other late authorities as if they could be applied without reserve to the great age of Athenian Tragedy and Comedy. A more critical study has shown the need of greater caution in this respect. It is not difficult to suppose that, when dramatic poetry had culminated, the art of scenic decoration may still have been very rude, while it is probable that much of the apparatus described by late writers had its origin under the Diadochi or the Empire. The history of our own stage could show a similar course, from the triumphs of poetry to those of mechanism.

In the extant plays of Aeschylus, Sophocles, Euripides, and Aristophanes, the action most often takes place in front of a house, with a "practicable" door; sometimes in front of a temple, a cottage, a tent, a cave, or a rock. Painted linen hangings, erected on a wooden frame, would have sufficed for such a background. Aristotle, in sketching the growth of Tragedy, says that Aeschylus added the second actor, and made the dialogue predominate over the choral part, while Sophocles introduced the third actor and the use of *scene-painting* (*σκηνογραφία*). Now, this last fact must have stood out clearly in Athenian tradition, which Aristotle had every means of knowing, when he thus coupled it with the other novelty as an invention distinctive of Sophocles. It is usually assumed, even by recent writers, that Aristotle is here irreconcilable with Vitruvius, who ascribes the introduction of scene-painting to Aeschylus. Such an assumption is not, we think, necessary. The words of Vitruvius (vii. *praef.* 11) are: "primum Agatharchus Athenis, *Aeschylo docente tragoediam*, scaenam fecit et de ea commentarium reliquit:" and he then goes on to say how the stimulus given by Agatharchus led Democritus and Anaxagoras to develop principles of perspective. The phrase, "while Aeschylus was exhibiting tragedy," merely describes Aeschylus as contemporary with the innovation. Sophocles first exhibited in 468 B.C., twelve years before the death of Aeschylus. Aristotle and Vitruvius are reconciled if we suppose that Sophocles introduced *σκηνογραφία* in the early days of his career; a fact which will also help us to understand why that improvement was peculiarly associated with his name. Even before Agatharchus had made a beginning of artistic *σκηνογραφία*, some ruder kind of drawing may have been used. Thus in the *Persae* of Aeschylus (472 B.C.) the palace was probably indicated. In the *Ion* of Euripides (*circ.* 421 B.C.), where the scene is laid at Delphi, the Chorus of Athenian maidens point with admiration to the hich adorn the front of the temple. We may suppose that some representation of these, though not perhaps a very elaborate one, appeared on the proscenium.

With regard to "massive" decoration, as distinguished from a painted background, the objects required by the texts are simple, such as altars, statues of gods or heroes, rocks, and seats. But the texts further prove that certain mechanical appliances were available at need. (1) The *ἐκκύκλημα* was a small movable stage on wheels, which could be rolled forward through the door in the proscenium. There was room on it for three or four persons, and it was low enough to allow of an actor stepping off it with ease. The most frequent use of the *ἐκκύκλημα* was when the corpse of a person slain within the house was to be shown to the audience,—sometimes with the murderer standing beside it. The moment at which the *ἐκκύκλημα* was pushed forward is often, though not always, marked in the text by a reference to the opening of the door. Examples are:—in Aesch. *Ag.*, Clytaemnestra is thus shown standing by the corpses of Agamemnon and Cassandra; in *Cho.*, Orestes with the corpses of Aegisthus and Clytaemnestra: in Soph. *El.*, Orestes and Pylades with the corpse of Clytaemnestra; in *Ant.*, the corpse of Eurydice: in Eur. *Herc. Furens*, Heracles with the corpses of his wife and children; in *Hippol.*, the corpse of *Phaedra*. But this was not the only case in which the appliance was used: it could also be employed for any *tableau* in the interior of a house. Thus in Aesch. *Eum.* the Pythia speaks the prologue in front of the temple, and then the *ἐκκύκλημα* is used to show Orestes at the omphalos within. Similarly in Soph. *Ai.*, when Tecmessa opens the tent, this machine serves to display Ajax prostrate amid the slaughtered cattle. As appears from some passages, the *ἐκκύκλημα* could be pushed far enough forward to admit of an actor entering, or making his exit, at the door behind it. It should be noted that the use of the *ἐκκύκλημα* is not merely an inference from later writers and from hints in Tragedy, but is proved by the two parodies in Aristophanes, where Euripides and Agathon are wheeled out, and are then once more withdrawn from view (*Ach.* 408 ff., *ἐκκυκλήθητ' . . . ἐκκυκλήσομαι*: *Thesm.* 265, *ἐσκυκλησάτω*). The exact nature of the *ἐξώστρα* is uncertain, but it was evidently akin to the *ἐκκύκλημα*, differing from it, possibly, only in the mode of propulsion. (2) Machinery for showing persons in the air was required by the appearances of the gods, and in some other cases,—as when Medea is seen above the palace in the chariot given to her by the Sun (Eur. *Med.* 1319), or when Trygaeus soars aloft on his beetle (Aristoph. *Pax*, 80). Two different contrivances seem to have been used: both were, of course, concealed by the proscenium. One was an apparatus worked by a wheel (*τροχὸς*) and ropes (*αἰῶραι*), and called *αἰώρημα*,—which was used when the person was to be seen gradually rising into the air, or descending from above. As Trygaeus rises into the air, he begs the operator to be careful: *ὦ μηχανοποιέ, πρόσεχε τὸν νοῦν ὡς ἐμέ* (Aristoph. *Pax*, 174). So in fragment 3 of the *Daedalus* the machinist is thus directed,—*ὁ μηχανοποιός, ὁπόταν βούλει τὸν τροχὸν | ἐλᾶν ἀνεκάς, λέγε,*

χαῖρε, φέγγος ἡλίου. The other device was a sort of platform, projecting from the wings at the back of the proscenium, close to its upper edge. This was the so-called θεολογεῖον, used when the apparition of a god or hero was to be *sudden*, as it is in Soph. *Phil.*, and in Eur. *I. T.*, *Helen.*, *Suppl.* The κρεμάθρα in which Socrates is suspended (Aristoph. *Nub.* 218) is a burlesque of the tragic appliances. (3) Akin to the θεολογεῖον must have been the contrivance used when a person is to appear on the roof of a palace (as the watcher in Aesch. *Ag.*: Antigone and the paedagogus in Eur. *Phoen.*, etc.). A wooden platform, high up behind the proscenium, would have sufficed: according to Pollux, it was called a διστεγία.

These seem to be the only forms of decoration or mechanism which can certainly be inferred from the texts of the tragedians and of Aristophanes. They are all compatible with a temporary wooden structure, and with a comparatively simple phase of scenic art. When, in the course of the 4th century B.C., permanent stone theatres became usual in Greek lands, the general character of scenic decoration was perhaps not at first affected thereby. Behind the proscenium there was now a permanent wall, forming the front of the building assigned to the actors. But the proscenium itself probably continued, for a time, to be temporary,—a wooden structure, with painted hangings. In the Dionysiac theatre, as Lycurgus left it, two small tower-like wings project from each end of the permanent back wall. These, it is conjectured, were designed to facilitate the erection of the wooden proscenium.

It may have been at this period that περίακτοι were first introduced. These were triangular wooden prisms, revolving on a pivot (whence the name), with scenery painted on each of their three faces. One περίακτος was placed at the left wing, and another at the right. They took the place of modern side-scenes, and also served to indicate changes of scene, according to a regular conventional method. The περίακτος on the spectator's right hand represented the locality in which the action was taking place. The περίακτος on his left hand represented a region outside of that locality. If, for instance, the scene of the play was laid at Delphi, the right-hand περίακτος would illustrate that place, while the other might represent the road leading to Athens. The same rule governed entrances and exits: a Delphian would come on from the right, a stranger from the left. If the scene was to be changed from one spot near Delphi to another in the same vicinity, the left-hand περίακτος would be turned so as to present a new face, but the right-hand one would be left unaltered. If the scene was shifted from Delphi to Athens, both περίακτοι would be turned. The first case was technically a change of τόπος: the second, of χώρα.

There are only two Greek plays in which it is necessary to assume a change of scene. In the *Eumenides* the action is transferred from Delphi to Athens: in the *Ajax*, from the front of the hero's tent to a lonely place on the sea-shore. It is probable that, in the first of these examples, the change was merely symbolised, by substituting the βρέτας of Athena for a statue of Apollo; while the building painted on the background was identified, first with the Delphian temple, and then with the Erechtheum. In the second example, if the background was a landscape, nothing was required but to remove the hangings which represented the tent. The use of περίακτοι in the 5th century B.C. cannot be proved from the dramatic literature. On the other hand, they would have been found peculiarly convenient when the old wooden proscenia, with painted hangings, were replaced by stone proscenia adorned with sculpture. At Epidaurus there is such a proscenium, with Ionic half-columns, which is probably of a later date than the rest of the building; and the small wings which slightly project from it at each end may have served, according to a probable conjecture, for the reception of περίακτοι. In the Dionysiac theatre a permanent proscenium was similarly introduced, after the time of Lycurgus. The projecting towers of his scene-building (noticed above) then became wings of the new structure, like those at Epidaurus. There is no evidence that, in addition to revolving scenery, the Greek theatre had scenes which could be shifted on grooves; though the Roman stage, as Servius tells us, had both (*scaena versilis—scaena ductilis*: on *Georg.* iii. 24).

Entrances for the actors.—Pollux speaks of three doors in the proscenium, the central one being called θύρα βασίλειος, because the chief persons of the play used it. Vitruvius confirms this statement. Ruins of the Hellenistic or Roman age show sometimes three doors, sometimes five. In the latter case, the two extreme doors may have opened, not on the stage, but on spaces at either side of it (παρασκήνια), used by actors waiting for their turns, or by officials. In the theatre at Megalopolis (4th cent. B.C.) there were three entrances to the stage. Only one entrance is traceable in the remains at Epidaurus, Zea, and Oropus respectively. It is on a level with the orchestra; hence those who disbelieve in a raised stage regard it as the entrance for the actors. But it may have passed beneath a raised stage, serving to give the *employés* of the theatre a direct access to the orchestra. How many doors there may have been in the painted hangings of the old wooden proscenia, we cannot tell. The 5th century texts show that, besides the door or doors in the proscenium, there were also entrances for the actors from the sides, right and left.

Pollux says that when ghosts appeared on the scene they came up either by ἀναπιέσματα (our "trap-doors"), or by the χαρώνιοι κλίμακες. It has generally been supposed that these κλίμακες led from the orchestra to the stage. This is the case at Megalopolis, where the steps extend along the whole front of the λογεῖον. Another theory is that they connected the stage with a passage beneath it, invisible to the spectators.

No curtain was used in the Greek theatre. When a play opened with a group in position (such as the suppliants in the *Oed. Tyr.*), the actors must have simply walked on to the scene, and assumed that position. When one play followed another, and the background had to be changed, that change took place before the eyes of the spectators. In such matters we cannot judge the feelings of Athenians, assembled at the Dionysia, by the requirements of modern play-

goers. At Athens dramatic idealism went hand in hand with scenic simplicity.

The Administration of the Theatre.—A Greek theatre was the property of the state, and the performances in it were acts of public worship, under state control. At Athens, in the 5th and 4th centuries B.C., drama accompanied two Dionysiac festivals,—the Lenaea, in January, and the Great Dionysia, in March. (We are not here concerned with the Rural Dionysia, in December,—at which, during this period, no *new* pieces seem to have been acted.) At each festival, both Tragedy and Comedy were produced; but the Lenaea was peculiarly associated with Comedy, and the Great Dionysia with Tragedy. There was a period, indeed, of some fifty years, dating from the first institution of the Great Dionysia (*circ.* 478 B.C.), during which Comedy alone appears to have been produced at the Lenaea. The cost of the performances at each festival was defrayed from three sources. (1) The theatre was let by the state to a lessee, who received the money paid for admission, and in return undertook certain charges. One of these, as appears from an extant document (*C. I. A.* ii. 573), was the maintenance of the building in good repair. Hence the classical name for the lessee, ἀρχιτέκτων (Dem. *de Cor.* § 28): later writers call him θεατρώνης (Theophrastus), or θεατροπώλης (Pollux). He was also bound to provide a certain number of free seats (as for the persons entitled to προεδρία): but for these he was probably reimbursed by the Treasury. The provision of scenery, and of costume for the actors (excepting the choreutae), appears also to have devolved upon the lessee. He was certainly charged with the custody of the scenery and of all the theatrical dresses and properties. He also paid the cashiers, the persons who showed spectators to their places, and all other *employés* of the theatre. (2) The second source of contribution was the choregia. For each festival the Archon Eponymus appointed as many choregi as there were competing poets; at the Great Dionysia the number was usually three for Tragedy and three for Comedy. The choregi were chosen from men nominated by the ten Attic tribes in rotation. The duty of the choregus was to furnish one chorus of fifteen persons for Tragedy, or of twenty-four for Comedy. He provided a suitable place for their training (χορηγεῖον), and maintained them till the festival was over. If the poet did not train them himself, the choregus had to find a χοροδιδάσκαλος. He had also to supply the flute-player (αὐλητής) who preceded the Chorus on entering or quitting the orchestra, and played the occasional music. He purchased the costumes, masks, etc., for the Chorus. But his task was not finished when the Chorus was trained and equipped. He had also to supply any mute persons (κωφὰ πρόσωπα) that might be required for the piece. (3) The third contributor was the state. When a poet had applied to the Archon for a Chorus, and his application had been granted, the Archon next assigned to him three actors, who were paid by the state. It did not rest with the poet to decide which of these three should be πρωταγωνιστής, etc.: he received them from the state already classified according to merit, as actors of first, second, and third parts. This classification rested ultimately on special ἀγῶνες in which actors were directly tried against each other, and which were distinct from the performances at the festivals. If a poet ever required a fourth actor (probably a very rare case), he could only go to the choregus, who might make an "extra grant" (παραχορήγημα). The state also paid the marshals (ῥαβδοῦχοι) who kept order in the theatre, and who were stationed in the orchestra. Lastly, a certain *honorarium* (distinct from the festival-prizes) was paid by the Treasury to each of the competing poets, according to the order in which they were placed by the judges.

The character of the dramatic contests as solemnities conducted by the state was strongly marked in the forms of procedure. A few days before the Great Dionysia, the ceremony called the προάγων ("prelude") was held in the old Odeion near the Enneacrunos. The competing poets, with their respective choregi, were then formally presented to the public; the actors and choruses were also present, in festal, but not in scenic, attire; and the titles of the plays to be produced at the approaching festival were officially announced. When the first day of the Great Dionysia arrived, the dramatic contests were preceded by the transaction of some public business in the theatre. It was then that crowns of honour were awarded for public services, and that the orphans of Athenians slain in war were presented to the citizens. In due course a public herald summoned the first on the list of competing poets. He entered the orchestra, attended by his choregus and chorus, and poured a libation at the thymele to Dionysus. His procession then withdrew; the orchestra was once more empty (until the Chorus should make its dramatic entrance); and the play began. One prize for Tragedy and one for Comedy were awarded by ten judges, taken by lot from a large number of persons whom the senate (with the choregi) had chosen from the tribes. At the close of the contests, five judges (taken from the ten by a second ballot) announced the awards. The successful poets were then crowned, before the audience, by the archon. Shortly after the festival, a public meeting, for business connected with it, was held in the theatre. Any complaints of misconduct which might have arisen were then heard; and officials who had distinguished themselves received public commendation.

The Audience.—According to a recent estimate, the Dionysiac theatre was once capable of seating about 27,500 persons. It must be remembered that all the upper tiers have been destroyed, and that the ancient capacity was enormously greater than it would appear from the seats which still exist. Plato was using round numbers when he spoke of "more than 30,000 Greeks" as present in the Dionysiac theatre at the tragic contests (*Symp.* 175 E), but it is quite conceivable that the number was sometimes nearer to 30,000 than to 20,000. The vast theatre at Megalopolis could hold, according to one modern computation, no fewer than 44,000 persons. Such numbers become intelligible when we consider that the Greek drama was essentially a popular festival, in which the entire civic body was invited to take part. Even young boys were present, both at Comedy and at Tragedy. Women were certainly present at Tragedy; and a fragment of Alexis shows that, in the 4th cent. B.C., they were

admitted to the performances of Comedy also. This, however, was the "Middle" Comedy—very different, in some respects, from the "Old" Comedy of Aristophanes. It would be a natural inference from the seclusion in which Athenian women lived that they were not admitted to the Old Comedy. But against this *à priori* argument may be set another,—viz. that, at the Dionysia, Tragedy and Comedy were merely different sides of one *ἀγών*: those who could participate in one were entitled to share in the other. A line drawn on grounds of decorum would dissever elements which, in the Dionysiac idea, were inseparable. There is no conclusive literary evidence. But one passage in Aristophanes (*Pax* 964 ff.) cannot be naturally explained except on the supposition that women were present. Another passage in the same play (*Pax* 50 ff.) speaks, it is true, of males only: but that is, obviously, because the speaker, a slave, is describing his *δεσπότης* to actual, or future, *δεσπόται*. At Athens the *μέτοικοι* were admitted to the theatre. (Their exclusion from the Lenaea is not proved by Aristoph. *Ach.* 507 f., even if v. 508 be sound.) Foreigners were also admitted, whether officials or private persons.

In the earliest days of Athenian drama, admission was doubtless free of charge; payment may have been introduced after the expulsion of the Peisistratidae, when the city began to find the cost too heavy. In the 5th and 4th centuries B.C. the price of admission for one day was two obols, or not quite 4*d*. Pericles introduced the system by which the state paid two obols to each citizen for each day of the Dionysiac festivals, in order that he might attend the theatre. This *θεωρικὸν* was partly defrayed from the tribute of the allies, and probably began about 454 B.C. It was distributed by the demarchs in the several demes; and, though it was first devised in the interests of the poor, the only condition of obtaining it seems to have been inscription on the *ληξιαρχικὸν γραμματεῖον* of the deme. The number of persons receiving the *θεωρικὸν* in 431 B.C. has been computed at 18,000. In its later and wider form (as extended to non-dramatic festivals) the *θεωρικὸν* became an abuse: in its original form it was substantially a state-grant in aid of education. All seats were of the same class, except those reserved for persons who had the right of *προεδρία*, and who paid nothing. (Cf. Dem. *de Cor.* § 28.) The places of payment were probably in the *πάροδοι* leading to the orchestra. Specimens of ordinary Greek theatre-tickets are extant. These are small leaden coins, bearing on one side some emblem of the theatre, such as a Dionysus with a tripod, or an actor's mask; and on the obverse, the name of an Attic tribe, or a numeral. Many examples have been published by Benndorf (*Zeitschr. f. d. österr. Gymn.* xxvi.). Another kind of theatre-ticket also occurs. This is a small round mark of bone or ivory, bearing on one side some artistic device (such as the head of a deity), and on the other a number (never higher than 15), in both Greek and Roman figures. These were tickets, of the Imperial age, for persons who had *προεδρία*. The numbers probably indicate divisions of the house. How far such division was carried is uncertain. It is a probable conjecture that at Athens a certain portion of the house (perhaps a whole segment, *κερκίς*) was allotted to each of the Attic *φυλαί*. This is confirmed by the occurrence of tribal names on the leaden tickets noticed above; also by the fact that the choregia was organised on a basis of tribes; and, lastly, by the analogy of Roman colonies in which certain *cunei* of the theatre were assigned to certain *curiae*. The members of the senate sat together in a definite part of the Dionysiac theatre (*τὸ βουλευτικόν*, Aristoph. *Av.* 794). For youths between the ages of 18 and 21, a space was similarly reserved (*τὸ ἐφηβικόν*).

The performances began in the morning, and lasted till evening; but it is attested by the comic poet Pherecrates—who gained his first prize in 438 B.C.—that the spectators had usually taken the morning meal (*ἄριστον*) before they came (Athen. x. 464 e). In the next century, however, we hear of performances beginning at daybreak (Aeschin. *in Ctes.* § 76). The older Athenian custom was for all the spectators to wear wreaths (as at a sacrifice); but this had perhaps gone out before 350 B.C. As the whole day was spent in the theatre, the visitors brought light refreshments (*τραγήματα*) with them. Choregi sometimes courted popularity by a distribution of cakes and wine: and Aristophanes has pilloried those rival poets who employed slaves to throw nuts about the house. An Athenian audience was closely attentive,—detecting the slightest fault of speech,—and highly demonstrative. Loud clapping of hands, and shouts of applause, expressed their delight; disapproval found vent in stamping with the feet, hissing, and hooting (*κλώζειν*). Never, probably, has the ordeal for an actor been more severe than it was at Athens. Persons of note who entered the house were recognised with frank favour, or the reverse. Indeed, the whole demeanour of Athenians at the Dionysia appears to have been marked by a certain sense of domestic ease, as if all the holiday-makers were members of one family.

From the latter part of the 4th century B.C. onwards, it became usual to produce drama, not merely at the Dionysia, but on any occasion of special rejoicing; a result partly due to the personal taste of Alexander the Great for theatrical shows of every kind. Hence the theatres gradually lost that sacred character which had been theirs so long as they were set apart for the worship of Dionysus. A further consequence was that they began to be used for various entertainments which had nothing to do with drama, such as the exhibitions of conjurers or acrobats, and, in the Roman age, gladiatorial shows, or combats with wild beasts. Even in the 5th century B.C., indeed, cock-fighting had been held on one day of the year in the Dionysiac theatre,—a custom which legend connected with an omen seen by Themistocles in the Persian wars: but this—unlike the later innovations—was consistent with the *religio loci*, since the cult of Asclepius had points of contact with that of Dionysus. Thus the *προάγων* of the Dionysia (noticed above) was held on the day, and near the place, of the sacrifice to Asclepius.

Mention has been made of the meetings for public business held in the Dionysiac theatre just before and after the Great Dionysia. In the latter part of the 5th century we hear of

the citizens convening the ecclesia in the theatre at Munychia, and in the Dionysiac theatre itself, when, under the Four Hundred, the Pnyx was not available (Thuc. viii. 93 f.). By 250 B.C. it had become usual to hold ordinary meetings of the ecclesia in the Dionysiac theatre; though the elections of magistrates (ἀρχαιρεσίαι) continued to be held on the Pnyx. From the 5th century B.C. the theatre had been the regular place for the bestowal of public honours, such as crowns. In later times a theatre was often also the scene of an exemplary punishment. One of the earliest instances is the execution of Hippo in the theatre at Messana, of which place he had been tyrant (*circ.* 338 B.C.; Plut. *Timol.* 34). Sepulchral inscriptions, of the Roman age—sometimes commemorating Christians — have been found both in the Dionysiac theatre and in the Odeum of Herodes Atticus; whence it has been conjectured that, in late times, burials occasionally took place within those precincts. As statues of Themistocles and Miltiades stood in the Dionysiac theatre, so, at every period of Greek antiquity, such places were adorned with monuments of statesmen and soldiers, no less than of poets, musicians, and actors. This was in accord with the true idea of the Greek theatre, which was not merely the home of an art, but also a centre of civic reunion.

The Roman Theatre.

Rome possessed no theatre of stone till 55 B.C. Just a century earlier such an edifice had been in progress, when P. Cornelius Scipio Nasica procured a decree of the senate for its destruction (Liv. *Epit.* 48). The spirit of the Roman veto on permanent theatres was one which refused to regard the drama except as a passing frivolity. Wooden theatres were erected, and pulled down when the occasion was over. But before the middle of the 1st century B.C. these temporary structures had already begun to show a high elaboration. The building put up by the aedile M. Aemilius Scaurus in 58 B.C. contained

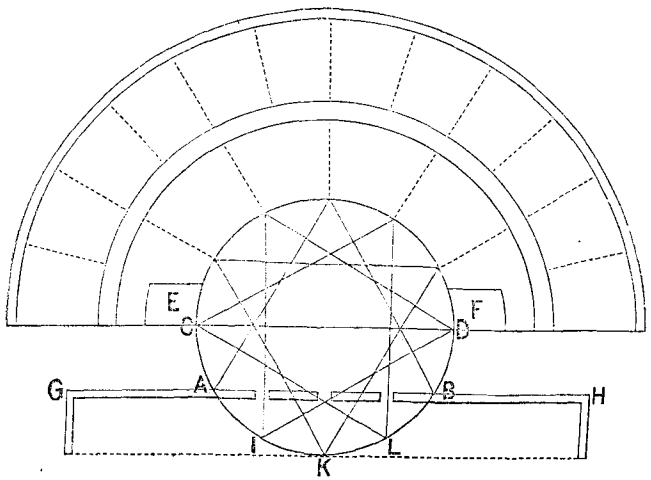


Fig. 4. Roman Theatre of Vitruvius.

80,000 seats; the proscenium was adorned with pillars of marble and statues of bronze; and the whole work seems to have possessed every element of grandeur except permanence. The old interdict had already lost its meaning; and three years later Pompeius was allowed to erect, near the Campus Martius, the first theatre of stone. The model is said to have been the theatre of Mitylene, and the number of seats 40,000. The theatre of Marcellus, built by Augustus, and named after his nephew, was also of stone, and could hold 20,500 persons. A third such building, with a capacity of 11,510, was completed in 13 B.C. by L. Cornelius Balbus. These are the *trina theatra* of Suetonius (*Aug.* 45). Meanwhile many provincial towns in Italy and elsewhere had long possessed stone theatres, built or altered under Roman influence.

The Roman type of theatre is simply the Greek type modified in certain particulars. The ground-plan is thus described by Vitruvius. In a circle of the same diameter which the orchestra is to have, inscribe three equilateral triangles. Take one side of any triangle, and let this be the back wall of the stage, *scaenae frons* (A B). A diameter of the circle, drawn parallel with A B, will represent the line dividing the stage from the orchestra (C D). The seats for the spectators are arranged round the orchestra in semicircles concentric with it. The five points above the line C D, where the angles touch the circumference, are the points from which five flights of steps lead up to the seats, dividing them into six *cunei*. Above the first zone, or semicircular passage (*praecinctio*), the seats are divided into twelve *cunei* by eleven stairways. Just above the points C and D, access is given to the orchestra by two vaulted passages which pass under the upper rows of seats (E, F). The platform of the stage is prolonged right and left, so that its total length (G H) is equal to twice the diameter of the orchestra. In the back wall of the stage there are to be three doors, the positions of which are marked by the points I, K, L. Thus the distinctive features of the Roman theatre are these two: — (1) The

orchestra is not, as in the Greek theatre, a circle (or the greater part of it), but only a semicircle. The diameter of the orchestra is now the front line of a raised stage. Consequently the auditorium, also, forms only a half-circle. The primary cause of this change was that the old Dionysiac chorus had disappeared; the orchestra, therefore, had no longer a dramatic use. (2) In the Greek theatre the auditorium and the scene-buildings were not architecturally linked. The *πάροδοι* were open passages between them. In the Roman theatre the side-walls of the scene-building were carried forward till they met the side-walls of the auditorium. By this organic union of the two main parts the whole theatre was made a single compact building.

These two main differences explain the other points in which the Roman theatre varied from its Greek original. Thus: (i.) Having closed the openings afforded by the *πάροδοι*, the Romans needed some other access to their semicircular orchestra. Here the arch served them. By cutting off a few seats in the lower rows at the angles right and left of the stage, they obtained height enough for vaulted passages, which ran under the auditorium into the orchestra. (ii.) The solid unity of the Roman theatres lent itself to the Roman taste for decoration of a monumental character. The permanent Greek proscenia, though usually adorned with columns, had been simple. But the richest embellishments of architecture and sculpture were lavished on the Roman proscenia, in which two or more stories were usually distinguished by carefully harmonised modes of treatment. (iii.) A similar magnificence was shown in the external façades. Greek theatres had usually been erected on natural slopes. A Roman theatre was more often built on level ground. The auditorium rested on massive substructions, of which the walls were connected by arches. From the open spaces thus afforded, numerous wide staircases ascended, beneath the auditorium, to the several rows of seats. Corridors, opening on these staircases, ran along the inner side of the semicircular wall which enclosed the auditorium. The exterior of this wall was adorned with columns, having arcades between them, and rising in three or more successive stories, divided by architrave and cornice. Thus, while the architectural significance of a Greek theatre depended wholly on the interior, a Roman theatre had also the external aspect of a stately public building.

With regard to the internal arrangements of the Roman theatre, the following points claim notice. (1) The raised stage (*pulpitum*, *λογεῖον*) is in some instances on a level with the lowest row of seats behind the orchestra, as at Aizani in Cilicia and Aspendus in Pamphylia. Sometimes, again, the stage is rather higher, but the (originally) lowest row of seats has been abolished, leaving the stage still level with those seats which are actually lowest: this is the case at Pergamum and Assus. In a third class of examples, the stage is higher than the lowest row of seats,—as it is at Orange. The Roman stage in the Dionysiac theatre at Athens is of this class. (2) Awnings were spread over the theatre to protect the spectators from sun or rain. These were usually called *vela:* the term *velaria* occurs only in Juv. iv. 122. Pliny, who describes them as *carbasina vela* (made of linen), says that they were introduced by Q. Catulus, in 78 B.C. (xix. 23). They were supported by masts (*mali*), fixed to the outer walls of the theatre by massive rings or sockets, which can still be seen at Orange or Pompeii. Between the masts were cross-beams (*trabes*), for greater convenience in unfurling the *vela*. Such awnings were of various colours, as yellow, red, dark-blue (Lucr. iv. 75 ff., where see Munro). (3) Until the play began, the stage was concealed by a curtain; which was then lowered. The place into which it sank, just inside of the front line of the stage, can be seen in the larger theatre at Pompeii. At the end of the piece the curtain was drawn up. Hence, where we say, "the curtain rises," the Romans said, *aulaeum mittitur* or *subducitur:* "the curtain is up," *aulaeum premitur:* "the curtain falls," *aulaeum tollitur*. The word *siparium* (from the rt. of *σίφαρος*, top-sail, *supparum*) meant a folding screen. Apuleius (150 A.D.) describes a kind of ballet as beginning "when the curtain had been lowered, and the screens folded up" (*siparii complicitis*, *Met.* 10, p. 232; cp. *ib.* 1, p. 7). If these screens were within the curtain, the reason for using them along with it may have been to heighten the effect of a tableau by disclosing it gradually. In the later parts of the piece, they may have served to conceal scene-shifting. Another use is also possible. Theatres of the Macedonian and Roman period sometimes had two stages, the higher being used by the regular actors, the lower by mimes or dancers; and the latter may have been concealed by the *siparium*, as the other by the *aulaeum*. The word *siparium* is regularly associated with comedy or mimes. (Seneca, *de tranq. An.* c. 11, § 8; Juv. *Sat.* 8, 186.) (4) Allocation of seats. The orchestra was reserved for senators. As a special mark of distinction, foreigners (usually ambassadors) were occasionally admitted to it (see Tac. *Ann.* xiii. 54). The rest of the auditorium was called *cavea*. The Lex Roscia, proposed by the tribune L. Roscius Otho in 67 B.C., provided that the fourteen rows of seats in the cavea nearest to the orchestra should be reserved for the equites—excluding any who should have become bankrupt (Cic. *Phil.* ii. § 44). Owing to the large number of equites who had been ruined by the civil wars, Augustus decreed that the privilege given by the Lex Roscia should be enjoyed by any eques who had at any time possessed, or whose father had possessed, the amount of the *equester census*, viz. 400,000 sesterces (Suet. *Aug.* 40). This is probably the Lex Julia Theatralis meant by Pliny (xxxiii. § 8). Augustus farther assigned special portions of the cavea to (1) women; (2) *praetextati*, i.e. boys who had not yet assumed the toga virilis, and their paedagogi; (3) soldiers; (4) married men belonging to the plebs. This was a premium on marriage, like others provided in the Lex Julia et Papia Poppaea. In some provincial theatres the town-councillors (*decuriones*) had seats of honour (*bisellia*) on the rows next the orchestra. Corresponding to the "royal box" in a modern theatre was the *tribunal*, immediately over the stage on the spectator's left. This was occupied by the emperor, or by the president of the performance. A cor-

responding *tribunal* on the left side was assigned to the Vestals, among whom the empress sat. Thus, from the Augustan age onwards, the contrast between a Greek and Roman theatre was extended to the arrangements for the audience. Instead of the simple Greek distinction between those who had or had not προεδρία, the Roman auditorium exhibited an elaborate classification by sex, age, profession, and rank.

Odeum.

The term ᾠδεῖον, denoting a species of theatre appropriated to musical performances, occurs first in a fragment of the comic poet Cratinus (*circ.* 450 B.C.), with reference to the Odeum of Pericles (Θρᾶτται, *fr.* 1); but it may have been in use from a much earlier time. The oldest recorded example is the Σκιὰς at Sparta, which is said to have been round, and to have been named from the resemblance of its top to a sunshade (σκιὰς or σκιάδειον: *Etym. Magn.*). It was said to have been built by the architect Theodorus of Samos (*circ.* 600 B.C.). On its walls the Spartans hung up the cithara of the famous musician, Timotheus of Rhodes (*circ.* 400 B.C.),—not as an honour, but as a stigma, because he had marred the ancient simplicity of the instrument by increasing the number of its strings. In the latter part of the 2nd century A.D. the Σκιὰς was still used as a place for public assemblies (Paus. iii. 12, 10). No traces of it remain. The circular brick building of which ruins still exist near the Eurotas seems to have been originally an Odeum, modified perhaps, with a view to other than musical performances, in the Roman age of Sparta. (See Leake, *Morea*, vol. ii. p. 553; Curtius, *Pelop.* ii. 222.)

Athens possessed three ᾠδεῖα. (1) The oldest of these stood near the fountain Enneacrunus by the Ilissus. Its origin is uncertain, but has been conjecturally referred to Peisistratus, or even to Solon. The most probable inference from the notices concerning it is that it was a semicircular building, arranged on the general plan of a Greek theatre, but with a roof. It was in this Odeum that the προάγων was held before the Great Dionysia, as described above. This, too, is the Odeum to which Aristophanes refers as being used for a law-court (*Vesp.* 1109); the scholiast on that passage identifies the place with the scene of the προάγων. The same building must be understood when we read of the Odeum as a rendezvous or a lodging for troops (Xen. *Hellen.* ii. 4, §§ 9, 24), and as a place for the distribution of corn (Dem. *c. Phorm.* § 37: [Dem.] *in Neaer.* § 52). It appears to have been restored, or built anew, by Lycurgus (*circ.* 330 B.C.); for the words of Hypereides (*fr.* 32, ᾠκοδόμησε δὲ τὸ θέατρον, τὸ ᾠδεῖον) cannot well refer to the Periclean building,—then little more than a century old.

(2) The Odeum of Pericles stood a little S.E. of the Acropolis and N.E. of the Dionysiac theatre: modern houses cover its probable site. Plutarch preserves a tradition that the shape of the building was intended to recall the tent of Xerxes (*Per.* 13). The fact that the top rose to a peak—like that of the Spartan Σκιάς, as we may suppose—apparently prompted the joke of Cratinus, when he described Pericles, "the Zeus with peaked head" (σχινοκέφαλος), as τῷδεῖον ἐπὶ τοῦ κρανίου ἔχων (Θρᾶττ. 1). These notices at least prove that the form was round, and such as to suggest a tent. In the conception of Pericles, the new Odeum, like the new temple of Athena, was associated with the Great Panathenaea. As the final act of the festival was celebrated in the Parthenon, so the Odeum was the place for the performances with which the festival began,—contests of flute-players, singers, and rhapsodes. The Odeum of Pericles was completed about 444 B.C. It was burnt down in 86 B.C. by Aristion, the tyrant of Athens, when he fled before Sulla to the Acropolis. The restoration of the building by Ariobarzanes II. (Philopator), king of Cappadocia, about 60 B.C., is the last recorded incident in its history. It is remarkable that Pausanias speaks as if, at the time of his visit (*circ.* 155 A.D.), the old Odeum by the Ilissus was the principal building of its kind in Athens (i. 14, § 1). He refers to the Odeum of Pericles merely as "a structure" (κατασκεύασμα) "said to have been built in imitation of the tent of Xerxes," and does not even name its founder (i. 20, § 4).

(3) The third Odeum at Athens was built by the eminent rhetorician Herodes Atticus, in memory of his second wife, Appia Annia Regilla, who died before 161 A.D. It had not been commenced when Pausanias described Athens; but he mentions it in speaking of the Odeum at Patrae, which was, he says, second only to that of Herodes (vii. 20, § 6). The Odeum of Herodes stood on the south slope of the Acropolis, W. of the Dionysiac theatre. Considerable remains still exist. It was not a round building, but a theatre of the ordinary Roman type, with a roof superadded. Hence Philostratus describes it as τὸ ἐπὶ Ῥηγίλλῃ θέατρον (*Vit. Soph.* ii. 1, 5, cf. 8), and Suidas (*s. v.* Ἡρῴδης) as θέατρον ὑπωρόφιον,—the Latin *theatrum tectum*. It was distinguished by the great splendour of the internal decoration. The ceiling was of cedar,—with probably an open space for light in the middle. The seats in the *cavea* were cased with marble, and divided into an upper and lower zone by a διάζωμα. The floor of the orchestra was inlaid with marble mosaic-work. The proscenium, which had three doors, was decorated with columnar arcades, in four successive storeys, and with statuary. A similar mode of decoration, though less elaborate, was applied to the external façade. Behind the proscenium spacious accommodation was provided for the performers. Philostratus mentions a smaller theatre in the Cerameicus at Athens, called, after its founder, the Ἀγριππεῖον, which seems to have been used for rhetorical declamations rather than for music or drama (*Vit. Soph.* ii. 5, 3 and 8, 2).

The building of Pericles and that of Herodes Atticus illustrate the twofold relation of the ancient Odeum to the ancient theatre. (1) The circular Odeum, such as that of Pericles, was the place for music or recitation, as the Greek theatre for drama or chorus. From an artistic point of view, it was the supplement of the Greek theatre. (2) The semicircular Odeum, such as that of Herodes, was merely a roofed Roman theatre; and, as such, it was used not only for music, but for other entertainments also, such as mimes, or even regular drama. In the Roman period the first type continued to exist along with the second. Trajan built a

round Odeum at Rome (Paus. v. 12, 4, *θέατρον μέγα κυκλοτερές*), called *φδεῖον* by Dio Cassius (lxix. 4). In many instances where an Odeum is mentioned, the type to which it belonged remains uncertain.

In conclusion, it may be useful to enumerate some of the more important Greek and Roman theatres of which remains exist. The following list is mainly based on that given by Dr. A. Kawerau in Baumeister's *Denkmäler*, pp. 1746 ff. A fuller enumeration, with references to the topographical and archaeological literature in each case, will be found in Dr. A. Müller's *Lehrbuch der griechischen Bühnenalterthümer*, pp. 4–15 (1886).

I. GREECE PROPER.—*Attica.* 1. The Dionysiac theatre at Athens. Excavated in 1886 by the German Archaeological Institute. 2. Theatre at Zea in the Peiraeus. Excavated in 1880 and 1885 by the Greek Archaeological Society. The orchestra was surrounded by a canal, like that in the Dionysiac theatre. 3. Theatre at Oropus. Excavated in 1886 by the Greek Archaeological Society. The proscenium, with one door, remains. 4. Theatre at Thoricus. Excavated in 1886 by the American School. Remarkable for the irregular curve of the orchestra, which recedes more than anywhere else from the form of a semicircle, and approaches that of a semi-ellipse.—*Epeirus.* Theatre at Dramyssus. The *cavea* well preserved. It had two *διαζώματα*. 2. Theatre at Elatria (now Rhiniassa). A great part of the *cavea* remans.—*Sicyonia.* Theatre at Sicyon. Excavations begun in 1887 by the American School.—*Argolis.* 1. Theatre at Epidaurus. Excavated in 1883 by the Greek Archaeological Society. The best-preserved and finest example of a Greek theatre of the classical age. It was built about 360 B.C. by the younger Polycleitus (Paus. ii. 27, 5). 2. Theatre at Argos. The central part of the *cavea* was hewn from the rock; sixty-seven rows of seats remain, separated by two *διαζώματα*. The two ends of the *cavea* were formed by substructions of rude masonry.—*Arcadia.* 1. Theatre at Mantineia. Notable as an exception to the rule that Greek theatres were built on natural slopes. Here the *cavea* rested on an artificial mound supported by polygonal walls. 2. Theatre at Megalopolis. The largest known to Pausanias (ii. 27, 5). The site was a natural slope, but recourse was had also to an artificial embankment at each horn of the auditorium. Excavations begun here in 1889 by members of the British School at Athens have disclosed the stage and the lowest portion of the seats.

II. ISLANDS OF THE AEGEAN SEA.—The older theatre at Delos is that in which the segment of a circle formed by the curve of the *cavea* most largely exceeds a semicircle. The Cretan theatres at Gortyna, Hierapyna, and Lyctus are among those which have the niches intended, as some have supposed, for *ἠχεῖα* (see above).

III. ASIA MINOR.—Among the theatres of the later Greek or Hellenistic age, those at the following places show a peculirity in the curve of the *cavea* like that noted above at Delos:—Side (Pamphylia), Myra (Lycia, Telmissus (do.), Iassus (Caria), Aizani (Cilicia) The last-named theatre affords another example of the niches mentioned above. Other interesting theatres of the same period are those of Pergamum (excavated in 1885 by the German Expedition) and Assus (excavated in 1883, for the American Archaeol. Institute, by Mr. J. P. Clarke). The Roman theatre at Aspendus (Pamphylia) is the best-preserved ancient theatre in existence. The proscenium has five doors.

IV. ITALY.—1. The two theatres at Pompeii. The larger shows a peculiarity in the four lowest rows of seats, which are separated from those above, and appear to have been the places of honour. The stage is also of interest. The smaller theatre was roofed. 2. Theatre at Falerii. One of the best preserved. It was finished in 43 B.C.

V. SICILY.—Theatres at Syracuse, Acrae, Catana, Tauromenion, Tyndaris, and Segesta. The general characteristic of the Sicilian theatres is that they were founded in Greek times and afterwards modified, or reconstructed, under Roman influences.

VI. FRANCE.—The Roman theatre at Orange (Arausio) is well preserved. The reconstruction of it by A. Caristie (*Monuments antiques à Orange*, Paris, 1856) conveys a probably just idea of its original beauty. In one respect it forms an exception to the ordinary Roman rule; for use was made of a natural slope to support the *cavea*.

Literature.—Wieseler, *Theatergebäude* (Göttingen, 1851), and art. "Griechisches Theater" in Ersch and Gruber, vol. lxxxiii. (1867), pp. 159–256, where will be found a full account of the authorities on the subject up to that date. Among recent publications it must suffice to mention the following:—Dr. Albert Müller, *Lehrbuch der griechischen Bühnenalthümer* (Freiburg, 1886), pp. 432. A work of practically exhaustive research. Gustav Oehmichen, *Griechischer Theaterbau* (Berlin, 1886). Baumeister's *Denkmäler*, art. "Theatergebäude" by Dr. A. Kawerau, and "Theatervorstellungen" by Dr. Bernhard Arnold (1887). A. E. Haigh, *The Attic Theatre* (1889). For the Greek theatre of the 5th century B.C.: Wilamowitz-Möllendorf, "Die Bühne des Aeschylos" in *Hermes*, xxi. pp. 579 ff.; Sommerbrodt, *De Aeschyli re scaenica* (Berlin, 1876); J. Höpken, *De Theatro Attico saeculi a. Chr. quinti* (Berlin, 1884). For the Roman theatre, J. Marquardt, *Röm. Staatsalterthümer*, vol. iii. (2nd ed., 1885). [R. C. J.]

THENSAE or TENSAE (for the orthography and etymology of the word are alike doubtful: *thensae*, *C. I. L.* iii. 2; Henzen, 5407; *tensae*, *C. I. L.* x. 6012; Fest. p. 364) were highly ornamented sacred vehicles, which, in the solemn pomp of the Circensian games [CIRCUS, Vol. I. p. 437 *a*; LUDI ROMANI], conveyed the statues of certain deities with all their decorations (*exuviae*) to the pulvinaria, and after the sports were over bore them back to their shrines. (Cic. *in Verr.* ii. 1, 59, and note of Pseudo-Ascon. iii. 27, v. 72; Serv. *ad* Verg. *Aen.* i. 21; Festus, *s. v.*; Dio Cass. xlvii. 40; Tertull. *de Spect.* 7.) The thensae were kept in a special building, called *aedes thensarum*, on the Capitol (see Mommsen, in *Ann. dell'Inst.* 1858, p. 203). Their form seems to have been that of the CURRUS (as shown in the cut in Vol. I. p. 581), but they were elaborately ornamented. Castellani has restored what he considers to be

a thensa from remains of bronze reliefs (see Baumeister, *Denkm.* fig. 2325); it has however, as restored, four wheels, while the coin representations seem to show two-wheeled chariots drawn by four horses. It is by no means improbable that thensae varied as to shape, number of wheels and horses, the essential point in their definition being that they were wheeled vehicles for carrying images of certain deities in the *pompa circensis*, as distinguished from the *fercula* in which they were borne on men's shoulders. We know that they were drawn by horses (Plut. *Coriolan.* 25, who calls them *θήσσας*), and escorted (*deducere*) by the chief senators in robes of state, who, along with pueri patrimi [PATRIMI], laid hold of the bridles and traces, or perhaps assisted to drag the carriage (for *ducere* is used as well as *deducere*, Liv. v. 41), by means of thongs attached for the purpose (and hence the proposed derivation from *tendo*). So sacred was this duty considered, that Augustus, when labouring under sickness, deemed it necessary to accompany the thensae in a litter. If one of the horses knocked up or the driver took the reins in his left hand, it was necessary to recommence the procession; and for one of the attendant boys to let go the thong or to stumble was profanation. (Liv. v. 41; Plut. *l. c.*; Ascon. *l. c.*; Arnob. *adv. Gent.* iv. 31; compared with the oration *de Harusp. Resp.* 11, 23; Tertull. *de Cor. Mil.* 13, and *de Spectac.* 7; Suet. *Aug.* 43.)

The only gods distinctly named as carried in thensae are Jupiter and Minerva (Suet. *Vespas.* 5; Dio Cass. xlvii. 40, l. 8, lxvi. 1); but we can hardly doubt that Juno at any rate had the same honour; and, indeed, all three Capitoline deities have thensae on the coins of the Gens Rubria (Eckhel, v. 299; Marquardt, *Staatsverw.* 509, note 3): to this number Mars is usually added on the authority of Dio Cassius (lxxviii. 8), but, in the passage referred to, he merely states that, at the Circensian games celebrated A.D. 216, the statue of Mars, which was in the procession (*πομπεῖον*), fell down; and it is very remarkable that Dionysius (vii. 72), in his minute description of the Pompa Circensis, takes no notice whatever of the thensae, but represents the statues of the twelve gods as carried on men's shoulders, *i.e.* on fercula. That a considerable number of deities, however, received this honour seems probable from the expression of Cicero, in his solemn appeal at the close of the last Verrine oration, "omnesque dii, qui vehiculis tensarum solemnes coetus ludorum initis;" though we cannot determine who these gods were. Among the impious flatteries heaped on Caesar, it was decreed that his ivory statue should accompany the images of the gods to the circus in a complete chariot (*ἅρμα ὅλον*, that is, a *thensa*, in opposition to a mere *ferculum*), and that this chariot should stand in the Capitol immediately opposite to that of Jupiter. (Dio Cass. xliii. 15, 21, 45, xliv. 6; Suet. *Jul.* 76: this is the "acerba pompa" in Cic. *ad Att.* xiii. 44.) Under the Empire the statues of deceased emperors and members of the imperial house were borne in the procession, but of these the statues of princes seem to have been carried on *fercula*, those of princesses not in *thensae*, but in *carpenta*, sometimes drawn by elephants (Suet. *Claud.* 11, *Cal.* 15, *Tit.* 2; Tac. *Ann.* ii. 83).

Similar homage was paid upon high festivals to the images of their gods by other ancient nations. Thus, in the curious ceremonies performed at Papremis connected with the worship of the Egyptian deity, whom Herodotus (ii. 63) imagined to be identical with Ares, the statue, enshrined in a chapel made of gilded wood, was dragged in a four-wheeled car by a body of priests. So also, in the account given by Athenaeus (v. p. 199 f.), after Callixenes of Rhodes, of the gorgeous pageant at Alexandria, during the reign of Ptolemy Philadelphus, we read of a car of Bacchus of prodigious size, most costly materials, and most elaborate workmanship, which was dragged by 180 men.

(Scheffer, *de Re vehiculari*, c. 24; Günzrot, *Die Wägen und Fahrwerke der Griechen und Römer*, c. 55; but the latter author, both here and elsewhere, allows his imagination to carry him farther than his authorities warrant; Friedländer in Marquardt, *Staatsverw.* iii. 569 ff.)

[W. R.] [G. E. M.]

THEODOSIA'NUS CODEX. [CODEX THEODOSIANUS.]

THEOPHA'NIA (*θεοφάνια*, Herod. *i.* 54; Poll. i. 34), a festival celebrated at Delphi. A. Mommsen, with tolerable certainty, identifies the festival on the 7th of the Delphic month Bysios (= approximately February), mentioned (without name) by Plutarch, *Qu. Gr.* 9, as the birthday of Apollo, and also the sole day in ancient times for consulting the oracle (probably the *αἰσία ἡμέρα* of Eur. *Ion*, 421). [See ORACULUM, p. 282 *a*.] The word itself signifies the manifestation of the deity = *ἐπιφάνεια τοῦ θεοῦ*. (Mommsen notes that the calendar of the Greek Church still has *τὰ ἅγ. Θεοφάνεια*: in the Western Church *Theophania* was applied to Christmas Day as late as the 4th century.) The deity manifested at Delphi is clearly Apollo, and the time of the year agrees with its being a festival for the opening of spring, symbolised by the return or the new birth of the god of light. Further it is to be noticed that Plutarch (*de εἰ ap. Delph.* 9) assigns the three winter months in the Delphic year to Dionysus, and the remaining nine to Apollo: hence it appears that the 7th of Bysios marks the beginning of the Apollinean year and the end of the Bacchic.

The ceremonies of the day are nowhere precisely stated, but can be pieced out as follows:—1. A procession with laurel boughs: this was the custom at the time when oracles were given at Delphi, and belonged at other places besides to the day marked as Apollo's birthday (cf. Schol. *ad* Hes. *Op.* 777, *Ἀθηναῖοι ταύτην τιμῶσι δαφνηφοροῦντες*). Similarly at Rome the return of Mars (for whose connexion with Apollo see Roscher, *Apollon u. Mars*) was honoured by fresh laurel boughs (Ov. *Fast.* iii. 13). 2. The prayers and offerings belonging to the oracular day, for which see ORACULUM, p. 282 *b*. 3. A feast with (*a*) offerings of the cake called *φθοῖς*; the day was, according to Plutarch, called *πολύφθοον*, which, though he gives another interpretation, is clearly from *φθοῖς*: (*b*) libations of wine. Herodotus (i. 51) speaks of a huge silver bowl at Delphi, containing 600 amphorae, which *ἐπικίρναται ὑπὸ Δελφῶν θεοφανίοισι*. Other myths, especially those relating to the flight or exile of Apollo, his purification and return, may possibly find their representation in this

festival: on these myths we can only refer here to the discussion in A. Mommsen and Roscher. (A. Mommsen, *Delphica*, pp. 280–297; Roscher, *Lexikon*, p. 426.) [L. S.] [G. E. M.]

THEO'RI (*θεωροί*). There can be little doubt that the origin of this word is not *θεὸς* and *ὅρα*, as most of the ancient Lexicographers thought, but is the same as that of *θεάομαι* (Curtius, *Gr. Etym.* 253; L. and S.). Hence it should follow that the original *official* signification of the word (apart from its simple meaning, *οἱ θεώμενοι*) was a *magistrate*, literally "overseer," like *ἔφορος*. We find this title *θεωροὶ* or *θεαροὶ* given, without any religious meaning, to the chief magistrates of certain states; at Mantinea (Thuc. v. 47); at Tegea (Xen. *Hell.* vi. 5, 7; see Gilbert, *Staatsalterth.* ii. 328).

Hence the word acquired the sense with which we are most familiar, *sacred ambassadors* or *delegates* (as though "overseers" of the sacred business), *i.e.* persons sent on special missions (*θεωρίαι*) to perform some religious duty for the state, to consult an oracle, or to represent the state at some religious festival in another land, where among other ceremonies sacrifice would be offered on behalf of their state. Photius, though doubtless wrong in his etymology, expresses the meaning rightly by *τοὺς τὰ θεῖα φυλάττοντας ἢ τὸ θεῖον φροντίζοντας*: Pollux (ii. 55), misled by the double meaning, gives two different roots to the word. These sacred *θεωροὶ* were not permanent officials, but were specially appointed from among the citizens for each occasion. The title apparently belongs to delegates of this kind from any Greek state: *e.g.* the *θεωροὶ* of foreign states made offerings for their own states at the Eleusinia on 17th Boedromion (A. Mommsen, *Heort.* 250; ELEUSINIA, Vol. I. p. 718; cf. Soph. *O. T.* 114), and similarly of the Great Panhellenic games: so, when we find *πρόβουλοι καὶ θεωροὶ* sent by different Greek states yearly to the ELEUTHERIA at Plataea, the former have to do with the political affairs of the confederacy, the latter with the religious part of the festival (Gilbert, *Staatsalterth.* i. 91).

But we are specially concerned with the theori at Athens. Here also there were no standing officials so called, but the name was given to those citizens who were appointed from time to time to conduct religious embassies to various places; of which the most important were those that were sent to the Olympian, Pythian, Nemean, and Isthmian games, those that went for any purpose to consult the oracle at Delphi, and those that led the solemn procession to Delos for the Apollinean spring festival, in which Pisistratus, from political motives, contrived that Athens should take a leading part (see E. Curtius, *Hist. of Greece*, i. 36 E. T.; DELIA). The expense of any such embassy was defrayed partly by the state, partly by a wealthy citizen, to whom the management was entrusted, called *ἀρχιθέωρος*. This was a sort of *λειτουργία*, and frequently a very costly one. In the case of the Delphic theoria for consulting the oracle, the travelling money provided by the state was not large, and the personal expense probably also moderate, but a considerable sum was provided for the Delian theoriae, more than a talent for each of the yearly (lesser) festivals, and (in Ol. 101. 3) nearly $1\frac{1}{4}$ talent for the greater quadrennial festival (see Fränkel's note on Boeckh, *Staatshaush.* i.^{3} 272): but the magnificence depended mainly on the liberality of the architheoros, to whom it became a point of honour to discharge his office handsomely, to wear a golden crown, to drive into the city with a fine chariot, retinue, &c. Nicias is reported to have incurred unusual expenses in his embassy to Delos; and Alcibiades astonished all the spectators at Olympia by his display (Grote, *Hist.* vi. 389, vii. 72; Thuc. vi. 16).

As to the offices of the Pythaistae (*Πυθαισταί*) and Deliastae, which require some notice here, there is a difference of tradition; but it seems tolerably certain that Harpocration and Hesychius (*s. v.* *Δηλιασταί*) are wrong in making the Deliastae = *θεωροί*, and there is still less warrant for concluding, as most modern authorities have done, that both the Pythaistae and Deliastae had this meaning. What evidence we have leads rather to the conclusion that they were not sent with the missions at all, but were two priestly families, whose duty it was to regulate by observance of celestial omens the time for starting sacred embassies to Delphi and Delos respectively. For the *θεωρία* to Delphi, which made the yearly offering from Athens some time about June (A. Mommsen, *Heort.* 315), the Pythaistae through a period of three months (April–June) watched at the altar of *Ζεὺς Ἀστραπαῖος*, looking northwards to Harma, a district in Mount Parnes near Phyle. Theoretically, no doubt, if no lightning appeared, the offering could not be sent at its normal time in June; but as modern observations (A. Mommsen, *Delph.* p. 315) show that there is always a great deal of lightning in that district during those months, it is probable that there was rarely, if ever, an impediment. The omens having been duly observed, when the embassy to Delphi was started the Pythaistae offered sacrifice in the Pythium at Oenoe: the Deliastae (regarding whose method of observing omens we have no definite particulars) sacrificed for the Delian embassy in the Delium at Marathon (Strabo, ix. p. 404; Athen. vi. p. 234 e; Schol. *ad* Soph. *Oed. Col.* 1047; Hesych. *s. v.* *ἀστράπτει δι' ἅρματος*: A. Mommsen, *Delphica*, p. 314; Curtius, *Hist. of Greece*, ii. p. 8; Töpffer, in *Hermes*, xxx. pp. 321 ff.). [For the sacred ships employed, see THEORIS.] [C. R. K.] [G. E. M.]

THEO'RIA (*θεωρία*). [THEORI.]

THEO'RICON (*τὸ θεωρικόν*: *τὰ θεωρικά*, *sc.* *χρήματα*). Under this name were comprised the funds expended by the Athenian state on festivals, sacrifices, and public entertainments.

There were, according to Xen. *de Rep. Ath.* iii. 8, more festivals at Athens than in all the rest of Greece. Some festivals of course were confined to the members of a particular tribe, deme, or house (DEMUS; PHYLOBASILEIS), and these were provided for out of the private funds of the community which celebrated them. But there were also many public festivals, open to the whole body of the people. At the most important of these, as the DIONYSIA, PANATHENAEA, or THARGELIA, there were not only sacrifices, but processions, theatrical exhibitions, gymnastic contests, and games, celebrated with great splendour and at great expense. A portion of this expense was defrayed by the individuals upon whom the burden of a *λειτουργία* fell for the year, but a considerable part

was met by the public treasury (τὸ δημόσιον, τὸ κοινόν). Thus Demosthenes (p. 50) complains that a Dionysiac or Panathenaic festival cost more than any military expedition. The religious embassies, too [THEORI], to Delos or Delphi, or to the Olympic and other great games, drew largely on the public exchequer, though a part of the cost fell on the wealthy citizen who conducted the embassy (the ἀρχιθέωρος: see Plut. *Nic.* 3; Thuc. vi. 16).

But, besides these expenses, the festivals brought with them largess to the people. The Attic drama was at first performed in a wooden theatre, entrance to which was free. But the crowding to get in was inconvenient and dangerous, and after an accident to the timbers about B.C. 500 it was resolved to charge an entrance-fee of two obols, διωβελία ([Dem.] *de Synt.* p. 169, § 10). This fee was paid to the lessee of the theatre (θεατρώνης, θεατροπώλης, ἀρχιτέκτων), who, beside paying a sum to the state for the contract, undertook to keep the theatre in repair. The payment continued to be exacted after the theatre was built of stone. Pericles (Plut. *Per.* 9), to relieve the poorer citizens, passed a law entitling them to receive the price of admission from the state—perhaps because plays were part of a religious ceremony from which it would be impious to exclude citizens. But a direct grant to the lessee, or a reduction of his contract, would have been a measure less liable to abuse. The system ended for a time with the distresses of Athens at the end of the 5th century, but was renewed by Agyrrhius.

The donation was presently extended to entertainments other than theatrical, *e.g.* the Panathenaea (Dem. *Leoch.* p. 1091, § 37), the sum of two oboli a day being given to each citizen who attended. To multiply two oboli thus by the number of days seems the best way of explaining passages in which the amount of the Theoricon is put higher; as at one drachma by Philochorus in Harpocration, and perhaps by Lucian, *Dem. Encom.* § 36; or at four obols, by Demosthenes (*Proem.* p. 1459): but there is no direct proof to be had. The money was paid by demes (Dem. *Leoch.* l. c.). Popular leaders promoted such a use of public money; the appetite of the populace for largess kept growing; and in the time of Demosthenes the well-to-do citizens also seem to share in the distribution ([Dem.] *Phil.* iv. p. 141, § 38. But the passage is not quite clear, and the speech in which it occurs, the Fourth Philippic, is not genuine). Boeckh (*Staatshaushaltung*, ed. 3, vol. i. p. 284) calculates that the sum thus spent annually was 25–30 talents or more.

This mode of expenditure naturally starved other state-services. Surplus revenue should, by the old law ([Dem.] *c. Neaer.* p. 1346, § 4), have been carried to the military fund, and Isocr. *de Pace*, § 82, may mean that surplus φόρος was the original theoric fund; but now everything that could be spared from other branches of expenditure was diverted to the Theoricon: οἱ νόμοι τὰ στρατιωτικὰ τοῖς οἴκοι μένουσι διανέμουσι θεωρικά (Dem. *Olynth.* iii. p. 31, § 11); and the supplies needed for war were left to depend on extraordinary contributions or property-tax (εἰσφορά). In B.C. 350 Apollodorus carried a decree empowering the people to determine whether the surplus revenue might be applied to military purposes, but he was fined for this under a γραφὴ παρανόμων and the decree annulled (*c. Neaer.* pp. 1346–8). Eubulus then tried to perpetuate the existing system by a law making it a capital offence to propose to divert the theoric fund. By this law Demosthenes was embarrassed in his attempts to find money for operations against Philip (see his Olynthiac speeches, 1 and 3), and he has to approach the question of the theoric fund very gradually (p. 14). The law of Eubulus was at last repealed in 338.

Money appropriated to the theoric fund was probably at first disbursed by the Hellenotamiae. After the Peloponnesian War, however, it was controlled by a manager or board of managers (οἱ ἐπὶ τῷ θεωρικῷ, Dem. *de Cor.* p. 264, § 113; ἡ ἐπὶ τῷ θεωρικῷ ἀρχή, Aeschin. 57), who were perhaps elected, one from each tribe, at the period of the Great Dionysia. (But it is uncertain whether there was more than one official; see Boeckh, vol. i. p. 225, and his editor's notes.) The board drew to itself the control of all surplus funds and of many other branches of the administration, as the management of civil expenditure, the office of Apodectae, the building of docks, arsenals, and streets. This encroachment was due to the anxiety of the people that no part of the revenue should be diverted from the theoric fund.

(Harpocr. and Suidas, *s. v.* θεωρικὸν and Εὔβουλος: Libanius, Argument to Demosth. *Ol.* 1; Ulpian on Demosth. *Ol.* 1; Boeckh, *Staatshaushaltung der Athener*, ed. 3.) [F. T. R.]

THEO'RIS (θεωρίς), a trireme kept for sacred embassies [see THEORI]. Of these ships it seems that there were at Athens in early historic times three,—the Delian (Δηλία), the Salaminian (Σαλαμινία), and the Paralus (Πάραλος). The first was so called because it was used (probably exclusively) for Delian theoriae; the second because it was manned originally by natives of Salamis (σαλαμίνιοι); and the third because it was manned by sailors from the Paralia (πάραλοι or παραλῖται). Boeckh indeed says that there were only two, and makes *Delia* another name for the *Salaminia;* but we should rather follow Schömann (*Antiq. of Greece*, p. 441, E. T.) in separating these ships: the language of Plato (*Phaed.* p. 58) and of Plutarch (*Thes.* 3) seems to us quite impossible to reconcile with the view that the ancient ship used for the Delian embassy was the Salaminia. Each writer (and Plato with especial distinctness) speaks of the ship as though it had connexion with the Delian theoria only. It is clear from their account that the Delia was a very old ship, traditionally dating from Theseus, and constantly renewed with fresh timbers, so that, according to Plutarch, its case was used to illustrate things which are the same and yet not the same: the state of the Victory at Portsmouth affords a modern parallel of a ship thus constantly patched because it is a relic. This does not agree with our knowledge of the Salaminia, which was a fast-sailing ship used for various state purposes, and even in naval battles. When the embassy to Delos was started, either at the greater (quadrennial) or the lesser (annual) festival, the Delian ship was crowned with laurel by the priest, and so sent forth: the period of its

absence gave a respite to criminals (Plat. *l. c.*; DELIA).

The other two ships were built and manned for speed, and were used not only to convey theori over the sea part of their journey, but also to carry state despatches, to fetch state criminals who were summoned home, and to bring tribute; they served, moreover, as warships (Thuc. iii. 33, vi. 53, 61, viii. 74; Aristoph. *Av.* 147, 1204; Aesch. *in Ctes.* § 162; Phot. *s. v.* *πάραλοι*, *πάραλος*). Boeckh accuses Photius of erroneously regarding these two ships as one, but the words of Photius (*s. v.* *πάραλοι*) in speaking of the Paralus are *λέγεται δὲ ἡ αὐτὴ καὶ Σαλαμινία· ὕστερον δὲ ἄλλαι δύο προσεγένοντο αὐταῖς*: the last word shows that *ἡ αὐτὴ* must mean "of similar character"; under the word *πάραλος* he plainly distinguishes the two. The crew of the Paralus (and beyond a doubt of the Salaminia also) were always held in readiness, receiving four obols a day throughout the year. To this payment we may refer the office of treasurer (*ταμίας τῆς Παράλου*, Dem. *Meid.* p. 570, § 173), and we may fairly assume that each of the sacred ships had a treasurer; at sea they were commanded by *ναύαρχοι* (Boeckh, *Staatshaus.* i. p. 307; Schömann, *l. c.*). Fränkel in his note (299) shows that Boeckh is mistaken in supposing that for these ships there were also trierarchs. The expenses of the sacred ships were borne by the state, and the *ταμίας* in their case provided at the cost of the state all that for other ships was provided by the trierarch.

In later times we find also the names of Ammonis, Antigonis, and Demetrias; and still later the Ptolemais (Plin. *H. N.* xxxv. § 101; appendix to Phot. p. 676, ed. Porson; Harpocr. *s. v.* *Ἀμμωνίς*). Of these the first, built in the time of Alexander, received its name because it was specially intended to convey theoriae to Zeus Ammon: it seems to have taken the place of the Salaminia. (Schömann thinks it an *additional* ship, but see Boeckh, p. 307, and Fränkel's note.) The subsequent addition of the Antigonis and Demetrias thus raised the number to four, as stated by Photius; for the Demetrias no doubt replaced the ancient Delia, which lasted only till the time of Demetrius (Plut. *l. c.*). The names of these later ships and of the Ptolemais suggest a closer connexion with political and less with religious business.

[G. E. M.]

THEOXE'NIA (*θεοξένια*; often simply *ξένια*; sometimes *θεοδαίσια*) were sacred feasts provided for gods or heroes, at which the deities were usually regarded as the guests; but sometimes as the hosts, inviting certain mortals to partake. From these Greek feasts the Roman *lectisternia* were borrowed [LECTISTERNIUM]. We must guard against the idea that the Delphic Theoxenia was the original feast of this kind. Not to speak of other nations where similar observances are found, we have early indications of them among the Greeks. Such was the banquet in Homer (*Il.* i. 425), at which the gods (*θεοὶ δώδεκα*, Schol.) were entertained; and hence *κοινὴ ἑορτὴ πᾶσι τοῖς θεοῖς*, which is the explanation of *θεοξένια* in Hesychius, may be taken to mean that it included the twelve Olympian deities; a meaning, however, which must be greatly extended. There can be no doubt moreover that the cult of special gods or heroes was from a very early time preserved in certain families or tribes, who thereupon set apart a table on certain occasions, such as birthdays (cf. Eur. *Ion*, 805) or times of success and victory, in their honour (see Herod. vi. 127; Pind. *Ol.* iii.; Plat. *Lys.* p. 205 D). This family observance is attested not only by mention in Greek writers, but also by inscribed votive tablets (see Deneken, *de Theoxeniis*, p. 14): the history of the Potitii may be compared with it (Liv. i. 71; Diod. iv. 21; SACRA, p. 578 *a*). The entertainment is commonly spoken of merely as *ξένια*, which word may be used of public as well as private theoxenia (compare Eur. *Hel.* 1666; *C. I. G.* p. 1074; Schol. *ad Nem.* vii. 68, *ad Ol.* iii. 1).

From the gentile or family cult probably arose the more public or national theoxenia, among which should be specially noted the Delphic Theoxenia, which gave the name to the Delphic month Theoxenios (March–April). This was probably, as A. Mommsen remarks, an ancient festival, existing before the time when Apollo reigned at Delphi; and Zeus was originally the chief of the divine guests, for which reason this month was sacred to Zeus (*Delphica*, p. 87). In historical times Apollo and Latona were specially honoured at this Delphic feast. In this, as in other similar ceremonies, the gods seem to have been supposed to feast; not all at one table, but at several tables, singly or in pairs: a couch (*στρώμνη* = *pulvinar*) spread with cushions was placed by each table. It does not appear to have been necessary in Greek custom to place the statue of the deity on his or her couch, as was done in the Roman lectisternium, though that this was sometimes (perhaps, as Deneken says, frequently) done, appears from Val. Max. ii. 2, 1. The god or goddess was *imagined* to be present on the allotted couch, and in vase-pictures this spiritual presence is indicated by some representation of the deity, as in the picture of a *στρώμνη* for the Dioscuri, shown on page 16 of this volume. Athenaeus (ix. p. 372 a) mentions a curious custom that the Delphians offered leeks (*γηθυλλίδες*) to Latona at this festival, and that the offerer of the largest leek received a portion of the feast from the table of Latona. (For various explanations of this custom, see *Delphica*, p. 301: Deneken regards it as a sort of prize for agriculture.) The favour of Apollo to Pindar was shown by a special invitation to his table, the inspired priest crying *Πίνδαρος ἵτω ἐπὶ δεῖπνον τοῦ θεοῦ*,—an honour which was continued for his descendants, and, as it appears, not on this festival only. The Delphian priests were *ex officio* guests with the gods on this day, as representing the mortal participants [compare PARASITI].

But it would be an error to suppose that Apollo was the deity most commonly so honoured. Not to mention a similar entertainment of Zeus Soter and of Pluto at Athens (Athen. vi. p. 239; Kohler in *Herm.* vi. 7; Deneken, p. 4), and of Bacchus and Aesculapius (see below), it must be observed that the favourite divine guests in Greece were deified heroes, probably because they had more frequently traditional ties of hospitality with certain families, as well as because they formed a link between

gods and men. Hence it is that we often find Heracles feasted by mortals, and that by far the commonest divine guests were the Dioscuri: indeed some writers appear (erroneously, as it seems to us) to make the cult of the Dioscuri the origin of Theoxenia. This entertainment of the Dioscuri was widespread, particularly of course in Doric states, Sparta, Agrigentum, &c. (Eur. *Hel.* 1666; Pind. *Ol.* iii.; Bacchyl. *ap.* Athen. vi. p. 400; *C. I. G.* ii. 2338, 2374); but also at Athens in the Prytaneum (Athen. iv. 137 e). For the representation in works of art, see the vase-painting alluded to above, and also a relief at Paris from Larissa (cf. Newton, *Trans. of Royal Soc. of Lit.*, ser. 2, vol. ix. p. 436 ff.; Fröhner, *Vases Grecques de Cameiros*). The latter, by its figure of Victory, shows that one motive for the entertainment was the idea that the Twins gave aid in battle, as at Regillus; and this is borne out by a passage in Polyaenus (*Strat.* vi. 1), where Jason of Pherae professes to entertain (*ξενίζει*) the Dioscuri, on the ground that they had given him victory (cf. Diod. viii. 32). For notice of votive tablets commemorating these theoxenia, see Deneken, pp. 15–24. Next to the Dioscuri, perhaps Bacchus was more often the entertained or entertainer at mortal feasts than any other divine being (cf. Paus. i. 2, 5; vi. 26, 1; Athen. xi. p. 465 a). At Andros in this festival there was a miraculous contribution of wine flowing from the temple (Paus. vi. 26, 3). The special name *θεοδαίσια* was given to these entertainments of Bacchus (Hesych.); see also the relief in Baumeister, *Denkm.* fig. 1849. For the tradition of Sophocles entertaining Aesculapius, see Plut. *Num.* iv. 16; *Etym. Mag.* s. v. *Δεξίων*: cf. Paus. x. 32, 8.

(On this subject, see A. Mommsen, *Delphica*, pp. 94, 299–308; Baumeister, *Denkm.* p. 1764, and especially a dissertation by Deneken, *de Theoxeniis*, Berlin, 1881.) [G. E. M.]

THERMAE. [BALNEAE.]

THERMOPO'LIUM. [CALIDA; CAUPONA.]

THESAURUS (*θησαυρός*), a storehouse, treasury. The name is commonly used both in a correct and an incorrect significance, when applied to surviving buildings; but as the incorrect meaning is at least as old as Pausanias, it is also included here. There are (1) the treasuries of various Greek cities dedicated at Olympia and Delphi, (2) the so-called treasuries at Orchomenus, Mycenae, and elsewhere.

(1) At Olympia the whole row of treasuries described by Pausanias has been unearthed. In architectural form they are like small temples of the Doric order, and so are actually called *ναοὶ* by Polemo (*ap.* Athen. xi. 489–90). They consist of an oblong chamber with a small prodomus, usually *in antis;* the treasury of the Geloans has a portico in front, and also internal columns. They were erected at various periods to contain the costly offerings made by those who dedicated them; but later seem to have been used to contain other treasures and works of art requiring protection by a building (Paus. vi. 19). The treasuries of various cities at Delphi were probably of similar form, and served a similar purpose (Paus. x. 11).

(2) For the circular sepulchral buildings, falsely called "Treasuries," such as the "Treasury" of Atreus at Mycenae, see SEPULCRUM, p. 644 *a*.

(Bötticher, *Olympia*, 2nd edit., Berlin, 1886, pp. 207 *sqq.*; Richter, *de Thesauris Olympiae efforsis*, Berlin, 1885; Baumeister, *Denkmäler des classischen Alterthums*, art. "Olympia," pp. 1104 B *sqq.*; Schliemann, *Exploration of the Boeotian Orchomenus: Journal of Hellenic Studies*, 1881, pp. 122 *sqq.*; Schliemann, *Mycenae*, pp. 227 ff.; Thiersch, *Die Tholos der Atreus zu Mykenae*, in *Mittheilungen des deutschen Instituts zu Athen*, 1879, pp. 177 *sqq.*) [E. A. G.]

THESEIA (*θησεῖα*). The festival in honour of Theseus dates from Cimon, who, in obedience to an oracle from Delphi (for the historical and political significance, see Grote, *Hist.* v. 413 ff.), brought the bones of Theseus from Scyros and buried them in the spot upon which the Theseum was built. From this act date the annual *ἐπιτάφια*, or funeral rites in honour of national heroes and of all who died in battle for Athens, including in war-time a funeral oration over the dead [cf. FUNUS, Vol. I. p. 887 *b*]. It is true that we hear of *ἐπιτάφια* earlier than this in memory of those slain at Marathon and Plataea (Diod. xi. 33; Dionys. v. 17); but these, like many other funeral rites and games in various times and places, were celebrated on the spots where the battles were fought. The Epitaphia at Athens, with the sacrifices, feasts, and orations belonging to them, should not be placed earlier than 469 B.C., and we may assume Cimon or one of his contemporaries to be *ὁ τὸν λόγον προσθεὶς* (Thuc. ii. 35: Curtius here is to be followed rather than Grote). The ceremonies of the *ἐπιτάφια* were conducted by the Polemarch (Poll. vi. 91; ARCHON, Vol. I. p. 168), but the oration was made by some man specially chosen for the occasion (Thuc. i. 34).

The whole Theseus-festival comprised on different days of the month Pyanepsion several distinct ceremonies, which have been elsewhere particularly described, partly representing the story of Theseus, partly the funeral rites which had become connected with his festival. The word *θησεῖα* may be used generally of the whole (Aristoph. *Plut.* 621), but it is usual to find the separate ceremonies mentioned under their own name, and where we find *θησεῖα* alone it commonly refers to the offering and banquet on 8th Pyanepsion and the games of the following day: the phrase *θησεῖα καὶ ἐπιτάφια*, which is often found in inscriptions (see *Heortol.* p. 282), means that day of the Theseus-festival on which the *ἐπιτάφια* took place.

The Calendar of the whole festival may be thus described (following the arrangement of A. Mommsen):—

Pyanepsion VI., the *κυβερνήσια* or steersman's festival, to commemorate the return of Theseus, celebrated at Phalerum, where there were shrines (*ἡρῷα*) of Nausithous and Phaeax, the *κυβερνήτης* and *πρωρεὺς* of the expedition (Plut. *Thes.* 17). (In those years when there was occasion of a public funeral for citizens slain in battle, their bones "lay in state" on Pyanepsion V. and VI.)

Pyanepsion VII., the day of PYANEPSIA: the *ἕψησις τῶν ὀσπρίων* having begun with the evening of the 6th (= the beginning of P. VII.), the feasting on this food belonged to the whole of the day. In the morning of this day took place the OSCHOPHORIA: in the afternoon the *ἐπιτάφια* (and in time of war the oration over

the dead. The sacrifice for the slain Amazons seems to have been on this day, *πρὸ τῶν θησείων*, Plut. *Thes.* 27). [For details see OSCHOPHORIA; PYANEPSIA.]

Pyanepsion VIII. On the evening of the 7th (= the beginning of P. VIII.) took place the offering and banquet in honour of Theseus, and a torch-race for the *ἐπιτάφια*: in the day, gymnastic contests (cf. Gell. xv. 20, 3).

Pyanepsion IX. Equestrian exercises, processions, and contests. To these last two days belonged especially the name *θήσεια*. (For a fuller discussion, see A. Mommsen, *Heortologie*, pp. 269–287; and, for the history of the vase-illustration, Harrison, *Mythology and Monuments*, pp. xcviii.–cxlviii.) [G. E. M.]

THESMOPHO'RIA (*Θεσμοφόρια*). The Eleusinia and the Thesmophoria were the two great festivals held in Attica in honour of Demeter. The Athenian Thesmophoria, which is the best known festival of the name, was solemnised exclusively by women at the time of seed-sowing in October in honour of Demeter Thesmophoros. The many points of interest attaching to the festival, over and above the fact that Aristophanes has written an amusing comedy on the subject, will perhaps justify a somewhat lengthened discussion on its nature and significance.

1. *Demeter Thesmophoros.*—The idea in *θεσμοί*, *θέμιστες* (cf. Hesych. *s. v.*), and words derived therefrom, is ordinances as the expression of the will of a divinity, enactments or injunctions invested with the halo of religion, *θεσμὸν τὸν μοιρόκραντον ἐκ θεῶν δοθέντα τέλειον*, as Aeschylus says (*Eum.* 391); and as such the term is sometimes applied even to written laws, *e.g.* Draco's (Plut. *Sol.* 19; cf. Grote, iii. 76) and Solon's own (Solon, *Frag.* 36 [25], 16, which shows that Aelian, *V. H.* viii. 10 *fin.*, is in error). We have been taught by Sir H. Maine (*Ancient Law*, p. 4 ff.) that the very earliest notion of law was the *θέμιστες* of Homer, strictly individual (cf. Phot. 87, 16) judgments or "dooms," supposed to be imparted by *Θέμις* to the king, who was a judge, not a lawgiver. The *θεσμοί* we are now referring to are somewhat more universal than these. The *θεσμοί*, says Preller (*Demeter und Persephone*, 350), were ordinances given by each god inside his own sphere, so *θεσμὸς Ἀδραστείας* (Plut. *de Fato*, 4 = ii. 570). They were the law of the early patriarchal ages; and a patriarchal system of rule was the first which emerged when mankind, arrived at the agricultural stage, came to follow a settled mode of life and live in communities. Now, Demeter was the divinity who presided over agriculture and all the settled laws and customs, the civilisation in fact, which it involved (Isocr. *Panegyr.* 28); the Athenians boasted that corn and laws, *πυροὺς καὶ νόμους*, were first introduced into their land (Aristot. in Diog. Laert. v. 17): Demeter it was who taught men to sow the earth and reap the fruits: Demeter it was who was reported to have founded marriage, itself a kind of husbandry (*ἐπ' ἀρότῳ παίδων γνησίων*, as ran the Athenian formula of marriage: Lucian, *Tim.* 17: cf. Aesch. *Theb.* 753; Soph. *O. T.* 1498; Eur. *Phoen.* 18; Plat. Menex. 238; the *θεοὶ προηρόσιοι* to whom sacrifice was offered before marriage, Plut. *adv. Colot.* 22 = ii. 1119: and the metaphor is retained even in English, cf. Shakespeare's *Ant. and Cleop.* ii. 2, 233), to have thus raised men above the life of savages, to have been the founder of the family, and thus to have rendered the foundation of cities possible, "et leges sanctas docuit et cara jugavit Corpora conubiis et magnas condidit urbes," as the Roman poet Calvus sang (*ap.* Serv. *ad Aen.* iv. 58). As such Demeter is *θεσμοφόρος* (Diod. v. 5), *θεσμία* (Paus. viii. 15, 1), *θεσμόθετις* (Cornut. *N. D.* 28), *legifera* (Verg. *Aen.* iv. 58). The priestess of Demeter imparts the *πάτριος θεσμὸς* to the bridegroom and bride in the nuptial chamber (Plut. *Praecep. Cong.* init. = ii. 138; cf. also Ael. *V. H.* xii. 47); a woman guilty of illicit connexion was said *ἀθέσμως συγγενομένη* (Schol. to Aristid. p. 22), opposed to *γάμος ἐπὶ παισὶν ἔνθεσμος* (Heliod. i. 25); the consummation of marriage is certainly meant by *θεσμὸς* in the Odyssey (xxiii. 296), where Ulysses and Penelope after all their troubles *ἀσπάσιοι λέκτροιο παλαιοῦ θεσμὸν ἵκοντο* (no matter what Ameis says); the matrons swore by the goddesses of Eleusis to remain faithful to their marriage vow (Alciphr. iii. 69); the young girls prayed to Demeter for a husband (*ib. ii.* 2, 6). At the Thesmophoria many references were made to the fruitfulness of marriage; and the invocation (Aristoph. *Thesm.* 296–300) of *γῆ κουροτρόφος* and Calligeneia (see below, § 3 *h*) has a similar reference.

The fundamental principles, then, of an agricultural and therefore settled life, and of the constitution of the family, are the *θεσμοὶ Δήμητρος*. Little different are the "laws of Triptolemus," who was reputed one of the most ancient lawgivers (Porphyr. *de Abstin.* iv. 22, p. 387), which are veritable *θεσμοί*, viz. to honour one's parents, to delight the gods with an offering of the crops, and not to ill-treat the domestic animals (Paus. i. 37, 6). Another *θεσμὸς* of Demeter, *ἣν μὴ καθάρῃς κἀλέσῃς οὐ μὴ φάγῃς* (Diogenian. v. 17: said to be from the *Triptolemus* of Sophocles, but not given by Dindorf and placed by Nauck, *Frag. Trag.* p. 868, among the Adespota), recalls the scriptural (2 Thess. iii. 10) "if any would not work, neither should he eat," and that earliest and justest of *θεσμοί* (Gen. iii. 19), "In the sweat of thy face shalt thou eat bread." Similar laws of Buzyges have been before alluded to under AROTOI HIEROI. Finally, to give some indirect evidence that Demeter was the goddess of laws and civil society, it was in her temple that the Amphictyonic assembly at Thermopylae was held (Herod. vii. 200), and meetings of the Achaean League were held under her auspices at Aegium (Paus. vii. 24, 3); a pig was sacrificed to Demeter at Athens by the *περιστίαρχοι* before the assembly opened (Schol. on Aristoph. *Ach.* 44), and Demeter was one of the goddesses by whom oaths were taken (Demosth. *Timarch.* p. 747, § 151; *Calipp.* p. 1238, § 9), for she was patroness of the assembly of the people.

The expression of reverence which the Greeks felt towards Demeter for all these blessings is well set forth by Diodorus (v. 5) in a passage which deserves quotation: *οὐκ ἄξιον δὲ παραλιπεῖν τῆς θεοῦ ταύτης τὴν ὑπερβολὴν τῆς εἰς τοὺς ἀνθρώπους εὐεργεσίας. χωρὶς γὰρ τῆς εὑρέσεως τοῦ σίτου τήν τε κατεργασίαν αὐτοῦ τοὺς ἀνθρώπους ἐδίδαξε, καὶ νόμους εἰσηγήσατο καθ'*

οὐς δικαιοπραγεῖν εἰθίσθησαν. δι' ἣν αἰτίαν φασὶν αὐτὴν θεσμοφόρον ἐπονομασθῆναι· τούτων δὲ τῶν εὑρημάτων οὐκ ἄν τις ἕτέραν εὐεργεσίαν εὕροι μείζονα· καὶ γὰρ τὸ ζῆν καὶ τὸ καλῶς ζῆν περιέχουσι.

2. *The origin of Thesmophoric worship.*—The worship of Demeter was said to have been introduced into Attica by the Gephyraeans (cf. Herod. v. 57, 61; Preller, *Demeter und Persephone*, pp. 391–5). These stated themselves that they came from Eretria originally, but Herodotus thinks that they were Phoenicians. They lived at Tanagra in Boeotia, which had been formerly called Γέφυρα (*Etym. M.*). When the rest of the Cadmeans were driven out by the Argives and went to the Encheleis, the Gephyraeans remained in Boeotia at first; but later, being expelled by the other inhabitants of that country, they turned to Athens. The Athenians made them citizens on special terms, ἐπὶ ῥητοῖς: which were probably to maintain in repair the bridges over the river Cephisus (Lyd. *de Mens.* viii. p. 45; *Etym. M.* s. v. Γεφυρεῖς), for that art was considered recondite in early times (cf. Fr. Lenormant, *Voie Sacrée Éleusinienne*, p. 247); and with injunctions to keep aloof from the other citizens in many respects. They had temples and rites special to themselves (though these cannot have long remained secret: cf. Schol. on Aristoph. *Ach.* 708), and among these the temple and rites of Demeter Achaea (Herod. *l. c.*).

This Demeter Achaea, the *mater dolorosa* of the ancients, was so called from her mourning (ἄχος), not from the ἦχος of cymbals used in search for Cora (for amongst other reasons the A in Ἀχαιὰ is short), and corresponds to the *Ceres deserta* mentioned by Virgil (*Aen.* ii. 714: cf. Plut. *de Isid. et Osirid.* 69; Lobeck, *Aglaoph.* 1225, note *x*). Welcker (*Griech. Götterl.* i. 359) thinks the original derivation is from γαῖα with a prosthetic α, and that it refers to Demeter's character as Earth-goddess; and he compares such forms as βαθυχάϊος, εὐχάϊος, τριχάϊξ. But the derivation is probably onomatopoeic, and similar to that of the obsolete Hebrew אָחָה, "to cry ah! ah!" whence comes אִחִים, "owls," *ululae*, in Isaiah xiii. 21. We are, of course, not necessarily to *derive* the Greek from the Hebrew. Indeed, none of the attempted Semitic derivations have much to support them (cf. Mommsen, *Heort.* 29, note); but it may be mentioned that Hitzig and Fr. Lenormant identify the Gephyraeans with the Geshurites of Josh. xiii. 13, 1 Sam. xxvii. 8. "ש and ת are constantly interchanged in Semitic, θ and φ in Greek," says Lenormant (*La légende de Cadmus* in *Annales de Philosophie chrétienne*, xv. (1867), 79), though they draw opposite conclusions, Hitzig maintaining that the Geshurites were Aryans, Lenormant that the Gephyraeans were Semitic.

Again, the worship of Demeter Thesmophoros is connected with Cadmus of Thebes, both of them "orderers." The temple of the goddess had formerly been the house of Cadmus (Paus. ix. 16, 5). Cadmus and indeed the whole grouping of the city-divinities of Thebes bespeak a Cabirian origin. In Aristoph. *Thesm.* 300, among the divinities specially connected with Demeter we find Hermes and the Charites. Now, Κάδμος λέγεται ὁ Ἑρμῆς, as *Etym. Gud.* (s. v.) says; he is the attendant on the Great Goddesses, like the Cadmilus of Samothrace: and if the Charites (cf. also *C. I. A.* 5) take the place of Harmonia, that is only parallel to the Lemnian nymphs taking the place of Harmonia in the Cabiric worship of Corinth (Schol. on Pind. *Ol.* xiii. 74). Now, Cadmus is a character partly Pelasgic, partly Phoenician (cf. Maury, iii. 234–253; Lenormant, *op. cit.*). Further, Herodotus (ii. 59, 122, 123, 155), followed by Diodorus (i. 13), expresses himself quite decidedly to the effect that Demeter-worship originally came into Greece from the Isis-worship of the Egyptians: and he is of the same opinion about the rites of the Thesmophoria (ii. 171). He relates that the daughters of Danaus taught these mysteries to the Pelasgian women; that on the Doric conquest of Peloponnesus these rites vanished except among the Arcadians who were not dispossessed by the warrior Dorians. So we find Thesmophoric worship traced back through Thebes to the Cabiri of Samothrace, and then further to the East, Phoenicia or Egypt; but into these dark regions we cannot now follow it.

3. *The Athenian Festival* lasted for five days, and was conducted partly at Halimus on the coast of Attica, partly in the city. We shall first see who took part in the festival, then describe its various parts, and finally discuss its date.

(*a*) *The participants in the Thesmophoria.*—It was to Demeter, chiefly as the goddess presiding over marriage, that the Thesmophoria was celebrated. It was a festival embracing many mystic and secret rites (Aristoph. *Thesm.* 472; *Eccl.* 443), in which women alone could take part; but it was open to all free women of respectable character. Accordingly it was, as Maury says (ii. 223), the national and popular Demeter-festival, in contrast to the Eleusinia, which was the mystical and aristocratic one. From the very nature of the feast to the goddess presiding over marriage, neither slaves (Aristoph. *Thesm.* 294) nor courtesans were allowed to attend; and Lucian (*Dial. Meretr.* 2, 1) is to be explained by supposing that Myrtium watched the procession, not that she took part in the ceremonies. But it is not so certain that unmarried girls took no part, as is assumed by Preller (*Dem. u. Pers.* 343; Fritzsche, p. 580 of his ed. of the *Thesm.*; Schömann, *Gr. Alt.* ii. 483). For it is explicitly stated that παρθένοι did take part in the Thesmophoria at Athens (cf. Schol. on Theocr. iv. 25; Lucian, *l. c.*; Plaut. *Aul.* Prol. 36). At Catana Demeter was worshipped "per mulieres et virgines" (Cic. *Verr.* iv. 45, 99); and at Algonus (Strabo, i. 60) παρθένοι also appear to have taken part. Nor is there any reason why they should not, when we remember that young girls, παρθένοι τ' ἔτ' ἄζυγες, took part in the Bacchic revels (Eur. *Bacch.* 694), and that the ancients in large measure held that to the pure all things were pure (cf. ἀλλ' ἐν τῇ· φύσει τὸ σωφρονεῖν ἔνεστιν ἐς τὰ πάντ' ἀεί, *ib.* 315). Fritzsche explains away the passage from Lucian by referring it to a κανηφόρος who took part in the procession, but not in the mysteries: but the Stenia was not the least coarse part of the festival. We should rather assume that all free adult women could take part in the ceremonies; and if Aristophanes (*Thesm.* 330) calls them

εὐγενεῖς γυναῖκες, he only means that they were full citizens, as does Plut. *Sol.* 8 when he calls them τὰς πρώτας γυναῖκας.

(*b*) *The preliminaries.*—During the first nine nights of Pyanepsion the women who were to take prominent part in the festival were required to observe the strictest chastity (Ov. *Met.* x. 438); and all sorts of strange customs are related as to the particular kinds of herbs the women used to eat or to lie on so as to allay sexual desire (Schol. on Theocr. iv. 25, κνῦζα; Schol. on Nicand. *Theriaca*, 70, κόνυζα; Plin. *H. N.* xxiv. § 59, *agnon*; Hesych. *s. v.* κνέωρον; *Etym. M.* s. v. σκόροδον). The prohibition to eat the pomegranate (Clem. Alex. *Protr.* c. 12 = p. 16 ed. Pott.) belongs generally to Demeter-worship; and we have found it already at Eleusis. [ELEUSINIA.]

Prior to the beginning of the festival proper, each deme chose two of its richest and most important women, who were required to perform the necessary sacrifices, and also to prepare a feast for their fellow-demes-women (Isaeus, *Ciron. hered.* § 19); the expense was borne by the husbands, and was of the nature of a λειτουργία (Id. *Pyrrh. hered.* § 80). Accordingly the wives of the richest only were chosen as presidents; and Aristophanes (*Thesm.* 834) proposes an alteration in this custom, urging that this post of high honour be bestowed on women who have borne sons who have signally benefited the state.

(*c*) *The Stenia.*—This is to be considered as the beginning of the festival proper. The women appear to have gone down during the night of the 10th in small bands to Halimus (cf. A. Mommsen, *Heortologie*, 296); probably the women of each deme went together under the leadership of their presidents. As they went they exchanged with one another those kinds of jokes and abuse (Phot. 538; Hesych. *s. v.* στηνιῶσαι) which characterised so many Greek festivals, especially those in honour of Demeter. The abuse and jokes appear to have been very coarse (Cleomed. *Cycl. theor.* ii. p. 91, ed. 1605; cf. Apollod. i. 5, 3, Diod. v. 4, of the festival of Demeter at Syracuse). The derivation of the name στήνια is uncertain. Schömann (*l. c.*) supposes it from the halting-places of the companies, where the abuse no doubt was peculiarly rife; Preller (*op. cit.* 339, note 19) from an actual place of that name on the road to Halimus, and he compares the γεφυρισμοὶ at the bridge over the Cephisus in the Eleusinia. The place Στήνια is hypothetical, but the resemblance to the γεφυρισμοὶ is unmistakable.

(*d*) *The Mysteries at Halimus.*—Halimus was a village near Phalerum and Colias, on the west coast of Attica. There was a temple there to Demeter Thesmophoros (Paus. i. 31, 1), and also one at Colias (Hesych. *s. v.* Κωλιάς). Arnobius (*adv. Gentes*, v. 28) refers to the mysteries at Halimus in these words: "Alimontia mysteria quibus in Liberi honorem patris phallos subrigit Graecia et simulacris fascinorum territoria cuncta florescunt"—a passage written about A.D. 295, when all the mysteries of Greece had become confused. In order to properly understand, as far as we can, the mysteries of Halimus, we must turn to other sources.

St. Clement of Alexandria (*Protrept.* 11 = p. 14, 21, ed. Pott.) says: "Do you wish me to tell of Pherrephatta's flower-gathering and her basket and of her rape, how the earth split in sunder and the swine of Eubulus were swallowed up with the disappearing deities—the reason wherefore at the Thesmophoria they 'encrypt' swine and cast them therein (μεγαρίζοντες χοίρους ἐμβάλλουσι)? This story the women celebrate in their feasts under varied forms, Thesmophoria, Scirophoria, Arretophoria, all in one shape or another giving a dramatic representation of the Rape of Pherrephatta." [We have coined a word to express μεγαρίζοντες, which means "to put into crypts (μέγαρα)," as with us "pit" can mean "to put into pits," &c. It appears to have been a ritualistic word, as it is found in Epiphanius, and in connexion too with the Thesmophoria: αἱ μεγαρίζουσαι καὶ θεσμοφοριάζουσαι γύναικες, quoted by Lobeck (*Aglaoph.* 832), whose conjecture, μεγάροις ζῶντας, though brilliant and widely adopted, is unnecessary.]

Even this passage was very obscure till E. Rohde (*Rhein. Mus.* xxv. 548 ff.) published a valuable scholion on Lucian (*Dial. Meretr.* ii. 1) from a Vatican codex. The scholion is very long, but it is of such capital importance that we must reproduce it at length. "The θεσμοφορία (accented paroxytone) is a festival of the Greeks containing certain mystic rites, and these rites are also called Scirophoria (σκιροφόρια). It is solemnised on the basis of the somewhat mystical story, that when Cora, as she was gathering flowers, was carried off by Pluto, there at that very place a certain swine-herd named Eubuleus was herding his swine, and that they were swallowed up in the chasm (along with the deities). It is in honour of this Eubuleus that swine are cast into the chasms (χάσματα) of Demeter and Cora. When the bodies of the swine which have been cast into the crypts (μέγαρα) are decayed, certain women who are called ἀντλητρίαι, after purifying themselves for three days, descend and bring them up. They go down into the sacred caverns (ἄδυτα), bring up the remains, and place them on the altar; and they believe that the man who takes of this offering and mixes it with his seed-corn will have a good crop. Moreover, they say that there are serpents also below, all about in the chasms (χάσματα), and that these serpents eat the greater part of what is cast in: wherefore too a rattling is made when the women draw up (ἀντλῶσιν) the bodies and when they put back again those well-known figures (τὰ πλάσματα ἐκεῖνα), so that the serpents, which they believe to be the guardians of the sacred caverns (ἀδύτων), may retire before them. This ceremony is called 'the carrying of things which must not be spoken of' (ἀρρητοφόρια), and is performed as equally efficacious for the productiveness of the fruits of the ground and for the generation of human kind. Moreover, too, they bring there sacred emblems which must not be spoken of (ἄρρητα ἱερά) made of dough in the image of serpents and the male organs of generation (ἀνδρῶν σχημάτων)." [This is the interpretation given by Rohde, p. 552, comparing the μύλλοι at Syracuse (Athen. xiv. 647 a): but even so there is no need to emend ἀνδρῶν into αἰσχρῶν. It would seem as if we should read ἄλλων, but the passage from Arnobius quoted

above makes for Rohde's interpretation: cf. Clement, *op. cit.* 21 = p. 29 Pott.] "And they take boughs of pine (*κώνου*), for that tree is prolific; and into the crypts, as these sacred caverns are called (*ἐς τὰ μέγαρα οὕτως καλούμενα ἄδυτα*), these offerings (*ἐκεῖνα, i.e.* both the sacred emblems and the pine-branches) and the swine, as we have already mentioned, are cast, these latter as being so prolific, in order thereby to symbolise the generation of fruit and of human kind — and all as a thank-offering (*χαριστηρία*) to Demeter, for she gave us her corn and civilised (*ἥμερον ἐποίησεν*) the race of men. The account of the feast given above is the mythical; the one before us is the rationalistic (*ὁ δὲ προκείμενος φυσικός*). The name *θεσμοφορία* (paroxytone) arises from the epithet *θεσμοφόρος* applied to Demeter, because she laid down the law or rather her divine injunction (*νόμον ἤτοι θεσμόν*), whereby man is bound to provide for himself and to get by his own labour his daily sustenance (*τὴν τροφὴν πορίζεσθαί τε καὶ κατεργάζεσθαι*)." Rohde supposes that the Scholiast, finding in his text an allusion to the *θεσμοφόρια* (proparoxytone), looked up in some book of ritual and copied down what he found under *θεσμοφορία* (paroxytone). Now, this latter was the name of the day of the mysteries at Halimus, according to the right reading in Photius, 87, 21 (compare with Schol. on Aristoph. *Thesm.* 80), wrongly altered by Porson to *θεσμοφόρια*: cf. Fritzsche, p. 578.

Accordingly, in the description by the Scholiast on Lucian, we have an account of that part of the Thesmophoria which consisted of certain mysteries solemnised by the women at Halimus, — mysteries both striking in themselves and instructive in more points than one.

First of all, let us call to mind other similar sacrifices offered elsewhere to Demeter and Persephone. We read that there was a hole (*Βόθρος*) sacred to Demeter Erinnys at Onceum, near Thelpusa in Arcadia, into which live pigs were cast (Paus. viii. 25, 4; cf. Lycophr. *Alex.* 1225, *λωβαῖσιν αἰκισθέντας Ὀγκαίου βόθρου*). The people of Potniae in Boeotia (Paus. ix. 8, 1) used to throw into "crypts as they are called" (*ἐς τὰ μέγαρα καλούμενα*) young pigs, and they relate that these pigs emerged again ["at Dodona," says Pausanias. We do not see how *ἐν Δωδώνῃ* can stand, and hesitatingly with Lobeck (*Aglaoph.* 829, 830) read *ἀναδοθῆναι*: for a verb is certainly required, and what connexion are the Potnians likely to have had every year with distant Dodona?] at the same season of the ensuing year. At the fountain of Cyane, near Syracuse, a live bull was precipitated, in honour of Cora, into a hole where it was supposed that she had disappeared (Diod. v. 4). Into a gulf near Argos, at certain periods, torches were thrown in honour of Cora (Paus. ii. 22, 3).

Next, as regards these crypts, or *μέγαρα*, as they were technically called, Eustathius (on *Od.* i. 1387, 17) says, *ἰδικῶς μέγαρα κατάγεια οἰκήματα ταῖν θεαῖν ἤγουν Δήμητρος καὶ Περσεφόνης*, with the addition of Ael. Dionysius, *εἰς ὃ τὰ μυστικὰ ἱερὰ κατατίθενται*: cf. Hesych. *s. v. ἀνάκτορον*. Especial interest attaches to them, as Sir Charles Newton opened one at Halicarnassus. It had been originally circular in form, and amongst its contents were discovered "certain small figures of pigs in marble, and at the very bottom the bones of swine and of some other animals." Taken in connexion with the scholion to Lucian and the passage from St. Clement, it may reasonably be inferred that Sir C. Newton discovered an actual crypt used in the mystic ceremonies of the Thesmophoria. The Scholiast tells both of the live pigs driven down into the crypts and of the images (*πλάσματα*), probably of pigs, which were placed in the crypts after the flesh of the real swine was removed; and both these were actually discovered at Halicarnassus. (See Newton, *Halicarnassus*, 383 ff., 391, 422; cf. Plate lviii.)

But the most interesting point of all is the reason given by the Scholiast for the sacrifice. They believed that the flesh of the swine so offered to Demeter would, if mixed with the seed-corn, magically add to its fertility. We seem to be very far from civilised Periclean Athens here. We are away back in savage times and their magic rites. In savage and even bestial forms Demeter appears elsewhere in Greek religion, *e.g.* Demeter Erinnys (Paus. viii. 25, 4), Demeter Melaina (*ib.* 42, 1–4); but that would be too wide a subject to enter on now. It is more relevant to show by comparison that the custom of mixing blood with the seed-corn *is* a savage custom; and that has been done by Mr. Andrew Lang in an article "Demeter and the Pig" (*Nineteenth Century*, xxi. 563, April 1887: cf. *Myth, Ritual, and Religion*, ii. 260–276), in which he adduces the examples of the Pawnees of America, who used to mix the blood of a human victim with the seed-corn, and of the Khonds in the hill-region of Goomsar, who sacrificed both a pig and a man for the same purpose;* and further Mr. Lang shows how, in the two discoveries of Sir C. Newton at Halicarnassus, "the whole character of Greek religion, its humane and rational, and its wild and magical aspects, are thus combined in the lovely Cnidian statue of Demeter (cf. Newton, *op. cit.* p. 399; cf. Plate lvi.), and in the fragments of bones of sacrificed swine and images of pigs which lay in her subterranean cell."

But though these savage rites came soon, under the wondrous alchemy of the Greek imagination, to be transmuted into parts of a poetical drama; still their savage character remained to the end, intertwined with the beautiful legend of Demeter and her lost daughter. For the mysteries at Halimus were a more or less complete dramatic representation of a portion of that story, as is expressly stated by St. Clement, probably the portion which described the rape of Proserpina (Rohde, p. 557). He seems to preserve even the very order of the representations. We think that here, too, the mysterious ceremony called *δίωγμα* took place (Hesych. *s. v.*), it being a pursuit after the ravished Proserpina; but this is rendered uncertain by the article in Suidas under *Χαλκι-*

* Mr. Frazer (*The Golden Bough*, ii. 48) relates that "in Hessen and Meiningen the flesh of pigs is eaten on Ash-Wednesday or Candlemas, and the bones are kept till sowing time, when they are put into the field sown or mixed with the seed in the bag:" but cf. p. 29, "This is thought to be an infallible specific against earth-fleas and moles, and to cause the flax to grow well and tall."

δικὸν δίωγμα, viz. τοῖς Θεσμοφορίοις Ἀθήνησί τι νόμιμον ἐν πολέμῳ γυναικῶν εὐξαμένων διωχθῆναι τοὺς πολεμίους καὶ συνέβη φυγεῖν εἰς Χαλκίδα. We confess to have no proper notion what this means: Welcker (*Griech. Götterlehre*, ii. 498) supposes that on one occasion of battle the prayer of the women assembled for the Thesmophoria effected the flight of the enemy to Chalcis. For the *calathus* sacred in the rites of Proserpina, see Claudian, *Rapt. Proserp.* 139, and Spanheim *ad Callim.* p. 652; it was worn also as a head-dress in the rites of Demeter (Saglio in *Dict. des Antiq.* i. 813). As to the functions of the ἀντλητρίαι, Rohde (p. 554) thinks that they were performed *after* the festival, as otherwise the flesh of the swine would not have had time to putrefy; but from the complexity and detail observed as regards the drawing up of the flesh, and the subsequent consecration of it on the altars and the mixing it with the seed-corn, we are led rather to suppose that these are the ceremonies performed by the assembled women, and that the casting of the swine into the crypt took place some days *before* the actual mysteries were celebrated. Mr. Frazer (*op. cit.* p. 45) holds that the rotted remains of the pigs were not taken up till the next annual festival; and refers to this feature in the ceremony at Potniae to which allusion has been made (Paus. ix. 8, 1). This is possible: but it is not likely that, in a scholion which is so explicit, such an important point would have been omitted.

Lastly, it is to be noticed that the pig was the animal especially sacrificed to Demeter. Why it was so different explanations are given. (1) The mythologists said that when Triptolemus first sowed his crop a pig destroyed his work (λυμαντικός, Schol. on Aristoph. *Ran.* 338); therefore did he seize it, place the fruits on its head, and sacrifice it to the goddess (Serv. on Verg. *Georg.* ii. 380; *Aen.* iii. 118). Or, again, they tell that the pig effaced the track of Proserpina as she was being carried away (Ov. *Fast.* iv. 405). (2) The Symbolists find in the pig an emblem of fecundity (διὰ τὸ πολυτόκον, Schol. on Lucian). Hence is to be explained the many votive offerings to Demeter of pigs with children on their backs. They are offered to the goddess by parents if haply she will grant them children (Gerhard, *Akademische Abhandl.* ii. 340, note 36). The female womb was called χοῖρος (Aristoph. *Ach.* 780 ff.; Schol. on *Vesp.* 1353); cf. *porcus* in Varro, *R. R.* ii. 4, 10. (3) But, besides, the pig was a common and effective *purificatory* offering (Aesch. *Eum.* 283), especially at Eleusis; accordingly, both in statues (*e.g.* that of Demeter Eleusinia in the Louvre: Fr. Lenormant in *Dict. des Antiq.* i fig. 1321) and coins (Cohen, *Méd. Cons.* pl. xli. 7, 8, Vibia gens) Demeter appears with a purificatory torch *and* a pig. Each of the initiates at Eleusis sacrificed a pig on the 17th of Boedromion, the day of the Great Eleusinia, which was called θύα (Hesych. *s. v.*), and so apparently on the same day did each family at Athens (*C. I. G.* 523, 7). There is a good picture of a family offering a pig to Demeter and Persephone in Baumeister's *Denkmäler*, p. 416, fig. 457 = D. and S. i. fig. 1310. (4) Mr. Frazer (*op. cit.* ii. 44 ff.) considers that the pig used in the rites of Demeter was nothing else but the goddess herself in animal form (cf. p. 27): for in European folk-lore, as he argues at length (pp. 26 ff.), the pig is the common embodiment of the corn-spirit; the goddess is sacrificed to herself on the ground that she is her own enemy, as was the case with Dionysus. At the Thesmophoria swine's flesh appears to have been eaten (Schol. on Aristoph. *Ran.* 338), and Mr. Frazer considers that "the meal must have been a solemn sacrament or communion of worshippers partaking of the body of the god." We cannot help thinking that the Scholion is too vague and unreliable to base on it such a large conclusion.

(*e*) *The Anodos* (ἄνοδος), sometimes called κάθοδος (Phot. 87; Schol. on *Thesm.* 585).—On this day, the 12th, the women returned to Athens in procession; and, says the Schol. on Theocr. iv. 25, they carried on their heads the sacred books of the ordinances of Demeter, and, as it were praying, went off to Eleusis (καὶ ὡσανεὶ λιτανεύουσαι ἀπῆρχοντο εἰς Ἐλευσῖνα). The Schol. on *Thesm.* 585 says that the name ἄνοδος came from the women going up to the Thesmophorion, for it lay on a height. We are to explain the strange allusion of the Scholiast on Theocritus to Eleusis, by supposing that the Eleusinion was the goal of the procession (Mommsen, *op. cit.* p. 300), and that either the Eleusinion was originally called the Thesmophorion, or, more probably, the Thesmophorion was part of the Eleusinion (cf. Milchhöfer in Baumeister's *Denkmäler*, i. 198–9). The carrying of the books of the laws on their heads was an old custom with the women (Aristoph. *Eccl.* 222, 3). It was for a long time supposed that Demeter with a volume of laws was represented on one of the metopes of the Parthenon; but this view is given up by Michaelis (*Parthenon*, p. 134, metope xx.). However, there is no doubt that in a vase-painting (Tischbein, IV. xxxvi., reproduced by Fr. Lenormant in *Dict. des Antiq.* i. fig. 1296) Demeter Thesmophoros does appear holding an open roll of laws.

(*f*) *The Scira* (Σκίρα).—Returned to Athens, still on the 12th (Mommsen, *op. cit.* 299), the women met for the secret conclave called Σκίρα, at which Aristophanes represents them as passing resolutions (*Eccl.* 18); at any rate there was a president (*Thesm.* 834). We cannot tell what the nature of the deliberations were; but that the Scira belonged to the Thesmophoria seems certain. Besides the two passages just quoted, we find in the Scholiast to the latter that the Scira were τὰ γινόμενα ἱερὰ ἐν τῇ ἑορτῇ ταύτῃ (sc. Thesmophoria) Δήμητρι καὶ Κόρῃ.

Such is the opinion maintained by Mommsen as to the position in the Thesmophoria of the part called Scira; and in deference to his authority we have placed it here, but with much hesitation. That Mommsen (287–289) has proved that the Scira belonged to the Thesmophoria, and not to the Oschophoria as is held by K. F. Hermann (*Gottesd. Alt.* § 56, 7), is certain: but it is not at all clear that the Scira was not part of the ceremony at Halimus. In the first place, we should wish to refer back (§ 3 *d*) to the passage of St. Clement (*Protr.* 11), where he speaks of θεσμοφόρια (query -ία), σκιροφόρια ἀρρητοφόρια, where the first pro-

bably, and the third certainly, refer to the mysteries at Halimus, and therefore we may presume that the second does too. Again, the scholion on Lucian says that the *θεσμοφορία* is also called *σκιροφορία*. [Of course, there is no allusion to the Scirophoria held on the 12th of Scirophorion, about the end of June; it is a mere mistake of St. Clement and the Scholiast, Scirophoria for Scira.] Further the scholion on *Thesm.* 854 continues, *οἱ δὲ ὅτι ἐπίσκυρα θύεται τῇ Ἀθηνᾷ*: for the corrupt *ἐπίσκυρα* Fritzsche (*op. cit.* p. 323) conjectures *ἐπὶ Σκίρῳ τῇ Ἀθηνᾷ*, as in Steph. Byz. *s. v. Σκίρος*, though the usual form is indeed *Σκιράδι Ἀθηνᾷ* (Paus. i. 36, 4; i. 1, 4). For Athena Sciras, see Preller, *Griech. Myth.* i.[3] 167 ff. The temple of Athena Sciras at Phalerum was quite close to Halimus (Paus. i. 36, 4); and it was natural that, as the primitive Demeter-worship of Halimus came gradually into connexion with the worship of Athena till it was finally adopted into the Athenian state-religion, it should get especially blended with just that side of Athena-worship which expressed gratitude for the gifts of the Earth (cf. Welcker, *Gr. Götterl.* ii. 283), and with just that temple of Athena, namely the temple of Athena Sciras at Phalerum, where her worship existed long before it was introduced into the city (Mommsen, 54). In a similar manner the Demeter-worship of the Gephyraeans became blended with the worship of Athena and Poseidon (Paus. i. 37, 2; Preller, *de Via Sacra*, p. 18), and Demeter-worship in Cyprus became blended with the presiding national divinity, Aphrodite (Engel, *Kypros*, ii. p. 654;—Paus. ii. 34, 11; vii. 21, 4), as indeed it had a certain connexion with the worship of Aphrodite Colias and of Genetyllis (Lobeck, 630), even in Attica (Preller, *Dem. u. Perseph.* 344; cf. *Gr. Myth.* i. 299).

(*g*) *The Fast* (*νηστεία*) took place on the 13th. "At the Thesmophoria," says Cornutus (*Nat. Deor.* 28), "the women fast in honour of Demeter; either it is that they honour her by a peculiar kind of sacrifice, in that they abstain for one day from the gifts which she has given unto them, or it is in heedful commemoration of the need that in days gone by fell upon men at the hands of this goddess." Seated on the ground and in the deepest gloom, the women fasted, and they did not even offer any sacrifice (Plut. *de Isid. et Osirid.* 69; cf. Aristoph. *Av.* 1517). Originally they appear to have uttered wild mourning and lamentations, *κομμοὶ καὶ θρῆνοι* (Iamblich. *Vit. Pythag.* c. 27, p. 262, ed. Kiessl.). These lamentations point to introduction from the East (cf. Herod. vi. 58), and partook of that piercing (*σκληρὸν*) and Oriental, unmeasured and intemperate expression of grief which Solon and Epimenides (Plut. *Sol.* 12, 21) tried to put down; and in this sense perhaps the solemn words of the Homeric Hymn to Demeter, 479, are to be understood: [*ὄργια δ'*] *οὔπως ἐστὶ παρεξίμεν οὔτε πυθέσθαι οὔτ' ἀχέειν, μέγα γάρ τι θεῶν ἄχος ἰσχάνει αὐδήν.*

Most scholars after Plutarch (*de Isid.* l. c.; *Demosth.* 30) place this fast in connexion with the fast of nine days which the initiates at Eleusis observed, in imitation, as is supposed, of the fast of Demeter in her grief for the loss of her daughter—and rightly too in part, though we must remember that Persephone did not play any very *prominent* part in Thesmophoric worship generally, and that the lamentations and fasting point also in part to the fact that probably the worship of Demeter as a *θεὸς χθόνιος* had got in some degree mingled with that of the goddess in her other aspects; and it is to an earth-goddess that Iamblichus refers the *κομμοὶ καὶ θρῆνοι* before alluded to. The statement made by Lenormant (*Dict. des Antiq.* i. p. 1059, note 1182) that the reference was to the miserable state of humanity prior to the possession of the gifts of Demeter is in some measure borne out by the evidence adduced, viz. Cornut. *l. c.*, Aristid. *Eleusin.* 417 Dindorf. He also tells us that Cornutus (c. 28) refers to the absence of fire in the Hephaestia at Lemnos as a parallel to the fast of the Thesmophoria, a point alluded to also by Welcker (*op. cit.* ii. 502, note 19), but we have been unable to find the reference.

In Rome fasts in honour of Ceres were solemnised under Greek influence, *e.g.* the *jejunium Cereris* appointed by order of the Sibylline books in 191 B.C. (Liv. xxxvi. 37, 4) to be held every five years (cf. Cic. *Balb.* 24, 55; Festus, s. v. *Graeca sacra*, p. 154 M.); also a *jejunium Cereris* appears in the Calendar of Amiternum for Oct. 4th, a date which nearly coincides with the Thesmophoria (cf. *C. I. L.* i. pp. 325, 403).

(*h*) *The Calligeneia* (Καλλιγένεια).—This was the name given to the last day of the festival, the 14th, the day of rejoicing and holiday after the severe discipline of the previous ceremonies. According to the Schol. on Aristoph. *Thesm.* 298, Καλλιγένεια was a *δαίμων περὶ τὴν Δημήτραν*: cf. Hesych. *s. v.*, who says she is an *ἀκόλουθος*. An important passage of Photius quoted by Kock (*Frag. Com. Att.* i. p. 481 = *Frag. Aristoph.* 335) tells us that Apollodorus said that Calligeneia was the Earth, others a daughter of Zeus and Demeter, while Aristophanes the comedian represented her as the nurse of Demeter. But the real fact probably is that *καλλιγένεια* is an epithet of the goddess herself as the mother of a fair child, just as Persephone is the fair child herself (*καλλίπαις θεά*, Eur. *Orest.* 964).

But, be that as it may, it is agreed that Calligeneia spoke the Prologue of the Second Thesmophoriazusae of Aristophanes (Kock, *l.* c.). The First Thesmophoriazusae (the play which we possess intact) had its scene laid on the day of the *νηστεία*: the Second Thesmophoriazusae probably on the Calligeneia (Fritzsche, p. 585). In Athen. i. 29 we read that Demetrius of Troezen called the Second Thesmophoriazusae *Θεσμοφοριάσασαι* (cf. Kock, *l.* c.), *i.e.* the women who *have* celebrated, not who *are* celebrating, the Thesmophoria. But all the Grammarians call our play the *πρῶται* or *προτέραι Θεσμοφοριάζουσαι* (Fritzsche, *l.* c.); while it may be maintained that Demetrius considered that the really essential parts of the Thesmophoria were the mysteries and the fasting, and wished to convey that when they were done the Thesmophoria was virtually over. During the Calligeneia there was much loose jollification, plenty of festivity (cf. Hesych. *s. v. πρυτανεῖον*), sacrifices (Alciphr. iii. 39), and we hear of dances *κνισμὸς* and *ὄκλασμα* peculiar to this occasion (Poll. iv. 100: yet cf. Rohde, *op. cit.* p. 555, note), as well as cakes of obscene shapes (*κτένας*), like the *μύλλος* at the Sicilian festival (cf. Lobeck, *op. cit.*

200); unless the κτένες actually point to a rite of the nature of phallic worship, as Theodoretus (quoted by Lobeck) thinks.

(*i*) *The Zemia* (ζημία).—The concluding act of the whole festival at the end of the 14th was called ζημία, a sacrifice offered ὑπὲρ τῶν γινομένων (Hesych. *s. v.*), a kind of sin-offering, probably in atonement for any offences committed during the festival. As such, and as being the last act (ἐπιτελέωμα, Harpocr. 122) of the festival, it reminds us of the πλημοχόαι in the Eleusinia [ELEUSINIA].

(*j*) *The date of the Festival.*—The Thesmophoria were held in the middle of Pyanepsion (= latter half of October and first half of November); as to this every one is agreed, but there is some difficulty as to the actual days. Photius says (87, 21), Θεσμοφορίων ἡμέραι δ'· δεκάτη θεσμοφορία, ἑνδεκάτη κάθοδος (generally called ἄνοδος: see above, *e*), δωδεκάτη νηστεία, τρισκαιδεκάτη καλλιγένεια: Hesychius (*s. v.* ἄνοδος) refers that part of the festival to the 11th; and the Schol. on Aristoph. *Thesm.* 80 (ἐπεὶ τρίτη 'στὶ Θεσμοφορίων ἡ μέση) says that the day of the νηστεία (which is the day certainly alluded to) was the third day counting the Thesmophoria at Halimus, the middle day if you regard only the Athenian part of the festival (δεκάτῃ ἐν Ἁλιμοῦντι Θεσμοφόρια (query -ία) ἄγεται ὥστε τρίτην μὲν ἀπὸ δεκάτης ιβ' εἶναι, μέσην δὲ μὴ συναριθμουμένης τῆς δεκάτης); and the days are, 10th Mysteries at Halimus, 11th ἄνοδος, 12th νηστεία (on which day the scene of the Thesmophoriazusae of Aristophanes is laid), 13th καλλιγένεια. The Schol. goes on to state that no one can maintain the far-fetched and artificial interpretation (ἀλλ' οὐδὲ ψυχρεύεσθαί τις δύναται) that τρίτη means τρισκαιδεκαταία, as ἑκταία ἑκαταβόλος σελάνα means ἑκκαιδεκαταία. Nearly all scholars are in agreement with the scholiast: *e.g.* Schömann (ii. 483), Maury (ii. 227), Schäfer (*Demosthenes und seine Zeit*, iii. 359). [Of course, the statement in Plut. *Demosth.* 30, that the νηστεία was on the 16th, is quite in error.]

But there is much to recommend "the far-fetched and artificial" interpretation, and it is well supported by A. Mommsen (*op. cit.* 293 ff.). He holds that τρίτη = τρίτη ἐπὶ δέκα. Not to mention the fact that τρισκαιδεκάτη would be troublesome to get into verse and very cumbrous, we know that the days of the month are often given without the decade to which they belonged being specified (Aristoph. *Nub.* 1128; Demosth. *Fals. Leg.* 359, §§ 58, 59). If this is so in the present case, the city festival will be on the 12th, 13th, and 14th, and the 13th will be the middle day of the city festival. Further, this will allow that the nine nights of strict chastity which were enjoined on the women (see above, *b*) should all be in Pyanepsion, the Stenia not beginning till the 10th. Again, the 13th of months generally was considered an unlucky day (cf. Hes. *Op.* 780); no decree is ever found to have been passed on it; while the fourth day of each decade was a lucky day for begetting children (*ib.* 794). Finally the Thesea, which we know in Roman times were lengthened, will not overlap the Thesmophoria if we allow that the latter did not in any sense begin till the 10th. We confess to thinking Mommsen's view the more satisfactory; but must add that Preller (*Griech. Myth.* i. 640, note 1), with that view before him, deliberately rejects it, though he gives no reasons for so doing.

As regards Θεσμοφορίων ἡ μέση in Aristophanes (cf. Athen. vii. 307 f, ἡμεῖς νηστείαν ἄγομεν Θεσμοφορίων τὴν μέσην), the day of the νηστεία appears to have been the middle day of the strict Athenian festival. For the whole Thesmophoria, as it existed in Attica in Aristophanes' time, was a blending of the original Mysteries at Halimus, where Demeter-worship was first introduced into Attica, and an Athenian festival. The first two days (the Stenia and the Mysteries) belonged to the former, the last three days to the latter.

We subjoin a table of the dates of the several parts of the festival, according to the ordinary reckoning and to Mommsen.

	Ordinary reckoning.		Mommsen.
Stenia	9 Pyanepsion	(=Oct. 22)	10
Mysteries at Halimus	10 „	„ 23	11
Anodos and Scira .	11 „	„ 24	12
Nesteia. . . .	12 „	„ 25	13
Calligeneia and Zemia	13 „	„ 26	14

4. *Thesmophoric worship outside Attica.*—(*a*) *Greece.* The house of Cadmus in Thebes became the temple of Demeter Thesmophoros (Paus. ix. 16, 5), and Xenophon (*Hell.* v. 2, 29) tells us that the Theban women ἐν τῇ Καδμείᾳ θεσμοφοριάζειν (cf. Plut. *Pelop.* 5). At Drymaea in Phocis the Thesmophoria was a yearly festival (Paus. x. 33, 12), Megara had a temple to Demeter Thesmophoros (*ib.* i. 42, 6), and at Argos the daughters of Danaus were said to have taught the Pelasgian women the rites of the goddess (Herod. ii. 171). The temples of Demeter at Aegina (Herod. vi. 91) and Troezen (Paus. ii. 32, 7) had ceremonies connected with them analogous to those of Demeter in Attica: for we hear of a λιθοβολία at Troezen (*ib.* § 2), which probably resembled the βαλλητὺς of the Eleusinia; and at Aegina of the ribald abuse (Herod. vi. 83), which was characteristic of the γεφυρισμὸς in the Eleusinia and of the Stenia in the Attic Thesmophoria. At Troezen, Epidaurus, and Aegina, Demeter and Cora appear under the names of Damia and Auxesia (Herod. v. 82). At Agila in Laconia there was a temple of Demeter to which women only were admitted (Paus. iv. 17, 1), which perhaps points to Thesmophoric worship, and Hesychius (*s. v.* τριήμερον) speaks of Thesmophoria at Sparta (cf. possibly *C. I. G.* 1435, of a priestess who served ταῖν Θεαῖν). About seven miles from Pellene in Achaea was a temple of Demeter Mysia (Mysius was a man who had entertained Demeter in her sorrow), in which a festival was held lasting for seven days. On the third day not only the men, but all male animals were excluded from the temple, and the women performed mystic rites during the night (δρῶσιν ἐν τῇ νυκτὶ ὁπόσα νόμος ἐστὶν αὐταῖς). The next day the men came back; and a contest of abuse ensued (Paus. vii. 27, 9, 10). In Arcadia, Herodotus says (ii. 171), the old original worship of Demeter Thesmophoros survived, as it remained unassailed by the Dorian invaders. No doubt Demeter-worship in Arcadia presented very striking peculiarities and forms, such as are to be gathered from the stories told by Pausanias of

Demeter Erinnys at Thelpusa (viii. 25, 4–5) and of Demeter Melaina at Phigalia (*ib.* 42, 1–4); but these have little affinity with the law-establishing goddess, and even the worship in the great temples of Demeter at Acacesion and Megalopolis show not so much Pelasgian survival as Eleusinian influence; for we know that a considerable missionary propaganda of the Great Goddesses spread itself abroad from Eleusis about the time of Epaminondas (cf. Paus. viii. 37, 1–7; 31, 1–7; Lobeck, *Aglaoph.* 1251; Preller, *Dem. u. Perseph.* 148 ff.). However, about half a mile from Megalopolis there was a temple of Demeter in the Marsh (*ἐν ἕλει*, Paus. viii. 36, 6), where women alone had the right to enter, which points to Thesmophoric worship, and about four miles above Pheneus in Arcadia was a temple of Demeter Thesmia (*ib.* 15, 4).

(*b*) *The Islands and the Colonies.*—With regard to the Thesmophoria at Eretria, Plutarch (*Quaest. Graec.* 31 = ii. 298) asks why the women cook their meat in the sun and not on the fire, and why they do not invoke Calligeneia (*καὶ Καλλιγένειαν οὐ καλοῦσι*); and gives the unsatisfactory answer that it was because the captive Trojan women on the return from Troy were sacrificing the Thesmophoria there, when suddenly a favourable wind sprang up and they had to leave the ceremonies uncompleted. Crete was a very old seat of Demeter-worship [ORPHICA] (cf. Hom. *Hymn. to Demet.* 123; Hes. *Theog.* 971), having among its months two called Eleusinios and Thesmophorios. From Crete it passed to Paros, where it was in the highest degree important (Herod. vi. 134–5): we read that there Timo was *ὑποζάκορον τῶν χθονίων θεῶν*, guarding *τὸ ἕρκος θεσμοφόρου Δήμητρος*, and was accused of having shown to Miltiades sacred emblems which should not have been disclosed to any one of the male sex. The archives of Paros were kept in the temple of Demeter (*C. I. G.* 2557, 22). Cabarnus, who in the legend was said to have pointed out to Demeter where Persephone had been carried off, was the reputed ancestor of the Parian Demeter-priesthood (*C. I. G.* 2384). Perhaps this Parian Demeter-worship was originally a family one; and when later it became a public worship, the family retained the chief priesthood of it, like some of the priesthoods at Eleusis. From Paros it passed to Thasos (Paus. x. 28, 3), if the worship referred to here is Thesmophoric. At Delos there was certainly a Thesmophoria (Athen. iii. 109), where a cake called *ἀχαΐνη* was used (Lobeck, *op. cit.* 1063); and in Cyprus there was a Thesmophoria lasting for nine days (cf. Engel, *Kypros*, ii. 653–4). We hear of Thesmophoric worship in Asia Minor at Ephesus (Herod. vi. 16), Miletus (Steph. Byz. *Μίλητος*), Laodicea (*C. I. G.* 4000, a curious inscription, where see Boeckh's notes), Smyrna (*ib.* 3194, 3211), Priene (*ib.* 2907); in Macedonia (Polyb. xv. 29, 8); in Thrace at Abdera (Diog. L. ix. 43); and even so far away as Panticapaeum (*C. I. G.* 2106–2108). Demeter-worship came into Sicily from Greece, and at Syracuse there was a Thesmophoria in spring (also called Demetria, Diod. v. 4), at which *μυλλοὶ* cakes of sesame and honey in the shape of *ἐφήβαια γυναικεῖα* were eaten (Athen. xiv. 617); and a Coreia in summer, which was a very splendid feast: in it appeared the traditional *αἰσχρολογία* (Diod. *l. c.*). At Catana there was a worship of Demeter by women only,—her statue was never even heard of by men till Verres stole it (Cic. *Verr.* iv. 45, 99); and at Agrigentum there was a Thesmophoria (Polyaen. v. 1). In Naples and the adjoining country the worship of Demeter was widespread (*C. I. G.* 5799, and perhaps 5838 with Boeckh's note). The rites of Ceres were the only foreign mysteries tolerated by the Romans (Cic. *de Leg.* ii. 9, 21); but they readily accepted her rites, making the Greek priestesses of Demeter (who almost all came from Naples or Velia) Roman citizens (cf. Cic. *Balb.* 24, 55). At Cumae to be priestess of Demeter Thesmophoros was the highest honour to which matrons could aspire (Plut. *Virt. Mul.* 26 = ii. 262); and an inscription of a priestess of the same goddess has been found at Pompeii (*C. I. G.* 5865).

The chief work on the worship of Demeter Thesmophoros is Preller, *Demeter und Persephone*, 335–365; also his *Griechische Mythologie*, i.[3] 639–641. As regards the Athenian festival, see A. Mommsen, *Heortologie der Athener*, 287–302; and Fritzsche's edition of the *Thesmophoriazusae*. For further, compare Welcker, *Griechische Götterlehre*, ii. 495–540; Maury, *Histoire des Religions de la Grèce antique*, ii. 222–229; Schömann, *Griechische Alterthümer*, ii. 482–6; K. F. Hermann, *Gottesd. Alterthümer*, § 56, 12–27; Mr. J. G. Frazer, *The Golden Bough*, ii. 44 ff., and *Encyclopaedia Britannica* (ed. 9), s. v. *Thesmophoria;* and, above all, Lenormant's article on CERES in Daremberg and Saglio's *Dict. des Antiquités*, i. 1021–1078. [L. C. P.]

THESMO'THETAE. [ARCHON.]

THETES (*θῆτες*). In earlier times this name denoted any freemen who worked for hire (*οἱ ἕνεκα τροφῆς δουλεύοντες*, Photius, *s. v.*; *ἐλευθερῶν ὄνομα διὰ πενίαν ἐπ' ἀργυρίῳ δουλευόντων*, Pollux, iii. 32). Homer (*Od.* iv. 644) speaks of *θῆτες τε δμῶές τε*, the latter properly signifying those who became slaves by captivity. That Thetes were not *adscripti glebae*, like the Penestae or Helots, appears from *Od.* xi. 489, and still more plainly from *Od.* xviii. 357 ff., where "free contract" and "sufficient wages" are expressly mentioned. (Compare Schömann, *Ant. Jur. Publ.* p. 70; *Antiq.* i. 41 E. T.; SERVUS, p. 656 *b*).

The persons best known by the name of *θῆτες* are the members of the fourth or lowest class at Athens, according to the political division of Solon. They are spoken of under CENSUS (Greek) in Vol. I. The cleruchies (*κληρουχίαι*) of the time of the Peloponnesian war were mostly recruited from them. As Thetes they did not serve in the Athenian army as hoplites, only as *ψιλοί*: but on becoming cleruchs they passed into the class of *ζευγῖται*, and therefore of hoplites. The Athenian armies during the war were thus reinforced by at least 10,000 men (Gilbert, *Staatsalterth.* i. 421).

[C. R. K.] [W. W.]

THOLUS (*θόλος*), a round building, probably the most primitive form of hut, and so preserved traditionally in a house or city. In the Homeric house it stood in a corner of the *αὐλή*, and a rope stretched round it from a column was high enough to hang the unfaithful servants from (*Od.* xxii. 466). It is stated to have

served as a storehouse (Schol. *ibid.*); and if so, its resemblance to the *θησαυρὸς* and also to beehive tombs, like those at Mycenae, is to be noticed. For an account of the Tholus at Athens, see PRYTANEUM. The Tholus at Epidaurus, which was built by Polycleitus, was of remarkable beauty in its execution; its ground-plan and portions of its architecture have been recovered. It was round, and had an external colonnade of the Doric order, and Corinthian internal columns. It contained pictures by Pausias, but there is no record of the purpose for which it was used. The name *tholus* is used later for any circular building. (Tsountás, in *Ἐφημερὶς Ἀρχαιολογική*, 1885, pp. 30 *sqq.*; *Πρακτικὰ τῆς Ἀρχαιολογικῆς Ἑταιριάς*, 1883, *Πιν.* Γ.) [E. A. G.]

THRONUS. The use of the throne as a symbol of kingly power or authority in general is so ancient, that any inquiry into its origin would lead far beyond the earliest records of Greece and Italy. Even on the pre-historic remains found at Mycenae and other sites in Greece and on the islands of the Aegean, seated figures are represented in a way which leaves no doubt that they are receiving homage. Unfortunately these thrones are so poorly represented, that no idea of those then used can be gained from them.

In Homer the *θρόνος* is distinguished from all other forms of seat [SELLA], and was used by kings and princes. It was not, however, wholly confined to them, for any guest whom the prince wished to honour was given a throne. Telemachus, for instance, shows his respect for Athene when she arrives disguised as Mentes in this way (*Od.* i. 130). It was doubtless on this account that we find the seats of all the guests in magnificent palaces, such as that of Alcinous or the hospitable house of Odysseus, are called *θρόνοι* (*Od.* xvi. 408). As might be expected from this, the seats of the gods are always *θρόνοι*, except in one passage (*Il.* viii. 436), where all except Zeus sit on *κλισμοί*, he taking a *θρόνος*: but this is quite naturally meant to show his supremacy. The idea, in fact, is the same as that in the mind of the artist of the Parthenon frieze. On the west side, in the assembly of the gods he has given Zeus alone a throne with back and arms, whereas the seats of the other gods are mere stools (cf. *British Museum Guide to Elgin Marbles*, p. 66, No. 29).

The epithets in Homer do not give much information about the shape or appearance of the thrones he mentions. It was high (*ὕψηλος*, *Od.* viii. 422), and always had a footstool (*θρῆνυς*, *Od.* i. 131; xix. 57). It was covered with rugs and carpets (*Od.* i. 130; xx. 150) of the richest kind. From the epithets *σιγαλόεις*, *φαεινός*, and *ξεστός*, we may conclude that it was made of wood, turned and highly polished. The wood, however, was often overlaid with gold plating (*χρύσειος*, *Il.* viii. 442), in the style that the gold-leaf ornaments from Mycenae have made so familiar (cf. Schuchhardt, *Schliemann's Ausgrabungen*, 267 foll.). There is no mention of a throne having arms; but from the account of the death of Antinous, Helbig infers that they were used (*Od.* xxii. 8–20). The earliest monuments showing thrones are the rude terra-cotta statuettes representing goddesses which are found with pottery of the Dipylon and other Geometric styles (cf. *Jahrbuch des d. Arch. Inst.*, Boehlau, 1888). These, however, show little more than that the back was straight and ornamented, and that footstools were generally used. One may, however, trace in the magnificent throne which later ages provided for temple idols, a traditional survival of the gorgeousness of Heroic times. Two of these are the throne of Apollo at Amyclae, the work of Bathycles of Magnesia (Paus. iii. 18, 19), and the throne of Zeus at Olympia, designed and executed by Pheidias (Paus. v. 11). The former, however, was not a throne in the ordinary sense, being a structure built round the old wooden idol (*ξόανον*), which of course could not be put in a sitting attitude. The latter, however, was in all respects, except its colossal size, a throne; the additional pillars inserted between the legs to support the enormous weight of the statue being the only difference. Pausanias (*loc. cit.*) gives a full description of its structure and decoration. It was made of ivory and gold, ornamented with gems and ebony, sculptured, inlaid, and painted. The back was high and surmounted by sculptured groups of the Graces and Seasons, which rose about the head of the god. Between the legs were eight crossbars, and below was a footstool, the whole covered with a multitude of figures and groups representing mythological heroes and tales. This throne is well shown on the coins of Elis of the time of Hadrian, a small sketch of the famous statue on their reverse (cf. *Journ. of Hellenic Studies*, vol. x. 98). It agrees well with Pausanias, showing the high back, the Sphinx supporting the arm, the cross-bars between the legs and the footstool. It fails to show the two groups standing on the back, and of course gives no idea of the decoration. Magnificent as this throne was, there is nothing beyond its size and artistic merit which might not have been found on the seats of early Greek kings. Even the more or less commonplace forms on the monuments—the grave reliefs in particular—show much variety of design and complicated decoration.

Coin of Elis, showing Zeus enthroned.

The best known of the grave reliefs of the type in which the dead man appears enthroned and receiving the homage of his descendants is the Harpy tomb from Lycia, at the British Museum. It shows us no less than five thrones, the most typical of which are those on the slab, where two seated ladies receive offerings from three women. The lady to the left is on a throne with legs of turned work strengthened by cross-bars. The arm which is visible is also of turned wood, and, as in the case of the Olympia throne, is supported by a Sphinx. The lady to the right sits on a throne with very solid square legs, which end above in an early form of the Ionic volute (cf. Puchstein, *Das Ionische Capitell*), and are decorated in the middle with a palmette

ornament. The arm ends in a ram's head, and the top of the back is bent over and carved into the shape of a goose's head. Both thrones are thickly cushioned, and both have a footstool. On the other sides of the tomb we see other varieties, one seat having no back, another no arms, while the third has an arm supported by the figure of a Triton, and front legs carved

Thrones, from the Harpy Tomb. (Murray.)

like the fore-legs of a lion. This imitation of a lion's legs and paws is very common, but only in the case of the fore-legs. A series of grave-reliefs however, from Sparta and the neighbourhood (cf. *Mittheilungen des Ath. Inst.* 1877), shows all four legs carved in this way, the back legs being shaped as hind paws. Studniczka has pointed out that this curious feature is only seen elsewhere on vases of the Cyrenaic class, and that it is the pattern in which almost all Egyptian thrones are carved. This leads him to derive the fashion from Egypt (*Cyrene*, p. 9), and the remarkable coincidence of several other shapes makes the hypothesis a probable one.

Egypt, however, was not the only country from which the Greeks borrowed their models of thrones, for the connexion with Assyria and the East is even stronger. This is especially to be seen in the use of certain primitive forms of the Ionic capital and the very peculiar variety of the palmette ornament, in which two elliptical cuts are made on each side of the leg, leaving a narrow bar which is used in the decoration as the stalk of a double palmette. Both these are shown by the second throne described above, and both are very common in vase-paintings, of all periods except the very latest. The natural inference is that the work of Oriental cabinet-makers, travelling through Greece proper, was the source from which the Greek carpenter derived his patterns and ornament. Not that he copied slavishly; for the bewildering variety of thrones on vase-paintings makes any simple description impossible, and shows that much invention was bestowed on their manufacture. Some of the fantasy, it is true, must be the artist's; for he gives himself free hand in the matter, and omits backs, arms, and footstool as it may happen to suit his design.

Much more reliable are the copies in stone of actual seats, in which statues were frequently carved; as, for instance, those from the sacred way of Branchidae, now in the British Museum. Such thrones were used by men of authority, such as priests, judges at the games, and teachers in schools (cf. *Bullettino dell' Instituto*, 1890, i. p. 1, "Parodia d' una scena di scuola"). It was with thrones such as these that the Greek of classical times, to whom the insignia of royalty were scarcely known, was acquainted. In later times, especially under the Roman Empire, it became the custom to dedicate honorary seats or thrones in public places, generally the theatre, to the use of distinguished people. Such are the seats of benefactors, priests, archons, generals, and other officials, which still remain in the theatre of Dionysus at Athens (cf. *C. I. A.* iii. 240 *seq.*; and Miss Harrison, *Mythology and Monuments of Ancient Athens*, pp. 273–277). Besides these ceremonial seats, each head of a house had a chair in which he sat and entertained guests, which was not unlike the old *θρόνος* in shape and went by its name.

Such also was the case at Rome, where the *solium* was only used by the paterfamilias, who sat in it of a morning when giving audience to his clients (Cic. *de Leg.* i. 3, 10: "Cum praesertim non recusarem quominus more patris sedens in solio consulentibus responderem"). The *solium* was in form practically the same as the Greek *θρόνος*, and, like it, was the seat of gods. The seat of the teacher, however, was not called *solium* but *cathedra;* a word which is otherwise used as a translation for *δίφρος*, not *θρόνος*. *Solium* is also the name for a peculiar kind of bathing chair, in which the bather sat and had hot water thrown over him. Such chairs are to be seen in many museums (cf. Daremberg et Saglio, *Dict.*, art. *Balneae*, fig. 768). Some, however, seem to have been rather of the nature of a hip bath, and are frequently mentioned by medical writers (Celsus, vii. 26, 5, "in solium ... aquae calidae resupinus demittendus est;" cf. Festus, p. 298 b, 22 M., "Alvei quoque, lavandi gratia instituti, quo singuli descendunt solia dicuntur."

(Baumeister, *Denkmäler*, art. *Sessel;* Iwan Müller, *Handbuch*, pp. 381, 385; Overbeck, *Plastik*, i. 56, 74 foll.; Blümner, *Kunstgewerbe in Alterthum*, i. p. 111, ii. p. 41; Buchholz, iii. ii. 138; Hermann-Blümner, *Privatalterthümer*, p. 158; Helbig, *Das homerische Epos*, pp. 108, 118 foll., 378; Becker-Göll, *Charikles*, iii. 82.)

[W. C. F. A.]

THYRSUS (*θύρσος*), a wand or sceptre carried by Dionysos (Bacchus) and by Satyrs, Maenads, and others engaged in Bacchic rites (Eurip. *Bacchae*, 25, 80, 88, 733, 762, 1099; *Cyclops*, 62, Βάκχαι τε *θυρσοφόροι*; Athen. xiv. p. 631 a; Verg. *Aen.* vii. 390; Hor. *Od.* ii. 19, 8, &c.). It usually consists of a straight staff surmounted by a pine-cone (*Anth. Pal.* vi. 165, *θύρσου χλοερὸν κωνοφόρου κάμακα*), or by a bunch of vine-leaves and grapes or ivy-leaves and berries (Ov. *Met.* xi. 27, 28; Propert. iii. 3, 35). A riband or fillet is found attached to it, just below the pine-cone or the bunch of leaves. On the monuments, the pine-cone

Thyrsi, from a Greek vase. (Hamilton.)

appears most commonly to form the head of the thyrsus. The pinecone-headed thyrsus is held by Dionysos on an Attic terracotta of early style figured in Baumeister, *Denkm.*, art. Dionysos, fig. 481, and is seen in the hands of Dionysos and a Satyr on an amphora of good style figured *ib.*, art. Dionysos, fig. 491 = *Mon. Inst.* vi. vii., Taf. 70. It may also be seen on red-figured vases of the best period (*e.g.* in the British Museum, vases labelled E 164, E 179, E 356, E 372, E 379) and on later vases (British Museum, F 91), on gems (A. H. Smith, *Brit. Mus. Cat. Engraved Gems*, Nos. 957, 1023), on Roman reliefs (*Anc. Marbles in Brit. Mus.* ii. pl. xii.), and on coins (the thyrsus is an occasional type and a not infrequent symbol on coins. It has the pine-cone head). The thyrsus with the ivy-bunch top is found on vases both of the fine (British Museum, E 54, E 109, E 153) and later periods (Brit. Mus. F. 377). Occasionally, as on certain Roman terracotta reliefs in the British Museum (*Descript. of Anc. Terracottas in Brit. Mus.*, No. xxi., pl. xiii.; *ib.* No. xxxvii., pl. xx.), the thyrsus has the pine-cone at each end of the staff. An interesting coin of Amisus in Pontus, struck under the influence of Mithridates Eupator (the Great), shows a pinecone-headed thyrsus with the staff formed of a pine-branch: from the riband attached to this thyrsus is suspended a bell on a cymbal, an unusual addition (see Wroth, *Catal. Pontus*, &c. pl. iii. No. 10; p. 18, No. 58: cp. the thyrsus, *ib.* pl. iii. Nos. 7, 8, 9).

The pine-cone or leafy bunch of the thyrsus was sometimes supposed to conceal a spear-head, used as a weapon by Dionysos and his followers. This is what is properly called the *θυρσόλογχος* (Callix. *ap.* Athen. v. p. 200; Diod. Sic. iii. 65, iv. 4; Macrob. *Sat.* i. 19; Lucian, *Bacch.* 4; Ov. *Met.* iii. 667).

It may be added that the pillars of the banquet-chamber built for the great festival of Ptolemy Philadelphus, described by Athenaeus, v. 196 *sq.*, represented thyrsi and palm-trees alternately. (For another example of a thyrsus, see woodcut under VANNUS.) [W——K W——H.]

TIARA. To the Greeks the *τιάρα* or *τιάρας* was known only as the head-dress of the Persians. Herodotus, whose information on this point, unlike that of most classical writers, is at first hand, says that it was of soft felt (vii. 61, *τιάρας καλεομένους πίλους ἀπαγέας*: cf. iii. 12), and was worn by the Persians not only when campaigning, but at the more peaceful occupation of sacrificing (i. 132: cf. Serv. *ad Aen.* vii. 247). Later writers add that it was the distinctive dress of the *Magi* (Paus. v. 27, 6; Strabo, xv. p. 734). The only reference to the shape of the *τιάρα* seems to be the comparison of some leather helmets with a knot in the middle of them which Xenophon makes (*Anab.* v. 4, 13, *κράνη σκύτινα κρώβυλον ἔχοντα κατὰ μέσον ἐγγύτατα τιαροειδῆ*).

One particular form, however, the upright *τιάρα*, is often mentioned as being the peculiar badge of the Great King; no one else being allowed to wear it (Xen. *Anab.* ii. 5, 23). Aristophanes, referring to it under the name *κυρβασίαν ὀρθήν* (*Av.* 487), compares it to a cock's comb. This comparison enables us to identify it with the head-dress of Darius on the celebrated South Italian Vase-Painting in the Naples Museum. It is evidently highly adorned with jewels (cf. Val. Flacc. vi. 699), though we cannot trace the diadem which sometimes surrounded it (cf. Xen. *Cyrop.* viii. 3, 13, *εἶχε* (Κῦρος) *δὲ καὶ διάδημα περὶ τῇ τιάρᾳ*). The tiara which Xerxes in his flight after Salamis gave to the people of Abdera was bedecked with gold (Herod. viii. 120, *δωρησάμενος τιήρῃ χρυσοπάστῳ*), and was doubtless the kingly form. The ordinary tiara is that worn by the youth who stands behind Darius in the vase-painting, and is a felt cap of the kind familiar to us as the Phrygian cap. It is long and conical, and the point falls forward over the brow of the wearer, and, like the upright form, has lappets at each side of the ear, which could be tied under the chin, so that in late Greek it was used of a hood. Sozomen (*H. E.* iii. 14, p. 111) calls a *κουκούλιον* (=*cucullus*) worn by children, a *τιάρα*. The Scholiast on Plat. *Rep.* viii. 553 tells us that the proper name for the upright *τιάρα* is *κίταρις* (or *κίδαρις*), though he adds that Theophrastus says it is Cypriote, not Persian (*τινὲς δὲ καὶ κίταριν λέγουσι τὸ αὐτό· Θεόφραστος δὲ ἐν τῷ περὶ βασιλείας Κυπρίων εἶναι λέγει*). Curtius gives a still fuller account of it under the same name, saying that it is bound round with a blue and white band (iii. 3, 19, "cidarim Persae vocabant regium capitis insigne quod caerulea fascia albo distincta circumibat").

There has been some discussion as to whether κυρβασία is identical with the τιάρα, or not, but the passage quoted above from Aristophanes and its use in Herodotus (v. 49) seem to place it beyond a doubt. The only passage that conflicts with this view is the description in Herodotus of the caps of the Sacae, which were upright, stiff, and pointed (vii. 64, Σάκαι . . . κυρβασίας ἐξ ὀξὺ ἀπιγμένας ὀρθὰς εἶχος πεπηγυίας), but the Sacae were Scythians and not Persians, and the word might well be used in describing the felt or sheepskin caps worn by Tartars and other Asiatic tribes down to this day.

Tiara. (From a coin of Tigranes, king of Armenia, B.C. 83–69.)

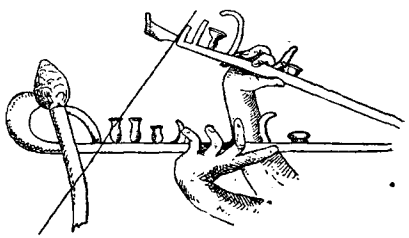
Tiara. (From a coin of Abgarus, king of Edessa.)

Roman writers all use the word in a loose way, and regard it as being especially a Phrygian head-dress, both of men and women (Juv. vi. 516). Thus in Graeco-Roman art it was generally given to Paris, Mithras, and other Asiatic characters; while the kingly tiara falls to the lot of Priam (Verg. *Aen.* vii. 246 and Serv. *ad loc.*; Juv. x. 267). It is interesting to note on a South Italian vase-painting (Baumeister, *Denkmäler*, fig. 792) that Priam, weeping over the dead body of Hector, wears an upright tiara with the "cock's comb."

Later writers spoke of it as Parthian (Sidonius, *Carm.* vii. 98; xxiii. 258), and the Church writers used it for a bishop's mitre (cf. Hieron. *Ep.* 64, n. 13; Eucher. *Instr.* 2, 10). It is needless to say that it had no connexion with the μίτρα known as Asiatic to classical writers. [MITRA.] [W. C. F. A.]

TIBIA. The word αὐλός, though it is commonly translated "flute," denotes any kind of wind instrument, with the exception of trumpets and horns. As a rule, however, it is used in a more restricted sense for the double oboe or clarinet, which is familiar to us under the misleading name of the "double flute." This is quite wrong, for the αὐλὸς had a mouthpiece (ζεῦγος) in which a vibrating reed (γλῶττα) was fitted, whereas in the flute the sound is produced by blowing a stream of air across a plain hole in the pipe of the instrument. The true Greek representative of the modern flute is the σῦριγξ μονοκάλαμος (fistula), as distinguished from the σῦριγξ πολυκάλαμος or Pan's pipe. Both forms—the σῦριγξ or flute, and the oboe or αὐλὸς proper—are, it would seem, as old as Homer, who tells us that Agamemnon, unable to sleep, heard afar off in Troy αὐλῶν συρίγγων τ' ἐνοπήν (*Il.* x. 13). The flute, however, was held in but low esteem, and was thought a fit instrument for shepherds and other country folk. The art of playing the αὐλός, or αὐλητική, was on the other hand a necessary part of education. In Boeotia it was the national instrument, and as such the Athenians affected to despise it in comparison with the lyre (cf. Böttiger, *Kl. Schriften*, i. 14), though as a matter of fact they used it as much as the other Greeks. It is very frequently seen in works of art, especially vase-paintings, and with the aid of these and the many notices in literature we are able to form an accurate idea of its structure. It consisted of a pipe (βόμβυξ, Poll. iv. 70), which in the simplest form was made of reed (κάλαμος βομβυκίας, Theophr. *H. P.* iv. 11, 3), but might be of bone, metal, or even ivory. To this was attached by means of a socket of bone (ὅλμιον or ὑφόλμιον) the mouthpiece (ζεῦγος), in which was fixed the vibrating reed (γλῶττα). Theophrastus (*l. c.*) says that the sound is best when the mouthpiece and pipe are made from the same length of reed. The instrument thus formed does not seem to have been played alone, but always in pairs. There are, it is true, a few monuments, such as a Roman wall-painting in the British Museum, in which the player has only one pipe in his mouth, but then the other is always to be seen in his other hand in a way that shows he is only preparing to play. The difficulty of playing two instruments at once was obviated by a leather strap which covered the mouth, ran under the ears, and was fastened at the back of the head by a knot or buckle. This curious piece of gear served to prevent a loss of wind and to keep the two mouthpieces in the proper position. It was called the φορβεία, στομὶς or χειλωτήρ (cf. Arist. *Vesp.* 582): in Latin, the CAPISTRUM.

The notes were given by holes (τρυπήματα); and as both pipes were played at once, there can originally have been only four or at the most five of these on each. However, it would seem, from a remark of Proclus in his commentary on Plutarch's *Alcibiades* (c. 68, ἕκαστον γὰρ τρύπημα τῶν αὐλῶν τρεῖς φθόγγους. ὥς φασι τοὐλάχιστον ἀφίησιν), that two overtones at least could be blown on each of these. The compass was still further extended by the use of additional holes with stops (παρατρυπήματα), an invention which was apparently in use by the time of Pronomus, who played in the Dorian, Lydian, and Phrygian keys on the same instrument (Paus. ix. 12, 4). The simplest form of stop shown on the Pompeian wall-paintings consists of a peg, which could be withdrawn when the hole was needed. More complicated is the device in which extra notes are given by short cylinders attached to the pipe near the end. This kind of instrument is frequently seen in late representations of Euterpe, especially on Roman sarcophagi. Yet another

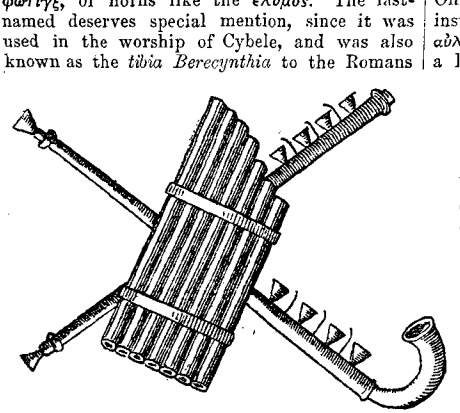


Tibia. (From a relief at Naples.)

invention was to cover the extra holes with movable rings, which the player could slide

over or off them as he wished. Both the small cylinders and the rings, with the hooks by which they were pulled round, are well shown by a relief in the Naples Museum (Baumeister's *Denkmäler*, fig. 596). Such no doubt, or something like, was the new-fangled *tibia*, which Horace describes as "orichalco vincta tubaeque aemula," contrasting it with the old-fashioned one, with its few notes, "tenuis simplexque foramine pauco" (*A. P.* 202–3). The two pipes were tuned so that the melody played on one could be accompanied an octave lower on the other.

As the use of the clarinet and oboe became more extended in Greece, various forms giving notes of widely different keys were either introduced from abroad or invented. Aristoxenus, in a quotation given by Didymus (Athen. xiv. p. 634 e), divides the kinds of instruments (*γένη αὐλῶν*) used in his day into five classes: (1) The maiden's (*παρθενίοι*), (2) the boy's (*παιδικοί*), (3) the lyre-player's (*κιθαριστήριοι*), (4) the perfect (*τέλειοι*) and (5) the more than perfect (*ὑπερτέλειοι*) instruments. Didymus tells us that the "perfect" and "more than perfect" varieties are the man's (*ἀνδρεῖοι*), which shows that the classification is intended to proceed on the same scale as the human voice they were made to accompany, rising from the shrill soprano to the deep bass. As this is the case, the list evidently aims at being exhaustive; and Gevaert, in his *Histoire et Théorie de la Musique dans l'Antiquité* (vol. ii. § ii. pp. 271–307), has catalogued the known varieties under these heads as follows:—(1) *παρθένιοι*—the *γίγγρας* of the Phoenicians, the *φῶτιγξ* or cross-flute, and the Phrygian funeral *αὐλός*; (2) *παιδικοί*—the *αὐλὸς ἐμβατήριος*, the *αὐλὸς δακτυλικός*, and the Roman *tibia chorica*; (3) *κιθαριστήριοι*—the *μόναυλος* (sc. *κάλαμος*) and the *αὐλὸς μεσόκοπος*; (4) *τελεῖοι*—the *αὐλὸς Πυθικός*, the *αὐλὸς ἔλυμος* of the Phrygians, the *αὐλὸς βόμβυκος* of the Bacchic worship, the funeral pipe of the Greeks and Romans; (5) *ὑπερτέλειοι*—the *αὐλὸς σπονδειακός*. These varieties, it will be noticed, include all sorts of wind-instruments, some of which are fifes like the *γίγγρας*, flutes like the *φῶτιγξ*, or horns like the *ἔλυμος*. The last-named deserves special mention, since it was used in the worship of Cybele, and was also known as the *tibia Berecynthia* to the Romans



Pair of Tibiae and Syrinx.

(cf. Hor. *Od.* iii. 19, 18; iv. 1, 22). It ended in a curved horn mouth, and was of great power. Originally and in its proper use it was played alone, but it apparently became the fashion to use it as the left pipe in a pair, or perhaps, to speak correctly, to convert the left pipe into a Berecynthian by adding a curved horn mouth. Such a pair is well shown above by a bas-relief from Zoega, *Bassiril.* i. 14.

The invention of the *αὐλός*, even if one refuse to take Homer's Trojans as evidence for the Greeks of his time, must have been an exceedingly early one, and was indeed by the Athenians attributed to the goddess Athene. She, however, was disgusted with the distortion of her face when playing, and threw it away. It was picked up by the Satyr Marsyas, who met an evil end when he contended on his new instrument with Apollo on the lyre. His art, however, did not die with him, but was carried on by Olympos, who brought it to Greece. The myth points in Marsyas to Phrygia as the original home of the instrument, which even nowadays, in a somewhat debased form, is played in both Arabia and Egypt. From whatever land it came, it certainly was firmly established in Greece when History begins. It was indispensable in religious rites not only to accompany hymns and provide music for the dance, but to hallow the libation at every sacrifice. It was equally popular in private life, whether at dinner-time when a flute-girl played, or in the leisure hour, or again in the time of mourning when elegies were sung to its music. Small wonder, then, that its playing became quite a profession, which in Solon's time was recognised officially at the Pythian games. Sacadas at Argos had at that time shown that the *αὐλητὴς* could express with quite as much effect as the harper the story of Apollo's fight with Python, and a contest for *αὐληταὶ* was thereupon founded by the Amphictyons (Paus. x. 7, 3). The vase-paintings of the best Attic period have many representations of such contests. One of the best is in the British Museum, and shows the player mounted on a small platform competing for the prize. [A cut of this is given in Vol. I., p. 358, under CAPISTRUM.] On another vase-painting (Benndorf, *Wiener Vorlegeblätter*, c. 4) a master giving a lesson on the *αὐλὸς* is depicted. On the wall behind hangs the case in which the instrument was carried. It is the *συβήνη* or *αὐλοθήκη*, and is made of a spotted skin, perhaps a lynx (cf. Stephani, *Compte Rendu*, 1869, p. 221); but, to judge from an Attic treasure list, where one of ivory and gold (*συβήνη ἐλεφαντίνη κατάχρυσος*, *C. I. A.* i. 170, 172, 173) is catalogued, was often of more splendid materials. To its side is attached a little box, the *γλωσσοκομεῖον*, in which a change of mouthpieces was kept. A similar lesson (where, however, the teacher is playing) is shown in the cut from the Duris Vase under LUDUS LITTERARIUS, p. 96: the flute-case is seen hanging on the wall in the lower portion.

At Rome the *tibiae* held even a more important place in ritual than in Greece, and the *tibicen* who played it was for most ceremonies quite indispensable. This is especially true of funerals, for so great was the desire to have a large number of *tibicines* to mourn the dead that the tenth of the laws of the Twelve Tables restricted their number to ten (Cic. *de Leg.* ii. 23, 59; Ovid, *Fasti*, vi. 654).

They were also called in to enliven feasts (Quintil. *Inst.* i. 10, 20) as well as to take part in the libation (Plut. *Quaest. Conviv.* 7, 8, 4, § 6).

Besides these uses, the *tibiae* were as necessary to the drama at Rome as in Greece, both to accompany the singers and to amuse the audiences in the interludes (cf. Hor. *A. P.* 204–6). From the *Didascalia* to Terence's comedies, we learn that no less than four different varieties were used in the theatre: (1) the *tibiae pares*, in which both pipes were equal; (2) the *impares*, in which they were unequal; (3) the *duae dextrae*, in which the right was identical in key and note with the left; and (4) the *Serranae*. Varro (*R. R.* i. 2, 15, 16) tells us that the melody was played on the right instrument, which he calls the *incentiva*, and the accompaniment on the left, or the *succentiva;* so that the differences in size and character of the *impares* and *duae dextrae* were intended to make fresh harmonies.

(See an excellent article by K. von Jan, in Baumeister, *Denkm.* s. v. *Flöten;* Gevaert, *Histoire et Théorie de la Musique dans l'Antiquité*, Ghent, 1881, ii. pp. 270 ff. and 647 ff.; Hermann-Blümner, *Privatalterthümer*, p. 318; Iwan Müller, *Handbuch der Kultusalterthümer*, pp. 59, 145; Id. *Bühnenwesen*, p. 262; Marquardt, *Privatleben*, pp. 337, 345, 352; Blümner, *Leben und Sitten*, ii. 148 ff.) [W. C. F. A.]

TIME'MA (*τίμημα*). The penalty imposed in a court of criminal justice at Athens, and also the damages awarded in a civil action, received the name of *τίμημα*, because they were *estimated* or *assessed* according to the injury which the public or the individual might respectively have sustained (Harpocr. *s. v. ἀτίμητος ἀγὼν καὶ τιμητός*, etc.; Dem. *de Coron. trier.* p. 1229, § 4. The orators rarely use the word in this general sense). The penalty was either fixed by the special finding of a court (*τίμησιν ποιεῖσθαι*, Isocr. *c. Leoch.* § 6, of the dicasts; *τίμησις*, [Dem.] *c. Nicostr.* p. 1252, § 18; Aeschin. *c. Ctes.* § 197 f.: or *τίμημα*, Lys. *c. Epicr.* § 16; Dem. *de F. L.* p. 434, § 290), or merely declared by the court, having been fixed before: either the law ordaining the penalty for certain crimes, or the people ordering by a decree how the defendant on being found guilty should be punished, or in civil suits, *e.g.* in an action for breach of contract, the parties having attached a certain penalty to the violation of the contract. In the first case the trial was called *ἀγὼν τιμητός* (Harpocr. *l. c.*: *ἐφ' ᾧ τίμημα ὡρισμένον ἐκ τῶν νόμων οὐ κεῖται ἀλλὰ τοὺς δικαστὰς ἔδει τιμᾶσθαι ὅ τι χρὴ παθεῖν ἢ ἀποτῖσαι*), in the second case *ἀγὼν ἀτίμητος* (Harpocr. *s. v.*: *ᾧ πρόσεστιν ἐκ τῶν νόμων ὡρισμένον τίμημα, ὡς μηδὲν δεῖν τοὺς δικαστὰς διατιμῆσαι.* Cf. Schol. Dem. *c. Mid.* p. 543), a distinction which applies to civil as well as to criminal trials. Among the form er class must be reckoned also those trials in which the court had to choose between two penalties fixed by law, as *e.g.* in the *γραφὴ δώρων*. Cf. Dinarch. *c. Demosth.* § 60: *οἱ νόμοι . . . περὶ τῶν δωροδοκούντων δύο μόνον τιμήματα πεποιήκασιν, ἢ θάνατον . . . ἢ δεκαπλοῦν τοῦ ἐξ ἀρχῆς λήμματος.*

It is obvious that on a criminal charge two inquiries have to be made: first, whether the defendant is guilty; secondly, if he be found guilty, what punishment ought to be inflicted upon him. It may be advisable to leave the punishment to the discretion of the dicasts, or it may not. In some cases the Athenian lawgiver thought the dicasts ought to have no discretion. Thus, in cases of murder and high treason sentence of death was imposed by the law [PHONOS; PRODOSIA], and in many other cases the punishment was likewise fixed by the law, the tendency being to limit in this way the discretionary power of the dicasts (Strab. vi. p. 260). [EISANGELIA: see the trial of Cephisodotus in 359 B.C. in Dem. *c. Aristocr.* p. 676, § 167, *πέντε ταλάντοις δ' ἐζημιώσατε, τρεῖς δὲ μόναι ψῆφοι διήνεγκαν τὸ μὴ θανάτου τιμῆσαι*, cf. *c. Lept.* p. 481, § 79; and the trial of Lycophron in Hyperid. *pro Lyc.* col. 16, *ἀγωνιζομένῳ δὲ καὶ κινδυνεύοντι οὐ μόνον περὶ θανάτου . . . ἀλλ' ὑπὲρ τοῦ ἐξορισθῆναι καὶ ἀποθανόντα μηδὲ ἐν τῇ πατρίδι ταφῆναι*, cf. *pro Eux.* col. 31, Aeschin. *c. Ctes.* § 252, Lyc. *c. Leocr.* sub fin.] Such *ἀγῶνες ἀτίμητοι* were the *γραφαὶ ἱεροσυλίας, ψευδεγγραφῆς, βουλεύσεως, ἀδίκως εἰρχθῆναι ὡς μοιχόν, ξενίας, δωροξενίας, μοιχείας, ἑταιρήσεως, προαγωγείας, ἀργίας, τραύματος ἐκ προνοίας, ἀστρατείας*, etc. But where the exact nature of the offence could not be foreseen by the lawgiver, or it might so far vary in its character and circumstances as to admit of many degrees of culpability, it might be desirable or even necessary to leave the punishment to the discretion of the dicasts. The law then directed that the same court which passed sentence on the culprit should impose the penalty which his crime deserved; *e.g.* in a *γραφὴ ὕβρεως*, Arist. *Problem.* 29, 16: *ἐπὶ τῇ ὕβρει . . . τίμησις τί χρὴ παθεῖν ἢ ἀποτῖσαι*, cf. Aeschin. *c. Tim.* § 15. To this class belong the *γραφαὶ παρανόμων, παραπρεσβείας, ψευδοκλητείας, κλοπῆς*, etc.

In civil causes the sentence by which the court awarded redress to the injured party would vary according to the nature of his complaint. Where he sought to recover an estate in land, or a house, or a specific thing, as a ring, a horse, a slave (*i.e.* in all *δίκαι πρός τινα*), nothing further was required than to determine to whom the estate, the house, or the thing demanded, of right belonged. [HERES (Greek); OIKIAS DIKE.] The same would be the case in an action of debt, *χρέους δίκη*, where a certain sum was demanded; as, for instance, where the plaintiff had lent a sum of money to the defendant, and at the trial no question was made as to the amount, but the dispute was, whether it was a loan or a gift, or whether it had been paid or not. So, in an action for breach of contract, if by the terms of contract a certain penalty had been attached to its violation, it would be unnecessary to have an inquiry of damages, they being already *liquidated* by the act of the parties themselves (Dem. *c. Dionys.* p. 1291, § 27; p. 1296, § 44, and *Argum.*). In these and many other similar cases the trial was *ἀτίμητος*, *e.g.* of the *δίκαι κατά τινος* and those *ἀποστασίου* and *κακηγορίας* (*Journ. of Philol.* vi. p. 25 f.). On the other hand, wherever the damages were in their nature *unliquidated*, and no provision had been made concerning them either by the agreement of the parties or by the law (*e.g.* in a *δίκη ἀποστασίου, τοὺς ἁλόντας δεῖ δούλους εἶναι*, Harpocr. *s. v.*), they were to be assessed by the dicasts, *e.g.* in the *δίκαι*

ἐπιτροπῆς (Dem. *c. Aphob.* i. p. 834, § 67), αἰκίας (Lys. *c. Isocr.* fr. 126 S.), ἐξαιρέσεως ([Dem.] *c. Theocr.* p. 1327, § 19; p. 1328, § 21), ψευδομαρτυριῶν (Dem. *c. Stephan.* i. p. 1115, § 46; *c. Aphob.* iii. p. 849, § 16), βιαίων (Lys. *de caed. Eratosth.* § 32, Solon's law, Plut. *Sol.* 23, being superseded), etc.

The following was the course of proceeding in the τιμητοὶ ἀγῶνες. The accuser proposed in the bill of indictment some penalty. The indictment of Meletus ran: ἀδικεῖ Σωκράτης οὓς μὲν ἡ πόλις νομίζει θεοὺς οὐ νομίζων, ἕτερα δὲ καινὰ δαιμόνια εἰσηγούμενος· ἀδικεῖ δὲ καὶ τοὺς νέους διαφθείρων· τίμημα θάνατος (Diog. Laert. ii. 40); cf. Dinarch. *c. Proxen.* fr. 85 M.: Δείναρχος Σωστράτου Κορίνθιος Προξένῳ ᾧ σύνειμι βλάβης, ταλάντων δύο. Ἔβλαψέ με Πρόξενος, etc. Where the plaintiff's demand arose out of various matters, he would give in his bill of plaint a detailed account, specifying the items, etc., instead of including them in one gross estimate ([Dem.] *c. Aphob.* iii. p. 853, § 30 f.): this seems to have been considered the fairer method, and may be compared to our *bill of particulars*, which the plaintiff delivers to the defendant. He was said τιμᾶσθαι τῷ φεύγοντι ([Dem.] *c. Theocr.* p. 1343, § 70; *c. Aristog.* i. p. 792, § 74, p. 793, § 83), ἐπιγράφειν or ἐπιγράφεσθαι τίμημα (Aristoph. *Plut.* 480; Aeschin. *c. Tim.* § 16 *lex*, *de F. L.* § 14, etc.), and the penalty proposed is called ἐπίγραμμα (Dem. *c. Nausim. et Xen.* p. 985, § 2). When a charge was brought, not by a private individual but by a magistrate *ex officio*, the law required him in like manner to write down the penalty which he thought the case merited ([Dem.] *c. Macart.* p. 1076, § 75 *lex*). After the defendant had been found guilty, the prosecutor was called upon to support the allegation in the indictment and to address the dicasts. Here he said whatever occurred to him as likely to aggravate the charge, or incense the dicasts against his opponents. He was not bound, however, to abide by the proposal made in the bill, but might, if he pleased (in criminal charges probably only with the consent of the court), withdraw his own proposal in favour of the counter-proposition of the defendant (συγχωρεῖν τῷ τιμήματι, [Dem.] *c. Nicostr.* p. 1252, § 18; p. 1254, § 26;—*c. Neaer.* p. 1347, § 6). This was often done at the request of the defendant himself, or of his friends ([Dem.] *c. Theocr.* p. 1343, § 70), but such a withdrawal of the original proposal was not binding upon the dicasts (Platner, *Proc. u. Klagen*, i. p. 199). If the defendant thought the punishment proposed on the other side too severe, he made a counter-proposition, naming the penalty which he considered would satisfy the demands of justice (ἀντιτιμᾶσθαι, Dem. *c. Timocr.* p. 743, § 138; Hesych. *s. v.*; τιμᾶσθαι ἑαυτῷ, [Dem.] *c. Nicostr.* p. 1252, § 18; τιμᾶν ἑαυτῷ, [Dem.] *c. Zenoth.* p. 886, § 15, *c. Aristog.* i. p. 794, § 80—in private actions, Dem. *c. Onet.* ii. p. 878, § 10; i. p. 872, § 32). He was allowed to address the court in mitigation of punishment; to say what he could in extenuation of his offence, or to appeal to the mercy of the dicasts. This was frequently done for him by his relations and friends; and it was not unusual for a man, who thought himself in peril of life or freedom, to produce his wife and children in court, to excite compassion (παράκλησις, Hyper. *c. Demosth.* col. 38; παραγωγὴ τῶν παίδων καὶ γυναικῶν καὶ φίλων, Hermogenes, *Rhet. Gr.* ed. Walz, iv. p. 411; cf. Meier, *de Bon. Damn.* p. 226, and Lys. *c. Alcib.* ed. Frohberger, Introduction, § 8 n.). After both parties had been heard, the dicasts were called upon to give their verdict (τιμᾶν τῷ φεύγοντι; Lys. *c. Nicom.* § 23, τῶν ἐσχάτων τιμᾶν τινι, *c. Epicr.* § 7, θανάτου; Lys. *fr.* 44, τὴν αἰκίαν χρημάτων ἔστι τιμῆσαι, etc.). Here occurs a question about which there has been much difference of opinion, *e.g.* whether the dicasts, in giving their verdict, were confined to a choice between the estimates of the opposing parties, or whether they had a discretion to award what punishment they pleased. Schömann and Boeckh (*Sthh.* i.[3] p. 441) hold the latter opinion; Meier and Lipsius (*Att. Process*, p. 943) decide for the former (see also Wayte on Dem. *c. Timocr.* p. 743, § 138). Aristotle (*Pol.* ii. 5, §§ 3, 8, 9, S.) tells us that Hippodamus of Miletus (πρῶτος τῶν μὴ πολιτευομένων ἐνεχείρησέ τι περὶ πολιτείας εἰπεῖν τῆς ἀρίστης) proposed that the verdict should not be given by ballot (διὰ ψηφοφορίας), but that each dicast should bring in a tablet with a special statement of his opinion (ἐν ᾧ γράφειν εἰ καταδικάζοι ἁπλῶς τὴν δίκην, εἰ δ' ἀπολύοι ἁπλῶς, κενὸν ἐᾶν, εἰ δὲ τὸ μὲν τὸ δὲ μή, τοῦτο διορίζειν). Upon which proposal Aristotle remarks that its effect would be to make each dicast a διαιτητής: that it was an object with most lawgivers that the dicasts should not confer with each other (μὴ κοινολογεῖσθαι πρὸς ἀλλήλους): and then he comments on the confusion that would arise, if each dicast were allowed to propose a penalty different from that submitted to him by the parties. From passages like Dem. *c. Aristocr.* p. 676, § 167 (quoted above), and p. 688, § 205 (παρὰ τρεῖς μὲν ἀφεῖσαν ψήφους, τὸ μὴ θανάτῳ ζημιῶσαι, πεντήκοντα δὲ τάλαντα ἐξέπραξαν), it is evident that the dicasts had to choose one or other of the two propositions of the accuser and defendant; and this course was, perhaps, the only course that could be adopted with so large a number of dicasts. At the same time it would be absurd to suppose that the Athenian court had no means of controlling the parties in the exercise of that privilege which the law gave them, or that it was the common practice for the parties to submit widely different estimates to the dicasts, and leave them no alternative but the extreme of severity on the one side, and the extreme of mercy on the other. Many passages in the orators are opposed to such a view, and especially the words of Demosthenes, *c. Timocr.* p. 737, § 118. The course of proceeding seems to have been as follows. The prosecutor usually proposed the highest penalty which the law or the nature of the case would admit of, and it was not unusual for the speakers to make allusions to the punishment before the first verdict had been given. In the course of the trial there might be various indications on the part of the dicasts of a disposition to favour one side or the other; they were very animated listeners. They interrupted the speaker to prevent his bringing in irrelevant matter (Hyperid. *pro Eux.* c. 41; Dem. *c. Boeot.* ii. p. 1022, § 47) or to ask for further information (Dem. *c. Spud.* p. 1033, § 17; *c. Stephan.* i. p. 1128, § 87: cf. Andoc. *de Myst.* § 70; Aeschin. *de F. L.* § 7, etc.), and expressed their pleasure

or displeasure at what was said in a most marked manner (θορυβεῖν, Isocr. *de Permut.* § 272; Aeschin. *c. Tim.* § 83; Aristoph. *Vesp.* 622, 979; Isocr. *Panath.* § 264; Lys. *c. Eratosth.* § 73 f.: cf. Lyc. *c. Leocr.* § 52; Dem. *c. Eubul.* i. p. 1299, § 1, etc.). All this enabled both parties to feel the pulse of the court before the time had arrived for the second verdict. If the prosecutor saw that the dicasts were greatly incensed against his opponent, and he himself was not mercifully inclined, he would persist in asking for the highest penalty. If he was himself disposed to be merciful, or thought that the dicasts were, he would relax in his demand. Similar views would prevent the defendant from asking for too small a penalty.

As a general rule, only one penalty might be imposed by the court, παθεῖν ἢ ἀποτῖσαι, ἀμφότερα δὲ μὴ ἐξέστω (Dem. *c. Lept.* p. 504, § 155), though the law sometimes gave more than one, *e.g.* death and confiscation of property for φόνος ἑκούσιος, ἀτιμία and confiscation of property (Dem. *c. Aristocr.* p. 640, § 62; *c. Mid.* p. 551, § 113 *lex*; *c. Neaer.* p. 1363, § 52 *lex*: see also the decrees in *C. I. A.* iv. No. 27 a, l. 33; i. No. 31, l. 20; ii. No. 17, l. 51, etc.). Sometimes the law expressly empowered the dicasts to impose an additional penalty (προστίμημα) besides the ordinary one. Here the proposition emanated from the dicasts themselves, any one of whom might move that the punishment allowed by the law should be awarded. He was said προστιμᾶσθαι, and the whole of the dicasts, if (upon a division) they adopted his proposals, were said προστιμᾶν. Timocrates' law is said to deprive the courts o the power of awarding τὰ προστιμήματα τὰ ἐπὶ τοῖς ἀδικήμασιν ἐκ τῶν νόμων ὡρισμένα (Dem. *c. Timocr.* p. 700, § 2: cf. Lys. *c. Theomn.* i. § 16). For which wrongful acts such additional punishment might be awarded we do not know: Demosthenes (*l. c.* p. 713, § 41, and p. 732, § 103) mentions imprisonment for state debtors and persons guilty of theft, and ἀτιμία was probably awarded in a δίκη ψευδομαρτυριῶν (Boeckh, *Kl. Schriften*, iv. p. 123). In some passages προστιμᾶν must be understood in the same sense as τιμᾶν, *e.g.* in [Dem.] *c. Aristog.* i. p. 790, § 67, ἀλλ' ὅτι πέντε ταλάντων προσετιμήσατε: cf. Dinarch. *c. Aristog.* § 12, πέντε ταλάντων τιμῆσαι τούτῳ (in the same speech which Lipsius shows to be spurious, *Leipz. Stud.* vi. pp. 319–331; τίμημα, p. 796, § 87, is used in the special sense of τίμημα χρημάτων, p. 797, § 92); Herodian, περὶ ἀριθμῶν, in Stephanus, *App.* p. 205, etc. In other instances the preposition πρὸς in the verb προστιμᾶν is used with reference to other matters, *e.g.* Dem. *c. Mid.* p. 528, § 44; p. 571, § 176; *c. Every. et Mnes.* p. 1152, § 43.

In public suits a compromise between the opposing parties was not permitted, the state being directly or indirectly concerned in them; but private suits were frequently settled by arrangement between the parties, even after the trial had begun, and with the assistance of the dicasts (Isae. *Dicaeog.* §§ 17 f., 31; Dem. *c. Pantaen.* p. 978, § 39 f.). With this exception the course of proceeding in private actions with respect to the assessment of damages was much the same as described above. The liability of the plaintiff to the ἐπωβελία, which was calculated upon the sum demanded, operated as a check upon exorbitant demands, in addition to that which we have already noticed. (*Att. Process*, ed. Lipsius, p. 208 ff.)

As to the amount of revenue derived by the Athenians from public fines, see Boeckh, *Sthh.* i.[3] p. 439 f. As to τίμημα in the sense of the rateable value of property with reference to the Athenian property tax, see EISPHORA.

[C. R. K.] [H. H.]

TIMOCRA'TIA. [OLIGARCHIA.]

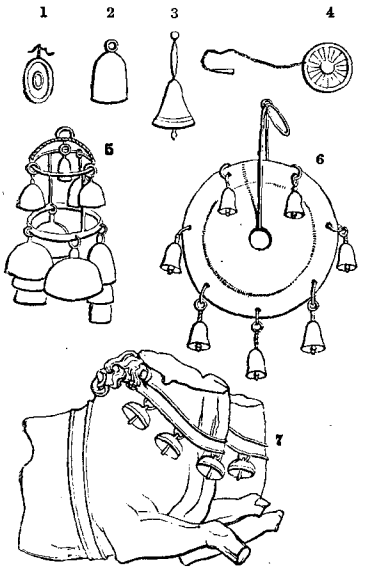
TINTINNA'BULUM or AES (κώδων), a bell. Handbells were used among Greeks and Romans for signals of various kinds: *e.g.* for the opening of the market (Plut. *Symp.* iv. 4, 2; Strab. xiv. p. 658), for the opening of the baths (Mart. xiv. 163); to arouse or summon together slaves (Lucian, *de Merc. Cond.* 24, 31; to this use perhaps refers the "tinnitus aeris" in Sen. *de Ira*, 3, 35); for purposes of sentry duty at night, sometimes passed from post to post, as a proof of wakefulness (Thuc. iv. 135; Aristoph. *Av.* 841); [for the same purpose a staff, σκυτάλη, or a lantern was sent round: cf. Aen. Tact. 22; Droysen, *Gr. Kriegsalterth.* 264;] and similarly for the use of night watchmen (Dio Cass. liv. 4); for the necks or harness of animals, as at the present day (Eur. *Rhes.* 307; Aristoph. *Ran.* 963).

From the passage in Suet. *Aug.* 91, there is some indication of bells being attached to house-doors; but, from the constant mention of knocking, never ringing, for admission, we cannot suppose that such bells were for the same purpose as our door-bells: perhaps, as Mau thinks, they were rung by the janitor to announce to the slaves within that a visitor was entering (Marquardt, *Privatleben*, 236; cf. Becker-Göll, *Gallus*, ii. 236).

Besides the above practical uses, bells had a religious significance which appears in different forms, starting in all probability from the general idea that they were a preventive against evil influences. Hence we find them in connexion with the worship of Rhea (Wieseler, *Denkm.* ii. 813) and of Dionysus (Nonnus, *Dionys.* xxx. 213), and thus represented in the hands of a Bacchante (Wieseler, *Denkm.* ii. 539), or attached to the thyrsus or tympana (as in a relief in the Vatican), or to a tree sacred to Bacchus (see cut on p. 304): the bell round the neck of the ass on which Silenus rides, as seen on a sarcophagus in the British Museum, may possibly have this significance, though it is also possible that it belongs only to the general custom, mentioned above, of hanging bells round the necks of various animals. The same idea caused them to be used as amulets: cf. Chrysost. *in Ep. ad Cor.* xii. 7, τὰ περίαπτα καὶ τοὺς κώδωνας τοὺς τῆς χειρὸς ἐξηρτημένους... δέον μηδὲν ἕτερον τῷ παιδὶ περιτιθέναι ἢ τὴν ἀπὸ τοῦ σταυροῦ φυλακήν. Such, no doubt, was the purpose of the bell on a necklace from the Crimea, now in the Hermitage at St. Petersburg (for this and other similar bell-amulets, see Stephani, *Compte Rendu*, 1865, p. 174). A votive hand, such as Chrysostom mentions, is described by Bonnstetten (*Rec. d'antiq. Suisses*, pl. xx. 2, 3). A similar prophylactic use suggested the bells attached to shields (Aesch. *Theb.* 385); and it is not impossible that the bells on the tomb of Porsena may have been intended to

avert evil (Plin. *H. N.* xxxvi. § 92; LABYRINTHUS, p. 2 *a*).

The forms of bells were various in proportion to the multiplicity of their applications. In the Museum at Naples are some of the form which we call "bell-shaped;" others are more like a Chinese gong. The bell, fig. 1 in the following woodcut, is a simple disk of bell-metal; it is represented in a painting as hanging from the branch of a tree (Bartoli, *Sep. Ant.* 13; cf. Bötticher, *Baumcultus*, 37). Two bells are shown hanging to a tree on the left in the cut under OSCILLA, on page 304. Figure 2 represents a bell of the same form, but with a circular hole in the centre, and a clapper attached to it by a chain. This is in the Museum at Naples, as well as the bell, fig. 3, which in form is exactly like those still commonly used in Italy and attached to the necks of sheep, goats, and oxen. Fig. 4 is represented on one of Sir W. Hamilton's vases (i. 43) as carried by a man in the garb of Pan, and probably for the purpose of lustration (Theoc. ii. 36; Schol. *in loc.*). Fig. 5 is a bell, or rather a collection of twelve bells suspended in a frame, which is preserved in the Antiquarium at Munich. This jingling instrument, as well as that represented by fig. 6



Bells.

(from Bartoli, *Luc. Sep.* ii. 23), may have been used at sacrifices, in Bacchanalian processions, or for lustration. Fig. 7 is a fragment of ancient sculpture, representing the manner in which bells were attached to the collars of chariot-horses (Ginzrot, *Ueber Wägen*, ii. pl. 57; *Compte Rendu*, 1876, p. 115). The example in the latter work is a bell of a more ornate kind with a scalloped edge, somewhat resembling the "bell" of a hyacinth (see Atlas of *Compte Rendu*, 1876, Taf. II. 22). [J. Y.] [G. E. M.]

TIRO. [EXERCITUS, Vol. I. pp. 805, 806.]

TITHENI'DIA (*τιθηνίδια*), a festival celebrated at Sparta by the nurses who had the care of the male children of the citizens. On this occasion the nurses (*τιτθαί*) carried the little boys out of the city to the temple of Artemis surnamed Corythallia, which was situated on the bank of the stream Tiasa. Here the nurses sacrificed sucking-pigs on behalf of the children, and then had a feast, probably of the meat of the victims, with which they ate bread baked in an oven (*ἰπνίτας ἄρτους*, Athen. iv. p. 139; cf. Plut. *Sympos.* iii. 9, *Quaest. Gr.* vii. p. 211, Wyttenb.; Hesych. *s. v.* *κορυθαλλιστρίαι.*) [L. S.]

TITIES or TITIENSES. [PATRICII.]

TI'TII SODA'LES, a sodalitas or college of priests at Rome, who represented the second tribe of the Romans, or the Tities; that is, the Sabines, who, after their union with the Ramnes or Latins, continued to perform their own ancient Sabine sacra. To superintend and preserve these, T. Tatius is said to have instituted the Titii sodales (Tac. *Ann.* i. 54). The same writer (*Hist.* ii. 95) gives another tradition, that the priesthood was instituted by Romulus in honour of king Tatius, who after his death was worshipped as a god. It is true that Nipperdey rejects this passage as an interpolation contradicting the account in the *Annals:* but Marquardt justly points out that the alternative tradition is supported by Dionys. ii. 52, where it is said that public sacrifices were yearly offered at the tomb of Tatius; and it is not improbable that the priesthood really had this origin, and may rightly be compared (as in the passage of Tacitus) with the later AUGUSTALES, instituted to preserve the cult of Augustus. Whatever their origin, the use of Sabine rites is attested by Varro (*L. L.* v. 85), who derives the name Sodales Titii from Titiae aves, which were observed by these priests in certain auguries; it appears that these priests also preserved the ancient Sabine auguries distinct from those of the other tribes. This priesthood had fallen somewhat into neglect at the end of the Republic (cf., however, Lucan, *Phars.* i. 602), but was restored by Augustus as a distinguished *sodalitas*, in which the members seem to have been of senatorial rank: among them we find the Emperor Augustus, Nero Caesar, the son of Germanicus, and the Emperor Claudius (*Mon. Ancyr. Gr.* 4, 6; *C. I. L.* iii. 381, 1741; vi. 913, 1343; viii. 7050). The favour of Vespasian towards them is testified by *C. I. L.* vi. 934. (Marquardt, *Staatsverwaltung*, iii. 446; SACERDOS, p. 573.) [L. S.] [G. E. M.]

TOCOS (*τόκος*). [FENUS.]

TOGA (in Greek writers, *τήβεννα*). The earliest costume of the Roman was a thick woollen cloak worn over a loin-cloth or apron [SUBLIGACULUM]. This woollen cloak was called the *toga*, and was the dress of women as well as men and boys. It was laid aside indoors, or when hard at work in the fields; but, as we learn from the story of Cincinnatus, was the only decent attire out-of-doors. He was ploughing in his field when the messengers of the senate came to tell him that he had been made dictator, and on seeing them promptly sent his wife to fetch his toga from the house, that they might be received with all propriety (Liv. iii. 26, 9). The truth of the story may be doubtful, but it well expresses the Roman sentiment on the subject. As time went on, however, and the Romans became more civilised, their garments changed. They adopted the shirt

[TUNICA] which the Greeks and Etruscans wore, made their toga more bulky, and wore it in a looser manner. The result was that it became useless for active pursuits, such as those of war, in which its place was taken by the more handy SAGUM, and in those of peace, where it was superseded by the LAENA, LACERNA, PAENULA, and other forms of buttoned or closed cloaks. The same process, as is often the case with clothing, that removed it from every-day life and commonplace uses, gave it an increased importance as a ceremonial garment. As early as the third century B.C., and probably even before, it, along with the CALCEUS, was looked upon as the characteristic badge o Roman citizenship. It was denied to foreigners (Suet. *Claud.* 15), and even to banished Romans (Plin. *Ep.* iv. 11, 3), and was worn by magistrates on all occasions as a badge of office. In fact, for a magistrate to appear in a Greek cloak [PALLIUM] and sandals (see instances given in the article SOLEA) was considered by all, except unconventional folk, as highly improper, if not criminal (cf. Cic. *pro Rab.* 9, 26). Augustus, for instance, was so much incensed at seeing a meeting of citizens without the toga, that, quoting Virgil's proud lines, "Romanos rerum dominos gentemque togatam," he gave orders to the aediles that in future no one was to appear in the Forum or Circus without it (Suet. *Aug.* 40). When such was the feeling of the Emperor, it is little wonder that the toga remained the Court dress of the Empire (Spart. *Sever.* 1, 7), though in any case the social usage of Rome would have made it so. It was in it that the clients paid their visit to their patron [SALUTATIO], not forgetting to wear boots (*calceus*) with it (Juv. i. 119; cf. Tertull. *de Pallio*, "calceos ... proprium togae tormentum:" and for the *calceus*, Mart. i. 103, 5, 6; Hor. *Sat.* i. 3, 31–2). It was also worn by the spectators in the circus at Rome (Suet. *Aug.* 40; Dio Cass. lxxii. 21), and its irksomeness causes Juvenal to sigh for the freedom of the country, where only the dead man, who was buried in it, is bound to wear it (*Sat.* iii. 172; cf. Mart. ix. 58, 8). Martial is equally enthusiastic in his praises of the unconventionality of the provinces (i. 49, 31; iv. 66, 1–3; x. 47, 5; xii. 18, 5, 17); and Pliny the younger makes it one of the attractions of his Tuscan villa that there is no necessity of wearing the toga (*Ep.* v. 6, § 45; cf. vii. 3, § 2). In spite, however, of these protests, its use as an official garment lingered on until the time of Theodosian (Cod. Theod. xiv. 10, 1), when it was supplanted by the PAENULA.

The best account of the shape and the manner of wearing the toga is given by Isidore (*Orig.* xix. 24, 3): "Toga dicta quod velamento sui corpus tegat atque operiat. Est autem pallium purum forma rotunda effusiore et quasi inundante sinu et sub dextro veniens supra sinistrum ponitur humerum." The characteristic feature is the roundness (cf. Quintil. xi. 3, 139: "Ipsam togam rotundam esse et apte caesam velim"), being that which distinguished it from the square Greek cloak or *pallium* and the old Roman *recinium*. That it was in no sense circular is shown by the fact that Dionysius of Halicarnassus (iii. 61) calls it a *περιβόλαιον ἡμικύκλιον*, and still more by the large series of Roman portrait statues on which it appears. These statues are in fact our main evidence for its shape, and literary mentions can only be used to illustrate their evidence, not to correct it. The older scholars of this century were singularly neglectful of these monuments, though

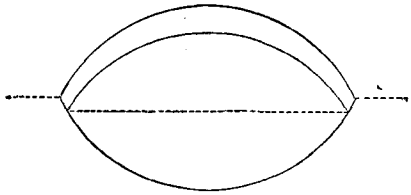


Fig. 1. The Toga, after Weiss.

most diligent in collecting and comparing all the numerous passages bearing on the use of the toga. It was not indeed until the last thirty or forty years that the subject was studied from the sculptural point of view by Weiss and Von Launitz, and more recently by

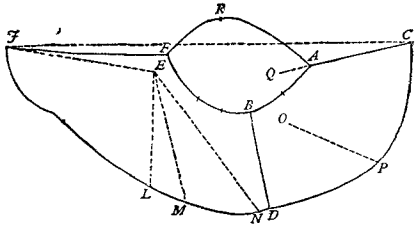


Fig. 2. The Toga, after Von Launitz.

A. Müller. Weiss, whom Marquardt follows, regarded the difficulties of the case as solved by a garment of elliptical shape, though with pointed ends, to which a border was sometimes attached (fig. 1). Von Launitz, on the other hand, has shown that though the earlier statues wear a toga of this shape, the more usual and characteristic form shown by later statues cannot be obtained from it. After numerous experiments, which he embodied in a model dress fitting a lay figure and disseminated through German schools, he hit on a complex shape which answers the purpose. It is a crescent, the back of which is an elliptical curve, and has a circular segment of cloth *F R A*, only about a third of the arc across, sewn on to its concave side (*fig.* 2). Both shapes were of great size, being at least three times the height of a man's shoulder in length. Taking the Von Launitz model as our guide, the method of wearing it is well seen in the statue of Didius Julianus (fig. 3). About

Fig. 3. Statue of Didius Julianus. (From the Louvre.)

a third of the toga (as is seen in fig. 4) is first allowed to hang in front over the left shoulder (in fig. 2, *E* is the point where it is placed on the shoulder), so that its end lies between the wearer's ankles ($a=J$ in fig. 2). Then the rest

Fig. 4. Fig. 5.
Sketches to show how the Toga was put on.

of the garment is taken and, as Isidore (*l. c.*) tells us, drawn across the back, under the right shoulder, and across the chest in a slanting line, being finally thrown over the left shoulder once more. This done, the weight of the end which is thrown over the left shoulder keeps the whole in its place. Such a description, however, with the exception of the point between the ankles, applies quite as well to a pallium as a toga. In the toga, however, the folds were further complicated first by drawing this part (which hangs down in front from the left shoulder) upwards and allowing it to hang over the fold (*b*), which runs slanting from under the right arm to the left shoulder; and secondly by the fact that this slanting fold, instead of being merely the hem of the cloak turned over, forms a sort of apron or sling running from behind the right shoulder to the left. This curious fold covers the greater part of the left thigh completely, and falls down as far as the knee. It is undoubtedly the part known to the ancients as the *sinus*, and one of the chief merits of Von Launitz's model is the light it throws on a remark of Quintilian's (*F R A* in fig. 2 is the *sinus*). This writer, in the *locus classicus* on the subject (xi. 137 ff.), says that the ancients had no *sinus* on their toga, and that even afterwards they were very narrow ("Nam veteribus nulli sinus; perquam breves post illos fuerunt"). The small piece added to the concave side of the crescent being the *sinus*, this well explains the fact that the earlier forms can be reproduced by a cloak without it of Weiss's pattern. Quintilian, in the passage quoted, is giving his orator rules for the nice management of the toga, and his remarks are of great importance, as an account of the manner of wearing it. He recommends the orator to gird his shirt so that in front it may come a little below the knees, but behind may touch his calves. If he has the right of the *latus clavus*, the shirt may be somewhat lower ("cui lati clavi jus non erit, ita cingatur. ut tunicae prioribus oris infra genua paullum posterioribus ad medios poplites usque perveniant"). The toga which goes over this ought to be round and suitably cut, for otherwise it will in many ways be out of proportion. The part of it in front is best when it reaches to the middle of the shins, while the part behind should be higher in the same degree as the girdle is. The *sinus* looks best when it is a considerable height above the hem of the toga, and ought never to be below it. The part of the toga which is drawn under the right shoulder slanting to the left, like a cross-belt, should neither choke one nor be loose. The part of the toga which is put on after it should be lower, for it sits better thus and is kept in place. ("Ipsam togam rotundam esse et apte caesam velim. Aliter enim multis modis fiet enormis. Pars eius prior mediis cruribus optime terminatur, posterior eadem portione qua cinctura. Sinus decentissimus, si aliquanto supra imam togam fuerit nunquam certe sit inferior. Ille qui sub humero dextro ad sinistrum oblique ducitur velut balteus nec strangulet, nec fluat. Pars togae quae postea imponitur sit inferior nam ita et sedet melius et continetur.") He adds that the shoulder and neck ought not to be covered, for this makes the toga look less flowing and takes from its impressiveness. As to the attitude, the left forearm should be at a right angle, and should be in such a position that the edges on the left fall in equal folds side by side.

Nearly all these peculiarities are borne out by the statues, though of course the sculptor has probably in most cases softened down what was angular in the attitude. It needs no Roman writer to tell that a mantle worn in such a complicated way must have been a serious anxiety to one with fashionable instincts. Tertullian, however, alludes in a most amusing way to the trouble the valet who had to arrange the great man's clothes (*vestiplicus*, Orelli, 2838) took to shape the folds aright the day before and to fix them in their place by tongs, and to the difficulties of wearing it (*de Pallio*, 5: "Prius etiam ad simplicem captatelam eius nullo taedio constat: adeo nec artifice opus est qui pridie rugas ab exordio formet et inde deducat in tilias totumque contracti umbonis figmentum custodibus forcipibus assignet, dehinc diluculo tunica prius cingulo correpta—recognito rursus umbone et si quid exorbitavit reformato partem quidem de laevo promittat, ambitum vero eius ex quo sinus nascitur, iam deficientibus tabulis retrahat a scapulis et exclusa dextera in laevam adhuc congerat cum alio pari tabulato in terga devoto atque ita hominem sarcina vestiat"). The main point in all such arrangements was to make the bandlike fold, which ran across the breast, secure. It is called the *umbo* in the above passage (cf. Persius, v. 33); but, in the humorous description which Macrobius gives of Hortensius's toilet, is spoken of as the *artifex nodus*. Hortensius used a mirror and adjusted his toga so that this band held the folds and creases in their place, and so that they covered just the proper amount of his side and thigh. Such an arrangement was at the best not very reliable, and so we are told that Hortensius sent a summons to a friend, who had jostled him in a passage and disarranged his dress. In fact, he thought the shifting of a crease on his shoulder a deadly offence (*Sat.* iii. 13, 4).

Another mark of the Roman dandy was the enormous size of his toga (*laxitas*), and many

are the sneers at the people, to use Cicero's phrase, "velis amictos non togis" (*in Cat.* ii. 10, 20). The size was sometimes such that the garment trailed behind like a tragic actor's; at least this is what Valerius Maximus tells us of Tuditanus (vii. 8, 4; cf. Mart. vii. 35), and we also hear of Caligula catching his foot in the end of his toga that was between his legs and getting a fall (Suet. *Cal.* 35, "ita proripuit se spectaculis ut calcata lacinia togae praeceps per gradus iret"). Such *togae laxae* were associated with curled hair, and roundly abused as bad taste (Tib. i. 6, 39: "tum procul absitis quisquis colit arte capillos, et fluit effuso cui toga laxa sinu;" cf. Seneca, *Contr.* 2, 14), and Ovid advises the lover to avoid them if he is to make a good impression (*Rem. Am.* 679: "nec compone comas quia sis venturus ad illam, nec toga sit laxo conspicienda sinu"); though, if we may trust Tibullus, this was a common lover's fashion (ii. 3, 77: "nunc si clausa mea est si copia rara videndi heu miserum, laxam quid juvat esse togam"). The *locus classicus* is Horace, *Epod.* 4, 7, where he speaks of a freed man who wears a toga some three yards wide and thereby excites universal indignation ("Videsne sacram metiente te viam cum bis trium ulnarum toga, ut ora vertat huc et huc euntium liberrima indignatio"). The older commentators, and even Isidorus, inferred that the length, not the breadth of the toga was meant. Such a length, it is needless to say, would be quite too small; and when one reckons in the *sinus*, which in such cases came down to the skirts of the toga, the dimensions are as possible as a satirist's can be expected to be.

Contrasted with these "sails" of the gilded youth was the modest mantle (*toga arta*: cf. Hor. *Ep.* i. 18, 30), which quiet people, like Augustus, wore (Suet. *Aug.* 73: "togis neque restrictis neque fusis [usus est]"). In some cases, as for instance that of Cato Uticensis (*toga exigua*, Hor. *Ep.* i. 19, 13), this was doubtless an attempt to bring back the old shape, which as Quintilian says had no *sinus*. This is the form which we see on the Etruscan statue called the *Arringatore*, now at Florence; for the Romans held that they had borrowed the toga from the Etruscan. Another statue in Dresden, though the mantle in which it is clad is scarcely round enough for the toga, is generally quoted in illustration of Quintilian's further remark, that the ancient orators must on account of the shape have held their arm, in the same manner as the Greeks, wrapped in the toga. Somewhat the same attitude, a compulsory one during the pupil's *tirocinium* (Cic. *pro Cael.* 5, 11) and which was the rule in Greece [PALLIUM], is shown by another Dresden statue, where the hand seems to have been freed in the course of the speech.

Fig. 6. Statue of Etruscan orator. (Florence.)

Fig. 7. Statue at Dresden. (Becker.)

Fig. 8. Statue at Dresden.

Another mode of wearing the toga was the well-known *cinctus Gabinus*. The name is derived, according to Mommsen, from the long wars of the Romans against Gabii, and was at first purely military, for in the oldest times the toga was worn in war as well as in peace. Its peculiarity was that a fold of the toga was drawn round the body in such a way that it acted as a girdle. (Serv. *ad Aen.* vii. 612: "Gabinus cinctus est toga sic in tergum reiecta ut una (ima?) eius lacinia a tergo revocata hominem cingat:" cf. Isid. *Or.* xix. 24, 7, "Cinctus Gabinus est cum ita imponitur toga ut togae lacinia quae postsecus reicitur attrahatur ad pectus.") At the same time part of the toga was drawn up over the head (cf. Serv. *ad Aen.* v. 755), though this of course cannot have been done in war. The *cinctus Gabinus* was retained long after it had passed out of ordinary use in the ritual of certain warlike sacrifices (cf. Liv. v. 46, 2), as when the Temple of Janus was opened (Verg. *Aen.* vii. 611). It was also used at the AMBARVALIA and the founding of a city (cf. Verg. *Aen.* v. 755, and Serv. *ad loc.*); and it was with their heads thus covered that the Decii devoted themselves as victims for their country (Liv. viii. 9, 9, and 7, 3).

Festus tells us that the *cinctus Gabinus* is referred to in the phrase *classis procincta* (*Epit.* p. 225; cf. p. 56, 12), with which *in procinctu*, the garb in which the *testamentum* was sworn, is connected. However, for ordinary purposes the toga was scarcely used by soldiers, since even where distributions of them to the soldiers are mentioned the number is a very limited one (cf. Liv. xxix. 36, 2, where 1200 togae go to 12,000 tunicae; and Id. xliv. 16, 4, where 6,000 go to 30,000). So much so was this the case

that the toga became the typical garb of peace as in Cicero's time (*in Pis.* 30, 73: "Cedant arma togae concedat laurea laudi"). Among other survivals of the old uses of the toga was the custom of wearing it without a tunica beneath (Gell. vii. 12, 3, "viri autem Romani primo quidem sine tunicis toga sola amicti fuerunt"), which was observed by candidates for election until almost the end of the Republic (Plut. *Quaest. Rom.* 49, p. 276 C, *διὰ τί τοὺς παραγγέλλοντας ἄρχειν ἔθος ἦν ἐν ἱματίῳ τοῦτο ποιεῖν ἀχίτωνας*: cf. Id. *Coriol.* 14). Cato Uticensis, like the famous family of Cathegi (*cinctuti*, Hor. *A. P.* 50: cf. Lucan, ii. 543, vi. 794; Sil. Ital. viii. 587), adopted this as one of his habits, though the ordinary Roman, as we have mentioned above, considered it as scarcely decent.

Yet another custom was the survival of the toga as a woman's garment (cf. Serv. *ad Aen.* i. 282), in the case of the *meretrices* and unchaste women who were condemned to wear it (Juv. ii. 68; Mart. ii. 39, x. 52; Cic. *Phil.* ii. 18, 44; Hor. *Sat.* i. 2, 63). The toga of the Roman citizen was white in colour (cf. Mart. viii. 28, 11); but if he were candidate for an office, he sent it to the fuller and then appeared in the *toga candida* (cf. Polybius, x. 4, 8, *τήβεννα λαμπρά*). The dazzling brilliancy of the *toga candida* was given by some special preparation of chalk, according to Isidorus (*Orig.* xix. 24, 6), and this is why Persius speaks of a *cretata ambitio*. This custom was forbidden by a *plebiscitum* in 432 B.C. (Liv. iv. 25, 13), but this never seems to have been enforced. The citizen's toga, or *toga pura*, being the mark of his franchise, was assumed by the young Roman when he was declared to be legally of age. It was on this account known as the *toga virilis*, as opposed to the *toga praetexta* of boys. The assumption of the *toga virilis* took place on the feast of the Liberalia (March 17: cf. Ovid, *Fasti*, iii. 771; Cic. *ad Att.* vi. 1, 12), when the boy was between 14 and 16 years of age, though instances occur in which boys a couple of years older or younger assumed it (cf. Marquardt, *Privatleben*, p. 126 foll.).

The *praetexta* worn by free-born boys (Liv. xxiv. 7, 2: "Liberi nostri praetextis purpura togis utuntur") was an ordinary toga with a purple hem added. Its use was not confined to boys; for it was worn by all the curule magistrates (aediles, cf. Cic. *post red. in Sen.* 5, 12; and censors, cf. Zonar. vii. 19). It was denied to the quaestors, plebeians, aediles, and tribunes of the Plebs (Plut. *Quaest. Rom.* 81, p. 283 B), though it was one of the privileges of magistrates in the *Municipia* and *Coloniae*. To wear it was a distinction; and ex-curule magistrates, as well as dictators, were buried in it (Liv. xxxiv. 7, 2). They seem to have been also allowed to wear it during their lifetime, but only at public ceremonies or festivals (cf. Cic. *Phil.* ii. 43, 110, "cur non sumus praetextati"). Priests possessed the right of the *praetexta*, though not in all colleges. The Flamen Dialis (Liv. xxvii. 8, 8), the Pontifices, and Tresviri Epulones (Id. xxxiii. 42), the Augurs (Cic. *pro Sest.* 69, 144), and the Arval brothers, are among those mentioned as wearing it. Under the Empire it was common to bestow a *praetexta* as a badge of rank (*ornamentum*). Thus Sejanus was given it by the senate as part of the insignia of praetor (Dio Cass. lviii. 11: cf. for the whole subject Mommsen, *Staatsrecht*, i.² 392; ii. 522). Another kind of toga was the *toga pulla*, a mantle of dark colour which was assumed by those in mourning (*sordidati*), who were said *mutare vestem*. It was of dark colour, whence its name; and was put on not only in cases of bereavement, but in cases of private danger, as for instance when one was impeached (cf. Liv. vi. 20, 1, of M. Manlius), and of public anxiety. In fact, it was one of the ways of making a popular demonstration, and Cicero was prouder of nothing more than of the fact that the senate resolved on a *vestis mutatio* when he went into exile (*post red. in Sen.* 5, 12). In the case of magistrates who had the right to wear the *praetexta*, a common *toga pura*, not a *toga pulla*, was worn.

Under the Republic the most magnificent garment was the *toga picta* of Jupiter Capitolinus (cf. Tertull. *de Corona*, 13), which the triumphant general wore over the *tunica palmata* (Liv. v. 41, 2: "quae augustissima vestis est tensas ducentibus triumphantibusque"). The Praetor Urbanus, however, was also allowed to appear in it, when he rode in the chariot of the Gods into the circus at the Ludi Apollinares (cf. Liv. *l. c.*). The *toga picta* was a toga purpurea, or mantle of purple, covered with gold embroidery, and was very possibly originally the king's attire, though tradition ran that the king only wore the praetexta. Under the Empire, the republican customs were much altered, and all magistrates who gave games wore the toga purpurea; though indeed from a decree of Augustus, that no one except magistrates and senators should wear it, one may infer that its use was by no means so restricted as might otherwise be supposed (Dio Cass. xlix. 16). Even under the Republic the Praetor Urbanus Asellio offered a sacrifice in the triumphal costume, and one of the honours conferred on Julius Caesar was the right of always wearing it at sacrifice (Appian, *B. C.* i. 54, ii. 106). Afterwards the further right of wearing it always and wherever he wished was given him (Dio Cass. xliv. 4, 6;—Cic. *de Divin.* i. 52, 119; ii. 16, 27); and this privilege was retained by Augustus and his successors, though as a rule they only used it on special occasions.

In the second century A.D. the *toga picta* with the *tunica palmata* had already become the official dress of the consuls, and the best representations of it are to be found in their portraits on the diptycha of ivory which they presented to their friends on election. In these, however, the toga has taken quite a new and almost irrecognisable form (cf. Baumeister, *Denkm.* p. 1833, fig. 1923; and Marquardt, *Privatleben*, ed. 2, p. 563, note 1).

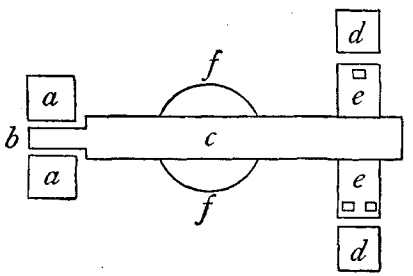
Among the varieties of the toga the *trabea* must be mentioned. It probably gets its name from having stripes (*trabes*) of bright scarlet with a purple hem (cf. Isid. *Orig.* xix. 24, 8: "Trabea erat togae species ex purpura et cocco"). It was a very ancient form of the toga, and was worn by the Salii (Dionys. ii. 70) and augurs. According to Servius, there were three different kinds of *trabea*: one of purple only, for the gods; another of purple and a little white, for kings; and a third, that described above for augurs (*ad Aen.* vii. 612; cf. *ad* vii. 188). It does not seem to have been worn by any Romans except the Salii and augurs,

though Dionysius says that the knights did so, and cannot be identified on any of the monuments.

(See especially an excellent article by A. Müller in Baumeister, *Denkm.* s. v. *Toga;* Marquardt, *Privatleben*, Index *toga* and *trabea;* Weiss, *Kostümkunde*, p. 435 ff.; Von Heyden, *Die Tracht*, &c. p. 27 ff.; Iwan Müller, *Handbuch*, pp. 804, 876, 928; Mayor *ad* Juv. i. 119, iii. 172, x. 8 and 39, xi. 204; Friedländer, *Sittengeschichte Roms*, i.[5] p. 151, &c.; Becker-Göll, *Gallus*, iii. p. 198 ff.) [W. C. F. A.]

TO'RCULAR or **TO'RCULUM**, a press for making wine or oil: in Greek, πιεστήρ, πιεστήριον, or, generally, ληνός, which strictly means the vat in which the fruit was trodden or pressed.

The grapes which had been trodden by the feet [see under VINUM] required further mechanical pressure to extract the remaining juice; and the pulp (*sampsa*) of the olive, already separated by the process described under TRAPETUM, had to be treated in a similar machine, to extract the oil. The simplest and earliest contrivance for this purpose was a heavy stone placed over a basket containing the grapes or the olive pulp, and pressed down by a lever, as is shown by a relief in the Naples Museum. This was improved by the press shown in the cut below, representing one found at Stabiae, which bears out the description left by Cato, *R. R.* 18 (cf. Plin. *H. N.* xviii. § 317; Col. xii.



Plan of Torcular found at Stabiae. (Blümner.)

52; Vitruv. vi. 6). Two posts (*a*, *a*), termed *arbores*, were fixed in the floor of the pressing-room (*torcularium*), so as to hold down the tongue (*lingula*, *b*) of the press-beam (*prelum*, *c*) [in some cases a single post, with a hole to receive the *lingula*, answered the purpose, but offered less resistance to the strain]: at a distance = the length of the *prelum*, or beam, a windlass (*sucula*, *e*) was fixed by two other posts (*stipites*, *d d*), and, being turned by crowbars (*vectes*), drew down the beam by a rope attached to it [for *sucula*, see MACHINA, pp. 108, 109]: the pressure fell upon the olive-pulp or the grapes, placed in a basket (*fiscina*) or between lathes (*regulae*): over the basket was laid a flat board (*orbis olearius*): the boarding or bed, upon which the fruit was placed, was called *area* (*f*). To lift up the prelum, when it was required, a pulley (*troclea*) was hung from a beam above. The word *prelum*, though strictly the press-beam, often stands for the whole press (Hor. *Od.* i. 20, 9; Plin. *H. N.* xvi. § 193, &c.).

As a variation, not very clearly explained, which Pliny dates 100 years before his own time, the prelum was forced down by a screw instead of a windlass: and later, again, this was in great measure superseded by a screw-press, like an ordinary cloth-press [see COCLEA], an upright (*malus*) working as a male screw in an upper cross beam, and being screwed down upon what he calls a *tympanum* (probably a flat round board with rims like a tambourine), beneath which the fruit was placed (*H. N.* xviii. § 317). One advantage of this was that it took much less room than the long prelum.

A simpler press than the above appears in a painting at Herculaneum (Baumeister, *Denkm* fig. 2333), a framework of two uprights joined by cross bars at the top and bottom. The basket of fruit being placed on the lower bar, rows of beams separated by wedges are ranged between the basket and the upper bar, and exercise pressure as the wedges are driven home. (Blümner, *Technologie*, i. 337–342; Rich, *s. v.*; Schneider *ad* Cat. *R. R.*) [G. E. M.]

TORCULARIUM, a shed or out-house where the presses for oil or wine were worked (Cat. 12;—Col. xii. 52, §§ 3–10). The descriptions left by Latin writers on agriculture are confirmed and illustrated by the remains of an actual torcularium, discovered at Stabiae. The central part (probably the *forum*) has a wide open gangway for men or mules carrying in the fruit: in it stands the TRAPETUM for separating the pulp and the stone of the olive: on either side of the central compartment we find a paved chamber separated off by a low stone rim or coping, so that they form two shallow basins: it seems probable to us that these chambers were the *lacus* of Tib. i. 1, 10, Ov. *Fast.* iv. 888, Col. xii. 18, Plin. *Ep.* ix. 20, though Rich and Blümner think differently: the pavement of each chamber slopes in one direction to a point where leaden troughs conduct the liquid into earthenware jars (*labra*) sunk in the floor: in each chamber (or *lacus*) was placed a press [TORCULAR] for oil or wine; the sockets for receiving the various parts (*arbores*, *stipites*) described in the preceding article are seen in the floor, and there is an under-chamber where bolts (*pedicini*) held fast the *arbores*, &c. in their sockets. The juice flowed from the presses along the troughs of the *lacus* into the sunken jars above described, from which the *capulator* ladled out the wine or oil into smaller jars to be placed in the store-room (*cella vinaria*, *cella olearia*). It need not be supposed that there were always two chambers and two presses; but it was a natural arrangement, because the trapetum worked faster than the torcular; so much so that we are told also of an annexe, called *tabulatum* (Col. xii. 52), a sort of small store-room with a number of small tanks (*lacusculi*) lined with stone, in which the *sampsa* or olive pulp was stored, if it could not go directly into the press: the yield (*coactura*) of each day was placed on a sort of wooden rack in a separate *lacusculus*, so that the watery liquid (*amurca*) might flow away through a pipe in the bottom of the tank.

When the torcularium was intended for wine, the basin or *lacus* was as above described, but in the centre compartment the vat for treading the grapes [see VINUM] took the place of the

trapetum: the juice trodden out flowed either into jars or, like that afterwards pressed in the torcular, by an arrangement of troughs into the *lacus*, and thence into the *labra*. The words of Isid. *Orig.* xv. 6, "forum est locus ubi uva calcatur," will best agree with the view which we take here, that the centre compartment was called *forum*: not only is the name itself hard to understand if we assign it to the side chambers or basins, as Rich and Blümner have done, but these side chambers, which we take to be the *lacus*, were already occupied by the torcular. (Blümner, *Technol.* i. 343 ff.; Rich, *s. v.*; Schneider, *ad Script. R. R.*, tab. v. and *vi.*)

[G. E. M.]

TOREU'TICE (τορευτική). [CAELATURA.]

TORMENTUM (βάσανος), torture.

1. GREEK. In the articles APOTYMPANISMOS and CRUX it has been argued that the Greeks of pre-Macedonian times were far more humane in their modes of inflicting death than has been generally thought. The modes of capital punishment are enumerated by Pollux (viii. 71: *ὁ δὲ παραλαμβάνων τοὺς ἀναιρουμένους καλεῖται δήμιος, δημόκοινος, ὁ πρὸς τῷ ὀρύγματι καὶ τὰ ἐργαλεῖα αὐτοῦ ξίφος, βρόχος, τύμπανον, φάρμακον, κώνειον*): of these the only wantonly cruel one, the *τύμπανον*, has been shown to have been extremely rare. Vague allusions to burning, impalement, and crucifixion, as recognised modes of execution, are still to be found in works of authority, though no instances can be alleged; the fact being that to the Greeks of the best period such punishments were known only as practised by barbarians or tyrants, and formed no part of legal procedure. In this respect they stood far above the Romans in their dealings with all but the privileged classes, and above the practice of most Christian nations until the present century. Almost the only writer who, to our knowledge, has drawn the just and clear distinction between the excesses of irresponsible persons, whether mobs or individuals, and the mind of the people as expressed in its laws, is Westermann (*ap.* Pauly, s. v. *Supplicium*), whose words have been already quoted (Vol. I. p. 567*a*). Some further illustrations of our previous argument may here be given. The earliest crucifixion recorded to have taken place in Greece is that of the leaders of an insurrection at Sicyon by a Macedonian princess, Cratesicleia, the widow of Alexander, son of Polysperchon, B.C. 314 (Diod. xix. 67). In the previous year Apollonides, an officer of Cassander, had burnt the prytaneum at Argos with 500 political opponents shut up in it (Id. *ib.* 63). No such deeds as these disfigure the annals of free Greece; they follow rapidly on the incursion of Macedonian barbarism. The treatment of servile insurrections affords another contrast. We know how the Romans struck terror on such occasions, not merely into slaves, but into free provincials. The Spartans were in mortal dread of their Helots, and privately made away with those whom they thought likely to prove dangerous [CRYPTEIA]; Greek feeling prevented their resorting to wholesale executions by cruel methods. At Athens, also, we hear of insurrections among the mining slaves [SERVUS, p. 659], but there are no records of atrocious and unusual punishments.

Judicial torture, employed to extract evidence, was likewise confined at Athens and among the Greeks generally within narrower limits, both as regards the persons on whom it was inflicted and the modes of infliction, than in those European countries which had adopted it from the later Roman law. In particular, the Athenian feeling against barbarity showed itself in very early times (see under CRUX, Vol. I. p. 566 *a*, *b*). By a decree in the archonship of Scamandrius, of unknown but probably of early date, it was ordained that no free Athenian could be put to the torture (Andoc. *de Myst.* § 43); and what is more to the purpose, the restriction was fully maintained in practice: Athenian citizens stood in no fear of it (Lys. *c. Agorat.* § 27). Even in the worst times of panic or exasperation, as in the case of the mutilated Hermae, the power to override the law by a special psephisma, though often demanded, was never really acted upon (see the narrative in Grote, ch. 58, and especially the note at v. 175; other instances in [Dem.] *de Synt.* p. 170, § 114, Plut. *Phoc.* 35). The best authorities are agreed that we have no example of the torture of an Athenian citizen (Thalheim, *Rechtsalterth.* p. 29, n. 2; Lipsius, *Att. Process*, p. 896, n. 372). Free aliens, whether *ξένοι* or *μέτοικοι*, stood in general upon the same footing; the masters of emancipated slaves (*ἀπελεύθεροι*) retained the right of giving them up for torture, but Demosthenes expressly says that it would be impious to do so (*οὐδ' ὅσιον παραδοῦναι*, c. *Aphob.* iii. p. 856, § 39, cf. *c. Timoth.* p. 1200, § 55), though non-compliance with an opponent's challenge might prejudice the jury against one's case. Some apparent exceptions are discussed by Boeckh (*P. E.* p. 185 = *Sthh.*[3] i. 227 f.): the torture of a free man at Mytilene, who held out when a slave confessed (Antiph. *de caed. Her.* §§ 29, 49, cf. Mahaffy, p. 241), may have been under Lesbian and not Attic law, or the Athenians may have been less scrupulous when their subject-allies were concerned: the case in Lysias (*c. Simon.* § 33) is of a Plataean youth, who, as such, was not necessarily an Athenian citizen, and who after all was not put to the torture: the orator only argues that he might have been. Even under the Thirty it is admitted by their bitterest enemy that there was no torture of citizens, though the aliens who were the chief victims of murder and confiscation did not escape it (Lys. *c. Agorat.* §§ 54, 59, 61). But under regular governments freemen, not being citizens, were sometimes tortured at moments of panic, *e.g.* the barber who first spread the news of the Sicilian disaster (Plut. *Nicias*, 30); Antiphon, an Athenian who had lost his rights (*ἀποψηφισθείς*, apparently by a *διαψήφισις*, Dem. *de Cor.* p. 271, § 133), and who was accused of a plot to burn the dockyard in Philip's interest. In this case Boeckh (*l. c.*) thinks that the torture was in aggravation of the punishment; the words *στρεβλώσαντες ἀπεκτείνατε*, however, do not mean "put to death by torture," but "put to death *after* torture:" *στρεβλόω*, akin to *στρέφω*, is always used of torture employed to wring out confession, not of vindictive cruelty, for which the word is *αἰκίζεσθαι*. So of the female prisoner, who was probably not a free woman, in Antiphon (*de Venef.* § 20); the words *τῷ γὰρ δημοκοίνῳ προχισθῆναι παρεδόθη* do not imply that she was racked to death, as *δημόκοινος* is applied

to a torturer as well as an executioner. These remarks, it may be repeated, apply only to the free ages of Greece: the record of later times in Polybius and Diodorus is naturally very different, and after two centuries of degeneracy we need not be surprised at the statement of Cicero (*Part. Orat.* 34, § 118, *de institutis Atheniensium, Rhodiorum . . . apud quos liberi civesque torquentur*).

It was in taking the evidence of slaves, whose willing testimony was not accepted, that the torture was most commonly employed: for the rule which prevailed on this subject see MARTYRIA, p. 128 *b*, 129 *a*; SERVUS, p. 658 *b*. The argument often recurs in the orators, that evidence thus extorted was of more value than that of freemen: this was partly, no doubt, owing to the low standard of veracity among the Greeks, but much of it is mere rhetorical artifice; it is to persuade the jury that the other side refuse to tender their slaves for examination, not from humanity, but from the consciousness of a bad case; and we always find it employed when the demand to give them up has been refused (Antiph. *Tetral.* i. 2, § 7, *de Choreut.* § 25; Isae. *Or.* 8 [Ciron.], § 12;—Dem. *c. Aphob.* iii. p. 848, § 13; *c. Onet.* i. p. 874, § 37;—Lycurg. *c. Leocr.* §§ 29, 30). There is good reason to think, as has been seen under SERVUS, that the contemporaries of Demosthenes were more humane in this respect than those of Antiphon. Either party might offer his own slave to be examined by torture, or demand that of his adversary, and the offer or demand was equally called *πρόκλησις εἰς βάσανον*. This *πρόκλησις* was usually in writing, and specified the particular allegations to be substantiated, the "terms of the torture" (*καθ' ὅ τι ἔσται ἡ βάσανος*, Dem. *c. Steph.* i. p. 1120, § 61; cf. *c. Pantaen.* p. 978, § 40). We do not think that these words mean "what kind of torture was to be inflicted:" it appears both from the orators and the grammarians that only one mode of torture was in general use in the Attic courts, the rack (*τροχός*: *τροχίζειν*: *ἀναβιβάζειν ἐπὶ τὸν τρόχον*: cf. ECULEUS). There seem to have been exceptions: a comic passage of course proves nothing (Aristoph. *Ran.* 618 ff.), but cf. Antiph. *de Choreut.* § 23, *βασανίζειν τρόπῳ ὁποίῳ βούλοιτο*: Isocr. *Trapez.* § 15, *μαστιγοῦν τὸν ἐκδοθέντα καὶ στρεβλοῦν*. The suitor who put an opponent's slave to the torture was liable for damages for any loss of time or bodily hurt resulting from it (Dem. *c. Pantaen.* l. c.; Aristoph. *Ran.* 624); a proviso which must have gone some way to check the excesses of cruelty. The state-torturer, a slave, was called *δήμιος* or *δημόκοινος* (Poll. *l. c.*; cf. Thalheim, *Rechtsalterth.* p. 124, n. 8); the parties might themselves agree to act as *βασανισταί*, or choose certain persons for this purpose (Antiph. *de Venef.* § 10; Dem. *c. Pantaen.* p. 978, §§ 40, 42); but we find an agreement repudiated when private *βασανισταὶ* had presented themselves instead of *δημόκοινοι*: the former could not venture to carry out the torture on their own responsibility, and the plaintiff's case broke down (Isocr. *Trapez.* § 15). The torture was usually administered in private: instances occur of its infliction in open court (Aeschin. *de F. L.* § 126; [Dem.] *c. Everg. et Mnes.* p. 1144, § 17), but these are exceptional (*βασανίζειν οὐκ ἔστιν ἐναντίον ὑμῶν*, Dem. *c. Steph.* i. p. 1106, § 16). The general practice was to read at the trial the depositions of the slaves, which were called *βάσανοι* (Hyperid. *ap.* Harpocrat., Suid. *s. v.*; Dem. *c. Nicostr.* p. 1254, § 24), and to confirm them by the evidence of those who had been present at the torture. (*Att. Process*, pp. 889–897, Lipsius; Becker-Göll, *Charikles*, p. 37 ff.; Mahaffy, *Social Life in Greece*, ed. 3, pp. 240–243.)

2. ROMAN. During the time of the Republic, freemen were never put to the torture, at least by lawful authority; the cruelties inflicted on two military tribunes by Pleminius at Locri were the acts of a madman (Liv. xxix. 9). The rule as to slaves' evidence was the same at Rome as in Greece; their voluntary statements were not received except under special circumstances, as when they gave information of conspiracies against the state; they were tortured to make them confess what it was sought to prove. Slaves, however, could not be tortured to prove the guilt of their own master, except in the case of incestus, which was a crime against the gods, or unless the senate made a special exception, as was done in the Catilinarian conspiracy (Cic. *pro Mil.* 22, § 59; *pro Deiot.* 1, § 3; *Partit. Orat.* 34, § 118). Under Augustus the law was so far modified that, when the emperor suspected conspiracy against his government, he could demand the compulsory sale of slaves to the state or to himself, in order that they might be tortured; this did not pass without a protest (Dio Cass. lv. 5; Tac. *Ann.* ii. 30, iii. 67). The suspicious tyrants who immediately followed Augustus extended the law of majestas to the torture of free persons [MAJESTAS]; and we read of cases in which senators and equites were exposed to it (Suet. *Tib.* 58, *Cal.* 27 ff.). Claudius began his reign by abolishing the law of majestas, and is said never to have punished any one under it (Dio Cass. lx. 3); but his wives and freedmen abused his authority, and the practice was revived (Id. *ib.* 15). It remained the general law of imperial times that only freemen of low degree (*humiliores*) could be tortured in prosecutions for majestas: slaves might be compelled to bear witness against their masters in cases of majestas (Cod. 9, 8, 6, 7) and adultery (Dig. 48, 18, 17; Cod. 9, 9, §§ 3, 6, 32). Ammianus takes, perhaps, a malicious pleasure in recording the cruelties inflicted upon free citizens by the Christian emperors Constantius, Valentinian, and Valens (Amm. Marc. xiv. 5, xv. 3, xvi. 8, xviii. 3, xix. 12, xxi. 16, xxvi. 10, xxviii. 1, xxix. 1, 2).

As to the modes of torture, see ECULEUS, FIDICULA, and FLAGELLUM, in Vol. I. Cicero mentions some atrocious cases: "ignes candentesque laminae ceterique cruciatus admovebantur" (*in Verr.* v. 63, § 163: cf. *pro Cluent.* 63, § 177; 66, § 187); but in general we get few details. The hooks (*unci*) with which the bodies of criminals were dragged after execution (Juv. x. 66, with Mayor's note) were likewise employed to lacerate the living (Amm. Marc. xiv. 5; *sulcatis lateribus*, Id. xxvi. 10). The torturers, (*tortores, carnifices*) were probably public slaves (CARNIFEX; cf. Mommsen, *Staatsr.* i.² 313). On the torture of slaves by their masters, see Marquardt, *Privatl.* 180; on the whole subject, Dig. 48, 18, *de Quaestionibus;* Walter, *Gesch. des römischen Rechts*, ed. 1, p. 875 ff.; Rein, *Criminalrecht*, p. 542. [W. S.] [W. W.]

TORMENTUM was a general name for artillery among the ancients.

I. DESCRIPTIVE.—The two main classes of tormenta are those which discharged their missiles (1) horizontally (*εὐθύτονα*), or practically so; (2) at an angle (*παλίντονα*) with the ground. But these are technical terms. The ordinary names of the engines, both in authors (Diod. xvi. 74) and in inscriptions (*C. I. A.* ii. 250; 471, 46; 733 B), were *ὀξυβελεῖς* and *λιθοβόλοι*. The former shot arrows, hence their name *ὀξυβελεῖς*, sc. *καταπάλται* (not *καταπέλται*: cf. *C. I. G.* 2360, 25), and were called *catapultae* by the Romans: the latter discharged stones (*πετροβόλοι, λιθοβόλοι*), and were called in Latin *ballistae*. The arrow discharged from catapults is sometimes called *catapulta* (Plaut. *Pers.* i. 1, 28; Nonius, p. 552); and the stone discharged from *ballistae* called *ballista* (Plaut. *Trin.* iii. 2, 42). The terms *catapultae* and *ballistae* were probably obtained from the Sicilians; and they are used by historians as the two chief classes of engines (Tac. *Ann.* xii. 56; Gell. vii. 3). It must, however, be remembered that *catapulta* was also used as a generic term embracing both classes (Caes. *Bell. Civ.* ii. 9, 3; App. *Bell. Mithr.* 34; Sidon. Apoll. *Carm.* 22, 123).

The structure of both the engines is in the main principles the same: both, as the name *tormentum* points out, deriving their force from torsion, not from the elasticity of a bent body like a bow. We shall first attempt to describe a *εὐθύτονον* or *catapulta* (in the narrow sense), and afterwards set forth the points of difference between it and a *παλίντονον*. The two chief ancient authorities who supply materials are Heron's *Βελοποιϊκά*, and Philon's fourth book *Περὶ βελοποιϊκῶν*. Both writers flourished about 250 B.C. according to Rüstow and Köchly; about 100 B.C. according to Graux (*Rév. de Philol.*, N. S. iii. 92).

1. *Catapulta*, also apparently called *scorpio* in Caes. *B. G.* vii. 25, 2; *Bell. Afr.* 29, 4; Vitruv. x. 10, 15; Sall. *ap.* Non. p. 553: cf. Heron, § 3. This engine consisted of three parts, which we may call the Frame (*πλινθίον, capitulum*), the Pipe (*σύριγξ*), and the Support (*βάσις*). See Fig. 1.

(*a*) The *Frame* consisted of two strong horizontal beams, *a*, *b*, into which four other vertical beams were morticed, *c*, *d* (called *παραστάται*), *e*, *f* (called *μεσοστάται, medianae*). The beams, *a*, *b*, were called *περίτρητα, paralleli, peritreti*, because into the top and bottom of those beams in the centres of the two outside compartments, *g*, were bored circular holes (*τρήματα, foramina*), into which were placed the strings (*τόνοι, funes*) which gave the force which projected the missile. These strings seem to be called *vincla* in Tac. *Hist.* iii. 23. The diameter of these holes was $\frac{1}{9}$ of the length of the arrow, and formed the standard measurement according to which all the other parts of the engine were proportioned. Into these holes were placed nuts, *h* (*σώληνες*), sometimes wooden, sometimes of metal, which were circular at the bottom so as to fit into the holes, rectangular in the middle *m*, and again circular at the top, of the same diameter as the standard. The nuts were rectangular in the middle partly to prevent them slipping down through the holes, partly that when required they could be turned round by a wrench, and so the strings tightened; hence this rectangular part got the name of *τριβίς*, from its friction against the frame. Across the

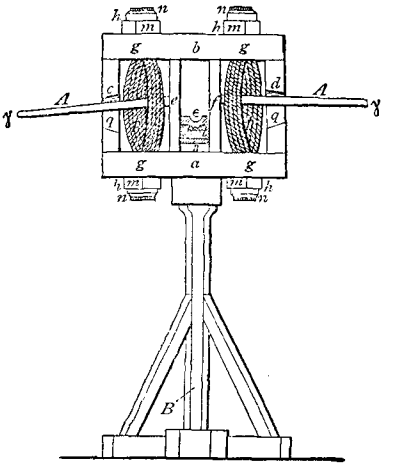


Fig. 1. Catapulta or Scorpio. (From Rüstow and Köchly.)

middle of the top of the nut ran an iron bar, *n* (*ἐπιζυγίς, cuneolus ferreus*), round which the strings of the engine were stretched. The strings were generally prepared from the sinews of animals, and hence these engines are called *νευρότονοι* (*C. I. A.* 733 B), though sometimes we hear of women's hair being used (App. *Pun.* 93; Hero, §§ 26 ff.; Philo, § 12).

The instrument (Fig. 2) used for stretching the strings was called *ἐντόνιον*, and consisted of a large wooden frame with a windlass (*ὀνίσκος, sucula*) at each end, two beams *d d* as strength-

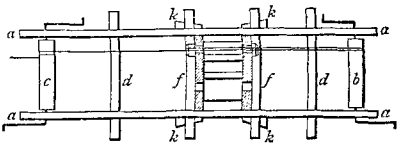


Fig. 2. *Ἐντόνιον.*

eners, and a centre compartment just the size of the frame of the catapult. Into this centre compartment the frame, duly provided with its nuts, was fixed and firmly wedged, *k k k k*. The end of the string was fastened to one of the iron bars of the nut at *n* (Fig. 1), drawn through the other nut and fastened round one of the windlasses (suppose *b*). This string was then stretched till it became $\frac{2}{3}$ of its original diameter, and fastened by a clamp (*περιστομίς*) to the bar opposite to the one to which it had been originally fixed. Then it was loosed from the windlass, drawn round the bar through the opposite nut, and again strained by the windlass *c*, fastened by another cramp, and so on passing from windlass to windlass till the whole available hollow portion of the nuts was filled with layers (*δόμοι*) of the string. The number of layers was generally about 10. When that was completed, the end of the string was fastened by a very strong clamp. Vitruvius says

that each string should be stretched till it gave the same note (x. 18 (12), 2; cf. i. 1, 8. Compare Hero, § 28; Philo, § 17).

Through these masses of string from the side turned towards the enemy the thinner ends of two long pieces *A*, *A* (Fig. 1) of non-elastic wood, which formed the arms (*ἀγκῶνες*) of the bow, were thrust, so that when the engine was not being worked the thicker ends (*πτέρνα*) rested on the outer side of the *μεσοστάται* against an iron-plated knob (*ὑπόπτερνις*). On the other side of the frame, the arms rested about at their centre or two-thirds of the way from the point *γ*, against a curve *q* (*κοίλη*, *curvatura*) in the *παραστάται*, which latter had a bulge on the outer side, so that they should not be wanting in strength. To the ends of the arms *γ γ* was fixed a very strong string (*τοξῖτις*), called apparently *libramentum* in Tac. *Hist.* iii. 23, which was the string by which the arrow was shot (Hero, § 30).

(*b*) Now we come to the *Pipe*, which projected backwards from the centre compartment of the frame. It consisted of two parts: (1) the pipe proper (*σύριγξ* in the narrow sense, *canaliculus*) and (2) what we may call the projector (*διώστρα*). The pipe proper was a long narrow trough-like construction of wood, open at the end towards the enemy. At its other end it had a windlass for stretching the string, worked by hand-spikes (*σκυτάλαι*). Running in the pipe, which was dovetailed for about two-thirds of its length, and fitting into this dovetail, was another smaller trough-like construction called the projector (*διώστρα*), into which the arrow was placed. The trough in the case of this *διώστρα* was concave, and not angular. At

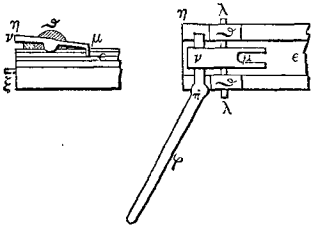


Fig. 3. Plan and section of the "Pipe."

the end of the *διώστρα* was a hook (*χείρ*, *epitoxis*), of which a horizontal and a vertical section are given herewith (Fig. 3). It moved on an axle (λ λ) working through a specially inserted frame, *θ θ* (*στήματα*). The hook, axle, and frame taken together appear to have been called *χελώνιον*. The hook consisted of two horizontal prongs with vertical ends; and a hindmost part (*ν*) very much heavier than the fore part; so much so that, in order to keep the fore part down, the hinder part had to be prized up and supported by a handle, *φ* (*σχαστηρία*, *manucla*), which revolved horizontally on a vertical axis, *π* (called *περόνη*). On the hinder part of the projector was a ring, *ξ*, through which one end of a strong cord (*ὅπλον*, *καταγωγίς*) was fastened, the other end being fixed to a windlass. (Hero, §§ 5 ff.; cf. Philo, §§ 52 ff.)

Now, when the engine was to be used, the projector was pushed forwards till the hook, prized up by the handle (*σχαστηρία*), could catch the projecting string (*τοξῖτις*). Resting against this string, and in the trough of the projector, was placed the arrow. The projector was then along with the string drawn back by means of the *καταγωγίς* and the windlasses as far as was required, and the windlass made fast so that the projector could not move. A. Müller in Baumeister's *Denkmäler*, p. 547, and Droysen, *Gr. Kriegsalt.* p. 196, suppose that the pipe had a series of teeth, so that the projector could be fixed at any given point, as we shall see was the case in the *γαστραφέτης* (see below, § 3). This is probable enough *à priori*, but we do not know the evidence for their opinion, and there was not the same necessity for the teeth in the larger engines as there was in the hand-strung *γαστραφέτης*. When all was now ready for the shot, the handle was pushed violently from under the heavy side of the hook, which must have been very heavy indeed, for it appears that this side fell down by its own weight, and so released the string, which shot forward the arrow with great velocity. This appears to be what Hero (§ 6) means by "they let the hook loose by tearing away the handle" (*ἀπέσχαζον τὴν χεῖρα σπαράξαντες τὴν σχαστηρίαν*); otherwise we should suppose that the use of the handle was only to prevent accidental discharge while the string was being drawn back, and that, after it was loosed, as a general rule a blow of a hammer on the hinder part of the hook or something of the kind would have been necessary to release the string.

(*c*) The *Base* of the catapult, which is described by Rüstow and Köchly, and of which they give their principal illustration (*op. cit.* fig. 106), consisted of two supports. Such were required only in the case of very heavy engines, and were not much used, among other reasons because the limits of elevation within which they could be discharged were very circumscribed; they were confined to that allowed by the height of a pin which fixed the frame to the foremost support, and this would not allow a change of elevation of more than a few degrees. The ordinary catapult and that principally described by the ancients had only one support, as in the subjoined illustration, taken from Baumeister, of a catapult built according to the ancient authorities by the *Heidelberger Philologen-Versammlung*. The base consisted of a beam, *q* (*ὀρθοστάτης*, *columella*), supported on four feet *s*, by four stays, *r*. In the top of this beam was a long circular pivot, *u*, which passed through two horizontal sides of a wooden frame, *t*, whose vertical sides projected considerably beyond its upper horizontal side. Through the vertical sides above the horizontal sides and parallel with them ran a round iron bar on which the pipe rested; and while the whole upper part of the engine could revolve horizontally on the pivot *u*, it could be lowered and elevated vertically by revolving on this bar. At the end of the pipe was a stay, *v* (*ἀναπαυστηρία*), which could move up and down on the support *w* (*ἀντερεισίς*), which latter was attached by a ring to the main beam, *q*. The limits of change of elevation of such an engine must have been at all events 8°.

The *length* of the arrow gave the technical name to the size of the engine: so that cata-

pults were classed as three-span (τρισπίθαμος), two-ell (δίπηχος) = four-span, five-span (πεντεσπίθαμος), three-ell (τρίπηχος)=six span; that is, 27 inch, 36, 45, 54. This gave the diameter of the τρήματα in the frame as about 3, 4, 5,

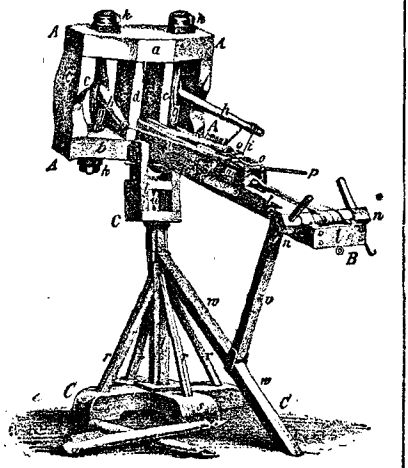


Fig. 4. Catapult. (Baumeister.)

6 inches. Let us call this diameter x; then we can fix the rest of the measurements of the machine, *e.g.* height of the frame 5·5 x, depth 2 to 1·5 x, breadth 6·5 x, length of pipe 16 x, of ἀγκῶνες 7 x each, thickness of each of the νεῦρα $\frac{1}{3}$ to $\frac{2}{9}$ x; minimum breadth for working 13 x, height 18 x, depth 20 x. The weight of a τρισπίθαμος was about 85 lbs., and its arrow about $\frac{1}{2}$ lb., and it required two or three men to work it; the weight of a τρίπηχος was about $5\frac{1}{4}$ cwt., its arrow over 4 lbs., and it required five men to work it. The three-span catapult of Agesistratus shot $3\frac{1}{2}$ stadia = 2210 feet (Athen. *de Mech.* p. 8 Wescher), but that was considered something very marvellous. At 1000 feet an arrow from a three-span catapult would be driven 2 inches into a board (Rüstow and Köchly, *Kriegsschriftst.* i. p. 330, note m): so that, on the whole, we may take the ordinary effective range at about 1200 feet, the actual distance the arrow would reach being somewhat over this (*ib.* 328, note h). The price of a two-ell catapult they estimate at about 480 drachmas, about £20, reckoning the drachma as a franc.

2. *The Ballista* (παλίντονον): cf. generally Hero, § 32; Philo, § 6.—The principle of this engine was precisely the same as that of the catapult, the only essential differences being (1) that the hinder part of the pipe rested on the ground to which the pipe itself was inclined at an angle of 45°; (2) that the wooden arms (ἄγκωνες) in the position of rest were not parallel with the ground as in the case of the εὐθύτονα, but inclined at an angle of 30°, hence the term παλίντονον ("strung at an angle"). The frame consisted of two smaller frames (ἐνατόνια, ἡμιτόνια), *A A* and *B B*, each of which held one of the sets of strings; these frames were bound together by two strong beams (κανόνες), *a a* and *b b*: indeed the whole engine was much larger and in all its parts stronger than the catapults. It was used to discharge beams or stones; accordingly it is the *weight* of the stone which gives the diameter of the τρήματα in this case. Along the pipe, *C C*, which had no continuous bottom, but had its sides (σκέλη), *c d*, bound together by pegs (διαπήγματα), extending longwise were narrow bars of wood (πτερύγια), which formed the support for the δίωστρα to run on. Chiefly, as it seems, on account of the

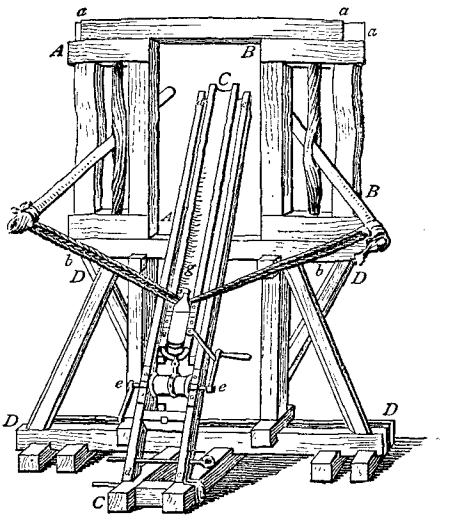


Fig. 5. Ballista. (A. Müller, in Baumeister.)

ladder-like appearance the διαπήγματα presented, the pipe in this engine was called κλιμακίς. The string (τοξῖτις) extending from the ends of the ἀγκῶνες was twisted like a rope, and had at its centre a ring (not represented in the plate) which was caught by the χείρ.

It would be tedious to give in detail all the various measurements of the parts of a ballista: suffice to say, that the diameter x of the τρήματα in dactyls (1 dactyl = about $\frac{3}{4}$ inch) was estimated by the formula $x = 11\frac{1}{4}\sqrt[3]{100\,w}$, where w is the weight of the missile in minae (1 mina = about $1\frac{1}{4}$ lb.); that the length of the arms was 6 *x* each, of the τοξῖτις 12·6 *x*, of the κλίμαξ 16 x; and that the space required for the engine was at least 20 *x* in depth, 13 *x* in breadth, and 17 x in height. The size of the engine varied according as the missile was 10, 15, 20, 30, 50, 60 minae: the latter (= 1 talent) was the heaviest missile that was ordinarily used: engines larger than this, as that of Demetrius (Diod. xx. 48) or of Archimedes (Athen. *Deipnos.* 208 c), which threw three talents, were quite exceptions and of little practical use. The average range was probably about 400 yards or a little more, but a large 60 minae ballista appears to have been barely able to throw 220 yards (Droysen, *op. cit.* p. 204). The price of a 10 minae ballista Rüstow and Köchly reckon at 4000 drachmas = £160. That the ballistae cannot have been much used in the field may be proved from their weight; so that they always appear in considerably less numbers than the

catapults. At New Carthage we read that Scipio had 120 large catapults and 23 large ballistae (Liv. xxvi. 47, 5)—numbers which probably in themselves are very much exaggerated: at Jerusalem the Jews had 300 catapults and 40 ballistae (*B. J.* v. 9, 2). Examples of the working of ballistae are given in *Bell. Hisp.* 13, 8, and Joseph. *B. J.* iii. 7, 23; it appears that very considerable precision of aim could be acquired by the scorpiones (*Bell. Afr.* 29, 4; Caes. *B. G.* vii. 25, 2).

Philo (§§ 17 ff.) mentions a great many points in which these tormenta were difficult to work and liable to break down. The frame was often broken in stretching the strings,—itself no easy task, taking considerably over an hour, and requiring the *ἐντόνιον*, which was not always at hand: the bars round which the strings were fastened used to cut the strings: the tension of the strings used to get loosened and could only be conveniently tightened by screwing the nuts round horizontally with a wrench—a very temporary help, as the elasticity of the strings soon got exhausted thereby; and so on. Philo invented a means of tightening the strings by a frame which could be narrowed by means of wedges; but it does not appear to have been much used. Ctesibius (Phil. § 14) replaced the strings by metal wires (*χαλκέντονον*); and also we are told that as one of his improvements he used compressed air (*ἀερότονον*), but there is no clear account of the exact nature of this latter device. The description of the so-called *ballista* in Amm. Marc. xxiii. 4, 1, if it can be explained at all and is not pure "bombastische Confusion," as Rüstow and Köchly (*Kriegsschriftsteller*, i. 414) call it, is certainly not of such a nature as to lead to any essential alteration of the description given above from such capable writers as Hero and Philo.

3. The *γαστραφέτης* or "stomach-bow" (cf. Hero, §§ 3 ff.; Bito, p. 61 Wescher) derived

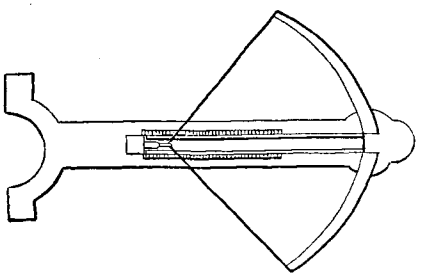


Fig. 6. Γαστραφέτης. (Rüstow and Köchly.)

its name because it had to be pressed against the stomach and the ground or a wall, when it was being strung. The accompanying cut gives an idea of it. It was not strictly a tormentum, as its force was got from the elasticity of a bow: it was in fact a cross-bow, with a *διώστρα* virtually like that of the catapult. The novel feature of it was that the sides of the *σύριγξ* had a series of teeth, into which two little prongs (*κατακλεῖδες*) on each side fitted, so as to hold the *δίωστρα* at just the point required, and to do so with as little loss of time as possible. It was probably the same as the *arcuballista* of Vegetius (ii. 15, iv. 22). Droysen (*l. c.*) says it was called *σκόρπιος*. The so-called *βαλίστρα* mentioned by Procopius (*Bell. Goth.* i. 21) was a bow, or most probably from the description a species of *γαστραφέτης*: and similar in principle, but on a very large scale and worked by windlasses, was the *ballista fulminalis* of the treatise *De rebus bellicis*, 8, 10, attached to the *Notitia* (cf. Marquardt, *op. cit.* 524, note 2; and Rüstow and Köchly, *Kriegsschriftsteller*, p. 410). The "four-wheeled ballista" (*ib.*; cf. p. 418) is said to have shot its arrows "not by strings but by rigid bars" (*non funibus sed radis*). This "riddle," as Rüstow and Köchly call it, still awaits solution.

4. The *onager* (cf. Amm. Marc. xxiii. 4, 4, who calls it *scorpio*).—This appears to have been a Roman construction, and we only hear of it in post-Constantinian times. It may be described as a horizontal one-armed ballista, which shot small stones. The name is said to have been

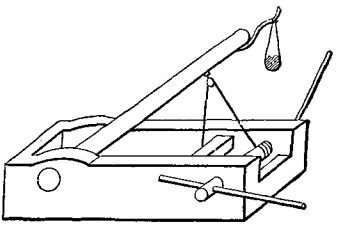


Fig. 7. Onager. (Marquardt.)

derived from the fact that the wild ass in its flight dashed back stones with its hoofs on its pursuers. The strings which supplied the force were stretched horizontally, and the arm (*ἀγκών*) inserted vertically into them. When the engine was used, this arm, by a string attached to a point near the top, was pulled down by a windlass till it was horizontal, and then secured by a hook, the missiles being hung in a bag at the extremity. Then the hook was struck away with a hammer and the missiles discharged. The arm struck against a bag full of some soft substance attached to the front part of the machine, reaching about ⅔ of the way up the arm. This would have been a rather hard instrument to aim with, if it were not that it threw a number of stones.

II. HISTORICAL. — Pliny (*H. N.* vii. § 56) attributes the invention of catapults to the Syrophoenicians; but there is no corroboration of this statement. The passage in 2 Chronicles xxvi. 14, 15, where it is said that Uzziah prepared "slings to cast stones," probably dates from not earlier than the fourth century. In the Hellenic world *tormenta* first appear in the great preparations made by Dionysius against Carthage in 3[illegible]B.C. (Diod. xiv. 42, 43), and in the next year they were used in the siege of Motye (*ib.* 50). It was from Sicily that they came into Greece proper (Plut. *Apophtheg.* 219 = ii. 191). The first mention of them there is in a list of articles contained in the Chalcothêcê in Athens (*C. I. A.* ii. 61, 37), of date between 356 and 348. In 340 we read that the Perinthians borrowed artillery from the Byzantines (Diod. xvi. 74), and the siege of Byzantium in the same year by Philip of Macedon is the first

occasion we hear of the use of artillery in Greece in any extensive form. Athenaeus, the writer on artillery (p. 10, Wescher), notices the reign of Dionysius in Sicily and the siege of Byzantium as marking epochs in the use of siege-engines, Polyeidus of Thessaly being one of the most celebrated engineers (cf. Grote, xi. 262). On this occasion we hear only of *καταπάλται ὀξυβελεῖς* (Diod. *l. c.*); the first mention of *λιθοβόλοι* appears to be at the siege of Halicarnassus by Alexander in 334 (Arrian, i. 22, 2).

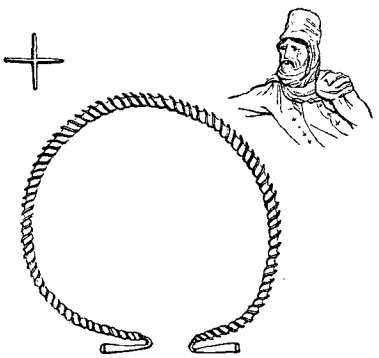
During the period of the Diadochi artillery reached its highest perfection among the ancients. The engines are repeatedly mentioned (Diod. xviii. 12, 51, 70, 71;—*C. I. A.* ii. 807 *b*, 129 ff.; 808 *d*, 53 ff.;—Polyb. iv. 56, 3; v. 88, 7; 99, 7); and artillery practice (*καταπαλταφεσία*) became a regular part of the military training of the ephebi (*C. I. G.* 2360, 25). The Romans did not make any decided improvement or invention in military engines till late in the Empire. Caesar was quite inferior to the Massiliotes in artillery (*Bell. Civ.* ii. 2, 5), and after the battle of Pharsalia had to get engines from Greece and Asia to besiege Alexandria (*Bell. Alex.* 1, 1). It was in siege-work, both attack and defence, but particularly defence, that these engines were employed (Liv. xxvi. 6, 4; xxvii. 15, 5;—Polyb. viii. 7, 6). They were altogether too heavy and cumbersome to be used very extensively in the field; if they were used in the field, it was only for the attack or defence of some strong position (Caes. *B. G.* ii. 8, 4; viii. 14, 5; *B. C.* iii. 56, 1; *B. Afr.* 31, 6), or protecting some movement such as crossing a river (cf. Arrian, i. 7, 8; iv. 4, 4). During the Roman Empire each legion (Tac. *Hist.* iii. 23; Dio Cass. lxv. 4), and perhaps each praetorian cohort (Tac. *Ann.* xii. 56), had its own engines; and in the time of Vegetius (*l. c.*) each century of the legion had a *carroballista*, a large engine drawn by mules and requiring eleven men to work it, and each cohort an *onager*.

Into all the minutiae of the construction of these engines it would be impossible here to enter. For them readers must be referred to Rüstow and Köchly, *Geschichte des griechischen Kriegswesens*, 1852, pp. 378–405; to their edition of the *Griechische Kriegsschrifsteller*, 1853, vol. i., containing Hero's and Philo's *Βελοποιϊκά*, pp. 187–346, and Vitruvius, x. chaps. 15–18 (10–12), with a valuable translation and notes; to Wescher's *Poliorcétique des Grecs*, 1867, for Athenaeus and Bito (pp. 1–68); to A. Müller's article on *Festungskrieg und Belagerungswesen* in Baumeister's *Denkmäler*, i. 525 ff.; and to Droysen's *Die griechischen Kriegsalterthümer*, chap. ix. pp. 187–204. [L. C. P.]

TORQUES or **TORQUIS** (*στρεπτός*), an ornament of gold, twisted spirally and bent into a circular form, which was worn round the neck by men of distinction among the Persians (Curt. iii. 3; Themist. *Orat.* 24, p. 306 c), the Gauls (Florus, i. 13, ii. 4), and other Asiatic and northern nations (Isid. *Orig.* xix. 30). *Torc* in Celtic and old Irish was probably borrowed from the Latin word (Curtius, *Gr. Etym.* 462). Virgil (*Aen.* v. 558, 559) thus describes it as part of the attire of the Trojan youths:

> "It pectore summo
> Flexilis obtorti per collum circulus auri."

Ornaments of this kind have been frequently found both in France and in many parts of Great Britain and Ireland (Petrie, *Trans. of R. Irish Acad.* vol. xviii.; *Antiq.* pp. 181–184), varying in size and weight, but almost always of the form exhibited in the annexed woodcut, which represents a torquis found in Brecknockshire, and now preserved in the British Museum. The same woodcut contains a section of this torquis of the size of the original. It shows, as Mr. Petrie observes concerning some found in the county of Meath, "four equidistant radiations from a common centre." The torquis in the British Museum is 4½ feet in length. Its hooks correspond well to the following description of the fall of a Celtic warrior: "Torquis ab incisa decidit *unca* gula" (Propert. iv. 10, 44). A torquis which instead of being bent into a circular form was turned into a spiral, became a bracelet, as is shown in the lowest figure of the woodcut to ARMILLA. A torquis contrived to answer this purpose is called *torquis brachialis* (Vopisc. *Aurel.* 7). Such bracelets and torques are often found together, having been worn by the same people.



Torques.

The head in the preceding woodcut is that of a Persian warrior in the mosaic of the battle of Issus, mentioned in p. 397. It illustrates the mode of wearing the torquis, which in this instance terminates in two serpents' heads instead of hooks. It was by taking this collar from a Gallic warrior that T. Manlius obtained the cognomen of *Torquatus* (Cic. *de Fin.* ii. 22, 73, *de Off.* iii. 31, 112; Gellius, ix. 13; Non. Marc. pp. 227, 228, ed. Merceri).

Torques, whether in the form of collars or bracelets, no doubt formed a considerable part of the wealth of those who wore them. Hence they were an important portion of the spoil, when any Celtic or Oriental army was conquered, and they were among the rewards of valour bestowed after an engagement upon those who had most distinguished themselves (Juv. xvi. 60; Plin. *H. N.* xxxiii. § 10; Sidon. Apollin. *Carm.* xxiii. 424). The monuments erected to commemorate Roman soldiers and to enumerate the honours which they had obtained, often mention the number of torques conferred upon them. (Maffei, *Mus. Veron.* p. 218.) [PHALERA.] [J. Y.]

TORUS. [LECTUS.]

TO'XOTAE (*τοξόται*). [DEMOSII.]

TRA'BEA. [TOGA.]

TRADI'TIO. [DOMINIUM.]

TRAGOE'DIA. The purpose of this article is to sketch the progress of Greek Tragedy from its origin to its maturity; and to give some account of Roman Tragedy, which was derived from the Greek.

The Dithyramb.—The Dorian worship of the gods, and especially of Apollo, had been accompanied from an early time by choral lyrics, to which an artistic development was given by Alcman of Sparta (660 B.C.) and Stesichorus of Himera (620 B.C.). It was reserved for a man of Aeolian origin to perfect one particular species of the poetry which Dorians had made their own. Arion, of Methymna in Lesbos, lived about 600 B.C. He gave a finished form to the διθύραμβος, or choral hymn in honour of Dionysus. The κύκλιος χορός—*i.e.* the chorus which stood, or danced, round the altar of Dionysus—received from him a more complete organisation, its number being fixed at fifty. The earliest κύκλιοι χοροὶ of this kind were trained and produced by Arion at Corinth in the reign of Periander. Pindar alludes to this when he speaks of Corinth as the place where "the graces of Dionysus"—the joyous song and dance of his festival—were first shown forth, σὺν βοηλάτᾳ . . . διθυράμβῳ (*Olymp.* xiii. 19). The epithet βοηλάτης which is there given to the dithyramb probably refers to the fact that an ox was the prize, rather than to a symbolical identification of Dionysus with that animal. In one of his lost poems Pindar had connected the origin of the dithyramb with Naxos, and, in another, with Thebes. This is quite consistent with Corinth having been the first home of the matured dithyramb. It is well known that the dithyramb had existed before Arion's time. The earliest occurrence of the word is in Archilochus (*circ.* 670 B.C.), fr. 79 : ὡς Διωνύσοι' ἄνακτος καλὸν ἐξάρξαι μέλος | οἶδα διθύραμβον, οἴνῳ συγκεραυνωθεὶς φρένας—a testimony to the impassioned character of the song. Herodotus speaks of Arion as not merely the developer, but the inventor (i. 23); and Aristotle made a similar statement, if we can trust the citation in Photius (τὸν δὲ ἀρξάμενον τῆς φδῆς Ἀριστοτέλης Ἀρίωνά φησιν εἶναι, ὃς πρῶτος τὸν κύκλιον ἤγαγε χορόν: *Biblioth. Cod.* 239). But it was natural that the man who developed and popularised the dithyramb should have come to figure in tradition as its inventor. The etymology of διθύραμβος is unknown. Plato conjectures that its original theme was the *birth* of Dionysus (*Legg.* p. 700 B). If this was so, at any rate the scope must soon have been enlarged, so as to include all the fortunes of the god.

Earliest "Tragic Choruses."—At Sicyon, *circ.* 600 B.C., τραγικοὶ χοροὶ were in use. This date coincides with the period at which Arion perfected the dithyramb; and we find that these χοροὶ had originally been held in honour of Dionysus. The Sicyonians had diverted them from that purpose, and had applied them to the cult of the Argive hero Adrastus, whose adventures were celebrated by the choruses (Her. v. 67, τὰ πάθεα αὐτοῦ τραγικοῖσι χοροῖσι ἐγέραιρον). Cleisthenes, the tyrant of Sicyon, reclaimed these χοροὶ for Dionysus. Two points in this account deserve attention.

(1.) The epithet τραγικοὶ is already given to these choruses, although there was as yet no actor distinct from the chorus. The σάτυροι (=τίτυροι, "he-goats") were woodland beings, half man, half beast, who attended on Dionysus, and who were conventionally represented with pointed ears, budding horns, a snub nose, and a tail. Some allusion to the satyrs was evidently involved in τραγικός, as an epithet of the chorus, and in τραγῳδία, as a name for their song. But it is hardly doubtful that these terms also refer directly to the association of an actual goat with the Dionysiac worship. It was the goat that suggested the conventional type of the σάτυροι, not the latter that prompted the use of the terms τραγικὸς and τραγῳδία. The choice of the votive animal is sufficiently explained by the lower side of the nature ascribed to the god, the side which would be most prominent in a rustic carnival. A goat was perhaps sacrificed to Dionysus before the choral song began. But this does not necessarily exclude another hypothesis—viz. that a goat was sometimes the prize. When, in early times, the country people spoke of a "goat-chorus," or a "goat-song," no doubt the literal and the allusive meanings were blended; men thought partly of the goat which was the sacrifice or the prize, partly of the goat-like satyrs who formed the Chorus. The word τραγῳδία is often applied to the purely choral performance in honour of Dionysus, when as yet there was no "tragedy" in the later sense. Thus Plato remarks that τραγῳδία had existed in Attica before the days of "Thespis and Phrynichus" (*Minos*, p. 321 A). Similarly Athenaeus (630 c) and Diogenes Laertius (iii. 56) speak of the primitive τραγῳδία which was performed wholly by a chorus.

(2.) Further, it appears that as early as 600 B.C. τραγικοὶ χοροὶ were not necessarily restricted to the worship of Dionysus, but could celebrate the fortunes of a hero such as Adrastus. This illustrates the peculiar position of Dionysus among the Hellenic deities. According to legend, his entrance into Greece had been opposed; he had endured various insults and trials before his worship was finally established. Dionysus alone was at once a god—superhuman in might—and a hero who had striven like Heracles. The "tragic chorus," which sang the dithyramb, commemorated his πάθη—the varying fortunes which had preceded his final triumph. Such a chorus might change its theme to a hero who had experienced like vicissitudes, but not to any other god. Apollo had long been honoured with choruses by the Dorians. But there was no germ of drama in the choral cult of Apollo, because there was no reminiscence of suffering.

Transition from Lyric to Dramatic "Tragedy."—As the central idea of the Dionysiac worship was a vivid sympathy with the fortunes of the god, a certain dramatic element must have entered into it from the first. The energy of the dithyrambic style would itself prompt the dancers to use animated gesture. It would also be natural that their leader should enact the part of Dionysus himself, or of a messenger from him—reciting some adventure, to which the satyr-chorus would then make a lyric response. Greek tradition clearly associated some such rudiments of drama with the primitive τραγῳ-

δία. Thus Diogenes Laertius says: "In early tragedy the Chorus alone *sustained the action* (διεδραμάτιζεν); afterwards Thespis introduced one actor, in order to give rest to the Chorus" (iii. 56). Aristotle, too, states that tragedy was at first "extemporary" (αὐτοσχεδιαστική) and took its rise "from those who led off the dithyramb" (ἀπὸ τῶν ἐξαρχόντων τὸν διθύραμβον: *Poet.* 4). He refers to an effusion, more or less unpremeditated, by the leader, as distinguished from the hymn chanted by the Chorus.

Thespis, a native of Icaria in Attica, flourished about 536 B.C., in the later years of Peisistratus. He was a trainer and leader of dithyrambic choruses, who made an improvement in the mode of performance. Hitherto the leader, who recited an adventure of Dionysus, had addressed the Chorus, and had been answered by them. Thespis now set apart a person specially for dialogue with the leader. As this person had to reply to the leader, he was called "the answerer," ὑποκριτής—which became the regular term for an "actor." This was another step towards drama; but how far it went we do not know, because we do not know what the δράματα of Thespis (as Suidas calls them) were like. The alleged fragments of Thespis in Plutarch, Clement of Alexandria, Pollux, and other writers, are spurious, as Bentley has shown (*Phalaris*, pp. 289 ff., ed. Dyce). Everything would depend on the manner in which the part of the new ὑποκριτὴς was adjusted to that of the coryphaeus. If the latter was made virtually a second actor, then Thespis might fairly be regarded as the founder of drama proper. If, on the other hand, the dialogue remained comparatively unimportant, and the whole performance continued to be essentially lyric, then Thespis had merely modified the tradition—though in a fruitful way. The latter view seems the more probable. The ancients themselves were divided: some regarded him as the πρῶτος τραγικός: others, as merely improving on Sicyonian tradition (Suidas). Bentley maintained that Thespis composed only pieces of a humorous character; Welcker, that he produced serious tragedy also. Neither view admits of proof. Horace (*Ars Poet.* 276) has given currency to the notion that Thespis went about the country with a strolling company, and acted his plays on a waggon. The fiction may have been suggested by the "jests from a waggon" which were associated with the processions to Eleusis (ἐξ ἁμάξης ὑβρίζειν). When all the evidence has been sifted, Thespis remains to us a famous name, and little more. That he made an epoch in the gradual development is beyond question. But, in the light of such imperfect knowledge as we possess, Aeschylus, not Thespis, must be regarded as the true founder of Tragedy.

The Period between Thespis and Aeschylus.—(1) Choerilus, an Athenian, is said to have gained his first dramatic victory in 523 B.C., and to have been active for some sixty years afterwards. Pausanias (i. 14, § 2) refers to him as δρᾶμα ποιήσαντι Ἀλόπην. Alope was a hapless maiden whom her father Cercyon put to death; and Pausanias quotes the play for some genealogical details about Triptolemus. Here, then, we have a tragedy, connected, by subject, with Eleusis, but not directly with Dionysus. Choerilus is said by Suidas to have composed 160 plays. Only a few words are extant. The view that he excelled in satyr-drama rests on a verse of an unknown poet, ἡνίκα μὲν βασιλεὺς ἦν Χοιρίλος ἐν σατύροις, quoted by Marius Plotius Sacerdos (*circ.* 300 A.D.), in the third book of his *Ars Grammatica*, where he treats of metres. The phrase ἐν σατύροις, however, may have referred to Dionysiac choruses generally, and not to satyr-plays as distinguished from tragedies. (2) Pratinas, a native of Phlius, is said by Suidas to have contended against Choerilus and Aeschylus "in the 70th Olympiad," *i.e.* at some time between 500 and 497 B.C. If the first year of the Olympiad is meant, the date would be the spring of 499 B.C. The tradition that he was the first to write satyr-plays is founded on the words of Suidas, πρῶτος ἔγραψε σατύρους: but it can be traced further back, if "Pratinae" be read for "Cratini" in a note on the *Ars Poetica* (230) by Helenius Acron, the commentator on Terence and Horace (*circ.* 190 A.D.). The satyr-plays of Pratinas were presumably intended to preserve the old type of satyr-chorus, now threatened with extinction by the new improvements. Such an effort would have been natural for one whose native place was not far from Sicyon. Among the scanty fragments of Pratinas, which are almost wholly lyric, the most considerable is a passage of 20 lines from a ὑπόρχημα (Bergk, *Poet. Lyr.* 953 ff.: cf. Nauck, *Frag. Trag.* p. 562). Suidas says that he wrote 60 plays, of which 32 were satyric dramas; unless, with Boeckh, 32 should be altered to 12 (λβ′ to ιβ′). (3) Phrynichus, an Athenian, is said to have gained the tragic prize first in 511 B.C., and for the last time in 476 B.C. His tragedy on the Capture of Miletus must have been produced soon after the date of the event (494 B.C.): it is uncertain whether the title was Μιλήτου ἅλωσις (Her. vi. 21), or Πέρσαι. Eight other of his plays are known by titles, but only a few verses remain (Nauck, *Frag. Trag.* 557 ff.). According to Bentley's conjecture, the *Phoenissae* (on the same subject as the *Persae* of Aeschylus) was the play produced in 476 B.C., when Themistocles was his choregus. In the *Thesmophoriazusae* of Aristophanes the tragic poet Agathon says of Phrynichus that the comeliness of his person was matched by the beauty of his dramas (v. 166). His lyrics, in particular, were admired for their simple grace and sweetness. It seemed as if the birds had taught him to warble (Ar. *Av.* 748 ff.). These lyrics had probably more of an Ionian than of a Dorian or an Aeolian stamp. He was the most popular tragic poet of his time: the audiences to whom Aeschylus made his earlier appeals are described as having been "brought up in the school of Phrynichus" (παρὰ Φρυνίχῳ τραφέντας, Ar. *Ran.* 910).

Aeschylus, a native of Eleusis in Attica, was born in 525 B.C. About 499 B.C. he was already exhibiting tragedy, but it was in 484 that he first gained the prize. The great change which he introduced consisted in adding a second actor, and in making the dialogue more important than the Chorus (τὸν λόγον πρωταγωνιστὴν παρεσκεύασε, Arist. *Poet.* 4). It may be conjectured that this change had been made some years before 484 B.C.; at any rate it was earlier

than the date of the *Persae*, 472 B.C. So long as there was only a single actor, that actor might, indeed, assume different parts in succession, but there could be no drama in the proper sense of the word. If, for instance, Phrynichus used only one actor in the "Capture of Miletus," that person might first appear as a messenger, relating the calamity; the Chorus would express their grief; the actor might then reappear as one of the victors or of the vanquished, and give occasion for another choral strain. But the presentment of an action as passing before the eyes of the spectators became possible only when a second actor was added. Aeschylus also gave a new grandeur to the scenic accessories of tragedy. He improved the masks, and introduced new costumes, of which we shall speak presently. The introduction of scene-painting has also been ascribed to him; but it is probable that his use of this aid did not go beyond an elementary *form*. Aeschylus is essentially the creator of the tragic drama as it existed at Athens during the 5th century B.C. In comparison with Phrynichus and his other predecessors, Aeschylus stood out as "the first of the Greeks" who had "built up" a lofty diction for Tragedy, and who had made it a splendid spectacle. (Ar. *Ran.* 1004 f.)

Sophocles was born in or about 495 B.C., and first gained the tragic prize in 468 B.C., against Aeschylus. He added a third actor. He also raised the number of the tragic chorus from 12 to 15. Hitherto one of the ordinary choreutae had acted as leader. One of the three additional men was now appointed coryphaeus; the other two were destined to serve as leaders of *ἡμιχόρια* when the Chorus was required to act in two divisions (as it does in a passage of the *Ajax*, 866 ff.). Aristotle mentions scene-painting (*σκηνογραφία*) as an improvement distinctive of Sophocles. It cannot be doubted that, though Aeschylus may have used some kind of scene-painting at an earlier date, Sophocles was the dramatist who first made a more thorough and effective use of it, so that it continued to be associated with his name. (Cf. THEATRUM.) The external form of Attic tragedy was now complete.

Occasions on which Tragedy was acted at Athens.—We may next consider the conditions under which tragedy was presented to the Athenian public. Before the time of Peisistratus, the rural Dionysia (*τὰ κατ' ἀγροὺς*) afforded the only occasion for the Bacchic choruses in Attica. It is conjectured that Peisistratus was the founder of the Dionysiac festival called the Lenaea. This was held every January in the Λήναιον (so named from *ληνός*, a wine-press), the precinct sacred to Dionysus, on the S.E. slope of the Acropolis. The Lenaea witnessed the exhibitions of Thespis, Choerilus and Pratinas, as well as the earlier plays of Phrynichus and of Aeschylus. A regular contest (*ἀγών*) for the tragic prize at the Lenaea seems to have existed as early as the days of Thespis and Choerilus. The institution of the Great, or City, Dionysia (*τὰ κατ' ἄστυ*) may probably be referred to the time immediately after the Persian wars, *circ.* 478 B.C. The Great Dionysia then became the *chief occasion* for Tragedy; and in the middle part of the 5th century the Lenaea seems to have been exclusively the festival of Comedy. About 416 B.C., however, we again hear of Tragedy at the Lenaea. Thenceforth, down at least to the days of Demosthenes, tragic drama accompanied both festivals; though it was more especially associated with the Great Dionysia. At the Anthesteria, the February festival, no drama was exhibited.

Trilogy and Tetralogy.—The form in which Aeschylus produced his tragedies,—during, at least, the later part of his career,—was that of the "trilogy," or group of three. To these was appended a satyr-drama (*σάτυροι*, or *σατυρικὸν δρᾶμα*), so called because the Chorus consisted of satyrs attendant on Dionysus. We have seen that Pratinas was the reputed inventor of the satyr-play, and that its object was to preserve the memory of the "tragic" chorus in its earliest phase. A mingling of seriousness and mirth was characteristic of the Dionysiac worship. Tragedy represented one side of this mood, and Comedy the other. The satyr-drama —true to its origin from the old *τραγικὸς χορός* —was nearer to Tragedy than to Comedy, but contained elements of the latter also; hence it was aptly described as *παίζουσα τραγῳδία* (Demetrius, *de Elocut.* § 169). The trilogy, or group of three tragedies, and the satyr-drama, together made up the "tetralogy." It is not known that Aeschylus himself, or any of the Attic dramatists, used the word *τριλογία* or *τετραλογία*. These terms cannot be traced back beyond the Alexandrian age. But, whether the Attic dramatists did or did not use these words, it is certain that they composed in these forms. The origin of the trilogy has been conjecturally derived from a custom, in the days when there was only one actor, that he should give three successive recitations between the choral songs: but this is doubtful. Nor is it certain, though it is very probable, that Aeschylus was the inventor of the trilogy. His *Oresteia* is the only extant example. In that trilogy, the three plays form successive chapters of one story. A trilogy which has this kind of unity has been called a "fable-trilogy." On the other hand the term "theme-trilogy" has been used to describe three tragedies linked, not by story, but by some abstract idea, such as that of Hellenic victory over the barbarian. Thus, according to Welcker, the *Persae* belonged to a theme-trilogy in which the first play (*Phineus*) related to the Argonauts, and the third (*Glaucus*) to the victory of the Sicilian Greeks at Himera (480 B.C.). The "fable-trilogy" was the type characteristic of Aeschylus. It has been attempted to show, from the recorded titles of his plays, that his trilogies always had the unity either of "fable" or of "theme." But it is more probable that, though he preferred fable-trilogies, he sometimes also produced trilogies in which the plays were wholly unconnected. With regard to the practice of the poets after Aeschylus, these points may be observed. (1) In addition to the Aeschylean examples, ten tetralogies can be traced, ranging in date from 467 to 405 B.C. Five of these belong to Euripides; the other five, to minor tragic poets. (2) Suidas says that Sophocles "began the practice of play contending against play, and not tetralogy against tetralogy." But it is known that Sophocles competed with Euripides on at least two occasions when the latter pro-

duced tetralogies, viz. in 438 and in 431 B.C. It cannot be doubted that in each of these cases Sophocles, too, produced four plays. To have competed with a single play against a tetralogy would have argued sterility or arrogance. Sophocles continued to use the tetralogical form, but the tragedies in his trilogy were usually unconnected, as those of Aeschylus had usually been linked. The statement of Suidas is probably founded on a statement of some older writer who was noticing a result of the Sophoclean practice: viz., that the judges of the tragic prize, having to decide between trilogies of unconnected plays, found it easier to pronounce which one play was the best of all, than to determine which trilogy was best as a whole. Thus, though tetralogies were still produced, the contest for the prize would often be one of "play against play." (3) There is no proof that Sophocles, or any poet of his time, ever competed at the Dionysia with one tragedy only. The year 340 B.C. is the earliest in which it is proved that the tragic poets exhibited less than three plays each; and in that year they produced two each. This is proved by a contemporary inscription. (4) The conclusion is that tetralogy continued to be the rule in Tragedy down at least to 400 B.C., and perhaps somewhat longer. It was only by a tetralogy that the old Dionysiac chorus of fifty persons was fully represented. The Aeschylean chorus of 12, and the Sophoclean of 15, roughly symbolised a quarter of that number. Anything less than a tetralogy would have seemed an incomplete tribute to the god. No argument can be drawn from the case of Comedy. Comedies were always produced singly.

The Actors.—In the time of Thespis, poet and actor were identical. In the earlier years of Aeschylus and Sophocles it was still not unusual for a poet to bear a part in the performance of his own tragedies. Thus Sophocles is recorded to have played the title-rôle in his own *Thamyris*, and Nausicaa in his *Plyntriae*. But, when the tragic drama had once been matured, the art of the tragic actor became a distinct profession. According to the degree of the actor's skill—which was tested by special trials—he was classed as a player of first, second, or third parts. We must remember that, until Aeschylus introduced the second actor, the principal performer was not the single actor, but the coryphaeus, since the choral element was more important than the dialogue. It was Aeschylus who, in Aristotle's phrase, first "made the dialogue protagonist." The protagonist played the most important character of the piece, which was often, but not necessarily, the character from which the piece was named. He might take more than one part, if the leading person disappeared long before the end of the play: thus in the *Ajax* the protagonist would play Ajax and Teucer; in the *Antigone*, the heroine, Teiresias, and Eurydice. The deuteragonist usually played the person, or persons, most directly concerned with the principal character;—as Ismene and Haemon in the *Antigone*. The tritagonist took the smaller parts,—as, for example, the part of a king, when, like Creon in the *Antigone*, he was not the chief person of the play (Dem. *de Fals. Leg.* § 247). The Athenian actor went through an elaborate preparation. In the first place, great care was given to the artistic training of the voice (*πλάσμα φωνῆς*), with a view to flexibility and strength. This was demanded alike by the size of the theatres and by the fineness of the Athenian ear. Deportment was also carefully studied. In Attic Tragedy the movements were usually slow and stately: much, also, depended on statuesque effects. As the masks excluded play of feature, it was all the more necessary that the actor should have command of expressive gesture, especially with the hands. Now and then, though not often, he was required to dance (cf. Eur. *Phoen.* 316); hence his professional training was incomplete without *ὀρχηστική*.

Costume.—How the tragic actor was dressed before the time of Aeschylus, we do not know; it is only a conjecture that the dress of the Dionysiac priests may have been the model. Aeschylus introduced a type of costume which remained in use throughout the classical period. Its chief elements were the following. (1) A tunic, with stripes of bright colours, sometimes richly embroidered with patterns of flowers or animals. It was girt up high under the breast, and fell in long folds to the feet. The sleeves reached to the hands. Such a tunic was called *ποικίλον* (Pollux). Women sometimes wore a purple robe, with a long train (*συρτὸς πορφυροῦς*). (2) Over the tunic, or robe, an upper garment was worn;—sometimes the *ἱμάτιον*, an oblong piece of cloth; sometimes a mantle, *χλαμύς*, which was cut in a circular form, and fastened by a clasp on the right shoulder. The chlamys was often very splendid. Some other varieties of garment, with special names, are mentioned; but their nature is often uncertain. Padding was worn under the costume, which was designed to exaggerate all the actor's proportions. (3) A boot, which the Greeks called *ἐμβάτης*, and the Romans *cothurnus*. The sole was wooden, and the shape such as to fit either foot. The object of this boot—like that of the high girdle—was to increase the actor's apparent stature; and the sole seems to have varied in thickness from some two inches to as many as six, or even more. Indeed, for an inexperienced actor, the difficulty of walking on the *ἐμβάτης* seems to have resembled that of walking on stilts. We hear of clumsy actors falling; and the support afforded by a long walking-stick was not disdained, where the part admitted of it. (4) Masks. Thespis, according to the tradition, first used pigments to smear the actor's face, and afterwards adopted linen masks of a simple kind. Masks suited to female characters are said to have been used first by Phrynichus. The improvement made by Aeschylus seems to have been the application of painting to the plain linen masks of the earlier period. In the Alexandrian age, if not earlier, the workmanship of tragic masks had become highly elaborate. Pollux gives a list, derived from that age, which includes six types of old men, eight types of young men, and eleven types of women. These various types were distinguished by a regular system of conventional traits, such as the colour of the hair, and the mode of wearing it; the tint of the face; the expression given by the eyebrows; the shape of the forehead, and even the line of the nose: thus a hooked nose (*ἐπίγρυπος*) was

considered appropriate to the *ἀναιδής*. Each mask was known by a technical name: for example, the suffering heroine was the *κατάκομος ὠχρά*. [PERSONA.] A mask which did not belong to any regular type, but was made for some exceptional part (such as the horned Actaeon), was called *ἔνσκευον πρόσωπον*. In the tragic mask a peculiar device was used to raise the height of the forehead. This was a cone-shaped frame (*ὄγκος*), built up above the face, from which the hair of the mask fell over the brows. The height of the *ὄγκος* varied with the dignity of aspect desired. (5) Special attributes. A king carried a sceptre; Hermes, a herald's staff (*κηρύκειον*); the bacchant, a thyrsus, etc. Such an emblem was usually borne in the left hand, in order that the right might be free for gesture: extant works of art show this (cf. Baumeister, *Denkmäler*, p. 1852; Ovid, *Amor.* iii. 1, 13). Warriors had swords, spears, etc. But, except by indications of this nature, the dress was not adapted to the particular part which the actor played. This will not appear strange if it is recollected that Athenian drama was an act of Dionysiac worship. The tragic costume was festal first, and dramatic only in a secondary sense, because, at the Dionysia, art was merely the handmaid of religion. It is said that Aeschylus took some hints from the splendid dresses of the hierophant and the *δᾳδοῦχος* at the Eleusinian mysteries. (Athen. p. 21e, reading *ζηλώσας ἦν* with Fritzsche; A. Müller, *Bühnenalth.* p. 229.) This would have been quite in the Aeschylean spirit; but the tradition can no longer be verified. In satyric drama the costume of gods and heroes was the same as in Tragedy, but the chiton was shorter, as livelier movement was required. Silenus, an important figure in satyric drama, was dressed either in "tights," set with tufts of goat's hair, or in a tunic and hose of goat's skin.

In the 5th century B.C. we find great actors specially associated by fame with the poets in whose plays they excelled: as Cleander and Mynniscus with Aeschylus; Cleidemides and Tlepolemus with Sophocles; Cephisophon with Euripides. At a somewhat later period, it became usual for the three competitors in tragedy to receive their protagonists from the archon by lot. But that arrangement seems to have ceased before 341 B.C., when a protagonist played in one piece of a trilogy for each of the three poets. Thus, by successive steps, the connexion between poet and actor had become less and less close.

The Chorus.—In the development of Attic Tragedy the treatment of the Chorus passed through several phases. Even after Aeschylus had made the dialogue more important than the lyric element, he continued to compose choral odes of a length which seemed excessive—or at least archaic—to the next generation. In the *Frogs*, Euripides complains that his rival's Chorus used to inflict on the audience "four strings of lyric verse, one after another, while the actors were silent" (914, *ὁ δὲ χορὸς ἤρειδεν ὁρμαθοὺς ἂν | μελῶν ἐφεξῆς τέτταρας ξυνεχῶς ἄν· οἱ δ' ἐσίγων*). In the *Supplices* of Aeschylus the Chorus follows up the parodos with eight consecutive pairs of strophes and antistrophes; in the first stasimon of the *Agamemnon* there are six pairs. Such a practice was tolerated, Euripides remarks, only because the audiences of Aeschylus had been accustomed to it by Phrynichus. The Aeschylean treatment of the Chorus bears, in fact, some impress of the still recent period when the Chorus, and not the dialogue, had been "protagonist:" the Chorus has lost its old primacy, but it still claims a large share of attention. Here, as in other respects, Sophocles represents a golden mean. Nothing could be more perfect than his management of the Chorus, given the two conditions under which he worked—viz., a matured drama, in which the dialogue necessarily holds the first place; and secondly, the requirement that the Chorus should continue to be an organic part of such drama. His choral odes have always a direct bearing on the action, by commenting on what has passed, by preparing the mind for what is to come, and, generally, by attuning the thoughts of the spectator to successive moods, in harmony with the progress of the action. Then they are always of moderate length, and often very short. Euripides marks a third phase. The Chorus is now little more than an external adjunct to the drama; the choral songs have often nothing to do with the action. This could hardly be avoided. The Chorus presented difficulties to a poet who, like Euripides, was beginning a transition. When the gods and heroes were handled in the new spirit, the old meaning of the Chorus was lost. It is not a reproach to Euripides, it is rather a proof of insight, that he modified the use of the Chorus in accordance with his dramatic aim, and in perhaps the best manner which that aim permitted.

The Chorus was trained and equipped by the choregus whom the Archon had assigned to the poet [CHORUS; THEATRUM]. The tragic chorus of fifteen entered the orchestra three abreast: this was the arrangement called *κατὰ στοίχους* ("in files"). The *αὐλητὴς* walked in front. The leader of the Chorus (*κορυφαῖος*) walked third in the file nearest the spectators. The two leaders of hemichoria were next to him—one in front of him, as second man of the file, and the other behind him, as fourth. On reaching the orchestra, the Chorus made an evolution to the right, so as to change from three files, five deep, into three ranks, facing the actors, with five men in each rank. This was the disposition *κατὰ ζυγά*. The file of five men who, on entering, had been nearest the spectators, now formed the front rank: the coryphaeus was in the middle of it, having on his right and left the half-chorus-leaders, who were thence called *παραστάται*. In dialogue between the actors and the Chorus, the coryphaeus spoke for the Chorus. It is also possible, though not certain, that he alone recited any anapaests which belonged to the choral part. In the delivery of choral odes the strophe was accompanied by a dance-movement towards the right, and the antistrophe by a corresponding movement towards the left; while, during the singing of the epode, the Chorus remained stationary. It would appear that, at least in some cases, the functions of singing and dancing were divided; one part of the Chorus executed the dance, while another sang. The dance proper to Tragedy (*ἡ τραγικὴ ὄρχησις*) was technically called *ἐμμέλεια*, a name denoting stately movement in time to music:

as the dance of Comedy was the κόρδαξ, and that of satyric drama the σίκιννις. The ὑπόρχημα—sometimes introduced in Tragedy, either incidentally or in the place of a regular choral stasimon—was a more lively dance, a kind of ballet, in which the best dancers appeared, adapting their movements to the sense of the words sung by the other choreutae. Sophocles often employs it to express sudden emotions of delight or hope,—especially for the purpose of contrast, when a tragic catastrophe is at hand. In a κομμός, or lyric dialogue between actor and Chorus, parts were sometimes assigned to single choreutae. The verses with which the Chorus close a tragedy were not attended by dancing, but were recited to a musical accompaniment. As a rule the Chorus consists of persons belonging to the scene of the action. In such cases the Chorus entered the orchestra, and left it at the close of the play, by the entrance on the spectator's right hand. But the entrance on his left was used if the Chorus represented strangers to the place, as in Aesch. *Suppl.*; Soph. *Phil.*; Eur. *Suppl.*, *Ion*, *Iph. in Aul.* With regard to the first song of the Chorus on entering the orchestra (πάροδος), the extant plays illustrate three different cases. (1.) The play can begin with this πάροδος: as Aesch. *Suppl.* and *Pers.* (2.) The Chorus may enter to the anaepaestic chant after the πρόλογος: as in Soph. *Ant.* and *Aj.* (3.) The Chorus may enter silently, after the πρόλογος, and then begin the πάροδος: as in Aesch. *P. V.*, Soph. *El.*, and often. In some exceptional instances the drama required that the Chorus should enter, not in regular procession, but singly or in small groups (σποράδην); as in Aesch. *Theb.* and Soph. *O. C.* The costume of the Chorus was, like that of the actors, conventional—a chiton, made shorter than the actor's, for convenience in dancing—and a himation. If the Chorus represented mourners, they could be attired in dark-coloured garments (cf. Aesch. *Cho.* 19). Where the Chorus represented sailors (as in Soph. *Aj.* and *Phil.*) hats (πῖλοι) may have been worn; in the *Bacchae* of Euripides, the Chorus seem to have carried the τύμπανα of Bacchants (v. 58). But the general type of costume remained the same, whatever was the special character of the Chorus. Instead of the ἐμβάτης of the tragic actor, they wore the half-boots called κρηπῖδες, which were sometimes white. In satyric drama the Chorus wore a close-fitting dress (σωμάτιον) representing the naked form, with a short apron (or girdle) of goat's skin.

The Innovations of Euripides.—The unsparing satire of Aristophanes, amusing and often instructive as it is, must not blind us to the nobler side of the effort made by Euripides to maintain the place of Tragedy as a living force in the spiritual life of Athens. A change was coming over the old mental attitude of Athenians towards the popular religion and the consecrated mythology. A large and increasing proportion of the spectators in the theatre was now destitute of the training, musical and poetical, which earlier poets could take for granted. The spirit of his age, and the bent of his own genius, led Euripides to renounce much of the ideal grandeur with which Tragedy had been invested by Aeschylus and Sophocles. He made a step from typical towards individual portraiture, relying on the delineation of human passion and human suffering in traits with which the ordinary spectator could sympathise. He was not afraid of being homely, so long as he touched the springs of natural feeling.

At first sight it might seem that, in a dramatist, such a conception deserves nothing but praise. The praise awarded to it must, however, be tempered by regard for the conditions under which the experiment was made. Euripides was not the unfettered creator of a new drama. He inherited and maintained the old framework of Attic Tragedy. He had still only three actors. He had still a Chorus in the orchestra. His materials were still drawn exclusively from the heroic myths. Such Tragedy could be great only so long as it was ideal. Every step by which its persons were brought nearer to everyday life was a step which increased the danger of burlesque. This fact is the element of justice in the attacks made on Euripides by Aristophanes. Euripides gave a signal proof of original genius, not only in the boldness of his conception, but also in the degree of success with which he executed it. Nevertheless his effort was foredoomed to the measure of failure which attends on artists who, in seeking an impossible conciliation, achieve only a clever compromise. Euripides stands between ideal and romantic drama; his Tragedy has lost the noblest beauty of idealism, without attaining to the full charm of romance. But, just for that reason, it was through Euripides, rather than through Aeschylus or Sophocles, that the tradition of Tragedy was derived in the later periods of ancient literature.

We said above that the Aristophanic jests on Euripides, however unfair, are often instructive. This is particularly true of the satire in the *Frogs*. It shows us the points in which Euripides seemed an innovator to those who were familiar with the older school of Tragedy. One such point was his use of the prologue to introduce the persons of the drama and explain its subject:—a clumsy and sometimes ludicrous expedient, which is best excused by the plea that the spectators, no longer familiar with the old mythology, required something in the nature of a modern play-bill. Another novelty ascribed to Euripides is his practice of dressing his suffering heroes in rags,—a detraction from their dignity which probably struck Athenians all the more, because it was also a departure from the conventional type of tragic costume described above. With regard to the frequent use of the *deus ex machina* which has sometimes been made a reproach to Euripides, it is only fair to distinguish between two classes of examples. In some instances his *deus ex machina* is really no better than a mechanical expedient: this might be said of the *Andromache* and of the *Orestes*. But in some other cases the intervention is dramatically warranted by the plot, as in the *Hippolytus* and in the *Bacchae*. In respect to lyrics, Aristophanes represents Euripides as having admitted the more florid style which was becoming fashionable, and having thus destroyed the grave dignity of the old choral song. The extant plays of Euripides indicate that there was some ground for this charge: jingling repetitions of single words

are especially frequent; no fewer than sixteen instances occur in 150 lines of the *Orestes*. But the most important innovation made by Euripides in the lyric province was the introduction of florid lyric solos (*μονῳδίαι*), to be sung by an actor on the stage. Perhaps the cleverest stroke in the *Frogs* is the parody of such a *μονῳδία* (1331 ff.), in the course of which the hapless heroine describes herself as *λίνου μεστὸν ἄτρακτον | εἰειειειειλίσσουσα χεροῖν*.

After 400 B.C. Greek Tragedy declined. Numerous tragic poets appeared, indeed, who won more or less applause from their contemporaries; but no one of them rivalled the great masters. In the fourth century B.C. an ordinance was made that some work of Aeschylus, Sophocles, or Euripides should always be produced at the Dionysia along with the new tragedies. Lycurgus (*circ.* 330 B.C.) caused a standard text of those three poets to be deposited in the public archives, with a view to guarding against further corruption by actors; and this text afterwards passed into the possession of Ptolemy Euergetes (247–222 B.C.). Down to about 300 B.C., Athens continued to be the chief seat of Tragedy. Alexandria afterwards became so; and under the Ptolemies tragic composition had many votaries. Among these were the seven poets who, in the reign of Philadelphus (283–247 B.C.), were known as "the tragic Pleiad." It was in 217 A.D. that the edict of Caracalla abolished theatrical performances at Alexandria.

Aristotle defines Tragedy as the imitation of an action which is serious, complete in itself, and of a sufficient magnitude or compass. The instrument of imitation is language, made delightful to the hearers, either (*a*) by metre alone, or (*b*) by metre combined with music. Further, this language is not used in the way of narrative merely, but is conjoined with action on the part of the speakers. The elements of Tragedy are six in number:—*μῦθος*, the story; *ἦθη*, the moral qualities of the persons; *λέξις*, the verbal form; *διάνοια*, the thoughts or sentiments; *ὄψις*, the presentation to the eye (under which Aristotle includes not merely scenic accessories of every kind, but also gesture and dancing); *μελοποιΐα*, musical composition. In every tragedy there is *δέσις*, a tying of a knot, and *λύσις*, a solution. The most effective kind of *λύσις* is that which is introduced by a *περιπέτεια*, a sudden reversal of fortune for the persons of the drama; or by an *ἀναγνώρισις*, the discovery of a previously concealed relationship between the persons. The *ἀναγνώρισις* may or may not be accompanied by a *περιπέτεια*. A *μῦθος* is said to be *πεπλεγμένος* when it involves a *περιπέτεια*, an *ἀναγνώρισις*, or both. It is *ἁπλοῦς* when the *λύσις* is managed without either. Again, a tragedy is *παθητικὴ* when the chief person acts mainly under the influence of *πάθος*, a strong impulse of the mind,—as Medea does. It is *ἠθικὴ* when the chief person acts mainly in accord with a deliberately formed purpose (*προαίρεσις*), as Antigone does. As to the so-called "unities," the unity of *action* is the only one upon which Aristotle insists. The action represented by tragedy must be *one*; it must not be a series of incoherent or loosely-linked episodes. About the unity of *place* he says nothing at all. As to the unity of *time*, he says that Tragedy now seeks, as far as possible, to confine the supposed action within the compass of a single day, or nearly so: but the earliest form of Tragedy, he adds, did not even do this; in it, just as in epic poetry, the time was indefinite. Viewed as a composition, Tragedy consists of the following parts; which are, in Aristotle's phrase, the *μέρη κατὰ τὸ ποσόν*, as distinguished from the six elements named above, which are the *μέρη κατὰ τὸ ποιόν*. All that part of a tragedy which precedes the first choral song is called *πρόλογος*. The part which comes between two choral songs is an *ἐπεισόδιον* (a term probably derived from the reappearance, *ἐπείσοδος*, of the single actor in primitive Tragedy). The *ἔξοδος* is the part after the last choral song. The *πάροδος* is the first utterance of the whole Chorus. The *στάσιμον* is "a choral song without anapaests or trochaics:" *i.e.*, not preceded by an anapaestic march, like the *πάροδος*, nor interrupted by dialogue in trochaic tetrameters, such as that which the Chorus in the *Agamemmon* (*ad fin.*) holds with the actors. The term *στάσιμον μέλος* means literally, a song by the Chorus "at its station" in the orchestra. A *κομμὸς* is a *θρῆνος κοινὸς χοροῦ καὶ ἀπὸ σκηνῆς*, a lyric lament, sustained partly by the Chorus and partly by an actor.

Tragedy is described by Aristotle as *δι' ἐλέου καὶ φόβου περαίνουσα τὴν τῶν τοιούτων παθημάτων κάθαρσιν*, "effecting, by means of pity and terror, that purgation (of the soul) which belongs to (is proper for) such feelings." The word *κάθαρσις* involves a medical metaphor, from the use of purgatives. Tragedy excites pity and terror by presenting to the mind things which are truly pitiable and terrible. Now, pity and terror are feelings natural to men; but they are often excited by unworthy causes. When they are moved, as Tragedy moves them, by a worthy cause, then the mind experiences that sense of relief which comes from finding an outlet for a natural energy. And thus the impressions made by Tragedy leave behind them in the spectator a temperate and harmonious state of the soul. Similarly Aristotle speaks of the enthusiastic worshippers of Dionysus as obtaining a *κάθαρσις*, a healthful relief, by the lyric utterance of their sacred frenzy:—*ὅταν ἐξοργιάζωσι τὴν ψυχὴν μέλεσι, καθισταμένους, ὥσπερ ἰατρείας τυχόντας καὶ καθάρσεως* (*Pol.* viii. 7).

Of the three great tragedians, Sophocles seems to have been on the whole the favourite of Aristotle, who refers to him in the *Poetics* about twenty times, and in all cases, except three, with praise. The *Oedipus Tyrannus* is cited in no less than ten places. Euripides is defended against the critics who had complained that his plays usually ended unhappily; this, says Aristotle, is right in Tragedy, and the proof is that Euripides, "although a faulty composer in other respects, is found to be at least the *most tragic* of poets" (*εἰ καὶ τὰ ἄλλα μὴ εὖ οἰκονομεῖ, ἀλλὰ τραγικώτατός γε τῶν ποιητῶν φαίνεται*: *Poet.* 13). By "most tragic" is here meant, "exciting pity most strongly," —"most pathetic." But in Aristotle's other notices of Euripides censure decidedly predomi-

nates over praise. Aeschylus is named only thrice in the *Poetics*: there are further three citations of his plays without his name. Aristotle seems to regard him as belonging to a period when the proper type of Tragedy had not yet been matured. In this connexion it may be noticed that not only are the terms "trilogy" and "tetralogy" absent from the *Poetics*, but there is no indication in the treatise that tragedies had ever been produced otherwise than singly. In one place, indeed (c. 24), there is a reference to "the number of tragedies set for one hearing" (*i.e.* performed in one day); but nothing in the context forbids us to suppose as many poets as pieces. The reason of this silence is simply, doubtless, that the grouping of plays in representation was foreign to the subject with which Aristotle was immediately concerned,—viz. the analysis of Tragedy considered as a form of poetical art. Indeed, the scenic aspect of drama generally receives comparatively little attention from him. The production of scenic effects (*ἀπεργασία τῶν ὀψέων*) is the affair of the stage-manager. The art of the actor, again, is but slightly touched, since it lies outside of the poet's domain.

The Didascaliae.—Aristotle compiled a work called *Διδασκαλίαι*, "Dramatic performances," being a list of the tragedies and comedies produced at Athens in each year. His materials were contemporary records. In the 5th century B.C. it had been customary for the archon, after each festival at which dramas had been performed, to draw up a list of the competing poets, the choregi, the plays, and the protagonists, with a notice of the order in which the judges had placed the competitors. This record was preserved in the public archives. At some time between 450 and 400 B.C. it became usual to engrave such a record on a stone tablet, and to set it up in or near the Dionysiac theatre. Further, the choregus whose poet gained the prize received a tripod from the state, and erected it, with an inscription, in the same neighbourhood. Aristotle's compilation has perished, but its nature is known from citations of it which occur in the Greek Arguments to some plays, in scholia, and in late writers. There are altogether thirteen such citations, five of which cite the *Διδασκαλίαι* with Aristotle's name, and eight without it. They are collected in the Berlin Aristotle (vol. v. p. 1572). About 260 B.C. the Alexandrian poet Callimachus compiled another work of the same kind, *Πίναξ καὶ ἀναγραφὴ τῶν κατὰ χρόνους ἀπ' ἀρχῆς γενομένων διδασκαλιῶν*, "A table and record of dramatic performances from the earliest times." He made use of Aristotle's *Διδασκαλίαι* (Schol. Ar. *Nub.* 552). Works of a similar kind were written by Aristophanes of Byzantium (*circ.* 200 B.C.), and by other scholars of Alexandria and of Pergamum. Several of these writings were extant as late at least as 150 A.D. This appears from Athenaeus, who was able to consult the *Διδασκαλίαι* of Callimachus and Aristophanes, as well as "the Pergamene records" (Athen. p. 336 c). Among the authors of the last-named was Carystius of Pergamum (*circ.* 110 B.C.), who wrote *περὶ Διδασκαλιῶν*. The period covered by the extant fragments of *Διδασκαλίαι* ranges from 472 B.C. (Arg. Aesch. *Persae*) to 388 B.C. (Arg. Ar. *Plut.*).

Roman Tragedy.

The first half of the 3rd century B.C. was the period at which the influence of Greek literature began to be directly felt by the Romans. Tarentum was the greatest of the Greek colonies in Southern Italy. After the fall of Tarentum in 272 B.C., the intercourse between Romans and Greeks became more familiar. In the First Punic War (263–241 B.C.) Sicily was the principal battle-ground; and in Sicily the Romans had ample facilities for improving their acquaintance with the Greek language. They had also frequent opportunities of witnessing Greek plays. Just after the close of the war the first attempt at a Latin reproduction of Greek tragedy was made by Livius Andronicus (240 B.C.). He was a Greek, probably of Tarentum, and had received his freedom from his master, M. Livius Salinator, whose sons he had educated. He then settled at Rome, and devoted the rest of his life to literary work. It may be conjectured that most of his plays were translated from the Greek. All of them, so far as we know, were on Greek subjects. Among the titles are *Aegisthus*, *Ecus Trojanus*, *Ajax*, *Tereus*, *Hermione*. His Latin style appears to have been harsh and crude. "Livianae fabulae non satis dignae quae iterum legantur" is Cicero's concise verdict (*Brutus*, 18, 71).

Five years after the first essay of Livius Andronicus, a Latin dramatist of greater originality came forward (235 B.C.). Cn. Naevius was probably a Campanian; and the racy vigour with which he could use his native language entitles him to be regarded as the earliest Roman poet. Comedy was the form of drama in which Naevius chiefly excelled; and he turned it to the purposes of political strife, in a spirit similar to that of Aristophanes. But he was also a writer of tragedy. His *Lycurgus* was akin in theme to the *Bacchae* of Euripides; while the titles of his *Andromache*, *Ecus Trojanus*, and *Hector Proficiscens*, show that, like Livius, he drew largely on the Trojan cycle. At the same time he occasionally composed tragedies founded on Roman history, or, as they were technically called, *fabulae praetextatae*. The earliest *praetextatae* on record are his; one of them was called *Romulus*. In the scanty fragments of his works we can recognise his ardour, his self-confidence, his somewhat aggressive vigour, and his gift for terse and nervous expression, of which the familiar "laudari a laudato viro" is a specimen.

The career of Naevius was drawing to a close when Q. Ennius came to Rome (204 B.C.). Ennius, a native of Rudiae in Calabria, was serving as a centurion with the army in Sardinia, when Cato arrived there as quaestor. Ennius followed Cato to Rome; acquired the Roman citizenship in 184 B.C.; and made his permanent abode on the Aventine. Here we have to do with his work only so far as it concerned Tragedy. Although his Annals and his Satires were more characteristic products of his genius, he was also the most popular tragic dramatist who had yet appeared; and it was due to him, in the first instance, that Roman Tragedy acquired the popularity which

it retained down to the days of Cicero. About twenty-five of his tragedies are known by their titles. Two of these were *praetextatae*,—one of which, called *Sabinae*, dealt with the intervention of the Sabine women in the war between Romulus and Tatius; while another, the *Ambracia*, turned on the capture of the town of Ambracia in the Aetolian war. The other pieces were on Greek subjects,—about one half of them being connected with the Trojan war. His *Medea* was translated from the play of Euripides, and the opening lines, which are extant, indicate that the version was a tolerably close one. They have a certain rugged majesty which agrees with Horace's description of the style used by Ennius in Tragedy,—"In scaenam missos magno cum pondere versus."

M. Pacuvius, a nephew of Ennius by the mother's side, was a native of Brundusium. He is thus the third instance (Livius and Ennius being the two others) in which early Roman drama is associated with South Italian birth. Pacuvius was born about 219 B.C., and lived to the age of ninety. Of his tragedies, one, called *Paulus*, was a *praetextata;* twelve more are known to have been on Greek subjects; and among these one of the most celebrated, the *Antiope*, was a translation from Euripides. Some remarkable fragments of his *Chryses*—a tragedy concerned, like his *Dulorestes*, with the wanderings of Orestes in search of Pylades—disclose the growth of a Roman interest in physical philosophy, and also in ethical questions. About 400 lines of Pacuvius are extant, but many of these are merely single verses, preserved by grammarians as examples of strange words or usages. Much as Pacuvius was admired on other grounds, his Latinity was not accounted pure by Cicero, who couples him with the comic poet Caecilius in the censure, "male locutos esse" (*Brutus*, 74, 258). Pacuvius was prone to coin new forms of words (such as *temeritudo, concorditas*), and carried the invention of compound adjectives to an extent which sometimes became ludicrous,—as in "Nerei repandirostrum incurvicervicum pecus."

L. Attius was born at Pisaurum, a Roman colony in Umbria, in 170 B.C. The forms Attius and Accius are equally well-attested; but in the Imperial age the form with *tt* became predominant; and the Greeks always wrote Ἄττιος (Teuffel, *Hist. Rom. Lit.* § 119, 1). The aged Pacuvius, having left Rome in ill-health, was spending the evening of his days at Brundusium, when Attius, then a young man, passed through that place on his way to Asia. Attius was entertained by Pacuvius, and read to him his tragedy *Atreus*. The old man found it "sonorous and elevated, but somewhat harsh and crude;" and the younger poet, admitting the defect, expressed his hope that the mellowing influence of time would appear in his riper work. The excellences which Pacuvius recognised must have been present in the maturer writings of Attius, whom Horace calls "altus," and Cicero, "gravis et ingeniosus poeta." The harshness of his earlier style was due, perhaps, to a youthful excess of that "nervous and impetuous" character, as Cicero calls it (*de Orat.* iii. 58, 217), which afterwards distinguished him, and which Ovid expresses by the epithet *animosus*. Attius was far the most productive of the Roman tragic dramatists. The extant notices and fragments indicate, according to one estimate, about 37 pieces; according to another, about 50. Two of these were *praetextatae:*—the *Brutus*, on the downfall of the Tarquins; and the *Aeneadae*, dealing with the legend of the Decius who devoted himself at the battle of Sentinum. There are indications that Attius was a student of Sophocles, though Euripides was probably his chief model. Thus the verse in his *Armorum iudicium* (fr. 10), "virtuti sis par, dispar fortunis patris," is translated from Soph. *Ai.* 550 f. Among his other celebrated tragedies were the *Atreus, Epigoni, Philocteta, Antigona, Telephus*. Cicero, in his youth, had often listened to the reminiscences of Attius (*Brutus*, 28, 107). The poet, who was sixty-four at the date of the orator's birth (106 B.C.), must therefore have lived to an advanced age.

The period from 240 to 100 B.C. is the first period in the history of Roman poetry and oratory. And the century from 200 to 100 B.C. marks the flourishing age of Roman Tragedy, as cultivated by Ennius, Pacuvius, and Attius. But Tragedy continued to be a favourite form of composition in the later years of the Republic and in the earlier part of the Imperial age. It became, however, more and more a literary exercise, less and less a form of poetry which could appeal with living force to the mind of the people. In the Augustan age C. Asinius Pollio wrote tragedies which seem to have been acted. Virgil's well-known praise of them, as "sola Sophocleo digna cothurno," must be qualified by the criticism in the *Dialogus de Oratoribus* (c. 21), where Tacitus observes that the harshest traits of earlier Roman tragedy were reproduced in the style of Pollio ("adeo durus et siccus est"). In the same dialogue high praise is given to the *Medea* of Ovid and the *Thyestes* of Varius (c. 12). No fragment of this *Medea* remains, except a few words quoted by Quintilian (xii. 10, 75). Of the *Thyestes* Quintilian says that "it is comparable to any Greek Tragedy" (x. 1, 98); and in another place he quotes it (iii. 8, 45). Two anapaestic fragments are also extant (Ribbeck, *Frag. Lat.* p. 195 f.). But for Ovid and for Varius, as for other less famous poets, Tragedy was now a mere *πάρεργον*, a field into which they might make occasional excursions, not the province of poetry in which they sought to establish their permanent renown. In the middle of the 1st century A.D. we have eight tragedies on Greek subjects by L. Annaeus Seneca: *Hercules Furens, Thyestes, Phaedra, Oedipus, Troades (Hecuba), Medea, Agamemnon, Hercules Oetaeus;* also part of an *Oedipus Coloneus* (362 lines), and of a *Phoenissae* (302). A *praetextata* called *Octavia*, which was formerly ascribed to Seneca, was certainly of later origin. The parentage of the other tragedies has also been disputed, but the results of recent criticism confirm Seneca's authorship. The general characteristic of the plays is rhetoric of the most pompous and artificial kind. A fertile and lively fancy is present; the psychology, too, is often acute; but there is no depth either of thought or of feeling. As most of Seneca's Greek models are extant, a comparison is instructive. It serves to show how completely, in this latest age of Roman

Tragedy, the love of declamation had displaced all regard for the soul and essence of tragic art. The pieces of Seneca were primarily designed, doubtless, for recitation; but it is not impossible that, in Nero's age, they were also acted; and certain scenic hints have been thought to point in that direction (e.g. *Phaedra*, 392 f.). The last Roman writer of Tragedy who claims mention is Curiatius Maternus, whose activity extended from the reign of Nero to that of Vespasian. He wrote both tragedies (as *Medea*, *Thyestes*) and *praetextatae* (as *Domitius*, *Cato*); and his eminent reputation is attested by several passages in the Tacitean *Dialogus* (cc. 2, 3, 5, 11).

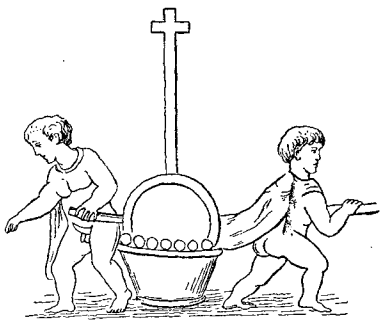
In looking back on the course of Roman Tragedy as a whole, we see, in the first place, that for inspiration and material it was altogether dependent on Greece. Euripides was more especially the master of the Roman dramatists, because, in his hands, Tragedy had become less distinctively Hellenic, and therefore more susceptible of imitation by those who were strangers to the Hellenic spirit. In the plays of Euripides, the Chorus was already ceasing to be an organic part of drama; and the Roman dramatists went only one step farther when they banished the Chorus from the orchestra, leaving to it merely an occasional part in the dialogue. Lyrics of a simple character, with a musical accompaniment, served, indeed, to accentuate the more impassioned moments of a Roman tragedy; but, save for these, the lyric element of the great Attic drama had vanished. In dialogue the iambic and trochaic metres were retained: yet even here the Roman imitation marred the Greek original. Any foot possible for an iambic verse was now admitted in any place except the last. The finer rhythms were thus destroyed. Quintilian says, "Comedy is our weak point" (x. 1, 99). But, so far as the tragic fragments warrant a judgment, Roman Tragedy was, in style, much less successful than Roman Comedy. Comedy had more in common with the *satura*, and the *satura* is the one species of composition in which the Roman mind expressed itself with a truly original force. [SATURA.] At the same time it is clear that there were noble qualities in the Roman Tragedy of the Republic. It was marked by earnestness and by oratorical power; the tones of the statesman and of the soldier were heard in it; it imbued the youth of Rome with the "fas et antiqua castitudo" (as Attius says),—with the lessons of ancestral fortitude and prudence; it taught the men who were conquering the world how they should work, how they should suffer, and how they should rule. So long as Roman Tragedy was doing this, it was living, though its spirit was not Athenian. But this moral and political significance departed with the Republic; and then it was inevitable that Roman Tragedy should descend to the place which it occupies under the Empire. That noble form of drama which the Attic genius had matured, and which is first made known to us in the majestic poetry of Aeschylus, disappears from the ancient world in the rhetoric of Seneca. [R. C. J.]

TRANSENNA, lattice-work. The word is used (1) for a lattice-work across a window [DOMUS, Vol. I. p. 686 *b*], apparently = the "fenestrae *reticulatae*" of Varro, *R. R.* iii. 7, and this must be the meaning in Cic. *de Or.* i. 35, 162: (2) a lattice-work cage for trapping birds [see references under AUCEPS]. It is possible that this was contrived by some sort of spring, though the pattern which Rich gives must be regarded only as a surmise: it is equally possible that the transenna may have been more like an ordinary birdcage, and worked by a decoy. The passage from Sallust (quoted by Macrob. *Sat.* iii. 13, 8), where at a theatrical entertainment an image of Victory is "demissum in transenna," suggests something of the kind — a large wicker cage enclosing the image. Servius (*ad Aen.* v. 488) reads the passage, "demissum transenna," and explains *transenna* as a rope; but this would certainly not agree with the use in Cicero. [G. E. M.]

TRANSTRA. [NAVIS.]

TRANSVECTIO. [EQUITES.]

TRAPE'TUM, a machine for performing the first process in oil-making, that of crushing the olives (*θλᾶν, ἀλεῖν, frangere, molere*), so as to separate the pulp from the stone. This was done in early times merely by treading, and it seems to us that the "canalis et *solea*" of Col. xii. 52, 6, which Blümner dismisses as unintelligible, simply refers to treading olives by a wooden shoe (cf. SCULPONEA), with a pipe or trough to carry away the juice. To this succeeded the *mola olearia* and the *trapetum*. The former is preferred by Columella, as being more easily adjusted according to the size of the berries, so as to avoid breaking the kernel (Col. xii. 51): it appears to have been the same in principle as the corn-mill [MOLA], formed of two stones, capable of adjustment, as is described in that article (see also Blümner, *Technol.* i. 331). This appears in the relief from Arles (fig. 1), where two genii are turning round the crushing stone. The distinction from the corn-

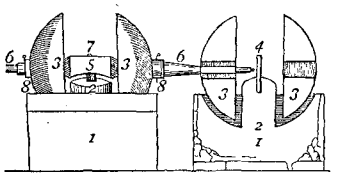


Mola olearia, from a relief at Arles.

mill is that the stones are in inverse order; instead of the lower fixed stone being conical and the upper revolving stone hollowed (see cut under MOLA), the fixed lower stone is cup-shaped, and the revolving stone is conical. The upright cross-handled beam is both a pivot for the revolving stone and a means of adjusting the pressure by raising it or lowering it.

The form of the trapetum, properly so called, can be ascertained from the remains found at Pompeii and Stabiae. In the cut below, the press found at Stabiae is shown in elevation and section (from Blümner, after Schneider).

The berries were placed in a circular stone basin (*mortarium*, 1), of which the sides were called *labra:* in the centre of this basin stood a



Trapetum in elevation and section.

column (*miliarium*, 2) to support the poles or levers (*modioli*, 6), on which the crushing stones (*orbes*, 3) rested, and by which they were turned round. These *orbes* were of stone, flat on the inner side and convex on the outer, as if forming two halves of a sphere: they were kept apart by a rectangular box of wood plated with metal, and called *cupa* (5), into which the modioli were fixed, and which served also to support the orbes. This *cupa* revolved round an iron pivot (*columella ferrea*, 4) fixed on the top of the *miliarium* or column, and rested on the column itself. To prevent it from slipping off the pivot, there was an iron pin (*fistula ferrea*, 7). To keep the orbes in position as close to the cupa as was required, a cap (*armilla*, 8) was fastened by a nail to the poles on the outside or convex surface of the stones: this cap not only kept the stones steady, but also to some extent regulated their distance from the labra and their consequent pressure. Two men (for, as Blümner remarks, we have no mention of horses or mules for this labour) moved round the poles, so that the stones bruised the fruit against the sides of the mortar. It must be observed that these poles are to be regarded not as axles, but as levers: the *columella* or pivot was practically the axle on which they worked. Moreover, as the stones were not fastened to the poles, they revolved to some extent on their own axis under the pressure of the fruit, whence there was a double motion and a more yielding pressure, the object being as much as possible to avoid crushing the kernels, which would give an unpleasant taste to the oil.

We have no data for a description of another machine for this purpose which Columella (xii. 52) calls a *tudicula:* he merely tells us that it worked "like an upright tribula" (which would seem to imply the principle of tearing or carding the fruit), and that it easily got out of order. (Blümner, *Technologie*, i. 326–336; Rich, *s. v.*; Schneider, in *Script. R. R.*) [G. E. M.]

TRAUMATOS EK PRONOIAS GRAPHE (*τραύματος ἐκ προνοίας γραφή*). Our principal information respecting this action is derived from two speeches of Lysias, viz. *πρὸς Σίμωνα* and *περὶ τραύματος ἐκ προνοίας*, though they do not supply us with many particulars. It appears that this action could not be brought by *any* person who had been wounded and assaulted by another, but that it was necessary to prove that there had been an intention (*πρόνοια*) to murder the person who had been wounded (Lys. *c. Sim.* § 41 f.). Cases of this kind were laid before the archon basileus and brought before the Areiopagus ([Lys.] *c. Alcib.* § 15; Dem. *c. Aristocr.* p. 628, § 24; Poll. viii. 117): if the accused was found guilty, he was exiled from the state (Dem. *c. Boeot.* ii. p. 1018, § 32; according to Philippi, *d. Areopag u. d. Epheten*, p. 113 f., not for life) and his property confiscated (Lys. *c. Sim.* § 38, *περὶ τῆς πατρίδος καὶ τῆς οὐσίας τῆς ἑμαυτοῦ ἀπάσης κινδυνεύω*: cf. *de vuln. ex industria*, § 18. Plat. *Legg.* ix. p. 877 B: banishment for life without confiscation of property). This action seems to have been notorious as an instrument of false accusation (Aeschin. *de F. L.* § 93; *c. Ctes.* § 212, etc.). (*Att. Process*, ed. Lipsius, p. 386 f.)

[C. R. K.] [H. H.]

TRE'SVIRI were either ordinary magistrates or officers, or else extraordinary commissioners, who were frequently appointed at Rome to execute any public office. [The form *triumvir* is quite legitimate, and the gen. plur. is often used as a predicate of a single individual: e.g. *si triumvirum sim:* but it is doubtful whether there is any good authority for the nom. plur. *triumviri*, although it is often found in our texts: MSS. seem always to give *iiiviri*.] The following is a list of the most important of both classes, arranged in alphabetical order.

1. TRESVIRI AGRO DIVIDUNDO. [TRESVIRI COLONIAE DEDUCENDAE.]

2. TRESVIRI CAPITALES appear to have been regularly appointed first in about B.C. 290 (Liv. *Epit.* 11). If Mommsen is right in identifying them with the *tresviri nocturni* (cf. Ussing on Plaut. *Amph.* 155), there is a reference to the office somewhat earlier in Liv. ix. 46, 3, where he says of Cn. Flavius, curule aedile in B.C. 304, "quem aliquanto ante desisse scriptum facere arguit Macer Licinius tribunatu ante gesto triumviratibusque nocturno altero, altero coloniae deducendae:" but this reference is of doubtful authority, not only because Livy ascribes the institution of the office to a later date, but also because it certainly was not a magistracy, as Licinius regards it, until a much later date. At first the *tresviri* were not chosen by the people, but nominated, probably by the praetor urbanus, who at a later time presided at their election. Festus (s. v. *Sacramentum*) gives a quotation from the law by which L. Papirius, a tribune of the commons, enacted that they should be elected: "quicunque praetor posthac factus erit qui inter civis jus dicet, tres viros capitales populum rogato." This law must have been after B.C. 242, for it assumes the existence of at least two praetors, and this also disposes of the conjecture of Niebuhr, that Festus meant L. Papirius, praetor in B.C. 292 (*Hist. Rom.* iii. 407–8): but it must have been before B.C. 124, when they appear in the Bantine law and the law *de repetundis* (*C. I. L.* i. 197, 198).

In criminal cases their main duty was to look to the safer custody of the convicted, and to execute capital punishment (Dig. 1, 2, 2, 30; Liv. xxxii. 26). The usual form of execution was, for the upper classes and for women, strangling in prison (*triumvirale supplicium*, Tac. *Ann.* v. 10), a fate which befell the fellow-conspirators of Catiline (Sall. *Cat.* 55; cf. Val. Max. v. 4, 57, "mulierem praetor . . . capitali crimine damnatam triumviro in carcere necandam tradidit"); slaves were crucified, also under their supervision (Val. Max. viii. 4, 2). They had also the duty of receiving charges (Plaut. *Aul.* 413; *Asin.* 131) and of arresting offenders;

and generally of looking after the police of Rome, for which purpose they had a post in the forum near the Columna Maenia (Cic. *pro Cluent.* 13, 39). Their duty was to go the round of the streets by night, and to seize and punish disorderly characters (Plaut. *Amph.* ad init.: cp. Val. Max. viii. 1, *damn.* 6, "P. Villius triumvir nocturnus a P. Aquilio trib. pl. accusatus populi judicio concidit, quia vigilias neglegentius circumierat"), and, as being charged with the safety of the city, were required to be present at once in cases of fire (ib. *damn.* 5). There is no trace of any independent criminal jurisdiction; even a slave had to be condemned by a regular court; but this does not preclude the administration of such punishment as was necessary to keep order. Hence Arnold (*Hist. of Rome*, ii. 389) goes too far in saying that they "tried by summary process all offenders against the public peace, who might be taken in the fact." There are also indications that in cases virtually criminal, in which private citizens acted as prosecutors by the *manus injectio*, the *tresviri* were appointed by the praetor to act as *judices* (cp. Plaut. *Pers.* 61 ff., discussed by Götz in *Rhein. Mus.* xxx. 167), and Mommsen thinks that the number of these may have been determined with a view to this function. They had further to exact and to pay into the treasury the *sacramenta* due in civil suits, and to decide upon the obligation to serve as *judices* (Cic. *Brut.* 31, 117). Here as in other cases they appear as the assistants of the praetors. Under the Empire their functions were mainly discharged by the *praefectus vigilum*.

3. TRESVIRI COLONIAE DEDUCENDAE were persons appointed to superintend the formation of a colony. They are spoken of under COLONIA, Vol. I. p. 479. Since they had besides to superintend the distribution of the land to the colonists, we find them also called *Tresviri Coloniae Deducendae Agroque Dividundo* (Liv. viii. 16), and sometimes simply *Tresviri Agro Dando* (Liv. iii. 1). The number three was the most usual one, but we also find commissions of five, seven, ten, fifteen, or twenty, as might be determined by the law instituting the colony.

4. TRESVIRI EPULONES. [EPULONES.]

5. TRESVIRI EQUITUM TURMAS RECOGNOSCENDI, or LEGENDIS EQUITUM DECURIIS, were magistrates first appointed by Augustus to revise the lists of the Equites, not at the census but at the *transvectio equitum*, and to admit persons into the order. This was formerly part of the duties of the censors (Suet. *Aug.* 37; Tac. *Ann.* iii. 30).

6. TRESVIRI MENSARII. [ARGENTARII.]

7. TRESVIRI MONETALES. [MONETA.]

8. TRESVIRI REFICIENDIS AEDIBUS, elected in the Comitia Tributa in the time of the Second Punic War, a commission for the purpose of repairing and rebuilding certain temples (Liv. xxv. 7). We do not know why this duty was not left, as usual, to the censors.

9. TRESVIRI REIPUBLICAE CONSTITUENDAE. Niebuhr (*Hist. of Rome*, vol. iii. p. 43) supposes that magistrates under this title were appointed as early as the time of the Licinian Rogations, in order to restore peace to the state after the commotions consequent upon those Rogations (Lydus, *de Mag.* i. 35). Niebuhr also thinks that these were the magistrates intended by Varro, who mentions among the extraordinary magistrates that had the right of summoning the senate, Triumvirs for the regulation of the Republic, along with the Decemvirs and Consular Tribunes (Gell. xiv. 7). We have not, however, any certain mention of officers or magistrates under this name, till towards the close of the Republic, when the supreme power was shared between Lepidus, Antonius, and Caesar (Octavianus), who administered the affairs of the state under the title of *Tresviri Reipublicae Constituendae*. This office was conferred upon them in B.C. 43 by a law of P. Titius the tribune for five years (Liv. *Epit.* 120; Appian, *B. C.* iv. 2–12; Dio Cass. xlvi. 54–56; Vell. Pat. ii. 65; Plut. *Cic.* 46); and on the expiration of the term, in B.C. 38, was conferred upon them again, in B.C. 37, for five years more (Appian, *B. C.* v. 95; Dio Cass. xlviii. 54). The coalition between Julius Caesar, Pompeius, and Crassus, in B.C. 60 (Vell. Pat. ii. 44; Liv. *Epit.* 103), is usually called the first triumvirate, and that between Octavianus, Antony, and Lepidus, the second; but it must be borne in mind that the former never bore the title of tresviri, nor were invested with any office under that name, whereas the latter were recognised as regular magistrates under the above-mentioned title.

10. TRESVIRI SACRIS CONQUIRENDIS DONISQUE PERSIGNANDIS, extraordinary officers elected in the Comitia Tributa in the time of the Second Punic War, seem to have had to take care that all property given or consecrated to the gods was applied to that purpose (Liv. xxv. 7).

11. TRESVIRI SENATUS LEGENDI were officers appointed whenever required by Augustus to admit persons into the senate. This was previously the duty of the censors (Suet. *Aug.* 37). [W. S.] [A. S. W.]

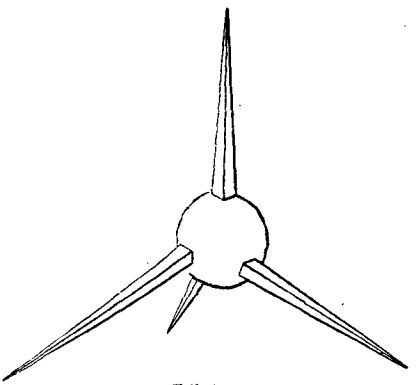
TRIA'RII. [EXERCITUS, Vol. I. pp. 783–785.]

TRIBON. The *τρίβων* was a variety of *ἱμάτιον*, belonging to the class of the *χλαῖναι διπλαγίδες* [see PALLIUM, p. 321], and was the national garb of Sparta, worn by every male over twelve years of age. Its use spread to Athens, having been introduced by such imitators of Spartan life (*λακωνίζοντες*) as Cimon. It is best known in history as the dress of Socrates (Plato, *Symp.* p. 219 B), adopted afterwards by the Cynics, with whom it became a professional costume. The chief merit of the *τρίβων* was that it was worn alone, without a shirt. The references to the "shirtless" condition of the Cynics are countless, from the sneer of Kerkidas at Diogenes as being *διπλοείματος* (cf. Hor. *Ep.* i. 17, 25, "quem duplici panno patientia velat") down to the time of Juvenal, who describes the only difference between the Stoic and the Cynic as being a shirt ("tunica distantia," *Sat.* xiii. 122). The Cynic women followed the same fashion, as did also the wife of Phocion, who on occasion wore her husband's mantle. The *τρίβων* was of a dark colour (*φαιὸς*) and of coarse but thick material. The manner of wearing it seems to have varied according to the length at which the owner wished to have it. It was of coarse woollen cloth, worn with a brooch, but the pinning does not seem to have been invariable, for on many of the statues of philosophers on

which it appears there is no brooch or pin shown. [PALLIUM.] [W. C. F. A.]

TRI'BULUM (τρίβολος, a word borrowed from Latin), a corn-drag, consisting of a thick and ponderous wooden board, which was armed underneath with pieces of iron or sharp flints, either the driver or a heavy weight being placed upon it, and drawn over the corn by a yoke of oxen, for the purpose of separating the grain and cutting the straw (Varro, *R. R.* i. 52; Plin. *H. N.* xviii. § 298; Longus, iii. 30, 2). Together with the *tribulum* another kind of drag, called *traha* or *trahea*, was also used, which, from the explanation of Servius, "vehiculum sine rotis," we may suppose to have been like a carriage-body taken off the wheels, or a sledge without runners (Verg. *Georg.* i. 164; Serv. *ad loc.*; Col. ii. 21). A third variety, the *plostellum Punicum* (Varro, *l. c.*), seems to have been a framework, like the above, placed upon rollers, and used especially in Spain, where we may suppose the Carthaginians to have introduced it. The tribulum and traha are still used in Greece, Asia Minor, Georgia, and Syria, and are described by various travellers in those countries, but more especially by Paul Lucas (*Voyage*, vol. i. p. 182), Sir R. K. Porter (*Travels*, vol. i. p. 158), Jackson (*Journey from India*, p. 249), and C. Fellows (*Journal*, pp. 70, 333). (For the process of threshing, see AGRICULTURA, Vol. I. p. 64.) [J. Y.] [G. E. M.]

TRI'BULUS (τρίβολος), a caltrop, also called *murex* (Val. Max. iii. 7, § 2; Curt. iv. 13, § 36). When a place was beset with troops, the one party endeavoured to impede the cavalry of the other party either by throwing before them caltrops, which necessarily lay with one of their four sharp points turned upwards, or by burying the caltrops with one point at the surface of the ground (Veget. *de Re Mil.* iii. 24; Jul. Afric. 69; Polyaen. 139, 2). The *taleae* (Caes. *B. G.* vii. 73) and the *hami*, *stimuli* or *stili* (*Bell. Afr.* 31), were for the same purpose. They were pieces of wood with curved iron points, buried in the ground. The annexed



Tribulus.

woodcut is taken from a bronze caltrop figured by Caylus (*Recueil*, iv. pl. 98).

[J. Y.] [G. E. M.]

TRIBU'NAL (βῆμα), a raised platform, or, to use the term adopted from the French, tribune, on which the SELLA of the praetor or presiding magistrate was placed, when he sat to administer justice in any place which might be selected (Liv. xxiii. 32). It is termed *locus superior* in Cic. *Verr.* ii. 42, 102; iv. 40, 85. It is described under BASILICA, Vol. I. pp. 288, 291 (cf. Mommsen, *Staatsrecht*, i.[3] 400).

There was a tribunal in the camp, which was generally formed of turf, but sometimes, in a stationary camp, of stone, from which the general addressed the soldiers, and where the consul and tribunes of the soldiers administered justice. When the general addressed the army from the tribunal, the standards were planted in front of it, and the army placed round it in order. [ADLOCUTIO; CASTRA, Vol. I. p. 380.] For an instance of a tribunal raised in honour of a deceased imperator, see Tac. *Ann.* ii. 83: for the theatrical tribunal, THEATRUM, p. 821 *b*.

[P. S.] [G. E. M.]

TRIBU'NUS. This word seems originally to have indicated an officer connected with a tribe (*tribus*), or who represented a tribe for certain purposes; and this is indeed the character of the officers who were designated by it in the earliest times of Rome, and may be traced also in the later officers of this name. We subjoin an account of all the Roman officers known under this name.

1. TRIBUNES OF THE THREE ANCIENT TRIBES. At the time when all the Roman citizens were contained in the three tribes of the Ramnes, Tities, and Luceres, the three divisions of infantry, which together made up the legion, were commanded by three *tribuni militum* (φύλαρχος, Dionys. ii. 7; Dig. 1, 2, 2, 20; Serv. *ad Aen.* v. 560). Niebuhr (*Hist. of Rome*, i. p. 331) supposes that the *tribunus celerum* was the tribune of the Ramnes, the oldest and noblest among the three tribes, and in this opinion he is followed by Göttling (*Gesch. d. Röm. Staatsverf.* p. 166), though it is in direct contradiction to Dionysius (ii. 13) and Pomponius (*de Orig. Jur.* Dig. 1, 2, 2, 15), according to whom the tribunus celerum was the commander of the *celeres*, the king's body-guard.

But Mommsen (*Hist.* i. 78, note) has shown that the term *tribuni celerum* is used in the plural of the three commanders of the horsemen (Dionys. ii. 64), as contrasted with the three *tribuni militum*, and that the view of Pomponius, which identifies the *tribunus celerum* with the Celer mentioned by Valerius Antias (in Dionys. ii. 13), the *magister equitum* under the Republic, and the *praefectus praetorio* of the Empire, is due simply to a misconception of the position held by Brutus in the legend (cf. Dionys. iv. 71; Liv. i. 59). The tribunes of the tribes naturally ceased to exist, when the tribes were done away with in the changes ascribed to Servius Tullius. There is no ground whatever for believing that a law was ever passed under the presidency of one of the tribunes (Mommsen, *Röm. St.* i. 189, note 4); but from the account of Dionysius they appear to have exercised certain priestly functions on behalf of their respective tribes. (Cf. Praen. Fast. for March 19, p. 315, [*adstantibus pon*]*tificibus et trib*[*unis*] *celer*[*um*].)

2. TRIBUNES OF THE SERVIAN TRIBES. Under the Servian constitution, each of the four city-tribes, and possibly each of the country *pagi*, which afterwards developed, in a manner as to which we have no definite information, into the

original 16 country-tribes, had its *curator*, or φύλαρχος, whose duty it was to keep the register of the tribe, and of the estates belonging to its members, and to collect when necessary the war-tax (*tributum*), as well as the capitation money (*aes*), levied upon non-citizens (*aerarii*). These *curatores tribuum* were also called *tribuni aerarii;* but whether the body known in the time of Cicero as *tribuni aerarii* were their successors and representatives is a question much disputed of recent years. Madvig (*Opusc. Acad.* ii. pp. 242–263: cf. *Verfassung u. Verwaltung*, i. 182–185) strongly maintains that they were quite distinct, and that there is no trustworthy reference to the *tribuni aerarii* before the law of Cotta in B.C. 70, except as an obsolete office, the name of which was then revived. Mommsen, on the other hand (*Die Römischen Tribus*, pp. 52 *sqq.*: cf. *Röm. St.* iii. 189 ff.), maintains that they were identical. Madvig's view is that the original *tribuni aerarii* were not officials of any kind, much less magistrates, but private persons of substance, who were made responsible for the pay of individual soldiers, especially the *equites*. The chief ancient authorities are an extract from Cato, *ap.* Gell. vi. 10, "pignoris capio ob aes militare, quod aes a tribuno aerario miles accipere debebat, vocabulum seorsum fit;" and Varro, *L. L.* v. 181, "ab eo quoque, quibus attributa erat pecunia ut militi reddant, tribuni aerarii dicti;" where the past tense *debebat* shows that the practice had become obsolete in Cato's time, and the expression *attributa erat* may be taken to indicate that the quaestors assigned to the several contributories the sums which they had respectively to pay. Another argument for Madvig's view is that the *tribuni aerarii* must have been a numerous class to furnish a select body of at least 300 judices, and that they are represented as fairly numerous, even in unimportant country-places like Atina (Cic. *pro Planc.* 8, 21), and as an *ordo* by the side of the *equites* (cf. Calp. *Ecl.* vii. 29). In Cic. *pro C. Rab. ad Quir.* 9, 27, we have in a reference to B.C. 100, "quid de tribunis aerariis ceterorumque ordinum omnium hominibus qui tum arma pro communi libertate ceperunt?" Madvig interprets this to mean young men who afterwards became *tribuni aerarii* when the *ordo* was revived in B.C. 70, but this interpretation is very forced. Although we nowhere have express authority for identifying the *curatores tribuum* with the *tribuni aerarii* of the earlier time, it seems impossible to explain the use of the term *tribunus* except by such an identification; and the word *curator* occurs only later on, so that it may well be a descriptive title. When in B.C. 220 the tribes were divided into centuries, the *curatores centuriarum* may have popularly retained the name of *tribuni aerarii*, their number now being 350. They seem to have been elected annually, and were often re-elected.

3. TRIBUNI AERARII. When L. Cotta, the praetor in B.C. 70, carried a law depriving the senators of the exclusive right of serving on juries, which had been restored to them by Sulla, after the reforms of C. Gracchus, he instituted three *decuriae*,—one of senators, one of knights, and one of *tribuni aerarii*. Of this last body we know that they were recognised as an *ordo;* that they were a fairly numerous body, not restricted to Rome, but living also in the *municipia;* and that they were closely connected with the equites, and indeed appear to have been sometimes loosely included under this name (cp. Cic. *pro Cluent.* 43, 121; 47, 130). Julius Caesar took away their judicial function (Suet. *Jul.* 41); but Augustus (Id. *Aug.* 32) added to the three *decuriae* a fourth, consisting of *ducenarii*, i.e. men who had half the equestrian census. From this last fact it seems highly probable that the *tribuni aerarii* were also required to possess a definite *census*, though the amount of this is nowhere specified. Mommsen supposes that they had the equestrian *census*, but not the *equus publicus* (*Röm. St.* iii. 533); but this is somewhat doubtful: and Mommsen admits that where they are included among the equites by Cicero, the "courtesy of the advocate" (*ib.* 193, note 2: cf. *pro Font.* 16, 36; *pro Flacc.* 38, 96) is partly at least responsible. Still in *pro Flacc.* 2, 4, he clearly speaks of two-thirds of the jury as belonging to the *equites* (50 out of 75): and Livy (*Ep.* xcvii.) even speaks of the reform of Cotta as giving back the *judicia* to the *equites:* "judicia per M. (*sic*) Aurelium Cottam praetorem ad equites Romanos translata sunt." From Liv. xxiv. 11, 8, it might appear that they had a census of 300,000 asses. Herzog (i. 533) thinks that they were ex-officials, but this assumption is needless, if we identify them with the *curatores* of the centuries. (Cf. Madvig, *Verf. und Verw.* i. 182–185; Mommsen, *Röm. St.* l. c.; Heitland on Cic. *pro C. Rabirio ad Quir.*, App. G; Herzog, *Gesch. d. Röm. Verfassung*, i. 533, 1023–5.)

4. TRIBUNI MILITUM CONSULARI POTESTATE. From the earliest times the Roman infantry had been commanded by *tribuni*, or "tribe-leaders." These were nominated by the king, as commander-in-chief, for the duration of the campaign, and were originally three in number. But when the old tribes were divided, each into a *prior* and a *posterior*, the number of the tribunes came to be six. At this time *legio* was the term applied to the whole army. When, at some time in the course of the fourth century, a varying number of legions was raised each year, the practice was still retained of having six *tribuni militum* for each legion. For their duties and the manner of their appointment, see EXERCITUS. But the term *tribuni militum* came also to be used with a somewhat different application. If the needs of the state required that more than two armies should be sent out, instead of two consuls a larger number of commanders was appointed under the title of *tribuni militum consulari potestate*. The first recorded instance of such an appointment is in B.C. 445, when the plebeians were pressing their claim to be held eligible for the consulship, and the senate in order to avoid a decision upon the point resolved that consular tribunes should be elected. (Liv. iv. 6, 8: "per haec consilia eo deducta est res, ut tribunos militum consulari potestate promiscue ex patribus ac plebe creari sinerent, de consulibus creandis nihil mutaretur.") But there is no definite evidence that this was the date of the first institution of such an office; and the reference to a law permitting it (Liv. iv. 31, 11) may refer to that by which the consulate was substituted for the kingship, as well as to a special law now passed. Another and perhaps

an earlier account (Liv. iv. 7, 2) represents military necessity as the sole reason for the change. Certainly the highest number of consular tribunes was elected in a year (B.C. 405) when the strain of a continuous siege first came upon the state. The *fasti* show that the number varied between three, four, and six, but there were never five. Where eight are mentioned, two seem to have acted as censors, not as consuls, and probably were not strictly speaking tribunes at all. The number five was evidently avoided, as not admitting of an even division of the *fasces* for the twelve months of the year.

It is pretty plain that the *tribuni militum consulari potestate* were simply the ordinary six tribunes, holding office with special powers conferred upon them. If the number sometimes fell below six, this was only because, if an insufficient number were elected with the consular authority, there was no constitutional means of filling up the places with others similarly privileged, and those subsequently elected ranked only as ordinary tribunes.

When in B.C. 367 the Licinian law abolished the office of consular tribune and threw open the consulate to the plebeians, the immediate result was to deprive the people of the right of electing the *tribuni militum*, so that the right had to be restored to them by a special law five years afterwards (Liv. vii. 5: cf. O. Lorenz, *Das Consulartribunat*, Vienna, 1855).

There is no reason to doubt (as has been done by Becker, ii. 2, 137; Schwegler, iii. 112, and others) that the consular tribunes possessed, as their title indicates, the full consular powers, including judicial as well as military functions, and the right of appointing a dictator (Liv. iv. 31). They were elected *auspicato* in the Comitia Centuriata (Liv. v. 52, 16), and enjoyed all the insignia of the consuls; but they had no right to triumph, nor did they become *consulares*, so that they did not by virtue of their office enter the higher ranks of the senate. This was the main practical difference between the consular tribunate and the consulship. The office was definitely abolished by the Licinian law *ne tribunorum militum comitia fierent consulumque utique alter ex plebe crearetur* (Liv. vi. 35); and we never hear of it after this date, except in an abortive suggestion of the tribunes of the commons in B.C. 53 (Dio Cass, xl. 45). Cf. Mommsen, *Röm. St.* ii. 173–184: the account given by Becker, *Röm. Alt.* ii. 2, 136 ff., is in some respects antiquated.

5. TRIBUNI PLEBIS. There can be little doubt that the name of these officers of the commons was derived from that of the tribunes of the soldiers. By the side of the privileged citizens, the *patricii*, there was a body, recognised as belonging to the community, but at first destitute of all political rights, the *plebs*. This body, by the constitution ascribed to Servius Tullius, acquired the right of serving in the army and holding positions of command (*tribunatus*), and at the same time of voting in the assembly of the centuries. Their next step was to constitute themselves into an assembly of their own, the *concilium plebis*, presided over by magistrates of their own, the *tribuni* and *aediles plebis*. According to the generally received tradition, this step was the result of a secession of the plebs to the *mons sacer* in the district of Crustumeria in the year B.C. 494. Whatever may be the historical value of the details, there is no reasonable doubt that about this time the plebs acquired the right of collective action under leaders of their own choice. At first the election was made *comitiis curiatis* (Dionys. vi. 89, ix. 41: cf. Cic. *pro Corn. ap.* Ascon. p. 76): this has been generally taken to mean that the election was made by a purely patrician body; and an attempt has been made to defend this view by assuming that the plebeians, after settling among themselves who their candidates should be, nominated these and no others for the patricians formally to elect, so that they might secure their approval (cf. Bouché-Leclercq, *Institutions Romaines*, p. 69, note). But it is much simpler to suppose that the plebeians alone assembled by curies for the election (so Mommsen and Willems). The tradition further asserts that the tribunes were in B.C. 494 recognised as inviolable by a *lex sacrata* (Liv. ii. 33). Here, again, disputes have arisen. Lange, representing the school of Niebuhr, holds that this was a formal compact, ratified by the fetiales, between the patricians and the plebeians (cf. Dionys. vi. 84, 89; vii. 40). Mommsen, on the other hand, contends that the *lex sacrata* was only a solemn oath, sworn to by the plebs, that they would regard any wrong done to their tribunes as an inexpiable offence, and would avenge it accordingly. This view is supported by the fact that the *plebiscitum* of Icilius in B.C. 492 (Dionys. vii. 22), which assured to the tribunes freedom of speech and the *jus auxilii*, would have been superfluous if the preceding *lex sacrata* had been a compact between the orders. This view is also in harmony with the definition of *sacrosanctus* given by Festus, *s. v.* There is a further discussion as to the number of the original tribunes. The tradition is that they were at first two in number, afterwards raised to five, and then again to ten. But while the oldest authorities speak of B.C. 471 as the date at which the number was raised to five, others represent the two first elected as at once co-opting three others. The increase from five to ten (two from each class) is placed by Livy and Dionysius in B.C. 457 (Liv. iii. 30; Dionys. x. 30), though the former carelessly speaks of ten tribunes in B.C. 480 (ii. 44, 6), and Dio Cassius (cf. Zonaras, vii. 15) gives a different account. These statements are open to much doubt, especially that as to the classes from which the tribunes were taken: such a provision would be quite unexampled, and there seems to have been no reason for it. Probably it was only an illegitimate inference from the number of the tribunes. It seems most probable that there were originally two tribunes and two aediles of the plebs, answering to the two consuls and two quaestors of the community. It is certain that after the decemvirate there were always ten tribunes (Liv. iii. 54, 11, &c.).

The *tribuni plebis* were naturally always plebeians; the only case of a patrician holding the office is when two were co-opted in B.C. 448 (Liv. iii. 65); and this seems doubtful (cf. Mommsen, *Röm. St.* ii. 265, 4). They were elected, perhaps when chosen by the curies, and certainly when chosen by the tribes, under the presidency of the outgoing tribunes. At first, if the number of tribunes elected was not equal

to the vacancies, the one or more elected had the power of co-optation; but in B.C. 448 this was done away with by the law of Trebonius (Liv. iii. 65), which enacted that the election should be continued until the full number had been chosen. There was no interregnum allowed, as in the case of the consuls: the plebs was never to be left without its tribunes (Liv. iii. 55; cf. 64, 9). The office was held only for a year; and just as in the case of the consulship, all the tribunes were colleagues, in the sense that each separately could exercise the full power of the office, but could be prevented from acting by the interposition of any of the others.

The functions of the tribunes varied with the legal position of the plebs, of which they were the representatives. Originally the plebs was only a voluntary combination of unenfranchised citizens, and so had no political rights. During this period, of which we have no trustworthy accounts, the tribunes were *non populi sed plebis magistratus:* any powers conceded to them were possessed simply as attaching to the organs of popular force. Next the plebs was recognised as an organised body within the community, and the magistrates of the community were bound by certain restrictions in their action towards the representatives of the commons: that is to say, the tribunes acquired the right of veto, and all that followed from it. Finally, the plebs was so far identified with the community, that its action was regarded legally as the action of the community. This is the stage reached in the Hortensian law of B.C. 287. The tribunes now become magistrates of the community, with positive as well as negative powers, and especially with the right to transact business directly with the senate.

As the tribunes did not originate as magistrates of the community, they had none of the insignia of magistracy, no lictors, fasces, or purple border to their togas; nor had they the curule chair. They had, however, the right of sitting on the *subsellium*, which became a kind of token of their office. As not being magistrates they further had no right of consulting the gods (*auspicia impetrativa*) on behalf of the Roman people, though there may have been a kind of quasi-private plebeian auspices, so that the place where the plebs met was called a *templum* (Liv. ii. 56, 10; iii. 17, 1;—Cic. *pro Sest.* 29, 62; 35, 75). But the plebeian magistrates were all created *inauspicato* (Liv. vi. 41, 5), at least after they were elected by the tribes, and a *plebiscitum* was a *lex inauspicata.* On the other hand, they were not at liberty to neglect omens sent by the gods (*auspicia oblativa*), and a storm broke up a *concilium plebis* as much as the Comitia: hence, too, the *obnuntiatio* held good in the case of plebeian assemblies. But perhaps the latter doctrine was put forward only for the political convenience of the nobles, and never really admitted by the commons (cf. Mommsen, *Röm. St.* ii. 275).

The tribune's duties, again, never included what was understood by the *imperium:* he never had either military command or civil jurisdiction; and his powers did not extend beyond the first milestone from the city. If we distinguish the time before the Hortensian law from that which followed it, we find that for the former the tribunician power consisted essentially in three functions.

1. They had the right to summon meetings of the plebs, and to take votes on resolutions proposed to them. Mommsen finds the basis of their power to lie in the *plebiscitum* passed by Icilius in 472, which was a general oath that they would tolerate no interference with this right on the part of the magistrates. Private persons also interrupting a tribune while speaking were liable to punishment (Val. Max. ix. 5, 2; Plin. *Ep.* i. 23, 2).

2. The right of *intercessio*, or "veto," as it is called (by a term which has little or no ancient authority), was a right within due limits assigned to every magistrate in relation to a colleague or an inferior magistrate. But it acquired an importance in practice with the tribunes, which transcended anything to be found elsewhere. It is very doubtful whether it can have been acquired in its full extent all at once, and the common opinion that it was at first limited to the *jus auxilii* is not based on any good authority. It seems more probable that it was only the outcome of a series of struggles, which our materials do not allow us to trace in detail. But it acquired special importance in the case of the tribunes, partly because they were so destitute of more active functions, and partly because circumstances tended to call forth the exercise of the veto by the tribunes, rather than by any other magistrates. Undoubtedly it was mainly employed for auxilium, *i.e.* for the protection of any citizen (patrician as well as plebeian: Liv. iii. 13, 9; 56, 5; viii. 33, 7; ix. 26, 16) against a magistrate's sentence. To secure that this should be always accessible, the tribunes were forbidden to sleep out of the city during their time of office (the Latin feast alone being an exception), and required to leave their house-doors open night and day. But we find one or two instances where tribunes were exempted from this law by the senate, and sent on special business of importance to generals in the field (Liv. ix. 36, 14; xxix. 20). Their official duties were always discharged in public, and at a later time the regular place for them was the Porcia Basilica.

But the right of veto extended also to proposals brought before the people in the Comitia, as well as to those brought before the plebs. In the latter case this was merely an application of the right to stop a colleague's action: the former seems more surprising, but it probably arose from the need of hindering resolutions which would have interfered with the rights of the commons. We find it employed in a consular election as early as B.C. 483 (Dionys. viii. 90), and in a prosecution by the quaestors in B.C. 459 (Liv. iii. 24, 7). The right of vetoing a resolution of the senate, or rather the action of the magistrate needful for its passing, is mentioned first in B.C. 445 (Liv. iv. 6, 6), but not as any new thing. At this time the tribunes had no right to enter the senate, but sat on their subsellia before the doorways, and did not interfere in the debate, but only during or after the voting. The veto can hardly have been exercised so long as the resolution of the senate was in theory simply advice to the magistrates as to their action. It is probable therefore that

it was not employed until the *senatus auctoritas* became constitutionally necessary, in order that a resolution of the commons should be binding on the whole community. If a tribune vetoed the act of any magistrate beforehand, and it was still done, it was not therefore invalidated, but the magistrate was liable to punishment; but if the act was vetoed afterwards, it became legally of no effect. One tribune could impose the veto, and all the others could not remove it; but any one of the tribunes by his veto could stop a colleague from carrying out any threatened punishment for disregard of the veto.

The threat of punishment could naturally only be directed against private persons when discharging some public function (Cic. *pro Cluent.* 27, 74; cf. Sall. *Jug.* 34). We find, however, numerous instances in which the tribunes summoned persons to appear before a *contio*, and there answer questions (Cic. *in Phil.* vi.; *ad Att.* i. 14, 1; xiv. 20, 5; *in Vet.* 10, 24: cf. Gell. xiii. 12, 6).

3. The right of *intercessio* would have been meaningless without the support given to it by the right of *coercitio*, or enforcing obedience, and the latter was a necessary result of the claim of the commons to self-defence. Every action, which was regarded as threatening to the commons or their representatives the tribunes, was exposed to punishment by fine, by seizure of goods, or even by death. The only limits set to this power of the tribunes were those resulting from the interposition of another colleague or from an appeal to the people (*provocatio*). At first the appeal lay solely to the commons; but as it was manifestly unfair that a patrician should have to appeal to a body of which he was not a member (cf. Mommsen, *Röm. Forsch.* i. 209), the Twelve Tables provided that in capital cases the tribunes should prosecute a citizen before the centuries; and that it should be only in cases of fine that the tribes should hear the appeal. If we are right in regarding, with Mommsen, the *sacrosancta potestas* of the tribunes as based upon a revolutionary movement of self-defence, it ought properly to have ceased when the tribuneship, after the fall of the decemvirs, was recognised as a permanent part of the constitution by the Valerio-Horatian law. As a matter of fact both law and oath were employed (Liv. iii. 55) in the re-establishment of the tribuneship; and the two conceptions of "legitimate" and "sacrosanct" power continued to exist side by side, so that both Julius and Augustus were able to make use of the latter for their own purposes.

The cessation of all strife between the orders, to which the Hortensian law bore witness, marked the stage at which the tribunes became *magistrates* of the community. From this time down to the end of the Republic their power was practically always on the increase, except for a very short period. In B.C. 81 Sulla greatly reduced it by depriving them of all power of proposing laws, and by enacting that any one who had held the tribuneship should thereby be disqualified from standing for any other office, so excluding all men of energy and ambition (Liv. *Ep.* lxxxix.; Vell. ii. 30; Appian, *Bell. Civ.* i. 100, ii. 29). But in B.C. 70 Pompeius restored to the tribunes all their old powers and rights (Liv. *Ep.* 97, &c.). Their right of addressing the centuries remained limited to the cases where they appeared as prosecutors, but their freedom of action in relation to the tribes was unrestricted. Their right of veto was restricted only in a few cases, as by the law of Gaius Gracchus in B.C. 123 in relation to the consular provinces, and in trials by the *quaestiones perpetuae* (cf. Mommsen, *Röm. St.* i. 262); practically it became a mere implement of political warfare, as often used against as in the interests of the popular party. It was a result of their magisterial position that they now frequently presided at the election of magistrates, especially in the case of extraordinary appointments. Whether the consul or the tribune presided was doubtless generally determined by the law under which the appointment was made. With regard to their legislative powers, after the Hortensian law there was nothing to prevent legislation upon any matter being brought forward before the tribes by the tribunes, though usage left some questions, especially that of declaring war, to the centuries. Now, too, the *plebiscitum* was described as *lex sive id plebi scitum est*, whence it came naturally to be often called simply a *lex*, as we see from the fragments of the *lex de repetundis* and *de agris dividundis*. As for their power of *coercitio*, this developed into a general right to prosecute for offences against the community, especially in the case of offending magistrates upon the expiry of their term of office (cf. Liv. ix. 26, 12; xli. 7, 10). Most of the numerous instances of their action which are recorded, have to do with consuls, prosecuted for neglect of their duties in the field, or for gross instances of misuse of their powers. But there are cases of the prosecution of private citizens for offences against the state. When the law imposed upon the magistrates the duty of punishing by fine a definite offence, it is generally the aediles, not the tribunes, who take action. Sulla took away from the tribunes their power of prosecuting, and conferred it upon the *quaestio majestatis:* and this continued to exist after the tribunes had had their powers restored to them, so that after this date their action occurs rarely and exceptionally. Finally, as magistrates, the tribunes acquired the right not only of sitting and speaking in the senate, but also of convening and consulting it. But when and how this came to be the practice, we cannot definitely determine. The authorities are inconsistent and self-contradictory. Dionysius (x. 31) represents Icilius as attempting to summon the senate in B.C. 456, but he nowhere indicates that the tribunes really had this power. Livy represents a tribune as present in the senate in B.C. 462 (iii. 9, 11), and as speaking there in B.C. 420 (iv. 44, 7). But the first trustworthy instance is in B.C. 216 (Liv. xxii. 61); and it is most reasonable to suppose that the power of independent legislation given by the Hortensian law was accompanied by the right to consult the senate beforehand as to proposed measures. It never, however, became usual for a tribune to convene the senate instead of the consuls or the praetor urbanus. Under the Empire the right was retained (Tac. *Ann.* vi. 18), but rarely exercised. Besides these definite powers, the tribunes often appear as joining in the common action of the magistrates in times of national danger, or meeting special emergencies

by their independent authority (cf. Cic. *in Verr.* ii. 41, 100; *de Off.* iii. 20, 80; Tac. *Hist.* ii. 91; Plin. *Ep.* ix. 13, 19).

Under the Empire the tribuneship became a mere shadow of its former self, the emperor exercising all its functions by virtue of his *tribunicia potestas*. Pliny (*Ep.* i. 23) gives a very interesting account of the manner in which it was regarded in his own day. It appears on the roll of magistracies in the early part of the third century; but disappears after Alexander Severus allowed candidates to proceed from the quaestorship to the praetorship. The name is only retained in the superscription of formal addresses to the senate as late as A.D. 423. Perhaps the title was still formally conferred on a certain number of the senators. (Cf. Mommsen, *Röm. Staatsrecht*, ii. 261–318.) [A. S. W.]

TRIBUS (*φυλή*), a political division of a people. **1.** GREEK. The word *φυλὴ* does not occur in Homer, and the political idea which it embodies is undoubtedly post-Homeric. The *φῦλον* of Homer is a race or breed, *e.g.* of gods, men, animals, even insects (*Il.* xix. 30); more rarely, it is a "tribe" in the sense of nation or people, and this tribe may be an aggregate of *septs or clans* (*κατὰ φῦλα, κατὰ φρήτρας*, *Il.* ii. 362). In this passage, and in the phrase *Δωριέες τριχάϊκες* (*Od.* xix. 177), we see the germs of later institutions.

In the early historic period we find the *πόλις* or state divided into *φυλαί*, with more or less reference to a favourite or sacred number which varied in different races. Thus the Ionian number was four, the Dorian three; the four "old-Ionic" tribes occur, with the same names, in other Ionian states besides Athens; and traces of the three Dorian tribes are found in all the countries which they colonised. These tribes were in the first instance genealogical (*γενικαί*), afterwards local (*τοπικαί*): on this distinction cf. DEMUS, p. 615*a*. The three Dorian tribes were called *Ὑλλεῖς, Δυμανᾶται* or *Δυμᾶνες*, and *Πάμφυλοι* (Pind. *Pyth.* i. 120 ff.; Herod. v. 68; Steph. *s. vv.*). As usual, the names were said to have been derived from eponymous heroes; the first from Hyllus, son of Hercules, the others from Dymas and Pamphylus, leaders who fell in the invasion of the Peloponnesus. In reality the name Pamphyli points to the aggregation of a number of scattered family elements under a single tribe. Traces of a *τρίπολις* in Doris are found in Thucyd. i. 107, Diod. vi. 79, but there is no evidence to show that each *φυλὴ* occupied a separate *πόλις*: elsewhere the Dorian *τετράπολις* is mentioned, as by Strabo (ix. p. 427). The Hyllean tribe ranked first in precedence; the Pamphylians, as a mixed multitude, came last; but at Sparta there does not appear to have been much distinction, for all the freemen there were by the constitution of Lycurgus on a footing of equality. When Herodotus speaks of the Aegeidae as *φυλὴ μεγάλη ἐν Σπάρτῃ* (iv. 149), he is not to be understood as speaking of a fourth tribe of equal or similar dignity and rank to the other three. He uses the term *φυλὴ* in the general sense of *γένος* or *φρατρία* (Stein *in loc.* See also Pindar, *Pyth.* v. 101). To these three tribes others were added in different places, either when the Dorians were joined by other foreign allies, or when some of the old inhabitants were admitted to the rank of citizenship or equal privileges. Eight tribes are mentioned in Corinth (Suidas, *s. v. Πάντα ὀκτώ*), four in Tegea (Paus. viii. 53, § 6). In Elis there were twelve tribes, afterwards reduced to eight by a war with the Arcadians (Paus. v. 9, § 6), from which they appear to have been geographical divisions (Wachsmuth, vol. ii. pt. i. p. 17). Sometimes we find mention of only one of the Doric tribes, as of the Hylleans in Cydonia (Hesych. *s. v.* *Ὑλλεῖς*), the Dymanes in Halicarnassus; which probably arose from colonies having been founded by the members of one tribe only (Wachsmuth, vol. ii. pt. i. p. 15).

Traces of the three old Dorian tribes occur with more or less distinctness at Megara, where they continued up to Roman times (*C. I. G.* 1073; Lebas, ii. 48), though other tribes were added (*C. I. G.* 1072); at Argos (*C. I. G.* 1123, 1128, 1132; Müller, *Frag. Hist. Gr.* iv. 497), where there also existed a *φυλὴ τῶν Ὑρναθίων* (*C. I. G.* 1130, 1131), probably consisting of citizens of non-Dorian origin, since it occurred also at the neighbouring Aegina and Epidaurus (Müller, *Aegin.* p. 140); at Sicyon, where Cleisthenes changed the names of the three Dorian tribes to *Ὑᾶται*, *Ὀνεᾶται*, and *Χοιρεᾶται*, to insult their members, and added a fourth tribe, the *Ἀρχέλαοι*, his own ruling family [sixty years after his death the Doric names were restored, and a fourth tribe added, called *Αἰγιαλέες* after the son of the hero Adrastus (Herod. v. 68)]; at Troezen (Steph. *s. v.* *Ὑλλεῖς*). Similar evidence in the case of Dorian colonies is found at Cos, where the *φυλαὶ* were subdivided into *φρατρίαι*, and also into *τριακάδες* and *πεντηκοστύες* (*Bull. de Corr. Hell.* v. No. 7, p. 217; Cauer,[2] p. 159); at Thera (*Mitth. deutsch. arch. Inst. Ath.* ii. 73); at Heraclea on the Pontus (*οὐσῶν αὐταῖς τριῶν φυλῶν*, Aen. Poliorcet. xi. 10); at Epidamnus, where the *φύλαρχοι* had at one time the control of the government (Aristot. *Pol.* viii. (v.) 1 = p. 1301). In Sicily, the three Dorian tribes occur at Syracuse (*tria genera*, Cic. *Verr.* ii. 51, 127; Plut. *Nic.* xiv.; Holm, *Gesch. Sicil.* i. 418), and at Acragas (*προεδρευούσας τὰς φυλὰς τῶν Ὑλλέων*, *C. I. G.* 5494).

Traces of these tribal subdivisions are also found in Thessaly (see Harpocrat. *s. v. τετραρχία*: *τεττάρων μερῶν ὄντων τῆς Θετταλίας ἕκαστον μέρος τετρὰς ἐκαλεῖτο, καθά φησιν Ἑλλάνικος ἐν τοῖς Θετταλικοῖς· ὄνομα δέ φησιν εἶναι ταῖς τετράσι Θετταλιῶτιν, Φθιῶτιν, Πελασγιῶτιν, Ἑστιαιῶτιν. καὶ Ἀριστοτέλης δὲ ἐν τῇ κοινῇ Θετταλῶν πολιτείᾳ ἐπὶ Ἀλεύα οὗ Πύρρου διῃρῆσθαί φησιν εἰς τέτταρας μοίρας τὴν Θετταλίαν*): among the Malians (Thuc. iii. 92, *Μηλιῆς οἱ ξύμπαντες εἰσὶ μὲν τρία μέρη, Παράλιοι, Ἱερῆς, Τραχίνιοι*), and the Aetolians (Thuc. iii. 94, *ἐπιχειρεῖν δ' ἐκέλευον πρῶτον μὲν Ἀποδώτοις, ἔπειτα δ' Ὀφιονεῦσι, καὶ μετὰ τούτους Εὐρυτᾶσιν, ὅπερ μέγιστον μέρος ἐστὶ τῶν Αἰτωλῶν*). It is possible that some of these names may denote geographical rather than purely tribal subdivisions. It is a possible conjecture that the four *βουλαὶ* of Boeotia, mentioned in Thuc. v. 38 as *αἵπερ ἅπαν τὸ κῦρος ἔχουσι*, point to a survival of some old quadruple division of Boeotia into tribes.

Of all the Dorian people the Spartans kept themselves the longest unmixed with foreign

blood. So jealous were they to maintain their exclusive privileges, that they had only admitted two men into their body before the time of Herodotus (Herod. ix. 33, 35). Aristotle, however, remarks (*Pol.* ii. 9) that there was a tradition that the privilege of citizenship was conferred *ἐπὶ τῶν προτέρων βασιλέων*. Afterwards their numbers were occasionally recruited by the admission of Laconians, Helots, and foreigners; but this was done very sparingly, until the time of Agis and Cleomenes, who created large numbers of citizens. But we cannot further pursue this subject (Schömann, *op. cit.* p. 114).

The subdivision of tribes into *φρατρίαι* or *πάτραι, γένη, τριττύες*, &c., appears to have prevailed in various places (see Gilbert, Index, *s. vv.*). On the *ὠβαὶ* at Sparta, of which very little is known, see GEROUSIA, Vol. I. p. 914*a*. After the time of Cleomenes the old system of tribes was changed; new ones were created corresponding to the different quarters of the town, and seem to have been five in number (Schömann, *Ant. Jur. Pub.* p. 115; Müller, *Dor.* iii. 5).

Of the colonies in Aeolis, at Ilium we hear of *φυλαί, φυλάρχαι*, and *φρατρίαι*: names of tribes occur, *e.g.* Ἀλεξανδρίς (*C. I. G.* 3615), Ἀτταλίς (*ib.* 3616), Πανθωίς (*ib.* 3617); at Lampsacus we hear of *φυλαὶ* and *ἑκατοστύες* (Gilbert, *Staatsalt.* ii. 160); at Methymna the citizens were divided into *φυλαὶ* and *χελληστύες* (Id. *ib.* p. 166).

The four Ionian tribes—Geleontes, Hopletes, Aegicoreis, Argadeis — which are spoken of below in reference to Attica, were found also in Cyzicus, together with two others, Βωρεῖς and Οἰνωπες (*C. I. G.* 3663–4–5). In Samos a *φυλὴ* Αἰσχριωνίη is mentioned by Herodotus (iii. 26), which was probably a Carian race that mingled with the Ionians. In Ephesus five tribes are mentioned, of different races. At Miletus, in the period of its dependence on Athens, the ten Cleisthenean tribes (see below), under the same names as at Athens, formed part of the constitution (Lebas, *Asie Min.* 238 f.). At Smyrna we do not seem to have any trace of tribes until Roman times (Ἀμμωνίς, *C. I. G.* 3264; Ἀρτεμισιάς, *ib.* 3266).

Coming next to the Islands of the Aegean, we find that at Syros the citizens were divided into *φυλαὶ* and *φρατρίαι* (*C. I. G.* 2347 g); a similar arrangement prevailed at Delos (Gilbert, *ut sup.* p. 206). At Tenos we have the names of ten local *φυλαί*, known by a collective name (as Ἡρακλεῖδαι), or heroic (as Ὑακινθίς: see *C. I. G.* 2338); each of these was subdivided into *φρατρίαι* (*C. I. G.* 2330, 2333). Similar subdivisions prevailed at Andros (*Mitth. deutsch. Arch. Inst. Ath.* i. p. 237) and at Calymna (*Anc. Greek Inscr. in Brit. Mus.* ii. 232 f.).

In Cyrene, according to Aristotle (*Pol.* vii. (vi.) 4), an increase in the number of *φυλαὶ* and *φρατρίαι* is the result of a more democratical constitution.

In Magna Graecia the only surviving trace of tribal divisions occurs in the case of Thurii, founded B.C. 443 ([Plut.] *Vit. Dec. Or.* 835 D). Here there were ten tribes: Ἀρκάς, Ἀχαΐς, Ἠλεία, Βοιωτία, Ἀμφικτυονίς, Δωρίς, Ἰάς, Ἀθηναῖς, Εὐβοιάς, and Νησιῶτις (Diodor. xii. 11).

Mythic names of Attic tribes, ascribed to the reign of Cecrops, are *Cecropis* (Κεκροπίς), *Autochthon* (Αὐτόχθων), *Actaea* (Ἀκταία), and *Paralia* (Παραλία); and in that of Cranaus, *Cranais* (Κραναΐς), *Atthis* (Ἀτθίς), *Mesogaea* (Μεσόγαια), and *Diacris* (Διακρίς). Afterwards we find a new set of names: *Dias* (Διάς), *Athenais* (Ἀθηναΐς), *Posidonias* (Ποσειδωνιάς), and *Hephaestias* (Ἡφαιστιάς); evidently derived from the deities who were worshipped in the country. (Compare Pollux, viii. 109.) Some of those secondly mentioned, if not all of them, seem to have been geographical divisions; and it is not improbable that, if not independent communities, they were at least connected by a very weak bond of union. But all these tribes were superseded by four others, whose appearance corresponded in time with the Ionic settlement in Attica, and which seem (as before observed) to have been adopted by other Ionic colonies out of Greece. The names *Geleontes* (Γελέοντες), *Hopletes* (Ὁπλῆτες), *Argadeis* (Ἀργάδεις), *Aegicoreis* (Αἰγικορεῖς), are said by Herodotus (v. 66) to have been derived from the sons of Ion, son of Xuthus (see Eurip. *Ion*, 1596, &c.; Pollux, *l. c.*), after the common Greek custom of inventing a genealogy to account for a term. The question of the true significance of these names has been much debated. The etymology of the last three would seem to suggest that the tribes were so called from the occupations which their respective members followed; the Hopletes being the armed men, or warriors; the Argadeis, labourers or husbandmen; the Aegicoreis, goatherds or shepherds. For the form and etymological meaning of the first name, see article GELEONTES. Curtius regards the tribes as "a fixed number of noble clans, or groups of families, who were recognised as of full blood." Grote repudiates the caste-theory (in common with most modern writers), and gives up any attempt at either explaining the names by etymology or ascertaining their connexion with the original population of Attica. Schömann thinks "that each Phyle was named according to the mode of life and the employment pursued by the majority or the most important part of its members." Thus, "if there was a part of Attica whose inhabitants were principally devoted to the rearing of cattle, especially of goats, the Phyle living there was called the Phyle of the Aegicores." He explains Geleontes as "the illustrious," *i.e.* the nobles, who lived in the capital and its neighbourhood. Whatever be the truth with respect to the origin of these tribes, one thing is more certain, that before the time of Theseus, whom historians agree in representing as the great founder of the Attic commonwealth, the various peoples who inhabited the country continued to be disunited and split into factions.

In the division of the inhabitants of Attica, traditionally ascribed to Theseus, the people were divided into Εὐπατρίδαι, Γεωμόροι (Ἀγροικοι), and Δημιουργοί, of whom the first were nobles, the second agriculturists or yeomen, the third labourers and mechanics. At the same time, in order to consolidate the national unity, he enlarged the city of Athens, with which he incorporated several smaller towns, made it the seat of government, encouraged the nobles to reside there, and surrendered a part of the royal prerogative in their favour. The Tribes or Phylae

were divided, each into three φρατρίαι (a term equivalent to fraternities, and analogous in its political relation to the Roman *Curiae*), and each φρατρία into thirty γένη (equivalent to the Roman *Gentes*), the members of a γένος being called γεννῆται or ὁμογάλακτες. Each γένος was distinguished by a particular name of a patronymic form, which was derived from some hero or mythic ancestor. We learn from Pollux (viii. 111) that these divisions, though the names seem to import family connexion, were in fact artificial; which shows that some advance had now been made towards the establishment of a closer political union. The members of the φρατρίαι and γένη had their respective religious rites and festivals, which were preserved long after these communities had lost their political importance, and perhaps prevented them from being altogether dissolved. (Compare Niebuhr, *Hist. of Rome*, vol. i. p. 311, &c.)

The exact relation between the four Ionic tribes and the three Theseian classes is still a matter of dispute. It would appear from the statements of ancient writers on the subject that *each* of the four tribes was divided into Eupatridae, Geomori, and Demiurgi; some modern scholars, *e.g.* Philippi and Curtius, hold on the contrary that the tribes and phratries were divisions of the Eupatrids alone, and that the Geomori and Demiurgi were outside of the tribal organisation. The reasons for rejecting this view are given under EUPATRIDAE, in Vol. I.

After the age of Theseus, the monarchy having been first limited and afterwards abolished, the whole power of the state fell into the hands of the EUPATRIDAE or nobles, who held all civil offices, and had besides the management of religious affairs and the interpretation of the laws. Attica became agitated by feuds, and we find the people, shortly before the legislation of Solon, divided into three parties,—Πεδιαῖοι or lowlanders, Διάκριοι or highlanders, and Πάραλοι or people of the sea-coast. The first two remind us of the ancient names of tribes, Mesogaea and Diacris; and the three parties appear in some measure to represent the classes established by Theseus: the first being the nobles, whose property lay in the champaign and most fertile part of the country; the second, the smaller landowners and shepherds; the third, the trading and mining class, who had by this time risen in wealth and importance. To appease their discords, Solon was applied to; and thereupon framed his celebrated constitution and code of laws. Here we have only to notice, that he retained the four tribes as he found them, but abolished the existing distinctions of *rank*, or at all events greatly diminished their importance, by introducing his property qualification, or division of the people into Πεντακοσιομέδιμνοι, Ἱππεῖς, Ζευγῖται, and Θῆτες. The enactments of Solon continued to be the *law* at Athens, though in great measure suspended by the tyranny, until the democratic reform effected by Cleisthenes. He abolished the old tribes, and created ten new ones, according to a geographical division of Attica, and named them after ten of the ancient heroes: *Erechtheis, Aegeis, Pandionis, Leontis, Acamantis, Oeneis, Secropis, Hippothoontis, Aeantis, Antiochis.* These tribes were divided each into ten δῆμοι, the number of which was afterwards increased by subdivision: but the arrangement was so made, that the several δῆμοι not contiguous or near to one another were joined to make up a tribe. [DEMUS.] The object of this arrangement was that by the breaking of old associations a perfect and lasting revolution might be effected, in the habits and feelings, as well as the political organisation of the people. He allowed the ancient φρατρίαι to exist, but they were deprived of all political importance. All foreigners admitted to the citizenship were registered in a Phyle and Demus, but not in a Phratria or Genos; whence Aristophanes (*Ranae*, 418; *Aves*, 765) says, as a taunting mode of designating new citizens, that they have no phrators, or only barbarous ones (quoted by Niebuhr, vol. i. p. 312). But if made citizens by a complimentary vote, they were allowed to choose their Phratria as well [CIVITAS, pp. 443 *b*, 444 *a*]. The functions which had been discharged by the old tribes were now mostly transferred to the δῆμοι. Among others, we may notice that of the forty-eight ναυκραρίαι into which the old tribes had been divided for the purpose of taxation, but which now became useless, the taxes being collected on a different system. The reforms of Cleisthenes were destined to be permanent. They continued to be in force (with some few interruptions) until the downfall of Athenian independence. The ten tribes were blended with the whole machinery of the constitution. Of the Senate of five hundred, fifty were chosen from each tribe. The allotment of δικασταὶ was according to tribes; and the same system of election may be observed in most of the principal offices of state, judicial and magisterial, civil and military; as that of the διαιτηταί, λογισταί, πωληταί, ταμίαι, τειχοποιοί, φύλαρχοι, στρατηγοί, &c. In B.C. 307, out of compliment to Demetrius Poliorcetes, the Athenians increased the number of tribes to twelve by creating two new ones, named *Antigonis* and *Demetrias*, which were afterwards styled *Ptolemais* and *Attalis;* and a thirteenth was subsequently added under Hadrian, bearing his own name (Plut. *Demetr.* 10; Paus. i. 5, § 5; Pollux, viii. 110).

The preceding account is only intended as a brief sketch of the subject, since it is treated of under several other articles, which should be read in connexion with this. [CIVITAS (Greek); DEMUS; PHYLARCHI; PHYLOBASILEIS, &c.]

[See Wachsmuth, vol. i. pt. i. pp. 224–240; K. F. Hermann, *Griech. Staatsalt.*, ed. 5 (1875), p. 348 f.; Busolt, *Griech. Geschichte*, i. p. 390 f., with many references in notes; Thirlwall, *Hist. Greece*, ch. xi.; Grote, *Hist. Greece*, part ii. chs. 10, 31; Curtius, *Hist. Greece*, tr. by Ward, Book ii. ch. 2; Gilbert, *Griech. Staatsalt.* i. 109 f., ii. *passim;* Duncker, *Gesch. Griech.* v. 84 f.; Boeckh, *Staatshaushalt. Athen.*, ed. 3 (1886), i. 578 f.; Schömann, *Antiq. of Greece* (tr. by Hardy and Mann), Part II. ch. 4, Part III. ch. 3; Fustel de Coulanges, *La Cité antique*, ed. 10 (1883), p. 131 f.; Freeman, *Comparative Politics*, Lect. 3; E. Abbott, *Hist. Greece*, i. 9.] [A. H. C.] [W. W.]

2. ROMAN. *The Patrician Tribes.*—The derivation of the word *tribus* is uncertain. In view of the three earliest Roman tribes, there is a temptation to connect it with *tres*, and this has

usually been done both by ancient and modern writers. Thus Dionysius (ii. 7) gives as its Greek equivalents τριττύς or φυλή, while Varro (*L. L.* v. 55) says, "ager Romanus primum divisus in partes tres, a quo tribus appellatur;" cf. also Plut. *Rom.* 20. So, too, Pott (*Etym. Forsch.* i. 217 and ii. 441) and after him Corssen (i. 163) give the derivation as *tri* + *bu* (= bhu = fu: φυ). On the other hand, there is no trace of any connexion with *tres* in any of the extant meanings of *tribuo*, while on the historical side it seems very uncertain whether the division into three tribes was essential to the primitive Roman state. According to the traditional account, the three ancient tribes—the Titienses (or Tities), the Ramnes (or Ramnenses), and the Luceres—were created by Romulus after the death of Tatius: "populumque et suo et Tatii nomine et Lucumonis qui Romuli socius in Sabino proelio occiderat, in tribus tres...descripserat" (Cic. *de Rep.* ii. 8, 14. See also Dionys. ii. 7, Varr. *l. c.*; and cf. Liv. i. 13). But apart from the worthlessness of such definite statements with regard to the legendary period, it is much more probable that the Roman state grew up by a gradual synoikismos of originally independent communities, the number three being accidental and not essential. In this connexion the generally accepted origin of the name Titienses from Tatius the Sabine king cannot be regarded as of slight importance; and if the institution of the "sodales Titii" was, as Tacitus says (*Ann.* i. 54), intended "retinendis Sabinorum sacris," this would certainly seem to show that the Titienses, a Sabine tribe, entered into an already existing Latin community; while the fact that they are usually put in the first place and the Ramnes in the second (Varr. v. 55, 89, 91; Cic. *de Rep.* ii. 20, 36; Festus, p. 344) makes it probable that they entered it as conquerors (Mommsen, *Staatsrecht*, iii. p. 97). That the Ramnes were of Latin race is practically certain, whether the name is connected with Roma or Romulus. The origin of the Luceres is uncertain (Liv. i. 13), nor is it necessary here to discuss the question of their Latin or Etruscan origin, especially as the latter, though very generally assumed, rests on no historical evidence (Varr. v. 55; Plut. *Rom.* 20; Cic. *de Rep.* ii. 8, 14; Fest. p. 119; Niebuhr, *Röm. Gesch.* i. p. 329 ff.; Schwegler, *Röm. Gesch.* i. p. 505, &c.; Madvig, *Verfass. und Verwalt. des röm. Staates*, i. p. 95, &c.). What seems certain is that the synoikismos took place in pre-historic times, and all theories on the subject rest on a very doubtful foundation. Possibly the three tribes coincided locally with the original city which took part in the festival of the Septimontium; and in this case we may perhaps suppose the Titienses to have occupied the fortress in the Subura, the Ramnes the Palatine, and the Luceres the three summits of the Esquiline (but see Liv. i. 33 for another hypothesis). This is, however, at best a plausible conjecture (Mommsen, *Staatsr.* iii. p. 99), though we have Varro's statement (quoted above) that the three tribes were a division of the land as well as of the inhabitants. At some later period, but before the circumvallation ascribed to Servius Tullius, the neighbouring city on the Quirinal seems to have been amalgamated with that of the Septimontium; while, to avoid increasing the number or changing the names of the three ancient tribes, these were now extended by a division into *maiores* and *minores gentes*, the Hillmen (*Collini* as opposed to *Montani*) being limited to the latter, so that there were now *primi* and *secundi* (or *priores* and *posteriores*) *Titienses*, *Ramnes*, and *Luceres* (Festus, p. 344). For the traditional account of this change under Tarquinius Priscus, see Liv. i. 36; Cic. *de Rep.* ii. 20, 36; Dionys. iii. 71; where the direct reference, however, is only to the patrician *centuriae equitum*, to whom alone, in historical times, the names of the three ancient tribes were given. (See also Mommsen, *Staatsr.* iii. p. 31, and *Rom. Hist.* ch. 4; and for the best statement of the contrary view, Volquardsen in *Rhein. Mus.* xxxiii. p. 538 ff.) If this view of a pre-historic synoikismos is correct, then the term *tribus* had no more connexion in its original application with any threefold division, than it had when used of the Servian tribes. It was, no doubt, connected with the same root as *tribuo*, and may possibly have affinity, as Curtius supposes, with the Celtic *treb* (= vicus) (*Grundz. d. gr. Etym.* p. 227). Its original meaning was probably the *territorium* of a community, as *e.g.* the tribus Sappinia (Liv. xxxi. 2 and xxxiii. 37) is clearly a locality in Umbria. So in the *Tabulae Iguvinae* we find "trifu Tadinate" and "trefiper Ijuvina," clearly co-ordinate with "tuta Tadinate" and "tutape Ijuvina," the former being the *territorium*, the latter the civic community of Tadinum and Iguvium (Buecheler, *Umbrica*, pp. 3, 8, and 95; Mommsen, *Staatsr.* iii. p. 95). In Latin, however, owing to the pre-historic synoikismos, *tribus* appears to have the notion of part rather than whole,—an idea which the Servian arrangement still further strengthened. As survivals of the time when the tribes were independent communities, may perhaps be regarded (1) such words as *tribunal* and *contribuere* and *attribuere* = "to join a district to a neighbouring community" (Caes. *B. G.* 60, and Plin. *H. N.* iii. §§ 4, 37); (2) the fact that ten curiae belonged to each tribe, since this finds its analogy in other municipal constitutions, where ten curiae seem to be a usual number (*C. I. L.* viii. 1827, &c.); (3) the original number of the senate was almost certainly 100 (Liv. i. 8; Dionys. ii. 12; Plut. *Rom.* 13; Fest. s. v. *patres*),—a fact which also finds its analogy in the *decuriones* of Italian towns, and the later number of 300 was probably made up by 100 from each of the three tribes when they united; (4) the original number of Vestal Virgins (Fest. p. 344), of augurs (Liv. x. 16; Cic. *de Rep.* ii. 19, 16), and of pontifices was three, or one from each tribe, while on the addition of the *gentes minores* they were raised to six. Festus, p. 344: "sex Vestae sacerdotes constitutae sunt ... quia civitas Romana in sex est distributa partes, in primos secundosque Titienses, Ramnes, Luceres."

That in the pre-Servian period the patrician tribes were used as the basis for taxation and the military levy, we know from Dionysius: τὰς καταγραφὰς τῶν στρατιωτῶν καὶ τὰς εἰσπράξεις τῶν χρημάτων ... οὐκέτι κατὰ τὰς τρεῖς φυλὰς τὰς γενικάς, ὡς πρότερον, ἀλλά, κ.τ.λ. (iv. 14, and Varr. v. 181), although for the former we have no details. For the army, each tribe furnished 1000 foot-soldiers, com-

manded by a *tribunus*. (Varr. v. 89: "milites quod trium milium primo legio fiebat, ac singulae tribus Titiensium, Ramnium, Lucerum, milia militum mittebant;" and v. 81, "tribuni militum quod terni ex tribus tribubus Ramnium, Lucerum, Titium olim ad exercitum mittebantur:" cf. Dionys. ii. 7.) The cavalry were originally represented by three centuries, one from each of the three tribes (Liv. i. 13), or ten men from each of the thirty curies (Fest. p. 55). When the city was enlarged by the addition of the *gentes minores*, these three centuries were increased to six, each apparently containing 300 men (Liv. i. 36), but retaining the old names, "posteriores modo sub isdem nominibus qui additi erant appellati sunt, quas nunc quia geminatae sunt, sex vocant centurias." (See also Cic. *de Rep.* ii. 20, 36.) In later times, in fact, as has been already mentioned, it is only in connexion with these *sex suffragia* (*equitum*) that the names Titienses, Ramnes, and Luceres are retained, since for all other purposes they were superseded by the Servian tribes.

The Servian Tribes.—As an integral part of the so-called Servian reformation,—by which the census was established, the Comitia Centuriata organised upon it, and in consequence the land-holding plebeians made to share the military and financial burdens of citizenship,—there was a new division into tribes. The tribes so created were four in number, and embraced the city as enclosed by the Servian walls (Liv. i. 43; Dionys. iv. 14). The well-known passage in Dionysius (iv. 15) has led many authorities to suppose that Servius, in addition to the four urban tribes, created also twenty-six rustic tribes. He says: διεῖλε δὲ καὶ τῆν χώραν ἅπασαν ὡς μὲν Φάβιός φησιν εἰς μοίρας ἓξ καὶ εἴκοσιν, ἃς καὶ αὐτὰς καλεῖ φυλάς, καὶ τὰς ἀστικὰς προστιθεὶς αὐταῖς τέτταρας, τριάκοντα φυλὰς τὰς πάσας ἐπὶ Τυλλίου γενέσθαι λέγει· ὡς δὲ Οὐεννώνιος ἱστόρηκεν εἰς μίαν τε καὶ τριάκοντα, ὥστε σὺν ταῖς κατὰ πόλιν οὔσαις ἐκπεπληρῶσθαι τὰς ἔτι καὶ εἰς ἡμᾶς ὑπαρχούσας τριάκοντα καὶ πέντε φυλάς· ἀμφοτέρων μέντοι Κάτων τούτων ἀξιοπιστότερος οὐχ ὁρίζει τῶν μοιρῶν τὸν ἀριθμον. But though Fabius Pictor, writing in Greek, may have called the rustic divisions φυλαί, this by no means proves that they were technically tribes; and Dionysius himself, no doubt following Varro, prefers the neutral term μοῖραι, which probably represents *regiones* or *pagi*. We know for certain that there were only twenty-one tribes as late as 367 A.U.C. (Liv. vi. 5), while at this early period it is extremely improbable that the territory outside the city was as yet distributed among individual owners: it was probably still held in common by the *gentes*, and, if so, was not applicable for division into tribes. For it is well established that only that land fell under the tribes which was held *ex iure Quiritium* by an individual owner; and therefore, while all *ager publicus*, on the one hand, was excluded from them, on the other no less the common gentile property, prior to its distribution among the individual *gentiles*, could not have been included in the tribes. It seems better therefore to suppose that only four tribes were made, and that the division into rustic districts was on some other principle. The names of the four tribes were Sucusana (the later form was Suburana, but the original form is attested both by SVC in inscriptions and by Varro, v. 48), Palatina, Esquilina, and Collina. That this is the fixed order of the tribes appears from Varro (v. 56) and Festus (p. 368); while Cicero also (*de Leg. Agr.* ii. 29, 79) gives Suburana as the first (see also Plin. *H. N.* xviii. § 3). Where a different order is given, it is usually from some definite reason, as *e.g.* in Varro, v. 46, in connexion with the order of the procession to the Argean chapels; in Liv. *Epit.* xx., with reference to the *libertini*; and in *C. I. L.* vi. 10211, in reference to the *frumentationes*. That these tribes, like the patrician, were primarily a division of the land, appears at once from the names, and Dionysius (iv. 14) expressly calls them τοπικαί (see also Laelius Felix *ap.* Gell. xv. 27). They may possibly have been engrafted on to the old patrician divisions, Sucusana corresponding with that of the Titienses, Palatina with that of the Ramnes, Esquilina with that of the Luceres, while Collina would embrace the Quirinal city. In this way at least the order of the tribes would be satisfactorily accounted for. The opinion once generally held, that the four tribes embraced the territory outside Rome as well as the city, was to a large extent founded on the assumption that Ostia, the earliest citizen-colony, belonged to Palatina (Grotefend, *Imp. Rom. trib. descript.* p. 67, and Fest. p. 213). This is now, however, given up by Mommsen (*Staatsr.* iii. p. 163) and Kubitschek (*Imp. Rom. trib. discript.* p. 26), since inscriptions show that though a number of the inhabitants at Ostia, possibly the Greek traders or their sons, belonged to Palatina (see below), the colony itself was assigned to Voturia (Wilm. 1720 and 1729, &c.). Neither the Capitol nor the Aventine was included in the Servian tribes, because they were still public and not private property (Liv. vi. 20; Dionys. x. 31 and 32); and both Livy (i. 43) and Pliny (*H. N.* xviii. § 3) limit the four tribes to the inhabited parts of the city.

Extension of the Tribes.—At what date the first rustic tribes were added to the four Servian tribes, it is impossible to say with certainty, nor how many were first created, since tradition is practically silent upon both points. That there were twenty-one tribes in 367 A.U.C. we know (Liv. vi. 5), but that the increase from four to twenty-one was made at one time is on the whole improbable. All the best MSS. of Liv. ii. 21 contain under the year 259 A.U.C. the words "Romae tribus una et triginta factae." To correct this from the Epitome to "una et viginti" is certainly unsafe, since the epitomator may easily have corrected the text from Liv. vi. 5; and there is much to be said for Mommsen's hypothesis that the original reading, till tampered with by an ignorant scribe, was the mere annalistic statement, "Romae tribus factae." The passage again of Dionysius (vii. 64) with regard to the trial of Coriolanus in 263 A.U.C. is clearly corrupt. He says, μιᾶς γὰρ καὶ εἴκοσι τότε φυλῶν οὐσῶν, αἷς ἡ ψῆφος ἀνεδόθη, τὰς ἀπολυούσας ἔσχεν ὁ Μάρκιος ἑννέα· ὥστ' εἰ δύο προσῆλθον αὐτῷ φυλαί, διὰ τὴν ἰσοψηφίαν ἀπελύετο ἄν, ὥσπερ ὁ νόμος ἠξίου. As the number twenty-one is inconsistent with the ἰσοψηφία, one part of the statement must be rejected. The latter, however, is almost too

definite to admit of mistake, and it seems better therefore to assume that Dionysius (or a scribe) carelessly substituted the more familiar number twenty-one, certainly existing for a considerable time previous to 367 A.U.C., for the earlier number twenty; while some similar, but inexplicable, confusion lurks under the numbers *ἐννέα* and *δύο*. But, apart from this confessedly uncertain inference, the list of the earliest seventeen rustic tribes also leads to the conclusion that there was a period when the tribes were twenty in number. The names in alphabetical order, as we know them from texts or inscriptions, are as follows:—Aemilia (Liv. xxxviii. 36), Camilia (*C. I. L.* vi. 2890), Claudia (Liv. ii. 16), Clustumina or Crustumina (Cic. *pro Balb.* 25), Cornelia (Liv. xxxviii. 36), Fabia (Suet. *Aug.* 40), Galeria (Liv. xxvii. 6), Horatia (Wilm. 681), Lemonia (Cic. *pro Planc.* 16), Menenia (Cic. *ad Fam.* xiii. 9), Papiria (Liv. viii. 37), Pollia (Liv. viii. 37), Pupinia (Cic. *ad Fam.* viii. 8), Romulia (Cic. *de Leg. Agr.* ii. 29), Sergia (Cic. *in Vat.* 15), Voltinia (Cic. *pro Planc.* 16), Voturia or Veturia (Liv. xxvi. 22). Of these seventeen names, sixteen were clearly formed in the same way from the names of patrician gentes, some of them known in historical times, others probably extinct at an early period. On the other hand, one only, Clustumina (CLV. not CRV. generally in inscriptions: see also Festus, p. 55, where Crustumina is found in the MSS., but placed between Cluras and Clucidatum), is a place-name similar to those of all the tribes (except Poblilia) created after 367 A.U.C. The inference from this seems irresistible that it was a later creation than the other sixteen. That the earliest rustic tribes bore some sort of relation to the Servian division into PAGI, would seem probable in itself, and receives some slight confirmation from Festus (p. 115), who says, "Lemonia tribus a pago Lemonio, qui est a porta Capena via Latina." But details are wanting, and it is at best an hypothesis, though a probable one, that the sixteen tribes were made when the common gentile property in land was transformed into individual ownership, the former gentile ownership leaving traces in the names of the tribes, which were taken from the more prominent families. With relation to Claudia, the tradition is still extant of the way in which land was assigned to the newly-admitted Claudian gens, and of the subsequent development of the tribe: *χώραν τ' αὐτῷ προσέθηκεν ἐκ τῆς δημοσίας τὴν μέταξυ Φιδήνης καὶ Πικεντίας, ὡς ἔχοι διανεῖμαι κλήρους ἅπασι τοῖς περὶ αὐτὸν* (this seems to imply that it was gentile property) *ἀφ' ὧν καὶ φυλή τις ἐγένετο σὺν χρόνῳ* Κλαυδία *καλουμένη* (Dionys. v. 40. See also Liv. ii. 16). Though named after patrician gentes, these sixteen tribes were as much local divisions as the earlier and later ones. The position of Claudia is given above by Dionysius, while Livy (*l. c.*) describes the "vetus Claudia tribus" as "ager trans Anienem." Of the Papiria tribus, Festus says, "a Papirio appellata est vel a nomine agri qui circa Tusculum est;" while of Pupinia, which adjoined it, he says (p. 233), "Pupinia tribus ab agri nomine dicta qui Pupinus appellatur, inter Tusculum urbemque situs." Livy also (xxvi. 9) shows that the eighth milestone on the Via Praenestina lay in this tribe (cf. also Cic. *de Leg. Agr.* ii. 35, 96). Romulia again is "ex eo agro quem Romulus ceperat ex Veientibus" (Fest. p. 271). For the attempt to localise Pollia, Fabia, Horatia, and Galeria, see Beloch, *Der ital. Bund*, pp. 29, 30. That all these earliest tribes were in the immediate neighbourhood of Rome, we should suppose from the nature of the case, and it is also expressly stated by Festus (p. 371, s. v. *viatores*). The 21st tribe, Clustumina, was named after the extinct town Crustumerium (Liv. i. 38; Fest. p. 55), in the territory of which was the *mons sacer* to which the plebs seceded in 260 A.U.C. (cf. the expression of Varro, v. 81, "in secessione Crustumerina"). As the result of the secession the plebs were allowed to elect tribunes, at first assembled according to their curies, but, after the Lex Publilia of 283 A.U.C. (Liv. ii. 56; Dionys. ix. 41), according to their tribes. Mommsen with great probability supposes that it was on this occasion, in order to make for voting purposes an unequal number of tribes, that the 21st was added, and that it was called, in memory of the secession, Clustumina (Mommsen, *Staatsr.* iii. p. 153).

As more and more land became the private property of Roman citizens, either by distribution or by the foundation of colonies or by the reception of *peregrini* into the citizen-body, the number of tribes gradually increased, but till the year 367 A.U.C. it still remained at twenty-one. In 366, however, the civitas was given to a number of people from Veii, Capena, and Falerii, and land was distributed among the new citizens (Liv. vi. 4). Accordingly, next year four new tribes were created (Liv. vi. 5): Stellatina (so called from a district near the city of Capena, Fest. p. 343); Tromentina ("a campo Tromento," Fest. p. 367), probably near Veii, since we find citizens of the restored Veii belonging to this tribe (Wilm. 2079; Orelli, 3448); Sabatina ("a lacu Sabate," Fest. p. 342); and Arnensis, perhaps from a river Aro in Etruria. In 372 A.U.C. quinqueviri were appointed to divide the ager Pomptinus in the Volscian land (Liv. vi. 21), and after an interval of some years in 396 two new tribes were made, Pomptina and Poblilia (Liv. vii. 15). That Poblilia (the name of which was apparently not local: see Fest. p. 233) was near the territory of the Hernici, is probable from the fact that later Anagnia, Ferentinum, and Aletrium were assigned to this tribe (Kubitsch., *Imp. Rom. trib. discrip.* p. 22). In 417 A.U.C. the inhabitants of Lanuvium, Aricia, and Nomentum received the civitas (Liv. viii. 14), and in 422 were arranged in the census; two new tribes, Maecia and Scaptia (both named after extinct towns, Fest. pp. 136 and 342), being created (Liv. viii. 17). In 431 A.U.C. the number was raised to thirty-one by the addition of Oufentina and Falerna (Liv. ix. 20), a step no doubt rendered necessary by the distribution of the ager Falernus and Privernas in 415 (Liv. viii. 11), the granting of the civitas to the Privernates in 426, and the colony led to Terracina (Liv. viii. 21), since according to Festus (p. 194) the name Oufentina is derived from a river "in agro Privernati." In 454 A.U.C., perhaps in connexion with the triumph over and punishment of the Aequi and Hernici (Liv. ix. 43 and 45), were created (Liv. x. 9) Aniensis and Teretina ("a flumine Terede,"

Fest. p. 363); while in 513 the Sabine territories, of which the inhabitants had been admitted into the citizenship in 486 (Vell. Paterc. i. 14, 7) and some other land, perhaps that of the Praetuttiani, were made into two fresh tribes, Quirina and Velina (Liv. *Epit.* xix.). This number thirty-five was never exceeded (Liv. i. 43; Dionys. iv. 15; Cic. *Phil.* vi. 5, 12; Wilm. 679, 888, &c.); but whether the limit was fixed when the last two tribes were made, or in 534, the date of the reform of the Comitia Centuriata (see below), is uncertain. It is possible, though hardly likely, that the name Quirina was intended to mark the completion of the "populus Romanus Quiritium." The derivation, however, of Festus (p. 254), "a Curensibus Sabinis," seems more probable.

Italia tributim descripta.—Up to 513 A.U.C. the tribes were more or less definitely bounded districts, of which the positions are known, imperfectly in the case of the oldest rustic tribes, with greater certainty in the case of those created since 367. While the former class were all in the immediate neighbourhood of Rome, the latter were situated in S. Etruria, Latium, the territory of the Volsci and Hernici, part of Campania, and the Sabine land. But even during this period, probably the original tribe (cf. the expression "vetus Claudia tribus," Liv. ii. 16) in few cases remained absolutely unenlarged, for every assignation of land to Roman citizens, however small, and the establishment of every colony, increased the amount of land to be distributed among the tribes. Only where the amount of land distributed was large, was there any necessity for new tribes: in other cases the land in question was no doubt assigned to the nearest existing tribe. Of the small distributions no annalistic record remains. Of colonies, Tusculum, probably during this period but after 431 A.U.C. (Liv. viii. 37), was assigned to Papiria, Minturnae in 458 to Teretina, Aricia to Horatia in 417 (Liv. viii. 14), Sinuessa to Falerna (Liv. x. 21), Antium in 416 to Voturia. But after the number of the tribes was closed, geographical compactness was lost. All freshly assigned or colonised territory, and all *civitates sine suffragio* admitted to the full franchise, had now to be distributed among the existing tribes; and the further from Rome this process extended, the more disjointed and broken up did the tribes become. To a certain extent, no doubt, the principle was observed of assigning new territory to the nearest tribes; and this, as Kubitschek rightly observes, tended by increasing the number of members to depreciate the importance for voting purposes of the later or outlying tribes. Thus we find Capua, Atella, Acerrae, Suessula, belonging to Falerna; Casinum, Atina, Venafrum, Allifae, to Teretina; Velitrae, Circeii, and Signia, to Pomptina; Anagnia, Ferentinum, Aletrium, to Poblilia; while the Picenian territory distributed by a Lex Flaminia in 522 (Polyb. ii. 21) seems all to have been assigned to Velina. On the other hand, Formiae and Fundi, when taken into the citizenship, were assigned to Aemilia; Arpinum in Apulia and Fulginium in Umbria to Cornelia (Liv. xxxviii. 36); Cliterna in the Sabine land to Claudia (Grotef. p. 46); Falerii to Horatia (Orelli, 1364), &c. This breaking up and mutilation of the tribes was not completely effected till after the Social war, when the civitas was given to all the *peregrinae civitates* south of the Po; and in consequence all the land with very few exceptions, such as at first the ager Campanus, falling into full Quiritary ownership, had to be distributed among the tribes. The manner in which the new territory was distributed is stated differently by our two authorities, Appian and Velleius Paterculus. The former (*B. C.* i. 49) says that they did not enrol the new citizens into the thirty-five tribes, ἵνα μὴ τῶν ἀρχαίων πλέονες ὄντες ἐν ταῖς χειροτονίαις ἐπικρατοῖεν, ἀλλὰ δεκατεύοντες ἀπέφηναν ἑτέρας ἐν αἷς ἐχειροτόνουν ἔσχατοι. This probably refers to the Lex Julia of 664, by which the civitas was given to the Latini and the faithful allies (Cic. *pro Balb.* 8, 21), and, if the reading δεκατεύοντες is correct, it must mean that ten new tribes were created. On the other hand, Velleius says (ii. 20), "cum ita civitas Italiae data esset, ut in octo tribus contribuerentur novi cives;" *i.e.* the new citizens were confined to eight of the existing tribes. This may, as Kubitschek supposes, refer to the Plautio-Papirian plebiscitum of 665, by which the revolted allies gained the franchise (Cic. *pro Arch.* 4, 7). Kubitschek, reading δέκα πέντε for δεκατεύοντες, thinks that he can show by inscriptions that the faithful allies in accordance with the Lex Julia were enrolled in fifteen, *i.e.* in a minority, of the thirty-one rustic tribes, while the revolted allies by the Plautio-Papirian law were enrolled in half of the remaining sixteen, viz. Aniensis, Clustumina, Fabia, Falerna, Galeria, Pomptina, Sergia, and Voltinia. The theory is undoubtedly ingenious, and both Kubitschek and Beloch (*Der italische Bund*) make out a very specious case. But the objections are twofold. (1) The evidence of inscriptions, besides being by the nature of the case incomplete, breaks down, as Mommsen shows (*Hermes*, xxii. p. 101 ff.), in several points, since not only are revolted states found in Horatia, Cornelia, and Oufentina, but the faithful allies are found practically spread over all the rustic tribes. (2) Whatever may have been the original distribution into tribes, the restriction was certainly only temporary. Complete equality for the new citizens became part of the democratic programme; and apart from the abortive attempt of Sulpicius, Cinna, apparently twice (Liv. *Epit.* lxxx. and lxxxiv.), gave them the equal franchise, while Sulla almost certainly acquiesced in the arrangement (Liv. *Epit.* lxxxvi). Though, however, the inscriptions, on which Kubitschek and Beloch rely, do not prove all that they suppose, they do nevertheless show that an attempt at grouping neighbouring territories together was still kept up after the Social war; and so we find Aniensis prevalent among the Frentani, Clustumina and Lemonia in Umbria, Fabia and Pomptina in Lucania, Sergia among the Marsi and Paeligni, Voltinia among the Samnites, Papiria in Latium, Menenia in Campania, Aemilia among the Aurunci, Galeria among the Hirpini, and above all Pollia in the Cis-Padane portion of Gallia Cisalpina, which now received the franchise with the rest (cf. in Grotefend Parma, Mutina, Forum Cornelii, Forum Fulvii, Faventia, Pollentia, and many other towns). But, notwithstanding those local groupings, the

general result of the distribution of Italy into the tribes was such that the parts of any one tribe could only be given by an enumeration of the different civitates contained in it. Cf. Cic. *de pet. Consul.* 8, 30: "Postea totam Italiam fac ut in animo ac memoria tributim descriptam habeas."

The Tribe and its members.—The tribe, as has been stated, was primarily a division of the land held in Quiritarian ownership, but it was also applied in a personal sense to the owners of the land, and involved certain rights and privileges, duties and responsibilities. Originally only land-owning citizens (*adsidui*) were members of the tribes, but within this limit both patricians and plebeians belonged to them. For later times the presence of patricians in the tribes is abundantly attested; but for the earliest times also the patrician gentile names of the sixteen earliest rustic tribes are conclusive evidence of the same thing, as well as the traditional origin of the Claudian tribe. Membership of a tribe then at first belonged to those citizens who owned land in it, as well as to their agnate descendants; and accordingly, while the tribe, as a division of the land, was immutable, the tribe as a category of persons might be changed, since in theory transfer or loss of landed property implied transfer or loss of tribe. But this strict connexion between landed property and membership of the same tribe must soon have been modified, (1) by those cases in which a citizen owned property in more than one tribe; (2) where *civitates sine suffragio* were admitted to the full franchise, and their territory assigned to some one tribe. In the first case, as personal membership of more than one was impossible, probably the censor *de iure*, but the citizen himself *de facto*, decided to which he should belong. In the second case the citizens of the newly-enfranchised *civitas* would as a rule take the tribe of the territory, even if their landed property lay elsewhere (Liv. xxxviii. 36). As time went on, too, the tendency became greater for membership of a tribe to become hereditary, and so practically unchanging; in so far, that is, as no alteration was caused by the censor's interference. Such interference would at once take place whenever the qualification of landed property was lost, a loss which was at first followed by loss of tribe and transfer to the *aerarii* (Liv. iv. 24, &c.); while, as the disciplinary power of the censorship was developed, the censors acquired the power, by way of punishment for various moral delinquencies, of treating land-owning citizens as though they were not *adsidui*, and placing them also among the *aerarii* (cf. Liv. xxiv. 18, &c.). Conversely, of course, if the disqualification of either kind was removed, citizens would pass from the *aerarii* into a tribe (*ex aerariis eximere*, Cic. *de Orat.* ii. 66, 268). Till 442 A.U.C. only *adsidui* had been members of the tribes, nor was there any distinct difference of rank *de iure* between the urban and rustic tribes, though probably *de facto* from an early period the former were considered as less honourable. But when the *tributum*, which, as will be seen below, was in close connexion with the tribes, was made into a tax assessed on movable as well as immovable property, the connexion between landed property and tribe-membership was weakened, a tendency which was perhaps reflected in the revolutionary measure of Appius Claudius, the censor in 442, by which all citizens, *proletarii* as well as *adsidui*, were enrolled indiscriminately in the tribes (Liv. ix. 46). Whatever may have been the motive of this measure, it was of no long duration, as in 449 Q. Fabius Rullianus, while admitting landless citizens to the tribes, limited them to the four urban tribes, while the landed proprietors still retained exclusive possession of the rustic tribes (Liv. ix. 46; cf. Plin. *H. N.* xviii. § 14, "rusticae tribus laudatissimae eorum qui rura haberent; urbanae vero in qua transferri ignominiae esset, desidiae probro;" Cic. *de Leg. Agr.* ii. 29, 79; Dionys. xix. 18, *τὰς ἀτίμους τῶν φυλῶν*). As a consequence of this measure, all Roman citizens were from this time *ipso facto* members of a tribe, and, accordingly, as it was inadmissible for the censors to deprive any one of his citizenship (Liv. xlv. 15), their disciplinary power was limited to degrading from the rustic to the urban tribes, and this is all that is meant henceforth by the phrases "tribu movere," "aerarium facere." (For a possible instance of the converse process, see Cic. *pro Balb.* 25, 27.) From this time, too, the tribe was regularly added to the full citizen's name, being placed between the father's name and the cognomen, *e.g.* Ser. Sulpicius Q. F. Lemonia Rufus (Cic. *Phil.* ix. 7, 17; *ad Fam.* viii. 8). A consequence of this distinction in rank between the urban and rustic tribes was of course the surrender of any attempt hitherto made at maintaining equality of number among the members of the tribes. While the urban tribes must have contained far more than the rest, we have already seen a similar tendency among the rustic tribes themselves; and the tribes in the immediate neighbourhood of Rome, such as Horatia, Lemonia, Menenia, Romulia, &c., seem to have received few new members, and to have remained the strongholds of the nobility. Whether, as Mommsen thinks is implied by Liv. xl. 51, the censors had the power of enrolling certain categories of non-land-owning citizens in the rustic tribes, must be left uncertain; but there was certainly one class of men, the *libertini*, whose position in the tribes differed from that of the other citizens. At first, we may assume, they were admitted on the same conditions as the rest, but probably in the censorship of C. Flaminius (534 A.U.C.) they were all, whether land-owners or not, limited to the urban tribes (Liv. *Ep.* xx.). Before 586 we find that this was relaxed in the case of those who had a son five years old, or landed property to the value of 30,000 sesterces (Liv. xlv. 15), though it was apparently open to the censors to disregard this rule; and we even find Ti. Gracchus, censor in 586, limiting all freedmen to one tribe to be settled by lot (Liv. *l. c.*; Cic. *de Or.* i. 9, 38). After the Social war, equality in the tribes for the *libertini* was part of the popular programme; but though it was carried by Sulpicius (Liv. *Ep.* lxxvii.), and again by Cinna (Liv. *ib.* lxxxiv.), Sulla restored the former state of things; and neither Manilius in 687 (Cic. *pro Corn.* in Ascon. p. 64), nor Clodius in 695 (Cic. *pro Mil.* 33, 89), were able to effect a change, and the disability of *libertini* seems to have continued under the Empire, since though they were members of the urban tribes, so far

as the corn distribution was concerned, the fact that the tribe does not, with few exceptions, appear in the names of *libertini*, probably, as Mommsen argues, proves some inferiority of position. But, with the exception of the *libertini*, we find that, after the Social war, all citizens alike were admitted into the rustic tribes. We have seen that even in earlier times the personal tribe of the newly-enfranchised *cives sine suffragio* followed that to which the territory of their native city was assigned (Liv. xxxviii. 36); and when after the war Italy was practically made into a complexus of fully-enfranchised municipia, each with its own territory, and that territory assigned to a tribe (cf. Cic. *pro Mur.* 20, 42), the inevitable result followed that personal membership in a tribe, irrespective of all other considerations, was decided in the case of each individual, provided that he was *ingenuus*, by his *domus* or *origo* in one of these municipalities. In fact, from this time the Roman civitas had essentially changed its character: Rome was no longer one *civitas* among others, nor even the head of a confederation of *civitates;* it was rather the "communis patria" of all Roman citizens, who were also with few exceptions (Cic. *Phil.* iii. 6, 15) *municipes* of some local community, and it was this local connexion which was marked by the tribe. So closely indeed were membership in a tribe and incorporation in a municipium connected, that where, as in the most ancient rustic tribes within the original ager Romanus, Quiritary ownership of land was unconnected with membership in a municipality, some re-grouping of land was necessary, the land belonging formerly to these tribes being assigned to the territory of neighbouring towns, and forming part of the tribe to which those towns belonged; while again in parts, where, as in Picenum, the municipal system had not been developed, probably the praefecturae, as a substitute, assumed municipal rank (Mommsen, *Staatsr.* iii. p. 783). How entirely the tribe was made dependent on the *domus* or *origo* is shown by the fact that a Roman citizen, if transferred to a colony—*e.g.* a legionary veteran settled in a military colony—took the tribe of his new *domus* (cf. a number of cases collected by Grotefend, p. 15 ff., in which two tribes are given in inscriptions, *i.e.* of the new and the original *domus*). From the time when the old distinction between the urban and rustic tribes was thus abolished, another of a less definite character gradually grew up, and was certainly observed during the Empire. While the connexion between a tribe and a municipal territory only applied to the rustic tribes, the urban tribes now contained citizens who, though free-born, were on account of some personal grounds excluded from the former: *e.g.* (1) sons of *libertini* are often found in Palatina or Collina; (2) individuals of Greek birth, personally admitted to the franchise, frequently appear in Collina; (3) illegitimate children are found in Collina, Suburana, and Esquilina; (4) actors and sons of actresses appear in Esquilina; while (5) at the great trading ports, such as Ostia and Puteoli, so many individuals are proved by inscriptions to have belonged to Palatina, that it was formerly supposed that these towns were assigned to that tribe. This, however, was not the case, since Ostia belonged to Voturia, and Puteoli probably to Falerna, and it is a not improbable conjecture of Mommsen that these members of Palatina were Greek traders or their sons who had been admitted to the franchise. The fact that these urban *tribules* were never admitted to the legions or praetorian cohorts, but only to the *cohortes urbanae*, seems to place them half-way between the rustic *tribules* and the libertini (Mommsen, *Staatsr.* iii. p. 443; *C. I. L.* vi. 2389–3884).

Tribes in the Provinces.—With regard to the provinces, it has to be remembered that all provincial land, except in cases where the *ius Italicum* was specially conferred, was *ager publicus*, and therefore necessarily stood outside the tribes. But as soon as the practice began of conferring the Roman franchise upon provincial towns, since, with the exceptions already alluded to, there was no *territorium* on which to attach the tribe, which nevertheless was indispensable to Roman citizens, it was used, as applied to provincials, in a purely personal sense, though in strict analogy with the territorial tribe in Italy. In other words, at the time when a civitas was admitted to the full franchise, the tribe to which its citizens were to belong was specified; while probably, though perhaps not quite so early, even in non-Roman towns, such as Latin colonies, &c., the rule grew up that all individuals within them, who acquired the franchise, should be enrolled in some specified tribe. Prior to the time of Augustus it is hardly possible to find any fixed rules, or any definite grouping, and we find *e.g.* the colonies of Julius Caesar in Gallia Narbonensis assigned to Papiria (Narbo), Teretina (Arelate), Pupinia (Baeterrae), and Aniensis (Forum Julii); but Augustus appears to have aimed at somewhat greater uniformity, and to have generally assigned Galeria for the Spanish provinces, Voltinia for Gallia Narbonensis (see Kubitschek, *de Orig.*, &c., p. 204), Sergia for Dalmatia, Arnensis for Africa, and Collina for the Oriental provinces. Later emperors, though observing a certain method in the matter, took a somewhat different course, and, instead of assigning certain tribes to certain provinces, seem to have made use of their own tribe in grants made by them of the franchise to provincials. Thus Claudius, whose family by a re-grouping of the Claudia tribus seems to have been transferred to Quirina, assigned his Mauritanian colonies Caesarea, Oppidum Novum, Rusuccurium, and Tipasa to that tribe (Grotef. p. 161 ff.); while later in his reign he gave the preference to the original tribe of his house, and so Colonia Agrippinensis, Savaria, Virunum, Celeia, and Juvavum, all belong to Claudia. The Flavian house again belonged, as springing from Reate, to Quirina, and accordingly we find all Flavian colonies, in all parts of the Empire, assigned to that tribe, while the prevalence of Quirina in the Spanish provinces is due to the fact that Vespasian gave the *ius Latii* to all Spanish civitates (Plin. *H. N.* iii. § 30). Though Trajan, as sprung from Italica, would naturally have belonged to Sergia, he assumed his adoptive father's tribe—Papiria (Nerva came from Narnia: see Kubitschek, p. 73), and we find all his colonies in Germany, Moesia, Dacia, and Africa assigned to that tribe (see Mommsen, *Ephem. Epigraph.* iii. p. 230 ff.).

The Tribes as organised for administrative and political ends.—The political activity of the tribes was probably not anterior to the Publilian law of 283 A.U.C. Their original aim was purely administrative, and had reference (1) to the census, (2) to the levy, (3) to the tributum and military pay. As to (1), there is no doubt that the tribes were primarily instituted by Servius as a basis for the census, which formed the essential part of his constitution. So Dionysius (v. 75) describes *τιμήσεις κατὰ φυλὰς τῶν βίων ἐνεγκεῖν* as *τὸ κράτιστον τῶν ὑπὸ Σερουίου Τυλλίου κατασταθέντων νομίμων*, while Cicero (*de Legg.* iii. 3, 7) says of the censors, "populi partes in tribus discribunto; exin pecunias, aequitates, ordines partiunto" (see also the account of the census of 548 A.U.C. in Liv. xxix. 37, and Cic. *pro Flacc.* 32, 80). (2) The *locus classicus* for the relation of the tribes to the military levy is Polyb. vi. 20, from which it appears that the tribes were summoned one by one in an order appointed by lot (see also Val. Max. vi. 3, 4), four men being taken at every summons from each tribe, one for each legion, until the full number of four legions was made up, so that in theory there were to be an equal number of men in every legion from each tribe. See also Dionys. iv. 14, 2; Liv. iv. 46, where the levy was to be taken not from the whole people, but only from ten tribes. One consequence of all the tribes being represented equally in the army was that the Comitia tributa could on emergencies be held in camp (Liv. vii. 16). That in later times the equal proportion of troops from every tribe was given up, need hardly be said, but probably during the whole of the Republic the levy was in some way based on the tribes, and even under the Empire, though the recruiting now took place through all the provinces, the fact that none but Roman citizens were admitted to the legion still kept up a certain connexion between the levy and the tribes. (See Tac. *Hist.* iii. 58, and Suet. *Ner.* 44.) Only in cases of emergency were legions enrolled from the urban population (Tac. *Ann.* i. 31; and for the relation generally of the tribes to the army, see Mommsen, *Tribus*, pp. 132–143, who, however, has now given up the attempt made there at arithmetical symmetry). (3) The derivation of Varro (v. 81), "tributum dictum a tribubus quod ex pecunia quae populo imperata erat, tributim a singulis exigebatur," is confessedly not correct (for the converse derivation, see Liv. i. 43), and *tributum* most probably comes from *tribuere*, and means that which is partitioned among the citizens. Since, however, the *tributum* was originally levied only upon land, and all *adsidui* were in the tribes, the collection of the tax was naturally and most conveniently made *tributim* (Dionys. iv. 14). Apparently, however, from such passages as Liv. i. 41 and Dionys. iv. 19, the tributum was first levied on the property of the classes as shown by the census (usually "1 pro mille," Liv. xxix. 15); but since the classes and their centuries only came together in the Campus Martius and had no local connexion, it was collected from the various tribes by the *tribuni aerarii*, who had the tribal register showing to what class each tribesman belonged. The primary object of the tributum was to provide pay for the soldiers in war. Up to the year 348 A.U.C. (Liv. iv. 59; Dionys. iv. 19) the stipendium was not paid by the state, but apparently by the tribes themselves, the *tribuni aerarii* being the means both of collecting the money from their *tribules* and paying it to the soldiers whom the tribe provided (Fest. p. 234). After 348 the stipendium was paid by the aerarium, usually at the end of the campaign, after the soldiers had returned home, and it was paid *tributim* by means of the *tribuni aerarii* (Varr. v. 184; Fest. p. 2; Plin. *H. N.* xxxiv. § 1). When, however, campaigns were prolonged beyond a single year, payment was made in camp by the quaestor and connexion with the tribes and *tribuni aerarii* ceased. To carry out these objects a certain organisation was necessary. The tribes were presided over by officials, called at first *tribuni aerarii* from the most important of their functions. Perhaps originally there was one for each tribe. In course of time, as the duty of paying the soldiers was taken from them, and when the reform of the Comitia Centuriata in 534 A.U.C. essentially altered the constitution of the tribes, the name probably disappeared from official language, and that of "curatores tribuum" took its place, while in all probability the number of these was ten for each tribe, five (one for each class) among the seniores, and five for the juniores. To this later period are probably to be referred the words of Dionysius (iv. 14), *ἡγεμόνας ἐφ' ἑκάστης συμμορίας*. It is true that we find eight curatores for the *tribus Sucusana iuniorum* (*C. I. L.* vi. 199, 200; Orelli, 1740, &c.); but these inscriptions date from Vespasian's time, and no doubt the connexion of the tribes with the corn-distribution (see below) and the addition of certain corpora of freedmen (cf. corpus Julianum, Wilm. 1703) altered in many respects the republican organisation. These curatores tribuum were annually elected (*C. I. L.* vi. 144); and if, as is probable, they were the body of men who under the old and nearly obsolete name of *tribuni aerarii* were added as a third decuria of judices by the Lex Aurelia of 684 A.U.C., there must have been a certain property qualification for the office, a survival possibly of the time when they may have had to provide security for the money which passed through their hands (see Mommsen, *Tribus*, pp. 44 ff. and 77 ff.; *Staatsr.* iii. p. 189 ff.). As far as political activity is concerned, the tribes have no importance prior to 283 A.U.C. Up to that time, the tribuni plebis were elected by the plebs assembled according to curies. Dionys. vi. 89, and Cic. *pro Cornel.* in Ascon. p. 76, say in the Comitia Curiata, *i.e.* by patricians as well as plebeians; but Mommsen is probably right in discrediting this statement (*Staatsr.* iii. p. 151). But the local associations which were so much stronger in the tribes made a change desirable to the plebeians; and accordingly the Lex Publilia (Liv. ii. 56) enacted "ut plebeii magistratus tributis comitiis fierent" (cf. also Dionys. ix. 41). That the Comitia tributa, however, in their later sense existed at this date, is extremely improbable; and again we must follow Mommsen in interpreting these statements to mean that the tribunes were now elected by the landowning plebeians assembled in their tribes (see Zonaras after Dio Cassius, vii. 17, *ἐξεῖναι τῷ πλήθει καὶ καθ' ἑαυτὸ συνιέναι καὶ ἄνευ ἐκείνων*

(the patricians) *βουλεύεσθαι καὶ χρηματίζειν*); and we have already seen reason to believe that it was on this occasion that the 21st tribe, Clustumina, was created. How the concilium plebis gradually assumed wider political activity by the Valerio-Horatian law of 306 (Liv. iii. 55) and the Horatian law of 465, and how eventually the Comitia tributa, *i.e.* the whole populus, patricians and plebeians together, assembled by tribes, became established as one of the recognised organs of legislation, is described in the article on COMITIA TRIBUTA (see also Mommsen, *Röm. Forsch.* i. p. 150 ff., and *Staatsr.* iii. p. 321 ff.); and it is only necessary to lay stress here on the particular features of the assemblies by tribes which made them fitter organs of government than the more cumbrous Comitia Centuriata, viz. the local associations among the members, which made previous informal deliberation possible, and rendered the members more accessible to the influence of leading men. It was mainly perhaps the desire to transfer this local influence into the Comitia Centuriata which caused the reform of that assembly in 534 A.U.C. (See COMITIA CENTURIATA, and Mommsen, *Staatsr.* iii. p. 271 ff.) The tribes, as we have seen, had always been the bases of the census, but hitherto the members of each tribe had been equally distributed among all the centuriae, so that each century was in theory composed of an equal number from each tribe; and so, the *tribules* being scattered, local associations had no means of finding expression. What the reform did was briefly to combine the tribal with the centurial arrangement (Liv. i. 13). Each tribe was divided into *seniores* and *iuniores*, and each of these divisions again into five centuries, corresponding with the five property classes. Each century therefore consisted entirely of members of the same tribe, and was in fact, as Cicero says (*pro Planc.* 20, 49), "unius tribus pars:" and as the 70 centuries of the first class, or possibly the 35 centuriae iuniorum, drew lots for the privilege of voting first, we get such descriptions as "praerogativa Aniensis iuniorum" (Liv. xxiv. 7), "praerogativa Veturia iuniorum" (Liv. xxvii. 6, &c., and cf. Liv. i. 43; App. *B. C.* i. 59; Dionys. iv. 21, who describes the change as of democratic tendency).

Relation of Tribules to one another.—The tribes being originally local districts, the majority of their members were neighbours (Cic. *pro Sext. Rosc.* 16, 47), and were moreover constantly brought together for the various purposes for which the tribes were employed, and from this cause the connexion between them was naturally a somewhat close one. So in Ter. *Adelph.* iii. 3, 85, a *tribulis* is "homo amicus nobis, iam inde a puero." Cicero (*ad Fam.* 13, 23) speaks of Caninius as "amicus et tribulis tuus." Sometimes this *esprit de corps* showed itself in a traditional jealousy of some other tribe, as in the case of Papiria and Pollia (Liv. vi. 37), but more usually in the active support which *contribules* afforded one another (1) in ordinary life, (2) in elections. As to (1) we find a victim of Sejanus appealing for help to his *contribules*, "si semper apparui vobis bonus et utilis tribulis," &c. (Wilm. 1699). On the relation between *tribules* with regard to elections and canvassing, Cicero throws much light in the *pro Plancio* (16–18), while the fact that Vatinius failed to secure the vote of his own tribe Sergia is mentioned as an exceptional disgrace to him (*in Vat.* 15, 37; cf. also *pro Mur.* 33, 69). So again candidates give banquets *tributim* (Cic. *de pet. Consul.* 11, 44) and *spectacula* (*pro Mur.* 34, 72); while Suetonius says of Augustus, "Fabianis et Scaptiensibus tribulibus suis die comitiorum, ne quid a quoquam candidato desiderarent, singulis milia nummum a se dividebat" (*Aug.* 40). These passages show that, even after the Social war, a certain bond between the members of a tribe remained, and of course in earlier times it was still stronger. When we remember that the tribes were constantly coming together to elect their own officers (Orelli, 3094), or judices for the extraordinary courts according to the Lex Plautia (Ascon. *in Cornel.* p. 79), or the centumviri (Fest. p. 54), or to celebrate supplicationes, &c., decreed by the senate (Liv. vii. 28), it is easy to understand how well adapted the Comitia tributa might easily be made, by virtue of all these local associations and sympathies in the hands of skilful leaders, for carrying out a democratic or anti-senatorial policy.

Ordo Tribuum.—That there was a certain definite order of tribes, we know from several passages; although what the order was, we are very imperfectly informed, and are unable to say on what it depended. It was properly applied to decide the order of voting in the Comitia tributa. In this order the four urban tribes came first, arranged as follows: Suburana, Palatina, Esquilina, Collina (Varr. v. 56; Fest. p. 368). This, as we have seen, was originally an order of rank; and that it was retained till the time of Cicero, we may infer from *de Leg. Agr.* ii. 29, 79, "a Suburana usque ad Arniensem nomina vestra proponat." Under the Empire, this was to a certain extent changed, and Palatina and Collina appear to rank above the rest, while the order in connexion with the corn-distribution is Palatina, Suburana, Esquilina, Collina (*C. I. L.* vi. 10211). Of the rustic tribes we only know for certain that Romulia came first (Cic. *l. c.*; Varr. *l. c.*; *C. I. L.* vi. 10211), while Voltinia was probably second (it is so in the inscription referred to), and Arniensis was the last (Cic. *l. c.*).

The Tribes under the Empire.—Under the Empire, or at least since 15 A.D., the administrative and political importance of the tribes disappears (Tac. *Ann.* i. 15). From this time in the provinces and in Italy, membership in the tribe was merely the formal mark of Roman citizenship. In the city itself the tribes still had a purpose, but it was neither political nor administrative. Even in republican times the tribes had usually been made the vehicle by which presents of money or corn were given to the citizens either by the state or by individuals (Ascon. *in Mil.* p. 36; Appian, *B. C.* ii. 143; Cic. *ad Att.* i. 16, 13, &c.). This now became their chief and indeed their only function. How frequent and how extravagant the largesses and *congiaria* given under the Empire were, is sufficiently well known (see Marquardt, *Staatsv.* ii. pp. 114 ff.); but what is important to remember here is that these presents were limited to the citizens resident in the capital. This is expressly stated in some cases (cf. App. *B. C.* ii. 147), and is implied in a great many

more (Suet. *Jul.* 83, *Tib.* 20; *Calig.* 17; Tac. *Ann.* ii. 42, &c.), while the phrase *plebs urbana* used in this connexion is another proof, if proof were needed (cf. *Mon. Ancyr.* 3, 16, "trecentis et viginti milibus plebis urbanae sexagenos denarios viritim dedi"). These money presents, as we know, were given *tributim*. So Appian (iii. 23) says that the legacy of Julius Caesar was given by Augustus to the curatores tribuum, while a comparison between Tac. *Ann.* i. 8 and Suet. *Aug.* 101, and Tac. *Ann.* xii. 31, shows that money given *viritim* was given to the tribes (cf. also Mart. viii. 15, 4). But while the *congiaria*, however frequent, were of irregular occurrence, there was another means of relieving the wants of the urban population, which was regular, and indeed of monthly occurrence, viz. *frumentationes* or grants of corn, either *gratis* or at rates lower than the market price, and it was in connexion with these regular *liberalitates* that the tribes gained a new meaning and a new organisation [see FRUMENTATIO]. That, like the money-gifts, they were limited to the city, is abundantly attested. Thus, in the *Mon. Ancyr.* "plebs urbana" is synonymous with "plebs quae frumentum publicum accipiebat;" an inscription (*C. I. L.* vi. 943) speaks of "plebs urbana quae frumentum publicum accipit." (See also App. ii. 120, &c.) Probably in theory they could be claimed by every citizen resident at Rome (Sen. *de Benef.* 4, 28); and the libertini, limited almost entirely, as we have seen, to the urban tribes, were certainly not excluded (Dionys. iv. 24). Probably, however, *de facto*, if not *de iure* (Mommsen thinks from Dig. 32, 35, that it was also *de iure*), members of the senatorial and equestrian orders were not included in the list of recipients. This seems to follow as well from the phrase "plebs urbana," as from the passages where the tribes are distinguished from the more illustrious classes (cf. Stat. *Silv.* iv. 1, 25; Dio Cass. lxi. 7, &c.). There seems also to have been a maximum number fixed from time to time (Trajan, *e.g.*, raised it: Plin. *Panegyr.* 51, and cf. *C. I. L.* vi. 955), as a check upon the claims of those who were not really entitled to receive the corn (cf. Suet. *Jul.* 41; Dio Cass. lviii. 10; Suet. *Aug.* 40), and each recipient was furnished with a ticket (*tessera frumentaria*). The recipients of corn then being the members of the thirty-five tribes resident in Rome, and the monthly distribution being in accordance with old custom arranged *tributim*, the *tribules* not unnaturally formed themselves into corporations analogous to the collegia of which so much is heard under the Empire (cf. Wilm. 679 and 888, "plebs urbana xxxv tribuum," and 1700, "plebs urbana quae frumentum publicum accipit et tribus [xxxv];" also Dig. 32, 35). While the corn seems to have been given out at the Porticus Minucia (Apul. *de Mund.* 35), there were probably granaries for each tribe (cf. Orelli, 3214, "horrearius plebis et tribus Palatinae," and Tac. *Ann.* xv. 18); and it is possible that the corn for a whole tribe was received from the curator annonae at the Porticus Minucia, and then taken to the tribal granary for distribution among the *tribules*. The tribes in this narrower sense differed from the other collegia apparently only in their origin and in the greater number of their members. That there was no common chest is due to the fact that the common store of corn took its place, but we find the *seniores* and *iuniores*, into which the tribes were still divided, entitled "corpora" (Wilm. 1703–1736; *C. I. L.* vi. 198, &c.), while they have the officials usual in a collegium, scribae and viatores (*C. I. L.* vi. 10215), apparitores (Wilm. 1705), accensi (Orelli, 3062), honorati and immunes (Orelli, 3062, 3096): they had common burial-places (*C. I. L.* vi. 10214), and were occasionally remembered in the testament of a rich tribulis (Wilm. 1705). As this organisation was confined to the plebs urbana, the four urban tribes were naturally by far the most numerously represented, and extant inscriptions relate principally to them, and especially to Palatina and Suburana. But all the tribes shared in the organisation, as is shown generally by the phrase "plebs urbana xxxv tribuum," while in particular Romulia and Voltinia (*C. I. L.* vi. 10211), Claudia (Orelli, 3062), Oufentina (Wilm. 1709), and Velina (Pers. v. 73) are specially mentioned in this connexion. An inscription unfortunately incomplete gives us some idea of the proportion of members in the urban and rustic tribes (*C. I. L.* vi. 10211). In Palatina the number of *tribules* (whether of permanent members, or, as is more probable, of members newly admitted within a certain period) is 4191, in Suburana 4068, in Esquilina 1777, in Collina 457, in Romulia 68, and in Voltinia 85. In the course of time, though it was probably not originally contemplated, it became possible even for non-citizens to buy the *tessera frumentaria*, and so a place in the tribe (cf. Juv. vii. 171), and in this way "tesseram emere" (Dig. 5, 1, 52) and "tribum emere" (Dig. 32, 1, 35) came to be convertible terms; and the custom of thus buying a place in a tribe became widely spread, and was frequently resorted to by the rich as a convenient way of providing for old servants and retainers (cf. Dig. 32, 35). So far indeed was this carried that we find a boy of 18 years old having a place in the Esquilina seniorum (Orelli, 3093). Whether membership in a tribe was in these cases bought from individual members, or, as is more probable, from the tribe itself as a corporation, cannot be decided with certainty. A theory put forward by Mommsen in his early monograph on the Roman tribes, though he has since given it up, deserves to be mentioned as not improbable, though perhaps not capable of proof. The corn was at first given, he supposes, not gratis, but at a moderate price, and practically all bona-fide citizens resident in the city participated in the privilege. Gradually, however, within this larger body, a certain number of the poorer citizens received their corn free by means perhaps of *tesserae nummariae* (Suet. *Aug.* 41), and it was this smaller number of persons who became organised in close corporations which in the course of time appropriated the names of the tribes. On this theory the numbers mentioned in the inscription above referred to would be those of the free recipients, not of the tribesmen generally. Hirschfeld, on the other hand (*Philologus*, xxix.), denies that either the *congiaria* or the *frumentationes* were given by means of the tribes at all.

Literature.—Mommsen, *Die römischen Tribus*,

&c., Altona, 1844; *Staatsrecht*, iii. pp. 95 ff., 161 ff., 434 ff., and 779 ff.;—Huschke, *Die Verfassung des Königs Servius Tullius;* Grotefend, *Imperium Romanum tributim descriptum*, 1863; Kubitschek, *de origine et propagatione Tribuum;* Id. *Imperium Romanum tributim discriptum*, 1889;—Beloch, *Der italische Bund; Hermes*, xxii. p. 100 ff. [E. G. H.]

TRIBU'TUM, as paid by Romans, took two forms.

(1) A charge on special classes of the Roman people. [AERARII; ARS HORDEARIUM.]

(2) An extraordinary source of revenue, opposed to the ordinary *vectigalia*. A property-tax, raised when needed, and chiefly to cover the expenses of war (*e.g.* Liv. vi. 32). When regular pay was given to the soldiers [STIPENDIUM], tributum must have been raised practically every year. It was levied, not upon land held in *possessio* [AGRARIAE LEGES], but only on property (*res mancipi*) held by a full title. If the tithes upon *possessio* were not properly paid, tributum would be both heavier and more frequent, since money must be found somehow, and we accordingly find the plebeians complaining at an early time, when they held little or no *ager publicus*, as if tributum were a burden chiefly upon them (Liv. iv. 60, v. 10). The pressure of it on poor people was all the more severe because debts incurred since the last census were not deducted from the valuation of a person's property, so that he had to pay tributum upon property which was not his own, but which he owed, and for which he had consequently to pay interest as well. Still, the tax might be repaid after successful wars (Liv. xxxix. 7; Dionys. v. 47); hence perhaps the complaints against generals who paid all the booty into the treasury instead of using it for repayment. The usual amount of the tax (*tributum simplex*) was one for every thousand of a man's fortune (Liv. xxix. 15); in B.C. 215 it was doubled (*tributum duplex*, Liv. xxiii. 31); and in B.C. 184 it was raised to three in a thousand (Liv. xxxix. 44). It was raised, according to the tribes instituted by Servius Tullius, by the *tribuni aerarii* (Liv. i. 43; Dionys. iv. 14, 15, and see Index), and was therefore not, like other branches of the revenue, let out to farm. It rested originally with the senate to appoint (*indicere*) when the tax should be levied, and to what amount. If, however, Livy (v. 12) can be trusted, the people could, with the aid of *tribuni plebis*, withhold payment. Later, the censors are found fixing the amount (B.C. 184; Liv. xxxix. 44). No citizen was legally exempt; the attempt of the augurs and pontiffs to claim exemption in B.C. 196 came to nothing (Liv. xxxiii. 42). Occasionally, on emergency, the tributum was not raised according to the census, but got in as best it could be, and it was then known as *tributum temerarium* (Festus, s. v. *Tributorum Collationem*). Examples would be the collection of B.C. 387 and that of 210 (Liv. xxvi. 35) repaid in 204 (Liv. xxix. 16). After the successful Third Macedonian War, tributum ceased *de facto* to be levied on Roman citizens ("unius imperatoris praeda finem attulit tributorum," Cic. *de Off.* ii. 22, 76; cf. Val. Max. iv. 3, 8, and Plin. *H. N.* xxxiii. § 56), although it might at any time have been re-imposed (Cic. *pro Flacco*, 32, 80). This state of things lasted till B.C. 43, when in the crisis of the civil wars a similar tax was again levied (Plut. *Aem. Paul.* 38). There has been great discussion as to whether this was a revival of tributum; but probably Dr. Merivale (*History of the Romans under the Empire*, c. 25) is right in saying that it was only "extraordinary contributions" (cf. Willems, *Sénat*, ii. 359; Marquardt, *Staatsverwaltung*, ii. 172). It could at most only be a *tributum temerarium*. Mommsen, however (*Staatsrecht*, iii. 229), maintains that the ordinary tributum was revived in B.C. 43. Whether tributum was raised after this date, there is no distinct proof, but it is unlikely, as the government of the emperors did its best to keep the Roman population free from taxes. The taxes imposed in Italy by Maximianus should rather be classed with the provincial tribute than with the old Roman tributum.

For the tribute of the provincials, see VECTIGALIA. [F. T. R.]

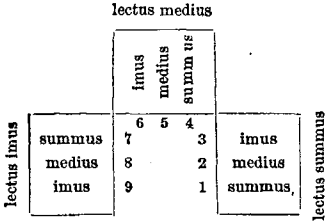
TRICLI'NIUM, properly a set of three couches round a dining-table, but commonly used also for the dining-room of a Roman house; for its usual position, see DOMUS. It was of an oblong shape, and according to Vitruvius (vi. 3, § 8) ought to be twice as long as it was broad. The same author (§ 10) describes triclinia, evidently intended to be used in summer, which were open towards the north, and had on each side a window looking into a garden. Many of the houses at Pompeii appear to have had summer dining-rooms opening to the viridarium. The woodcut in Vol. I. p. 894 shows the arrangement of the three couches (*lecti*, κλῖναι), from which the triclinium derived its name. These remain in the "House of Sallust," being built of stone. Three very beautiful *lecti tricliniares* in wood adorned with bronze have been more recently discovered, and are now to be seen in the Naples Museum (cf. Overbeck, *Pompeii*, fig. 227).

The articles LECTUS, TORUS, and PULVINAR contain accounts of the furniture used to adapt these couches for the *accubatio*, i.e. for the act of reclining during the meal. When so prepared for an entertainment, they were called *triclinia strata* (Caes. *B. C.* iii. 92; cf. Athen. ii. pp. 47, 48), and they were made to correspond with one another in substance, in dimensions, and in shape (Varro, *L. L.* ix. 47, ed. Müller). As each guest leaned during a great part of the entertainment upon his left elbow, so as to leave the right arm at liberty, and as two or more lay on the same couch, the head of one man was near the breast of the man who lay behind him, and he was therefore said to lie in the bosom of the other (Plin. *Epist.* iv. 22). But we must not suppose with Lewis and Short that one actually rested on the other. Among the Romans, the usual number of persons occupying each couch was three, so that the three couches of a triclinium afforded accommodation for a party of nine. It was the rule of Varro (Gellius, xiii. 11) that the number of guests ought not to be less than that of the Graces, nor to exceed that of the Muses. Sometimes, however, as many as four lay on each of the couches (Hor. *Sat.* i. 4, 86). Among the Greeks it was usual for only two persons to recline on each couch. [CENA, Vol. I. p. 393.]

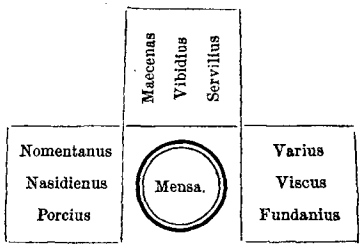
In such works of ancient art as represent a

symposium, or drinking-party, we always observe that the couches are elevated above the level of the table. This circumstance throws some light upon Plutarch's mode of solving the problem respecting the increase of room for the guests as they proceeded with their meal (*Sympos.* v. 6). Each man in order to feed himself lay flat upon his breast or nearly so, and stretched out his hand towards the table (cf. Plaut. *Mil.* 760); but afterwards, when his hunger was satisfied, he turned upon his left side, leaning on his elbow. To this Horace alludes in describing a person sated with a particular dish, and turning in order to repose upon his elbow (*Sat.* ii. 4, 39; cf. *Carm.* i. 27, 6).

We find the relative positions of two persons who lay next to one another commonly expressed by the prepositions *super* or *supra* and *infra*. A passage of Livy (xxxix. 43), in which he relates the cruel conduct of the consul L. Quintius Flamininus, shows that *infra aliquem cubare* was the same as *in sinu alicujus cubare*, and consequently that each person was considered as *below* him to whose breast his own head approached. On this principle we are enabled to explain the denominations both of the three couches, and of the three places on each couch.



Supposing the annexed arrangement to represent the plan of a triclinium, it is evident that, as each guest reclined on his left side, the countenances of all when in this position were directed, first, from No. 1 towards No. 3, then from No. 4 towards No. 6, and lastly, from No. 7 towards No. 9; that the guest No. 1 lay, in the sense explained, *above* No. 2, No. 3 *below* No. 2, and so of the rest; and that, going in the same direction, the couch to the right hand was *above* the others, and the couch to the left hand *below* the others. Accordingly the following fragment of Sallust (*ap.* Serv. *in* Verg. *Aen.* i. 698) contains the denominations of the couches as shown on the plan; there were, however, only seven guests present, so that two places were vacant, and these were probably 3 and 6: "Igitur discubuere: Sertorius (*i.e.* No. 5) inferior in medio; super eum L. Fabius Hispaniensis senator ex proscriptis (No. 4): in summo Antonius (No. 1); et infra scriba Sertorii Versius (No. 2): et alter scriba Maecenas (No. 8) in imo, medius inter Tarquinium (No. 9) et dominum Perpernam (No. 7)." On the same principle, No. 1 was the highest place (*Locus summus*) on the highest couch; No. 3 was Locus imus in lecto summo; No. 2, Locus medius in lecto summo, and so on. It will be found that in the following passage (Hor. *Sat.* ii. 8, 20–23) the guests are enumerated in the order of their accubation—an order exhibited in the annexed diagram.



Fundanius, one of the guests, who was at the top relatively to all the others, says:

"Summus ego, et prope me Viscus Thurinus, et infra,
Si memini, Varius, cum Servilio Balatrone
Vibidius, quos Maecenas adduxerat umbras.
Nomentanus erat super ipsum, Porcius infra."

That Maecenas was in the place of honour (No. 6) is evident from the fact that the dinner was given in his honour: that Servilius (No. 4) and Vibidius (No. 5) were next to each other is not less plain from the aside in *vv.* 33, 34. The host himself, Nasidienus, occupies the place No. 8, although No. 7 was the usual place for the master of the feast, because Nomentanus was put next to Maecenas, in order to point out to him the special dainties (*v.* 25). Cf. *Journ. of Phil.* vi. 219, and Palmer on Hor. *l. c.* No. 6 was the place of honour (ὑπατικός, Plut. *Quaest. Conv.* i. 3), not, as Lewis and Short still say, after Plutarch, that if a consul were present he might be able to attend to any business that might occur, but simply as being next to the host, a view which Plutarch also gives (cf. Becker-Göll, *Gallus*, iii. 376–386).

The general superintendence of the dining-room in a great house was entrusted to a slave called *triclíniarcha*, who, through the instrumentality of other slaves of inferior rank, took care that everything was kept and proceeded in proper order. [J. Y.] [A. S. W.]

TRIDENS. [FUSCINA.]

TRIENS. [AS.]

TRIERA'RCHIA (τριηραρχία). One of the two extraordinary public services to which wealthy Athenian citizens were liable (the other was the προεισφορά): it was classed among the liturgies (λειτουργίαι), but the requirement of it was as circumstances necessitated, and therefore it was not an *ordinary* or periodically recurrent (ἐγκύκλιος) liturgy. The object of it was to provide for the maintenance (and in some degree for the original equipment) of the ships of war belonging to the state. The person on whom this duty fell was called a Trierarch (τριήραρχος); and it would appear that in early times he was captain of the ship which he maintained.

The office of the trierarchy passed through four distinct forms or stages; and though in the remarks which follow it will be impossible to treat of them separately in all respects, the historical sequence will on the whole be preserved. The first stage was from the era of Themistocles to the Sicilian Expedition: during this period each ship was provided for by a single trierarch; the state was wealthy, and no difficulties seem to have been felt in the satisfactory discharge of the office. The second stage was from the Sicilian Expedition to

B.C. 358; two trierarchs to a ship were now the rule; a diminution in the wealth both of the state and of individuals was clearly the reason of this; the trierarchs found that practically more was thrown on them (though we have no reason to suppose an alteration in the nominal duties). From B.C. 358 to B.C. 340, the system of symmories was introduced into the trierarchy, whereby the number of trierarchs to a single ship was still further increased; and lastly, from B.C. 340 to the close of Athenian independence, the double trierarchy again became the rule, through a law carried by Demosthenes, though with what modifications from the old form we do not exactly know; the symmories, probably, were not altogether abolished.

I. The beginning of the trierarchy in the full and proper sense of the word dates from that large increase of the Athenian fleet which Themistocles persuaded the Athenians to make with the produce of the Laurian silver mines, very shortly before the invasion of Xerxes (Herod. vii. 144). Before that time the *naucraries* [NAUCRARIA] had furnished a ship apiece to the commonwealth (*i.e.* 48 altogether in Solon's time, 50 after the reform of Cleisthenes); the naucrarus, or head of the naucrary, would no doubt have a certain responsibility for the ship's maintenance, and would thus be in a position partly analogous to that of the trierarch afterwards; but the measure of Themistocles, through its enlargement of the fleet, gave an occasion for a large development of the individual services of rich men, in which services the Trierarchy proper consisted. So great indeed was the public enthusiasm at that era, that we find Cleinias, at the battle of Artemisium, providing not only the entire equipment of the ship, and the payment of the sailors, but even the ship itself of which he was the captain (Herod. viii. 17). But this was no part of the ordinary duty of a trierarch; though individual donations of triremes to the state are mentioned afterwards (Dem. *c. Meid.* p. 566, § 161; *c. Steph.* p. 1127, § 85); and the passage in the *Meidias* implies that such donations were sometimes expected from the rich. (It has, however, been doubted whether the donation of a ship, even in these cases, may not mean the donation of the equipment merely.) Generally speaking, the state provided the ship itself; the Council of Five Hundred (Βουλή) had the general duty of building ships (Dem. *c. Androt.* p. 599, § 18); but Aeschines (*c. Ctesiph.* § 19) speaks of the tribes being ordered to build them.

In Herodotus (*l. c.*; also viii. 46, 93) the name *trierarch* first occurs; in Thucydides (vi. 31) there is the first statement of their duties, as far as these are indicated by what was done in the Sicilian Expedition. Unfortunately, there are in this passage two considerable ambiguities. Thucydides says that the state furnished the "empty vessel" (*ναῦν κενήν*): are we then to understand that the state did *not* furnish sail, ropes, and oars, but that these are included among the apparatus (*κατασκευαί*) which the trierarchs provided? It must appear very strange if this was so; considering that in the *Knights* of Aristophanes, written only nine years before, it is spoken of as customary for the state to give the sail (*ἱστίον*, v. 918): and in the speech of Demosthenes *de Cor. Trierarch.*, delivered fifty-four years afterwards, it is said to be incumbent on the state to provide the apparatus (*τὰ σκεύη*) of a ship (p. 1229), *i.e.* the "sailcloth, tow, and ropes" (*ὀθόνια καὶ στυππεῖα καὶ σχοινία*, Dem. *c. Euerg. et Mnesib.* p. 1145, § 20). Can the state possibly have omitted to provide these things in the most splendidly-furnished expedition that ever issued from the Piraeus? Or, if all these were left to the trierarch, would Thucydides have thought it worth while to intimate specially that the trierarchs provided so small a matter as the figure-heads (*σημεῖα*)? Hardly; and we must therefore conclude that the "empty ship" includes the largest points of the equipment, while the trierarchs introduced such ornaments and improvements as were not of absolute necessity. (In Thucyd. vi. 8 also, the *παρασκευή* seems to be mentioned as something furnished by the state.)

Again, while Thucydides tells us clearly that the state paid the rowers, and that the trierarchs gave *additional* pay merely to the rowers on the upper bench (*θρανῖται*), who had the hardest work; it is not quite clear whether the state or the trierarchs paid the wages of the *ὑπηρεσία* (*i.e.* the servants and petty officers on board). A difference of reading complicates the question; but as Thucydides distinctly says that the trierarchs gave *additional* pay (*ἐπιφορὰς*) to the *ὑπηρεσία*, it seems implied that the state was the principal paymaster; and it is natural to suppose this to have been so (and it is confirmed by Thucyd. iii. 17). So far then the work of the trierarch was simply that of extending, for the sake of greater efficiency, the work done by the state; and this part of a trierarch's work was more or less voluntary. But to launch the ship from the harbour, to maintain it in full efficiency and restore it unimpaired, was a trierarch's absolute duty; an obligation expressed in the inscriptions quoted by Boeckh (*See-Urkunden*, p. 197) by the phrase, *δεῖ τὴν ναῦν δόκιμον καὶ ἐντελῆ παραδοῦναι*. This obligation as a rule ceased when a trierarch had held his office for a year; after which time, if his ship was still wanted for foreign service, so that he could not bring it back to the Piraeus, a successor would be sent out to him; and such an arrival was eagerly expected by the sailors, for a new trierarch brought fresh donations (Dem. *c. Polycl.* p. 1211, § 15). A trierarchy also was held to be terminated if the general furnished no pay to the sailors, or if the ship put into the Piraeus (it being then impossible to keep the sailors together); but the practice was not always consistent on these points (Dem. *c. Polycl.* pp. 1209, 1210, §§ 11–13; Isocr. *c. Callim.* § 60). On the other hand, a trierarch who through any accident was obliged to serve more than his year could charge the extra expense (*ἐπιτριηράρχημα*) on his successor, and bring an action to recover it if necessary (Dem. *c. Polycl.* l. c.).

The maximum number of ships of war was reached during the first form of the trierarchy, and the trierarchs (each bound to maintain an entire ship) numbered then 400, according to the treatise on the Athenian Republic ascribed to Xenophon (which probably was written in the first part of the Peloponnesian war). The

Anabasis (vii. 1, 27) confirms this number; and the calculation in Thucydides bears this out pretty nearly (comparing ii. 24 with iii. 17). Strabo (ix. p. 395) also says that there were originally 400 places for triremes in the Piraeus.

II. The *second form* of the trierarchy, in which two persons, called Syntrierarchs (*συντριήραρχοι*), shared the office, probably began after the failure of the Sicilian Expedition; but the first actual mention of it (Isocr. *l. c.*) is directly after the battle of Aegospotami. The syntrierarchy mentioned in Lysias, *c. Diogeit.* § 24, took place some time during the eight years which began B.C. 409, but at what exact date is uncertain. From this period onwards we have frequent mention of the trierarchy in the Attic orators; whose testimony, though valuable, is always liable to deduction on personal grounds. Thus, when the speaker in Isocrates (*l. c.*) boasts that he and his brother paid the wages of the rowers in the ship of which they were joint trierarchs, the statement, though perfectly probable, has not the same certainty as if given to us by an impartial historian. Much more definitely can the statement in Dem. *c. Meid.* p. 564, § 154, be challenged; where it is alleged that in the times of the syntrierarchy, "we, the trierarchs, had ourselves to provide crews for our vessels" (*τὰς ναῦς ἐπληρούμεθ' αὐτοί*). No doubt this sometimes happened; but the whole course of the speech against Polycles by the same orator (pp. 1208 *sqq.*) shows that, according to law, the state provided and paid the crews; and the same is implied in the passage of Isocrates just referred to. A careful examination will also show that in the second, as in the first, form of the trierarchy, the state was supposed to pay the *ὑπηρεσία* (servants and petty officers). It is true that Apollodorus (Dem. *de Cor. Trierarch.* p. 1229, § 6) says that he paid money to these himself; but whether as their full wages or as extra pay is not stated: whereas of his rivals he says, "They have not hired any *ὑπηρεσία*, though they claim to have had more than I;" from which the inference is plain that the state gave the hire. In affirming, however, the legal obligation of the state at this period (as in the first period) to pay the wages of crew and servants, it must be remembered that this obligation was by no means always properly discharged. (Cf. the orations of Demosthenes *against Polycles*, *de Coronâ Trierarchiae*, and *against Euergus and Mnesibulus*—the last of which was delivered at the beginning of the *third* trierarchical period.)

The syntrierarchy, during the period in which it prevailed, did not entirely supersede the older and single form. Numerous instances of single trierarchies occur between 411 and 358 B.C.; and in two passages of Isaeus (*Dicaeog.* § 54; *Apollod.* § 67) referring to this period, the single and double trierarchy are mentioned as contemporaneous. Apollodorus was sole trierarch (Dem. *c. Polycl.*) so late as B.C. 361. In the case of a syntrierarchy, the two trierarchs commanded their vessel in turn, six months each (Id. p. 1219), according as they agreed between themselves. Sometimes, however, a trierarch, or pair of syntrierarchs, would let out the whole duties of the office to a contractor. This (*μισθῶσαι τὴν τριηραρχίαν*) was a manifest and great abuse; the work was done inefficiently, and (what was worse) the contractors at times made use of their position, and reimbursed themselves against losses, by privateering on their own account, which led to reprisals on the part of the injured against Athens herself (SYLAE; Dem. *de Cor. Trierarch.* p. 1231, § 13). Such misdoings seem to have been imperfectly reported at Athens, and popular indignation was but little aroused by them; but when a defeat of the Athenian navy took place on one occasion, the trierarchs who had let their office out in this way were tried for their lives, as having deserted their post (Dem. *ib.* p. 1230). The capital sentence, however, was not inflicted, and it is even doubtful if they were punished at all. (See also notices of the practice of letting out the trierarchy in Dem. *c. Meid.* pp. 540, 564; the latter case falling under the system of symmories.)

III. In B.C. 358, the *third form of the trierarchy* began. The attempt of the Thebans upon Euboea in that year occasioned a great need of ships, which were at first supplied by voluntary effort under the urgent persuasion of Timotheus (Dem. *de Chersones.* p. 108, § 30); but as a consequence of this, Periander (Dem. *c. Euerg. et Mnesib.* p. 1145, § 20) introduced in the same year a law, whereby the symmories, already in use for the war-tax, were adapted under altered form to the trierarchy. These trierarchical symmories were the famous 1200, arranged in twenty symmories of 60 persons each (for further information as to whom, and as to their exact connexion with the war-tax symmories, see SYMMORIA). We find them already working in the archonship of Agathocles, 357 B.C. (Dem. *c. Euerg. et Mnesib.* p. 1152, § 44); though the syntrierarchy (as appears from this very speech) had not then been wholly disused, and may have continued some time longer.

The *intention* of the law of Periander was doubtless to increase the efficiency of the navy, by increasing the amount of property applicable to the purposes of the trierarchy (for it has been said above that there were only 400 trierarchs in the first form of the office, and doubtless there were not many more during the syntrierarchy). But the system was not properly managed; and the rich men soon found means to use it, not for the regulation of public burdens, but as a means of escaping from them. What was clearly necessary for its satisfactory working was that, when any number of joint trierarchs had the management of a ship, there should be a due admixture of rich and poor among them; and that the poor should not be too frequently and too largely called upon. But both these evils happened; and Demosthenes in his speech *de Symmoriis* (delivered, or perhaps only written, B.C. 354) in vain tried to introduce a better principle. He would have allowed, on occasions, a body of twelve to join in the office; but only under proper restrictions (*de Symm.* pp. 182, 183, §§ 16–21). Hyperides (*ap.* Harpocrat. *συμμορία*) complained that five or six wealthy men used to join in a trierarchy (the inscriptions quoted by Boeckh in the *See-Urkunden* mention three, five, six, and seven joint trierarchs); and lastly a law was passed allowing sixteen persons to join together for the purpose (Dem. *de Cor.* pp. 260, 261, §§ 102–105).

It has indeed been supposed, and is possible, that this was the very law of Periander; yet we can hardly think that the Athenians deliberately contemplated sixteen trierarchs to a ship as an ordinary arrangement; and the number sixteen does not specially fit in with symmories of sixty persons each, and was probably introduced on some subsequent occasion. Besides, the evidence is rather that the evil was an increasing one. Demosthenes (*de Cor.* l. c.) describes the final result in these terms: "I saw your navy going to ruin, and the rich earning immunity from other liturgies on the score of trifling expenditure in this, and persons of moderate income losing their property, and the city missing the opportunities of action," &c.

The group of citizens who joined in maintaining a single trireme was called *συντέλεια*, and the individual contributors *συντελεῖς*. (*Συντέλεια* and *συμμορία* are perfectly distinct terms, but the members of a *συντέλεια* were always members of the same *συμμορία*. If the arrangement proposed in Dem. *de Symm.* p. 183, § 20, had been carried out, which it never was, a *συντέλεια* would have been a fraction of a *συμμορία*, and the words of Demosthenes imply that it might then have been called a *small* *συμμορία*.)

Though the law of Periander practically diminished the burdens of the wealthy, reasons have been given above for thinking that it did not introduce that particular alleviation which is indicated in Dem. *c. Meid.* p. 564, § 154; namely, by taking away the duty of paying the crews from the trierarchs and putting it on the state. In all times the theory was probably the same on this point,—namely, state payment; but in practice the state was often behindhand; so that an orator, by pressing the practice on one side, and the theory on the other, might represent the matter pretty much as he chose.

IV. At last, in B.C. 340, Demosthenes was appointed superintendent of the navy (*ἐπιστάτης τοῦ ναυτικοῦ*) and carried a trenchant reform, which may be called the *fourth form of the trierarchy*. What however this was, we do not exactly know; for the law which is given in Dem. *de Cor.* p. 262, § 106 (under the heading *κατάλογος*), is no longer regarded as genuine, and the references to it in the orators are not quite easy to reconcile with each other. We must, however, conclude from Dem. *de Cor.* p. 261, § 104, that it did to a certain extent restore the syntrierarchy. Hyperides (*ap.* Harpocrat. *συμμορία*) describes it simply in this way: "When Demosthenes saw this, he proposed laws that the 300 should be trierarchs, and the trierarchies have become burdensome" (*νόμους ἔθηκε τοὺς τριακοσίους τριηραρχεῖν, καὶ βαρεῖαι γεγόνασιν αἱ τριηραρχίαι*). Aeschines (*c. Ctesiph.* § 222) tells us that the effect of the law was to reduce the number of ships in the Athenian navy by 65 (apparently from 365 to 300): this, of course, is the representation of an enemy. If 300 ships were needed for service, and two trierarchs were appointed for each, there would be 600 altogether, which is not consistent with what Hyperides says. But we must conclude that as a general rule (in spite of Thucyd. ii. 24) ships not actually employed in service had no trierarchs; and we have no mention at this period of Athenian history of any fleet numbering so many as 150 ships: thus the statement of Hyperides may be practically true, or very nearly so. Whatever the nature of the law, we have reason to believe that its effect was successful; not perhaps so much from the praises which Demosthenes bestows on it, as from the failure of his enemies (Aeschines, *l. c.*) and Deinarchus (*c. Dem.* § 7) to say any real harm of it. The words of Demosthenes (*de Cor.* p. 262) are, however, worth referring to: he tells us that during the whole war carried on after the law was in force, no trierarch implored the aid of the people (*ἱκετηρίαν ἔθηκε*), or took refuge in the temple of Artemis at Munychia, or was put into prison by the persons whose duty it was to despatch the fleet (*οἱ ἀποστολεῖς*), nor was any trireme lost at sea, or lying idle in the docks for want of stores and tackle, as under the old system, when the service (*τὸ λειτουργεῖν*) fell to the poor. It should be observed that Demosthenes (*de Cor.* p. 329, § 311) says that Aeschines was bribed by the leaders of the symmories to nullify the law; but these accusations of the orators against each other must not be taken too seriously.

V. *General observations.*—The inconveniences to which a trierarch was liable in case of inefficient performance of his duties will be seen from the last paragraph; but a reward also (*i.e.* a crown) was sometimes given to the most efficient, as appears from the speech on the *Crown of the Trierarchy*. The trierarchs were *ὑπεύθυνοι* (Dem. *c. Polycl.* p. 1222, § 52), or liable to give an account of the public property entrusted to them, and the public money which on occasions they had to disburse (Dem. *de Cor. Trier.* p. 1231): though Aeschines, forgetful of these facts, represents them as rendering account of their own private funds (*c. Ctesiph.* § 9).

Triremes were assigned by lot to the different trierarchs, as we learn from the epithet *ἀνεπικλήρωτοι* attached to some of the ships in the Athenian navy list (see Boeckh, *See-Urkunden*). The sacred triremes, the Paralus and the Salamis, had special treasurers (*Tamias*) appointed to them (Pollux, viii. 116); and on the authority of Ulpian (*ad* Dem. *c. Meid.* p. 686) it has been believed that the state acted as trierarch for each of them; but in the inscriptions quoted by Boeckh no difference is made between the trierarchs of the Paralus and of other vessels (*See-Urkunden*, p. 169). Some special expenses might no doubt be paid by the state in these cases.

The expenses of the trierarchy seem to have varied from about 40 minae (Dem. *c. Meid.* pp. 539, 540, §§ 77–80) to a talent (Dem. *c. Meid.* p. 564, § 154). A syntrierarchy would cost half this sum. Undoubtedly, therefore, the assertion of Isaeus (*de Dicaeog. hered.* § 10) that men had been trierarchs (or syntrierarchs) whose property was not more than 80 minae, was an exaggeration. Indeed, as a property of three talents was the minimum which rendered a citizen liable to the performance of a liturgy (Dem. *c. Aphob.* 833, § 63; Isaeus, *Pyrrh.* sub fin.), it is absurd to suppose that the trierarchy, the most burdensome of all, would be undertaken for a less sum. (Indeed, Boeckh says, "I am aware of no instance of liability arising from a property of less value than 500 minae.")

VI. *On the exemptions from the Trierarchy.*—By an ancient law, in force B.C. 355, no person, except the nine archons, could claim exemption

from the trierarchy, who was of sufficient wealth to perform it, not even the descendants of Harmodius and Aristogeiton. [From Isaeus, *de Apoll. hered.* § 67, it appears that in the time of the single trierarchy no person could be compelled to serve a *second* time within two years after a former service (*δύο ἔτη διαλιπών*). The trierarchy was a ground of exemption from the other liturgies, any of which indeed gave an exemption from all the rest during the year next following that of its service: Dem. *c. Leptin.* pp. 459, 464, §§ 8, 24.]

Yet from other passages it appears that exemptions from the duty of the trierarchy were allowed in cases of which the above law takes no cognisance. Demosthenes (*de Symm.* p. 182, § 14) tells us that a person was exempt if *ἀδύνατος*, or incapable through sudden loss of wealth; so also were "wards, heiresses, orphans, cleruchi, and partnerships (*κοινωνικά*)." Of course, an heiress could only claim exemption while unmarried. Wards were free from all liturgies, during their minority, and for a year after their *δοκιμασία* (Lysias, *c. Diogeit.* 908). By *κληροῦχοι* are meant colonists, who, while absent by command of the state, could not perform a trierarchy. The meaning of partnerships (*κοινωνικὰ*) is doubtful, but probably it means the property of joint tenants, as brothers or coheirs, which had not yet been apportioned to them (Pollux, viii. 184).

VII. *On the legal proceedings connected with the Trierarchy.*—These were either between individual trierarchs, or between trierarchs and the state, and therefore in the form of a *Diadicasia*. They generally arose from a trierarch not delivering up his ship and her rigging in proper order, either to his successor or to the state. If he alleged that the loss or damage of either happened from a storm, he was said *σκήψασθαι κατὰ χειμῶνα ἀπολωλέναι*. Vessels or furniture on which a trial of this kind had been held, were said to be *διαδεδικασμένα*.

The presidency of the courts which tried matters of this sort was vested in the strategi, and sometimes in the superintendents of the dockyard, in conjunction with the *ἀποστολεῖς*. The senate also appears to have had a judicial power in these matters: *e.g.* we meet in various inscriptions with the phrase *οἵδε τῶν τριηράρχων, ὧν ἐδίπλωσεν ἡ βουλὴ τὴν τριήρη*. Boeckh conjectures that the trierarchs of whom this is said had returned their ships in such a condition that the state might have called upon them to put them in thorough repair, or to rebuild them, at a cost for an ordinary trireme of 5,000 drachmae. Supposing that they were not released from this liability by any decree of a court of justice, and that the rebuilding was not completed, he conceives that it must have been competent (in a clear and flagrant case) for the senate to have inflicted upon them the penalty of twice 5,000 drachmae, the technical phrase for which was "doubling the trireme" (*See-Urkunden*, p. 228).

The phrase *ὡμολόγησεν τριήρη καινὴν ἀποδώσειν*, which occurs in inscriptions, does not apply to an undertaking for giving a new trireme, but merely for putting one in a complete state of repair.

The phrase *φαίνειν πλοῖον* (Dem. *c. Lacrit.* p. 941, § 51), to lay an information against a vessel, is used not of a public ship, but of a private vessel, engaged perhaps in smuggling or privateering. [PHASIS.]

The articles LEITURGIA and SYMMORIA contain numerous references to the subject of this article.

(Cf. Boeckh's *Staatshaushaltung d. Athener* and *See-Urkunden*; Hermann's *Griech. Antiq.*; Gilbert's *Griech. Staatsalt.*; and Kennedy's translation of the orations of Demosthenes, Appendix.) [R. W.] [J. R. M.]

TRIEROPOEI (*τριηροποιοί*), a board at Athens, reckoned among the directors of public works (*ἐπιστάται τῶν δημοσίων ἔργων*, cf. EPISTATES), and having a treasurer (*ταμίας*) of their own. Their principal duty was to provide for the building of a certain number (probably twenty, cf. Diod. xi. 43) of new triremes every year. The name appears to occur only in Dem. *c. Androt.* p. 598, § 17; but they are clearly referred to in Aeschin. *c. Ctes.* § 30. In the latter passage we are told that they were neither an *ἀρχὴ κληρωτὴ* nor *χειροτονητή*, but belonged to those *οὓς αἱ φυλαὶ καὶ αἱ τριττύες καὶ οἱ δῆμοι ἐξ ἑαυτῶν αἱροῦνται τὰ δημόσια χρήματα διαχειρίζειν*; but it is clear from Demosthenes that the senate was in *some* way responsible for their conduct, a fact which is nowhere stated of the *τειχοποιοί* or other similar bodies. Combining the two accounts, it seems likely that they were appointed by the senate, one for each tribe, either as a committee of the Bouleutae themselves or as a subordinate body, and that they either chose their own treasurer or had one chosen for them by the senate, whose responsibility for its delegated authority was thus maintained. (Cf. Boeckh, *P. E.* p. 249 = *Sthh.*[3] i. 316; *Seeurk.* p. 59; K. F. Hermann, *Staatsalterth.* §§ 126, 161.) [W. W.]

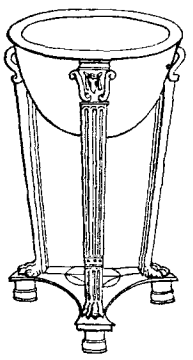
TRIGLYPHUS (*τρίγλυφος*, or *-ον*) is the name given to one of the alternating members of the frieze of the Doric order, the other being called METOPAE. The triglyph is divided by two vertical cuts (*canaliculi*) into three bars (*μηροί, femina*); hence its name. It also has a semi-canaliculus at each side. The canaliculi have in early specimens a curved or ogier termination; later they are included by straight lines. Properly there should be one triglyph over each column, and one over each intercolumnium in the Doric order; at the corners this arrangement is slightly modified, so that the triglyph may adjoin the corner of the building. The triglyph seems always to have been painted blue. Triglyphs are supposed to have originated from an imitation of the visible ends of projecting beams in a wooden structure (Vitruv. iv. 2, 4). [E. A. G.]

TRIPOS (*τρίπους*), a tripod, *i.e.* any utensil or article of furniture supported on three feet. More especially—

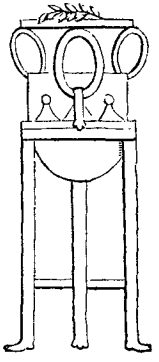
I. A tripod to receive the *λέβης* or caldron for boiling meat, &c. [LEBES.] Such a tripod was called *ἐμπυριβήτης* (Athen. ii. p. 37 f; cf. Hom. *Il.* xxiii. 702; Soph. *Aj.* 1405): the scene from the story of Medea, painted on the vase which is shown in the cut under CHYTRA, Vol. I. p. 426, illustrates this use. The bronze caldron, however, and its stand were often made in one piece, and then the whole boiling apparatus was called *τρίπους* (Hom. *Il.* xviii. 344; *Od.* viii. 434), but also *λέβης τρίπους* (Aesch.

Fr. 1). Tripods were also used as stands for mixing-bowls with rounded bottoms (Athen. iv. p. 142; PSYCTER), and then were called ἄπυροι τρίποδες. For their use as prizes in games, cf. LEBES (Blümner, *Privatalterth.* 168; Id. in Baumeister, *Denkm.* p. 462).

II. A bronze altar, not differing probably in its original form from the tall tripod caldron already described. In this form, but with additional ornament, we see it in the annexed woodcut, which represents a tripod found at Fréjus



Tripod from Fréjus.



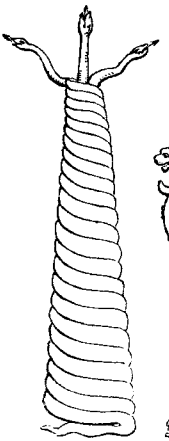
Delphic Tripod.

(Spon, *Misc. Erud. Ant.* p. 118). That this was intended to be used in sacrifice may be inferred from the bull's head with a fillet tied round the horns, which we see at the top of each leg.

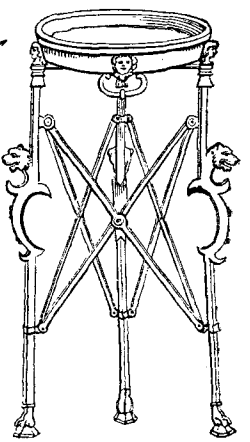
All the most ancient representations of the sacrificial tripod exhibit it of the same general shape, together with three rings at the top to serve as handles (οὖατα, Hom. *Il.* xviii. 378). Since it has this form on all the coins and other ancient remains which have any reference to the Delphic oracle, it has been with sufficient reason concluded that the tripod from which the Pythian priestess gave responses was of this kind. The right-hand figure in the above woodcut is copied from one published by K. O. Müller (Böttiger's *Amalthea*, i. p. 119), founded upon numerous ancient authorities, and designed to show the appearance of the oracular tripod at Delphi. Besides the parts already mentioned, viz. the three legs, the three handles, and the vessel or caldron (λέβης), it shows a flat, round plate, called ὄλμος [CORTINA], on which the Pythia seated herself in order to give responses, and on which lay a laurel wreath at other times.

The celebrity of this tripod produced innumerable imitations of it (Diod. xvi. 26), called "Delphic tripods" (Athen. v. p. 199). They were made to be used in sacrifice, and still more frequently to be presented to the treasury both in that and in many other Greek temples (Athen. vi. pp. 231 f–232 d; Paus. iv. 32, § 1). [DONARIA.] Tripods were chiefly dedicated to Apollo (Paus. iii. 18, § 5); to the Muses, as connected with Apollo (Hes. *Op.* 658), and to Heracles. In this connexion we may note the myth of the rape of the tripod by Heracles and its recovery by Apollo (Paus. iii. 21, 7; x. 13, 4), which often forms the subject of ancient works of art (cf. Baumeister, *Denkm.* p. 463). The woodcut in Vol. I. p. 158 shows the tripod as an attribute of Apollo. In conformity with the same ideas it was given as a prize to the conquerors at the Pythian and other games, which were celebrated in honour of Apollo (Herod. i. 144). At Athens the successful Choragus received a bronze tripod as a prize. The choragic monuments of Thrasyllus and Lysicrates, the ornamental fragments of which are now in the British Museum, were erected by them to preserve and display the tripods awarded to them on such occasions. For the tripod as the emblem of the XVvir, see Vol. I. p. 601.

A tripod, scarcely less remarkable than that from which the Pythia delivered oracles, and consecrated to Apollo in the same temple at Delphi, was that made from the spoils of the Persian army after the battle of Plataea. It consisted of a golden bowl, supported by a three-headed bronze serpent (Herod. ix. 81; Thucyd. i. 132; Schol. *in loc.*; Paus. x. 13, § 5). The golden bowl having been removed, the bronze serpent, about 15 feet high, was taken to Constantinople, and is still to be seen in the Hippodrome. The first figure in the annexed woodcut is copied from Wheler's engraving of it (*Journey into Greece*, p. 185).



Bronze serpent from Delphi.



Tripod brazier, in the British Museum.

The use of bronze tripods, whether for domestic use or to serve as altars, evidently arose in a great degree from their suitableness to be removed from place to place. To accommodate them as much as possible to this purpose, they are sometimes made to fold together into a small compass, by a contrivance which may be understood from an inspection of the preceding woodcut. The right-hand figure above represents a tripod brazier in the British Museum. A patera or a plain metallic dish was laid on the top, when there was occasion to offer incense, or a grating, when a vessel to be heated or kept hot was placed there. Many of these movable folding tripods may be seen in museums, proving how common they were among the Romans.

III. For the three-legged table bearing this name, see MENSA. [J. Y.] [G. E. M.]

TRIPU'DIUM. [AUGUR, Vol. I. p. 250 *b*.]

TRIRE'MIS. [NAVIS.]

TRITAGONISTES. [HISTRIO.]

TRI'TTYA (τριττύα). [SUOVETAURILIA.]

TRITTYS (*τριττύς*). [TRIBUS.]

TRIUMPHUS is probably derived from the shout *triumphe* (connected with *θρίαμβος*) uttered by the soldiers and populace during the procession (Varro, *L. L.* vi. 68, also occurring in the chant of the Arval Brothers), but possibly an early transliteration from *θρίαμβος* itself. (See further Wordsworth, *Fragments and Specimens of Early Latin*, p. 394.)

The triumph was no doubt originally simply the return of the victorious army headed by its general, his first act being naturally the offering of sacrifice to the chief god of the city. A prominent feature in such an entry would be the display of captives and spoil. Here we have the essence of a triumph. (Varro, *l. c.*: "Triumphare appellatum quod cum imperatore milites redeuntes clamitant per urbem in Capitolium eunti Io triumphe." An early triumph of this kind is described in Liv. iii. 29, 4.) It would take place, as a matter of course, after every successful campaign. After the ceremony had been elaborated and its importance thereby increased, there would naturally be a tendency, coincident with the weakening of the executive, to restrict it to exceptional successes, and gradually a body of rules grew up by which the granting of what had become a coveted favour was conditioned and limited. Above all, the consent of the senate became indispensable.

The triumph had two aspects, religious and military. 1. Before a general left Rome for the seat of war, his last act was to go to the Capitol, and there (if a magistrate) procure the auspices, without which the war could not properly be begun, and in every case make vows for the success of his arms (Liv. xlv. 39, &c.; Caes. *B. C.* i. 6; Plin. *Pan.* 5). If the campaign was successful, and a triumph was granted him, this took the form of a progress to the Capitol, there to pay his vows and offer sacrifice to Jupiter. This religious character of the triumph was emphasised by the fact that the general appeared in the procession in the character of the god. His dress was the same, and it was the property of the temple, and brought thence for the occasion. (Hence it is spoken of as *exuviae Jovis*: Suet. *Aug.* 94; cf. Juv. x. 38; Liv. x. 7, 10. Gordian was the first who had the costume as his own: *Vita Gord.* 4; cf. *Vita Alex. Sev.* 40.) So, too, the golden crown (Tertull. *de Coron.* 13) and the sceptre with its eagle belonged to the god; the body of the general was, in early times at least, painted red like that of the image in the temple (Plin. *H. N.* xxxiii. § 111); and the white chariot horses used by the emperors, and earlier by Camillus, recalled the white steeds of Jupiter and the Sun (Liv. v. 23, 5, and *v. inf.*). As to the importance of this identification of the priest (such as the triumphator was on this occasion) with the deity, see SACERDOS.

2. The triumph was also a military act, the last performed by the general in his command, and therefore it was essential that he should during its performance be in full possession of the military imperium; this being inherent in the office of the chief magistrates (consul, praetor, dictator). Although ordinarily in abeyance within the city, such magistrates, if they obtained a triumph during their term of office, were already in possession of the essential qualification, and were consequently enabled (with the previous sanction of the senate) to exercise their military imperium on that occasion within the city. (For difficulties connected with the loss of the *auspicia* in certain cases, see Mommsen, *Staatsrecht*, i. 124, note 5.) So long as the command of the army was regularly taken by one of the chief magistrates during his year of office, the right to a triumph belonged to this class exclusively (in an exceptional case like that of Q. Publilius Philo, consul in B.C. 327, where the command was prolonged beyond the regular term, the right was not lost: Liv. viii. 26, 7); and hence, when during the Second Punic War it became necessary to appoint commanders who were not at the same time holders of one of the regular chief magistracies, the triumph was in such cases refused (*e.g.* P. Scipio in B.C. 206, Liv. xxviii. 38, 4; L. Manlius Acidinus in B.C. 199, Liv. xxxii. 7, 4; Cn. Cornelius Blasio in B.C. 196, Liv. xxxiii. 27; and L. Lentulus in B.C. 200, Liv. xxxi. 20, 3, "exemplum a majoribus non accepisse ut qui neque dictator neque consul neque praetor res gessisset triumpharet." The rule is also stated in Plut. *Pomp.* 14, *ὑπάτῳ ἢ στρατηγῷ μόνῳ [θρίαμβον] δίδωσιν ὁ νόμος*). Later, when it became the practice (finally legalised by Sulla) that the command of an army in a province should only be taken after the expiration of the year of office in Rome, it was found necessary to relax the rule, for the practical reason that, since none of the regular magistrates had the chance of gaining a victory, no triumphs whatever could have been granted. Accordingly, for the later period of the Republic, the triumphs celebrated are ordinarily those of proconsuls and propraetors. The fact that such had already held one of the chief magistracies in the city no doubt facilitated the modification of the old rule; but even where this had not been so, as in the exceptional case of Pompey in B.C. 81 and 71, the triumph was not refused. The imperium in the case of proconsuls and propraetors being granted (by *prorogatio*) strictly for the command in the province only, in order to facilitate the triumph Sulla legalised the practice of treating the imperium as subsisting until the general reached the city (Cic. *ad Fam.* i. 9, 25: cf. Liv. xxxiv. 10; Mommsen, *Staatsrecht*, i. 619, notes 1 and 2). Such extension, however, only availed up to the pomerium, and special legislation (*privilegium*) was necessary to keep the imperium alive within the city on the day of the triumph (voted by the people *ex auctoritate senatus*, Liv. xxvi. 21, cf. xlv. 35). Until this had been passed the general remained without the walls, for if he had entered the city the continuity of his imperium would have been lost, and he would have become a *privatus*, and thereby excluded from a triumph. (Hence Lucullus remained without the city for three years: Cic. *Acad. pr.* ii. 1, 3: cf. the case of Cicero in B.C. 50, *ad Att.* vii. 10.)

After an important victory the general was saluted by his troops as Imperator (a frequent but not universal preliminary to a triumph: Mommsen, *Staatsr.* i. 123); he assumed the *fasces laureati* (Cic. *pro Lig.* 3, 7, *ad Att.* vii. 10), and forwarded to the senate *litterae laureatae* (Liv. v. 28, 13; Plin. *H. N.* xv. § 40; Zon. vii. 21; cf. Tac. *Agr.* 18), *i.e.* a despatch announcing the victory. If the intelligence proved satisfactory,

the senate decreed a public thanksgiving [SUPPLICATIO], which was so frequently the forerunner of a triumph, that Cato thinks it necessary to remind Cicero that it was not invariably so (Cic. *ad Fam.* xv. 5, 2). After the return of the general with his army to the neighbourhood of Rome, the next point was to obtain the consent of the senate, but before this could be given certain conditions must have been fulfilled.

1. The triumphator must be to the end of the ceremony in possession of the highest magisterial power—*i.e.* the imperium as belonging to the consul, praetor, dictator, proconsul, and propraetor; and this imperium must have been conferred in regular constitutional course (the *tribuni consulari imperio* were therefore excluded from a triumph; it was otherwise with the triumvirs, Mommsen, *Staatsr.* i. 126 c). This point has been already discussed, but some of its exceptions and consequences remain to be mentioned. When a pro-magistrate was elected consul during his command, his triumph took place on the day on which he entered on his magistracy (*e.g.* Marius in B.C. 104: Mommsen, *Staatsr.* i. 124, note 4). The imperium outside Rome being unlimited, and therefore only exercisable by one person in the same district and at the same time, if there were two commanders only one triumph could be granted, and it was therefore given either to the one of highest rank (*e.g.* a dictator before a consul, a consul before a praetor: Liv. ii. 31, iv. 29, 4; *Ep.* xix.), or, in the case of two consuls, to the one to whose turn the imperium and auspicium came on the day of battle (*e.g.* the battle of the Metaurus: Liv. xxviii. 9, 10). So a triumph could not be claimed by a commander who had won a victory in the district assigned for the exercise of another's imperium (Liv. *l. c.* The battle of the Metaurus was fought in the *provincia* of M. Livius: cf. Liv. x. 37, xxxiv. 10). Exceptions to these rules occur after the First Punic War, and the lesser triumph (*ovatio*) was generally granted if the greater honour was refused. On the same principle one who commanded *alienis auspiciis*, i.e. as the representative of an absent general or the subordinate of one who was present, was excluded from a triumph (Dio Cass. xliii. 42). This rule was broken by Caesar towards the end of his life in the case of his legati (Dio Cass. *l. c.*, Q. Fabius Maximus and Q. Pedius: cf. Mommsen, *Staatsrecht*, i. 127, note 3). This example was followed under the triumvirate (*e.g.* P. Ventidius, legatus of Antony: Dio Cass. xlviii. 41, 5). Lastly, in spite of the rule laid down by Cicero (*de Leg. Agr.* ii. 12, 30), about the necessity of a *lex curiata* for the military imperium, there is an instance towards the end of the Republic of a triumph obtained by one who had never had the imperium so conferred (Cic. *ad Att.* iv. 16, 12; *C. I. L.* i. p. 460, xxvii.).

2. The victory must have been won in a legitimate contest against public foes (*justis hostilibusque bellis*, Cic. *pro Deiot.* 5, 13), and not in a civil war or insurrection of slaves (Val. Max. ii. 8, 7; Dio Cass. xliii. 42; Florus, ii. 10, 9; Lucan, i. 12; Gell. v. 6, 21; Plut. *Caes.* 56). Hence there was no triumph after the capture of Capua in B.C. 211, or of Fregellae in 125, though the former had not the full citizenship, and the latter was only a Latin colony. (The reason given in Val. Max. *l. c.*, that Capua had belonged to Rome and that a triumph was only granted *pro aucto imperio*, is wrong: Mommsen, *Staatsr.* i. p. 129, note 3.) Caesar's triumphs after Thapsus and Munda, and Octavian's after Actium, do not violate this rule, for in each case the victory was represented as having been won over foreigners; while, on the other hand, Caesar celebrated no triumph for Pharsalia. The feeling appears as late as Septimius Severus (Herodian, iii. 9, 1).

3. The victory must have been won in the course of serious fighting (Gell. v. 6, 21); and according to Valerius Maximus (ii. 8, 1), a law enacted that a minimum loss of 5,000 men must have been inflicted on the enemy in a single battle. (By a plebiscitum of B.C. 62 the general had to affirm his returns on oath, and penalties were fixed for falsification.) This rule is obviously of recent date, and even later there are many instances of triumphs granted for general results (in the case of P. Cornelius and M. Baebius, Liv. xl. 38, there had been no war. Cf. viii. 26, 7; xxxvii. 46;—Cic. *in Pis.* 26, 62).

4. The war must have been brought to a conclusion (*debellatum*), so that the army could be withdrawn (*deportatio exercitus*), the presence of the victorious soldiers being an essential part of the ceremony (Liv. xxvi. 21; xxxi. 49). Originally, therefore, the fact of handing over an army at the seat of war to a successor excluded from a triumph. Later, when circumstances compelled the maintenance of permanent armies at a great distance from Italy, the condition as to *deportatio* was dispensed with, provided that the war had been brought to a conclusion (Liv. xxxix. 29, 4).

Decisive victories in a war of great extent or duration could be rewarded by a triumph, *i.e.* they were treated as the conclusion of separate wars: *e.g.* in the Hannibalic war the battle of the Metaurus and the capture of Tarentum. The claims for triumphs after the conquest of Sicily and Spain in the same war were only rejected on other grounds (cf. Tac. *Ann.* i. 55; ii. 41).

Granting that a chief magistrate had an absolute right to exercise his full imperium within the city on the day of his triumph, the existence of this body of rules implies the recognition of some authority, other than the general himself, which should decide on their applicability. As a matter of fact we find that from the earliest times the senate was so recognised (Liv. ii. 47, 10; iii. 29, 4; 63, 9: cf. Polyb. vi. 13; Sen. *de Ben.* v. 15) that its decision was regularly treated as final (*e.g.* Liv. x. 36, 19; Dionys. ix. 26), and only exceptionally set aside by an appeal to the people (Liv. iii. 63, 8; vii. 17, 9;—Zon. viii. 20), or by violence (cases of L. Postumius Megellus, Liv. x. 37; and Appius Claudius, Cic. *pro Cael.* 14, 34; Suet. *Tib.* 2). We know of no case in which the senate was not first applied to. The point, no doubt, at which that body made its authority felt was the senatusconsultum, without which there could be no grant of public money for the expenses of the triumph (Polyb. vi. 15, 8; Liv. xxxiii. 23, 8: cf. Dio Cass. lxxiv. 2). In the case of pro-magistrates, whose imperium rested on *prorogatio*, the consent of the senate was followed by the *privilegium* allowing the

retention of the imperium within the city for the triumph (see above). It is probably from a confusion with this that it is sometimes said that the consent of the senate must be ratified by the people: *e.g.* Suet. *Fr.* viii. ed. Roth. See Willems, *Le Sénat de la République Romaine*, vol. ii. p. 672, note 2. But the early mention of the co-operation of the people in Liv. iv. 20, of B.C. 437 (cf. Dionys. iii. 59), perhaps points to the existence of a different state of things in early times. The senate met for these deliberations outside the walls, usually in the temple of Bellona (Liv. xxvi. 21, xxxvi. 39) or Apollo (Liv. xxxix. 4), in order that the general might have an opportunity of urging his claims in person. After the erection of the temple of Mars Ultor by Augustus in his forum, at least the final sitting was held there (Suet. *Aug.* 29).

When the day appointed had arrived, the whole population poured forth from their abodes in holiday attire; some stationed themselves on the steps of public buildings, while others mounted scaffoldings erected for the purpose of commanding a view of the show. The temples were all thrown open, garlands of flowers decorated every shrine and image, and incense smoked on every altar (Plut. *Aem. Paul.* 32; Ov. *Trist.* iv. 2, 4). Meanwhile the general, who had passed the night in the Campus Martius (Joseph. *B. J.* vii. 5, 4), addressed his soldiers in a *contio*, and announced the rewards that were to be distributed to the officers and men (Liv. x. 30, 46; xxx. 45, 3; xxxiii. 23, &c.; Plin. *H. N.* xxxvii. § 16; Dio Cass. xliii. 21).

The procession was then marshalled in the Campus, where it was met by the senate and magistrates (Josephus, *l. c.*). Generally the following order was preserved, but naturally there were variations under special circumstances (a good instance of such is the triumph of Aurelian, described in *Vita Aurel.* 33).

1. The magistrates and senate (Dio Cass. li. 21, 9).

2. Trumpeters (*tubicines:* Plut. *Aem. Paul.* 33; Appian, *Pun.* 66).

3. The tangible results of the victory, including spoils of armour, objects materially or artistically valuable, representations of conquered countries, cities, rivers, &c., by means of pictures, models, and allegorical figures (Liv. xxvi. 21, 7; Cic. *Phil.* viii. 6, 18; Tac. *Ann.* ii. 41; Plin. *H. N.* v. § 5. In one of the inner reliefs on the Arch of Titus all the bearers of these are represented wearing laurel wreaths), together with boards on which were painted the names of the vanquished nations and countries. With these were displayed the golden crowns presented to the general by the towns of the conquered province (Liv. xxvi. 21, xxxiv. 52; Plut. *Aem. Paul.* 34. In earlier times they were of laurel: Gell. v. 6, 7).

4. The white oxen destined for sacrifice, with gilded horns, decorated with *vittae* and *serta*, attended by the priests with their implements, and followed by the Camilli, bearing in their hands *paterae* and other sacred vessels and instruments (Plut. *Aem. Paul.* 33).

5. The principal captives in chains (*e.g.* Perseus, Jugurtha, Vercingetorix, Zenobia. The dead Cleopatra was represented by an image: Dio Cass. li. 21, 8).

6. The lictors of the general in red tunics, their fasces wreathed with laurel (Appian, *Pun.* 66. The fasces were probably without the axes: so in the relief of the Arch of Titus. See, however, Mommsen, *Staatsr.* i. 129; LICTOR, p. 66 *a*).

7. *Citharistae* or *ludiones*, dancing and singing as if in exultation over the conquered enemy (Appian, *l. c.*: cf. Dionys. vii. 72).

8. The general himself, in a chariot of circular form (Zon. vii. 21), drawn by four horses.

Triumphal chariot: from a relief. (Montfaucon, *Ant. Exp.* iv. pl. cv.)

As to the use of white horses, *v. sup.* After Camillus (Liv. v. 23; Dio Cass. lii. 13; Plut. *Cam.* 7), we hear of no general venturing to introduce them till Caesar (Dio Cass. xliii. 14, 3), but his example appears to have been regularly followed by the emperors (Suet. *Nero*, 25; Plin. *Pan.* 22. The Augustan poets mention it as an ordinary detail: Ovid, *A. A.* i. 214; Propert. v. 1, 32). Both chariot and horses were adorned with laurel (Suet. *Aug.* 94; Ov. *Ex Pont.* ii. 1, 58; Flor. i. 5, 6; Zon. vii. 8). In the 3rd century, if the triumph was over the Parthians (*triumphus Persicus*), the chariot was drawn by four elephants (*Vita Alex. Sev.* 57, 4; *Gord. Tert.* 27, 9; and cf. the coin of Diocletian and Maximian described in Cohen, *Médailles Impériales*, vi. p. 479, 3). Pompey had unsuccessfully attempted to gain permission for this at his African triumph (Plut. *Pomp.* 14: cf. Marquardt, *Staatsverwaltung*, ii. p. 586, note 7). Incense was burnt in front of the chariot (Appian, *Pun.* 66). The dress of the general (*v. sup.* as to its general character) consisted of a flowered tunic (*tunica palmata*) and gold embroidered robe (*toga picta*), both of purple (Plut. *Aem. Paul.* 34; Liv. x. 7, 9). In his right hand he carried a laurel bough (Plut. *Aem. Paul.* 32; Plin. *H. N.* xv. § 137), and in his left an ivory sceptre crowned by an eagle (Dionys. iii. 61, v. 47; Val. Max. iv. 4, 5; Juv. x. 43). In early times his body seems to have been painted red (Plin. *H. N.* xxxiii. § 111, and *v. sup.*). On his head was a wreath of laurel (Plin. *H. N.* xv. § 137). Behind him stood a public slave, holding over his head the heavy golden crown of Jupiter, made in the form of an oak-wreath (Juv. x. 39; Plin. *H. N.* xxxiii. § 11, xxxviii. § 7; Zon. vii. 21; Tertull. *de Cor.* 13). That this culmination of human and almost divine honours might not provoke the evil

consequences of pride, *invidia*, and the evil eye, an amulet (*fascinus*) was worn by him or was attached to the chariot, together with a little bell and a scourge (Plin. *H. N.* xxviii. § 39; Zon. vii. 21; Macrob. *Sat.* i. 6, 9); and the slave who rode beside him whispered in his ear, "Respice post te, hominem te memento" (Tertull. *Apol.* 33, confirmed by Arrian, *Diss. Epict.* iii. 24, 85, and Plin. *H. N.* l. c.: cf. Juv. x. 41). We can hardly suppose that the slave was present in the case of an emperor. The monuments almost invariably show a figure of Victory beside the emperor in the chariot, holding a crown of laurel over his head. A state chair (*sella*) also appears to have belonged to the triumphator, for such is mentioned in connexion with the other triumphal distinctions (Liv. x. 7, 9; Dio Cass. xliv. 6; Suet. *Jul.* 76; Mommsen, *Staatsr.* i. p. 423). His children who were under age (of both sexes) rode with him in the chariot or on the horses (Liv. xlv. 40, 8; Val. Max. v. 7, 1; 10, 2;—Tac. *Ann.* ii. 41; *Vita M. Ant. Phil.* 12, 10; Cic. *pro Mur.* 5, 11; Suet. *Tib.* 6). His grown-up sons rode behind (Liv. xlv. 40, 4) after the *apparitores* (Appian, *Pun.* 66), together with his *legati* and *tribuni* (Cic. *in Pis.* 25, 60; Appian, *Mithr.* 117). Then sometimes came the Roman citizens whom he had rescued from slavery by his victory, in the character of freedmen (Liv. xxx. 45, 5; xxxiii. 23, 6; xxxiv. 52, 12). The rear was brought up by the whole body of the infantry in marching order, their spears adorned with laurel (Plin. *H. N.* xv. § 133), shouting *Io triumphe* (Varro, *L. L.* v. 7; Hor. *Od.* iv. 2, 49; Tibull. ii. 6, 121), and singing songs which contained the praises of the general as well as the coarsest ribaldry at his expense (Liv. iv. 20; 53, 11, &c.;—Suet. *Jul.* 49, 51; Mart. i. 5, 3; other references given in Marquardt, *Staatsverw.* ii. p. 588, note 2. See also Munro, *Criticisms and Elucidations of Catullus*, p. 90).

The procession entered the city by the Porta Triumphalis [Cic. *in Pis.* 23, 55. It seems to have been between the Temple of Isis and the Circus Flaminius (Joseph. *B. J.* vii. 5, 4), and was apparently only opened on these occasions, as there was a special resolution of the senate in the case of the funeral of Augustus, Tac. *Ann.* i. 8]. Here sacrifices were offered to certain deities (Joseph. *B. J.* vii. 5, 4). It then passed through the Circus Flaminius, and through or at least near the theatres in the same region, as affording places for the crowds of spectators (Plut. *Lucull.* 37, Joseph. *B. J.* l. c.), and probably entered the city proper by the Porta Carmentalis, as we know that the Velabrum (apparently the Vicus Tuscus) and Forum Boarium were traversed (Suet. *Jul.* 37; Cic. *Verr.* i. 59, 154). The circuit of the Palatine hill was then made by the Circus Maximus (Cic. *l. c.*; Plut. *Aem. Paul.* 32), and the road between the Palatine and the Caelian, at the end of which the Via Sacra was reached, which conducted the procession to the Forum (Hor. *Od.* iv. 2, 35; *Epod.* 7, 8). The route probably passed along the south side of the Forum (Jordan, *Capitol, Forum, und Sacra Via*, Berlin, 1881). From the end of the Via Sacra started the Clivus Capitolinus, and as the general was about to ascend this the principal captives were led aside into the adjoining prison, and there put to death (Cic. *Verr.* v. 30, 77; Liv. xxvi. 13; Trebell Poll. *Trig. Tyr.* 22. Originally such were beheaded with the axe; in later times they were strangled: cf. Liv. xxvi. 13, 15, with Trebell. Poll. *Trig. Tyr.* 22, 8, and see Mommsen, *Staatsr.* i. 129). To spare the lives of such captives was exceptional. The earliest case is that of Perseus, spared by Aemilius Paulus (Plut. 37), whose example was followed by Pompey (Appian, *Mithr.* 117), Tiberius in his Pannonian triumph of A.D. 12 (Ov. *ex Pont.* ii. 1, 45), and Aurelian in the case of Zenobia (Trebell. Poll. *Trig. Tyr.* 30, 27). The sacrifice in the temple could not begin until the execution had taken place (Joseph. *B. J.* vii. 5, 6).

The general then ascended to the Capitol (Alexander Severus went on foot, *Vita*, 57, 4). When the temple was reached, the laurel branch and the wreaths of the fasces were deposited in the lap of the god (Sen. *Consol. ad Helv.* 10; Plin. *H. N.* xv. § 40; Plin. *Pan.* 8; Sil. Ital. xv. 118; Stat. *Silv.* iv. 1, 41; Pacatus, *Paneg. in Theod.* 9, 5), and in later times a palm branch (cf. Marquardt, *Staatsverw.* ii. p. 589, note 2). Then the victims were sacrificed. The *insignia triumphi*, i.e. the most notable spoils (*e.g.* the recovered standards of Crassus, Dio Cass. liv. 83, and no doubt those of Varus, Tac. *Ann.* ii. 41), were afterwards placed in the temple of Mars Ultor (Suet. *Aug.* 29). Finally, the general with the senate was entertained at a public feast in the temple (Liv. xlv. 39). It was the practice to invite the consuls to this banquet, and then to send a message requesting them not to come, in order, doubtless, that the triumphator might be the most distinguished person in the company (Plut. *Quaest. Rom.* 80; Val. Max. ii. 8, 6). A similar entertainment was provided for the soldiers, and for the citizens in the temple of Hercules (Plut. *Lucull.* 37; Athen. v. p. 221 f).

The whole of the proceedings, generally speaking, were brought to a close in one day; but when the quantity of plunder was very great, and the troops very numerous, a longer period was required for the exhibition. Thus the Macedonian triumph of Flaminius continued for three days in succession (Liv. xxxix. 52; cf. Plut. *Aem. Paul.* 32).

The honours of the triumphator did not end with the day. At public spectacles he appeared with the laurel wreath (Plin. *H. N.* xv. § 126; Val. Max. iii. 6, 5), and in exceptional cases in the *vestis triumphalis* (e.g. L. Aemilius Paulus and Pompey; Auctor, *de Vir. ill.* 56; Vell. ii. 40). It was customary to provide him at the public expense with the site for a house, such mansions being called *triumphales domus* (Plin. *H. N.* xxxvi. § 112). His name was inscribed in the *Fasti Triumphales* (*C. I. L.* i. p. 453); he was allowed to decorate the entrance to his house with trophies (Plin. *H. N.* xxxv. § 7; Cic. *Phil.* ii. 28; Liv. x. 7, 9); and a laurel-wreathed statue standing erect in a triumphal car, displayed in the *vestibulum*, transmitted his fame to posterity (Juv. viii. 3). Finally, after death, his ashes might be deposited within the walls of the city (Plut. *Quaest. Rom.* 79; Mommsen, *Staatsr.* i. p. 426, note 1).

Triumphus in Monte Albano consisted in a procession to the temple of Jupiter Latiaris on the Alban Mount. It took place *jure con-*

sularis imperii (Liv. xxxiii. 23, 3), *sine publica auctoritate* (Liv. xlii. 21, 7), but was only resorted to in case of the refusal of a regular triumph by the senate, and was regarded as an inferior distinction (Liv. xxxiii. 23). Although it was recorded in the *Fasti Triumphales*, it was not equivalent to a triumph in the city; for when Marcellus in B.C. 211 was refused the greater but allowed the lesser triumph (*ovatio*), he still celebrated a triumph on the Alban Mount on the day before the ovation (Liv. xxvi. 21, 6). The first instance was C. Papirius Maso in B.C. 231 (Plin. *H. N.* xv. § 126; Val. Max. iii. 6, 5), and his example was followed by many others (Liv. xxvi. 21, 6; xxxiii. 23, 3; xlii. 21, 7; xlv. 38;—Plut. *Marc.* 22).

Triumphus Navalis.—The earliest on record was celebrated by C. Duilius for his naval victory over the Carthaginians in B.C. 260 (Liv. *Ep.* xvii.; Flor. i. 8, 10; Plin. *H. N.* xxxiv. § 20). Other instances are M. Aemilius Paulus in B.C. 254 (Liv. xlii. 20, 1), C. Lutatius Catulus in B.C. 241 (Val. Max. ii. 8, 2), Q. Fabius Labeo in B.C. 189 (Liv. xxxvii. 60, 6), Cn. Octavius in B.C. 167 (Liv. xlv. 42, 2); and see the *Fasti Triumphales* for the years 497, 498, 513, 526. Of its special details nothing is known. C. Duilius and M. Aemilius Paulus erected *columnae rostratae* to commemorate their victories (Liv. xlii. 20, 1).

Triumphus Castrensis.—A procession of the soldiers through the camp in honour of an officer, inferior to the general, who had performed a brilliant exploit (Liv. vii. 36).

Under the Empire, when the monarch became the sole possessor of the imperium and all commanders were only legati acting under his auspices, the condition stated above as to the possession of the imperium was strictly applied, and the precedent created by Caesar in favour of his legati was only followed by Augustus at the beginning of his reign (Dio Cass. liv. 12; Suet. *Aug.* 38). Even in the case of the holders of the secondary *proconsulare imperium*, the triumph became rare, and then only if they were members of the imperial family (Dio Cass. liv. 24 gives B.C. 14 as the date of the change, when Agrippa refused a triumph as he had done in B.C. 19, Dio Cass. liv. 11). Triumphs were celebrated by Tiberius (B.C. 7, Vell. ii. 97, Dio Cass. lv. 6; and A.D. 12, Vell. ii. 121, Suet. *Tib.* 20), Germanicus (A.D. 26, Tac. *Ann.* ii. 41), and Titus (A.D. 71, associated with his father, Suet. *Tit.* 6). Up to the time of Caligula the proconsuls of Africa held a kind of independent position with an imperium of their own, and they no doubt retained the rights and practices of the republican magistrates with regard to the triumph. Triumphs of such are recorded for B.C. 21 and 19 (Mommsen, *Staatsr.* i. 127, note 5; 132, 133, notes 1 and 2; *Res Gestae D. Aug.* p. 21).

Under these circumstances the custom was introduced of bestowing the *ornamenta triumphalia*, i.e. the right to appear on festivals in so much of the triumphal dress as generals had been allowed to retain under the Republic (viz. the laurel wreath, *v. sup.* Cf. Mommsen, *Staatsr.* i. 422, 423; Marquardt, *Staatsverw.* ii. 591. At the triumph of Claudius in A.D. 44 M. Crassus Frugi appeared in the *tunica palmata*, but this was an exceptional honour; the others who obtained the ornamenta on that occasion wore the *praetexta*: Suet. *Claud.* 17; cf. Dio Cass. li. 20, 2), and, after the completion of the Forum of Augustus in B.C. 2, to have a bronze statue (*statua laureata*) erected there (Dio Cass. lv. 10. Cf. Tac. *Ann.* iv. 23: perhaps to be distinguished from the *statua triumphalis*, Plin. *H. N.* xxxiii. § 131; Tac. *Ann.* xv. 72, *Hist.* i. 79, *Agr.* 40; Plin. *Ep.* ii. 7; Peine, *de Ornamentis Triumphalibus*, c. iv.). Like the triumph, they were decreed by the senate sitting in the temple of Mars Ultor (Dio Cass. lv. 10; Suet. *Aug.* 29). The senate only is generally said to grant the honour (Tac. *Ann.* ii. 52; *Hist.* iv. 4), and even to the emperor himself (Suet. *Claud.* 17); but in the inscriptions of the time of Vespasian and later the words *auctore imperatore* are generally added, and perhaps this was the case earlier (Tac. *Ann.* iii. 72, *Agr.* 40; Dio Cass. lx. 23, 2: cf. Mommsen, *Staatsr.* i. 450, note 3). Under Augustus they appear to have been granted only if the conditions for a regular triumph were in existence (but cf. Dio Cass. li. 20, 2), excepting of course the independent imperium. According to Suetonius (*Tib.* 9), Tiberius was the first to receive them, and there were numerous other instances in the reign of Augustus (Suet. *Aug.* 38). Afterwards, owing to the indiscriminate bestowal of the honour by the Julian emperors (Tiberius rewarded *delators* with it, Dio Cass. lviii. 16: cf. Tac. *Ann.* xi. 20, 3, xii. 3, 2; Suet. *Claud.* 24; *Nero*, 15;—Dio Cass. lx. 23, 2; 31, 7), it was no longer regarded as such (Tac. *Ann.* xiii. 53). Vespasian seems to have restored its position for a time (Marquardt, *Staatsverw.* ii. 592), but the abuses reappeared under Domitian (Plin. *Ep.* ii. 7). The last instance known is of the time of Hadrian (*C. I. L.* iii. 2830). Forty-eight in all have been collected by Peine. In the time of the Antonines and later, when the full triumphal dress was regularly worn by every consul on entry into office and other state occasions (Mommsen, *Staatsr.* i. 399, and note 4), the only military distinction that remained was a *statua inter triumphales*, i.e. in the Forum of Trajan or some other public place reserved for such memorials (*C. I. L.* vi. 1377, 1540, &c.: cf. Trebell. Poll. *Trig. Tyr.* 21. See generally Mommsen, *Staatsr.* i. 449; Marquardt, *Staatsverw.* ii. 592; Peine, *de Ornamentis Triumphalibus*, Berlin, 1885).

The last triumph recorded is that of Diocletian in A.D. 302 (Eutrop. 9, 27. Marquardt, *Staatsverw.* ii. 591, n. 7, considers the so-called triumph of Belisarius after the recovery of Africa to have been rather a *processus consularis:* Procop. *B. Vand.* 2, 9). The total number of triumphs upon record down to this period amounts to about 350 (Orosius, vii. 9, reckons 320 from Romulus to Vespasian).

After the triumph had assumed its distinctive form, it seems to have been taken as the type of a festival procession in which any of the chief magistrates took part, and hence the procession of the Praetor Urbanus in the Circus Maximus before the games of Apollo was modelled on it (Juv. x. 36 *sqq.*, xi. 194, *similis triumpho*),—a fact which Mommsen is inclined to attribute to the original connexion between the *ludi* and the triumph, both being parts of the public rejoicings after a victory (*Staatsr.* i.

p. 397). It is remarkable that the same idea seems to have influenced the funeral procession of Augustus. (It passed through the Porta Triumphalis, an image of Victory accompanied the bier, and boards inscribed with the names of the peoples he had conquered were carried. See Tac. *Ann.* i. 8, 4; Suet. *Aug.* 100.) Under the Empire the triumphal costume became an official imperial dress (as early as Pompey, Vell. ii. 40). Caesar appears to have intended to use it on every public occasion (Dio Cass. xliv. 4; cf. Plut. *Caes.* 61), but Augustus and his successors wore it only at festivals and spectacles. (Domitian, however, more freely: Dio Cass. lxvii. 4, 3; Mommsen, *Staatsr.* i. pp. 401, 423.) Its use by the consuls when they entered upon their office has been mentioned above.

[G. M^c. N. R.]

TRIUMVIRI. [TRESVIRI.]

TROCHUS (*τροχός*, *κρίκος*), a hoop (Artemid. i. 55;—Ov. *Trist.* iii. 12, 19; *Art. Am.* iii. 338, &c.). The Greek and Roman boys used to exercise themselves like ours by trundling a hoop. It was a bronze ring, and had sometimes bells attached to it (Mart. xi. 21, 2; xiv. 168, 169). It was propelled by means of a hook with a wooden handle, called *clavis* (Propert. iv. 14) and *ἐλατήρ*. From the Greeks this custom passed to the Romans, who consequently adopted the Greek term (Hor. *Carm.* iii. 24, 57). The hoop was used at the GYMNASIUM (Propert. *l. c.*; Ovid, *Trist.* ii. 485); and therefore, on one of the gems in the Stosch Collection at Berlin, which is engraved in the subjoined woodcut, it is accompanied by the vase of oil and the laurel branch, the signs of effort and of victory. On each side of this we have represented another gem from the same collection. Both of these exhibit naked youths trundling the hoop by means of the hook or key. These show the size of the hoop, which in the middle figure has also three small rings or bells on its circumference. (Winckelmann, *Desc. des Pierres Gravées*, pp. 452–455.)

Hoops, from ancient gems.

On the use of *τροχὸς* to denote the potter's wheel, see FICTILE. (Blümner, *Privatalterth.* 293; Marquardt, *Privatleben*, 836.)

[J. Y.] [G. E. M.]

TROJAE LUDUS [more frequently known as *Troja*, in the phrase *Trojam ludere*; in Greek *τὴν Τροίαν ἱππεῦσαι*, Dio Cass. xlix. 43; in Suet. *Cal.* 18, *Trojae decursio*; in Tac. *Ann.* xi. 11, *ludicrum Trojae*], an equestrian sham-fight, performed in the Circus Maximus by boys of high rank (sons of senators, according to Dio Cass. *l. c.*). It was supposed to represent an exercise introduced by Aeneas and the Trojans after their landing in Italy, and celebrated afterwards by Ascanius at Alba (Verg. *Aen.* v. 597). The earliest mention in historical times is the celebration by Sulla in his dictatorship B.C. 81 (Plut. *Cat.* 3, where it is called *παίδικὴ καὶ ἱερὰ ἱππασία ἣν καλοῦσι Τροίαν*): the two boyish leaders on this occasion were Aemilius Scaurus, stepson of Sulla, and Cato the younger. Similarly Julius Caesar, when he returned in triumph to Rome and dedicated the temple of Venus, celebrated *τὴν ἱππασίαν τὴν Τροίαν καλουμένην παίδων τῶν εὐπατρίδων κατὰ τὸ ἀρχαῖον* (Dio Cass. xliii. 23): from the last word it may be inferred that it was a custom older than Sulla, in fact of unknown antiquity, as we should imagine from the traditions connected with it. Augustus celebrated it certainly twice: first in B.C. 27 (Dio Cass. xlix. 43; li. 22; liii. 1; liv. 26), on which occasion Tiberius at the age of 15 was "ductor turmae puerorum majorum" (Suet. *Tib.* 6); secondly at the dedication of the temple of Marcellus, B.C. 12, when his grandson Gaius took a chief part. He then discontinued the celebration because Asinius Pollio complained in the senate that it was a dangerous sport, in which his grandson Aeserninus had broken his leg (Suet. *Aug.* 43). Caligula celebrated it in the first year of his reign when he dedicated the temple of Augustus, and again at the funeral games of Drusilla: and of Nero's boyhood we are told that he often "Trojam lusit" up to the age of 11 (Suet. *Ner.* 7).

The method of celebration may be gathered from Verg. *Aen.* v. 553–603. In this account the Trojan boys are first marshalled in three squadrons of twelve each, under Ascanius, Priamus (son of Polites), and Atys. They come forward ceremoniously, much as the gladiators did, or as the performers in a modern bull-fight do now, to salute the spectators before the combat begins: then they break up their triple formation, and, forming into two equal bands, retire to opposite stations. Such we take to be the meaning of "discurrere pares" and "ductis solvere choris": the *agmen* is the processional line in the opening ceremony; the *chori* the two opposing squadrons. After this, they charged and retired with evolutions so complicated that they seemed to Virgil (supposing him to be an eye-witness of what he describes) comparable to nothing but the Cretan Labyrinth or troops of dolphins at play. It is hard to explain why Virgil introduces the difficulty of three leaders and three companies. In all historical accounts there were two: in the earliest (in the time of Sulla) it is expressly said that there could be only two leaders; and when three candidates appeared, Scaurus, Cato, and Sextus Pompeius, it was necessary that one should retire (Plut. *Cat.* 3): similarly in Tac. *Ann.* xi. 11 we find two leaders named, Britannicus and Domitius. We can hardly doubt that Virgil, under cover of the story of Aeneas, is describing what he actually saw, and this must have been the celebration in B.C. 27. In that contest we know from Suet. *Tib.* 12 that Tiberius was one leader, and from the same chapter it may be inferred that Marcellus was another. We may surmise that Virgil introduced this elaborate account for the same reason which led him to bring in the touching allusion to Marcellus in *Aen.* vi. There may have been a third leader in the preliminary display on that occasion, to give distinction to Sextus Appuleius, the son of Augustus's colleague in the consulship, who, as appears from Tac. *Ann.* ii. 50, afterwards

married Marcella, daughter of Octavia. Assuming then that in the real celebration of B.C. 27 there were three leaders for the procession, and that for the combat two lines were formed according to custom under Tiberius and Marcellus, we may suppose that Virgil makes three corresponding leaders in his *Troja*, viz. Julus and Atys out of compliment to Augustus, and a Priamus as appropriate to the Trojan game. [G. E. M.]

TROPAEUM (*τρόπαιον*), a trophy, a sign and memorial of victory, which was erected on the field of battle where the enemy had turned (*τρέπω*, *τροπή*) to flight, and, in case of a victory gained at sea, on the nearest land. The expression for raising or erecting a trophy is *τροπαῖον στῆσαι* or *στήσασθαι*, to which may be added a genitive with or without *ἀπὸ* or *κατά*. The trophy was often left standing for a number of years (see Thuc. iv. 67, v. 10; and the passages of Pausanias cited below).

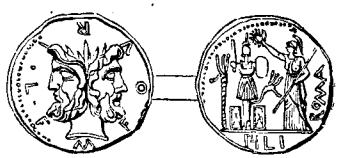
When the battle was not decisive, or each party considered it had some claims to the victory, both erected trophies (Thucyd. i. 54, 105; ii. 92). Trophies usually consisted of the arms, shields, helmets, &c., of the enemy that were defeated; and from the descriptions of Virgil and other Roman poets, which have reference to the Greek rather than to the Roman custom, it appears that the spoils and arms of the vanquished were placed on the lopped trunk of a tree, which was fixed on an elevation (Verg. *Aen.* xi. 5; Serv. *ad loc.*; Lucan, i. 135; Stat. *Theb.* iii. 707; Juv. x. 133; Mayor *ad loc.*). It was consecrated to some divinity with an inscription (*ἐπίγραμμα*), recording the names of the victors and of the defeated party (Eurip. *Phoen.* 583; Schol. *ad loc.*; Paus. v. 27, § 7; Verg. *Aen.* iii. 288; Ovid, *Ar. Am.* ii. 744;

Trophy of Augustus. (*Mus. Capitol.* i. tav. v.)

Tac. *Ann.* ii. 22); whence trophies were regarded as inviolable, which even the enemy were not permitted to remove (Dio Cass. xlii. 58). Sometimes, however, a people destroyed a trophy, if they considered that the enemy had erected it without sufficient cause, as the Milesians did with a trophy of the Athenians (Thucyd. viii. 24). That rankling and hostile feelings might not be perpetuated by the continuance of a trophy, it seems to have been originally part of Greek international law that trophies should be made only of wood and not of stone or metal, and that they should not be repaired when decayed (Plut. *Quaest. Rom.* c. 37, p. 273 c; Diod. xiii. 24). Hence we are told that the Lacedaemonians accused the Thebans before the Amphictyonic council, because the latter had erected a metal trophy (Cic. *de Invent.* ii. 23, 69). It was not, however, uncommon to erect such trophies. Plutarch (*Alcib.* 29, p. 207 d) mentions one raised in the time of Alcibiades, and Pausanias (ii. 21, § 9; iii. 14, § 7; v. 27, § 7) speaks of several which he saw in Greece. (Wachsmuth, *Hell. Alt.* vol. ii. pt. i. p. 424, 1st ed.; Schömann, *Ant. Jur. Publ. Graec.* p. 370; Droysen, *Gr. Kriegsalterth.* p. 94.)

The trophies erected to commemorate naval victories were usually ornamented with the beaks or acroteria of ships [ACROTERIUM; ROSTRA]; and were generally consecrated to Poseidon or Neptune. Sometimes a whole ship was placed as a trophy (Thucyd. ii. 84, 92).

The Macedonian kings never erected trophies, for the reason given by Pausanias (ix. 40, § 4), and hence the same writer observes that Alexander raised no trophies after his victories over Dareius and in India. The Romans too, in early times, never erected any trophies on the field of battle (Florus, iii. 2), but carried home the spoils taken in battle, with which they decorated the public buildings, and also the private houses of individuals. [SPOLIA.] Subsequently, however, the Romans adopted the Greek practice of raising trophies on the field of battle: the first trophies of this kind were erected by Domitius Ahenobarbus and Fabius Maximus in B.C. 121, after their conquest of the Allobroges, when they built at the junction of the Rhone and the Isara towers of white stone, upon which trophies were placed adorned with the spoils of the enemy (Florus, *l. c.*; Strabo, iv. p. 185). Pompey also raised trophies on the Pyrenees after his victories in Spain (Strabo, iii. p. 156; Plin. *H. N.* iii. § 18; Dio Cass. xli. 24; Sall. *ap.* Serv. *in* Verg. *Aen.* xi. 6); Julius Caesar did the same near Zela, after his victory over Pharnaces (Dio Cass. xlii. 48), and Drusus, near the Elbe, to commemorate his victory over the Germans (Dio Cass. li. 1; Florus, iv. 12). Still, however, it was more common to erect some memorial of the victory at Rome than on the field of battle. The trophies raised by



Coin of M. Furius Philus.

Marius to commemorate his victories over Jugurtha and the Cimbri and Teutones, which were cast down by Sulla and restored by Julius

Caesar, must have been in the city (Suet. *Jul.* 11). In the later times of the Republic, and under the Empire, the erection of triumphal arches was the most common way of commemorating a victory, many of which remain to the present day. [ARCUS.] We find trophies on the Roman coins of several families. The above coin of M. Furius Philus is an example; on the reverse, Victory or Rome is represented crowning a trophy. [W. S.] [G. E. M.]

TRO'SSULI. [EQUITES, Vol. I. p. 755.]

TRULLA. 1. A ladle for stirring and skimming (=τορύνη), in which sense *trua* also is used.

2. *Trulla vinaria*, a sort of ladle used like a cyathus for taking wine from the crater (Varro, *L. L.* v. 118; Cic. *Verr.* iv. 27, 62; Hor. *Sat.* ii. 3, 144). It probably differed from the cyathus in having a shallower and flatter bowl at the end of its long handle (*manubrium*). The material was various, wooden or copper (Cat. *R. R.* 13), silver (Cic. *l. c.*), or *murrhina* (Plin. *H. N.* xxxvii. § 20). The passage in Mart. ix. 97 is altogether incompatible with the notion (for which there is no authority) that the trulla had holes like a strainer.

3. A mason's trowel for plastering walls, whence *trullisare* (Pallad. *R. R.* i. 13; Isid. *Orig.* xix. 18). This meaning also negatives the idea of its being perforated. [J. Y.] [G. E. M.]

TRU'LLEUM. [PELVIS.]

TRU'TINA. [STATERA.]

TUBA (σάλπιγξ), a bronze trumpet, distinguished from the *cornu* by being straight while the latter was curved. Thus Ovid (*Met.* i. 98):

"Non tuba directi non aeris cornua flexi."

(Cf. Vegetius, iii. 5.) Forcellini in his Lexicon (s. v. *Tuba*) is mistaken in supposing that Aulus Gellius (v. 8) and Macrobius (*Sat.* vi. 8), who copies him, intend to affirm that the tuba was crooked. The words of the former do not mean that both the lituus and the tuba were crooked, but that both that kind of trumpet which was called a lituus and also the staff of the augur were crooked, and that it was doubtful which of the two had lent its name to the other. [LITUUS.]

The σάλπιγξ or tuba was employed in war for signals of every description (Thuc. v. 10, vi. 69; Xen. *Anab.* iv. 4, 22; Tac. *Hist.* ii. 29; Caesar, *B. C.* iii. 46; Liv. xxxix. 27). Droysen remarks that the only passage in a Greek historian where κέρας appears to be used for a Greek military signal is Xen. *Anab.* ii. 2, 4; and that there κέρατι is interpolated from *Cyrop.* v. 3, 45. As regards Roman military signals with tubae, cornua and bucina, see EXERCITUS, Vol. I. p. 801.

The trumpet was used also at the games and public festivals (Juv. vi. 249, x. 214; Verg. *Aen.* v. 113; Ovid, *Fast.* i. 716), also at the last rites to the dead (*hinc tuba, candelae*, Pers. iii. 103; Verg. *Aen.* xi. 191; Ovid, *Heroid.* xii. 140), and Aulus Gellius (xx. 2) tells us that those who sounded the trumpet at funerals were termed *siticines*, and used an instrument of a peculiar form. The tones of the tuba are represented as of a harsh and fear-inspiring character (*fractos sonitus tubarum*, Verg. *Georg.* iv. 72; *terribilem sonitum aere canoro*, *Aen.* ix. 503), which Ennius (Serv. *ad* Verg. *Aen.* ix. 503; Priscian, viii. 18, 103, ed. Krehl) endeavoured to imitate in the line

"At tuba terribili sonitu *taratantara* dixit."

The invention of the tuba is usually ascribed by ancient writers to the Etruscans (Athenaeus, iv. c. 82; Pollux, iv. 85, 87; Diodor. v. 40; Serv. *ad* Verg. *Aen.* viii. 516; Clem. Alex. *Strom.* i. p. 306), and the epithet λησταὶ σαλπιγκταί (*i.e.* robber-trumpeters, Photius and Hesych. *s. v.*; and Pollux, *l. c.*) would seem to indicate that they were equally famous for piracy and trumpeting. It is probable that the σάλπιγξ was of Lydian origin, and was made known in Europe by the Tyrrhenian pirates. It has been remarked that Homer never introduces the σάλπιγξ in his narrative but in comparisons only (*Il.* xviii. 219, xxi. 388; Eustath. and Schol.), which leads us to infer that although known in his time it had been but recently introduced into Greece; and it is certain that, notwithstanding its eminently martial character, it was not until a late period used in the armies of the leading states. By the tragedians its Tuscan origin was fully recognised: Athena in Aeschylus orders the deep-toned piercing Tyrrhenian trumpet to sound (*Eumen.* 567), Ulysses in Sophocles (*Aj.* 17) declares that the accents of his beloved goddess fell upon his ears like the tones of the brazen-mouthed Tyrrhenian bell (κώδωνος, *i.e.* the bell-shaped aperture of the trumpet), and similar epithets are applied by Euripides (*Phoeniss.* 1376, *Heraclid.* 830), and other Greek (Auctor, *Rhes.* 988; Brunck, *Anal.* tom. ii. p. 142) and Roman writers (*Tyrrhenus clangor*, Verg. *Aen.* viii. 526; Stat. *Theb.* iii. 650; *Tyrrhenae clangore tubae*, Silius, ii. 19). According to one account it was first fabricated for the Tyrrhenians by Athena, who in consequence was worshipped by the Argives under the title of Σάλπιγξ (Schol. *ad* Hom. *Il.* xviii. 219; Pausan. ii. 21, § 3); while at Rome the *tubilustrium*, or purification of sacred trumpets, was performed on the last day of the Quinquatrus. [QUINQUATRUS.] In another legend the discovery is attributed to a mythical king of the Tyrrhenians, Maleus,

Soldiers blowing Tubae and Cornua. (From Trajan's Column.)

son of Hercules and Omphale (Lutat. *ad* Stat. *Theb.* iv. 224, vi. 404; Hygin. *Fab.* 274; Schol. *ad* Hom. *l. c.*); in a third to Pisaeus the Tyrrhenian (Plin. *H. N.* vii. § 57; Photius,

s. v.), and Silius has preserved a tradition (viii. 490), according to which the origin of this instrument is traced to Vetulonii. (Müller, *Die Etrusker*, iv. 1, 3, 4, 5.)

There appears to have been no essential difference in form between the Greek and Roman or Tyrrhenian trumpets. Both were long, straight bronze tubes gradually increasing in diameter, and terminating in a bell-shaped aperture (*κώδων*), and often having a horn mouth-piece. They present precisely the same appearance on monuments of very different dates, as may be seen from the cuts annexed, the former of which

Σαλπιγκτής.

is from Trajan's Column, and the latter from an ancient fictile vase. (Hope, *Costumes of the Ancients*, pl. 156.)

The scholiast on the Iliad (*l. c.*) reckons six varieties of trumpets; but he speaks of metal instruments generally: the first and fifth only are true trumpets with a straight tube; the first he calls the Grecian *σάλπιγξ* which Athena discovered for the Tyrrhenians; the fifth, a Persian trumpet, from its name *καλάμινος*, seems to have been straight like a Greek *σάλπιγξ*, but perhaps slenderer; the sixth, termed by him *κατ' ἐξοχήν* the *τυρσηνικὴ σάλπιγξ*, he describes as bent at the extremity (*κώδωνα κεκλασμένον ἔχουσα*); but by this we must unquestionably understand the sacred trumpet (*ἱερατικὴ σάλπιγξ*, Lydus, *de Mens.* iv. 6), the *lituus* already noticed at the beginning of this article. (Compare Lucan, i. 431.) Of the others, the second and fourth are not Greek and are of unknown form; the third is a *κάρνυξ*, which was a smaller Gallic trumpet, somewhat bent like the lituus, and ornamented with the head of some animal. (See Cohen, *Méd. Cons.* xix. 3.) Reference may be made for further details to Droysen, *Gr. Kriegsalterth.* 54; Marquardt, *Staatsverw.* ii. 552; K. von Jan, in Baumeister, *Denkmäler*, 1657–1662. [W. S.] [G. E. M.]

TUBILU'STRUM. [QUINQUATRUS.]

TUBUS, TU'BULUS. [FISTULA.]

TUGURIUM, a peasant's hut or cottage (Varro, *R. R.* iii. 1, 3; Cic. *pro Sest.* 43, 93). It is probable that these dwellings in country districts long retained the primitive material for the walls of wooden planks, or sometimes wattles, stuffed with turf. (For the same material *generally* in ancient times, see Fest. *Ep.* p. 12; cf. TABERNACULUM.) The roof was of thatch (Vitruv. ii. 1, 5; Isid. *Orig.* xv. 8, 4; cf. Ov. *Fast.* iii. 184); sometimes of bark (Plin. *H. N.* xvi. § 35). As regards shape, in the earliest times there is no doubt that the hut was circular [for the origin of this shape, see DOMUS, Vol. I. p. 654], with a conical roof covered with thatch, turf, or skins, and kept in place by branches or logs slung over it, as is seen in the pottery "hut-urns," of which an example is given. From this shape was derived

Hut Urn, from Alba. (British Museum.)

that of the Tholos at Athens and the Aedes Vestae at Rome [PRYTANEUM, p. 514 *a*]. How long it was retained for the huts in Italian rural districts it is impossible to say, but we may assume that it was gradually superseded by a rectangular form, though the rude material for the walls and roofs was in the poorer districts unchanged. (Cf. Verg. *Ecl.* i. 69; Marquardt, *Privatleben*, 216.) [G. E. M.]

TULLIA'NUM. [CARCER.]

TUMULTUS, TUMULTUA'RII. [EXERCITUS, Vol. I. p. 805 *b*.]

TU'NICA. The *χιτὼν* or *tunica* was a shirt or shift, and served as the chief under-garment of the Greeks and Romans, both men and women.

1. GREEK. In the earliest period, known to us by the finds in pre-historic graves, its use seems to have been unknown, a loin-cloth or apron [SUBLIGACULUM] being its predecessor. In Homer, however, the linen *χιτὼν* had already become part of the regular costume of men, though it was not yet worn by women, who retained the *πέπλος* as their sole garment [PALLA]. That this Homeric *χιτὼν* was of linen and not of wool is shown by many passages and by the epithets used of it. The *locus classicus* is *Od.* xix. 232, where the shirt of Odysseus is said to have shone like an onion skin; to have glistened like the sunlight, and yet to have been soft. Besides *σιγαλόεις* (cf. *Od.* x. 60), the epithets *νηγάτεος* (*Il.* ii. 43), *εὔννητος* (*Il.* xviii. 596), and *εὔκλωστος* (*Hymn. Ap. Pyth.* 25) are applied to it, and all of these apply to linen better than to wool. This *χιτὼν* or shirt was worn under a woollen cloak or mantle [PALLIUM] during the day, but was taken off on going to bed (cf. *Od.* i. 437, of Telemachus, *μαλακὸν δ' ἔκδυνε χιτῶνα*). It was worn

without a cloak indoors (cf. οἰοχίτων, *Od.* xiv. 488), and even outdoors when taking active exercise, as in dancing (*Il.* xviii. 595). It was also worn under the corslet (θώραξ) in time of war (cf. *Il.* iii. 357; vii. 251). This particular form of tunic is called in *Il.* v. 111 (cf. *Il.* xxi. 31) στρεπτὸς χιτών, and the epithet has given much difficulty to all commentators since Aristarchus. He explained it as meaning a coat of scale-armour (cf. Apollon. *Lex.*). Another interpretation, however, was given by Aristonicus, who took στρεπτὸς to mean "well-spun" (cf. Schol. *ad Il.* xxi. 31), and this seems on the whole the more probable meaning (cf. Studniczka, *Beiträge*, p. 63). Of the shape and size of the χιτὼν there are but few decisive hints in Homer. There is the mention of the trailing shirt of Ionians (*Il.* xiii. 685, Ἰάονες ἑλκεχίτωνες: cf. *Hymn. Ap. Del.* 147), but this is commonly held to be a late insertion. All we can say is that the warrior naturally wore a short χιτών, whatever that in ordinary use may have been like. That he used a girdle when wearing it under a coat of mail seems unquestionable, but there is no evidence that it was girded in ordinary life.

The Homeric χιτὼν was made from the linen cloth that came from the household loom, by sewing up the side. It was accordingly an ἔνδυμα (cf. δῦ, *Il.* xviii. 416; δύσατο, *Il.* xxiii. 739; δῦνεν, *Od.* xv. 61; *indutus*), "put on," not wrapped round the body, like the πέπλος of women (cf. PALLIUM). It does not seem, like the later forms, to have been fastened at the shoulders with brooches or pins; at any rate these are not mentioned. The Homeric χιτὼν appears to have been unornamented except for a fringe (cf. τερμιόεις, *Od.* xix. 242), probably left from the weaving, like that on modern towels. [TELA, p. 766*a*.]

In the period which followed the Epic age, the long χιτὼν came into almost universal use as the costume of men in time of peace, and at the same time was adopted by women. The account of how it became part of the costume of the Athenian women is told by Herodotus in a passage (v. 88) explained in the article PALLA. The change was brought about by the adoption of a linen shift worn under the primitive πέπλος. The process seems to have gone even further, and led to the wearing of two shifts, one over the other, for an edict of Solon forbids the wearing of more than three garments by women (Plut. *Sol.* 21, 5). The fashion, even if it is not referred to in this edict, is at least as old as the 6th century, and can be traced on early red-figure vases and statuettes. It is chiefly on these vases that the vast variety of forms which existed in classical times begin to appear. They may be roughly classified as (1) those which are rectangular and have no sleeves, except the half-sleeves formed by gathering the material together with a girdle at the waist; and (2) those which have sleeves added, either of a different piece of stuff or specially woven at the top. Both have the sides sewn up. Taking the first class, there are two main forms,—those in which the top is left open, and the garment fastened on the shoulders by brooches or pins. This shape is shown in fig. 1, which represents a rectangle of cloth, the old πέπλος in fact, with the ends sewn together and the top folded over all round. This fold is not always present, but is very common. It is usually, but erroneously, known to archaeologists as the διπλοῖς or διπλοΐδιον, but it was really called the ἀπόπτυγμα (cf. Böhlau, *de re Vestiaria*, p. 17). The garment was fastened to the shoulders by brooches at *a* and *a'*, *b* and *b'*. If sleeves were wished for, they could be formed by the simple process of pinning up the top from the shoulder downwards, as in fig. 2. In this case, however, there would be no ἀπόπτυγμα. The second form of this class (1) is shown in fig. 4. In it two rectangles of cloth have been sewn together on three sides, in such a way that a sack is formed with a hole in the bottom for the head to go through, and two holes at the sides for the arms. When girdled round the waist, the seams on each side of the neck become sleeves. This is seen on the female figures in the cut from the Harpy Tomb, under THRONUS. The second class (χιτὼν χειριδωτός), where the sleeves were in a separate piece, or at any rate formed by cutting up the rectangular shape, were considered less genuinely Greek than the former. [MANICA.] Thus Herodotus tells as a characteristic of the Persians that they wore sleeves (vii. 61), and even in Roman times, when their

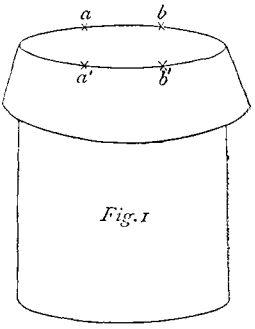


Fig. 1

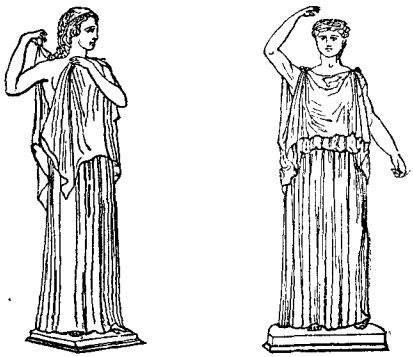


Fig. 2. Statuettes from Herculaneum. (*Mus. Borbon.*)

Fig. 3. Thalia. (British Museum.)

use was universal, it was looked on as in origin a barbaric fashion (Verg. *Aen.* ix. 616). In Art such sleeves form part of the typical Asiatic costume on vase-paintings and other monuments. Yet even in the monuments there are figures like the handmaid on the grave-stone of Thrasiklea, under STELE, with quite tight sleeves. They also are sometimes seen on old men; and, to judge by the inscriptions, in which *χειριδωτὸς χιτωνίσκος* is mentioned, were in common use with women. In later times a sleeved shirt formed part of the traditional costume of the comic actor [see cut under SOCCUS]. It is not easy to give an account of the make of such a garment; but one form of it which belongs to the Hellenistic period, though probably much older, has come down to us in the linen tunics found in the Fayoum. Most of these come from Coptic graves, and many are in a state of perfect preservation. They have been found in such numbers that few large museums are without specimens. The best English collection is at South Kensington. The general shape of the garment as it came from the loom is shown in fig. 5; a kind of cross with very thick vertical and very thin transverse bar. This is folded double and the sides sewn together. The arms of the cross then form sleeves, and form a shirt, the head being thrust through a slit in the centre left while weaving (fig. 6). This form of *χιτὼν* is usually ornamented with two embroidered bands [CLAVUS] falling from the shoulders before and behind, giving the appearance of a surplice and stole seen in front. It is indeed the direct ancestor of the surplice, and may be seen in numberless Roman paintings at Pompeii and elsewhere (cf. cuts under CLAVUS, Vol. I. p. 455 *a*).

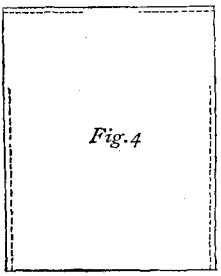


Fig. 4

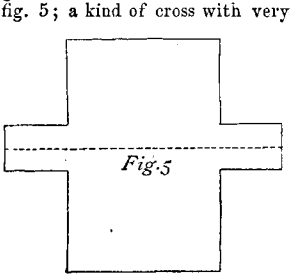


Fig. 5

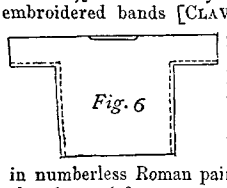


Fig. 6

The methods of wearing these different forms of the *χιτὼν* were very varied. It could be worn long or short, girded or ungirded, alone or in combination, with long or short *ἀπόπτυγμα*. To fix names to the different varieties is a task which so far has baffled scholars and archaeologists, even as far back as Roman times. Thus, for instance, many attempts have been made to discover definite differences between *χιτών*, *χιτώνιον*, and *χιτωνίσκος*, but without success. That they were indefinite, even in classical times, is shown by a glance at the inscription recording the garments in the treasury of Artemis at Brauron (*C. I. G.* i. 155; *C. I. A.* ii. 754). In it *χιτώνιον* is used ten, *χιτὼν* thirteen, and *χιτωνίσκος* thirty times; but in each case defining epithets of colour, material, pattern, shape, and size are added, showing that the difference, if any, cannot have lain in these obvious characteristics. The inscription disposes, if of nothing else, of the view based on Ammonius (p. 148, Valcken.: *χιτωνίσκος μὲν γὰρ ὁ τοῦ ἀνδρὸς χιτών, χιτώνιον δὲ τὸ τῆς γυναικὸς ἔνδυμα*), that the *χιτωνίσκος* was the man's shirt, *χιτώνιον* the woman's shift. The distinction, if there was any, must rather be sought in the use of the diminutive, to prevent a confusion of two shirts or shifts worn one over the other; just as at Rome the *tunica interior* was distinguished from the *stola*.

The epithets in the Brauron inscription, which is the *locus classicus* on the subject, deserve a detailed analysis. First as to colour, there were shifts of white (*λευκός*), purple (*ἀλουργής*), saffron [*κροκωτός*, common as a substantive in Aristophanes, who also uses *κροκωτίδιον*, in every case meaning a *χιτὼν* or *χιτώνιον*, and never a *ἱμάτιον* (PALLIUM), as Hermann (ed. Blümner, p. 188) maintains]; sea-green (*γλαυκειοῦς*), frog-green (*βατραχειοῦς*, cf. *βατραχίς*, a frog-green garment, Arist. *Eq.* 1406), and yellow (*θάψινος*). The material of which they were made was hemp (*στύππινος*), fine flaxen linen (*ἀμόργινος*, cf. Aristoph. *Lys.* 150, *χιτωνίοισι τοῖς ἀμοργίνοις*), and carded wool (*κτενωτός*). They were embroidered (*ποίκιλος*, *περιποίκιλος*, *παραποίκιλος*), and had patterns of stripes (*πυργωτὸς*) and spots (*κατάστικτον*). Some had borders (*περιηγητός*, *παρυφὴν ἔχει*) of purple (*παραλουργές*, *πλατυαλουργής*), the borders being broad or narrow (*ἡμιυφής*). The epithets referring to the shape and make of the *χιτὼν* are more difficult to explain; the commonest are "double" (*διπλοῦν*) and "single" (*ἁπλοῦν*), and probably signify that the former garment was folded over at the top, forming an *ἀπόπτυγμα*, the latter plain and without this bib-like fold. This explanation would also apply to the difficult word *διπλοΐς*, and its diminutive *διπλοΐδιον*, these simply being doubled shifts of the former kind. If this is so, the *ἡμιδιπλοΐδιον* may be simply a shift of single thickness without the upper fold, or else a doubled one with the *ἀπόπτυγμα* coming down half its length (see second cut under art. AEGIS). Of the remaining epithets in the inscription, the most important are those which mark off two shirts as "a man's" (*ἀνδρεῖος*) and "a boy's" (*καρτὸς παίδειος*).

Turning to the monuments, we find on early black-figured vases (1) that old men wear a long ungirded *χιτὼν* under a *χλαῖνα* (see fig. of Peleus under PALLIUM, p. 318 *b*). This form of *χιτὼν* seems to have been known as the *χιτὼν ὀρθοστάδιος*, which Pollux (vii. 49) says was not girded. This fashion of dress becomes less frequent in later monuments, a short *χιτὼν* reaching down to the knees taking its place. This change is described by Thucydides (i. 6), who says that it was due to a growing simplicity of manners and the adoption of the Spartan style of dress. This was chiefly seen in the adoption of the *τρίβων*, a garment which, being a mantle or plaid rather than a *χιτών*, is to be classed with the *ἱμάτιον*. [PALLIUM; TRIBON.] This long ungirded *χιτὼν ὀρθοστάδιος* remained

the professional garb of flute-players and harpers long after it had ceased to be fashionable in ordinary use. The flute-player in the article CAPISTRUM, and the well-known statue of Apollo Citharoedus in the Vatican [see cut on p. 318], both wear it. In early Greek vase-paintings, charioteers also are nearly always represented in this long *χιτών*, leading the older archaeologists in same cases to mistake them for women. Another form of *χιτών*, the short shirt of stout stuff which artisans, labourers, and fishers wore, the *ἐξωμίς*, has been described in an article by itself [EXOMIS]. It gets its name from the fact that it was worn with one shoulder bare. (2) The women, on the other hand, in archaic art wear the old *πέπλος*: but on early red-figure vases and the female statues discovered in 1886 on the Acropolis at Athens, they are shown wearing a shift under their mantles. Later on in vase-paintings and statuettes of the latter half of the 6th century, some are represented wearing two. This was the custom in Hellenistic times, but is seldom to be traced in the art of the 5th and 4th centuries. This is no doubt due to the artistic elimination which during the best periods of sculpture and painting led the artists to idealise their drapery. When a more realistic school grew up towards the end of the 4th century, the double *χιτών* is often seen on female figures, especially on those of the Muses. (See cut on p. 903.) This is the costume which Praxinoa puts on in the famous xvth Idyl of Theocritus, for the feast of Adonis at Alexandria. She receives her visitor in *négligé*, wearing only a *χιτών*, but makes her outdoor toilet by putting on another *χιτών* fastened at the shoulders with a brooch (*περονατρίς*, l. 21; cf. l. 34), and completes it by wrapping a cloak (*ἀμπέχονον*) round her.

It has since the time of Müller been customary to divide the *χιτῶνες* worn by Greek women into two exhaustive divisions, Doric and Ionic. He gave the name of Dorian chiton to the *χιτὼν σχιστός*, which was worn by Spartan girls. This, it has been shown in the article PALLA, was the *ἀρχαία ἐσθὴς* which Herodotus speaks of, identifying it with the *Δωρὶς ἐσθής* (v. 88). It was in fact a survival of the older *πέπλος*. The peculiarity of the Spartan woman was that she wore it alone, being in fact *μονόπεπλος* (Eur. *Hec.* 933) without a *χιτὼν* below. This, as the side was open (*σχιστός*), was considered indecent in the rest of Greece, and many are the sneers in the poets (Eur. *Androm.* 595). The offence against modesty was made even greater by not using a girdle (cf. Soph. *Fr.* 791, *καὶ τὰν νεόρτον, ἃς ἔτ' ἄστολος χιτών, θυραῖον ἀμφὶ μηρὸν πτύσσεται*, 'Ερμιόναν, where *ἄστολος* means *ἄζωστος*). It has been remarked in PALLA that this garment was not called *χιτὼν* until the 5th century B.C., and it should be noted that Herodotus in this passage is careful to call it *ἐσθής*. It was only because the Spartan women wore it as a single garment that it got the name Dorian. This, however, does not imply that it was unknown in other parts of Greece, where it was worn over an ordinary *χιτών*, and could take several different forms. The distinction between Dorian and Ionic should in fact, if used, refer to material rather than shape; for while the Dorian *χιτὼν* was of wool, the Ionian was of linen. It was from early times characteristic of the peoples of Asia Minor, appearing for instance on archaic monuments, like the statues from the avenue of the temple of Branchidae, now in the British Museum, but had already in the 6th century spread over Greece proper. It was worn even in Sparta, and appears on both men and women on most of the early grave-reliefs found there, so that even on this ground the distinction breaks down.

2. ROMAN. At Rome, as has been shown in the article SUBLIGACULUM, the shirt or tunica was not adopted until a comparatively late date. This is all the stranger when one considers the universality with which the Etruscans of the 5th and 6th centuries B.C. are depicted dressed in it. However, in the last three centuries of the Republic it was an indispensable garment, worn under their cloaks by both men and women.

The man's tunica (*tunica virilis*) was practically identical with the last two forms of the *χιτὼν* described above (figs. 5 and 6), being two pieces of linen or woollen cloth sewn together [cf. Varro, *L. L.* ix. 79, "Non si quis tunicam in usu ita (inusitate) ita consuit ut altera plagula sit angustis clavis, altera latis utraque in suo genere caret analogia": cf. Suet. *Aug.* 94, "Sumenti virilem togam lati clavi resuta ex utraque parte ad pedes decidit"]. *Sleeves*—that is to say, sleeves down to the wrist—were sometimes worn, but such *tunicae manicatae* (or *manuleatae*) were considered effeminate (Gellius, vi. (vii.) 12: "Tunicis uti virum prolixis utra brachia et usque in primores manus ac prope in digitos Romae atque in omni Latio indecorum fuit. Eas tunicas Graeco vocabulo nostri chirodotas appellaverunt, feminisque solis vestem longe lateque diffusam indecere exstrinaverunt:" cf. Cic. *in Catil.* ii. 10, 22; Suet. *Jul.* 45). Under the Empire, however, such *tunicae* were the ordinary wear of every one (cf. St. Augustine, *de doctr. Chr.* iii. 2, 20, "Talares et manicatas habere apud Romanos veteres flagitium erat nunc autem honesto loco natis, cum tunicati sunt non eas habere flagitium est").

At Rome it was usual to wear two shirts, one over the other, the under being called the *tunica interior* or *subucula*. Both were in the earliest times of wool, and indeed it was not until under the Empire, in the 4th century A.D., that linen was commonly used for making *tunicae*.

The tunica was worn with a girdle fastened round it at the loins, and its length could be varied simply by pulling it through the girdle. Quintilian says that it should just reach below the knees in front and a little lower behind. If however it is a tunica with the latus clavus, it is better to wear it without a girdle at all (xi. 3, 138–9, "Cui lati clavi jus non erit ita cingatur ut tunicae prioribus oris infra genua pallum, posterioribus ad medios poplites usque perveniant. Nam infra mulierum est, supra centuriorum. Ut purpurae recte descendant levis cura est. Notatur interim negligentia. Latum habentium clavus modus est ut sit paullum cinctis summissior:" cf. Suet. *Jul.* 54). For active exercise, when for instance one was travelling (Hor. *Sat.* i. 5, 6), it was girded higher.

Indoors the girdle was thrown aside for the sake of comfort (Hor. *Sat.* ii. 1, 73), but to appear in public without it (*discinctus*), as Maecenas often did (Sen. *Ep.* 114, 4), was considered slovenly (cf. Hor. *Epod.* i. 34, *discinctus nepos*).

It was equally untidy to let one's shirt hang too long, for this savoured of the shop-boy or the woman rather than the gentleman (Plaut. *Pseud.* 1298, "Quis hic homo est cum tunicis longis quasi cauponius?" 1303, "Sane genus hoc muliebriosum est tunicis demissis;" Cic. *pro Cluent.* 40, 111; Hor. *Sat.* i. 2, 25; Propert. v. 2, 38, "Mundus demissis institor in tunicis").

The tunica girt high and tight was the ordinary dress of a slave (Juv. iii. 93, "Horrenti tunicam non reddere servo:" cf. Hor. *Sat.* ii. 8, 70) and of free labourers (Hor. *Ep.* i. 7, 65). If a cloak were worn by the slave, it would be a *sagum* or *paenula*, and Cato, the censor, considered an allowance of one tunica 3½ feet long and one sagum to each slave sufficient for two years. This style of dress is well shown on the figure from Trajan's Column given as an illustration to the article FUNDA. The tunica of the legionary was practically the same as this, as may be seen from representations of soldiers;

Roman legionary. (From Arch of Severus.)

the above figure, for instance, from the Arch of Septimius Severus. The shirt worn by ordinary citizens appears in the illustrations on p. 848.

The *tunica muliebris*, or shift of Roman women, did not differ much from the Greek forms described above. It was the custom, however, to wear two shifts; the upper being called the *stola*, the latter the *tunica interior*, *subucula*, *interula*, or (in late Latin) *camisia*. The article STOLA treats of the former, and so it is only the *subucula* which remains to be spoken of. The earliest form of this garment was the SUPPARUM, the first linen garment adopted at Rome. It was worn with sleeves, if the *stola* were without them, but otherwise, except at the neck, is not visible in statues (cf. the statue of Livia in the article PALLA), and is in most cases not represented at all. Needless to say, literature is well-nigh silent about it. The *regilla* or *tunica recta* in which the bride was clad on the day of marriage is shown on several sarcophagus-reliefs. It did not differ in shape from that in ordinary use, but, as is explained under TELA (p. 769 *a*), was of a special texture.

(Boehlau, *Quaestiones de re Vestiaria Graecorum*, Weimar, 1884; Studniczka, *Beiträge zur G. d. altgr. Tracht*, Vienna, 1886; Helbig, *Das homerische Epos*, 1887, pp. 115, 175, &c.; W. Müller, *Quaestiones Vestiariae*, Göttingen, 1890; Baumeister, *Denkmäler*, art. Chiton, Toga (Tunica); Iwan Müller, *Handbuch, Privataltertümer*, pp. 402, 413, 416, 422, 424, 431, 440, 804, 875, 927; Marquardt, *Privatleben*. See Index, s. v. *Tunica*.) [W. C. F. A.]

TURBO (*στρόβιλος*, *βέμβιξ*), anything that turns round with a whirring noise: hence (1) a top (Cic. *de Fato*, 16, 42; Verg. *Aen.* vii. 378, Tibull. i. 5, 3; Pers. iii. 51). In all these passages the top is a "whipping-top," except in the passage of Cicero, where the argument (see Gell. vii. 2) appears to imply a top which, set going, is left to spin of itself, like a "humming-top." In Greek there seem to be distinct words for the two kinds of tops (cf. Grasberger, *Erziehung*, i. 77–80): *βέμβιξ* is clearly a whipping-top (Aristoph. *Av.* 1461; Cleobul. *ap.* Diog. Laert. i. 82); and it is equally plain that we must take *στρόβιλος* in Plat. *Rep.* iv. p. 436 E and Plut. *Lysand.* 12 to be, like our humming-tops, spun by a string, without the lash to keep it going. We find in Homer (*Il.* xiv. 413) the form *στρόμβος*, which may be either, as far as the sense of the passage guides us, but would naturally be taken as = *στρόβιλος*. *Κῶνος* is given by Photius and Hesychius as a synonym of *στρόβιλος*: but our only description of it refers to the religious use mentioned below (3). The dictionaries give "top" as the meaning of *ῥόμβος*, citing Eur. *Hel.* 1362, where, however, it is clearly not a top, and its use is religious. We doubt if it was ever an equivalent either of *βέμβιξ* or *στρόβιλος*.

(2) Turbo is also used (Cat. 64, 314) for the whorl (*σφόνδυλος*) of a spindle, for which the usual name is *verticillus* [FUSUS]. In the five passages of Pliny, which the dictionaries quote for this use of the word (as also in Ov. *Met.* i. 336), a more careful examination will show that *turbo* is there used merely to express a conical shape.

(3) The precise form of the instrument used in religious mysteries and witchcraft, and spoken of as *turbo*, *rhombus*, *κῶνος* and *ῥόμβος*, is a more difficult puzzle. A comparison of the authorities in Latin and Greek leads us to the conclusion that all four are the same thing, which was called *κῶνος* because of its shape and *ῥόμβος* because of the sound which it made. It is described by Clement of Alexandria (*Protrept.* ii. 17 = p. 16) and Arnobius as being used in the mysteries of Dionysus: it was attached by a string and whirled in the air with a rushing noise, as the Scholiast explains (*κῶνος· ξυλάριον οὗ ἐξῆπται τὸ σπαρτίον καὶ ἐν ταῖς τελεταῖς ἐδονεῖτο ἵνα ροιζῇ*), with which agrees the passage of Euripides mentioned above, where the *ῥόμβοι* of the Bacchanals are "whirled round in the air." Similarly in the magic use we find the *rhombus* turned to the accompaniment of the incantation (Prop. ii. 28, 35) by means of strings attached to it (cf. "staminea," Id. iii. 6, 26; "licia," Ov. *Am.* i. 8, 7). The uses of the turbo in Hor. *Epod.* xvii. 7 and the rhombus in Mart. ix. 30

are clearly identical. Similarly the metal *ῥόμβος* in Theocr. *Id.* ii. 30 is whirled round while the incantation is sung; but in this instance the *ἴυγξ* is bound on it (cf. Xen. *Mem.* iii. 11, 17). To this refers the mention in Photius, *ῥόμβος ὃν ἔχουσιν οἱ ἐπιθειάζοντες ὡς τύμπανον*, a misunderstanding of which, and of the Schol. *ad.* Apoll. Rhod. i. 1139, has led to the strange idea that the *ῥόμβος* was sometimes a drum or a tambourine. We may take Photius to mean that the sorcerers used both the rhombus and the tympanum in their conjuring, as in fact the witch in Theocritus does (ii. 36), and as the Bacchanals did.

Mr. Andrew Lang has argued with great ingenuity that the *ῥόμβος* or *κῶνος* in the mysteries resembled the Australian *turndun*, which is whirled round by a string, making a rushing noise, and is used in sacred rites (*Custom and Myth*, pp. 29 ff.). The shape, however, in Greece we must imagine to have been that of a cone or "peg-top," not pointed at both ends like the turndun or "bull-roarer." That in its first origin the *ῥόμβος* or *κῶνος* was a weather-charm seems to us very probable. But we think it less likely that it had to do with raising the wind, which indeed is seldom prayed for, than with attracting the sun. It is possible that a symbolical figure may in some religious uses have been bound upon it, as the *ἴυγξ* was in some magical practices, and it is easily conceivable that the same method might be employed to draw the heavenly bodies and to draw human beings. There is, no doubt, the simpler explanation that it was used in the mysteries as a plaything merely to represent the childhood of Dionysus (cf. Lobeck, *Aglaophamus*, p. 700); but then we lose all clue to its magic use, and all connexion with the similar customs which Mr. Lang has adduced. [G. E. M.]

TURI'BULUM (*θυμιατήριον*), a censer. The Greeks and Romans, when they sacrificed, commonly took a little frankincense out of the ACERRA and let it fall upon the flaming altar. [ARA.] But also they used a censer, by means of which they burnt the incense in greater profusion, and which was in fact a small movable *foculus* (Aelian, *V. H.* xii. 51). It was not, as Rich represents it, like the swinging censer of more modern times, but in shape was like a candelabrum, of a design Oriental in origin, with a shallow brazier on the top: the material was usually bronze, but sometimes silver (Thuc. vi. 46) and of costly workmanship (Herod. iv. 162; Cic. *Verr.* iv. 21, 46). These turibula could be carried in processions (Liv. xxix. 14; cf. Val. Max. iii. 3, 1). The turibula represented above are in the British Museum. The turibulum was lifted by cords or ribbons attached, as is seen in fig. 1, which is of terracotta with the ancient cord attached, found at Fayoum: fig. 2 represents an Etruscan bronze turibulum.

Fig. 2.

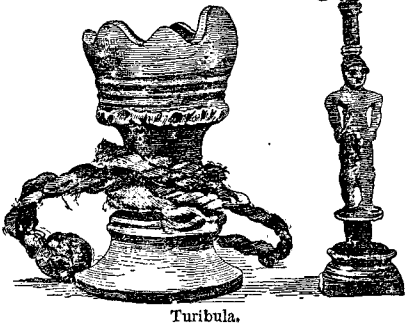


Fig. 1.

Turibula.

(Blümner, *Privatalterth.* 168; Marquardt, *Staatsverw.* iii. 167.) [J. Y.] [G. E. M.]

TURMA. [EXERCITUS, Vol. I. p. 784.]

TURRIS (*πύργος*), a tower.

I. *Stationary Towers.*—The origin of the tower in fortification was doubtless, as Guhl and Koner and others have remarked, a projection of the wall on either side of the gate, to enable the garrison better to defend the entrance [see under PORTA, p. 467 *b*]. From this swelling, so to speak, of the town wall was developed (*e.g.* at Phigalia) the round or square-shaped or hexagonal tower, originally merely a half-moon or three sides of a square, but afterwards enclosed on all sides. The advantage of such an addition at angles of the wall was obvious, and it became also customary to have many such towers rising at intervals, so as to form rallying-points and shelters for the defenders, if an escalade was attempted. Such were the towers on the walls of circumvallation at Plataea [cf. MURUS, p. 186 *a*].

As a further development, they were erected within cities, partly to form a last retreat in case the city should be taken, and partly to overawe the inhabitants. In almost all Greek cities, which were usually built upon a hill, rock, or some natural elevation, there was a kind of tower, a castle, or a citadel, built upon the highest part of the rock or hill, to which the name of *Acropolis* was given, as at Corinth, Argos, Messene, and many other places. The Capitolium at Rome answered the same purpose as the Acropolis in the Greek cities; and of the same kind were the tower of Agathocles at Utica (Appian, *Pun.* 14) and that of Antonia at Jerusalem (Joseph. *Bell. Jud.* v. 5, § 8; *Act. Apostol.* xxi. 31).

Lastly, we find towers standing alone as strongholds, such as the tower at Andros instanced by Guhl and Koner (p. 68). We have further examples of this in the tower of Hannibal, on his estate between Acholla and Thapsus (Liv. xxxiii. 48); the *turris regia* of Jugurtha (Sallust, *Jug.* 103); the tower of a private citizen without the walls of Carthage, by the help of which Scipio took the city (Appian, *Pun.* 117); and, in Spain, the tower in which Cn. Scipio was burnt (Appian, *Hisp.* 16). Such towers were common in the frontier provinces of the Roman empire (Ammian. Marcell. xxviii. 2). See also Guhl and Koner, pp. 65 ff.; Droysen, *Kriegsalterth.* p. 254 f.

II. *Movable Towers.*—These were among the

most important engines used in storming a fortified place. They were of two kinds. Some were made so that they could be taken to pieces and carried to the scene of operations: these were called folding towers (*πύργοι πτυκτοὶ* or *ἐπτυγμένοι*, *turres plicatiles*, or portable towers, *φορητοὶ πυργοί*). The other sort were constructed on wheels, so as to be driven up to the walls; and hence they were called *turres ambulatoriae*, *subrotatae*, or *mobiles*, *πύργοι ὑπότροχοι* (Veget. iv. 17; Liv. xxi. 11; Onosand. *Strat.* 42). But the *turres plicatiles* were generally made with wheels, so that they were also *ambulatoriae*.

The first invention or improvement of such towers is ascribed by Athenaeus the mechanician (quoted by Lipsius, *Oper.* vol. iii. p. 297) to the Greeks of Sicily in the time of Dionysius I. (B.C. 405). Diodorus (xiv. 51) mentions towers on wheels as used by Dionysius at the siege of Motya. He had before (xiii. 54) mentioned towers as used at the siege of Selinus (B.C. 409), but he does not say that they were on wheels. According to others, they were invented by the engineers in the service of Philip and Alexander, the most famous of whom were Polyidus, a Thessalian, who assisted Philip at the siege of Byzantium, and his pupils Chaereas and Diades (Vitruv. x. 19, s. 13). Heron (c. 13) ascribes their invention to Diades and Chaereas, Vitruvius (*l. c.*) to Diades alone, and Athenaeus (*l. c.*) says that they were improved in the time of Philip at the siege of Byzantium. Vitruvius states that the towers of Diades were carried about by the army in separate pieces. Respecting the towers used by Demetrius Poliorcetes at the siege of Rhodes, see HELEPOLIS.

Appian mentions the *turres plicatiles* (*B. C.* v. 36, 37), and states that at the siege of Rhodes Cassius took such towers with him in his ships, and had them set up on the spot (*ib.* v. 72).

Besides the frequent allusions in ancient writers to the movable towers (*turres mobiles*, Liv. xxi. 11), we have particular descriptions of them by Vitruvius (x. 19, s. 13) and Vegetius (iv. 17).

They were generally made of beams and planks, and covered, at least on the three sides which were exposed to the besieged, with iron, not only for protection, but also, according to Josephus, to increase their weight and thus make them steadier. They were also covered with raw hides and quilts, moistened, and sometimes with alum, to protect them from fire. The use of alum for this purpose appears to have originated with Sulla at the siege of Athens (Amm. Marc. and Claud. Quadrig. *ap.* Lips. p. 300). Their height was such as to overtop the walls, towers, and all other fortifications of the besieged place (Liv. xxi. 11). Vitruvius (*l. c.*), following Diades, mentions two sizes of towers. The smallest ought not, he says, to be less than 60 cubits high, 17 wide, and one-fifth smaller at the top; and the greater 120 cubits high and 23½ wide. Heron (c. 13), who also follows Diades, agrees with Vitruvius so far, but adds an intermediate size, half-way between the two, 90 cubits high. Vegetius mentions towers of 30, 40, and 50 feet square. They were divided into stories (*tabulata* or *tecta*), and hence they are called *turres contabulatae* (Liv. xxi. 34). Towers of the three sizes just mentioned consisted respectively of 10, 15, and 20 stories. The stories decreased in height from the bottom to the top. Diades and Chaereas, according to Heron, made the lowest story 7 cubits and 12 digits, those about the middle 5 cubits, and the upper 4 cubits and one-third of a cubit.

The sides of the towers were pierced with windows, of which there were several to each story.

These rules were not strictly adhered to in practice. Towers were made of 6 stories, and even fewer (Diod. xiv. 51). Those of 10 stories were very common (Hirt. *Bell. Gall.* viii. 41; Sil. Ital. xiv. 300), but towers of 20 stories are hardly, if ever, mentioned. Plutarch (*Lucull.* 10) speaks of one of 100 cubits high used by Mithridates at the siege of Cyzicus.

The use of the stories was to receive the engines of war [TORMENTA], and slingers and archers were stationed in them and on the tops of the towers (Liv. xxi. 11). In the lowest story was a battering-ram [ARIES]; and in the middle one or more bridges (*pontes*) made of beams and planks, and protected at the sides by hurdles; or drawbridges [SAMBUCAE]. Scaling-ladders (*scalae*) were also carried in the towers, and, when the missiles had cleared the walls, these bridges and ladders enabled the besiegers to rush upon them.

The towers were placed upon wheels (generally 6 or 8), that they might be brought up to the walls. These wheels were placed for security inside of the tower.

The tower was built so far from the besieged place as to be out of the enemy's reach, and then pushed up to the walls by men stationed inside of and behind it (Caesar, *B. G.* ii. 30, 31; Q. Curt. viii. 10). The attempt to draw them forward by beasts of burthen was sometimes made, but was easily defeated by shooting the beasts (Procop. *Bell. Goth.* i. 21). They were generally dragged up the AGGER (Hirtius, *l. c.*), and it not unfrequently happened that a tower stuck fast or fell over on account of the softness of the agger (Liv. xxxii. 17; Q. Curt. iv. 6, § 9). They were placed on the agger before it was completed, to protect the soldiers in working at it (Sall. *Jugurth.* 73; Caesar, *B. G.* vii. 22). When the tower was brought up to the walls without an agger, the ground was levelled before it by means of the MUSCULUS.

These towers were accounted most formidable engines of attack. They were opposed in the following ways.

1. They were set on fire, either by sallies of the besieged, or by missiles carrying burning matter, or by letting men down from the walls by ropes, close to the towers, while the besiegers slept (Veget. iv. 18; Sil. Ital. xiv. 305).

2. By undermining the ground over which the tower had to pass, so as to overset it (Veget. iv. 20).

3. By pushing it off by main force by iron-shod beams, *asseres* or *trabes* (Veget. *l. c.*).

4. By breaking or overturning it with stones thrown from catapults, when it was at a distance, or, when it came close to the wall, by striking it with an iron-shod beam hung from a mast on the wall, and thus resembling an Aries.

5. By increasing the height of the wall; first with masonry, and afterwards with beams and planks, and also by the erection of temporary wooden towers on the walls (Caesar, *B. G.* vii. 22; Veget. iv. 19). This mode of defence was answered by the besiegers in two ways. Either the agger on which the tower stood was raised, as by Caesar at the siege of Avaricum (*B. G.* l. c.), or a smaller tower was constructed within the upper part of the tower, and when completed was raised by screws and ropes (Veget. *l. c.*). On these towers in general see Lipsius, *Poliorcet.* in *Oper.* vol. iii. pp. 296–356.

III. Caesar (*B. C.* ii. 8–9) describes a peculiar sort of tower, which was invented at the siege of Massilia, and called *turris latericia*, or *latericulum*. It partook somewhat of the character both of a fixed and of a besieging tower. It was built of masonry near the walls of the town to afford the besiegers a retreat from the sudden sallies of the enemy; the builders were protected by a movable cover; and the tower was pierced with windows for shooting out missiles.

IV. Towers in every respect similar to the *turres ambulatoriae* (excepting, of course, the wheels) were constructed on ships, for the attack of fortified places by sea (Caes. *Bell. Civ.* iii. 40; Liv. xxiv. 34; Appian, *Mith.* 73, *Bell. Civ.* v. 106; Amm. Marc. xxi. 12).

V. Small towers carrying a few armed men were placed on the backs of elephants used in battle (Liv. xxxvii. 40).

(Marquardt, *Staatsverw.* ii. 532 f.; Droysen, *Gr. Kriegsalterth.* 313 ff.) [P. S.] [G. E. M.]

TUTE'LA. [TUTOR.]

TUTE'LAE ACTIO. [TUTOR.]

TUTOR. There were two forms of guardianship in Roman law, the *tutela* and the *cura*, which must be carefully distinguished. The difference between them is explained in the article CURATOR. According to the law of the Twelve Tables, persons not under patria potestas, who by reason of age or sex were incapable of acting for themselves, were under the protection of a tutor for their own interest and for the interest of those who might be their heredes. In the case of such persons a tutor supplied to some extent the place of a paterfamilias. (Cf. Paul. *Frag. Vat.* 304; "tutores quasi parentes proprii pupillorum sunt.") The protection of the tutela was given to impuberes and to women. A tutor derived his name "a tuendo" from protecting another. (Inst. i. 13, 2; cf. Isid. *Orig.* x. 264, "tutor: qui pupillum tuetur, hoc est intuetur.") The tutela or function of a tutor is thus defined by Servius Sulpicius, as cited by Paulus (Dig. 26, 1, 1): "Tutela est vis ac potestas in capite libero ad tuendum eum qui propter aetatem *sua sponte* se defendere nequit, jure civili data ac permissa:" "sua sponte" is probably an interpolation for "vel sexum," which latter words would not be applicable when the tutela mulierum had become obsolete (Voigt, *Zwölf Tafeln*, § 110, n. 6).

The tutela was a kind of potestas, according to the old law; a power similar to the patria potestas, but of a much more restricted character. The power was to be used for the purpose of protection, and hence tutela implies duty (*officium*) as well as right. The object of this right and duty was *in tutela* (Gaius, i. 142; Cic. *pro Rosc. Com.* 6, 16); while, on the other hand, a person who was his own master was said *suae tutelae esse* (Dig. 32, 1, 50, 1; cf. Voigt, *l. c.*, note 2). As to the classification of the different kinds (*genera*) of tutela, the jurists differed. Some made five genera, as Quintus Mucius; others three, as Servius Sulpicius; and others two, as Labeo. The most convenient division is into two genera,—the tutela of impuberes (*pupilli, pupillae*), and the tutela of women. The pupillus or the pupilla is the male or female who is under tutela.

Every paterfamilias had power to appoint by testament a tutor for his children who were in his power: if they were males, only in case they were impuberes; if they were females, also while the perpetua tutela mulierum existed, in case they were above the age of puberty (Gaius, i. 144). Therefore, if a tutor was appointed for a male, he was released from the tutela on attaining puberty (fourteen years of age), but the female still continued in tutela, unless she was released from it by a special exemption, as by the Jus Liberorum under the Lex Julia et Papia Poppaea. A man could only appoint a tutor for his grandchildren, when they would not upon his death come into the power of their father. A father could appoint a tutor for postumi, provided they would have been in his power, if they had been born in his lifetime. A man could appoint a tutor for his wife *in manu*, and for his daughter-in-law (*nurus*) who was in the manus of his son. The usual form of appointing a tutor was this: "Lucium Titium Liberis meis tutorem do." A man could also give his wife *in manu* the power of choosing a tutor (*tutoris optio*); and the optio might be either plena or angusta. She who had the plena optio might either choose a tutor who was to act for her in all her transactions, or might choose a tutor from time to time to act in particular transactions: she who had the angusta optio was limited in her choice to the number of times which the testator had fixed (Gaius, i. 150, &c.).

The power to appoint a tutor by will was either given or confirmed by the Twelve Tables. The earliest instance recorded of a testamentary tutor is that of Tarquinius Priscus being appointed by the will of Ancus (Liv. i. 34), which may be taken to prove this much at least, that the power of appointing a tutor by will was considered by the Romans as one of their oldest legal institutions. The nearest kinsmen were usually appointed tutores; and if a testator passed over such, it was a reflection on their character (Cic. *pro P. Sextio*, 52),—that is, we must suppose, if the testator himself was a man in good repute. Persons named and appointed tutores by a will are called by Gaius *tutores dativi*; in the legislation of Justinian *tutor dativus* means a tutor appointed by a magistrate (Dig. 46, 6, 7; Cod. 5, 30 5), a tutor appointed by will being *tutor testamentarius*; those who were chosen under the power given by a will were *tutores optivi* (Gaius, i. 154).

If the testator appointed no tutor by his will, the tutela was given by the Twelve Tables to the nearest agnati of the impubes, and such tutores were called *legitimi*. The nearest agnati were also the heredes in case of the impubes dying intestate and without issue, and the tutela

was therefore a right which they claimed as well as a duty imposed on them. Perseus (ii. 12) alludes to the claim of the tutor as heres to his pupillus. A brother who was pubes was the legitimus tutor of a brother who was impubes; and if there was no brother who was pubes, the son who was impubes had his father's brother (*patruus*) for his tutor. The same rule applied to females also, till it was altered by a Lex Claudia, which abolished the tutela legitima of women. If there were several agnati in the same degree, they were all tutores. If there were no agnati, the tutela belonged to the gentiles, so long as the Jus Gentilicium was in force (Gaius, iii. 17, and i. 164). Perhaps the agnatorum tutela legitima was created by the Twelve Tables, the tutela having previously devolved at once on the gens, if the impubes belonged to one. The tutela in which a freedman was with respect to his patronus was also legitima; not that it was expressly given by the words (*lex*) of the Twelve Tables, but it flowed from the lex as a consequence (*per consequentiam*, Ulp. *Frag.* tit. 11); for as the hereditates of intestate liberti and libertae belonged to the patronus, it was assumed that the tutela belonged to him also, since the Twelve Tables allowed the same persons to be tutors in the case of an ingenuus, to whom they gave the hereditas in case there was no suus heres (Gaius, i. 165).

If a free person had been mancipated to another either by his parent or coemptionator, and such other person manumitted the free person, he became his tutor fiduciarius by analogy to the case of freedman and patron. (Compare Gaius, i. 166, with Ulp. *Frag.* tit. 11, s. 5.) [EMANCIPATIO; FIDUCIA.]

If an impubes had neither a tutor testamentarius nor legitimus, he had one given to him in Rome, under the provisions of the Lex Atilia, by the praetor urbanus and the major part of the tribuni plebis (as to the date of this law, cf. Liv. xxxix. 9); in the provinces in such cases a tutor was appointed by the praesides under the provisions of the Lex Julia et Titia, B.C. 31. [LEX JULIA ET TITIA.] If a tutor was appointed by testament either *sub condicione* or *ex die certo*, a tutor might be given under these leges so long as the condition had not taken effect or the day had not arrived: and even when a tutor had been appointed absolutely (*pure*), a tutor might be given under these leges until the will should take effect by the heres under it taking the inheritance; but the power of such tutor ceased as soon as there was a tutor under the testament,—that is, as soon as the testament took effect by the existence of a heres under it. If a tutor was captured by the enemy, a tutor was also given under these leges, but such tutor ceased to be tutor as soon as the original tutor returned from captivity, for he recovered his tutela Jure Postliminii.

Even before the passing of the Lex Atilia tutors were given by the praetor in other cases, as for instance, when the legis actiones were in use, the praetor appointed another tutor if there was any action between a tutor and a woman or ward, for the tutor could not give the necessary authority (*auctoritas*) to the acts of those whose tutor he was, in a matter in which his own interest was concerned. Other cases in which a tutor was given are mentioned by Ulpian, *Frag.* 11.

Ulpian's division of tutores is into Legitimi, Senatusconsultis constituti, and Moribus introducti. His legitimi tutores comprehend all those who become tutores by virtue of any lex, and specially by the Twelve Tables: accordingly it comprises tutores in the case of intestacy, tutores appointed by testament, for they were confirmed by the Twelve Tables, and tutores appointed under any other lex, as the Atilia. Various senatusconsulta declared in what cases a tutor might be appointed; thus the Lex Julia de maritandis ordinibus (Papia et Poppaea) enacted that the praetor should appoint a tutor for a woman or a virgin, who was required to marry by this law, "ad dotem dandam, dicendam, promittendamve," if her legitimus tutor was himself a pupillus: a senatusconsultum extended the provision to the provinces, and enacted that in such case the praesides should appoint a tutor; and also that, if a tutor was mutus or furiosus, another should be appointed for the purposes of the lex. The case above mentioned of a tutor being given in the case of an action between a tutor and his ward, is a case of a tutor *moribus datus*; that is, appointed according to customary law. In the Imperial period from the time of Claudius, tutores extra ordinem were appointed by the consuls also.

Only *cives* or those who had the *jus commercii* could be tutores. Thus a person could not be named tutor in a testament, unless he had the testamentifactio with the testator, a rule which excluded such persons as peregrini. The Latini Juniani were excluded by the Lex Junia (Gaius, i. 23). Women could not be tutores. Filiifamilias could be tutores as well as paterfamilias. The tutela was a publicum munus, and hence persons were bound to serve when called on, unless they were under some incapacity or could excuse themselves on some valid legal ground: grounds of excuse (*excusationes*) were age, absence, the being already tutor in other cases, the holding of particular offices, and others which are enumerated in the Fragmenta Vaticana (123–247), and by Justinian in his Institutes (i. 25).

The power of the tutor was mainly concerned with the property and pecuniary interests of the pupillus. The custody of the ward's person was generally assigned by the magistrate to one of his near relations, who might or might not be the same person as the tutor. The care of the child belonged to the mother, if she survived (*custodia matrum*, Hor. *Ep.* i. 1, 22; Dionys. viii. 51; Liv. xxxix. 9, 1; Sen. *ad Marc.* 24, 1), unless the father had otherwise disposed in his will. In a case mentioned by Livy (iv. 9), where the mother and the tutores could not agree about the marriage of the mother's daughter, the magistratus decided in favour of the mother's power (*secundum parentis arbitrium*). But it was the duty of the tutor to exercise a supervision over the pupillus, and to see that he was properly educated and cared for. (Cf. Dig. 26, 7, 12, 3: "Cum tutor non rebus dumtaxat, sed etiam moribus pupilli praeponatur;" Dig. 27, 2; Cod. 5, 49.) In respect of property the tutor's office was "negotia gerere et auctoritatem interponere," though only the auctoritatis interpositio was absolutely essential to the notion of tutela; the administra-

tion of property (*rem gerere*) not belonging to the tutor of mulieres.

Auctoritatem interponere.—A pupillus who was an infans—that is, below the age of seven—could not perform any legal act. A pupillus (*major infantia*) could do no act by which he diminished his property without the sanction (*auctoritas*) of his tutor, but any act to which he was a party was valid, so far as concerned the pupillus, if it was for his advantage. Consequently a pupil could contract obligationes, which were for his advantage, without his tutor (Gaius, iii. 107). Thus the natural act of the pupillus became, by auctoritatis interpositio of the tutor, a legal act; and thus the pupillus and his tutor formed one complete person, as to legal capacity to act. [INFANS; IMPUBES.]

No particular form was required for the expression of the tutor's auctoritas, but it had to be given by the tutor himself when the pupillus entered into the transaction which required it (*in ipso negotio*); it could not be transmitted by letter or by a messenger, and it had to be unconditional (Inst. i. 21, 2;—Dig. 26, 8, 8; 9, 5). It could, generally speaking, be withheld by the tutor of an impubes at his discretion.

Auctoritas was necessary in order to give legal effect to any act of a pupillus, by which he might suffer loss, but a pupillus might acquire rights for himself without auctoritas (Inst. i. 21, pr.). Thus a pupillus could not alienate his property without the concurrence of his tutor, but he could receive property by alienation to him simply by his own act; so too, though he could not contract an obligation without his tutor's intervention, he did not require auctoritas in order to bind others by a contract with him. The incapacity of the pupillus is shown by the following instance:—If his debtor paid a debt to the pupillus, the money became the property of the pupillus, but the debtor was not released, because the pupillus might suffer loss by releasing his debtor unless with the co-operation of his tutor; if, however, the pupillus afterwards sued for the debt, while still retaining the benefit of the payment which had been made to him, the praetor allowed the debtor an exceptio doli (Gaius, ii. 84; Cic. *Top.* 11). [IMPUBES.]

As the act which was made valid by the sanction of the tutor was the act of the impubes, it follows that the auctoritas had no application in the case of a pupillus altogether incapable of performing an illegal act; and so, as an infant or person who had not completed his seventh year was thus incapable, it was not till a pupillus was major infantia that auctoritas could be given to his acts.

Rem gerere.—The tutor had the administration of the property of the pupillus (*rem, negotium gerere*), and was bound to exercise this part of his function according to the best of his ability. It was his duty to prevent the property of the pupillus from suffering any loss that he could avoid, and to make such profit from the property as it was fairly capable of. The tutor was liable to the pupillus not only on account of dolus, but also for such negligence as he did not show in the management of his own property (Dig. 27, 3, 1, pr.: "In omnibus, quae fecit tutor, cum facere non deberet, item in his, quae non fecit, rationem reddet hoc judicio, praestando dolum, culpam et quantum in rebus suis diligentiam"). The obligation between the tutor and the pupillus was one of those arising *quasi ex contractu* (Inst. iii. 27, 2). By an oratio of the Emperor Septimius Severus it was enacted that the tutor should be incapable of alienating praedia rustica and praedia suburbana of the pupillus, unless under an order of the magistrate; and this rule was extended to other property of the pupillus, excepting things of little value and superfluous things (Dig. 27, 9; Cod. 5, 71).

The principle of allowing the tutor to represent the pupillus in legal transactions was gradually admitted. If property was conveyed by mancipium or in jure cessio to a tutor as *negotiorum gestor* of pupillus, the tutor alone acquired legal ownership of it, but in course of time the praetor gave pupillus *vindicatio utilis* for the recovery of it. If property was conveyed by traditio to tutor on account of the pupillus, the latter acquired possession of it in the time of Justinian, and so direct ownership of it. [DOMINIUM.] The tutor was first allowed to acquire choses in action for the pupillus in case of the pupillus infans having no slave, the pupillus being allowed to maintain a right thus acquired by actio utilis: this principle was extended to pupilli who were at a distance from the tutor, and finally was made applicable in all cases. It is to be remembered that a pupillus could always acquire rights through his slaves. A tutor could only bind the pupillus when authorised to do so by the magistrate. A tutor could maintain actions on account of his pupillus (Inst. iv. 10, pr.; Gaius, iv. 82).

In order to secure the proper management of the property of a pupillus or of a person who was in curatione, the praetor required the tutor or curator to give security; but no security was required from testamentary tutores, because they had been selected by the testator; nor, generally, from tutores appointed by a consul, praetor or praeses, for they were appointed as being fit persons (Gaius, i. 199).

The tutor might be removed from his office, if he was misconducting himself: this was effected by the *accusatio suspecti*, which is mentioned in the Twelve Tables (Gaius, i. 182; Dirksen, *Uebersicht, &c. der Zwölf Tafeln*, 599–604).

When the tutela came to an end, the actio tutelae directa could be brought against the tutor by the pupillus for a general account of the property managed by the tutor, and for its delivery to the pupillus, now become *pubes*. If the tutor was condemned in this action, the consequence was infamia. [INFAMIA.] The Twelve Tables gave the pupillus a special action against the tutor in respect of fraudulent accounting; and if he made out his case, he was entitled to double damages. This appears to be the action which in the Digest is called *actio de rationibus distrahendis*. The tutor could claim to be indemnified for what he had expended or done in the interest of his pupillus, having the actio tutelae contraria against his late pupillus for the purpose of enforcing this liability.

When several tutores were joined in one tutela, the administration might be committed to one

of them—called *tutor gerens*, as opposed to *tutor honorarius*. The tutor honorarius was liable, if he did not exercise a proper supervision over the tutor gerens, in case the loss could not be recovered from the latter. The tutela was terminated by the death or capitis deminutio maxima or media of the tutor. A tutor legitimus became disqualified if he sustained a capitis deminutio minima, which was the case if he allowed himself to be adopted (Gaius, i. 195; Ulpian, *Fragm.* 11, 13), since he thereby ceased to be an agnate of the pupillus, but capitis deminutio minima had no effect on the position of a tutor testamentarius or dativus. The tutela ceased by the death of the pupillus, or by his capitis deminutio of any kind. It also ceased when the pupillus attained the age of puberty, which in the male sex was fourteen, as the law came to be determined. [IMPUBES.] In the time of the classical jurists, the tutela might cease by the abdicatio of the testamentary tutor; that is, when he declared "nolle se tutorem esse." Under the law of Justinian the resignation of a tutor was in no case allowed, unless it was approved by the magistrate for some cause which appeared to him reasonable.

The tutela of a tutor was terminated, as we have observed, when he was removed from the tutela as *suspectus*, or when his excusatio was allowed to be *justa;* but in both of these cases a new tutor would be necessary (Gaius, i. 182). The tutela appears to have been regarded at first as having for its object the benefit of the tutor rather than that of the pupillus, as being a means of protecting the family property to which the tutor might succeed: but in later law the idea of duty (*onus*) rather than that of right attaches to the function. The duty became a public one (*publicum munus*), brought more and more under the supervision of the magistrate.

The tutela of women who are puberes requires a separate examination. A woman who was not *in patria potestate* or *in manu viri* was always under a tutela (*in perpetua tutela*), not being capable, like a man *sui juris*, of acting as she pleased on attaining the age of puberty, which was the completion of her twelfth year. The tutor of a woman who was pubes had not, however, the administration of her property, as in the case of an impubes; she managed her own affairs, but the auctoritas of a tutor was required in order to give validity to her acts in certain cases (Gaius, i. 190; Ulp. *Fragm.* 11, 1, 25: cf. Liv. xxxiv. 2, the speech of Cato for the Lex Oppia). The reasons for this restriction on the capacity of women are given by Cicero (*pro Muraena*, c. 12), by Ulpian (*Fragm.* 11, 1), and by Gaius (i. 190); Gaius considers the usual reasons as to the law being founded on the weakness of the sex as unsatisfactory, since women above the age of puberty administer their own property, and the interposition of the tutor is a mere formality. The original object of the law seems to have been to prevent the alienation of her property, and so to secure the succession of her agnati or of her gens, who in early times would always have been her tutores. Gaius remarks (i. 193) that, though in foreign states women were not under the same tutela as under Roman law, they are generally under a quasi tutela; thus the law of the Bithynians requires the contracts of a woman to be sanctioned by her husband or by a son above the age of puberty.

A mulier might have a tutor appointed by her father's testament; or by the testament of her husband if she was in his power (*manus*). A wife in her husband's manus might receive from his will the *tutoris optio* or right of choosing a tutor for herself (*tutor optivus*) (Gaius, i. 150: cf. Liv. xxxix. 19, 5), whereby the right of the agnates might be effectually excluded.

According to the law of the Twelve Tables, women who had no testamentary tutor were in the tutela legitima of their agnati; or, in the case of freedwomen and of emancipated daughters, in the tutela legitima of the patronus or of the parens manumissor. The tutela legitima of agnati was abolished by a law passed under the Emperor Claudius, called the Lex Claudia (Gaius, i. 157). The tutela of patroni was not included within the Lex Claudia. The tutela legitima of agnati and patroni over women could be transferred by in jure cessio, while that of pupilli could not (Gaius, i. 168); but it would seem that it was rather the exercise of the tutor's right than the right itself which was thus transferred, since it is said that on the death or capitis minutio of the tutor cessicius, the tutela reverted to the tutor qui cessit (Gaius, i. 170). A person might become tutor of a woman subject to a fiducia or trust as to the way in which he should exercise his right (*tutor fiduciarius*).

A tutor dativus was given to women by the magistratus under the Lex Atilia, when there was no other tutor, or under a senatusconsultum in the absence of a tutor or in case of a legis actio between a woman and her tutor (Gaius, i. 173, &c.; Ulp. *Fragm.* 11). By the Lex Julia, if a woman was in the legitima tutela of a pupillus, she might apply to the praetor urbanus for a tutor who should give the necessary auctoritas for the purpose of making a dotal settlement (Gaius, i. 178; Ulp. *Fragm.* 11, 20). The Vestal Virgins were exempt from tutela; and both ingenuae and libertinae were exempted from tutela by the Jus Liberorum (Gaius, i. 145, 194); it is to be remembered that a married woman would be in tutela if she were not *in manu viri* [MATRIMONIUM].

Octavia, the sister of Caesar Octavianus, and his wife Livia, were released from tutela by a special enactment (Dio Cass. xlix. 318).

The perpetua tutela of women originated and long continued to exist for the purpose of protecting the agnatic family.

The agnatic tutela was in course of time allowed to be excluded not only by the testamentary disposition of a paterfamilias, or husband with marital power, but also by means of juristic contrivances (Cic. *pro Mur.* c. 12). Thus, a woman for the purpose of escaping from the control of her agnatic tutor would enter into a fictitious marriage with some one, being conveyed to him by means of coemptio, with a fiduciary understanding (*coemptio cum fiduciâ*) that her supposed husband—the coemptionator or purchaser—should at once release her by remancipatio; she was accordingly remancipated

by the coemptionator to some person of her own choice: this person manumitted her by vindicta [MANUMISSIO], and became her tutor fiduciarius (Gaius, i. 114, 115). Thus the woman passed by coemptio from her own family to another, her agnati losing all claims upon her, and her tutor fiduciarius might be compelled by the praetor to give his auctoritas to her acts (Gaius, i. 115; ii. 122). The tutor legitimus might surrender his control of a woman to a tutor cessicius by in jure cessio. Finally, as we have seen, the agnatic tutela was abolished by the Lex Claudia, after which, except in the case of patroni and parentes, the perpetua tutela mulierum only remained a mere form.

The tutela of a woman was terminated by the death of the tutor or that of the woman; by a marriage by which she came *in manum viri;* by the privilege of children (*jus liberorum*); or by her becoming a Vestal Virgin. A woman had no right of action against her tutor in respect of his tutela, for he had not the *negotiorum gestio*, or administration of her property, but only interposed his auctoritas (Gaius, i. 191).

If a woman was in the tutela legitima of a patronus or parens manumissor, the tutor, Gaius tells us (i. 191), could not be compelled to give his auctoritas, except for very weighty reasons ("praeterquam si magna causa interveniat"). Other tutores could be compelled to give their auctoritas, which in their case was a mere form. It is probable that agnatic tutors were in the same position as patroni and parentes,—that is, they were not compelled to give their auctoritas; but Gaius wrote after the agnatic tutela had been abolished.

The special cases in which the auctoritas of a tutor was required were, if the woman had to sue by legis actio or in a legitimum judicium, if she was alienating a mancipable thing [DOMINIUM]; a non-mancipable thing she might alienate without the tutor's sanction (Gaius, ii. 80). Gaius (ii. 47) states that formerly, when a woman was under agnatic tutela, her mancipable things were not subject to usucapion, unless she herself delivered possession of them with the authority of her tutor, and that this was a provision of the Twelve Tables. In other cases, if a res mancipi was transferred by tradition, the purchaser acquired the quiritarian ownership by usucapion [USUCAPIO]. The passage of Cicero (*pro Flacc.* 34, 84) is in accordance with Gaius; and another passage (*ad Att.* 1, 5), though vaguely expressed, is not inconsistent with his statement. (See Casaubon's note on the passage.) She could not manumit without the auctoritas of a tutor (Ulp. *Fragm.* 1, 17; compare Cic. *pro Cael.* 29, 68). The auctoritas of a tutor was not required, in the case of any obligatio by which the woman's condition was improved, but it was necessary in cases where the woman became bound (Gaius, i. 192, iii. 108; Ulp. *Fragm.* 11, 27; Cic. *pro Caecin.* 25, 72). So, if a woman wished to promise, the auctoritas of a tutor was necessary (Cic. *pro Flacc.* 35). As a woman could alienate res nec mancipi without the sanction of a tutor, she could bind a person to her by lending money (*mutuum*), for by delivery the money became the property of the receiver.

A payment made to a woman was a release to the debtor; if, however, she did not receive the money, but affected to release the debtor by acceptilatio, this was not a valid release to him (Cic. *Top.* 11; Gaius, ii. 83, 85, iii. 171).

A woman could not make a will without the sanction of her tutor; the rules on this subject are stated under TESTAMENTUM. If a woman was not subject to a tutor legitimus, but to a tutor of another kind, the praetor might perhaps in the time of Gaius give bonorum possessio to such will, although the merely formal requisite of auctoritas had not been complied with (Gaius, ii. 121, 122: cf. i. 194, 195).

It may be questioned whether the auctoritas of a tutor was necessary in order to enable a woman to marry without passing *in manum viri* (see, however, Ulp. 11, 22; Cic. *pro Cluent.* 5, 14); but it seems clear that such sanction was required in order to enable a woman to effect a confarreatio or coemptio (cf. Gaius, i. 115).

The tutela mulierum existed at least as late as Diocletian, A.D. 293 (*Vat. Fragm.* § 325). There is no trace of it in the Code of Theodosius, or in the legislation of Justinian. (Gaius, i. 142–200; Ulp. *Fragm.* 11, 12; Inst. i. 13–26; Dig. 26 and 27; Cod. 5, 28–75; Rudorff, *Das Recht der Vormundschaft;* Rein, *Das röm. Privatrecht*, p. 239, &c.; F. Minquet, *Hist. jur. Rom. de Tut.*; S. Szuldrzynski, *de Orig. ac Progr. Tut. Mul.*; Le Fort, *Essai Hist. de la Tutelle;* Voigt, *Zwölf Tafeln*, ii. § 110, &c.) [G. L.] [E. A. W.]

TYMBORUCHIAS GRAPHE (*τυμβωρυχίας γραφή*). Pollux mentions *τυμβωρύχος* in a long list of *ὀνόματα ἐξ ἀδικημάτων ἐφ' οἷς εἰσὶ δίκαι καὶ γραφαί.* No instance of this action at Athens is known to us, yet it is very probable that this action might be maintained not so much against a person who opened a tomb to rob the dead (*Att. Process*, ed. Lipsius, p. 456), as against a person who opened it to inter there some one who was not entitled to burial there: cf. Cic. *de Legg.* ii. 26, 64: "de sepulcris autem nihil est apud Solonem amplius quam 'ne quis ea deleat neve alienum inferat' poenaque est, 'si quis bustum,' nam id puto appellari *τύμβον*, 'aut monumentum,' inquit, 'aut columnam violarit, deiecerit, fregerit.'" The custom of fixing a fine to be paid for infringing the rights of the owner of a grave arose in Lycia, and is not derived from Roman usage (Hirschfeld, *Königsberger Stud.* 1887, pp. 85–144). Hirschfeld considers the inscription of Pinara (*C. I. G.* No. 4259) to be the oldest, and assigns it to the 3rd century B.C.; in it we find all the characteristic points of such inscriptions. He who opens a tomb, or orders another person to do so, is accursed (*ἀμαρτωλὸς ἔστω θεῶν πάντων καὶ Λητοῦς καὶ τῶν τέκνων*), has to pay a fine (*προσαποτεισάτω τάλαντον ἀργυρίου*), and anyone who cares may bring an action against him (*ἐξέστω τῶι βουλομένωι ἐγδικάζεσθαι περὶ τούτων*), *i.e.* the *ἔγκλημα τυμβωρυχίας* (Termessus, *C. I. G.* No. 4336 l.): cf. *ἄγεσθαι τυμβωρυχίας*, Olympus, *C. I. G.* No. 4325 k.; *ὑποκείσ[εται] τῇ τυμβωρ[υχί]ᾳ*, Telmissus, No. 4221 *d. Add.*; *τῷ τῆς τυμβωρυχίας νόμῳ*, Andriace, No. 4303 *m.* From Lycia this custom spread, and the Roman emperors sanctioned the law: cf. *Bull. de Corresp. Hellén.* v. p. 344, Tralles: *ὑπεύθυνος ἔσται τοῖς διατάγμασι καὶ τοῖς πατρίοις νόμοις* (*C. I. G.* iii. p. 1128, Antiphellus: *ὑπεύθυνος ἔσται τοῖς διὰ τῶν θείων δια[ταγ]ῶν ὡρισμένοις*), i.e. *constitutiones Imperatorum* and customary laws. The

amount of fine in Lycian inscriptions varies from 250 to (in one instance) 20,000 denarii; in non-Lycian inscriptions some higher amounts occur. The fine is usually paid in Lycia to the δῆμος or the πόλις; everywhere else usually to the fiscus (φίσκος, ταμιεῖον), sometimes to deities—Isis at Thebes, μήτηρ θεῶν Σιπυληνὴ in Smyrna, etc.; in isolated cases the money goes to the brothers or the heirs of the grave-owner. A Jewess directs the fine to be paid to her people, a physician to his colleagues, a slave to his mistress and her heirs. The informer received a share of the fine, sometimes one-half, sometimes one-third: τῆς προσαγγελίας οὔσης παντὶ τῷ βουλομένῳ ἐπὶ τῷ ἡμίσει, *C. I. G.* No. 4300 *v. Add.*, cf. No. 4293; εἰσαγγέλλοντος τοῦ βουλομένου ἐπὶ τῷ τρίτῳ μέρει, No. 4300 *e. Add.*; τοῦ βουλομένου ἐξελέγχειν ἐπὶ τῷ τρίτῳ μέρει, No. 4278 *i. Add.*; οὔσης τῆς κατηγορίας παντὶ τῷ βουλομένῳ ἐπὶ τῷ τρίτῳ μέρει, No. 4224 *d. Add.*, etc. An action for τυμβωρυχία is mentioned also in *C. I. G.* No. 2688 ff. Iasus (cf. Hicks, *Journ. Hell. Soc.* 1887, p. 115), No. 2826 ff. Aphrodisias, No. 3266 Smyrna (Lebas-Waddington, *Voyage Archéol.* iii.), No. 220 Miletus, etc. Of the Attic tomb-inscriptions eleven contain a curse and five fix a fine (*C. I. A.* iii. 2, No. 1417 ff.). These may be added to Hirschfeld's long list as well as some others discovered since the publication of his paper: two of Salonica (*Journ. Hell. Stud.* 1887, p. 374, and *Berl. Philol. Wochenschr.* 1889, No. 41), four of Heraclea in the Propontis (*Berl. Phil. W.* 1888, No. 14), two of Smyrna (*Mitth. d. d. Archäol. Inst.* xii. p. 248), one of Myra (*Journ. Hell. Soc.* 1889, p. 85), three from Ephesus (*Anc. Greek Inscr.*, ed. Newton, iii. p. 253 ff.). [H. H.]

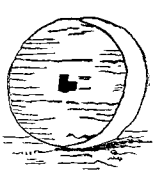
TY'MPANUM (τύμπανον). 1. A small drum carried in the hand. Of these, some resembled in all respects a modern tambourine with bells. Others presented a flat circular disk on the upper surface and swelled out beneath like a kettle-drum, a shape which appears to be indicated by Pliny when he describes a particular class of pearls in the following terms:—"Quibus una tantum est facies, et ab ea rotunditas, aversis planities, ob id tympania vocantur" (*H. N.* ix. § 109). Both forms are represented in the cuts below. Fig. 1 is from a painting found at

Fig. 1. Fig. 2.

Tympanistriae.

Pompeii (*Mus. Borbon.* tom. vii. tav. 37); fig. 2 is from a fictile vase (Millin, *Peintures de Vases Antiques*, pl. 56), and here the convexity on the under side is distinctly seen. Tympana were covered with the hides of oxen (Ovid, *Fast.* iv. 342; Stat. *Theb.* ii. 78) or of asses (Phaedr. iv. 2, 4), were beaten with the hand (Ovid, *Met.* iv. 30; see cuts), and were much employed in all wild enthusiastic religious rites (Aristoph. *Lysistr.* i. 387), especially the orgies of Bacchus and of Cybele (Catull. lxiv. 262; Claud. *de Cons. Stilich.* iii. 365; Lucret. ii. 618; Catull. lxiii. 8; Verg. *Aen.* ix. 619; Suet. *Aug.* 68; compare Lobeck, *Aglaophamus*, pp. 630, 652), and hence Plautus (*Truc.* ii. 7, 49) characterises an effeminate coxcomb as "Moechum malacum, cincinnatum, umbraticolam, tympanotribam." According to Justin (xli. 2), they were used by the Parthians in war to give the signal for the onset.

2. A solid wheel without spokes for heavy waggons (Verg. *Georg.* iv. 444), such as is shown in the cut on page 433. These are to this day common in the rude carts of Southern Italy and Greece, and Sir C. Fellows (*Excursions in Asia Minor*, p. 72), from whose work the figure below is copied, found them attached to the farm vehicles of Mysia. "The wheels are of solid blocks of wood, or thick planks, generally three, held together by an iron hoop or tire; a loud creaking noise is made by the friction of the galled axle," a suggestive commentary on the "stridentia plaustra" of Virgil (*Georg.* iii. 536). [PLAUSTRUM; SARRACUM.]



Solid wheel, or Tympanum.

3. Hence wheels of various kinds, a sort of crane worked by a wheel for raising weights (Lucret. iv. 903; Vitruv. x. 4) [MACHINA], a wheel for drawing water (Vitruv. x. 14) [ANTLIA; ROTA], a solid toothed wheel forming part of the machinery of a mill (Vitruv. x. 9, 10), and the like.

4. An architectural term signifying the flat surface or space within a pediment, and also the square panel of a door (Vitruv. iii. 3, iv. 6).

5. A wooden cudgel for beating malefactors, and also a beating post to which they were tied when flogged; hence the Greek verbs τυμπανίζειν and ἀποτυμπανίζειν are formed (Schol. *ad* Aristoph. *Plut.* 476; *Ep. to Hebrews*, xi. 35; Pollux, viii. 70). [W. R.]

TYRANNUS (τύραννος). The word τύραννος has not yet been satisfactorily explained by a Greek etymology, and Boeckh's conjecture that it was a foreign word and came to the Greeks from Lydia or Phrygia, where it is found frequently in inscriptions, is extremely probable (Boeckh, *Comment. ad C. I. G.* n. 3438). The meaning the word conveyed to a Greek mind was that of a man who wielded absolute power, and a power not sanctioned by the ordinances of the state in which it was exercised. This is all that is essential to the notion; yet the later philosophic thought of Greece, combined with actual historical experience, developed an addition to the conception,—namely, that the rule of the τύραννος was exercised not in the interests of the subjects, but in that of the ruler. This was a natural consequence of the conception that the rule of the tyrant was always outside the pale of law (Eur. *Suppl.* 445), although it was a deduction not always justified by facts. Aristotle embraces every side of the idea when he defined tyranny proper as "that arbitrary power of an individual which is responsible to no one, and governs all alike,

whether equals or betters, with a view to its own advantage, not to that of its subjects, and therefore against their will" (Arist. *Pol.* iv. 10, 4 = p. 1295). The main point of separation between τυραννὶς and βασιλεία was the self-interested nature of the former government (Arist. *Pol.* iii. 7, 5 = p. 1279; *Eth.* viii. 10, 2), although the early kingships of Greece differed additionally from tyranny in having their privileges and their powers determined by custom (Thuc. i. 13, 1); and thus a king who, like Pheidon of Argos, overstepped the limits of his hereditary power, was accounted a tyrant (Arist. *Pol.* v. 10, 6 = p. 1310). It may be further noticed, in this definition of Aristotle and in the Greek conception generally, that tyranny proper implies *individual* rule.

Tyranny, while always answering in some degree to this general conception, yet had the particular form in which it manifested itself determined by the circumstances of the times and the stage of political development in Greece. We may distinguish two main periods of despotism, that of the 7th and 6th centuries on the one hand, and that of the 4th century on the other; the difference between the earlier and the later of these periods is the difference between symptoms of growth and symptoms of decay in the same nation: and while the former was a result of the natural course of internal development in the states and prepared the way for the free constitutions, the latter was a consequence of the downfall of the free governments and of the external causes which in the 4th century acted on Greek politics as a whole. The early tyrannies grew for the most part out of the oligarchical governments which succeeded the downfall of the monarchies. In Corinth and Thebes the monarchy fell about the middle of the 8th century: in Sparta, at a still earlier period, it had been saved by a limitation of its powers: in Athens it dwindled down to the limited functions of the archonship. Everywhere its power had been replaced by the rule of a nobility, whose special claims to honour were the exclusive possession of the sacrifices and higher religious rites of the state, the exclusive knowledge of its laws, and the sole possession of that political ἀρετὴ which resulted from higher birth and from inherited wealth and culture. But in the 7th century B.C. other classes were growing to power by the side of the old nobility,—the classes, namely, which had acquired wealth through commerce, and which were not only excluded from all participation in public affairs, but found their properties exposed to danger from the dynasties that ruled their towns. These formed the largest part of the discontented elements that fostered the despot, as in Corinth, where the revolution took the form of a reaction against the Bacchiadae, who had grossly misused their power and unscrupulously appropriated the profits of commerce (Ael. *Var. Hist.* i. 19; Strabo, p. 325): and the assertion of Thucydides that it was the growing wealth of Greece which gave rise to despotism (Thuc. i. 13) is illustrated both by this instance of Corinth and by that of the neighbouring town of Sicyon, which was renowned only next to Corinth for trade and manufacture (Strabo, p. 382). The tyrannies that developed out of oligarchies in Sicily and southern Italy, at Leontini, Gela, and Rhegium, during the close of the 6th century B.C. (Arist. *Pol.* v. 12, 13 = p. 1316), were probably due to the same assertion of their claims by the rich and unprivileged classes; in other states it was the poorest class, such as the Diacrii of Athens, on the championship of which the despot based his claim to power (Arist. *Pol.* v. 5, 9 = p. 1305; Herod. i. 59); while at other times the element of race entered into the struggle, as at Sicyon, where both the tyrant and his supporters belonged to the Ionian Aegialeis, and the revolution took the form of a reaction against an oppressive Dorian nationality (Herod. v. 68). Throughout Greece we see a period of transition, during which pressing difficulties, national or social, called for settlement; and the adjustment that ensued took the form either of a constitutional dictatorship or of an unconstitutional monarchy. In the former case the contending factions combined in appointing an individual for the settlement of their difficulties who bore the title of αἰσυμνήτης. Such an office was held by Pittacus in Mitylene, Zaleucus in Locri, and Solon in Athens; it was the only constitutional form of despotism in the Greek world, and Aristotle describes it as an "elective tyranny" (Arist. *Pol.* iii. 14, 8 = p. 1285), and as combining the characteristics of βασιλεία and τυραννίς (*ib.* iv. 10, 3 = p. 1295). The aesymnetes was given a body-guard of sufficient force to enable him to carry out his work of renovation (*ib.* iii. 15, 16), and held office either for life or for a term of years or until certain duties had been performed (*ib.* iii. 14, 9). In the later period of tyranny we find an aesymnete, Iphiades of Abydos, who made himself despot (*ib.* v. 5, 9 = p. 1305; Plaes, *Die Tyrannis*, ii. p. 89); and in some states, such as Teos, Cyme, Naxos, and Megara, the aesymnesia developed into a standing magistracy [AESYMNETES]. But such a legitimised despotism was rare in the Greek world. More frequently the reins of government were seized by a man who constituted himself the champion of a section of the people. The demagogue who united military prowess with zeal for the popular welfare was the most ordinary type of despot; this character is found chiefly exemplified by the pretenders who in the 7th and 6th centuries rose to the throne through opposition to the ruling oligarchies, such as Orthagoras at Sicyon, Cypselus at Corinth, Theagenes at Megara, Pisistratus at Athens (Arist. *Pol.* v. 5 and 10; Herod. i. 59); but this type perpetuated itself even in the 4th century: Dionysius of Syracuse was one of the great historic instances of the demagogue-despot (Arist. *Pol.* v. 5, 10), and both Plato and Aristotle affirm this championship of popular causes to be the most settled element in the growth of tyrannies (Plat. *Rep.* viii. 565 D, τύραννος ἐκ προστατικῆς ῥίζης καὶ οὐκ ἄλλοθεν ἐκβλαστάνει: cf. Arist. *Pol.* v. 10, 4 = p. 1310). But it was in the earlier tyrannies that this phenomenon was of most importance, as inaugurating a new and necessary phase of political life; they effected, as no other power could have done, the unity of the nations which they governed, and in many cases, as at Athens, their rule first created a national spirit (Herod. v. 66); they were thus the precursors of the democracy, and even where democratic

institutions did not follow their overthrow, yet a juster and more equable rule replaced, as at Corinth, the dynastic government of the older oligarchies. The demagogues who made their way to the throne were sometimes sprung from the oppressed classes whom they championed, as Orthagoras of Sicyon, who belonged to the weaker Ionian element of the state, and is said to have been a cook (Diod. viii. 24); in other cases they were members of the oligarchies they overthrew, and made the great powers which they possessed as magistrates a stepping-stone to the crown. It was thus that Phalaris rose to be tyrant of Agrigentum (Arist. *Pol.* v. 10, 6); Lygdamis of Naxos belonged to the old nobility (*ib.* v. 6, 1); at Miletus a tyranny arose out of the office of prytanis (*ib.* v. 5, 8), and according to one account Cypselus of Corinth rose to power by the mode in which he exercised the office of *πολέμαρχος* (Nicol. Damasc. *Frag.* 58). When once he had risen to power, the despot was sometimes enabled to retain his position through popular support; thus Cypselus of Corinth was a popular man who during the whole time of his rule never had a body-guard (Arist. *Pol.* v. 12, 4); and men like Gelo, who based their power on a victory over the national foes, could dispense with the support of armed force (Diod. xi. 23, 26, 48); but as a rule the band of *ἐπίκουροι*, for the support of which the subjects were taxed, was the invariable accompaniment of tyrannis (Arist. *Pol.* iii. 14, 7); this body-guard was usually composed of foreign mercenaries (*ib.* v. 10, 10), such as the Argive soldiers of Pisistratus (Herod. i. 61). Even when the first steps to power were due to popular support, the rise to the tyranny was often effected by a *coup d'état*, as in the case of Pisistratus. Sometimes, even in the older tyrannies, the despotic rule was wholly acquired by the use of armed force. It was thus that Polycrates and afterwards Syloson gained the throne in Samos (Herod. iii. 120; Polyaen. vi. 45), that Aristodemus gained the throne in Cumae (Dionys. vii. 2 to 11), and that Cylon attempted to make himself tyrant of Athens (Herod. v. 71; Thuc. i. 126). The first exercise of the despot's power was usually the banishment of the more powerful members of the faction, which it had been his declared object to resist. Thus the Bacchiadae were expelled from Corinth by Cypselus (Dionys. iii. 46; Strabo, p. 325; Herod. v. 92), and even Pisistratus of Athens, in spite of his otherwise mild rule, found it necessary to banish some of the nobles (Herod. vi. 103; cf. Arist. *Pol.* v. 10, 12). But by the wiser despots no violent change was made in the machinery of government. The Orthagoridae and Pisistratus ruled in accordance with the existing laws (Herod. i. 59; Thuc. vi. 54, 6; Arist. *Pol.* v. 12, 1), the latter taking the precaution of having the great offices in the state filled by members of his own family (Thuc. *l.c.*). When radical changes were introduced, these had more of a social than a political character, and were calculated either to raise the position of one class of the population at the expense of others, or to unite the peoples by means of common festivals, or to give an impulse to democracy by substituting the universal and popular cults for the aristocratic and exclusive worship of the nobles. The first of these changes we find brought about in Sicyon, where the struggles which raised the Orthagoridae to power had an ethnic significance; the hatred of Cleisthenes to the memory of Adrastus, his suppression of the Homeric recitals and his alteration in the tribe-names, were all intended to elevate the Ionic element in the state at the expense of the Dorian (Herod. v. 67 and 68). The aim of uniting the people by festivals may be illustrated by Pisistratus' cultivation of the Panathenaea (Schol. Arist. p. 323); and that of superseding the aristocratic worship by the encouragement given by Cleisthenes of Sicyon and by Periander of Corinth to the popular cult of Dionysus (Herod. i. 23, v. 67). A further object of the despots' policy was to strengthen their position by adding a lustre to their courts. To effect this they patronised arts and letters, as was done by Periander, Pisistratus, and Hiero, and some, like Polycrates of Samos, maintained an almost Oriental splendour (Sayce on Herod. iii. 39); they raised great buildings, such as the temple of Olympian Zeus originated by the Pisistratidae, and the great monuments at Samos built by Polycrates (Arist. *Pol.* v. 11, 9 = p. 1313; Herod. iii. 60), and sent rich offerings to the religious centres of Greece, such as those dedicated by Cypselus and Periander of Corinth, and by Myron of Sicyon at Olympia (Plut. *Sept. Sap. Conv.* 21; Paus. v. 17 to 19, vi. 19, 2). Aristotle attributes these buildings and offerings of the despots to the desire to impoverish their subjects and give them no time to hatch conspiracies (Arist. *Pol.* l. c.); but the more probable object was the desire of personal distinction in their own states and in Greece: and even amongst the later despots we find the revival of this cultivation of Greek art and letters by Maussolus of Halicarnassus and Evagoras of Cyprus (Plin. *H. N.* xxxv. § 49; Isocr. *in Evag.* 20 and 21). The necessities of internal administration showed the true evils of tyrannis. Aristotle characterises the maxims which the despot must employ to preserve his power as being, to create a slavish feeling in the subjects, to create mistrust amongst them, and to allow no prominent men in the state (Arist. *Pol.* v. 11; cf. Herod. v. 92); while the inevitable influence of flatterers and parasites and the system of espionage were other evils that accompanied their rule (Arist. *l. c.*). But there was probably no positive oppression of the general mass of the citizens. Some despots, like Dionysius of Syracuse, might have taxed their subjects heavily (Arist. *Pol.* v. 11, 10); but the Pisistratidae, we are told, only collected one-twentieth of the products of the soil. The artisans, who were not landowners, would thus have been wholly untaxed, and it was to the interest of the despot to provide the lower classes with material for work, and so keep them contented and employed (Ael. *Var. Hist.* ix. 25; Nicol. Damasc. *Frag.* 60). The external policy pursued by the early despots was at once vigorous and prudent. Thucydides, indeed, says that, with the exception of the tyrants of Sicily, the policy of those of Greece generally was characterised by a regard for selfish interests and by an absence of any great foreign activity (Thuc. i. 17); but this judgment is scarcely applicable to despots like Cypselus, who founded some of the most important colonies of Corinth (Strabo, pp. 270,

388), or Periander, who, besides founding Potidaea (Nicol. Damasc. *Frag.* 60), holding Corcyra and capturing Epidaurus (Herod. iii. 50 and 53), is also credited with the institution of the Isthmian games (Duncker, *Hist. of Greece*, ii. p. 371, n. 2), and certainly raised Corinth to a greater height of power than she attained before or after him. Pisistratus of Athens, too, subdued Naxos, purified Delos (Herod. i. 64; Thuc. iii. 104), and pushed his arms as far as Sigeum in the Troad (Herod. v. 94); while Polycrates of Samos founded a maritime empire, and mingled in the politics of Egypt and Persia (Herod. iii. 39 and 44). More manifest, however, was the greatness of the life and works of the early despots of Sicily—of Gelo and Hiero in particular. The power of Gelo of Syracuse was almost commensurate with his aims. These were a union of all the Sicilian Greeks against the barbarian, which he so far effected as to be himself described by the historian as "despot of Sicily" (Σικελίης *τύραννος*, Herod. vii. 163, cf. c. 157).

But, however powerful the individual tyrant might make himself, it was not in the nature of the tyrannies to last long. They marked a period of transition in Greek politics, and, when their work of destruction and preparation had been effected, there was no further reason for their continuance; they were rarely inherited, and, even when transmitted, fell rapidly through the degeneracy of the holders, who sought to maintain their power by force, and sometimes through quarrels in the ruling house, such as proved the ruin of the earlier and later despotisms at Syracuse (Arist. *Pol.* v. 10, 31). The Orthagoridae ruled at Sicyon for a hundred years, the Cypselidae at Corinth for seventy-three years, the Pisistratidae at Athens, exclusive of the period during which Pisistratus was banished, for thirty-five; and Gelo, Hiero, and Thrasybulus at Syracuse for eighteen years (Arist. *Pol.* v. 12; Herod. i. 60; Eratosth. *ap.* Schol. Aristoph. *Vesp.* 502), but these periods of duration were exceptional (Arist. *l. c.*). The actual overthrow of a tyranny was sometimes due to a general rising of the people, such as that which deposed Thrasybulus of Syracuse (Diod. xi. 67 *sq.*), sometimes to conspiracies inspired by private revenge (Arist. *Pol.* v. 10), but was not unfrequently effected by external force. Thus the Lacedaemonians drove out the Pisistratidae and are credited with having put down other tyrannies (Thuc. i. 18; Herod. v. 92; Arist. *Pol.* v. 10, 30); and similarly the Syracusans, after the death of Thrasybulus and after that of the younger Dionysius, put down despotisms in the other Sicilian states (Arist. *l. c.*; Diod. xi. 68, xvi. 82; Plut. *Tim.* 34).

The earlier despotisms in Greece proper, belonging to a dim period of history, became at an early period obscured by legend and coloured by the later Greek conceptions of tyranny. From these legends was developed the idea of a normal type of despot, which was usually embodied in the person of Periander. He was the standing illustration of the mode in which the true despot preserved and exercised his power (Arist. *Pol.* v. 11), while the events of his life were modelled after that conception of the internal state of the despot, which was such a favourite subject of Greek speculation (Herod. v. 92; cf. Plat. *Rep.* ix. p. 580; Xen. *Hiero*, passim). The so-called "tyrants" of the Greek cities in Asia Minor in the 6th and 5th centuries B.C.—such as Daphnis of Abydos, Aeaces of Samos, Aristagoras of Cumae, and others (Herod. iv. 138)—cannot be classed with the despots of the early period in Greece proper, Italy, and Sicily. They were merely native princes who governed the Greek dependencies of Persia, and who were kept in their position by Persian support; and in their dependence on external aid they bear a greater resemblance to the later despot of the 4th century.

This later despotism differed essentially from the earlier, in that it was not a natural growth and did not arise from internal changes in the Greek communities, but was a product of the general degeneration and of the ever-growing influence of mercenaries. The causes which raised these despots to power were sometimes the influence of the political clubs, but more often the ease of raising mercenaries or of seeking the protection of some strong foreign master (Plaes, *Die Tyrannis*, ii. pp. 38–40). The exceptions to the general rule were the later despotism of Sicily and the government of the Tagi of Thessaly. Dionysius of Syracuse was, like the earlier despots, a demagogue; and with the rule of Jason of Pherae Thessaly began a new life, became a united nation, and took her place among the powers of Greece. But on the whole these despotisms were not the sign of a healthier phase of political life. Many of them were due to the power of Macedon, which sought, like Persia, to rule its dependent states through despots; and most of them were a sign of the impossibility of the continuance of free civic life in Greece.

(H. G. Plaes, *Die Tyrannis in ihren beiden Perioden bei den alten Griechen*, Bremen, 1852; Drumann, *De tyrannis Graecorum*, Halle, 1812; Wachsmuth, *Hell. Alterth.* i. 493 ff., ii. 72 ff., 688 ff.; Schömann, *Griech. Alterth.* i. pp. 169 ff.; Gilbert, *Handb. der griech. Staatsalth.* ii. 277 ff.; Iwan Müller, *Handb. der classisch. Alterth. Wissenschaft*, iv. 1, 36 ff.; Duncker, *History of Greece*, Bk. iv.; Grote, *History of Greece*, Pt. ii. ch. 9; on the Sicilian tyrants, Holm, *Gesch. Siciliens in Alterth.* i. 212 ff., ii. 77 ff.)

[A. H. G.]

U, V.

VACA'NTIA BONA. [BONA VACANTIA.]

VACA'TIO MILITIAE. [EXERCITUS, Vol. I. p. 805 *a*.]

VADIMO'NIUM. [ACTIO, Vol. I. p. 17; PRAES.]

VAGI'NA. [GLADIUS.]

VALETUDINA'RIUM (*νοσοκομεῖον*), an infirmary. A detached building or room was commonly found in large houses for the reception of sick slaves, who, we are told, should at once be removed there for better treatment, and, no doubt, for the prevention of infection (Col. xi. 1, 18; xii. 3, 7;—Senec. *de Ira*, i. 16; *Nat. Qu.* 1). We have no satisfactory evidence of anything that can be regarded as a *public* infirmary or hospital in Italy until the end of the 4th century A.D. Though the passages of Seneca cited above might bear this interpretation, there

is no reason to consider the valetudinaria which he mentions as anything but infirmaries for slaves in private houses. Attendants for such valetudinaria are mentioned in *C. I. L.* vi. 4475, 9084, 9085. [As regards military *valetudinaria* in camps for sick or wounded soldiers, see EXERCITUS, Vol. I. p. 802 *b*.] The earliest mention of an infirmary or hospital for the poor in Italy seems to be that found in Jerome (*Ep.* iii. 10, *de mort. Fab.*), where we are told that Fabiola, A.D. 380, took care of the sick brought from the streets into a building of this kind: "Primo omnium nosocomium, id est languentium villam, instituit, in quo aegrotantes colligeret de plateis et consumpta languoribus atque inedia membra foveret." Shortly before this (A.D. 372) we hear (Sozom. *Hist. Eccles.* vi. 34) of a hospital at Caesarea established by Basil (primarily, however, for the reception of poor travellers or pilgrims). Vercoutre maintains, probably with reason, that all idea of such an institution was derived by the Romans from the Greeks, whose lead they followed in everything connected with medicine [see MEDICINA, MEDICUS]. We doubt, however, whether this writer is justified in making as much as he does of the Greek *ἰατρεῖα*, or in regarding them as in any sense hospitals. The state physicians, who treated the poor gratuitously in return for their state salary, had in many Greek cities not only their medicines and surgical appliances provided for them by the state, but also a room, or suite of rooms, called *ἰατρεῖον*, which otherwise means merely the consulting-room and dispensary of any physician [MEDICUS]. The description in Galen is *οἶκοι μέγαλοι θύρας μεγάλας φωτὸς πλήρεις ἔχουσιν, οἷοι καὶ νῦν κατὰ πολλὰς τῶν πολέων δίδονται τοῖς ἰατροῖς, οὓς παρωνύμως αὐτῶν ἰατρεῖα προσαγορεύουσι* (Gal. *in* Hippocr. *de Med. Officin.* i. 8). In such rooms it is probable that patients might remain for a time; if, for instance, they were unable to move after an operation: but we lack information which would warrant our crediting Greece with hospitals properly so called earlier than the 4th century. It is possible that the *παιώνιον* at Piraeus, mentioned by Crates, the comedian of the 5th century B.C. (*Fr.* 15, Meineke), may have been something of the kind, but this is doubtful; at any rate, it is not alluded to anywhere else, and can hardly have been an institution lasting or imitated in many other places. The function of hospitals for the poor was, to some extent, performed by the temples of Aesculapius [MEDICUS, p. 154], where the priests no doubt combined a certain amount of medical knowledge (cf. Liv. xlv. 28) with a great deal of quackery and superstitious observance (cf. Aristoph. *Plut.* 665 ff.), and it may, we think, fairly be surmised that the disuse of these temples in Christian times made the necessity of hospitals more apparent, and so led to their institution, in much the same way as in this country the suppression of monasteries, which had largely relieved the indigent poor, made the necessity of Poor-laws immediately evident. (On this subject, see Daremberg, *Hist. de la Médecine*, ch. i.; *Westminster Review*, vol. liii.; and especially three articles by Vercoutre in *Revue Archéol.* 1880, pp. 90, 231, 309 ff.) [G. E. M.]

VALLUM, a term applied either to the whole or a portion of the fortifications of a Roman camp. It is derived from *vallus* (a stake), and properly means the palisade which ran along the outer edge of the top of the agger, but it very frequently includes the agger also. The vallum, in the latter sense, together with the *fossa* or ditch which surrounded the camp outside of the vallum, formed a complete fortification [AGGER], and accordingly the word *vallum* is almost always found in connexion with *fossa*.

The *valli* (*χάρακες*) or *sudes* (Caes. *Bell. Gall.* v. 40, 6; Veg. i. 24, iii. 8), of which the vallum, in the former and more limited sense, was composed, are described by Polybius (xviii. 18, 5 ff., ed. Hultsch = xviii. 1, ed. vulg.: see Mr. Strachan-Davidson's notes on this difficult passage, pp. 416–17) and Livy (xxxiii. 5), who make a comparison between the vallum of the Greeks and that of the Romans, very much to the advantage of the latter. Both used for valli young trees or arms of larger trees with the side branches on them; but the valli of the Greeks were much larger and had more branches than those of the Romans, which had either two or three, or at the most four branches, and these generally on the same side. From their similarity to the antlers of a stag (Sil. Ital. x. 414), they were sometimes called *cervi* (Varro, *L. L.* v. 117, Müller; Caes. *Bell. Gall.* vii. 72, 4; Tibull. iv. 1, 84: cf. Liv. xliv. 11, 4), or *cervoli* (Frontin. *Strateg.* i. 5, 2; Hygin. *de Mun. Castr.* § 51). The Greeks placed their valli in the agger at considerable intervals, the spaces between them being filled up by the branches; the Romans fixed theirs close together, and made the branches interlace, and sharpened their points carefully. Hence the Greek vallus could easily be taken hold of by its large branches and pulled from its place, and when it was removed a large opening was left in the vallum. The Roman vallus, on the contrary, presented no convenient handle, required very great force to pull it down, and even if removed left a very small opening, as the stake itself was so small. The Greek valli were cut on the spot; the Romans prepared theirs beforehand, and each soldier carried three or four of them when on a march (Polyb. *l. c.*; Verg. *Georg.* iii. 346, 347; Cic. *Tusc.* ii. 16, 37; Liv. *l. c.* and *Epit.* lvii.). They were made of any strong wood, but oak was preferred.

The word *vallus* is sometimes used as equivalent to vallum (Caesar, *Bell. Civ.* iii. 63).

A fortification like the Roman vallum was used by the Greeks at a very early period (Hom. *Il.* ix. 349, 350).

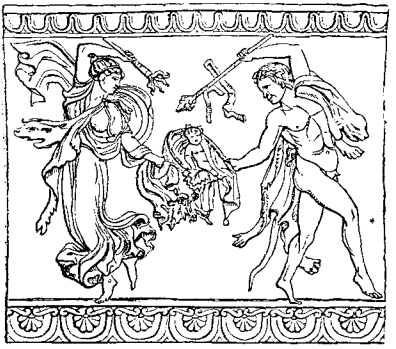
Varro's etymology of the word (viz. "vel quod ea varicare [stride over it] nemo potest vel quod singula ibi extrema bacilla furcillata habent figuram litterae V:" *L. L.* v. 117, ed. Müller) is not worth much. The real derivation is probably from the root *var* (*val*), "to protect," whence *vereri*, *ἦλος*; cf. Vaniçek, pp. 900, 901.

In the operations of a siege, when the place could not be taken by storm, and it became necessary to establish a blockade, this was done by drawing defences similar to those of a camp round the town, which was then said to be *circumvallatum*. Such a circumvallation, besides cutting off all communication between the town and the surrounding country, formed a defence against the sallies of the besieged. There was often a double line of fortifications, the inner

against the town, and the outer against any force that might attempt to raise the siege. In this case the army was encamped between the two lines of works.

This kind of circumvallation, which the Greeks called ἀποτειχισμὸς and περιτειχισμός, was employed by the Peloponnesians in the siege of Plataeae (Thucyd. ii. 78, iii. 20–23). Their lines consisted of two walls (apparently of turf) at the distance of 16 feet, which surrounded the city in the form of a circle. Between the walls were the huts of the besiegers. The walls had battlements (*ἐπάλξεις*), and at every tenth battlement was a tower, filling up by its depth the whole space between the walls. There was a passage for the besiegers through the middle of each tower. On the outside of each wall was a ditch (*τάφρος*). This description would almost exactly answer for the Roman mode of circumvallation, of which some of the best examples are that of Carthage by Scipio (Appian, *Punic.* 119, &c.), that of Numantia by Scipio (Appian, *Hispan.* 90), and that of Alesia by Caesar (*Bell. Gall.* vii. 72, 73). The towers in such lines were similar to those used in attacking fortified places, but not so high, and of course not moveable. [TURRIS.] (Lipsius, *de Milit. Rom.* v. 5, in *Oper.* iii. pp. 156, 157; Poliorc. ii. 1, in *Oper.* iii. 283; Marquardt, *Röm. Staatsverwaltung*, ii.[2] 419; and the art. CASTRA in Vol. I. of this Dictionary.) [P. S.] [L. C. P.]

VANNUS (*λίκνον*), a winnowing fan, *i.e.* a broad basket, into which the corn mixed with chaff was received after threshing, and was then thrown up into the wind so as to disperse the chaff and leave the grain (Col. *R. R.* ii. 21; Verg. *Georg.* iii. 134). The same process was performed by the (probably) more primitive wooden shovel (*πτύον*, *pala lignea*), an implement with a long handle and broad blade, sufficiently like an oar to account for the passage in the Odyssey where the oar is mistaken for the *ἀθηρήλοιγος* (*Od.* xi. 128; PALA). The expression "mystica vannus Iacchi" in Verg. *Georg.* i. 166 shows that the shape of the basket winnowing fan and the Bacchic *λίκνον* (whence the title *Διόνυσος λικνίτης*) was the same.



The infant Dionysus in the *λίκνον*. (From a terra-cotta in the British Museum.)

The suggestion of Mr. Andrew Lang (*Custom and Myth*, p. 36), that the *mystica* vannus was a magic method of raising the wind, like the whirling of the *turbo* or *rhombus* [TURBO], though ingenious and attractive, must, we think, be rejected. The *λίκνα μυστικὰ* are mentioned by Plutarch (*Alex.* 2) as being covered with ivy, and containing serpents which belonged to the cult of Dionysus. It is probable that sometimes a figure of the infant Dionysus was actually placed in it, though the representation in the antefixa engraved above may only indicate that he was regarded as spiritually present in the processions. We see here the infant god carried in a *λίκνον* or vannus by two figures, a Satyr bearing a thyrsus and a Maenad bearing a torch, both wearing skins [NEBRIS]. Some have wished to trace a symbolism of purification by fire and air [cf. OSCILLA], but we have little doubt that the simpler explanation of the mystic vannus is true. Plutarch speaks of the "Awakening of Dionysus" (*ὅταν αἱ Θυιάδες ἐγείρωσι τὸν Λικνίτην*, *Is. et Os.* 35; cf. *ἀμφιετῆ καλέω Βάκχον— ἐγρόμενον κούραις ἅμα νύμφαις εὐπλοκάμοισιν*, Orph. *Hymn.* 53), which belonged to the Delphic winter month *Δαδοφόριος*. The swinging of the basket cradle by the nymphs, who were the nurses of Dionysus, represented the call upon the god of springing vegetation to awake. In winter he is an infant sleeping, as the vegetation sleeps; by spring-time he is to wake and gain his full strength: hence the appropriateness of the corn basket being also the cradle of the god. The idea is illustrated by the German superstition of "waking the corn" described by Mannhardt (*Wald- und Feld-Kulte*, i. 534): perhaps also by the "corn-baby" (see Frazer, *Golden Bough*, ii. 23). The scene on the terra-cotta shows doubtless what the procession of the *λικνοφορία* at Delphi and elsewhere represented: the *λικνοφόροι* (Dem. *de Cor.* p. 313, § 260) bore a cradle in which was either the infant god himself or his attributes, the sacred serpents, &c. (See further on this subject Lobeck, *Aglaoph.* 700; Roscher, *Lexicon der Gr. und Röm. Myth.* pp. 1042 f.; Baumeister, *Denkm.* p. 850.)

[J. Y.] [G. E. M.]

VAPPA. [VINUM.]

VAS (legal). [ACTIO, p. 17; PRAES.]

VAS (*vasa*, generic name for earthenware) covers in its extended sense (*a*) *vessels* of all materials; (*b*) *utensils* of every sort; and is (*c*) in a special use applied to the *baggage* of an army.

Earthenware naturally subdivides itself into two classes, embracing firstly those objects of the commonest utility which, once a suitable material and form have been invented, retain that form and material practically unaltered to the end; and, secondly, those which are subject also to the laws of ornament and fashion. Product of primitive civilisation as is the invention of baked clay for household utensils, no art is wholly removed from the influence of its sister arts. Gourds, earlier in use than earthenware vessels, showed men how to shape and ornament them; and metal-work, ornamental glass, and textile industries have all left their mark on the development of Greek and Roman ceramics.

The earliest pottery unearthed on Greek soil is represented in the finds of Dr. Schliemann at **Hissarlik**, and is of a rude type. The manufacture is as yet in almost its first stage. There are vases of very various forms, doubtless meant for special uses, but showing no great adaptation of means to end: in scarcely more than

two series have the potters succeeded in establishing fixed types; the one (fig. 1) being that

Fig. 1. Two-handled Vase from Hissarlik. (Schliemann, *Ilios.*)

which Dr. Schliemann imagined might represent the Homeric δέπας ἀμφικύπελλον, the other (fig. 2)—the "owl-vase"—being noteworthy

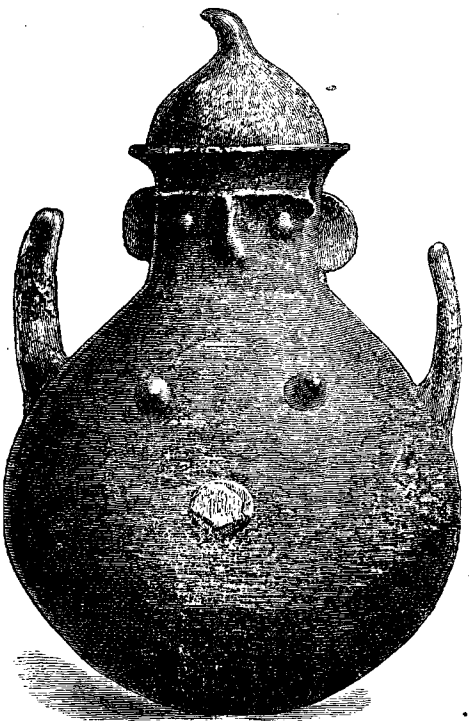


Fig. 2. So-called "Owl Vase" from Hissarlik. (Schliemann, *Ilios.*)

as marking a first attempt to establish, in the analogy between a vase and a living thing, a principle of design and decoration. [Examples of the shapes: Schliemann, *Ilios*, p. 299, No. 179, and pp. 340 ff., figs. 227 ff., respectively.] This analogy, though helpful, is responsible for many vagaries in early ceramic art. The Hissarlik vases are hand-made—Dr. Schliemann excepts one, figured *Ilios*, p. 214, No. 23—are generally of a dull-black colour produced by the smoke of the furnace impregnating their substance, and have been rubbed, after firing, by a piece of wood or some similar material so as to dress the surface and impart a certain polish. The clay contains many particles of mica, which may be used like pounded granite to bind and strengthen. Handles are not generally employed, and their place is taken by bosses pierced for the passage of a thong by which the vessel might be hung against a wall: a practice sometimes retained in later ware as a mere form of ornament. The vases are never painted, but in a certain proportion of them scratches have been made to serve a first rude idea of design. These scratchings have, Dr. Schliemann states, been in many cases "filled up with white chalk;" but the presence of the chalk may, as in the parallel instance of certain Cypriote vases, be accidental and due to the nature of the soil, which both at Hissarlik and Alambra (Cyprus) is of a limestone formation. A fragment of a large πίθος "from the second city" exhibits a second style of ornamentation, the design being given by strips of clay applied in relief. [For the Hissarlik pottery, see Schliemann, *Ilios* and *Troja;* Dumont et Chaplain, *Les Céramiques*, s. v.]

In many ways analogous to the pottery of Hissarlik, but showing a distinct advance upon it, is that obtained from the most ancient graves of Cyprus. The class of ware here indicated is known by the name of the place where most examples have been found, **Alambra** (Dali): elsewhere in Cyprus it has not been discovered except at Larnaca (Kition): both are sites especially associated with Phoenician colonisation. The class consists of vases (*a*) covered with a vitreous slip and baked to a lustrous red, almost vermilion in tint, ranging sometimes, by over-exposure, to black or, by under-exposure, to a light red: the ornamentation is by lines incised generally before, occasionally after, firing. Some specimens of this class are decorated in appliqué with strips of clay, which here and there take shape as serpents. (*b*) Made of extra fine clay, moulded to a very delicate texture. The colour is grey, or pale black; and the vessels are less frequently ornamented with incised lines, and more often by appliqué work: often the vase is left plain. The ware seems to be rather later in date than that mentioned under (*a*).

It is in the Alambra pottery that a distinctive style first emerges, both in form and ornament. Two shapes are characteristic, the first of which is simply a reproduction in clay of the long-stalked gourd which has always been and is to-day the commonest water- or wine-bottle of the Cypriotes: in some cases it has even been fitted with a string and stopper, thus carrying the resemblance into the closest detail. [An example is in the Brit. Mus., 1 V. R., Wall-case 3, No. 1.] The other shape is that of a broad, shallow, handleless cup. Something like a system of ornamentation also appears: the scratches are gathered together to form lozenges and cables, and the field is divided into sections by perpendicular lines. Many of the vases with their bright red colouring set off by the white lines of incision, or their delicate grey tint, are really effective. Their greater merit may be due to

Semitic influence, to which also the use of the wheel is perhaps to be assigned.

Similar vases, though of inferior style, have been found on a number of the Aegean Islands, such as Amorgos, Antiparos, Naxos, Melos: and they represent a distinct epoch in ceramics, an epoch undoubtedly of considerable duration. Already however a new style is growing up, and the introduction of painting opens a great career to the potter. By whom and when painted vases were invented is unknown, nor is it necessary to assume for them a single source. At **Thera** (Santorin), which has, among the Aegean Islands, yielded the richest harvest of early pottery, the new style is found already established. Thera ware is made entirely upon the wheel, and, almost for the first time, vases are furnished with a foot and intended to stand by themselves instead of being hung against a wall. The clay used proves the fabric to be an insular product: while the ornamentation shows a great preference for plant-life, but admits also animal forms. Though great success is not attained, there is a distinct striving to imitate nature. As to colours, red, brown-black, and white are used upon prepared grounds of grey, buff, and a brownish red. By substituting the brush for the point the artist is enabled to ornament also the inside of the vase, and thus a new departure is taken.

Thera pottery is found beneath a lava stratum, and this fact has given it an exceptional value as suggesting the possibility of an approximate date. Geologists, however, are unable to speak either with precision or unanimity; and the opinion now in vogue that the ware belongs to the period 2000–1500 B.C. must stand for what it is worth. Any attempt to date the Hissarlik and Alambra types from that of Thera is without value: Cypriote pottery in particular, owing to its conservativeness, is exceptionally difficult in the matter of chronology.

[For early Cypriote pottery, see an article by Sandwith, *Archaeologia*, xlv. (1877–80), which is especially valuable for its reserve, and for its illustrations in colour (*v.* pl. ix.); also Dümmler, *Mitth. d. Ath. Inst.* xi. pp. 209 f. and A. S. Murray in Cesnola's *Cyprus*. For Thera, Dumont et Chaplain, *Les Céramiques*, s. v. "Type de Santorin," and pll. i. and ii.: the geological question in Fouqué, *Santorin et ses Éruptions*.]

The vases of Thera supply a natural point of transition to the second great stage of early ceramic art represented by the so-called **Mycenaean** ware. Spread over virtually the whole of the ancient classical world, there has been found a class of pottery more or less uniform in technique and ornamentation which has formed the subject of special study by Drs. Furtwängler and Löschcke and has been named by them "Mycenaean." This class divides itself broadly into vases painted (*a*) with opaque, or *matt*, and (*b*) with lustrous, colours (*Mattmalerei, Firnissmalerei*). The first division is of less interest, is relatively small, and of greater antiquity. Examples of it occurred only in the deepest layers at Mycenae, and it is not generally found accompanying (*b*) in localities other than Mycenae itself. The decoration is painted in opaque colour, either on red or pale clay: in the former case the tints are violet-brown and red, and white is at times employed, while the surface is polished; in the latter only violet-brown is used, and there is no polishing. The ornaments sometimes show a close analogy to the metal-work which Dr. Schliemann found accompanying the pottery.

(*b*) The introduction of lustrous colours is "a new factor in vase-making;" and is to all intents peculiar to Greek ceramics (including the pottery of peoples taught by Greece). Four different styles may be distinguished:—1. A small class, ground completely covered by black varnish, on which designs are painted in matt white or red. 2. The ground is supplied by a whitish or yellow-brown slip, the ornament painted in black-brown (lustrous). 3. A lustrous, warm-yellow surface is ornamented with paintings in all shades, from yellow to dark brown. 4. Similar but duller both in ground and lustre. Inner face of open vases treated with varnish-colour. Of these styles the third is the important one, and is the one almost solely represented outside the Argolid.

While the classification holds good, the conclusions based upon it by its authors are more open to objection. They found in the Mycenae ware the outcome of a civilisation pre-Dorian but not un-Greek, localised in and about Mycenae, which carried by the channels of trade its manufactures to all parts of the ancient world, so that "the Mycenaean pottery was as exclusively made in the Argolid as the later Attic ware at Athens, or the Corinthian at Corinth." These positions have been, with good reason, often challenged; but an alternative theory has not yet received the stamp of general assent. In any case the problem of Mycenae is bound up with the greater problem of the Mycenaean culture in general as represented especially in its metal-work; and that culture has been variously traced to Phoenicia, Egypt, Crete, and Caria.

Two styles of ornament mark themselves out in "Mycenaean" pottery, and are indebted respectively to *marine forms*, and the conventions of metal-work, the former being especially in favour at Ialysos, the latter at Mycenae. Two shapes also are highly characteristic, the vase with a bow-form handle (*Bügelkanne*) and the cuttle-fish goblet: the first a general receptacle for water, wine, oil, and ointments; the latter a drinking cup, owing both form and ornament to the popularity, probably as great then as now, of a fish which is considered at once a peculiar delicacy and an excellent thirst-producer.

[For Mycenae ware, *v.* Furtwängler and Löschcke, *Mykenische Thongefässe* and *Mykenische Vasen*. A summary of the Mycenae controversy to date is given in the last chapter of Schuchhardt's *Schliemann's Ausgrabungen*.]

A small but most interesting class of early vases is that which imitates Phoenician glass. It is mainly represented by specimens obtained by Mr. George Dennis in 1882 from the tumuli of Bin-tepe near Sardis. The clay is painted with waved lines of the warmest orange and red, and is highly polished. Other imitations of glass ware have been found on different sites, and in Cyprus the style remains down to a comparatively late date.

In the Alambra and especially in the Mycenae pottery a new ornamental style is beginning to assert its claim to notice, the **Geometric**. Owing

its origin very largely to the influence of technique in metal, from which it borrows many of its most characteristic members, like the concentric circle, spiral, maeander and cable, and rosette, it soon won independence and makes its first appearance,—in the *Dipylon* vases,—already a matured and established convention. That it attaches itself closely in point of development to the preceding Mycenae ware may seem established by the fact of its being found side by side with the third and fourth varieties of that style: but in reality there is, from a technical point of view, a very perceptible break between the two; the birth of the Geometric style is unknown, and it meets us first as a finished product which a long process of development must have preceded. This fact, coupled with a minute examination of formal style and the elements of ornamentation employed, has naturally suggested an origin in a manner foreign. Furtwängler and Löschcke would regard the Geometric principle in contrast to the Mycenae technique as Dorian compared with pre-Dorian: others, as Kroker (*Jahrbuch*, 1886, pp. 95 f.), have endeavoured to prove a close connexion with Egypt, others with Phoenicia or Ionia. (Older theory of the Geometric vases in Conze, *Annali*, 1877, p. 396 n.) The finest and most numerous specimens however come from Athens, especially from the neighbourhood of the Dipylon (whence the name given to this ware); and a comparatively late oenochoe is marked as Attic by its inscription (*Mitth. d. Ath. Inst.* vi. Taf. 3). That Athens was the main seat of manufacture is practically certain, but this in no way excludes the question where the style first originated, a question which for the present remains open. Nor is the chronology of the Geometric style satisfactorily determined. It may have run its course for five or six centuries, and lasts in Greece proper down to the 6th cent. B.C. Limits of space make it impossible here to give a detailed account of the system of ornament: it will be enough to reproduce an example (fig. 3) which contains almost all the characteristic traits of its class, and to refer for specimens of the dateless conventionalised style to the collection from Cyprus in the British Museum (1 V. R.).

Attention should be specially drawn to the prevalence of forms of aquatic life, the *limitation* of range in the depicting of quadrupeds, and the introduction of scenes from daily life, among which funeral processions and sea-fights deserve most notice. Both matt and lustre colours are used, including red of all shades, brown, and black, while the ground is *generally* of a prepared tone, varying from the palest neutral stone to a deep red. Owing much to Orientalism in its first development, the Geometric style attained so high and lasting a popularity and became so purely conventional that it threatened to crush all life out of ceramic art, when salvation came by a new impulse from the East. Thenceforth two movements, conservative and progressive, manifested themselves. The great merit of the style lies in the training it gave the artist in sureness of hand and eye, and in the perfecting of shapes.

The pottery of **Cyprus** may here be briefly dismissed. Alambra ware, already treated, is in all probability genuinely archaic: absolute certainty is out of the question. Geometric style was early established, and soon drove all competitors from the field: it shows a special preference for concentric circles and aquatic life. The process of development is in a manner retrograde: the later the ware, the simpler and more purely geometric is its ornamentation. Upon an unvarying background of geometric forms foreign influences from time to time superimposed themselves, and vanished, in agreement with political conditions, and thus there came into existence an Egyptian-geometric, an Assyrian-geometric, a Persian-geometric, and, lastly, a Greek-geometric. Finally the style seems to die out about the end of the 4th century, although isolated specimens may go down even to Roman times. No group of vases is to be identified with the Phoenicians. There is no reason to believe that that people ever manufactured pottery to an appreciable extent; though they introduced the potter's wheel and other secrets of the craft from Egypt and Babylon. Pottery is alien to the spirit of their trade, which was concerned with articles of little bulk and high value. Still Phoenicia is responsible (*a*) for the introduction of certain Oriental forms (like the sacred tree); (*b*) for a more lasting Semitic flavour than the temporary dominion of successive conquerors would have imparted. Apart from the accidents of political necessity, identically the same style of ware remained in use for centuries: nor is there any particular reason for assigning a given vase to the end or the beginning of the period. [The report of the last excavations in Cyprus, *Journ. Hell. Stud.* 1890, may be consulted.]

The universal extension of Geometric style gave rise to many local varieties, and from this epoch begin fabrics classed, with greater or less justice, as imitative. Especially was this the case in Italy, the great market for vases, where native ceramic art now entered upon and maintained to the last a rivalry with Greek (continental) wares. It was once, through ignorance, the fashion to attribute all figured vases to Etruria; it is now, through over-subtlety, equally the fashion to attribute everything to Greece proper. By anticipation it may be said here that beside the distinct local Etruscan wares, so well represented at Florence, there were certainly other, and S. Italian Greek, imitations of later Corinthian and Attic pottery; but that these were not, virtually, contemporary with their prototypes, it is difficult to show. To have insisted on the possibly much wider scope of such imitative art, to have protested against the over-hasty generalisations now in vogue, is the great merit of Prof. Brunn; but his attempt to degrade so many figured vases to the level of late Italian imitations has mainly failed, resting as it does primarily on a mistaken view of the epigraphic evidence from vases.

In the Geometric style—to return from this brief digression—new tendencies soon appear. A small class of vases, named after the place of discovery **Phaleron,** embraces a series of jugs (*olpae*) of a peculiar shape, having a narrow body, an extremely high and broad neck, and a trefoil lip. Though not differing in technique from the Dipylon class, these vases introduce new features in the characteristic label ornament of the neck, in a manner of filling the field which is prophetic of later Rhodian style,

above all in the employment of new animal types and their treatment, both in design and grouping, on Oriental models. The reaction which manifests itself first in the Phaleron ware soon spread widely, giving birth to an era of transition. Another group of Attic vases shows the same tendency: the finest of them is the Hymettos amphora, No. 56 in the Berlin *Antiquarium*. Characteristic of the new method as shown in this vase is the heraldic grouping of combatants in pairs. A like process was at work in the islands, especially at Melos and Rhodes. A small class of amphorae (it contains three and a fragment) was early set apart by Conze and named by him "Melian." Though the claim of the vases to a separate title has been disputed, convenience at least has sufficed for its retention. The Melian ware is later in development than much of the Rhodian, but it stands first here because of its far closer connexion with the Dipylon style, as shown in the range of geometric ornaments which still fill the field, and in the manner of rendering the human animal forms as in the spirit of the grouping. There are many features hitherto unknown in these Melian amphorae, and the admixture of Oriental style and design is especially obvious; but these details may be best considered under the heading of Rhodes.

[For Phaleron vases *v.* Dumont et Chaplain, *Les Céramiques*, pp. 101 ff.; Böhlau, *Jahrbuch*, 1887, pp. 44 f.: Hymettos amphora, Furtwängler, *Beschreib. der Vasen S. . . . zu Berlin*, No. 56: Melos vases, Conze, *Melische Thongefässe*.]

Vase-painting then has reached the point at which the tide of **Orientalism,** whose rising has been noted in the transition style beginning with Phaleron, swells into full flood. Rhodes indeed can show examples of the entire process: but it is with the triumph of the Oriental style that the island pottery is specially associated. While under its influence the vase-painter evolved a system of decoration effective and of true beauty, the potter condensed the earlier multiplicity of forms to a few simple and elegant types, the most characteristic among which is an *oenochoe*, resembling that in the next cut. Almost equally characteristic is the *pinax*,

Fig. 3. Vase from Curium in Cyprus. (Cesnola, pl. xxix.)

while *amphora* and *cylix* are taking shape; and, as the Oriental style waxes to its zenith, the *alabastos*—which may conceivably be a

Fig. 4. Oenochoe. (Birch.)

Naucratis invention—and the *aryballos* come to the front and are the favourite shapes at Corinth. [ALABASTRUM; ARYBALLUS.] But whereas the types of *oenochoe*, *pinax*, *alabastos*, and *aryballos* are created in the Oriental school, those of the *amphora* and *cylix* are only sketched.

Two alien arts exerted a special influence over the birth of the new style, textiles—in particular, embroidery—and metal-work. Thus the scheme of ornament on a Rhodian *pinax* is comparable to the unit of a brocaded pattern with the threads of the under-web left projecting; and Corinthian designs reproduce the continuous texture and involved lines of close embroidery: while on the other hand the choice of rosettes and anthemia, the alternation of purple and red with a brown-black, the employment of incised lines for details, display a connexion with metal-work. Both arts impel the painter towards polychromy.

Painting at first, like the artists of the Transition, with brown-black varnish on a plain polished ground, Rhodian potters founded a new method when they effected a combination of silhouette and outline-drawing, and left the light parts in ground-colour. Light and shade, discrimination of planes of surface, become thereby possible. A fresh step in advance is made when the red clay is covered throughout with a dull cream-white engobe which can be used to represent flesh-colour with more fidelity to nature. Then white and a new red tint are employed to mark details and differences of surface, and are generally laid on in broad unbroken masses. A more minute discrimination of details but a less spirited and less free conception marks a yet further advance in technique, which is signalised by the use of purple colour and the rendering of outlines and details by incised lines.

These differences in technique allow Rhodian ware to be divided into two main classes, which have been named "Dorian" ("Egyptian") and "Assyrian." The former exhibits a less conventional style, more freedom in the choice of animal types, and among the ornaments with which in this, as in all Rhodian ware, the field is sown, a preference for those of a geometric class and for the Egyptian lotus: the latter practically admits no animals but the lion, bull, and goat, is more distinctly Oriental in its forms, and loves to crowd the field with rosettes. The former again employs white and red for details, but retains outline drawing; the latter alone uses incised lines and purple. In the one a metope arrangement is frequent, and is often forced; in the other, where it occurs, it is only in the modified form of an Assyrian blazon, two animals facing one another and separated by the sacred tree.

Taking Rhodian pottery as a whole, the subjects are drawn almost entirely from the animal creation. Beast forms, the goat, lion, bull, boar, ram, &c.—the first two in overwhelming preponderance—occupy most of the vases: an apparently later group admits further the human figure, and compound shapes like the Sphinx. In this later group one vase stands out from among its fellows. This is the well-known Euphorbos *pinax*, whose importance lies not only in the fact that it is the first instance in which a definite scene—Menelaos and Hector fight over Euphorbos—from a definite source (the Epos) is represented, but because being inscribed with the heroes' names it furnishes other material for a date than that drawn from internal evidence of style. Kirchhoff has thus been enabled to place this vase at the end of the 7th century, and this fixes with approximate certainty the lower limit of the Rhodian period (v. *Studien zur Gesch. d. griech. Alph.*).

It is unnecessary here to discuss the doubts which have been thrown on the claim of Rhodes to be the actual manufacturer of the pottery classed under her name. Other things being equal, the principle is fairly trustworthy that a particular style is native in the place where it is most abundantly found. It is sufficient to refer to the treatment of these and similar questions in e.g. *Egypt Explor. Fund Memoirs*, Naukratis, pts. i. and ii.; *Jour. Hell. Stud.* 1885, pp. 180 ff. [For Rhodian ware in general, v. A. S. Murray in *Revue Archéol.*, Dec. 1882, pp. 342 ff.; Dumont et Chaplain, *Les Céramiques*, s. v.; Salzmann, *Nécropole de Camiros*, for illustrations.]

There is a small class of vases of a peculiar type found in Rhodes, at Naucratis, and in Etruria, to which it has been proposed to give the name "Polledrara," after the large hydria of the British Museum. The distinctive trait of this class is the clay, which is black throughout, and contains numerous particles of mica. The designs are painted in scarlet and purple, and occasionally blue. The origin of the ware is disputed; Naucratis, Lesbos, Rhodes, and Etruria being all suggested as the seat of its manufacture.

Closely resembling this group in material, but very distinct in point of ornament, are the

early Italian vases, the so-called **Bucchero.** Dull and rough in appearance at first, like the brown ware which accompanies them, the Italian vases in their more developed state are of lustrous black pottery, with ornaments and scenes moulded in relief from the actual clay of the vase, the Bucchero properly so named. The distinctive feature is the evident attempt to imitate as closely as possible a bronze original: whence both colour and polish, moulding of ornament in relief as though embossed, and treatment of lip and handles.

[Examples illustrated by Micali, *Monumenti Inediti;* Dennis, *Etruria.*]

The polychromatic style, whose commencement has already been seen in Rhodes, reaches its highest development at **Naucratis.** So cosmopolitan a town (Herod. ii. 178) must have brought together all kinds of styles in ceramics, and the absence therefore of geometric, not to mention Mycenae, pottery is to be noted as significant of the stage of vase-painting contemporary with the existence of Naucratis, a town which first became powerful under Amasis, and was ruined under Cambyses (roughly 580–520 B.C.). This furnishes a limit of exclusion for the earlier classes of pottery, a limit which may, according to Mr. Petrie, be pushed further back —to about 650 B.C.—as the oldest remains of the settlement are considerably prior to Amasis. But among the various sorts of earthenware found at Naucratis one group marks itself off as a local fabric; as is proved by a dedication—to the "Aphrodite of Naucratis"—which has been scratched in the clay *before* firing (see *Journ. Hell. Stud.* viii. p. 119). The ware shows a close connexion with, but also a distinct advance upon, that of Rhodes. An opaque white engobe is used, of a tint generally brighter than, but sometimes approaching, that of Kameiros; on this engobe a design is painted in colour, and the technique follows, but extends, that combination of outline and silhouette which Rhodes had introduced. New colours, copied from the Egyptian wall-paintings, are employed, especially a light sienna and an umber red, the latter being a flesh tint for male figures. For female figures flake white is added to the engobe. Each of the chief colours appears in various shades; and the distinction of flesh tints so carefully worked out in Egyptian painting reappears, but after a more haphazard fashion, in Naucratis ware. The most advanced technique in use at Naucratis traces outlines in light sienna and fills in the silhouette with an umber tint.

[For Naucratis pottery, v. *Memoirs of Egypt Exploration Fund,* Naukratis, pt. i. 1884–5, and pt. ii. 1888.]

The excavations at Naucratis produced among other things fragments of the ware known as **Cyrenaic**; and on the strength of this fact the claim of Cyrene to be the maker of the pottery, often disputed before, has been anew called in question. No sufficient reason has, however, as yet been adduced for disregarding the evidence furnished by the best-known Cyrene vase, the Arcesilas cylix, with its strong local colouring. The ware, too, is strikingly metallic in style; and it is not, as Puchstein maintains, to the Cypro-Phoenician, but to the Carthaginian paterae that a debt is due. An artistic connexion of this sort with Carthage is more probable in Cyrene than in Naucratis.

The class is not numerous, but highly distinctive. Its favourite shape is the *cylix*, which thus takes definite rank in the development of vase-painting: but the *hydria, deinos,* and *amphora* also occur. A ground-surface is given by a dull smooth slip of light stone colour; and on this the design is painted in black with purple as a subsidiary colour, all main lines and inner details being scratched in. Subjects include mythology and genre;—though not its first appearance, for we have noticed it already in Dipylon ware for example, genre becomes here first of historic interest:—and with much of helplessness in drawing there is decided feeling and often spirit in the scenes. Zones of animals, in particular an aquatic bird, are still retained, and beast and bird forms serve to fill the field in a manner which seems directly borrowed from the bronze paterae already mentioned. Lip and handle, and, in the cylices, stem and *foot,* are covered with black varnish, a noteworthy change. Mechanical ornament is exceptionally rich.

[The Cyrene vases are put together by Puchstein, *Arch. Zeit.* 1881, pp. 215 ff.: they are exceptionally well represented in the British Museum, 1 V. R. Latest discussion, *Ath. Mitth.* 1886, pp. 90 ff.]

With **Corinthian** ware Orientalism reaches its zenith. Earlier however than Corinthian ware properly so called is a group of vases—almost without exception diminutive *lekythoi* of a peculiar shape, and two-handled cups—which, from their wide distribution must have had as general, as they had a lasting, vogue. As these little vases, by far the finest specimen of which has lately been presented to the British Museum, show a very close connexion with the Corinthian, but also points of difference, and seem moreover to be earlier, they have been named **Protocorinthian.** Like the Cyrenaic, they too owe much in technique and style to Phoenician metal-work. The clay is a fine, clear yellow; the decoration consists mainly of zones of animals, but admits also human figures; an elaborate ornament, composed of the anthemion and lotus, resembling that which subsequently becomes characteristic at Corinth, makes its appearance; and the field, though in general less encumbered, is sown with rosettes. The colours vary from a red-brown to black.

The vast class of vases which groups itself under the name Corinthian was long treated as the oldest Greek ware. The surface in this ware is often so crowded with ornament, that at a few feet of distance the ground-colour cannot be distinguished, and the general effect to the eye, due at once to colour and design, is that of a rich Oriental brocade. This is especially true of earlier specimens, whose subjects, fantastic fish-tailed monsters for example, seem to have been directly chosen for their fitness to cover most space. A like feeling has brought the *alabastos*

* Vases with dedications are especially frequent at Naucratis. Pottery was largely used in temple service, and was then marked with the name of the divinity. Numerous similarly inscribed fragments have been found on the Athenian Acropolis.

into peculiar favour. The ground is a clear yellow; the painting in black (often brown, thanks to over-firing), with details in purple and red; while an extreme fondness for incised lines marks the group as a whole. Subjects at first are mainly animals—where possible in friezes—and monsters, the panther and certain winged shapes being characteristic. Often too a vase, especially if an *aryballos*, is decorated solely by an elaborate anthemion ornament. [Most of the principal shapes are illustrated in Birch, *Anc. Pottery*, p. 186. Baumeister, *Denkmäler*, p. 1961, gives cuts mostly of protocorinthian ware.] In the later group human figures be-

Fig. 5. Cover of the Dodwell vase, with boar-hunt. (Birch.)

come increasingly frequent, and occasionally scenes from ordinary life, or from mythology, appear. An example (fig. 5) is here reproduced from Birch,—the lid of the famous Dodwell vase. In technique there is no change of moment.

Before the growing sense that human action is the vase-painter's true subject, Orientalism begins to give way: yet the old tradition lingers in the animal shapes which, having no direct relation to the main subject, still encumber the field. The reform is due to the rise of a new school, whose representative is the potter Timonidas, known also by the plaques of the Akrokorinthos [FICTILE. The Achilles vase, Berlin *Cat.* 846]. A second master was Chares (*Arch. Zeit.* 1864, Taf. 184). This section of Corinthian ware should be especially compared with the previously mentioned Cyrenaic group. The face is generally rendered in silhouette, sometimes in outline, and gradually a practice grows up of distinguishing the faces of female figures by white colour applied directly to the ground. From its first adoption white grew rapidly in favour at Corinth. The duration of this class is fixed by the inscriptions for the 7th–6th centuries B.C.

Yet a later class of Corinthian ware shows the evidence of a strong foreign influence, probably that of Athens. The smaller types previously in vogue disappear, and their place is taken by large vases like the *amphora*, heavy in form and with ring handles, the *hydria*, and so-called *vaso a colonnette* [CRATER]. The clay ground becomes redder, lustre-varnish often replaces the hitherto usual matt colour, white is more largely employed, the field nearly freed of foreign elements, and animals relegated to a separate zone below the main scene. Horsemen and quadrigae are favourite subjects. The fine Berlin vase of "the setting out of Amphiaraos" will serve as an example (Furtwängler, *Beschreib.* 1655).

This last development of Corinthian pottery recalls the history of classical ceramic art to Athenian soil, and henceforth we are concerned almost solely with **Athens.** But before dealing with Athenian ware proper, some side-groups merit notice; and one, the **Chalcidian,** is of exceptional importance. Unfortunately the group, first recognised as Chalcidian through the alphabet of its inscriptions, is as yet vaguely defined. [*V.* Pottier *ap.* Dumont et Chaplain, *Les Céramiques*, pp. 276 ff.; or Klein, *Euphronios*, pp. 65 ff.; and contrast Brunn, *Probleme*, in *Abhandl. d. kgl. bay. Akad.*, Bd. xii. pt. ii., pp. 113 ff.] It is even maintained that the greater part are late S. Italian imitations (Brunn, *l. c.*; and Id. *Abhandl.* Bd. xviii. pt. i.). Certainly the free and spirited rendering, the knowledge here shown of the laws of painting, on vases of, as is assumed, so early a fabric, are ground for surprise. The class consists almost entirely of *amphorae* of a distinctive type (see fig. 6); and is the first to make that type of vase its specialty. As concerns style, the free-grouping without regard to a fixed centre, the *élan* and picturesqueness of conception, and, as to details, the plain long girt chiton of the women, fitting so closely as to reveal each contour of the body, and the peculiar ornament on the neck of the vase, are all alike character-

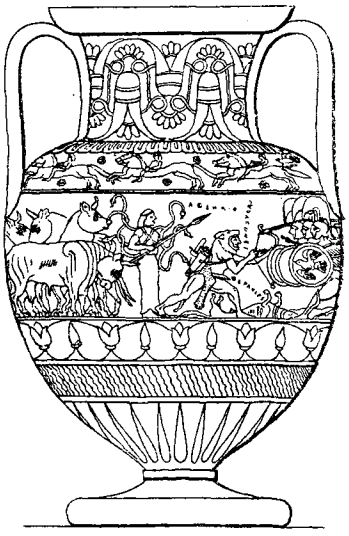


Fig. 6. Chalcidian amphora. (Gerhard.)

istic. Purple is richly used, incised lines employed with great skill, white less frequently.

Of other **Ionian** fabrics so little has as yet been determined that it will suffice here to remark their preference for a frieze-like system of decoration, a more pictorial treatment, and a tendency to polychromy. One large class of *amphorae* has long been known as **Tyrrhenian** [AMPHORA. The body of the vase is generally more slender than the cut there given from Dennis]. It is distinguished by its shape, its zones of animals, the peculiar ornament—an alternation of maeanders with an 8-rayed star—which separates the animal frieze from the main scene on the shoulder, and by its prodigal use of colours other than black. The origin of these vases is doubtful: all examples hitherto have been found in Etruria, but they are certainly not of local make: Dümmler thinks them "Pontic" (*Röm. Mitth.* 1887, pp. 171 ff., Taf. 8, 9).

One or two vases survive which represent *Boeotian* style of this period; but they are too few in number to allow of general criticism. Being so few, however, it is curious that among them occur the names of two artists, Gamedes and Theozotos. The **Caeretan** *hydriae* are more numerous, better known, and equally distinctive. They exhibit an important change in technique. White and subsidiary colours are no longer painted directly on to the ground-clay, but are laid over the black varnish. Red and white are freely used, the latter sometimes as a flesh-tint for *men:* incised lines are frequent and are firmly drawn. As the side handles of a *hydria* necessarily interrupt a frieze, the decoration is here divided into groups, and that on the reverse is made of less account. The rendering is characterised by an almost reckless freedom, and shows traces of what is very rare in Greek work, humour. As a whole they are comparatively late. Their origin is disputed: Brunn, against general opinion, holds to Helbig's original view (since abandoned by its author) that they are of Etruscan fabric. [Helbig, *Annali*, 1863, pp. 210 ff.; Brunn, *l. c.*; Dumont et Chaplain (Pottier), pp. 264 ff.]

From the 7th century B.C. to the end of the 4th **Athenian** pottery reigns almost without a rival. It has two epochs, the *black-figure* and the *red-figure*, united to each other by a period of transition and experiment. With the exception of the two or three classes of ware just previously described, and some few imitative fabrics, the great mass of **black-figure** pottery hails from Athens. Two vase-shapes are especially in vogue in this ware, *amphorae* and *hydriae*, the former greatly preponderating: both are rapidly perfected in form. [The evolution of the amphora may be followed on p. 1973 of Baumeister's *Denkmäler*. The hydria improves as its centre of gravity mounts and the shoulder-scene shallows and widens.] A new discovery contributed to the rapid advance of Athenian ceramics;—a deep-black varnish of the highest brilliancy, with a surface like polished metal, insensible to ordinary reagents, but not interfering with that porousness of the clay which under a Greek sun is so necessary for the coolness of water or wine. Its manufacture is still a secret: nor is it known where the invention first saw the light. So popular did it immediately become that the vase-painter covered the whole surface with it, leaving as field for the actual picture only a square panel of red ground-colour—that of the natural clay heightened by adding a little rubrica.* Not all potters, however, followed this plan, and subsequently there was something of a reaction. Thus two groups come to be distinguished,—vases which have a panel-field, and those which, though generally marking off reverse from obverse, admit all space between the two handles as ground for the painter. No real difference of technique follows this division. In both the artist first draws his outlines with a full brush of black, fills in the silhouette, and then adds details with the point or with strokes of white and purple-red: but perhaps the panel-painter uses less subsidiary colours and trusts more to careful graving. Always, however, it is rather a question of idiosyncrasy; and the polychromy of some of the later vases is a reaction due to a particular school imbued with a fondness for metallic effects. It is with the masters of black-figure style that the point first comes adequately to express the lines of musculature and bodily form. The rendering of drapery is a mark of relative date. At first the chiton is a straight daub of colour, as in Corinthian ware, and is often purple in hue with perhaps a black girdle: then patterns are scratched in, or elaborately painted on with white: folds *begin* to be marked, are outlined with the point, and dress gives some hint of the underlying contour of the body. An alternate use of purple and black for the folds is occasionally carried so far as to express light and shade. A like use of purple is to be seen in the treatment of muscles in animals, especially the horse. White is throughout a flesh-tint for female figures, but is also employed, on later vases, for the long chiton of a charioteer and the grey hair of old men.

Drawing is almost entirely in profile: full-face is scarcely rendered with more adroitness than was shown already in the François vase. The eyes of men remain large and round, of women oval and small. In more recent vases a trick grows up of crowding the field with long, purely conventional ivy sprays: equally conventional in rendering are the landscape features sometimes introduced, and no attempt is made at pictorial perspective. Excellence of drawing is seldom a sufficient criterion of date.

The subjects of vases become now of less importance for their general history. In black-figure ware they are mainly mythological, sometimes genre. In mythology the Dionysiac cycle and the feats of Herakles are by far most frequent; after them, the legends of Athena and Hermes. Frequently as scenes from the Epic appear, scarcely any can be traced to the Iliad or Odyssey.

Ornament, as distinct from painted scenes, becomes stereotyped. Almost always the neck of an amphora shows a design of lotus and anthemion hooped together by a cable pattern: dentals unite neck to shoulder: below the field are two zones, the upper a maeander, the lower continuous lotus buds: from the foot shoot up the rays which since Rhodian pottery have held their own. For a hydria, ivy tendrils or chequers border the sides, a running anthemion the bottom, of the field; below which sometimes

* So Suidas asserts, but contrast Blümner, *Technologie*, ii. p. 57, as to the result of experiments made on fragments.

an archaistic feeling has restored the Corinthian frieze of animals, but has restored it purely as an ornamental finish.

The different schools of black-figure ware have yet to be recognised: those that are known are, for the most part, concerned with either the commencement or the end of this style and its transition into red-figure. Early enough to be somewhat isolated is the first Athenian masterpiece, the François vase of Florence, in itself an *Epos*. Early also, as is shown by shape, by style of painting, and by arrangement of subject, are a group of amphorae which, from their close connexion with Corinthian ware, are known as Corintho-Attic. Characteristic are their zones of animals; which have often caused them to be confounded in one class with the "Tyrrhenian" (see above). A different *fundamentum divisionis* has served to mark off the **Panathenaic** amphorae [AMPHORA]; which last through the black-figure, and even to the end of the red-figure, period. The archaism of the figure of Athena on the obverse becomes in time a pure convention, the reverse reflecting contemporary style. Many specimens seem never to have been given at the games, and are simply show-plate. Less numerous and of peculiarly elongated form, are the **Prothesis-amphorae**—vases used in the burial service, and with subjects drawn mainly from its liturgy. The finest examples belong to the later red-figure ware.

[François vase, *Mon. dell' Inst.* iv. 545–7; Corintho-Attic, Löschcke, *Arch. Zeit.* 1876; Panathenaic, Urlichs, *Beiträge*, pp. 33 ff.]

Much care was spent by masters of the black-figure style on the evolution of the *cylix*. That this type was in vogue at Cyrene has been already noted, as also that it had acquired a developed shape and style of decoration. The processes at Athens and Cyrene are parallel, and not widely sundered in date, but have little or no influence on one another. The oldest cylices at Athens have that shape with off-set lip, which derives from Rhodes through Corinth. The alteration in form which follows [see under CALIX] is closely connected with changes in the mode of ornamentation. The early cylix having a deep bowl is decorated in frieze fashion; and of the several zones into which the surface is divided by the potter, only one is chosen by the painter. Then comes a new idea: on the lip are drawn tiny groups or animal shapes, each side having a couple of figures, or, more often, one only. The zone below is occupied by inscriptions, the artist's signature or a χαῖρε καὶ πιέ εὖ. This group of vases is known as "Klein-meister." Their strongly metallic appearance proves their indebtedness to foreign influence, communicated through Rhodes. Another experiment is probably the work of the artist Exekias (or, according to some, of Nicosthenes). He uses a shallower vase without off-set lip, and revives the "sacred-eye" ornament previously in favour at Rhodes and Naucratis: making this suffice for the centre, he places the actual scene under and about the two handles. "Eye" vases had a considerable success; but gradually the handles come to be treated as the natural limits of the field, and, the bowl becoming continually broader and shallower, while off-set lips disappear, decoration spreads over the whole outer surface. The inside remains a difficulty. Earlier artists neglected it altogether, or painted only a small medallion in the centre. But fashion wavered to and fro; sometimes the whole inner surface is ornamented with a complete scene and the outside is less regarded; sometimes a medallion is preferred. Especially to be noted are the cylices which have a Gorgoneion for their medallion; for they may first have suggested a new style, which, while the vase is covered with a black ground varnish, leaves the actual figures in the original clay-tint,—as it were, in intaglio.

The *cylix* class is exceptionally fruitful in artists' signatures. Ergotimos and Klitias, who made and painted the great François crater, were followed by Nearchos, whose sons Tleson and Ergoteles, with Ergotimos' son Eucheiros, have signed many of the earlier cylices. Other names are Xenocles, Hermogenes, Archicles, &c. In *amphorae* Exekias takes first place for spirited and careful drawing: Amasis carries nicety of detail almost to extravagance: Hischylos represents transition style.

[For signed vases, early and late, for the characteristics of the great schools, and the questions which group themselves round them, the reader is referred once for all to Klein's two important works, *Die griechischen Vasen mit Meistersignaturen* and *Euphronios*.]

By far the most prolific maker is Nicosthenes, a clever *entrepreneur* who tried experiment after experiment to hit popular taste. Already an introducer of one new fashion in cylices, he is perhaps best known by a group of small amphorae of very peculiar form (fig. 7). The

Fig. 7. Amphora of Nicosthenes. (Genick, *Taf.* iv.)

strange flat handles of his amphorae are by a new process made of one piece with the vase. Nicosthenes is a master of the metallic style; but his work distinguishes itself by a plumpness and *naïveté* all his own. A doubt has indeed

been more than once expressed whether Nicosthenes was an Athenian; and the finding a signed fragment of one of his vases at Naucratis may suggest, whatever his provenance, the source whence many of his novel departures were inspired (*Mem. Eg. Expl. Fund*, Naucratis, pt. i. p. 53). With him too is associated the prevalence, though not the introduction, of yet another technique, in which black figures are painted on a white engobe ground; a technique less new in Greek pottery than novel at Athens. This group is confined to the smaller vases, *oenochoae, alabastoi*, above all *lekythoi*. The style does not differ from that usual in black-figure ware; but here, as in the metallic class, a love for nicety, exact finish, and vivid lustre makes itself prominent. It is the triumph of the ornamental school. A peculiarity should be noted in the lekythoi. While the main field is covered by a white engobe, neck and shoulder are left in the natural clay: no difference however is made in decoration, except that the shoulder is left to mechanical ornament. In all vases of the class lip and foot are black. [For Nicosthenes, Klein, *op. cit.*; and Löschcke, *Arch. Zeit.* 1881, pp. 33 ff.]

Nicosthenes is a typical figure. The epoch in Athenian pottery we have now reached—roughly speaking, 500 B.C.—is an epoch of transition and experiment. The vase-painter's art struggles in the throes of a revolution. Process after process is tried and rejected, until at last one style emerges from the chaos, and triumphs as rapidly as completely over all rivals. Many relics of the struggle remain; vases which show the two styles conflicting on obverse and reverse, inner or outer, ornament and scene. The final perfecting of early red-figure technique is marked by the name of Epiktetos: among his chief predecessors of the transition may be named Hischylos and Pamphaios. Precise evidence for the origin and date of red-figure ware is wanting: it seems however to have begun about 500 B.C. (some writers think even under the tyranny of the Peisistratidae), and to have owed its development to the influence of high art. A close connexion may perhaps be supposed with the improvements in painting introduced at this time by Cimon of Cleonae (Pliny, *H. N.* xxxv. § 56). While hitherto Greek ceramic art must, on its formal side, be placed under the heading "ornament," from this point it becomes a branch of painting. The great group of artists who inaugurate the new style are proud of their mission, and spare no pains to perfect what they began.

Among vase-forms it is the *cylix* which is peculiarly the favourite of earlier red-figure painters: its use in fact is a party-badge. Though the new technique had triumphed, it was opposed by a strong conservatism, which, while adopting the new style of painting, clung to old shapes like the amphora and to old traditions in the matter of field and ornament. To this tendency we owe some very beautiful examples of red-figure amphorae, of greater elegance of form, and ornamented with only one figure — sometimes a pair of figures — a side. Among the more advanced types of this class is the "Nolan" amphora. [See AMPHORA.] After the *cylix*, and to some degree succeeding it, come the *stamnos* and *psycter* [see PSYCTER; STAMNUS], which are peculiar to the earlier period: with them, but outlasting them, and continuing in favour to very late times, is the CRATER. At first the handles are placed low down and the form resembles a cup; then, as its sides become straighter, a chalice; lastly, the handles are brought on to the shoulder, and the vase is shaped like an inverted bell. This campaniform crater was adopted also by later S. Italian manufacturers. After 400 B.C. obverse and reverse are more sharply distinguished; the latter being ornamented in a purely conventional manner with three drapery figures (*Mantelfiguren*).

Technique, in red-figure ware, is simple. On a red ground clay, like that of the black-figure ware, the scene is outlined in freehand with broad strokes of a full brush of black varnish over a tracing lightly made with a fine point; the rest of the surface is covered with an even layer of the same colour, and details of organic form and folds of drapery are painted in with a fine pencil, also in black. Details are sometimes given with red colour; in later examples this tint is confined to the musculature, which is better rendered by a shade scarcely standing out from the red ground on which it is painted. Gilding appears towards the close of the so-called "strong" style, and about the same time an attempt is made at polychromy. (Cf. the beautiful Pandora cylix in the British Museum.) But polychromy is soon confined, in the period of finest style, to smaller vases, *lekythoi, pyxides*, and *alabastoi*, in sympathy with a more developed taste. [For plastic additions, see under FICTILE.]

Throughout a steady advance in draughtsmanship, contrasting with the conventionalism of black-figure ware, is to be observed. In the school of Epictetos a simple broad treatment, with few or no details of organism, is in vogue; a treatment suited to the subjects then in favour, scenes from palaestra, banquets, and the life of *hetaerae*. There follows a period in which, while simplicity and strength of drawing and grouping remain, details—as of drapery—are fully rendered, but with inadequate success. Among these earlier artists, whose style is known as "strong" or "severe," Euthymides is of conservative tendency; Duris careful and studied, but somewhat wanting in originality; Euphronios and Brygos represent its most perfect form. A wonderful variety of motif, pose, and grouping is attained,—a variety reflected from the subjects where legends of Attic heroes like Theseus, scenes from Epic and even from Lyric have replaced the older crowd of athletes, revellers, and courtesans. But grace and natural truth are still largely wanting: the face is still drawn almost solely in profile, or where full is scarcely successful: foreshortening is rarely attempted: eyes are drawn in full when the face is in side view. The year 430 B.C. may be taken as nearly representing the time of transition from earlier "strong" to later "fine" style. Vase-painting undoubtedly owed most of its progress to a close relation with high art: but this relation, as concerns details, is as yet very incompletely explained. The chief debt must have been to painting, though earlier critics insisted rather on a connexion with sculpture. Above all must be ranked the influence of Polygnotus: yet it remains difficult

to lay a finger on direct traces of it. The earliest instance is a two-handled cup, representing the Slaying of the Suitors (*Mon. dell' Inst.* x. 53): and the relation of this vase to Polygnotus' frescoes at Delphi can now be established through comparison with the Gjölbaschi reliefs. Another example is on a cup from Chiusi, showing the washing of Odysseus' feet and Telemachus in the presence of Penelope (Schreiber, *Bilderatlas*, Taf. 63, 3). But neither vase can be earlier than 400 B.C., as is evident, restrained as the style is, from the figures of Penelope and the suitor wounded in the back. The influence of Polygnotus and his school seems at first to have been restricted to effecting improvements in motif and drawing: it is only with the great age of painting in the 4th century that vases begin really to reflect the higher art. To this period then, and not to the time of Polygnotus, should be assigned such changes as the rendering of figures in back view, the distinction of background and foreground, transparency of drapery, different tones of colour to express light and shade, and the upgrowth of polychromy. [A comparatively early example of direct influence of high art upon the vase-painter is the beautiful Kamiros amphora (*pelike*) of the British Museum: note especially the fleeing nymph in middle distance, and the use of blue, gold, and white.—For other views on the connexion between ceramic art and the great schools of painting, *v.* Winter, *Die jüngere att. Vasen*, and papers in *Jahrbuch*, 1887, by Winter, Dümmler, and Studniczka.]

From 430 B.C. onwards the vase-artist rapidly attains perfect command over material and instruments. He no longer shrinks, with the timidity of ignorance, from the more difficult motifs: with full-face, three-quarter face, and profile he is equally familiar. Boisterous strength yields to the grace, charm, and refinement of the family circle. We are introduced to the inner life of Athens, its pleasures, pastimes, and foibles, as well as to its deeper sentiments. It is the reign of Aphrodite and Eros. For Epic the painter gives us the drama. Fashion and luxury are mirrored in the gauze-like drapery with its wealth of embroidery, in the jewels of the women, the modishness of the men. The human figure is no longer swathed in the full folds of Ionic dress; transparent silk replaces the heavier linen robes. Action is dramatic and pictorial; motifs are studied from sculpture and painting. The deities who are presented are those of music, love, song, and revel, Fauns of the woods, Naiads of the sea, or Bacchantes from Dionysus' train.

Standing somewhat away from the red-figure vases, but contemporary with all but the earliest, is the polychrome ware with white ground. The great majority of this class are *lekythoi*,* but *pyxides* and *alabastoi* of similar technique also occur, though not among the earliest examples. As the finest and most important specimens are lekythoi, it will suffice to confine this account to them, merely adding that the pyxides also make free use of gilding, which does not appear on lekythoi, and that their subjects are generally those of the gynaeconitis. Two sorts of clay are used, a pale-red and a grey-black, the former being thinner and more fine. Over the clay a white engobe is laid, covering the body and often the shoulder; neck, lip, and foot are in black varnish. The white is laid on first, and possibly while the vase revolves on the wheel. On this white surface a sketch in simplest outline is made with a fine brush of greyish or bluish colour; sometimes, as in most red-figure vases, it is faintly traced with a point. This sketch is then lined in, in monochrome, with black, yellow, or red: and the same tint is employed for folds of drapery as for the outline. Nude figures are rare: a false impression of nudity is conveyed by the loss of strokes which once indicated dress. It is a matter of taste with the individual artist whether the broad surfaces of drapery are coloured in: later examples show careful shading of the dress, and flesh-tints are in a few cases employed, varying according to the person represented. Ornament is only used on the shoulder, but a maeander pattern regularly forms a frame to the top of the field, very rarely appearing below: in one case impressed patterns, ovoles, are found (on an *oenochoe*). The shoulder may be either red (ground-colour), black, or white: the latter colour greatly preponderates, and alone occurs in the most flourishing period. Colours are all opaque, with exception of sienna (when used for outlines), and black: the range is a large one, and includes red of all shades, from carmine to brown, blue, violet, green, yellow, both chrome and ochre, brown and black. Klein (*Euphronios*, p. 97) thinks that they were applied in encaustic. [PICTURA.]

Three classes of lekythoi may be distinguished:—(*a*) Figures generally in red or sienna: subjects entirely funereal: polychromy sober and restrained: style fine. (*b*) Figures in black or brown: subjects generally funereal, but sometimes drawn from family life, the pantheon, or even mythology: polychromy brilliant and often directly pictorial: style fine. (*c*) Figures in yellow: shoulder without engobe: painting almost always monochrome: style decadent, often careless. (For *lekythoi*, v. E. Pottier, *Étude sur les Lecythes blancs attiques*.)

Contemporary with the whole of the red-figure and probably with a great part of the black-figure period, are vases simply covered with a lustrous black varnish. In the 4th century these vases become of more importance, are ornamented with gilding, and here and there a figure in polychrome. The majority are moulded, and therefore fall under plastic [FICTILE]: many shapes are of great beauty. Equally to plastic belong vases in the shape of human heads, and, though less decisively, the rhyta. [RHYTON.] Plastic, too, is a group which appears in the latter half of the 4th century, and contains vases formed of human busts modelled in terracotta, surmounted by the neck of a lekythos. Occasionally the vase is more complete, and a plastic figure or group is merely laid upon it. Painting is polychrome. This class is the predecessor of the modelled Capuan ware. [TERRACOTTA.]

The question of mechanical ornament in red-figure ware may be very briefly dismissed. Its principal use is to supply the ground-line of a scene or to give a finish to certain parts, espe-

* Lekythoi in the ordinary red-figure technique are also common.

cially the joints of a vase, as the lip, union of shoulder and neck, or handles. Conservatism accounts for the not infrequent retention of an ornamental frame to the fields of hydria and amphora: under the handles of early cylices, and especially under those of the stamnos, appear elaborate anthemia. The forms almost solely in use are the maeander, running anthemion, lotos and anthemion, laurel-wreath; the latter of which is invariable on campaniform craters.

The manufacture of red-figure vases ceased in Greece proper about the time of Alexander, and is now transferred to S. Italy. There is no sudden change: in this, as in all periods of Greek ceramic art, the various distinctive styles overlap, and those which, like Geometric or Corinthian, had an especial vogue, even outlasted their immediate successors. There had always existed in Italy native schools of ceramic, but so powerful had been the influence of pure Greek style, so completely had the fabrics of Corinth and Athens secured and kept the market, that with a partial exception in favour of Etruria, none of the Italian potteries ventured more than an imitation of the products of continental Greece. With the opening of the Hellenistic age, however, art becomes provincial; and as sculpture and painting passed to Pergamon and Rhodes and Alexandria, so Magna Graecia inherited the potter's craft. No new world-wide trade, like that of Athens, no important novelty in technique, marked the transference. Although Apulia produced amphorae and crateres of great outward splendour, the decadence of style, which had already begun at Athens, is painfully apparent. Men sought to add fresh life to a waning industry by inventing giant vases and richer shapes, by bringing into play all the resources of polychromy, and even summoning plastic to their aid; but profuse ornament and gaudy colouring scarcely cloak bad drawing and bad taste. Yet the artists had a pride in their work, and signatures, rare since the end of the "strong" style, again occur, though, it is true, in no great number. Two traits are characteristic: — (*a*) The strict relation maintained on most examples between the use of the vase for service at the tomb and its decoration (either a scene of offerings at the tomb, or an appropriate myth): and—where the subject is not funereal —(*b*) the frequent borrowing from the stage (farces especially), and the rendering of other than dramatic scenes with dramatic accessories (cf. Heydemann, *Jahrbuch*, 1886, pp. 260 ff.).

Three separate S. Italian fabrics may be distinguished, **Lucanian, Campanian, Apulian.** The technique in all is that of red-figure ware. Each class exhibits a peculiarity in depicting the human figure, a peculiarity suggestive of difference of social type: each, too, introduces details of national costume.

Lucanian vases may be relatively somewhat older; at least their manufacture seems to have sooner come to an end. Though somewhat helpless in draughtmanship, their style is comparatively restrained; polychromy is little used, and the heavy, clumsy drapery seldom bears a trace of ornament. A favourite shape is the campaniform crater; another, a kind of amphora only found in Lucania, is illustrated by Genick (*Griech. Keramik*, pll. viii. ix. x.). Assteas is a Lucanian master. Earlier Campanian vases imitate both in shape and subjects the so-called "Nolan" amphorae (see above). Later examples show great fondness for polychromy, tints especially prominent being white and yellow—the latter, in most cases, a cheap substitute for gilding. Tendrils of vine, ivy, and other plants are often introduced, as also on Apulian ware, with a happy effect: and occasionally motifs are taken direct from nature (as, *e.g.* a bird singing on a spray). The most important class, and that of highest artistic merit, is the Apulian, a product probably of Tarentine activity. Characteristic are the giant amphorae, one blaze of ornament from head to foot: characteristic too the heavy Doric chin of the men, the slender neck and stout barrel of the horses, the zones of fishes and marine forms employed as ornament. [For Apulian vases, *v.* O. Jahn, *Einleitung*, pp. 218 ff.; Gerhard, *Apul. Vasenb.* (B).]

As regards colours in S. Italian polychrome ware, the red ground-clay is often changed to brown, and white used as a flesh-tint for women, but also, with a dash of yellow, for men. Yellow is perhaps the favourite decorative colour. An example will suffice to show the distribution of tints. On a crater representing the Calydonian hunt all the actors are in red ground-colour, but the boar is black stippled with brown, his eye black on white, his ears, tail, hoofs, and snout brown. His antagonist assails him with a yellow Roman sword, carries a yellow shield with white rim and red inner, and wears a yellow helmet. A dog, white, lined with yellow, leaps against the monster. In the field are tree-boles, white, lined with yellow, and from them spring leafy sprays, also yellow. Under the lip of the vase is an ivy-wreath, with leaves in red ground-colour pointed with black and edged with a broad white outline.

It is doubtful at what time the S. Italian fabrics died out, possibly by 250 B.C.: but already in the 3rd–2nd centuries B.C. *Latin* painted vases appear. Their ornamentation is quite simple and rude,—a spray of vine or olive with perhaps an Eros in the centre (*Annali dell' Inst.* 1884). These are the last painted vases, and they are immediately succeeded by the *Calcs* ware, black, metallic, and moulded (Gamurrini, *Gaz. Archéol.* 1879, pp. 47 ff.). Henceforth pottery, for so much life as is left to it, becomes a branch of plastic. On the *Calene* style follow the *Samian* and *Aretine*. Greek ceramic art has given place to Roman. The pottery of Rome is in itself of less importance, and is sufficiently described under FICTILE: but it has a value of its own, as the link by which the secrets of classical ceramic art were communicated to the Northern nations, among whom the Celts rank first. Samian and Aretine vases were freely imitated in Gaul and England, where native fabrics grew up under Roman influence. A valuable and representative collection of Roman and early British pottery is in the Yorkshire Philosophical Society's Museum at York.

The field of decoration in Vases.—At first the field is necessarily vague. An early *principle* of decoration is established by the analogy of a vase to the human body: then in Alambra ware definite units of ornamentation appear, and the surface is divided into compartments. Painting, as at Thera, makes it possible to decorate inner surfaces. In the Mycenae period the high centre

of gravity in the prevailing vase-shapes serves to determine the shoulder as principal field: in Dipylon style both shoulder and neck—the latter perhaps especially—receive ornament, and there is a general correspondence between obverse and reverse. In Phaleron oenochoae the panel on the neck and the beginning of a metope style are to be noted; while the divergent rays which decorate in perpendicular lines the lower body of the vase introduce a new conception. The latter practice is perfected at Rhodes, and becomes thenceforth an established principle. Rhodes, *too*, began to divide the field into zones, proportioned to each other and to their position on the vase, to reserve the neck for mechanical ornament, and to make the junction of neck and shoulder organic by covering it with a band of dentals. Corinthian ware retrogrades: handsome as it undoubtedly *is*, it is false to the law of development which Greek pottery had already marked out for itself. At Cyrene the influence of metal originals was supreme; but the zones, rays, and dentals of Rhodes are retained. To metal-work is due the medallion and the preference for cylices and their ornamentation on the inner surface. On large vases the centre zone or zones form the field proper; the rest, like the outside of cylices, is given up to mechanical ornament. The main scene is placed, in Chalcidian amphorae, on the body; and above it is a narrow band of animals and horsemen. With Attic black-figure many improvements are introduced. A fixed ornament is adopted for the neck, and the field, divided into obverse and reverse by the handles, is given an internal unity by being framed in, and—as a consequence of the new technique—separated from the rest of the vase. To each of the several shapes, moreover, a special system of decoration begins to be assigned, compounded of three elements,—the zone, panel, and medallion,—of which the first and third belong of right to metal-work; the second is probably equivalent to a metope, and therefore architectural. Of the manner in which a suitable ornamentation for cylices was determined mention has previously been made. It need only be added here that the outer surface was finally adopted as true field, while the school of Epictetus perfected the inner medallion. Framing of the field, in red-figure technique, in amphorae and hydriae, is only retained, as by Andocides, from motives of conservatism. Until the influence of painting was thoroughly felt only a single ground-line was used, and there was no real differentiation of background and foreground. From 430 B.C. onwards the single ground-line is frequently broken up, and the field is treated as though the vase were so much canvas. Figures are also placed in the air, and this practice is subsequently greatly abused. In Campanian and Lucanian pottery as a rule no ground-line is marked: there are a few exceptions. In Apulian an irregular chain of dots serves that purpose, while figures "in the clouds"—forces controlling, and spectators interested in, the action—are represented by busts only.

[For the difficult problem of the relation between obverse and reverse, and the extent to which they mutually explain one another, *v.* J. C. Morgenthau, *Der Zusammenhang der Bilder auf griechischen Vasen.*]

LITERATURE.—*General accounts:* Jahn, *Einleitung zur Beschreibung der Vasensammlung zu München* (München, 1854: in parts obsolete); Birch, *Anc. Pottery* (London, 2nd ed. 1873); Dumont et Chaplain, *Les Céramiques de la Grèce propre* (Paris, 1881: *in progress*); Baumeister's *Denkmäler*, s.v. "Vasenkunde" (München, 1889: a most useful epitome, to which the present article is in many ways indebted); Genick, *Griechische Keramik* (Berlin, 1883: a résumé of types with text by Furtwängler); Lau, *Griechische Vasen* (München, 1877: numerous plates illustrating formal side of Greek pottery).

Special works.—The references given under various sections of this article are in no sense exhaustive, but they will furnish a clue to the most important and recent papers in periodic literature which for vases is of the utmost moment. For the connexion of early ceramics with Homeric culture, Helbig, *Das homerische Epos:* as a sample of modern criticism, Robert, *Bild und Lied:* for Cyprus and Phoenicia, Perrot et Chipiez, *Histoire de l'Art dans l'Antiquité*, vol. iii. Brunn's theories are to be found in *Abh. d. kgl. bay. Akad.* vol. xii. pt. ii. pp. 87 ff., and vol. xviii. pt. i. More extravagant is P. Arndt, *Studien zur Vasenkunde* (München, 1887).

Illustrative works.—The chief publications of figured and other vases may be found catalogued under the names of Tischbein, Millin, Millingen, Böttiger, Stackelberg, Gerhard, Panofka, Lenormant et De Witte, Bröndsted, De Luynes, R.-Rochette, Benndorf, Fröhner, Furtwängler: also in special series like the *Wiener Vorlegeblätter*, or general collections like Müller-Wieseler's, and Baumeister's *Denkmäler*, and the chief archaeological journals. [H. A. T.]

VASA'RIUM. [SALARIUM.]

UDO, a warm close-fitting shoe of felt (Mart. xiv. 140). It is clear that the translation "sock" in dictionaries is wrong, for Dig. 34, 2, 25, § 4, specially distinguishes them as worn "calceamentorum loco," whereas the *impilia* are said to be "vestis loco." The *impilia* therefore take the place of our socks, and are equivalent, or nearly so, to the Greek πίλοι (Hes. *Op.* 542), which seem to have been strips of felt wrapped round the feet and extending up the leg: so in Plat. *Symp.* p. 220 B, we find ὑποδεδεμένων καὶ ἐνειλιγμένων τοὺς πόδας εἰς πίλους, the first participle referring to the sandals, the second describing the πίλοι. They were not ordinary articles of Greek clothing, but were worn in extreme cold, *e.g.* at the siege of Potidaea. The name may, however, also have been given to felt-soles (probably = Latin *pedule*), since Pollux (vii. 91) distinguishes πίλοι from περιελήματα ποδῶν. The same passage gives as names for a sort of stocking πέλυνρα and ποδεῖα: the latter of these words occurs in Theophr. *H. P.* vii. 12, 8, and is rendered *impilia* by Pliny (*H. N.* xix. § 32) in his translation of that passage. (Becker-Göll, *Charikles*, iii. 284; *Gallus*, iii. 226; — Marquardt, *Privatleben*, p. 502.) [G. E. M.]

VECTIGA'LIA, a term used either (i.) in a narrow sense, = dues levied on *ager publicus;* see below: or (ii.) in a wide sense, = all regular and ordinary sources of Roman revenue, as distinct from the extraordinary *tributum* [TRIBUTUM]. As many of these are treated in separate articles, we need only give a list of

them here and explain those which are not elsewhere treated.

1. The tithes paid to the state by those who occupied state-domains in Italy or the provinces [DECUMAE; AGRARIAE LEGES]. Rents of houses and buildings on public lands, *solarium*.

2. The sums paid by those who kept their cattle on the public pastures [SCRIPTURA].

3. Products of the public forests; money raised by sale of timber and of tar (*picariae; vectigal picariarum;* Cic. *Brut.* 22, 84).

4. Income from public buildings and works; markets; bridges [PORTORIUM]; sewers (Ulpian, Dig. 7, 1, 27, 3); water-supply [AQUAEDUCTUS]; baths [BALNEAE]: see Dureau de la Malle, *Économie Politique des Romains*, Bk. iv. cc. 22, 23; and Hirschfeld (cited below).

5. The revenue derived from the salt-works [SALINAE].

6. The revenue derived from mines (*metalla; fodinae aurariae, ferrariae*, &c.) and from minerals of every description. This branch of the public income cannot have been very productive until the Romans had become masters of foreign countries. Till that time the mines of Italy were worked, but this was presently forbidden by the senate (Plin. *H. N.* iii. § 138; xxxiii. § 78; xxxiv. § 2). We do not know the date of this measure, or its motive. It was perhaps passed from distrust of *publicani* (cf. Livy, xlv. 18), or to discourage local minting. Mommsen, *Staatsrecht*, iii. 1117, says the working was forbidden "in the agrarian interest." The mines of conquered countries were, like the *salinae*, partly left to individuals (Plut. *Crassus*, 2; Tac. *Ann.* vi. 19), companies (Cic. *Phil.* ii. 19, 48), or towns, on condition of a certain rent being paid, or they were worked for the direct account of the state, or farmed by *publicani*. In the last case, however, the profits of the *publicani* were limited by the *lex censoria* or contract settling how many labourers might be employed (Plin. *H. N.* xxxiii. § 78). The emperors by degrees got nearly all mines, and quarries too, into their own hands, as belonging either to the *fiscus* or to the *patrimonium Caesaris*, whether they were found in imperial or in senatorial provinces. These were then either let to contractors (*conductores metalli*), or worked directly for the emperor by *procuratores* who had the right to employ soldiers and the forced labour of criminals (*ad metalla damnatio*), or else the right of working was sold to private persons and the product taxed. Among the richest mines known were the gold mines of Aquileia (Polyb. xxxiv. 10) and of Vercellae (Plin. *H. N.* xxxiii. § 4; Strabo, v. 1, 12), and the Spanish silver and iron mines (Polyb. xxxiv. 9; Liv. xxxiv. 21). The gold and silver mines of Macedonia (Herod. v. 17; Liv. xxxix. 24) were closed by the senate; iron was still allowed to be worked (Liv. xlv. 18, 29). There were also various mines in Thrace, Illyricum, Noricum, Africa, Sardinia, and Britain. (See on the last *C. I. L.* vii. p. 220 *sq.*; Hübner in *Rhein. Mus.* N. F. 12). Revenue was also raised in like manner from sandpits (*arenariae;* Dig. 7, 1, 9), chalk-pits (*cretifodinae;* Dig. 7, 1, 13; 24, 3, 7), marble- and ordinary stone-quarries (*lapicidinae*), grindstone- and millstone-quarries (*cotoriae;* Dig. 39, 4, 15), and the vermilion-works in Spain (Plin. *H. N.* xxxiii. § 118). (O. Hirschfeld, *Die Bergwerke; Untersuchungen*, 1876; J. Binder, *Die Bergwerke im römischen Staatshaushalt.* 1880.) [METALLUM, 2.]

7. Revenue from letting-out public fisheries (Polyb. vi. 17; Servius on Verg. *Georg.* ii. 161).

8. The customs-duties [PORTORIUM].

9. *Quinquagesima* (or *Quinta et vicesima*) *mancipiorum venalium;* a duty on slaves sold [QUINQUAGESIMA].

10. *Centesima rerum venalium* [CENTESIMA], a duty on other articles sold. The produce of this tax, like that of No. 11, belonged to the *aerarium militare* [AERARIUM].

11. *Vicesima hereditatium*
12. *Vicesima manumissionum* } see VICESIMA.

13. The tribute imposed on foreign countries. It has been thought that this was by far the most important branch of the public revenue; but it is difficult to maintain this against the words of Cicero (*pro Leg. Manil.* 6, 14), "ceterarum provinciarum" (except Asia) "vectigalia tanta sunt ut iis ad ipsas provincias tutandas vix contenti esse possimus." So Mommsen writes (*Hist. Rome*, E. T., Bk. iv. c. 11) of the republican period: "The only provinces yielding a considerable surplus were perhaps Sicily, and more especially Asia." The provincial tribute took different forms. It might be (i.) *decumae* of the produce of land (*i.e.* land left to the old owners, and regarded more as private than as public property, though it was still technically *ager publicus*). The *decumae* of course varied in amount from year to year (App. *B. C.* v. 4). The persons paying this charge were called *vectigales*. Or the charge was (ii.) *stipendium*, a tax of fixed amount. The persons who paid this were called *stipendiarii* [STIPENDIARII]. It was (α) *tributum soli*, a land-tax. This might be paid in money or in kind (even in hides or skins, Tac. *Ann.* iv. 72). Or it was (β) *tributum capitis* (Dig. 15, 8, 7; φόρος σωμάτων of App. *Syr.* 50), which might again be a property-tax on wealthy people, or a tax on trades (cf. No. 14), or a poll-tax (ἐπικεφάλαιον: plur. ἐπικεφάλια in Cic. *ad Fam.* v. 16, 2; paid in Britain, Dio Cass. lxii. 3), so as to reach people who had no land, or no cultivated land. But little is known of these charges. Some of them seem to have varied with a man's census (Cic. *Verr.* ii. 53, 131); and an unproductive estate was perhaps valued and charged according to the number of its columns or of its doors [COLUMNARIUM; OSTIARIUM]. The poll-tax (*exactio capitum*, Cic. *ad Fam.* iii. 8, 5) amounted in Syria and Cilicia to 1 per cent. of a man's census (App. *Syr.* 50), and was specially heavy for the Jews. It was farmed to *publicani* in Cicero's time. Josephus, *Bell. Jud.* ii. 16, 4 (ἡ καθ' ἑκάστην κεφαλὴν εἰσφορά), may mean poll-tax or may use the term more widely.

To the above items of provincial tribute must be added a payment in kind; a supply of corn [ANNONA] or other necessaries (wine, oil, meat, fodder; Vegetius, iii. 3). This was probably a later development of the *frumentum in cellam* of republican times [PROVINCIA]. In most provinces it was *annona militaris*, i.e. it fed the army of occupation and the officials, and was paid over on the spot. But Africa and Egypt had to meet not only the *annona militaris*, but also the *annona civica;* i.e. they had to find food for Rome, and later for Constantinople.

Africa had to feed Rome for eight months, Egypt for four (Josephus, *Bell. Jud.* ii. 16, 4). For Britain, see Tac. *Agr.* 19, 31.

14. Taxes on professions or trades (Suet. *Cal.* 40; Hist. Aug., *Alex. Sev.* 24, 32; Cod. Theod. 13, 1).

15. A tax on obstinate celibacy [AES UXORIUM]. The Lex Julia et Papia Poppaea of Augustus' time (which see) imposed penalties very like taxation on unmarried persons of a certain age: see Tac. *Ann.* iii. 25; Plin. *Paneg.* 42.

16. Temporary taxes. (*α*) A kind of ship-money, levied on coast-towns for their defence against the pirates (Cic. *Verr.* v. 17, 19, 24). (*β*) *Octava.* In B.C. 31 all *liberti* living in Italy and possessing property of at least 200 *sestertia* had to pay a tax of $12\frac{1}{2}$ per cent. on their property (Dio Cass. l. 6, li. 3). (*γ*) Temporary exactions imposed between the death of Caesar and the consolidation of the power of Octavianus (Cic. *ad Brut.* 1, 18; App. *B. C.* iv. 5, 32; 5, 67; Dio Cass. xlvi. 31, xlvii. 16, xlviii. 31 and 34, l. 10; and see TRIBUTUM). (*δ*) The new taxes of Caligula (Suet. *Cal.* 40). Among them was the QUADRAGESIMA LITIUM. They were probably all repealed by Claudius. (*ε*) The new taxes of Vespasianus (Suet. *Vesp.* 16, 23; Dio Cass. lxvi. 14). On the *vectigal urinae*, see Dureau de la Malle, *Économie politique des Romains*, Bk. iv. c. 23. [DOLIUM.] (*ζ*) Special charge on senators, imposed by Commodus (Dio Cass. lxxii. 16).

Here we may add, as sources of revenue, though they are not strictly *vectigalia*, Nos. 17–21.

17. AURUM CORONARIUM.

18. Booty taken in war; product of sale of prisoners, &c. [SPOLIA.]

19. Profit made out of the coinage.

20. Windfalls of various kinds [BONA CADUCA; BONA VACANTIA]. Fines and confiscated property.

21. Legacies to emperors, sometimes of enormous amount (Suet. *Aug.* 101, *Cal.* 38; Tac. *Ann.* ii. 48, xvi. 11; Dio Cass. lviii. 16), looked after by special *procuratores*.

Under the Republic the senate was the highest authority in matters of finance, but the censors carried out or supervised the details. The collection of duties, taxes, and tributes, was let for the most part to *publicani* for a fixed sum and a fixed number of years [CENSOR; PUBLICANI]. Under the Empire the authority of the senate was curtailed by the division of provinces between senate and emperor, which led to a separation between *aerarium* and *fiscus;* the senate controlled the former, the emperor the latter [AERARIUM; FISCUS]. The chief finance-minister of the early Empire was described as *a rationibus;* afterwards called *procurator a rationibus;* then *procurator summarum rationum*, or *rationalis*. (See on his successive titles and functions O. Hirschfeld in the *Jahrb. f. Philol.* 1868.)

The total income of Rome from all sources cannot be even approximately discovered for any period. Plut. *Pomp.* 45 has the general statement that before Pompey's Eastern conquests the *vectigalia* (*τὰ τέλη*) amounted to 200,000,000 sesterces; and beyond this we cannot well go.

(See Naquet, *Des Impôts indirects chez les Romains*, 1875; O. Hirschfeld, *Untersuchungen aus dem Gebiete der römischen Verwaltungsgeschichte*, 1876; S. Herrlich, *De aerario et fisco Romanorum quaestiones*, 1872.) [F. T. R.]

VECTIGA'LIA TEMPLO'RUM, the revenues of temples.

1. GREEK. Ancient temples, like modern churches, often contained large accumulated treasures in the precious metals and other valuable objects. So far as these were merely stored up unproductively (*κειμήλια*), they will not be noticed here: we are concerned only with sources of annual income. We have seen, however, that the productive employment of such treasures dated from a very remote period, and that, before the rise of the *τραπεζῖται*, the temples were the earliest banks in Greece [ARGENTARII, Vol. I. 180 *b*]. Other revenues, by which the priests were maintained and the splendour of religious establishments supported, are now to be considered.

The first and most important of these was the rent of land. In the heroic age, indeed, there was little other wealth, and it was the monopoly of a royal and noble caste. The same word *τέμενος* denotes both the royal domain and estates belonging to a temple (*τέμενος βωμός τε θυήεις*, Hom. *Il.* viii. 48, xxiii. 148; *Od.* viii. 363). In two instances in the Homeric Catalogue we find expressions implying that the entire territory of a city was sacred to a god: Onchestus in Boeotia is called *Ποσιδήϊον ἱερὸν ἄλσος* (*Il.* ii. 506), Pyrasus on the Pagasaean gulf *Δημητρὸς τέμενος* (*ib.* 696). Wealthy priests are mentioned, who are either royal or noble: Chryses, who offers *ἀπερείσι' ἄποινα* for his daughter (*Il.* i. 13), and Anius (Verg. *Aen.* iii. 80; Ov. *Met.* xiii. 631), are both kings of men and priests of Apollo: in the case of Dares (*ἀφνειός, ἀμύμων, ἱερεὺς Ἡφαίστοιο*, *Il.* v. 9, 10) it may be a question whether his riches are derived from his priesthood or the priesthood bestowed upon a man of birth and wealth. This state of things, which may remind us of the "prince-bishops" of modern Europe, survived to a much later period in Asia Minor and adjoining countries: in several instances a priest is next to the king, and enjoys large landed revenues; among the Albanians of the Caucasus, Strab. xi. p. 503; at Comana in Cappadocia, *Id.* xii. p. 535; at Cabira or Sebaste and another Comana, p. 557; at Zela, p. 559; these last places are all in Pontus. Actual figures are not wanting: in Morimene, a district of Cappadocia, was a temple of Zeus with 3000 hieroduli, and yielding an income of fifteen talents a year to the priest: this, after Comana, was the next best thing of the kind in Cappadocia (Strab. xii. p. 537). Cato, charged by the senate with the deposition of Ptolemy of Cyprus, proposed to pension him off handsomely as priest of the Paphian Aphrodite (*ὡς οὔτε χρημάτων οὔτε τιμῆς ἐνδεᾶ βιωσόμενον*, Plut. *Cat. Min.* 35).

Temples were also endowed with tithes of various kinds, described under DECUMAE, Vol. I. pp. 603 *b*, 604 *a*. We add here some further examples. The Athenians, when they conquered Chalcis and divided the lands of the HIPPOBOTAE among cleruchs, assigned *τεμένη* to Athena in the Lelantine plain, the richest part of the territory in question: this must

have been of the nature of a tithe, though the exact proportion so dedicated is not mentioned (Aelian, *V. H.* vi. 1). On the fall of Mytilene, out of 3000 lots of land they devoted 300 to the gods and sent cleruchs to the remainder (Thucyd. iii. 50). When they planted a colony at Brea, they decreed that whatever lands already belonged to the gods should remain sacred: this was probably their general practice (Inscr. *ap.* Rhangabé, *Ant. Hell.* 785 b, l. 19). We find a *τέμενος* of Athena in Samos (*C. I. G.* 2246); at Aegina (*C. I. G.* [add.] 2638). Brasidas, after the storming of Lecythus in Sithonia, where there was a temple to Athena, dedicated the whole territory to the goddess, and pulled down all the secular buildings (Thucyd. iv. 116). Sometimes the cultivation of lands thus dedicated was forbidden, as in the well-known instance of the Cirrhaean plain on the coast below Delphi, the cause of two sacred wars in the time of Solon and again in that of Philip: the object of this was to give the Delphians exclusive possession of that region, and to secure the approaches to the oracle (Aeschin. *Ctes.* § 107 ff.; Dem. *de Cor.* pp. 277–8, § 151 ff.).

Among the produce of sacred lands are to be reckoned cattle, timber, particular fruits such as vines, figs, or olives, fisheries, and mines. There might be, on the one hand, herds of cattle called *ἄφετοι*, which no one could touch, just as there might be sacred groves from which no stick was allowed to be removed, or which no human foot might enter: but there were others labouring under no such restrictions, and forming part of the substantial endowments of temples. Such were the 3000 sacred cattle at Minoa in Sicily (Diod. iv. 80); and those of Juno Lacinia (Liv. xxiv. 3). In Attica, certain olive-trees (*μορίαι, σηκοί*) growing upon private lands were themselves the property of the goddess, and the oil from them was given away at the Panathenaic festival (Lys. *Or.* 7, *περὶ τοῦ σηκοῦ*). [OLEA, p. 263 *a*.] In the deme Lakiadae was a grove of sacred fig-trees (Pausan. i. 37, § 2; Schömann, *Gr. Alterth.* ii. 188). Pausanias gives examples of fish-ponds which no one might disturb (iii. 21, § 5; vii. 22, § 4); others again where the priests alone were permitted to fish (i. 38, § 1). A Delian inscription is our sole authority for the fact that sea-fisheries sometimes belonged to temples; the language of it, however, is clear and unmistakable: *τὴν θάλατταν τὴν Ἀθηναίων οὖσαν καὶ τὴν ἐν Ῥηνείᾳ ἐμίσθωσαν δέκα ἔτη* (Boeckh, in *Abh. d. Berl. Akad.* 1834). The people of Siphnos granted a tithe of their gold and silver mines to the Pythian Apollo, and prospered exceedingly (Herod. iii. 57; Pausan. xi. 1, § 2; for another case, cf. *C. I. G.* 162).

Temple property, whatever its description, was let on much the same terms as other property. Sacrifices were paid for *ἀπὸ μισθωμάτων* (Isocr. *Areop.* § 29); *i.e.* as explained by Didymus, *ap.* Harpocrat. *s. v. ἀπὸ μισθωμάτων, ἐκ τῶν τεμενικῶν προσόδων* (cf. Xen. *de Vect.* 4, § 19; Plat. *Legg.* vi. p. 759 E). The Athenian government allowed no perquisites to its officers; hence it required those who purchased animals for sacrifice—the *βοῶναι, ἱεροποιοί*, &c.—to account for the skins of the victims. But whether such money (the *δερματικὸν*) went into the sacred or the state treasury, seems uncertain [DERMATIKON]. The revenue derived by temples from predial serfs and other slaves is more fully treated under HIERODULI.

The more popular shrines, while their permanent treasure was increased by votive offerings [DONARIA], further derived a large annual income from sacrifices and payments by worshippers. This was more particularly the case with oracles, which were not to be consulted gratuitously. So Ion says of his life at Delphi, *βωμοί μ' ἔφερβον οὐπιών τ' ἀεὶ ξένος* (Eurip. *Ion*, 323). The sums to which multitudes of small payments might mount up are shown in the case of the impostor Alexander of Abonoteichos. His charge for consulting his sham oracle was 1 drachma 2 obols; his profits 70,000 or 80,000 drachmas a year (Lucian, *Alex.* 23).

(Schömann, *Gr. Alterth.* ii. 181–246, 297–328; Hermann, *Gottesd. Alterth.* § 20; Boeckh, *P. E.* p. 303 = *Sthh.*[3] i. 372; R. Kohts, *de Reditibus Templorum Graecorum*, Göttingen, 1869). [W. W.]

2. ROMAN. In considering the Roman temple-treasuries and the source and management of their revenues, it must be observed that the system was based upon a different idea from that of the Greek temple-treasuries treated of above. Religion at Rome was more entirely an affair of state: the maintenance of religion (apart from the family observances) was a state duty, and even the revenues which were dedicated to religious purposes were under state control. The temples had property: firstly, that which from time immemorial had belonged to the deity and his temple, or had been brought with him when he became part of the Roman order of gods by the incorporation of his original state with Rome; secondly, the lands and dues subsequently given or assigned: but this property was, as will be seen, regarded as part of the state possessions, merely assigned to a special purpose — that of religious service. This view of the matter arose naturally from the fact that in ancient times the king defrayed the cost of religion out of part of his own revenues, being himself responsible for the discharge alike of sacred and political duties.

The temples had a treasury (*arca*) into which flowed revenues from various sources. We have special mention of the *arca* of the Pontifices, the Vestals, and the Fratres Arvales, and there can be little doubt that the case was similar in all temples (*C. I. L.* v. 3924, vi. 1600, 2028, 10284, 13618; and more references in Marquardt, *Staatsverw.* ii. 82). The revenues of these treasuries arose:—1. *From lands:* these were, as was said above, originally part of the king's domain (Dionys. ii. 7, iii. 1); and the same was the case at Alba before its union with Rome (Id. iii. 29). Under the Republic the priestly colleges had lands within and without the city, of which in critical times part was sold for state uses, and any surplus was no doubt ordinarily so appropriated (Symmach. *Ep.* i. 68; Fest. p. 189; Sic. Flacc. p. 162; Oros. v. 18: cf. Liv. i. 20; Dio Cass. xliii. 47; Appian, *Mithr.* 22). This fact and the use of the *lucar* or income from sacred groves for games under state control [LUCAR] show clearly the secular management of the treasuries. In Italy temples were endowed in some cases from ancient rights

(Liv. xxiv. 3), in others by the Romans (*e.g.* the temple of Diana Tifatana at Capua by Sulla; Vell. ii. 25; *C. I. L.* x. 3828). Gifts of land to temples were dedicated by the Pontifex Maximus, and it was necessary that they should be confirmed by a vote of the people, even when the donor was a private person (Fest. p. 318; Gell. ii. 5; Cic. *de Dom.* 49, 127; Mommsen, *Staatsr.* ii. p. 61): the priests had nothing to do with its management; sales and leases were under the authority of the magistrates. The temple land revenues lasted till Christian times (Cod. Theod. 10, 10, 24; 16, 10, 19 and 20); the claim to sell was of course based on the old Roman theory that all *loca sacra* were part of the state domain (Frontin. *de Contr. Agr.* p. 56): hence they were administered by the censor.

2. *Fees on admission to a priesthood.* Considerable sums were paid "pro introitu sacerdotii" (Suet. *Claud.* 9, *Cal.* 22; Dio Cass. lix. 28): the enforcement of such payment rested with the civil magistrates.

3. *Fees paid by subordinate ministers of the temples.* These were themselves paid officials, but they paid fees on their admission.

4. *Profits on victims:* the sale of hides [compare DERMATIKON].

5. *Votive offerings made to the temple* (Dig. 33, 1, 20, § 1; cf. Varro, *ap.* Macrob. *Sat.* iii. 12, 2).

The *arca pontificum* (under control of the senate, with the *arcarius pontificalis* to manage it: Symmach. *Ep.* i. 68) received the proceeds of (*a*) the forfeited deposits called *sacramenta* [see VINDICATIO]; (*b*) fines for damage to, or trespass on, tombs (see Mommsen, *Staatsr.* i. 70) [it is possible that the frequency of these fines may be accounted for by the superstitions mentioned on p. 729 *a*]; (*c*) fines levied on priests by the Pontifex Maximus; (*d*) the property of a Vestal who died intestate.

All the above revenues being, as has been said, under state control, were used for the maintenance of religion primarily, though the surplus might in cases such as those before mentioned be devoted to other purposes. The temple buildings were kept in repair by the state with funds taken from the Aerarium under the authority of the Censors [Vol. I. p. 402]: but the current expenses for regular sacrifices were provided by the temple-treasuries, the priests having doubtless power to draw upon these funds. The great priesthoods were posts of honour like the political magistracies, and, like them, were unpaid; but the working staff of priests, or permanent officials, so to speak, in the service of religion were paid by the state. Maintenance was therefore provided for the Curiones (Fest. *Ep.* p. 49), the Vestals (Liv. i. 20; Tac. *Ann.* iv. 16), and for all those who had to give their services whenever called for, *i.e.* the haruspices and pullarii, and the subordinate attendants, calatores, viatores, &c. For this payment of ministers of religion the revenue from sacred lands was used, and any other funds belonging to the temple treasuries. It may be noticed that the Roman temples (since their property was directly under state control) possessed no temple slaves, such as we find in Greece and in some parts of Italy and Sicily (*e.g.* Eryx and Larinum). [G. E. M.]

VENA'BULUM. [VENATIO, 1.]

VENA'TIO. **1.** (*θήρα, κυνηγεσία.*) That hunting was practised as early as the Homeric age, not only for food and profit but also as a sport by the more wealthy, is clear from the description of the hunting-party which Autolycus arranged for Odysseus (*Od.* xix. 429–446), and from its being represented as the pastime of gods and heroes (*Il.* v. 49, xxi. 485; *Od.* vi. 102, xi. 572): as a matter of necessity, we find it of course practised both to get food (*Od.* ix. 154) and to destroy wild beasts dangerous to life and property (*Il.* v. 555, ix. 543; cf. Pausan. i. 27). The animals hunted are lions (*Il.* xvii. 132), panthers (xxi. 573), wild boars (xi. 414), deer (xi. 473; *Od.* x. 159, xix. 227), ibex (*Od.* xvii. 295), hares (*ib.*). As regards the method and appliances, we get information on most points from the passage of the Odyssey alluded to above (xix. 429–446), in which we notice especially the absence of nets as a point of difference from later Greek and Roman hunting [RETE]. The huntsmen (*ἐπακτῆρες*) take the hounds forward to track the boar (cf. *Od.* xvii. 312), and the hunting-party follows armed with spears. The Homeric hunting weapons are spears (*δόρυ, ἔγχος, Od.* x. 161, xix. 437), javelins (*ἄκοντες, Il.* xi. 551; *αἰγανέαι, Od.* ix. 156), bows and arrows (*Il.* xi. 473), clubs (*Od.* xi. 575). It may be noted that Döderlein takes *αἰγανέαι* to be arrows in the passage cited above, but he is probably wrong: see *Il.* ii. 774; Buchholz, *Homer. Realien*, ii. § 33.

The later Greek hunting may be best studied in Xenophon's treatise *Cynegeticus*, where, after mention of the divine beings who loved the sport, we find a description of the nets (for which and their use, see RETE), and then an account of the hounds, their breed, their points, powers of scent, &c. Their equipment (*κόσμος κυνῶν*) consists of collars (*δέραια*), leashes or couples (*ἱμάντες*), and broad belts (*στελμονίαι*) with spikes sewn in, to obviate the inconvenience of dogs and bitches hunting together. It is noticeable that as a point of training they are never allowed to hunt foxes, because it takes them off their proper game (*ἐν τῷ δέοντι οὔποτε πάρεισιν*). The *ἀρκύωρος* goes out very early and sets the nets into which the hunted animal is to be driven: the *κυνηγέτης*, who wears a light dress suited for running, and carries a stick (*ῥόπαλον*), brings on the hounds, and the hare is either driven into the nets or run till she falls exhausted, or sometimes is killed by the *ῥόπαλον*. In snowy weather the hare is tracked without dogs, since the snow makes tracking easy and the frost injures the dogs' feet. For hunting deer, a larger and stronger hound, which he calls *Ἰνδική*, is used, and the hunter has javelins: besides the ordinary apparatus of nets, snares called *πεδοστράβαι* are set about the haunts of the herd. This is a wooden clog with a noose to catch the foot, covered lightly with earth: the deer drags this in his flight, which is thus slower and more easily tracked. For wild boars, besides the boar-hounds and nets we find mention of boar-spears (*δόρυ, venabulum*), which are not thrown as javelins, but are slanted to receive a charge (*cf.* Verg. iv. 131, ix. 553; Plin. *Ep.* i. 6; Cic. *Verr.* v. 3, 7). The *πεδοστράβαι* are used for boars also. Lions and panthers he speaks of as only trapped by pitfalls (with a decoy) or poisoned (cf. Plin.

H. N. viii. § 99). The Roman method of hunting hares, deer, or wild boars was essentially the same as that described by Xenophon (cf. Oppian and Nemesianus). Representations of the Roman sport are found in Pompeian paintings (see Baumeister, *Denkm.* p. 711). [G. E. M.]

2. The name *venatio* was given among the Romans to an exhibition of wild beasts, which fought with one another and with men. These exhibitions originally formed part of the games of the Circus. Julius Caesar first built a wooden amphitheatre for the exhibition of wild beasts, which is called by Dio Cassius (xliii. 22) *θέατρον κυνηγετικόν*, and the same name is given to the amphitheatre built by Statilius Taurus (Id. li. 23), and also to the celebrated one of Titus (Id. lxvi. 24); but even after the erection of the latter we frequently read of Venationes in the Circus (Spart. *Hadr.* 19; Vopisc. *Prob.* 19). The persons who fought with the beasts were either condemned criminals or captives, or individuals who did so for the sake of pay and were trained for the purpose. [BESTIARII.]

The Romans were as passionately fond of this entertainment as of the exhibitions of gladiators, and during the latter days of the Republic and under the Empire an immense variety of animals was collected from all parts of the Roman world for the gratification of the people, and many thousands were frequently slain at one time. The spectacle was called especially *ludus matutinus*, because, when a gladiatorial combat also was given, the venatio came first early in the day (Friedländer, *S. G.* ii. 349). The first recorded occasion of a venatio was in B.C. 186, in the games celebrated by M. Fulvius in fulfilment of the vow which he had made in the Aetolian war; in these games lions and panthers were exhibited (Liv. xxxix. 22). It is mentioned as a proof of the growing magnificence of the age that in the Ludi Circenses, exhibited by the curule aediles P. Cornelius Scipio Nasica and P. Lentulus, B.C. 168, there were sixty-three African panthers and forty bears and elephants (Liv. xliv. 18; cf. Mart. *Spectac.* passim). From about this time combats with wild beasts probably formed a regular part of the Ludi Circenses, and many of the curule aediles made great efforts to obtain rare and curious animals, and put in requisition the services of their friends. (Compare Caelius's letter to Cicero, *ad Fam.* viii. 9.) Elephants are said to have first fought in the Circus in the curule aedileship of Claudius Pulcher, B.C. 99, and twenty years afterwards, in the curule aedileship of the two Luculli, they fought against bulls (Plin. *H. N.* viii. § 19). A hundred lions were exhibited by Sulla in his praetorship, which were destroyed by javelin men sent by king Bocchus for the purpose. This was the first time that lions were allowed to be loose in the Circus; they were previously always tied up (Senec. *de Brev. Vit.* 13). The games, however, in the curule aedileship of Scaurus, B.C. 58, surpassed anything the Romans had ever seen; among other novelties he first exhibited a hippopotamus and five crocodiles in a temporary canal or trench (*euripus*, Plin. *H. N.* viii. § 96). At the venatio given by Pompey in his second consulship, B.C. 55, upon the dedication of the temple of Venus Victrix, and at which Cicero was present (Cic. *ad Fam.* vii. 1), there was an immense number of animals slaughtered, among which we find mention of 600 lions, and eighteen or twenty elephants: the latter fought with Gaetulians, who hurled darts against them, and they attempted to break through the railings (*clathri*) by which they were separated from the spectators (Senec. *l. c.*; Plin. viii. § 21). To guard against this danger Julius Caesar surrounded the arena of the amphitheatre with trenches (*euripi*). The *pilae* of the amphitheatre were puppets or effigies of straw thrown in to divert the attention of an infuriated animal, or at other times to stimulate and excite him (Mart. *Spectac.* 9, 19). In the first fragment of the speech *pro Cornelio* Cicero speaks of "homines foeneos in medium ad tentandum periculum projectos," *i.e.* to judge of the temper of the animal, whether he would sulk or charge: compare "men of straw," and "fiat experimentum in corpore vili."

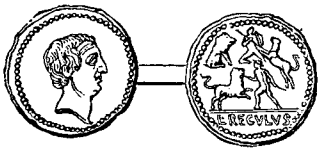
In the games exhibited by Julius Caesar in his third consulship, B.C. 45, the venatio lasted for five days and was conducted with extraordinary splendour. Camelopards or giraffes were then for the first time seen in Italy (Dio Cass. xliii. 23; Suet. *Jul.* 39; Plin. *H. N.* l. c.; Appian, *B. C.* ii. 102; Vell. Pat. ii. 56). Julius Caesar also introduced bull-fights, in which Thessalian horsemen pursued the bulls round the circus, and, when the latter were tired out, seized them by the horns and killed them. This seems to have been a favourite spectacle; it was repeated by Claudius and Nero (Suet. *Claud.* 21; Dio Cass. lxi. 9). In the games celebrated by Augustus, B.C. 29, the hippopotamus and the rhinoceros were first exhibited, according to Dio Cassius (li. 22), but the hippopotamus is spoken of by Pliny, as mentioned above, in the games given by Scaurus. Augustus also exhibited a huge snake (Suet. *Aug.* 43), and thirty-six crocodiles, which are seldom mentioned in the spectacles of later times (Dio Cass. lv. 10).

The occasions on which venationes were exhibited have been incidentally mentioned above. They seem to have been first confined to the Ludi Circenses; but during the later times of the Republic, and under the Empire, they were frequently exhibited on the celebration of triumphs, and on many other occasions, with the view of pleasing the people. The passion for these shows continued to increase under the Empire, and the number of beasts sometimes slaughtered seems almost incredible. At the consecration of the great amphitheatre of Titus, 5000 wild beasts and 4000 tame animals were killed (Suet. *Tit.* 7; Dio Cass. xlv. 25); and in the games celebrated by Trajan, after his victories over the Dacians, there are said to have been as many as 11,000 animals slaughtered (Id. lxviii. 15). Under the emperors we read of a particular kind of venatio, in which the beasts were not killed by bestiarii, but were given up to the people, who were allowed to rush into the area of the circus and carry away what they pleased. On such occasions a number of large trees, which had been torn up by the roots, were planted in the circus, which thus resembled a forest, and none of the more savage animals were admitted into it. A venatio of this kind was exhibited by Gordian I. in his aedileship, and a painting of the forest with the animals in it is described by Julius Capitolinus (*Gordian*,

3). One of the most extraordinary venationes of this kind was that given by Probus, in which there were 1000 ostriches, 1000 stags, 1000 boars, 1000 deer, and numbers of wild goats, wild sheep, and other animals of the same kind (Vopisc. *Prob.* 19). The more savage animals were slain by the bestiarii in the amphitheatre, and not in the circus. Thus, in the day succeeding the venatio of Probus just mentioned, there were slain in the amphitheatre 100 lions and the same number of lionesses, 100 Libyan and 100 Syrian leopards, and 300 bears (Vopisc. *l. c.*). It is unnecessary to multiply examples, as the above are sufficient to give an idea of the numbers and variety of animals at these spectacles; but the list of beasts which were collected by Gordian III. for his triumph, and were exhibited by his successor Philip at the Secular Games, deserves mention on account of their variety and the rarity of some of them. Among these we find mention of 32 elephants, 10 elks, 10 tigers (which seem to have been very seldom exhibited), 60 tame lions, 30 tame leopards, 10 hyaenas, an *hippopotamus* and rhinoceros, 10 archoleontes (it is unknown what they were), 10 *camelo*pards, 20 onagri (wild asses, or perhaps zebras), 40 wild horses, and an immense number of similar animals (Vopisc. *Gordian*, 33).

These spectacles were continued till the 6th century, but had gradually become less destructive to human life, since the bestiarii had more contrivances afforded for their protection and more opportunity allowed them for escape from a dangerous encounter. (See on this point Friedländer, *S. G.* ii. 379.)

Combats of wild beasts are sometimes represented on the coins of Roman families, as on the annexed coin of M. Livineius Regulus, which probably refers to the venatio of Julius Caesar mentioned above.



Coin of M. Livineius Regulus.

In the bas-reliefs on the tomb of Scaurus at Pompeii, there are representations of combats with wild beasts, which are copied in the following woodcuts from *Mazois* (*Pomp.* i. pll. 32, 33). On the same tomb gladiatorial combats are represented, which are figured *under* GLADIATORES.

Fig. 1 represents a man naked and unarmed between a lion and a panther. Persons in this defenceless state had of course only their agility to trust to in order to escape from the beasts:

Reliefs from the tomb of Scaurus. Fig. 1.

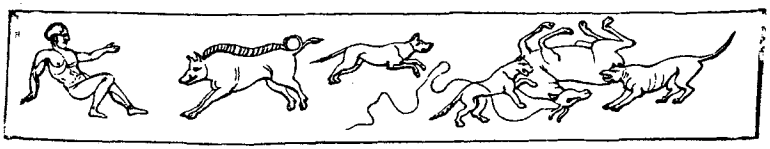


Fig. 2.

Fig. 3.

but it must be confessed, as Baumeister notices, that the apparent flight of both animals lacks explanation.

In Fig. 2 we see a bestiarius against whom a wild boar is rushing: he has probably lost or broken his spear, and has little chance of escape. In the same relief there is a wolf running at full speed, and also a stag with a rope tied to his horns who has been pulled down by two animals, probably wolves. The third relief is supposed by Mazois to represent the training of a bestiarius: Baumeister with greater probability takes it as a combat. It may result in the two animals attacking either each other or the bestiarii. The man on the left is stimulating the bull with a *venabulum*; the armed bestiarius to the right is watching for a favourable moment to throw his javelin. For the panther attached by a rope to the bull, cf. Sen. *de Ira*,

Fig. 4.

iii. 43. The fourth woodcut represents a man equipped in the same way as the matador in the

Spanish bull-fights in the present day, namely, with a sword in one hand and a veil in the other. The veil was first employed in the arena in the time of the Emperor Claudius (Plin. *H. N.* viii. § 54). The animal is supposed to be intended for a bear. (Friedländer, *S. G.* ii.[5] 348 ff.; Marquardt, *Staatsverw.* iii. 565; Baumeister, *Denkm.* 2104 ff.) [W. S.] [G. E. M.]

VENEFICIUM, the crime of poisoning, is frequently mentioned in Roman history. Women were most addicted to it; but it seems not improbable that this charge was frequently brought against women without sufficient evidence of their guilt, like that of witchcraft in Europe, in the Middle Ages. We find them condemned to death for this crime in seasons of pestilence, when the popular mind is always in an excited state and ready to attribute the calamities under which they suffer to the arts of evil-disposed persons. Thus the Athenians, when the pestilence raged in their city during the Peloponnesian war, supposed the wells to have been poisoned by the Peloponnesians (Thucyd. ii. 48), and similar instances occur in the history of almost all states. Still, however, the crime of poisoning seems to have been much more frequent in ancient than in modern times; and this circumstance would lead persons to suspect it in cases when there was no real ground for the suspicion. Respecting the crime of poisoning at Athens, see PHARMACON GRAPHE.

The first instance of its occurrence at Rome in any public way was in the consulship of M. Claudius Marcellus and C. Valerius, B.C. 331, when the city was visited by a pestilence. After many of the leading men of the state had died by the same kind of disease, a slave-girl gave information to the curule aediles that it was owing to poisons prepared by the Roman matrons. Following her information, they surprised about twenty matrons, among whom were Cornelia and Sergia, both belonging to patrician families, in the act of preparing certain drugs over a fire; and being compelled by the magistrates to drink these in the forum, since they asserted that they were not poisonous, they perished by their own wickedness. Upon this further informations were laid, and as many as a hundred and seventy matrons were condemned (Liv. viii. 18; compare Val. Max. ii. 5, § 3; Oros. iii. 10; August. *de Civ. Dei*, iii. 17). We next read of poisoning being carried on upon an extensive scale as one of the consequences of the introduction of the worship of Bacchus (Liv. xxxix. 8) [BACCHANALIA]. In B.C. 184, the praetor Q. Naevius Matho was commanded by the senate to investigate such cases (*de veneficiis quaerere*): he spent four months in the investigation, which was principally carried on in the municipia and conciliabula, and, according to Valerius of Antium, he condemned 2000 persons (Liv. xxxix. 38, 41). We again find mention of a public investigation into cases of poisoning by order of the senate, in B.C. 180, when a pestilence raged at Rome, and many of the magistrates and other persons of high rank had perished. The investigation was conducted in the city and within ten miles of it by the praetor C. Claudius, and beyond the ten miles by the praetor C. Maenius. Hostilia, the widow of the consul C. Calpurnius, who had died in that year, was accused of having poisoned her husband, and condemned on what appears to have been mere suspicion (Liv. xl. 37). In B.C. 154 two consulars were said to have been poisoned by their wives (Liv. *Ep.* xlviii.; Val. Max. vi. 3, 8). Cases of what may be called private poisoning, in opposition to those mentioned above, frequently occurred: so Quintil. v. 11, 39, "nullam adulteram non eandem esse veneficam" (cf. Auct. *ad Herenn.* 1, 23; Plin. *H. N.* ii. §§ 156, 157). The speech of Cicero in behalf of Cluentius supplies us with several particulars on this subject. Under the Roman emperors it was carried on to a great extent, and some females who excelled in the art were in great request. One of the most celebrated of these was Locusta, who poisoned Claudius at the command of Agrippina, and Britannicus at that of Nero, the latter of whom even placed persons under her to be instructed in the art (Tac. *Ann.* xii. 66, xiii. 15; Suet. *Ner.* 33; Juv. i. 71). For a fuller list of poisoning cases, see Mayor's note on Juv. i. 70.

The first legislative enactment especially directed against poisoning was a law of the dictator Sulla—Lex Cornelia de sicariis et veneficis—passed in B.C. 82, which continued in force, with some alterations, to the latest times. It contained provisions against all who made, bought, sold, possessed, or gave poison for the purpose of poisoning (Cic. *pro Cluent.* 54, 158; Marcian, Dig. 48, 8, 3; Inst. iv. 18, 5). The punishment fixed by this law was, according to Marcian, the deportatio in insulam and the confiscation of property; but it was probably in the earlier period the *interdictio aquae et ignis*, since the deportatio under the emperors took the place of the interdictio, and the expression in the Digest was suited to the time of the writers or compilers. [LEX CORNELIA, p. 39.] By a senatusconsultum passed subsequently, a female who gave drugs or poison for the purpose of producing conception even without any evil intent, was banished (*relegata*), if the person to whom she administered them died in consequence. By another senatusconsultum all druggists (*pigmentarii*) who administered poisons carelessly "purgationis causa," were liable to the penalties of this law. [PHARMACOPOLA.] In the time of Marcian (that of Alexander Severus) this crime was punished capitally in the case of persons of lower rank (*humiliores*), who were exposed to wild beasts, but persons of higher rank (*altiores*) were condemned to the deportatio in insulam (Dig. *l. c.*).

The word *veneficium* was also applied to potions, incantations, &c. (Cic. *Brut.* 60, 217; Petron. 118); whence we find *veneficus* and *venefica* used in the sense of a sorcerer and sorceress in general. [SUPERSTITIO.] For the poisons employed, cf. Dioscor. *de Venen.*, and other passages collected by Professor Mayor. It is noticeable that mineral poisons were unknown (Quintil. *Lect.* 350, p. 741 B). See further on this subject Rein in Paully, s. v. *veneficium*, *venenum*; Mayor, *l. c.* [W. S.] [G. E. M.]

VER SACRUM (*ἔτος ἱερόν*). It was a custom among the early Italian nations, especially of the Umbro-Sabellian stock, in times of great danger and distress, to vow to the deity the sacrifice of everything born in the next spring; that is, between the 1st of March and the last day of April, if the calamity under

which they were labouring should be removed. (Fest. *Ep.* p. 379; Liv. xxii. 9, 10, xxxiv. 44; Strab. v. p. 250; Sisenna, *ap.* Non. xii. 18; Serv. *ad Aen.* vii. 796.) This sacrifice in the early times comprehended both men and domestic animals, and there is little doubt that in many cases the vow was really carried into effect. But in later times the actual sacrifice was thought cruel, and accordingly the following expedient was adopted. The children were allowed to grow up, and in the spring of their twentieth or twenty-first year they were with covered faces driven across the frontier of their native country, whereupon they went whithersoever fortune or the deity might lead them. Dionysius (i. 16) describes it as happening (*a*) as a thanksgiving for *εὐανδρία* or *νίκη*, (*b*) for propitiation: if the former, they offer sacrifices, and send out the colony with good omens; if the latter, in grief, demanding pardon of those sent out. The real occasion, at least in most cases, was doubtless pressure of over-population in the Apennine valleys: the emigration, which was a more merciful course than sacrifice by infanticide, was so like the swarming from a hive that Varro chooses it as an illustration, "cum examen exiturum est ... ut olim Sabini factitaverunt propter multitudinem liberorum" (*R. R.* iii. 16). Several Italian nations traced their origin to a Ver Sacrum: Samnites, Lucanians, Bruttii, Picentini, Hirpini; the Umbri and Sabini being regarded as autochthons. According to the legendary account, Mars, the national god of Italy, sends guides for the homeless warriors, in the case of the Hirpini a wolf (*hirpus*), of the Picentini (Plin. *H. N.* iii. § 110) a woodpecker (*picus*), of the Samnites an ox (cf. Bovianum). It is probably a truer view to recognise in these legends the ancient animal totems of these tribes than to suppose that the legend arose from the tribal name. That this swarming still went on as late as the time of the First Punic War, is shown by the case of the Mamertini, or "sons of Mars" in Sicily, whose origin is traced to a Ver Sacrum (Fest. p. 158).

In the two historical instances in which the Romans vowed a ver sacrum, that is, after the battle of lake Trasimenus and at the close of the Second Punic War, the vow was confined to domestic animals, as was expressly stated in the vow. (Liv. xxii. 10: for a critical discussion of the words, see Häsenmuller, in *Rhein. Mus.* xix. 1864.) It must be observed that in these two cases it had only a religious significance as a vow, and had nothing to do with emigration. (Liv. *l. c.* and xxxiii. 44; Plut. *Fab. Max.* 4.) For further discussion see Mommsen, *Hist. of Rome*, i. 122; Marquardt, *Staatsverw.* iii. 281; Nissen, *Das Templum*, p. 154 ff.

[L. S.] [G. E. M.]

VERBE'NA. [SAGMINA.]

VERBENA'RIUS. [FETIALIS.]

VERNA. [SERVUS, pp. 662 *b*, 665 *a*.]

VERSO IN REM ACTIO. [SERVUS, p. 661 *b*.]

VERSU'RA. [FENUS.]

VERU, VERU'TUM. [HASTA.]

VESPAE, VESPILLO'NES. [FUNUS, Vol. I. p. 892 *a*.]

VESTA'LES (*Virgines Vestales*), the virgin priestesses of Vesta, who ministered in her temple and watched the eternal fire. That they were recognised as a priesthood is clear from their official designation, "*sacerdotes* Vestales" (*C. I. L.* vi. 2128;—Gellius, i. 12, 14; x. 15, 31). They belonged to that oldest class of priesthoods [SACERDOS] whose duties were limited to the service of particular deities, and we have good reason to suppose that they were at least as ancient as any of these. Their existence at Alba Longa is connected with the earliest Roman traditions, for Rhea Silvia, the mother of Romulus, was, according to the legend, a Vestal (Liv. i. 20; Dionys. i. 76); and they are known to have survived at Alba down to the age of the later Empire. The institution is also found at Lavinium and Tibur (Marquardt, *Staatsverw.* iii. 336, reff.; Preuner, *Hestia-Vesta*, 340), and was without doubt originally common to all Latin communities. From Alba it was believed to have been brought to Rome; whether by Romulus or Numa, the Roman antiquaries were not agreed (cf. Schwegler, *Röm. Gesch.* i. 544, note 1). The original number of the Vestals was four (their names are given in Plut. *Numa*, 10), two representing the Rhamnes, two the Tities (Dionys. ii. 67, iii. 67; Festus, 344 b); to these two were added by Tarquinius Priscus or Servius Tullius, to represent the third tribe of the Luceres.

The true explanation of the origin and meaning of this singular priesthood has been recently placed beyond doubt by the researches of anthropologists. The germ of the cult of Vesta is to be found in the great difficulty experienced by primitive man in obtaining *fire*, and in the consequent veneration with which he regarded it when obtained. Convenience suggested that in one house in every settlement a fire should be kept perpetually burning, from which the members of the community could at any time procure the flame. This house was that of the king or chief, whose unmarried daughters were charged with the duty of keeping up the fire; their brothers also, as "kindlers" (*flamines*), had duties of the same kind, perhaps more especially sacrificial. (For the comparative evidence on which this explanation rests, see especially J. G. Frazer, in *Journal of Philology*, vol. xiv., No. 28, pp. 145 foll.: cf. Helbig, *Die Italiker in der Poebene*, p. 53; PRYTANEUM.) From the first, probably, this duty of the chief's daughters was a religious one, and the flame was a sacred flame (Ovid, *Fast.* vi. 291: "Nec tu aliud Vestam quam vivam intellige flammam"); and thus, by a process of development which cannot be entered into here, the fire became a deity whose nature and origin were forgotten (*ib.* vi. 267, "Vesta eadem quae *terra*;" Varro in August. *Civ. Dei*, vii. 16 and 23), and the duties of the chief's daughters were transferred to an organised priesthood, retaining throughout their history the leading characteristic of maidenhood. What had been matter of mere utility becomes symbolic of the life, welfare, and unity of the state; and the sacred hearth continues to be guarded by virgins whose purity of life and antique simplicity of occupation recalled their humble origin even in the latest ages of Roman history. (Jordan, *Tempel der Vesta*, pp. 50 foll., regards the Vestal as in the position of the state representative of the *materfamilias*, and not as the daughter of the

rex or pontifex maximus: an opinion which is incompatible with the comparative evidence alluded to above.)

The Vestals may be treated under the heads of (1) qualification, (2) mode of appointment, (3) duties, and (4) privileges.

1. *Qualifications.*—The maiden who was to be a Vestal must not be under six or over ten years of age (Labeo in Gellius, i. 12, 1); she must be perfect in all her limbs, and in full enjoyment of all her senses (Gell. *l. c.*; Marquardt, *Staatsverw.* iii. 339); must be "patrima et matrima," *i.e.* have both parents living; and these parents must be, if not patricians (Mommsen, *Forschungen*, i. 79), at least free and freeborn, persons who had never been in slavery or followed any dishonourable occupation, and who were in residence in Italy (Labeo in Gell. *l. c.*). These rules may have been to some extent relaxed as time went on; we know, for example, that Augustus allowed the daughters of *libertini* to be considered eligible (Dio Cass. lv. 22). But on the whole great care must have been at all times taken to maintain their reputation by attention to these qualifications; and thus the institution survived intact, and without loss of dignity, long after the establishment of Christianity as the state religion.

2. *Mode of Appointment.*—A Lex Papia, of uncertain date, ordained that when a vacancy occurred, the pontifex maximus should name at his discretion twenty damsels qualified as above, one of whom was publicly (*in contione*, i.e. in Comitia calata?) fixed on by lot, an exemption being granted in favour of those who had a sister already a Vestal, whose father was flamen, augur, XVvir, VIIvir, Salius, or Tubicen sacrorum; the betrothed of a pontifex was also excused, and, in the age of the Empire, the daughter of anyone who had the "jus trium liberorum." It was possible also for a parent to offer his child voluntarily to the pontifex maximus to be made a Vestal; in which case, if she were duly qualified, the senate might grant absolution from the terms of the Lex Papia (Gell. i. 12, 10; an example of the last-mentioned procedure in Tac. *Ann.* ii. 86, where two candidates are presented to the senate for selection: cf. Dio Cass. lv. 22).

When the girl was chosen, the ceremony of "captio" by the pontifex maximus took place. This was simply an application of the old legal procedure of "mancipatio per aes et libram," by which personal property, *e.g.* slaves, passed into the possession of the buyer. The pontifex maximus took the girl by the hand and addressed her in a solemn form of words, preserved by Gellius from Fabius Pictor: "Sacerdotem Vestalem quae sacra faciat quae ius siet Sacerdotem Vestalem facere pro Populo Romano Quiritibus uti quae optima lege fuit ita te Amata capio;" where the title *Amata* seems to be simply an honorary one, suggesting perhaps the gentle character of everything in the worship of Vesta. By this ceremony the girl passed out of the potestas of her father, and into that of the pontifex maximus, who here represented in one sense the king, as father to the Vestal, in another the goddess to whose service she was dedicated. Thus she now entered a new and sacred *familia*, the centre of which was the hearth of Vesta, the members the Vestals with the Flamines and Flaminicae, and the paterfamilias the pontifex maximus. She suffered by the process no capitis deminutio, but on the contrary was henceforth qualified to hold property independently and to make a will (Gell. i. 12, 9; Marquardt, iii. 314 and 337; Jordan, *Tempel der Vesta*, p. 82).

The ceremony seems to have been reckoned as legally equivalent to the *inauguratio* of other priests (Gaius, i. 130; Ulpian, *Fragm.* 10, 5). When it was over, she was conducted to the Atrium Vestae; her hair was cut off, and hung, apparently as a dedicatory offering, on a branch of the sacred lotus-tree (cf. Plin. *H. N.* xvi. § 235; Tylor, *Primitive Culture*, ii. 364), but was suffered to grow again, as the recently discovered statues of Vestals clearly prove (Middleton, *Rome in* 1885, p. 200; Marquardt, iii. 338, note 4, with Wissowa's addition). She was then clothed in the white garments of a Vestal (to be described further on), and was sworn to abide in her office and to maintain her virginity for not less than thirty years (Gell. *l. c.*, and vii. 7, 4). If she chose then to resign her office —which seems rarely to have been the case— she became a private individual, and was entitled to marry.

3. *Duties.*—These would seem to have been more complicated than we might suppose: for the Vestal is said to have spent the first ten years of her service in learning them, the next ten years in practising them, and the third decade in teaching them to novices (Dionys. ii. 67; Plut. *Numa*, 10. Jordan, *op. cit.* p. 60, argues that this division of duties could not have always held good; but it may be taken as roughly representing what was the natural and regular course). The chief duty, however, was the simple one of tending the sacred fire; which, as symbolic of the life and religion of the state, might never be suffered to go out. Its extinction was the most fearful of all *prodigia*. If such extinction was the fault of the Vestal on duty, she was stripped and scourged by the pontifex maximus in the dark, with a screen interposed, and he rekindled the flame by the friction of two pieces of wood from a *felix arbor* (Dionys. *l. c.*; Liv. xxviii. 11; Festus, s. v. *Ignis*). Their other daily duties, so far as we know them, were exactly such as the daughters of a primitive household might have performed. They had to bring fresh water on their heads from a sacred spring, *e.g.* that of Egeria; and, as the recent discovery of the house of the Vestals has shown, no water was ever supplied them in pipes (Jordan, *op. cit.* p. 63; and p. 215 of Dissertations in honour of E. Curtius). A marble tank in the peristyle of the house served as a receptacle for the water which they brought (Middleton, *Rome in* 1885, p. 195; Jordan thinks that under the Empire this service was performed by assistants): when used for sacrificial purposes, this was mixed with *muries*, i.e. salt pounded in a mortar, thrown into an earthen jar, and baked in an oven (Festus, 158 b; Serv. *ad Ecl.* viii. 82). They also daily cleansed the temple with a kind of mop, and adorned it with laurel, which was renewed once a year (Marquardt, iii. 343 and reff.). The same homely character of their service is seen in the antique simplicity of the utensils they used; which were all of the most ordinary ware, made of baked

clay, and without ornament (Ovid, *Fasti*, vi. 310; Val. Max. iv. 4, 11).

The Vestals also had certain public duties in connexion with fixed festivals of the calendar. All of these, it should be noticed, belonged to the oldest class of rites, and expressed the religious ideas and interests of the primitive Italian husbandman. Beginning the year on March 1 with the renewal of the sacred fire, they had a share in the FORDICIDIA and PARILIA in April, and on May 1 were present at the women's festival of the Bona Dea. From May 7 to 14, they were busy making their sacrificial cake (*mola salsa*) from the first ripe ears of corn, by pounding it after the fashion of an age when mills were not invented (Helbig, *Die Italiker in der Poebene*, 17 and 72. The mill lately found in the Vestals' house could hardly have been used for the sacred cake, as Middleton suggests, *op. cit.* p. 193: cf. Jordan, p. 64). On May 15 they were present at the primitive rite of the *Argei*, and their presence is evidence for a possible connexion of that ceremony with agricultural interests. From June 7 to 14 was their busiest time; on the 9th fell their own festival of the Vestalia, and on the 15th the *penus* or temple-storehouse of Vesta, which was open during these days, was cleaned out and the refuse carefully removed to a particular spot,—an act probably symbolic of the preparation of barns and garners for the harvest then proceeding. At the true harvest festivals of Consus and Ops Consiva in August they were also present, and once again on the Ides of September at a ceremony possibly connected with the vintage. At the end of the religious year they appear once more, providing *mola salsa* for the LUPERCALIA, the ancient feast of fructification. (For details and evidence, see Marquardt, iii. 343 foll.; Preller, *Röm. Myth.* ii. 164 foll.)

They had in their keeping the blood of the "October equus," and the ashes of the unborn calves sacrificed at the Fordicidia. But of greater importance was the charge of the sacred relics which formed the *fatale pignus imperii*, the pledge granted by fate for the permanency of the Roman sway, deposited in the inmost adytum (*penus Vestae*; see Festus, *s. v.*), which no one was permitted to enter save the Virgins and the chief pontifex. What these objects were no one knew, and it may even be doubted whether the tradition of their existence was not wholly without foundation (so Jordan, *op. cit.* p. 67). Some supposed that they included the Palladium, others the Samothracian gods carried by Dardanus to Troy and transported from thence to Italy by Aeneas, but all agreed in believing that something of awful sanctity was here preserved, contained, it was said, in a small earthen jar closely sealed, while another exactly similar in form, but empty, stood by its side. (Dionys. i. 69, ii. 66; Plut. *Camill.* 20; Lamprid. *Elagab.* 6; Ovid, *Fast.* vi. 365; Lucan, ix. 994.)

We have seen above that supreme importance was attached to the purity of the Vestals, and a terrible punishment awaited her who violated the vow of chastity. According to the law of Numa, she was simply to be stoned to death (Cedrenus, *Hist. Comp.* p. 148, or p. 259, ed. Bekker), but a more cruel torture was devised by Tarquinius Priscus (Dionys. iii. 67; Zonaras, vii. 8) and inflicted from that time forward. When condemned by the college of pontifices, she was stripped of her vittae and other badges of office, was scourged (Dionys. ix. 40), was attired like a corpse, placed in a close litter and borne through the forum attended by her weeping kindred, with all the ceremonies of a real funeral, to a rising ground called the *Campus Sceleratus*, just within the city walls, close to the Colline gate. There a small vault underground had been previously prepared, containing a couch, a lamp, and a table with a little food. The pontifex maximus, having lifted up his hands to heaven and uttered a secret prayer, opened the litter, led forth the culprit, and, placing her on the steps of the ladder which gave access to the subterranean cell, delivered her over to the common executioner and his assistants, who conducted her down, drew up the ladder, and having filled the pit with earth until the surface was level with the surrounding ground, left her to perish deprived of all the tributes of respect usually paid to the spirits of the departed. In every case the paramour was publicly scourged to death in the forum. (Plut. *Num.* 10, *Fab. Max.* 18, *Quaest. Rom.* 96; Dionys. ii. 67, iii. 67, viii. 89, ix. 40; Liv. iv. 44, viii. 15, xxii. 57; Plin. *Ep.* iv. 11; Suet. *Dom.* 8; Dio Cass. lxvii. 3, lxxvii. 16, and *fragg.* xci. xcii. Festus, s. v. *Probrum et Sceleratus Campus.*)

4. *Privileges.* — But if the labours of the Vestals were unremitting and the rules of the order rigidly and pitilessly enforced, so the honours they enjoyed were such as in a great measure to compensate for their privation. They were maintained at the public cost and from sums of money and land bequeathed from time to time to the corporation (Suet. *Aug.* 31, *Tib.* 76; Sicul. Flacc. p. 162, ed. Lachmann). From the moment of their consecration, as we have seen, they became as it were the property of the goddess alone, and were completely released from all parental sway without going through the form of emancipatio or suffering any capitis deminutio (Gell. i. 12, 9). They had a right to make a will, and to give evidence in a court of justice without taking an oath (Gell. x. 15),—distinctions said to have been first conceded by an Horatian law to a certain Caia Tarratia or Fufetia, and afterwards communicated to all (Gell. i. 12; Gaius, i. 145; compare Plin. *H. N.* xxxiv. § 11). Each was preceded by a lictor, like the Flamen Dialis, when she went abroad (Dio Cass. xlvii. 19), consuls and praetors made way for her, and lowered their fasces (Senec. *Controvers.* vi. 8; compare Plut. *Tib. Gracch.* 15), even the tribunes of the plebs respected their holy character (Oros. v. 4; Suet. *Tib.* 2; compare Cic. *pro Cael.* 14, 34; Val. Max. v. 4, § 6), and if any one passed under their litter he was put to death (Plut. *Num.* 10). Augustus granted to them the *jus trium liberorum* (Dio Cass. lvi. 10; Plut. *l. c.*), and assigned them a conspicuous place in the theatre (Suet. *Aug.* 44; Tac. *Ann.* iv. 16), a privilege which they had enjoyed before at the gladiatorial shows (Cic. *pro Muren.* 35, 73). Great weight was attached to their intercession on behalf of those in danger and difficulty, of which we have a remarkable example in the entreaties which they addressed to Sulla on behalf of Julius

Caesar (Suet. *Jul.* 1; compare Cic. *pro Font.* 17; Suet. *Vitell.* 16; Dio Cass. lxv. 18; Tac. *Ann.* iii. 69, xi. 32, *Hist.* iii. 81), and if they chanced to meet a criminal as he was led to punishment they had a right to demand his release, provided it could be proved that the encounter was accidental. Their general dignity and influence are attested by the inscriptions on the pedestals of their statues, recently discovered in the Atrium Vestae (Middleton, *Rome in* 1885, p. 200 foll.). Wills, even those of the emperors, were committed to their charge (Suet. *Jul.* 83, *Aug.* 101; Tac. *Ann.* i. 8), for when in such keeping they were considered inviolable (Plut. *Anton.* 58); and very solemn treaties, such as that of the triumvirs with Sextus Pompeius, were placed in their hands (Appian, *B. C.* v. 73; Dio Cass. xlviii. 37 and 46). Their own persons were inviolable (Plut. *Numa*, 10); and as in so many other points in their life they retained the privileges of the ancient royal household, so after death they were an exception to the law of the Twelve Tables which forbade burial within the pomerium (Serv. *ad Aen.* xi. 206). Their burial-place is not as yet discovered (Marquardt, iii. 309, 341; Lanciani, *Ancient Rome*, p. 142).

They were attired entirely in white (Suidas, 1010 B). Festus in a doubtful passage (p. 4, 1) describes their dress as a *toga*, and this may have been originally so, and would be in keeping with the antique character of the rest of their life and ritual. But the portrait statues of Vestals lately discovered, dating from the 2nd century A.D., show that in that day at least they wore a stola or long gown, confined by a girdle at the waist, and usually sleeveless; and over this a pallium or loose robe, as is seen in the accompanying cuts. On their head was an *infula*, or diadem-like band (Serv. *ad Aen.* x. 538), from which on each side depended *vittae;* and when sacrificing they wore also the *suffibulum*, which was their especial characteristic. This was a white woollen hood with a purple border, folded over the head and fastened below with a brooch (*fibula*); it is represented only in the statue of the Virgo Vestalis Maxima, of which a cut is given, and corresponds with the description of Festus (p. 349: cf. Varro, *L. L.* vi. 21). The second cut, copied from a gem, represents the Vestal Tuccia, who when wrongfully accused appealed to the goddess to vindicate her honour, and had power given her to carry a sieve full of water from the Tiber to the temple—a convenient legend for checking hasty accusations (Montfaucon, *Ant. Exp.* i. pl. xiv., Supplem. i. pl. vi.; Val. Max. viii. 1, 35; Plin. *H. N.* xxviii. § 2).

Statue of Virgo Vestalis Maxima, from the Atrium Vestae. (Jordan.)

The Vestal Tuccia, from an ancient gem.

Of the organisation and interior life of the Vestals, we still know very little. It has been mentioned that they were supposed to spend the first ten years of their service in learning, the second in practising, and the third in teaching, their duties. Thus they seem to have risen gradually in dignity by seniority; and the oldest, under the title of Virgo Vestalis Maxima, acted as a kind of president or lady superior (Marquardt, iii. 340 and reff.: cf. the inscribed pedestals in Middleton, p. 200 foll., especially Nos. 5 and 6, whence it appears that the head of the sisterhood had passed through "omnes gradus sacerdotii"). The Vestalis Maxima had also the title of *antistes* (*C. I. L.* vi. 2139, 2143; cf. Liv. i. 20, 3). All were equally under the supervision of the pontifex maximus, whose duty it was to keep a vigilant eye on the sisterhood: cf. Liv. iv. 44, where a Vestal is denounced to him as guilty of a desire for personal adornment, and ordered to behave more discreetly in future. They all resided together in a house adjoining the Regia and the round temple of Vesta, at the south-eastern corner of the Forum Romanum, and immediately under the north-western end of the Palatine Hill. This house was probably several times burnt and rebuilt; the important remains of it which were excavated in 1883–4, are of Hadrian's time. For a detailed description of it, the student is referred to Middleton's work already quoted, ch. vi.; and for its history and relation to the Regia and the Aedes Vestae, see also Jordan, *Röm. Topographie*, i. pt. 2, pp. 298 foll., 423 foll.; and the same author's *Tempel der Vesta*, passim.

The ample size and accommodation of the house seem to show that after the 1st century A.D. the Vestals were no longer content with their former simplicity of life; it may perhaps have been necessary to their reputation and dignity in a luxurious age, that they should live in comfort if not in splendour. It was partly rebuilt after the great fire of 191 A.D., and continued to be occupied by the Vestals for two centuries after that date, in spite of the public recognition of Christianity (Preuner, *Hestia-Vesta*, p. 442 and notes). The inscriptions show that the sisterhood continued to maintain its prestige and to discharge its duties until towards the end of this period; but in the latter half of the 4th century some members seem to have become Christians, and it is possibly for this reason (as Middleton suggests, *op. cit.* p. 206;

but cf. Lanciani, p. 171) that in the latest inscription in date the name of the Vestal has been erased. This was in A.D. 364; in A.D. 394, after the defeat of Eugenius by Theodosius, and the entry of the latter into Rome, the Vestals were dispersed and their order abolished. (See Zosimus, v. 38; and the story there related of the last of the Vestals.) But the modern Italian nunnery, with its organisation and vows, still recalls the Atrium Vestae and the life of the Vestals, which thus form a connecting link between the most primitive civilisation of Italy and the ideas and practice of modern Christianity. [W. R.] [W. W. F.]

VESTI'BULUM. [DOMUS, Vol. I. p. 668; JANUA.]

VE'STICEPS. [IMPUBES.]

VESTIS. The history of Greek and Roman dress has been only told in part by the articles which describe various garments and ornaments under their several names. In them the changes which new modes of life, new channels of trade, and new manufactures brought about are only touched on incidentally. The object of the present article is to supply the connecting link, and to give a chronological sketch of the development of the costume of the latest periods that concern us. Unfortunately it can only be a sketch, for the ground is for the most part new, there being no authoritative treatises on the subject. This is due to the fact that the evidence is chiefly to be drawn from the monuments, and that they have not yet been adequately studied. Until they are known with scientific thoroughness, and until this knowledge has been brought to bear on the evidence from literature, the details of the history of Greek and Roman dress cannot be filled in.

The earliest pre-historic remains in Greece and at Hissarlik go back to the Stone age, when metals were unknown, and the potter's wheel had not yet come into use. Yet, even among these, spindle-whorls and what may be regarded as loom-weights are found, showing that thread was manufactured then. Whether this thread was of flax as well as wool has been debated, but the combined evidence of philology and archaeology shows that it was not only known, but woven into stuffs (cf. Schrader, *Sprachvergleichung und Urgeschichte*, p. 361 foll.; Studniczka, *Beiträge zur G. d. altgr. Tracht*, p. 45; Taylor, *The Origin of the Aryans*, pp. 165, 171; FUSUS).

Besides these woven garments, the people of these early times must have possessed plaited mats of reeds and rushes, much like those of the fisher-folk of classical times (cf. *φορμός*, Theocr. xxi. 13; cf. Paus. x. 29, 8), and of some anchorites of the Christian era. That such mats were skilfully woven with all manner of patterns, a glance at early pottery, with its plait ornamentation, is sufficient to show. These woven and plaited stuffs were worn with fleeces and dressed skins [PELLIS], or in some parts with hats and coats of felt [PILLEUS].

The civilisation of the so-called Mycenaean period brought with it many changes in dress, but these have been sufficiently described in the articles which treat of garments mentioned by Homer [PALLA; PALLIUM; TUNICA]. One point, however, deserves special mention, the connexion that existed between the people who enjoyed this civilisation and the East. Both Egyptian and Assyrian works of art are found side by side with those of Mycenae, and there can be no doubt that the commerce between them, if not direct, was at any rate a regular one (cf. Furtwängler und Loeschcke, *Mykenische Vasen*). Such a trade must have brought many products of the Eastern looms to Greece, as well as much costly jewellery and furniture. The opening of historical times in the eighth and seventh centuries shows the Oriental influence still strong, but chiefly exercised through the colonists in Ionia. It was from the Lydians (cf. *Λυδοπαθεῖς τινές*, Anacr. *fr.* 155), and afterwards the Persians, that these Ionians borrowed their luxurious ways. This new *ἁβροσύνη* spread from Aeolia and Ionia to Magna Graecia, Sicily no less than to Thessaly and Corinth, and flourished more especially at the courts of the tyrants of this period. The result on dress is to be traced in the number of foreign garments, whose names are to be found in the Lyric poets. Thus *βάσσαρα* (cf. Daremberg et Saglio, *Dict.* i. p. 681) and *κύπασσις* (cf. Studniczka, *loc. cit.* p. 21, note 62; BASSARA) were both borrowed from Lydia, and were names of long linen garments, while *σάραπις* is Median. Linen also came from Egypt; and the *φώσσων*, *ἡμιτύβιον*, *καλάσιρις*, and *σινδών* are words derived from this source (cf. Müller, *Handbuch*, p. 412; Daremberg et Saglio, *loc. cit.* ii. p. 756; Studniczka, *loc. cit.* pp. 47, 51). Besides these linen stuffs were dyed woollen fabrics, especially those of Tyrian purple (*παναλουργέα φάρεα*, Xenophan. *fr.*; *ἁλουργίδες*, Athen. xii. 16) and saffron, the latter owing part at least of its vogue to its use in Dionysiac ritual.

The luxury of this time was, in Greece proper at any rate, chiefly confined to the courts of tyrants; and when their *régime* passed away, a reaction towards simplicity set in, which Thucydides describes (cf. art. PALLIUM). The chief reform effected was, somewhat like the Jaeger movement of our days, a return to the use of wool in the place of linen, and a reduction in the number of garments worn. However, this must in most cases have been a counsel of perfection, for the variety of clothing shown by fifth-century art would scarcely lead one to suspect that much greater simplicity actually prevailed. This period of what may be called classical Greek dress ends with the foundation of Alexander's empire. The new and close contact with the East that was then established not only brought many new stuffs, such as cotton, but shifted the centre of fashion away from Greece to the new capitals of the Hellenistic world. All manner of fine muslins (*ἐνήτριοι σινδόνες*, Nearch. *Peripl. Mar. Er.* 14, 6; cf. Theophr. *H. P.* iv. 4, 8) and other cotton products (*κάρπασος*: cf. Müller, *op. cit.* p. 436; Haverfield, *Journal of Philology*, xiii. 299–302; Daremberg et Saglio, s. v. *carbasus*; Schrader, *Ling. hist. Forsch.* pp. 210, 211), and even silks, became known [SERICUM].

In sketching the history of Roman dress, it would be useless to begin with pre-historic antiquities, as we did in the case of Greek dress. Such an inquiry would, it is true, give a glimpse of the mode of life led by the common ancestors of the Umbrians, Romans, and other Italians in the Stone age; but it would throw no special

light on Roman civilisation. So great in fact is the gap between these primitive times and the Rome of history that the traditions of the kings give the earliest starting-point. These traditions all go to show that the influence of Etruria on dress, if not on the manners and customs, was great. The form this influence took was recognised in classical times by archaeologists, like Florus, who tells us that the insignia of power were borrowed from Etruria (i. 5, 6: *Inde fasces, trabeae, curules, anuli, phalerae, paludamenta, praetexta, inde quod aureo curru quattuor equis triumphatur, togae pictae, tunicaeque palmatae, omnia denique decora et insignia quibus imperii dignitas eminet*).

The civilisation of the Etruscans was much older than that of the Romans; their commerce was extensive, their manufacturing skill famous throughout the world, and their wealth and luxury very great, to judge by the remains that have been found in their graves. Even apart from the fact that the last dynasty that reigned at Rome, that of the Tarquins, was Etruscan, their debt to Etruria could not be anything else than great. Yet it would be wrong to suppose that the Romans imported more than they needed for ceremonial display. As in all primitive communities, the women of the family and their maids were mostly busied in spinning and weaving wool.

The primitive stage, however, in which garments are worn, as they come direct from the loom, had long since passed at Rome, even in the days of Numa. In his time, if we can believe a tradition, the fullers [FULLONES] and dyers (*infectores*) had already attained the status of forming guilds (cf. Plut. *Numa*, 17). They were only concerned with the dressing of cloth and preparing it for wear, so that there must have been considerable variety in clothes, both as regards colour and finish, even in those early times. Nor were these the only crafts concerned with dress, for the goldsmiths (*fabri aurarii*) also, one of the original nine guilds, were in part at any rate employed in the manufacture of jewellery. Besides, the felters (*coactiliarii*), also a very old craft, must have existed at this date, and provided coats and blankets, not to speak of hats [PILLEUS].

The garments produced by these native industries were for the most part of wool, for the use of linen did not become common at Rome till late in the history of the Republic. The form they took can, to a certain extent, be recovered from tradition, and from their survival in certain ceremonial uses. From these we learn that originally both men and women wore a cloak of wool, the TOGA, and that below it the men had a tightly-girt loin-cloth, the SUBLIGACULUM. The first change was the adoption by both sexes of a woollen shirt or shift, the TUNICA, which from that time became the chief under-garment. Early forms of these garments were used in historic times; the *trabea* [TOGA, p. 849 *b*] for instance, a narrow toga, was the uniform of the *Equites publico equo* and the vestment of certain priests. In the same way the *tunica recta* was worn by the bride on the wedding-day [MATRIMONIUM, p. 142 *b*; TELA, p. 769 *a*]. She also wore the RICINIUM, which was retained by certain priesthoods. Besides the toga, other forms of cloak seem to have been worn in sacred rites, such as the LAENA, which was the vestment of the flamens and augurs, and the palla, the dress of the *flaminica* [FLAMEN; SACERDOS]. Of the various coverings for the head, those of felt were far the oldest at Rome; the *pilleus* and *galerus* of men, the *tutulus* of women, being of this material [PILLEUS].

Towards the end of the third century B.C. the conquest of Magna Graecia had begun to take effect on the Romans. In no respect was the change more evident than in that of dress, where it is shown by the large number of words for new garments and new fabrics derived from the Greek, in the Latin of that period. For instance, it was then that frizes (*amphimallum* or *amphimallus*), linen (*carbasus*), and muslin (*molochina*) first became known. Embroidery (*vestis plumatilis*) and the use of trimmings (e.g. *patagium*), flounces, and other adornments became more common. It was now the fashion to wear more than one under-garment (*tunica*), and sleeves were no longer unusual. Women especially fell victims to Greek fashion, giving the name STOLA (*στολή*) to their principal garment, and wearing the STROPHIUM below it, and wrapping the *parapechium* (*παράπηχυ*, Varro, *L. L.* v. 30, 133) over it. The men too, though they still retained the old dress for ceremonial purposes (see article TOGA), adopted the Greek *ἱμάτιον*, giving it the name PALLIUM, the *ἐξωμὶς* and *τριβὼν* under the name of ABOLLA, and the *χλαμὺς* with its name unchanged. This adoption of Greek fashions went on ever increasing until the period of the Empire, when, except for the most ceremonial purposes, the old Roman dress had finally disappeared. Under the Empire, however, the Greek, or rather Hellenistic fashions, changed rapidly. The increase of the means of communication, and the constant influx of provincials and foreigners to Rome, brought a great number of new fabrics, such as fine linens, muslins (*sindon*), soft stuffs (*leporinum*), and silks [SERICUM]. The prevalence of peace and the great growth of wealth created a constant demand for luxurious garments of cloth of gold and rich embroidery. Of such a kind was the *paragauda* (in Greek writers *παραγώδης*), a sleeved tunic of Syrian origin, which was of the finest wool, with a purple border and embroidered with silk ornaments. It was worn by women, but for men was one of the insignia of office (cf. Ed. Diocl. xvi. 15; Trebell. Poll. *Claud.* 17; Vopisc. *Aur.* 46; Lyd. *de Mag.* i. 17, ii. 4, 13). Even in ordinary use the sleeved TUNICA or STOLA had been supplanted by the DALMATICA, which from the time of Commodus (Lampr. *Commod.* 8, 8, "Dalmaticatus in publico processit;" cf. Lampr. *Heliog.* 26, 2) was worn by both men and women. A companion tunica, but without sleeves, was called the *colobium* [DALMATICA]. Other new garments came from Gaul, such as the CARACALLA and the *bardocucullus*, or *birrus* [BIRRUS; CUCULLUS]. Even trousers [BRACAE] (Ed. Diocl. vi. 46) and breeches (*coxale*, Ed. Diocl. i. 13) were worn at this period.

The chief literary source of our knowledge of Greek dress is Pollux, who in the fourth and seventh books of his *Onomasticon* gives long lists of garments, with short descriptions of their shape and make. Almost equally im-

portant, though only describing women's garments, are the inventories of the temples of Artemis at Brauron (*C. I. A.* ii. 715–765) and of Hera at Samos (Curtius, *Inschriften und Studien zur Geschichte von Samos*, pp. 10–21), and the inventory from Thebes (*Bull. Corr. hell.* v. 264). Of these the inscription from Brauron belongs to the beginning of the second half of the fourth century B.C. The passages in Greek writers which mention dress are too numerous and varied to call for comment in an article like the present; it is necessary, however, to point out that great caution must be used in interpreting such incidental descriptions or allusions. In a drama, for instance, the garments worn are those of the stage, which differed in every way from those of every-day life. The characters wearing them appeared for the most part in the antique magnificence of the Heroic age, not in the clothes of common folk. It is in fact only in comedies that we can expect to find ordinary apparel worn and spoken of, though even there the comic characters had extravagant and impossible costumes. For the costume of the stage, see Albert Müller, *Lehrbuch der griechischen Bühnenalterthümer*, pp. 226 foll.; Iwan Müller's *Handbuch*, vol. v. 3 (by Oehmichen), pp. 254–262.

The monumental evidence is that from which we must expect any further extension of our knowledge, but it is of enormous bulk, and has not yet been worked up as a whole. Böhlau, however, in his *de re Vestiaria*, and Studniczka in the *Beiträge zur Gesch. d. altgr. Tracht*, have shown with regard to the early history of dress what results scientific archaeology applied to the subject can produce. The chief difficulty in determining the value of monumental evidence is that of estimating the effect of artistic convention. Thus, for instance, there are a vast number of statues which are nude, because there was an artistic tradition that heroes were so represented. So, too, there are large classes of monuments in which dress is only given the figures as a kind of ornament, to fill up the background, or to suggest movement. As yet, however, no one has formulated these conventions, nor shown how their influence can be eliminated. The chief obstacle is the rapid increase of our knowledge, new discoveries bringing unsuspected variations and unknown specimens to light before the old have been satisfactorily systematised and described.

In current literature the only account of Greek dress besides that of Studniczka, which is based on the idea of historical development, is to be found in Iwan Müller's *Handbuch*, in the section devoted to *Privatalterthümer*, pp. 395–441 *a*. A summary account on the same lines is given by Von Heyden in his *Tracht der Kulturvölker Europas* (Leipzig, 1889). Besides, the older works of Weiss (*Kostümkunde*, 1872) and Köhler (*Trachten der Völker*, Dresden, 1872) contain much that is useful. The two English works—Hope's *Costume of the Ancients* (1841; 2nd ed. 1875), and Moyr-Smith's *Ancient Greek Female Costume* (1882)—contain many illustrations, but are otherwise of little value. The same may be said of Racinet's work in French. Among the standard handbooks, the literature of the subject is best given in Hermann's *Lehrbuch*, vol. iv. *Die griechischen Privatalterthümer* (ed. Blümner, 1882), and Becker's *Charikles* (ed. Göll). Guhl and Koner's *Leben der Griechen und Römer* (1882; Eng. edition by Hueffer), and Blümner's *Leben und Sitten der Griechen*, especially the latter, give good illustrations from the original monuments. The articles in Baumeister's *Denkmäler* (1884, &c.), Daremberg et Saglio's *Dictionnaire des Antiquités*, and Rich's *Companion to the Greek and Latin Dictionary* are also useful in giving monumental evidence. A useful account of how Greek dresses were made and worn, with experiments on models by Conze, is given in Teirich's *Blätter für Kunstgewerbe*, vol. iv. 1875, pp. 61, 74 (Vienna).

For Roman dress Varro, who describes and discusses the derivation of the names of garments in the fifth book of his *de Lingua Latina* (preserved to us by Nonius), is the chief authority. On the subject of dress under the Empire the fragments of the edict of Diocletian, fixing the customs due on articles of dress, are of great interest, as giving a full list of the garments then in use. Of the work of the older scholars, the treatises collected in Graevius's *Thesaurus* give all that is best. Needless to say, they are antiquated, but in the treatises of Ferrarius and Rubenius much that is of value may still be found. In modern literature the histories of Weiss, Kohler, and Von Heyden, and the dictionaries mentioned above, may be consulted. Of the handbooks, Marquardt's *Das Privatleben der Römer* (2nd edit. 1886) and Becker's *Gallus* (ed. Göll) give the literature with great fulness. Guhl and Koner and Iwan Müller's *Handbuch*, vol. iv. 2 (by Voigt), are also useful.

A detailed account of the various articles of Greek and Roman dress, their forms and their uses, will be found under their special names in this Dictionary. [W. C. F. A.]

VEXILLA'RII. [EXERCITUS, Vol. I. p. 792.]

VEXILLUM. [SIGNA MILITARIA.]

VIAE. In legal Latin the word *via* signifies (1) a rural servitude, (2) a regularly made street or road. In the first sense it is distinguishable from the servitudes of *iter* and *actus*. *Iter* is the right of walking or passing along a road; *actus* is the right of walking or passing and driving cattle or vehicles (exclusive of heavy traffic) along a road. *Via* includes both *iter* and *actus*, and is the right of walking or passing and driving cattle, vehicles, or traffic of any description along a *via* properly so called, *i.e.* a regularly made street or road (Ulpian, Dig. 8, 3, 1, 7; and cf. Isidor. *Orig.* xv. 16; SERVITUTES). By the laws of the Twelve Tables (Dig. 8, 3, 8) the minimum width of a *via* was fixed at 8 feet where it was straight, and 16 feet where it turned. Hence *via* differs in this sense also from *actus* and *iter*, which denoted smaller or rougher roads, bridle-paths, drifts, and tracks. As regards the actual width of the different classes of roads, see Burn, *Rome and the Campagna*, Introd. p. liii. note 2; Middleton, *Ancient Rome in* 1888, p. 478.

Ulpian (Dig. 43, 8, 21, 22, 23) distinguished three kinds of *viae*:—1. *Viae publicae, consulares, praetoriae* or *militares*: public high or main roads, constructed and maintained at the public expense, and with their soil vested in the state. Such roads led either to the sea, or to a town, or to a public river (*i.e.* one with a constant flow), or to another public road (Dig. 43, 7, 3).

Siculus Flaccus, who lived under Trajan (A.D. 98–117), calls them *viae publicae regalesque*, and describes their characteristics as follows (*de Cond. Agr.* p. 9, ed. Goesius, 1674):—(1) They are placed under *curatores* (commissioners), and repaired by *redemptores* (contractors) at the public expense; a fixed contribution, however, being levied from the neighbouring landowners: (2) they bear the names of their constructors (e.g. *Via Appia, Cassia, Flaminia*). With the term *viae regales* compare the ὁδοὶ βασιλήιαι of the Persian kings (who probably organised the first system of public roads: see Herod. v. 52, 53), the term ὁδὸς βασιλικὴ in Numbers (LXX.) xx. 17, and Plutarch, *Demetr.* 46, and our own "royal road" and "king's highway." With the term *via militaris* compare the German *Heerstrasse*, and the A.-S. *Here-straet*. So Guest (*Origines Celticae*, ii. 228) identifies the Icknield Way as the *Icen-hilde-weg*, or War-way of the Iceni.

2. *Viae privatae, rusticae*, or *agrariae*: private or country roads, originally constructed by private persons, in whom their soil was vested, and who had the power of dedicating them to the public use. Such roads were subject to a right of way, in favour either of the public or of the owner of a particular estate. Under the head of *viae privatae* were also included roads leading out of the public or high roads to particular estates or settlements. These Ulpian considers to be public roads themselves (Dig. 43, 8, 23).

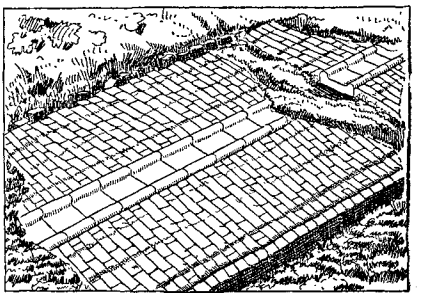
3. *Viae vicinales:* village, district, or cross-roads, leading through or towards a *vicus* or village. Such roads ran either into a high-road, or into other *viae vicinales*, without any direct communication with a high-road. They were considered public or private, according to the fact of their original construction out of public or private funds or materials (Dig. 43, 8, 22). Such a road, though privately constructed, became a public road when the memory of its private constructors had perished (Dig. 43, 7, 3).

Siculus Flaccus (*l. c.*) describes *viae vicinales* as roads "de publicis quae divertunt in agros et saepe ad alteras publicas perveniunt." The repairing authorities, in this case, were the *magistri pagorum* or magistrates of the *pagus* or canton. They could require the neighbouring landowners either to furnish labourers for the general repair of the *viae vicinales*, or to keep in repair, at their own expense, a certain length of road passing through their respective properties.

An attempt will be made in this article to state the main facts concerning the *viae publicae* of the Roman Empire under the heads of I. History; II. Materials and Methods of Construction. Rival theories and minute points of information must be sought for in the list of authorities given below, under the head of III. Literature. It comprises the principal works dealing with the history, construction, and topography of the Roman roads, in four divisions, thus: 1. General Information; 2. *Viae Publicae* in Rome and Italy (within the Eleven Regions of Augustus); 3. *Viae Publicae* in Britain; 4. *Viae Publicae* in the other provinces of the Empire.

I. History.

The public road-system of the Romans was thoroughly military in its aims and spirit: it was designed to unite and consolidate the conquests of the Roman people, whether within or without the limits of Italy proper. Dr. Guest, in commenting on the Itinerary of Antoninus (*Origines Celticae*, ii. 102), describes the system as follows: "With the exception of some outlying portions, such as Britain north of the Wall, Dacia, and certain provinces east of the Euphrates, the whole Empire was penetrated by these *iters*. There is hardly a district which we might expect a Roman official to be sent to, on service either civil or military, where we do not find them. They reach the Wall in Britain; run along the Rhine, the Danube, and the Euphrates; and cover, as with a network, the interior provinces of the Empire." See also Marquardt, *Staatsverwaltung*, i. 559. The following illustration represents part of a magnificent Roman



Part of a Roman road in Lancashire.

road which is still to be seen on a hill-side at Blackstone Edge, in Lancashire.

A similar policy, attended by similar success, has been repeatedly followed in more modern days. We need only refer to the roads made by General Wade and Captain Burt in the Scottish Highlands, after the Jacobite rising of 1715 (see Burton, *History of Scotland*, 1689–1748, ii. 246–256, and Burt, *Letters*, ed. Jamieson, 1818); to the Simplon, Cornice, and other military roads of Napoleon I.; and finally to the road-systems of our military engineers and Public Works Department in India.

It is evident that the construction of some visible presentment of this huge network of communications would soon become a practical necessity. A review of the authorities seems to warrant the statement that, in the time of Augustus, a map or chart, founded on the geographical statistics contained in the *Commentarii* of Agrippa, and engraved on marble, was exhibited for public reference in the Portico of Polla or Pola, Agrippa's sister, which was erected in the Campus Martius between B.C. 12 and A.D. 7 (Plin. *H. N.* iii. § 17). It was probably very similar in construction to the marble map of Rome divided into Regions, now known as the Capitoline Plan. It is certain that geographical measurements took place under Augustus; but the story that they were merely completions of a survey originally ordered about 44 B.C. by Julius Caesar, rests on more doubtful authority (see Marquardt, *Staatsverwaltung*, ii. 207 ff.). Vegetius alludes to the early possession of maps by military commanders: "Usque eo ut sollertiores duces itineraria provinciarum ... non tantum adnotata sed etiam picta habuisse

firmentur" (*R. M.* iii. 6). Moreover, a book, perhaps bearing the name of *Chorographia* (it is quoted by Strabo as ὁ χωρογράφος), was constructed from the same *Commentarii* of Agrippa, whose measurements are constantly referred to as authoritative by Pliny.

The marble map which has been mentioned was, most probably, the original authority on which the Antonine and other Itineraries, and the ancient map or chart of the Roman dominions, known as the Peutinger Table, were founded. The Peutinger Table has by some been identified with a copy, made in 1265 by a Dominican monk of Colmar, from a certain original *Mappa Mundi*. Miller, however, whose works on the Peutinger Table are cited below, considers it to be two centuries earlier in date, and to be based on an original constructed in the fourth century A.D., and probably in the reign of Valentinian II. (375–392 A.D.). The remarks of Vegetius, who lived under this emperor, on the use of *itineraria picta*, have already been quoted. The Table was discovered in 1507 by Conrad Celtes (1459–1508) in a German monastery. Celtes bequeathed it by his will (in which he described it as *Itinerarium Antonini*) to Conrad Peutinger, a scholar of Augsburg (1465–1547), for eventual publication. After many vicissitudes, it was bought for 100 ducats, in 1720, by Prince Eugene, and passed, after his death, into the possession of the Imperial Library at Vienna. In the modern sense of the word, the Peutinger Table is not a map at all. It observes neither latitude nor longitude. All the territories and seas depicted on it are drawn out into a continuous narrow strip, almost regardless of their true geographical conformation and relative position. It runs east and west, and its existing remains comprise all the known world between the east coast of Britain and the limits of Alexander's Indian conquests. The westernmost part has been lost. The Table shows the course of the public roads of the Empire, and gives the distances from station to station in miles. Its peculiar shape may perhaps be accounted for by a passage in which Merivale (*H. R.* c. xxxix.) comments on the original marble map: "Its extension along the walls of a gallery or cloister was meant to keep all its parts nearly on the same level." A large globe or circular map, constructed like the *Mappa Mundi* at Venice, would have been more accurate in form, but less easy to consult.

The construction and care of the public roads, whether in Rome, in Italy, or in the provinces, was, at all periods of Roman history, considered to be a function of the greatest weight and importance. This is clearly shown by the fact that the censors, in some respects the most venerable of Roman magistrates, had the earliest paramount authority to construct and repair all roads and streets. Indeed, all the various functionaries, not excluding the emperors themselves, who succeeded the censors in this portion of their duties, may be said to have exercised a devolved censorial jurisdiction (see Mommsen, *Staatsrecht*, ii. 428 ff., 451 ff.). This devolution early became a practical necessity, resulting from the growth of the Roman dominions and the multifarious labours which detained the censors in the capital city. Hence, in Rome and the immediate neighbourhood, as we shall presently see, certain special official bodies successively acted as constructing and repairing authorities. In Italy, the ceusorial responsibility passed to the commanders of the Roman armies, and, later on, to special commissioners (*curatores*), and, in some cases perhaps, to the local magistrates. In the provinces, the consul or praetor (hence the terms *via consularis*, *via praetoria* = *via publica*) and his legates received authority to deal directly with the contractors (Cic. *pro Font.* 4, §§ 7, 8).

The systems successively pursued in Italy may be illustrated from Livy, who tells us (xxxix. 2) that C. Flaminius (consul 185 B.C.), in his campaign against the Ligurian Friniates, "ne in otio militem haberet, viam a Bononia duxit Arretium." Moreover, his colleague, M. Aemilius Lepidus, made another road, the earlier *Via Aemilia*, from Placentia to Ariminum, where it joined the Via Flaminia (Livy, *l. c.*; and Strabo, v. 1, 11 = p. 217). In 21 A.D. Cn. Domitius Corbulo complained to Tiberius that numerous roads in Italy had become impassable, "fraude mancipum et incuria magistratuum" (Tac. *Ann.* iii. 31). It is uncertain whether the neglectful magistrates here alluded to were the permanent *curatores* of the roads in question, or the municipal magistrates. (See the notes of Lipsius and Orelli in their respective editions of Tacitus.)

But there were many other persons besides the special officials, who from time to time, and for a variety of reasons, sought to connect their names with a great public service like that of the roads. Caius Gracchus, when Tribune of the people (123–122 B.C.), paved or gravelled many of the public roads, and provided them with milestones and mounting-blocks for riders (Plut. *C. Gracchus*, c. 7). Again, C. Scribonius Curio, when Tribune (B.C. 50), sought popularity by introducing a Lex Viaria, under which he was to be chief inspector or commissioner for five years (Appian, *B. C.* ii. 27; Cic. *ad Fam.* viii. 6). Dio Cassius (xlvii. 17) mentions as one of the forcible acts of the triumvirs of 43 B.C. (Octavianus, Antony, and Lepidus), that they obliged the senators to repair the public roads at their own expense. There is little doubt that such a measure would be popular with all but the direct sufferers.

The care of the streets and roads within the Roman territory was, as we have already stated, committed in the earliest times to the censors. An ancient enactment (*ap.* Cic. *Legg.* iii. 31) prescribed thus:—"Censores . . . . urbis templa vias aquas aerarium vectigalia tuento." Appius Claudius Caecus (censor 312 B.C.) paved the Appian Way (Liv. ix. 29); C. Junius Bubulcus and M. Valerius Maximus (censors 307 B.C.) made roads in the country districts at the public expense (Liv. ix. 43); C. Flaminius (censor 220 B.C.) "viam Flaminiam munivit" (Liv. *Epit.* xx.). The censorship (174 B.C.) of Q. Fulvius Flaccus and A. Postumius Albinus was marked by an important step in advance. They made contracts for paving the streets inside Rome, including the Clivus Capitolinus, with lava, and for laying down the roads outside the city with gravel. Side-walks were also provided (Liv. xii. 27). M. Aemilius Scaurus (censor 109 B.C.) paved the later of the two roads known as *Via Aemilia* from Pisae to Der-

tona. (Aurelius Victor, *de Viris Ill.* c. 72; Strabo, v. 1, 11 = p. 217.)

The aediles, probably in virtue of their responsibility for the freedom of traffic and the police of the streets (Dig. 43, 10), co-operated with the censors and the bodies that succeeded them. Cn. and Q. Ogulnius (aediles 296 B.C.) laid down a pavement on the path or track (*semita*) from the Porta Capena to the Temple of Mars (Liv. x. 23). Again, Agrippa, when he voluntarily became aedile (33 B.C.), spent largely of his own money on the roads.

It would seem that in the reign of Claudius (41-54 A.D.) the quaestors had become responsible for the paving of the streets of Rome, or at least shared that responsibility with the *quatuorviri viarum*, who will presently be mentioned. Suetonius (*Claud.* c. 24) states that the Emperor "Collegio Quaestorum pro stratura viarum gladiatorium munus injunxit." It has been suggested that the quaestors were obliged to buy their right to an official career by personal outlay on the streets (Mommsen, *Staatsrecht*, ii. p. 534). There was certainly no lack of precedents for this enforced liberality, and the change made by Claudius may have been a mere change in the nature of the expenditure imposed on the quaestors.

The official bodies which first succeeded the censors in the care of the streets and roads were two in number, viz. (1) the *Quatuorviri viis in urbe purgandis*, with jurisdiction inside the walls of Rome; (2) the *Duoviri viis extra urbem purgandis*, with jurisdiction outside the walls. Both these bodies were probably of ancient origin, but the true year of their institution is unknown. Little reliance can be placed on Pomponius (Dig. 1, 2, 28–30), who states that the *quatuorviri* were instituted *eodem tempore* with the praetor peregrinus (*i.e.* about 242 B.C.) and the *Decemviri Stlitibus judicandis* (time unknown). The first mention of either body occurs in the Lex Julia Municipalis of the year 45 B.C. (A.U.C. 709). The *quatuorviri* were afterwards called *Quatuorviri viarum curandarum*. Pomponius (*l. c.*) terms them *Quatuorviri qui curam viarum gererent*, and Dio Cassius (liv. 26) *οἱ τέσσαρες οἱ τῶν ἐν τῷ ἄστει ὁδῶν ἐπιμελούμενοι*. The extent of jurisdiction of the *Duoviri* is to be gathered from the same Lex, which gives their full title as *Duoviri viis extra propiusve urbem Romam passus mille purgandis*. Their authority extended over all roads between their respective gates of issue in the city wall and the first milestone beyond. Dio Cassius (liv. 26) simply calls them *οἱ δύο οἱ τὰς ἔξω τοῦ τείχους ὁδοὺς ἐγχειριζόμενοι* (Mommsen, *Staatsrecht*, ii. 603 ff., 668).

The next change was made by Augustus. In the course of his reconstitution of the urban administration he created new offices in connexion with the public works, streets (Mommsen here reads *viarum variarum*), and aqueducts of Rome (Sueton. *Aug.* c. 37). He found the *quatuorviri* and *duoviri* forming part of the body of magistrates known as *vigintisexviri*. These he reduced to twenty members (*vigintiviri*), but retained the *quatuorviri* among them. The latter were certainly still in existence under Hadrian (117–138 A.D.: see an inscription *ap.* Bergier, *Grands Chemins*, i. p. 7). Augustus abolished the *duoviri*, no doubt because the time had come for dealing comprehensively with the superintendence of the roads which connected Rome with Italy and the provinces. Dio Cassius relates (liv. 8) that Augustus personally accepted the post of *προστάτης* or superintendent *τῶν περὶ τὴν Ῥώμην ὁδῶν*. In this capacity he represented the paramount authority which belonged originally to the censors. Moreover, he appointed men of praetorian rank to be *ὁδοποιοί* or road-makers, assigning to each of them two lictors (*C. I. L.* vi. 1501). Lastly, he made the office of curator of each of the great public roads a perpetual magistracy, instead of a special and temporary commission, as had been the case hitherto.

The previous state of things seems to have been this. In case of an emergency in the condition of a particular road, men of influence and liberality were appointed, or voluntarily acted as *curatores* or temporary commissioners to superintend the work of repair. The dignity attached to such a curatorship is attested by a passage (*Epp. ad Att.* i. 1) in which Cicero says that one Thermus should have the best chance of becoming Caesar's colleague in the consulship, *propterea quod curator est Viae Flaminiae* (compare also Plin. *Epp.* v. 15). Among those who performed this duty in connexion with particular roads was Julius Caesar, who became curator (67 B.C.) of the Via Appia, and spent his own money liberally upon it (Plut. *Caes.* 5). Certain persons appear also to have acted as *Viarum curatores e lege Visellia*. The inscriptions which contain the little that is known about them have been collected by Mommsen, *Staatsrecht*, ii. 668 ff.

It was not as curator but as consul that Augustus (27 B.C.) restored the Via Flaminia, a road essential to his military expeditions (Dio Cass. liii. 22). He has himself recorded the fact in the *Monumentum Ancyranum* as follows (ed. Mommsen, pp. 86–87, Berlin; Weidmann, 1883): CONSUL . SEPTIMUM . VIAM . FLAMINIAM . AB . URBE . ARIMINUM . FECI . ET . PONTES . OMNES . PRAETER . MULVIUM . ET . MINUCIUM.

A passage from Suetonius (*Aug.* 30) is here in point: "Quo autem facilius undique urbs adiretur, desumpta sibi Flaminia Via Arimino tenus munienda, reliquas triumphalibus viris ex manubiali pecunia sternendas distribuit."

Dio Cassius (*q. v. supra*) states that Augustus assigned the great roads, other than the Flaminian, to certain of the senators to be repaired *at their own expense*, and adds that it was almost impossible to tell who really paid for these repairs. The senators, he says, grudged any expenditure of their own money, and the Emperor's privy purse was practically indistinguishable from the public treasury. Indeed, the concurrent outlay of public and private moneys on the public roads, which so constantly took place, presents a perpetual obstacle to any clear distinction of the two sources.

Plutarch (*Quaest. Rom.* 66) apparently suggests that the Via Flaminia was first paved out of the annual profits of an estate given to the city by *Flaminius quidam*. M. Fonteius, when praetor of Gallia Narbonensis (76–73 B.C.), raised money for repairing the roads by imposing a due on wine (*portorium vini*, Cic. *pro Font.* 5) Agrippa repaired all the public roads, according to Dio Cassius (xlix. 43), *μηδὲν ἐκ τοῦ δημοσίου λαβών*, an expression which probably covers not

only his private munificence, but the personal outlay imposed on the senators, and the *pecunia manubialis* mentioned by Suetonius (*Aug.* 30). In the country districts, as has been stated, the *magistri pagorum* had authority to maintain the *viae vicinales*. In Rome itself each householder was legally responsible for the repairs of that portion of the street which passed his own house (Dig. 43, 10, 3). It was the duty of the aediles to enforce this responsibility. The portion of any street which passed a temple or public building was repaired by the aediles at the public expense. When a street passed between a public building or temple and a private house, the public treasury and the private owner shared the expense equally. (See the municipal law quoted by Mommsen, *Staatsrecht*, ii. 505 ff.) No doubt, if only to secure uniformity, the personal liability of householders to execute repairs of the streets was commuted for a paving rate payable to the public authorities, who were responsible from time to time.

We have already said that Augustus, in his capacity as supreme head of the public road-system, converted the temporary *cura* of each of the great roads into a permanent magistracy. The persons appointed under the new system were of senatorial or equestrian rank, according to the relative importance of the roads respectively assigned to them. It was the duty of each curator to issue contracts for the maintenance and repairs of his road, and to see that the contractor who undertook the work performed it faithfully, both as to quantity and quality. Moreover, he authorised the construction of sewers and removed obstructions to traffic, as the aediles did in Rome. It was in the character of an imperial curator, though probably of one armed with extraordinary powers, that Corbulo (as has been already mentioned) denounced the *magistratus* and *mancipes* (*ἐκείνους τε [τοὺς ἐπιστάτας] καὶ τοὺς ἐργολαβήσαντάς τι παρ' αὐτῶν*, Dio Cass. lix. 15) of the Italian roads to Tiberius. He pursued them and their families with fine and imprisonment for eighteen years (21–39 A.D.), and was rewarded with a consulship by Caligula, who was himself in the habit of condemning well-born citizens to work on the roads (Tac. *Ann.* iii. 31; Dio Cass. lx. 27; Suet. *Calig.* 27). It is noticeable that Claudius brought Corbulo to justice, and repaid the moneys which had been extorted from his victims.

Special *curatores* for a term seem to have been appointed on occasion, even after the institution of the permanent magistrates bearing that title. According to an inscription subsequent in date to A.U.C. 731 (23 B.C.), one P. Paquius Scaeva was appointed *Viarum curator extra urbem Romam ex senatusconsulto in quinquennium* (*C. I. L.* ix. 2845; and see *ibid.* vi. 1501; Mommsen, *Staatsrecht*, ii. 669). It is possible that Scaeva was one of the *ὁδοποιοί* appointed by Augustus in A.U.C. 734 (20 B.C.). (Dio Cass. liv. 8, *q. v. supra.*)

The Emperors who succeeded Augustus exercised a vigilant control over the condition of the public highways. Their names occur frequently in the inscriptions to restorers of roads and bridges collected by Gruter (*Corpus Inscrr.* pp. cxlix.–clxiii.). Thus, Vespasian, Titus, Domitian, Trajan, and Septimius Severus were commemorated in this capacity at Emerita; Nero at Corduba; Trajan at Asculum, Augustobriga, and Arganda; Hadrian and Septimius Severus at Braccara; Hadrian at Suessa; Marcus Aurelius at Capua; Caracalla at Malaca. Trajan's care for the communications of his Empire received the following elaborate panegyric from Galen (*Method. Med.* ix. 8): *ἀμέλει ταῦτ' ἐχούσας ἁπάσας τὰς ἐπὶ τῆς Ἰταλίας ὁδοὺς ὁ Τραϊανὸς ἐκεῖνος ἐπηνωρθώσατο· τὰ μὲν ὑγρὰ καὶ πηλώδη μέρη λίθοις στρωννὺς ἢ ὑψηλοῖς ἐξαίρων χώμασιν· ἐκκαθαίρων δὲ τά τε ἀκανθώδη καὶ τραχέα καὶ γεφύρας ἐπιβάλλων τοῖς δυσπόροις τῶν ποταμῶν· ἔνθα δὲ ἐπιμήκης οὐ προσηκόντως ὁδὸς ἦν ἐνταῦθα σύντομον ἑτέραν τεμνόμενος· ὥσπερ καὶ εἴ δι' ὕψος λόφου χαλεπὴ διὰ τῶν εὐπορωτέρων χωρίων ἐκτρέπων.*

The Itinerary of Antoninus, which was probably a work of much earlier date, republished in an improved and enlarged form, under one of the Antonine emperors, remains as standing evidence of the minute care which was bestowed on the service of the public roads (Guest, *Origines Celticae*, ii. 101–118). On the probability of a connexion between the Itinerary and the Peutinger Table (*q. v. supra*), see the works of Bergier (i. 354–359) and Miller cited below.

II. Materials and Methods of Construction.

Viae are distinguished not only according to their public or private character, but according to the materials employed and the methods followed in their construction. Thus we have (Ulpian, Dig. 43, 11, 2)—

(1) *Via terrena*, a plain road of levelled earth.

(2) *Via glareata*, *glarea strata*, an earthen road with a gravelled surface (Liv. xli. 27).

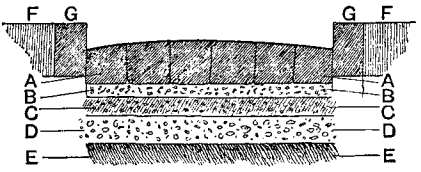
(3) *Via munita*, *lapide quadrato strata*, *silice strata*, a regular metalled road, paved with rectangular blocks of the stone of the country, or with polygonal blocks of lava.

The construction of *viae munitae* is said by Isidorus to have been borrowed by the Romans from the Carthaginians: "Primum Poeni dicuntur lapidibus vias stravisse: postea Romani per omnem paene orbem disposuerunt, propter rectitudinem itinerum et ne plebs esset otiosa" (*Orig.* xv. 16, 6). In course of time, the terms *via munita* and *via publica* became identical, but Livy mentions some of the most familiar roads near Rome, and the milestones on them, at periods long anterior to the first paved road—the Appian. Unless these allusions be simple anachronisms, the roads referred to were probably at the time little more than levelled earthen tracks. Thus the Via Gabina is mentioned in Liv. ii. 11 (*temp.* Porsena, about 500 B.C.); the Via Latina in ii. 39 (*temp.* Coriolanus, about 490 B.C.); the Via Nomentana or Ficulensis in iii. 52 (449 B.C.); the Via Labicana in iv. 41 (421 B.C.); and the Via Salaria in vii. 9 (361 B.C.).

Our best sources of information as regards the construction of a regulation *via munita* are: (1) The many existing remains of *viae publicae*. These are often sufficiently well preserved to show that the rules of construction were, as far as local material allowed, minutely adhered to in practice. (2) The directions for making pavements given by Vitruvius (vii. 1). The pavement and the *via munita* were identical in

construction, except as regards the top layer, or surface. This consisted, in the former case, of marble or mosaic, and, in the latter, of blocks of stone or lava. (3) A passage in Statius (*Silv.* iv. 3, 4) describing the repairs of the Via Domitia, a branch road of the Via Appia, leading to Neapolis.

The general construction of a *via munita* is shown in the following woodcut.



Via Munita.

A. *Dorsum* or *agger* viae (hence the phrases *agger publicus* = *via publica*; *Aurelius Agger* = *via Aurelia*: Sidon. 24, 5): the elliptical surface or crown of the road (*media stratae eminentia*, Isidor. *Orig.* xv. 16, 7), made of polygonal blocks of *silex* (basaltic lava) or rectangular blocks of *saxum quadratum* (travertine, peperino, or other stone of the country). The upper surface was designed to cast off rain or water like the shell of a tortoise. The lower surfaces of the separate stones, here shown as flat, were sometimes cut to a point or edge in order to grasp the *nucleus*, or next layer, more firmly.

B. *Nucleus*: kernel or bedding of fine cement made of pounded potsherds (*testae tusae*: cf. Vitruv. vii. 1, 17) and lime.

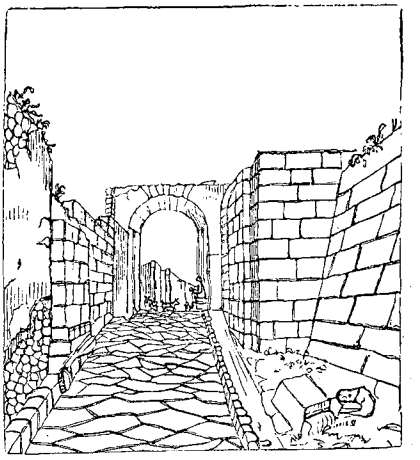
C. *Rudus*: rubble or concrete of broken stones and lime.

D. *Statumen*: stones of a size to fill the hand.

E. Native earth, levelled and, if necessary, rammed tight with beetles.

F. *Crepido*, *margo* or *semita*: raised footway, or sidewalk, on each side of the *via*. It was strengthened by *umbones* or edge-stones (G), and *gomphi* or kerb-stones of greater size and height, which were placed at intervals in the line of *umbones*. *Crepido* seems also to denote the mounds of earth or rubbish on the sides of an unpaved road (Petron. *Sat.* 9: "Vidi Gitona in crepidine semitae stantem"). The general appearance of such a metalled road and footway is shown in the following illustration of an existing street in Pompeii.

The directions given by Vitruvius (*l.c.*) are as follows: "If the bedding is to be laid flush with the ground (instead of on wooden joists), it must first be ascertained whether the ground be thoroughly sound. If it is found to be so, it should be levelled, and then the courses of stones (*statumen*) and rubble mixed with lime (*rudus*) should be successively laid on. But if the ground consist wholly or partly of made or loose earth, it should be very carefully rammed tight with beetles ... next should come a layer of stones large enough to fill the hand (*statuminetur*), and over them should be laid a course of rubble of stones and lime (*rudus*). If the rubble be new, the proportion of stone to lime should be as 3: 1. If it be old, as 5: 2. When the rubble has been laid, it should be thoroughly rammed down with wooden beetles, by gangs of men, to a final thickness of not less than 9 inches. Over the rubble should be laid a course of pounded potsherds, mixed with lime (*nucleus*), in the proportion of 3 : 1, and at least six fingers (=4½ inches) in thickness. The pavement, whether consisting of cut slabs or mosaic cubes, should be well and truly laid, by rule and level, on the top of the *nucleus*."



Street in Pompeii. (Mazois.)

In another passage (v. 9, 7) Vitruvius gives directions for constructing *ambulationes* or gravel paths for walking on. Such a path consisted of a firm foundation of earth, with a layer of charcoal (*carbones*) next to it, and a top-layer or surface of levelled gravel (*sabulo*). It was drained by earthenware pipes (*tubuli*) passing into a covered drain on either side.

Statius (*l. c.*) epitomises the whole process of road-making. "The task," he says, "is first to cut (parallel) trenches, to mark the limits of breadth of the road, and next to carry the excavations deep into the ground. Next, to fill the empty ditch with new materials, and to prepare a bed for the surface of the road: lest the ground give way and afford but a treacherous support to the pavement when weighted. Next, to confine the roadway with edge-stones fixed on each side and with numerous kerb-stones."

In this passage, *fossa* denotes the ditch made by the removal of the earth between the two parallel *sulci*, down to the point at which a firm earthen foundation can be obtained; *gremium* the three courses below the *Dorsum* or *agger viae*—viz. *statumen*, *rudus*, and *nucleus*.

As has been said, the methods of construction already detailed were followed wherever the soil was of an ordinary character. Where, however, the foundation was of rock, the *statumen* and *rudus* were dispensed with, and the *nucleus* and *dorsum* sufficed. This is the case with an existing portion of the Via Appia near Albano (Burn, *Introd.* p. liv.; Mazois, *Pompéi*, i. 26).

Caius Gracchus was the first to provide the public roads systematically with milestones (Plut. *C. Gracchus*, 7), though Livy, as we have stated above, refers to milestones as existing on certain roads at periods much earlier than the time of Gracchus [MILLIARE]. It is now practically certain that the distances recorded on the milestones of each road were measured

from the gate by which that road issued from Rome. The first milestone on the Via Appia was found *in situ* at a distance of exactly a thousand paces from the reputed position of the Porta Capena in the line of the Servian wall (Burn, pp. 49, 432; Middleton, *Ancient Rome in* 1888, pp. 67, 496). In 28 B.C. Augustus erected in the Forum and at the foot of the Capitol the celebrated *Milliarium Aureum* or Golden Milestone (*τὸ χρυσοῦν μίλιον κεκλημένον*, Dio Cass. liv. 8; "Milliarium aureum sub aede Saturni," Tac. *Hist.* i. 27; Suet. *Otho*, 6; "a milliario in capite Romani fori statuto," Plin. *H. N.* iii. § 66). It was, properly speaking, not a milestone, but an Imperial Itinerary or Table of Distances. It bore a gilt tablet, on which were recorded the distances from Rome to which the public roads reached from their respective gates of issue in the city wall. Of these gates there were thirty-seven in Pliny's time (Plin. *l. c.*).

Travelling on the public roads was facilitated by the establishment of (1) *mutationes* (*ἀλλαγαί*) or posting-houses, where horses were changed and vehicles were obtainable if required; and (2) *mansiones* (*καταλύσεις*), stations, khans, caravanserais, or resting-places, where the journey could be conveniently broken. [MANSIONES.] The towns and places where a halt on one ground or the other could be made, are frequently detailed in the Antonine Itinerary. For an account of the Postal or Despatch system created by Augustus, and developed by his successors, see Mommsen, *Staatsrecht*, ii. 1029–1031; Marquardt, *Staatsverwalt.* i. 558 ff.; and a note to Merivale (*H. R.* c. xxxiv.).

The following illustration of a part of the Via Stabiana at Pompeii shows some of the stepping-stones which have puzzled some antiquaries. They are to be found in nearly every street in the town, whatever its breadth. The narrower streets are practically blocked by single large stones in their centres; the broader streets are crossed by rows, containing from two to five stones. Their shape is, generally, a flat-topped oval: larger and smaller stones lying side by side. They measure, very commonly, about 3 feet by 18 inches, and have their longer axis parallel to the footway on either side of the street. The height of the footway ranges from 12 to 18 inches above the carriageway, and the particular height is, in most cases, that of the stepping-stones also. The surface of the street being elliptical, the stone on the centre stands slightly higher than those at the sides. Many streets are marked with wheel-ruts, some of them deeply cut. They are found both in the interstices between the stepping-stones and elsewhere. The distance from rut to rut measures, as a rule, one yard, which was, accordingly, the gauge of the ordinary vehicles. Such being the facts, three points demand attention: first, the nature and conditions of traffic in a Roman provincial town like Pompeii; secondly, the reasons for erecting stepping-stones of great size in the centre of the carriage-way; and, lastly, the probable mode in which draught animals and carriages passed these stones.

Via Stabiana at Pompeii, with stepping-stones. (From a photograph.)

Until the reign of Septimius Severus (193–211 A.D.) riding and driving, both in Rome and in the provincial towns, were closely restricted, and at times forbidden, by law. (Lex Julia Municipalis, *ap. C. I. L.* i. 206; Marquardt, *Privatleben*, ii. 727–738; Friedländer, *Sittengeschichte*, i.[5] 60 ff.). Claudius (41–54 A.D.: some twenty-five years before the destruction of Pompeii) forbade travellers to drive in carriages through provincial towns (Sueton. *Claud.* c. 25). Seneca, it is true, who died in 65 A.D., still nearer to the catastrophe, speaks of the noise of *essedae transcurrentes* at Baiae (*Epp.* 56). But these may have plied principally on the roads to the neighbouring towns, of which Pompeii was one, and Seneca states that the noise did not disturb his studies. Marcus Aurelius (161–180 A.D.) again forbade riding and driving in provincial towns (*Vit.* c. 23; and compare Galen, xi. p. 301, ed. Kühn, for the practice in Rome). Under Severus carriages, in Rome at least, seem to have been more commonly used (Dio Cass. lxiv. 4). But, as late as the reign of Aurelian (270–275 A.D.), we find the emperor preferring to ride into Antioch "quia invidiosum tunc erat vehiculis in civitate uti" (*Vit.* c. 5).

Thus the street-traffic of the ordinary Roman provincial town seems to have resembled that of the Tangier or Tetuan of to-day. Heavy burdens were carried on the backs of horses, mules, or cattle. Walking was the rule, riding on horseback or in a litter was the exception, driving almost unknown. Before the date of the edict of Claudius, and perhaps later, the law was probably indulgent to towns such as Baiae and Pompeii. Thither came the "carriage-company" of Rome to seek health and spend money. In the case of Pompeii carriages and horses were, beyond a doubt, confined to certain streets. An extant inscription shows that the station of the *cisiarii* was not even within the town walls. [See CISIUM.] Other streets were always reserved for foot-passengers, and possibly for litters. Others, again, once open to all traffic, and still bearing the marks of wheels, were afterwards closed to all but foot-passengers by huge stepping-stones or iron gratings.

The deep ruts already mentioned were the natural result of confining the traffic to a few streets. None of these were broad enough to allow of any considerable variation of the track, even had the fixed stepping-stones presented no additional difficulty. Moreover, there is evidence that some of the existing pavements bore traffic for at least 120 years. In one street the edge of the footway bears the inscription EX. K. QVI. (*ex kalendis Quinctilibus*); in another the inscription K. Q. Now the month Quinctilis was renamed Julius in 44 B.C., and Pompeii perished in 79 A.D. It is not surprising that

even a small amount of wheeled traffic, unrelieved by the use of springs, and acting on the same stones for so many years, should have left deep traces behind.

The reasons for the erection of very large stepping-stones were, no doubt, at once local and practical. Pompeii occupies the summit and slopes of a small hill. Hence the lower streets, according to the drainage level of the ground, received the rain-water and refuse of the upper. In times of heavy rain the lower streets "must" in Dyer's words "have flowed like a torrent or a Welsh cross-road" (*Pompeii*, c. 3). No sewerage-system could have at once mastered the downward rush of the water. Indeed a similar sight may now be witnessed, during the winter rains, in the heavily-paved streets of Florence, where stepping-stones of the largest size would not be out of place. At Pompeii, where the lie of the ground, together with the close-set stone surface and sides of the streets, provided a ready-made watercourse, sidewalks of substantial height were absolutely necessary to foot-passengers. The means of crossing from one side-walk to another, in any weather, were naturally provided by stepping-stones of corresponding size.

Lastly comes the question of the manner in which draught animals and carriages passed the stepping-stones. The wheels passed between the stones, as is shown by the many ruts found *in situ*. A vehicle with wheels three feet apart, and raised on them, say, two feet above the ground, could easily pass over a stone eighteen inches wide and from twelve to eighteen inches high. In the case of vehicles drawn by two animals, it may be conceived that the latter were harnessed loosely and moved in front of the wheel on each side. This arrangement would enable each animal to precede a wheel of the carriage through one and the same interstice of the stepping-stones. The operation must of course have been performed at a very slow walk, and its repetition would soon have become intolerable had the carriage-traffic been large or constant. The case of vehicles drawn by one animal presents more difficulty. It has been held that whilst the wheels passed, as before, on either side of a stone, the animal stepped on or over it. This view can hardly be treated with gravity, even if it be conceived that the surface of the street was somewhat raised by accumulated rubbish. It has been already stated that the stepping-stones often attain a height of eighteen inches and measure three feet in the longer axis which lay along the path of an approaching animal's feet. The better opinion is that carriages drawn by one animal were not admitted into the town at all. [See on the whole question, Dyer, *Pompeii*, Lond. 1868; Mazois, *Pompéi*, Paris, 1824–1838 (with plans); Overbeck, *Pompeii*[4] (with illustrations); and the works of Presuhn (Leipzig, 1881) and Schöner (Stuttgart, 1877) on the same subject.]

III. Literature.

1. *General Information on the subject of Roman Roads. — Archaeologia:* see Index to vols. 1–50, *s. v.* "Roads," pp. 583–584, London, 1889. Bergier: *Histoire des Grands Chemins de l'Empire Romain*, Bruxelles, 1736. Burn, *Rome and the Campagna*. Ersch und Gruber: *Allgemeine Encyclopädie*, s. v. *Peutingerian Tabula*. Gruter: *Corpus Inscriptionum*, vol. i. pp. cxlix–clxiii. Guest: *The Itinerary of Antoninus*, in *Origines Celticae*, vol. ii. pp. 101–118, London, 1883. Hirschfeld: *Untersuchungen auf dem Gebiete der Römischen Verwaltungsgeschichte*, vol. i. Berlin, 1877. Marquardt and Mommsen, *Handbuch* = Mommsen, *Staatsrecht* (see index); Marquardt, *Staatsverwaltung*, ii. 90 ff., *Privatleben*, pp. 727 ff. Miller: *Weltkarte des Castorius, genannt die Peutingersche Tafel;* Id. *Die Weltkarte des Castorius, genannt die Peutingersche Tafel—Einleitender Text.* Nibby: *Delle vie degli antichi dissertazione ap. Nardini, Roma antica*, 1818–1820. Parthey et Pinder: *Itinerarium Antonini et Hierosolymitanum*, Berlin, 1848. Rich: *Dict. of Roman and Greek Antiq.*, s.vv. *agger, crepido, fistuca, gomphus, mansiones, mutationes, semita, silex, via.*

2. *Authorities on Viae Publicae in Rome and Italy (within the Eleven Regions of Augustus). —Archaeologia*, l. c. Becker-Göll, *Gallus*, i. 77. Bergier, *op. cit.* Burn, *op. cit.* *Corpus Inscriptionum Latinarum:* vol. v. parts i. (1872) and ii. (1877), pp. 934–956, ed. Mommsen (with maps), Viae Publicae Galliae Cisalpinae (*i.e.* Regionum Italiae ix. x. xi.). *Ibid.* vol. ix. pp. 580–602, ed. Mommsen, 1883 (with maps): Viae Publicae Regionum Italiae ii. iv. v. *Ibid.* vol. x. parts i. and ii. pp. 45*–46*, 683–712 (ed. Mommsen), 1883 (with maps): Viae Publicae Regionum Italiae i. iii. (including those of Corsica, Sardinia, and Sicily). *Ibid.* vol. xiv. pp. 456–457, 500, ed. Dessau, 1887: Aquae Viae Urbis Romae. Gruter, *op. cit.* Middleton, *Ancient Rome in* 1888. Nibby, *op. cit.* Parthey et Pinder, *op. cit.* *Dictionary of Greek and Roman Geography*, vol. ii. pp. 1286–1307.

3. *Authorities on Viae Publicae in Britain.— Archaeologia*, l. c. Bergier, *op. cit.*, vol. i. pp. 113–116; vol. ii. pp. 88–94. *C. I. L.* vol. vii. pp. 206–214, ed. Hübner, 1873 (with map). Elton: *Origins of English History*, 1890. Guest: *The Four Roman Ways* (with map) in *Origines Celticae*, vol. ii. pp. 218–241; The Itinerary of Antoninus, *ibid.* pp. 101–118. Parthey et Pinder, *op. cit.* Pearson, *Hist. of England*, i. ch. 3. Id., *Roman Britain* in *Historical Maps of England*, pp. 6–17. W. T. Watkin, *Roman Lancashire.* Id., *Roman Cheshire. Note.* It will often be necessary to consult, in addition, the standard county histories and the proceedings of local antiquarian societies. Ferguson's *History of Cumberland* (1890) may be specially mentioned.

4. *Authorities on Viae Publicae in the other Provinces of the Empire. — Archaeologia*, l. c. Bergier, *op. cit.* *C. I. L.*, vol. ii., ed. Hübner, 1869 (with maps): Viae Publicae Lusitaniae (pp. 619–625); Baeticae (pp. 626–632); Tarraconensis (pp. 632–656). *Ibid.*, vol. iii., parts 1 and 2, ed. Mommsen, 1873 (with maps): Viae Publicae Syriae Palaestinae (p. 21); Syriae Littoralis et Mediterraneae (pp. 35–40); Cypri (pp. 42, 43); Ciliciae (p. 44); Cappadociae et Galatiae (pp. 56, 57); Ponti et Bithyniae (p. 61); Asiae Minoris (pp. 87–90); Achaiae (p. 111); Macedoniae (pp. 127, 128); Daciae (p. 256); Moesiae Superioris (p. 269); Dalmatiae (pp. 406–408); Pannoniae Inferioris (pp. 464–471); Pannoniae Superioris (pp. 572–577); Norici (pp. 692–702); Raetiae (pp. 735–740). *Ibid.*, vol. viii., parts 1 and 2, pp. 859–910, ed.

Wilmanns, 1881 (with maps): Viae Publicae Provinciarum Africanarum. *Ibid.*, vol. xii., pp. 632–682, ed. Hirschfeld, 1888 (with maps): Viae Publicae Galliae Narbonensis. Fustel de Coulanges: *La Monarchie Franque*, pp. 254–256, Paris, 1888. Lenthéric: *Les Villes Mortes du Golfe de Lyon*, 3rd edition, Paris, 1879. Id.: *La Provence Maritime*, Paris, 1880. Parthey et Pinder, *op. cit.* *Dictionary of Greek and Roman Geography*, l. c. [H. A. P.]

VIA'TICUM (*ἐφόδιον*) is, properly speaking, everything necessary for a person setting out on a journey, and thus comprehends money, provisions, dresses, vessels, &c. (Plaut. *Epid.* v. 1, 9; Plin. *Epist.* vii. 12; Cic. *de Senect.* 18, 66). When a Roman magistrate, praetor, proconsul, or quaestor went to his province, or an envoy on any mission from the senate, the state provided him with all that was necessary for his journey. Hence the provision is called also *legativum* (Dig. 50, 4, 18, 12). But as the state in this as in most other cases of expenditure preferred paying a sum at once to having any part in the actual business, the state engaged contractors (*redemptores*), who for a stipulated sum had to provide the magistrates with the viaticum, the principal parts of which appear to have been beasts of burden and tents (Liv. xli. 1; Dio Cass. liii. 15). Augustus once for all fixed a sum in proportion to their rank to be given to magistrates on setting out for their provinces, so that the redemptores had no more to do with it, nor had any vote to be passed (Cic. *ad Fam.* xii. 3; *Verr.* i. 22, 60;—Suet. *Aug.* 36; Gell. xvii. 2, 13; Dio Cass. lii. 23, liii. 15). The power of demanding these supplies was warranted by the insignia of the magistrates. Envoys were accredited by their ring (Zonar. viii. 6; LEGATUS, p. 24 *b*). See also Mommsen, *Staatsrecht*, i. 301. [L. S.] [G. E. M.]

VIA'TOR was a servant who attended upon and executed the commands of certain Roman magistrates, to whom he bore the same relation as the lictor did to other magistrates. The name *viatores* was derived from the circumstance of their being chiefly employed on messages either to call upon senators to attend the meeting of the senate, or to summon the people to the comitia, &c. (Cic. *de Senect.* 16, 56; Fest. p. 371; cf. Plin. *H. N.* xviii. § 20). Those magistrates who had no lictors employed their viatores instead (Liv. ii. 56, iii. 56; Cic. *in Vat.* 9, 22; TRIBUNUS). Here they had to carry out the *jus prendendi* but not *vocandi*. On the other hand, those magistrates who had lictors used the lictors as their personal attendants [see LICTOR], but the viatores to summon the senate and for other official messages (Liv. vi. 15, viii. 18, xxii. 11, xli. 15; Cic *pro Cluent.* 27, 74). The viatores of the Aerarian quaestors were employed as subordinates in the Aerarium.

Viatores were mostly freedmen or of low birth (Val. Max. ix. 1, 8); but those of the Quaestores aerarii were of equestrian rank (*C. I. L.* xiv. 169, 3544). Mommsen infers from inscriptions that there were three decuriae of viatores for the superior magistrates (one being reserved for consuls), and one decuria for tribunes (see Mommsen, *Staatsrecht*, i. 360 f., and inscriptions there cited). Viatores were employed also as attendants by Augurs, Septemviri Epulones, and Sodales Augustales (Marquardt, *Staatsverw.* iii. 226).

[L. S.] [G. E. M.]

VICA'RII SERVI. [SERVUS.]

VICE'SIMA, a tax of 5 per cent. (1) *Vicesima libertatis* (*C. I. L.* x. 3875). When a slave was manumitted, the state claimed 5 per cent. on his value, by a law passed in 357 B.C. (Liv. vii. 16; Cic. *Att.* ii. 16, 2; Wilmanns, *Exempla Inscriptionum Latinarum*, 314). The fund thus raised was for some time at least kept in reserve *ad ultimos casus*; e.g. it was used in a crisis of the Second Punic War, B.C. 209 (Liv. xxvii. 10). The amount was doubled by Caracalla and reduced to its original rate by Macrinus (Dio Cass. lxvii. 9, lxviii. 12). The tax, like others, was farmed to *publicani* (Arrian, *Epict.* ii. 1, 26; iv. 1, 33; *C. I. L.* x. 3875); but under the Empire it came to be managed by *procuratores*. The slave paid it (Arrian, *Epict.* iv. 1, 33); if the master chose to pay, the slave was said to enjoy *gratuita libertas* (Suet. *Vesp.* 16).

(2) *Vicesima hereditatium et legatorum*, legacy-duty. This differs from all other *vectigalia* by touching Roman citizens only: it was thus a sort of set-off against the disappearance of *tributum* and the absence of land-tax from Italy. Every Roman citizen had to pay to the *aerarium militare* (AERARIUM) 5 per cent. on any inheritance or legacy left him. None were exempt except the nearest relatives of the deceased (*sui heredes*) and persons whose legacy or inheritance did not exceed a certain (unknown) sum (Dio Cass. lv. 25, lvi. 28; Plin. *Paneg.* 37, 39; Hist. Aug. *M. Aur.* 11). Peregrini and Latini who had become Roman citizens had, in a legal sense, no relatives, and were therefore obliged in all cases to pay the duty (Plin. *Paneg.* 37). It is often said to have been introduced by Augustus, in A.D. 6; but it is probably older (Plin. *Paneg.* 42, and Hirschfeld, *Untersuchungen*, p. 62; also VOCONIA LEX); or was at least tried by the triumvirs in B.C. 40 (App. *B.C.* v. 67). It was of course unpopular (Dio Cass. lvi. 28). Caracalla, in granting the Roman citizenship to all subjects of the Empire, a step which would of itself make the tax far more productive, also doubled the amount; but Macrinus brought it back to 5 per cent. (Id. lxvii. 9, lxviii. 12; Hist. Aug. *Heliog.* 12). It had disappeared altogether before Justinian (Cod. Just. 6, 33, 3). We do not know whether it had to be paid by citizens on property situated in the provinces. The tax was farmed out to *publicani*, and afterwards managed by *procuratores Augusti vicesimae hereditatium*; a *statio hereditatium* occurs in inscriptions [STATIONES FISCI]. (O. Hirschfeld, *Untersuchungen aus dem Gebiete der römischen Verwaltungsgeschichte*, 1876.) [F. T. R.]

VICOMAGISTRI. [VICUS.]

VI'CTIMA. [SACRIFICIUM.]

VICTORIA'TUS was the name of a Roman coin of considerable importance in the time of the Roman Republic, so called because it bore the type of Victory crowning a trophy. Its origin is doubtful; but it makes its appearance in Italy towards the end of the 3rd century B.C., first in Campania and then in other parts of the Roman dominions and in Rome itself. The weight is three scruples, or three sestertii; that is to say, three-fourths of the denarius, or about 45 grains. It has been disputed whether the

weight of the victoriatus was taken from that of the contemporary coins of Illyria (after

Roman Victoriatus.

B.C. 229), or whether the reverse was the case. The convenience of the coin lay in the fact that it was equal in value to the drachms of the Illyrian, Achaian, Rhodian, Massilian, and other important currencies. Its importance in currency is fully attested by numerous finds. Beside the victoriatus, its half, weighing about 22 grains, also circulated.

The weight of the victoriatus soon fell; and at a period put by Mommsen at about B.C. 104, but by other writers earlier, quinarii or half denarii were issued with the types of the victoriatus, and after that time even victoriate coins issued earlier but still in circulation were reckoned only as half a denarius. [P. G.]

VICUS (akin to *οἶκος*), a term used in different applications.

1. In the earliest times the various Italian nations appear to have lived, not in towns, but in cantons (*pagi*), consisting of an indefinite number of *vici* or homesteads, with one common place of shelter (*arx* or *castellum*) in time of war, sometimes itself called *pagus*. The term *pagus* fell out of use, being replaced by more precise names, but *vicus* continued to denote a hamlet or similar group of buildings, attached to a town; hence the word is often translated "village." Cf. the Lex Rubria and Lex Julia in *C. I. L.* i. 205, 206.

2. In towns the word *vicus* means "a street" or "quarter" (cf. Varro, *L. L.* v. 145: "in oppido vici a via, quod ex utraque parte viae sunt aedificia"). Strictly speaking, it seems to have denoted a block of buildings bounded by the streets (*plateae*) and the alleys (*angiportus*), but it was doubtless used with some latitude (Jordan, *Top. Roms*, ii. p. 80). Cf. *vicus Tuscus*, &c.

3. According to tradition, Servius Tullius divided the city of Rome into four tribes, each subdivided into *vici*, while the country tribes were divided into *pagi*; and when Augustus in B.C. 8 redivided the city into fourteen regions, each region was still subdivided into *vici* (Suet. *Aug.* 30; Dio Cass. lv. 8). It is not always possible to separate our information as to the earlier *vici* from that which bears upon the later ones; but there is no reason to believe that any important changes were made; and perhaps Mommsen is right in regarding the redivision as mainly intended to organise better the worship of the Lares Compitales. The *vici* in the different *regiones* varied in number: the total under Augustus was, according to Pliny (*H. N.* iii. § 66), 265: under Constantine there must have been at least 307. The *vici* were administered by *magistri vicorum* (*vico magistri*), elected, four for each *vicus* (cf. the *basis Capitolina* in *C. I. L.* vi. 975, *ib.* 445 ff.), from the commons, mostly *liberti*: it is probable that the four took turns to act as *magister*. Hadrian fixed the number of *magistri vicorum* at 48 for each region, irrespective of the number of *vici*; and this is the number which we find in the Notitia of the time of Constantine (Jordan, ii. 541 ff.).

Besides the oversight of the drains and fountains and a general police supervision under the aediles, the chief duty of the *magistri vicorum* consisted in providing for the worship of the Lares Compitales, at the *sacella* usually erected at the crossways. These formed part of the popular religion, and were maintained by the *collegia compitalicia*: but they acquired increased importance after Augustus added to the two Lares Compitales the Genius Augusti (Suet. *Aug.* 31), fixed the festival, which previously had been *feriae conceptivae*, for two days in May and August (probably the Kalends), and granted the *magistri* the privilege of appearing in the toga praetexta attended by two lictors. (Cf. Marquardt, iii. 200; Ascon. *in Pis.* p. 7.) The Compitalia were probably identical with the Laralia (cf. Mommsen, *C. I. L.* i. p. 393); but quite distinct from the Paganalia.

Our information as to the distribution of the *vici* among the *regiones* is mainly derived from two descriptions of Rome under Constantine, the earlier (A.D. 334) commonly called the *Notitia*, the later (A.D. 357) the *Curiosum urbis Romae regionum* xiv.: the former was at one time ascribed (in an interpolated form) to a non-existent scholar P. Victor; the latter with as little reason to Sex. Rufus. [A. S. W.]

VICUS. [UNIVERSITAS.]

VI'GILES. [EXERCITUS, Vol. I. p. 795.]

VIGI'LIAE. [CASTRA, Vol. I. p. 377.]

VIGINTI SEX VIRI under the Republic, or VIGINTIVIRI under the Empire, a name given to a group of minor magistrates at Rome, who, though of different origin and functions, formed in a certain sense a unity, from the fact that under the Republic it was usual, and under the Empire probably legally requisite, for one of them to be held before a man could become a candidate for the quaestorship. The former name is mentioned by Festus, p. 233, and Dio Cass. liv. 26, and in four inscriptions (cf. *C. I. L.* i. 186), all dating from the time of Augustus. We do not know whether it was in use earlier. The latter occurs in Dio Cass. *l. c.* and lx. 5, and in Tac. *Ann.* iii. 29 (cf. Lipsius' note), but never in inscriptions, where the title of the special office is always used. The magistrates grouped under the name were: 1. *tres viri capitales*; 2. *tres viri aeri argento auro flando feriundo*, sometimes called *monetales*; 3. *quattuor viri viis in urbe purgandis*; 4. *duo viri viis extra urbem purgandis* (abolished in B.C. 20); 5. *decem viri litibus judicandis*; 6. *quattuor praefecti Capuam Cumas* (abolished under Augustus). An account of each of these has been given under its own heading. They were probably all elected at one time by the tribes; but under the Empire they were chosen by the senate, and it was not usual that the emperor should nominate any candidate for these offices. But as it was necessary that candidates should possess the *census senatorius* and the *latus clavus*, those who were not the sons of senators had to seek this from the emperor. The Vigintiviri had not the right of sitting in the senate, which they obtained only by gaining

the quaestorship. The Vigintivirate lasted till the 3rd century (Spart. *Did. Jul.* 1), after which we hear no more of it. (Cf. Mommsen, *Röm. Staatsr.* ii. 578–595.) [A. S. W.]

VIGINTIVIRI. [VIGINTI SEX VIRI.]

VILLA, a farm or country-house. The Roman writers mention two kinds of villa,—the *villa rustica* or farm-house, and the *villa urbana* or *pseudo-urbana*, a residence in the country or in the suburbs of a town. When both of these were attached to an estate, they were generally united in the same range of buildings, but sometimes they were placed at different parts of the estate. The part of the *villa rustica* in which the produce of the farm was kept, is distinguished by Columella by a separate name, *villa fructuaria*.

1. The *villa rustica* is described by Varro (*R. R.* i. 11–13), Vitruvius (vi. 9), and Columella (i. 4, § 5 ff.).

The villa, which must be of size corresponding to that of the farm, is best placed at the foot of a wooded mountain, in a spot supplied with running water, and not exposed to severe winds nor to the effluvia of marshes, nor (by being close to a public road) to a too frequent influx of visitors. If there was no running stream, it was accounted of great importance that tanks should be constructed, one under cover for men, one in the open air for the beasts. The villa attached to a large farm had two courts (*cohortes, chortes, cortes*, Varro, i. 13). At the entrance to the outer court was the abode of the *vilicus*, that he might observe who went in and out, and over the door was the room of the *procurator* (Varro, *l. c.*; Colum. i. 6). Near this, in as warm a spot as possible, was the kitchen, which, besides being used for the preparation of food, was the place where the slaves (*familiae*) assembled after the labours of the day, and where they performed certain indoor work. Vitruvius places near the kitchen the baths and the press (*torcular*) for wine and oil, but the latter, according to Columella, though it requires the warmth of the sun, should not be exposed to artificial heat. In the outer court were also the cellars for wine and oil (*cellae vinariae et olearíae*), which were placed on the level ground, and the granaries, which were in the upper stories of the farm-buildings, and carefully protected from damp, heat, and insects. These store-rooms form the separate *villa fructuaria* of Columella; Varro places them in the *villa rustica*, but Vitruvius recommends that all produce which could be injured by fire should be stored without the villa.

In both courts were the chambers (*cellae*) of the slaves, fronting the south; but the *ergastulum* for those who were kept in chains (*vincti*) was underground, being lighted by several high and narrow windows.

The inner court was occupied chiefly by the horses, cattle, and other live stock, and here were the stables and stalls (*bubilia, equilia, ovilia*).

A reservoir of water was made in the middle of each court, that in the outer court for soaking pulse and other vegetable produce, and that in the inner, which was supplied with fresh water by a spring, for the use of the cattle and poultry.

2. The *villa urbana* or *pseudo-urbana* was so called because its interior arrangements corresponded for the most part to those of a town-house. [DOMUS.] Vitruvius (vi. 8) merely states that the description of the latter will apply to the former also, except that in the town the atrium is placed close to the door, but in the country the peristyle comes first, and afterwards the atrium, surrounded by paved porticoes, looking upon the palaestra and ambulatio.

A striking difference in the general aspect of a country-house from that of a town-house lay in the fact that the blank walls of the latter were replaced by long colonnades, broken by towers, apses, and the like. Cf. the view of a villa near the sea given in a painting from Pompeii by Guhl and Koner, fig. 393.

Our chief sources of information on this subject are two letters of Pliny, in one of which (ii. 17) he describes his Laurentine villa, in the other (v. 6) his Tuscan. The former of these, however, was not, strictly speaking, a *villa*, as it had no estate or farm-buildings attached to it: the latter was connected with a large estate. There are also a few allusions in one of Cicero's letters (*ad Quint.* iii. 1), and, as a most important illustration of these descriptions, the remains of a suburban villa at Pompeii, of which a view and a plan are given by Overbeck, *Pompeii*, p. 325 ff.: cf. Guhl and Koner, fig. 392.

The Tuscan villa was approached by an avenue of plane-trees leading to a colonnade, in front of which was a *xystus* divided into flower-beds by borders of box. This xystus formed a terrace, from which a grassy slope, ornamented with box-trees cut into the figures of animals, and forming two lines opposite to one another, descended till it was lost in the plain, which was covered with acanthus (Plin. v. 6). Next to the portico was an atrium, smaller and plainer than the corresponding apartment in a town-house. In this respect Pliny's description is at variance with the rule of Vitruvius; and the villa at Pompeii has also no atrium. It would appear from Cicero (*l. c.*) that both arrangements were common. Next to the atrium in Pliny's Laurentine villa was a small semicircular peristyle (*porticus in D literae similitudinem circumactae*, where, however, the reading O is also given instead of D). The intervals between the columns of this peristyle were closed with talc windows (*specularibus*; see DOMUS, Vol. I. p. 686), and the roof projected considerably, so that it formed an excellent retreat in unfavourable weather. The open space in the centre of this peristyle seems often to have been covered with moss and ornamented with a fountain. Opposite to the middle of this peristyle was a pleasant *cavaedium*, and beyond it an elegant triclinium, standing out from the other buildings, with windows or glazed doors in the front and sides, which thus commanded a view of the grounds and of the surrounding country, while behind there was an uninterrupted view through the cavaedium, peristyle, atrium, and portico into the xystus and the open country beyond.

The details of the other chambers are less clear; and though in Castell's *Villas of the Ancients* there are numerous plans illustrating them, much is based upon mere conjecture (cf. Schinkel in the *Architekturalbum*, Part 7,

Berlin, 1862). There is mention of several chambers, a room with an apse, serving as a library, and servants' rooms; while the other wing is occupied with dining-rooms, baths, a tower, at the base of which are two sitting-rooms, a dining-hall, and another tower with store-rooms. Pliny further describes with much satisfaction the colonnade (*cryptoporticus*) which runs round the garden, and other embellishments.

In the villa at Pompeii the arrangement is somewhat different, and corresponds in its main features with the rules laid down by Vitruvius. The entrance is in the Street of the Tombs. The portico leads through a small three-cornered space, due to the fact that the building does not stand square with the road, into a large square peristyle paved with *opus signinum*, and having an impluvium in the centre of its uncovered area. Round this are various bed-rooms and other small chambers, and a set of bath-rooms. Beyond it is an open hall, resembling in form and position the *tablinum* in a town-house. Next is a long gallery extending almost across the whole width of the house, and beyond it is a large cyzicene oecus, corresponding to the large triclinium in Pliny's villa. This room looks out upon a spacious court, which was no doubt a xystus or garden, and which is surrounded on all sides by a colonnade composed of square pillars, the top of which forms a terrace. In the farthest side of this court is a gate leading out to the open country. As the ground slopes downward considerably from the front to the back of the villa, the terrace just spoken of is on a level with the cyzicene oecus, the windows of which opened upon it; and beneath the oecus itself is a range of apartments on the level of the large court, which were probably used in summer, on account of their coolness.

The other rooms were so arranged as to take advantage of the different seasons and of the surrounding scenery. (For the importance attached to a fine view, cf. Friedländer, *Sittengeschichte Roms*, ii.[6] p. 200.) Of these, however, there is only one which requires particular notice; namely, a state bed-chamber, projecting from the peristyle in an elliptic or semicircular form, so as to admit the sun during its whole course. This apartment is mentioned by Pliny, and is also found in the Pompeian villa. In Pliny's Laurentine villa its wall was fitted up as a library.

The villa contained a set of baths, the general arrangement of which was similar to that of the public baths. [BALNEAE.]

Attached to it were a garden, *ambulatio*, *gestatio*, *hippodromus*, *sphaeristerium*, and in short all necessary arrangements for enjoying different kinds of exercise. [HORTUS; GYMNASIUM.]

Becker-Göll's *Gallus*, vol. iii. pp. 46–63; Schneider's notes on Columella and Varro, and Gierig's on Pliny, contain many useful remarks. The remains of the Roman villas in England have been discussed (with plans) by Mr. Neville in the *Archaeological Journal*, vols. ii. vi. vii. x. For Pliny's Laurentine villa, cf. Cowan's edition of Pliny, i.–ii. (with a plan), Burn's *Rome and the Campagna*, pp. 411–415 (with a plan), and especially Prof. Aitchison's lecture (with plans) in *The Builder* for Feb. 8, 1890.

[P. S.] [A. S. W.]

VI'LLICUS, VI'LICUS (*ἐπίτροπος* in Greek writers, Plut. *Crass.* 4), a slave who had the superintendence of the *villa rustica*, and of all the business of the farm, except the cattle, which were under the care of the *magister pecoris* (Varro, *R. R.* i. 2). The duties of the vilicus were to obey his master implicitly and to govern the other slaves with moderation, never to leave the villa except to go to market, to have no intercourse with soothsayers, to take care of the cattle and the implements of husbandry, and to manage all the operations of the farm (Cato, *R. R.* 5, 142). His duties are described at great length by Columella (xi. 1 and i. 8), and those of his wife (*vilica*) by the same writer (xii. 1) and by Cato (c. 143).

The vilicus is properly distinct from the *actor* (*οἰκονόμος*) who had charge of finance, payments, &c. The vilicus is, however, sometimes called *actor praedii*. (Marquardt, *Privatleben*, 139.) [P. S.] [G. E. M.]

VINA'LIA. There were two festivals of this name celebrated by the Romans: the *Vinalia urbana* or *priora*, and the *Vinalia rustica* or *altera*. The vinalia urbana were celebrated on the 23rd of April. This festival answered to the Greek *πιθοιγία*, as on this occasion the wine casks which had been filled the preceding autumn were opened for the first time, and the wine tasted (Plin. *H. N.* xviii. § 287). But before men actually tasted the new wine, a libation was offered to Jupiter (Fest. *Ep.* p. 374, 12), which was called *calpar* (Id. p. 65, 13).

The rustic vinalia, which fell on the 19th of August (Plin. *H. N.* xviii. § 289; Varro, *L. L.* vi. 20) and was celebrated by the inhabitants of all Latium, was the day on which the vintage was opened. On this occasion the flamen dialis offered lambs to Jupiter, and while the flesh of the victims lay on the altar he broke with his own hands a bunch of grapes from a vine, and by this act he, as it were, opened the vintage (*vindemiam auspicari*; Varro, *L. L.* vi. 16), and no must was allowed to be conveyed into the city until this solemnity was performed. This day also was sacred to Jupiter only originally (Fest. p. 265, 28), but afterwards to Venus also, being the day of dedication for her temples *in Murcia valle* and *in Luco Libitinae* (Fest. p. 265, 31). The question what Venus had to do with the Vinalia is raised by Ovid (*Fast.* iv. 877), but not answered. We may be content with Varro's account, that Venus took gardens under her protection (*R. R.* i. 1, 6; *L. L.* vi. 20; cf. Fest. *Ep.* p. 58, 14; Marquardt, *Staatsverwaltung*, iii. pp. 333, 374). [L. S.] [G. E. M.]

VINDEMIA'LIS FE'RIA. [FERIAE.]

VINDEX. [ACTIO, Vol. I., p. 14 *b*; MANUS INJECTIO.]

VINDI'CA'TIO. Actions were divided by the Roman jurists into two classes: real (*in rem*) and personal (*in personam*). Actiones in rem or actions about the title to ownership (*dominium*) and other real rights were called *vindicationes*; actiones in personam or actions for the enforcement of obligations arising from contract and delict were called *condictiones* (Gaius, iv. 2–5; Ulpian, Dig. 44, 7, 25, pr.). Vindicatio in this wide sense includes not only strictly proprietary actions, but also actions respecting family rights and rights of status; as, *e.g.*, an action asserting that a man is free (cf. the expressions *in*

libertatem, in servitutem, in ingenuitatem vindicatio). The term *vindicatio* is, however, generally used in legal writings in a narrower sense, signifying simply an actio in rem by which dominium of a corporeal thing is claimed (*rei vindicatio*). *Condictio* also came to have a much more restricted meaning. [ACTIO.] The distinction between *vindicationes* and *condictiones* is an essential distinction, which is not affected by changes in the form of procedure, such as that of the substitution of the formulae for legis actiones. The forms of the legis actio procedure bring most clearly to light the characteristics of a vindicatio, showing how distinctly the early Romans had conceived the idea of individual ownership of property. They also explain the origin of the word *vindicatio*. The five modes of proceeding *lege* (Gaius, iv. 12) were *sacramento, per judicis postulationem, per condictionem, per manus injectionem, per pignoris capionem* (P., J. P., P. C^{m}, Ma^{s} In^{o}, Per Pign. C^{m}). A man might proceed *sacramento* either in the case of an actio in personam or in rem, this action being a general one applicable in all cases where there was no other prescribed by law (Gaius, iv. 13). It was the only legis actio by which an actio in rem could be brought. In this action it was necessary that each party should make himself liable to a penalty (*summa sacramenti*) in the event of his failing in the cause. The condition of the penalty was in fact the existence or non-existence of the right claimed by the plaintiff, whatever that right might be. Thus the process assumed the form of a suit to determine which of the parties had forfeited the penalty, owing to the assertion of right, on which he had staked it, proving unfounded ("utrius sacramentum justum, utrius injustum sit," Cic. *pro Caec.* 33, 97; *pro Domo*, 29, 78), though the real object of the proceeding was to determine the dispute between the litigants. The Praetor took security (*praedes*) from both parties for the amount of the sacramentum; which the party who failed paid as a penalty (*poenae nomine*) to the public treasury [AERARIUM]. The sums of money were originally deposited *in sacro;* what was forfeited was devoted to sacred purposes, whence the term *sacramentum*, the successful party receiving his money back (Varro, *L. L.* v. 36, 180; "utrique ad pontem deponebant," Fest. s. v. *sacramentum:* cf. Voigt, *Zwölf Tafeln*, ii. 6, n. 3, who compares with the sacramentum the πρυτανεῖα of Athenian procedure; Meier and Schömann, *Att. Pr.* 603). The *poena* of the sacramentum was *quingenaria;* that is, quingenti (500) asses, in cases when the property in dispute was of the value of 1,000 asses and upwards; and in cases of smaller value it was 50 asses. This was a provision of the Twelve Tables; but if a man's freedom (*libertas*) was at issue, the poena was never more than 50 asses. The penalty appears to have been originally a fixed number of cattle (Voigt, *op. cit.* ii. § 61). Gaius (iv. 16) describes in some detail the form of the actio sacramenti when it was a proceeding for vindicating ownership (*rei vindicatio*). The forms of the action must have been in some respects modified when its object was a servitude or an inheritance.

In the case of an actio sacramenti in personam, there would be no assertion of quiritary right over a specific object, but simply a claim by the plaintiff against the defendant on account of an obligatio between them. If it was an actio in rem—that is, a rei vindicatio—movable things and moving things (*mobilia et moventia*) that could be brought or led into court were claimed before the Praetor (*in jure vindicabantur*) thus (Gaius, iv. 16): he who claimed a thing as his property (*qui vindicabat*), holding a rod in his hand, and laying hold of the thing, it might for instance be a slave, said, "This man I claim as mine by due acquisition by the law of the quirites" ("Hunc ego hominum ex jure quiritium meum esse aio secundum suam causam:" cf. Plaut. *Rud.* v. 3, 86; Cic. *pro Mur.* 12, 26. For a different interpretation of the words *secundum suam causam*, see Voigt, *Zwölf Tafeln*, ii. § 74, n. 11). "See, as I said, I have put my spear on him" ("sicut dixi, ecce tibi, vindictam imposui"); and, saying this, he placed his rod on the thing. The other party then said the same words and performed the same acts. The laying hold of the thing by the vindicant seems to be a symbolical act of self-help, by which possession of the object is taken, while the putting the wand on the thing, which Gaius tells us was a substitute for a spear, is an act of pretended violence ("vis civilis et festucaria," Gell. xx. 10, 6), signifying the intention of the claimant to maintain himself in possession by force against any attack. Accordingly the word *vindicare* (*vindicere, vim dicere*) perhaps originally meant to declare force; that is, to assert one's right to a thing by force. (O. Müller, *Etym. Erörter.*; Bethmann-Hollweg, *Civ. Proc.* i. § 40, n. 23; Voigt, i. § 53, n. 25; ii. § 74.) Cf. Cicero's definition of vindicatio (*de Inv.* ii. 53, 161). This claiming of a thing as property by laying the hand on it, and by using solemn words, together with the touching the thing with the spear or wand, was, when it had been completed by both parties to the action, "in jure manum conserere,"—that is, the parties thus contended before the magistrate for the thing, each asserting by words and acts that he was owner of it ("manu asserere liberali causa" is to take hold in a vindication claiming the liberty of a slave, Plaut. *Poen.* iv. 2, 84; v. 2, 4, 42, &c.): this phrase is as old as the Twelve Tables (cf. Gell. xx. 10, 9, "in jure apud Praetorem manum consererent"). (For the different modern interpretations of the words *manum conserere*, see Bethmann-Hollweg, *Civ. Proc.* i. § 40.) It is to be noticed that in the vindication no distinction is made between plaintiff and defendant, each party claiming ownership in exactly the same form.

The parties having vindicated the object in turn, the Praetor then said: "Mittite ambo (rem) hominem" ("Let the (thing) man alone") —a command which the claimants obeyed, thus surrendering possession of the property to the magistrate. It would seem that the representative of the state here intervenes in the quarrel in order to prevent the parties from committing a breach of the peace by taking the law into their own hands. Then he who had made the first vindicatio thus addressed his opponent, "Postulo anne dicas qua ex causa vindicaveris" ("I demand a statement of the ground of your claim:" cf. Cic. *pro Mur.* 12, 26). The opponent replied, "Jus feci sicut vindictam

imposui" ("I did what I was entitled to do, when I put my spear on him"), thereby refusing to give the ground of his claim (cf. Voigt, *op. cit.*). Then he who had made the first vindicatio said, "Quando tu injuria vindicavisti, *D* aeris sacramento te provoco" ("Since you claim him without any right, I challenge you to stake 500 (or 50 asses, as the case might be), upon the issue of a trial"), to which the other answered by a corresponding challenge. A day was now fixed on which the parties were to appear before the decemvirs or centumvirs for the trial of the issue, or else they were ordered to appear again before the Praetor on the thirtieth day *ad judicem capiendum.* [JUDEX.] The Praetor then awarded to one of the claimants possession of the thing pending the suit, and compelled him to give security to his opponent for the thing in dispute and the mesne profits, or, as it was technically expressed, "jubebat praedes adversario dare litis et vindiciarum" (Gaius, iv. 16: cf. Liv. iii. 47, 56, 58; Gell. xx. 10, 9). The expression *lis et vindiciae* seems to be redundant, the word *vindiciae* (the object of the *vis*) by itself meaning the thing or things which are vindicated (Festus, p. 376 a; cf. Voigt, *op. cit.* ii. § 74, nn. 30, 44).

The Praetor awarded interim possession to one of the claimants ("secundum alterum eorum vindicias dicebat"); no doubt he would as a rule give it to the party who was in possession at the time when the vindication was brought, unless he had acquired possession from the other claimant by violence, or furtively, or by his permission (*vi, clam, precario*). The party to whom possession was given on this ground would occupy the advantageous position of defendant in the trial before the judex, the burden of proof being on the other side. But in an action between a civis and the Roman people the vindiciae always belonged to the latter (Festus, s. v. *vindiciae*); and in the case of suits respecting a man's freedom, the person whose status was in question was allowed his liberty till the matter was determined, whatever his previous state may have been (*vindiciae secundum libertatem*). If the property which was the subject of vindicatio was land, the Praetor originally went with the parties to the place in question, so that the vindication might there be made. It was possibly the practice for one of the claimants to go through the form of forcibly ejecting the other from the land, which was called the *vis civilis*, or *vis ex conventu*—an act of pretended violence, which would perhaps correspond with the *festucaria vis* in the case of movables. [DEDUCTIO; FESTUCA.] This pretence of an ejectment (cf. English procedure in the old action of ejectment, Keller, *Civ. Pr.* § 28, n. 328) is described by Cicero as a part of the proceedings in an actio in rem by sponsio, and is known as "deductio quae moribus fit," but it seems likely that it originated in the legis actio in rem.

The practice of the Praetor going with the parties to the land in question, which was a means by which the subject of dispute could be exactly defined, was in course of time modified as the Roman state increased in size. Thus it became the practice at the commencement of the action before the Praetor in the forum for each party to challenge his opponent to follow him to the land which he had formally claimed and specifically described in court, the object being "ad conserendam manum in rem de qua agebatur;" the parties then at the command of the Praetor went together to the land accompanied by witnesses (Cic. *pro Mur.* 12, "suis utrisque superstitibus praesentibus istam viam dico, inite viam:" cf. Festus, s. v. *superstites*); and having come to an understanding as to the subject of their dispute and gone through the requisite forms, which would include the feigned ejectment — a supposed conflict between the parties (*manum conserere*)—they returned to court bringing back a clod of earth from the land, which was regarded as the whole *ager* in the subsequent proceedings.

This change in the form of procedure, which change was accomplished "contra duodecim tabulas tacito consensu," led to the phrase "ex jure manum conserere." By the time of Cicero the proceeding had been further simplified. Before the action commenced the parties went to the land and brought back a sod of earth with them; the summons in court to proceed to the land was obeyed by the parties going round the sod of earth, which had been placed at some distance from the tribunal, and returning with it into court. (Cic. *l. c.*; Gell. xx. 10: "ex jure manum consertum? verba sunt ex antiquis actionibus, quae, cum lege agitur et vindiciae contenduntur, dici nunc quique apud Praetorem solent.")

When the formulae became the ordinary mode of procedure instead of the legis actiones [ACTIO], actiones in rem were framed after the new system, although it continued to be possible to bring a legis actio in rem so that it might go to the centumviral court for trial (Gaius, iv. 31, "Tantum ex duabus causis permissum est lege agere; damni infecti et si centumvirale judicium sit"). The conveyance called *in jure cessio* is derived from the actio sacramenti in rem. [CESSIO IN JURE.]

There were two modes of maintaining an actio in rem under the formulary system: 1, *per sponsionem*, which was the earlier, and 2, *per formulam petitoriam* (Gaius, iv. 91).

1. *Per sponsionem.*—The earliest formulae appear to have been derived from the legis actio per condictionem, which was perhaps based on a sponsio, and so to have been actiones in personam. There was no formula in rem concepta (Bethmann-Hollweg, *Civ. Proc.* ii. § 89). The sponsio, however, which was a wager entered into in court by question and answer, originally perhaps a matter of private agreement between the parties, was used as a means of framing a formula for trying an actio in rem, which was analogous in some respects to the use of the sacramentum in the legis actio procedure. The right in rem, which was in question, was made the subject of the sponsio, but the wager itself in this case was pure matter of form for the purpose of framing a formula on it (*sponsio praejudicialis*), the amount of it (*summa sponsionis*) not being really paid by the unsuccessful to the successful party, as was the case when the sponsio was *poenalis* (Gaius, iv. 94). The defendant was challenged by the plaintiff to a sponsio in such terms as these: "Si homo de quo agitur ex jure quiritium meus est, sestertios xxv. nummos dare spondes?" (Cf. Cic. *pro*

Quint. 8, 27.) [The use of the word *si* or *ni* in the sponsio would depend on the fact which was affirmed or rather on the mode of affirmation. Cicero (*pro Caecin.* 23, 65) alludes to the use of these words (*sive, nive*). Brissonius (*de Formulis*, v. 7, p. 348) has collected instances of them.] The intentio in this formula [ACTIO] was that if the slave belonged to the plaintiff the sum of money contained in the sponsio ought to be paid by the defendant to the plaintiff (Gaius, iv. 93, "deinde (i.e. after the sponsio had been entered into) formulam edimus qua intendimus sponsionis summam nobis dari oportere"). If the plaintiff proved the slave to be his property, he was entitled to a judgment, by which he only obtained a judicial declaration of his right; the *summa sponsionis*, which was the supposed object of the action, not being in fact paid to him. Thus, though the action had the formal appearance of an actio in personam, it was in fact simply an actio in rem. We learn from a passage of Cicero (*pro Caecin.* 7, 20) that when land was the subject of a sponsio, a form of fictitious ejectment (*deductio quae moribus*) was gone through, which perhaps was derived from earlier procedure. The defendant would be allowed by the Praetor to retain interim possession of the property in dispute, unless he had acquired it from the plaintiff *vi, clam*, or *precario;* but he was obliged to give security to the plaintiff for restitution of the thing, together with mesne profits, if judgment was given for the plaintiff. This security was called "satisdatio pro praede litis et vindiciarum," corresponding to the "praedes litis et vindiciarum" of the legis actio in rem. The judgment in favour of the plaintiff in the actio on the sponsio only declared the right of the plaintiff to the property in question; it did not entitle him to execution, in case the defendant refused to surrender the thing with the profits he had made by it; the *summa sponsionis* having been the formal object of the action, and not damages, no liquidated sum had been fixed for the purpose of execution. Hence a supplementary action for the purpose of assessing damages was necessary, as had also been the case after a legis actio sacramenti in rem; this was called *arbitrium litis aestimandae.*

2. *Per formulam petitoriam.*—The sponsio, owing to the indirect way in which its formula submitted the right in question to the judex, was not a convenient mode of prosecuting an actio in rem, having the defect of obliging the plaintiff, if he was successful, to maintain a further action in order to obtain execution against the defendant, and not allowing the use of equitable pleas (*exceptiones*), since the judex had simply to decide whether or not the right claimed legally belonged to the plaintiff (Keller, *Civil-Process*, § 27). Hence a new kind of formula was invented, called the *formula petitoria*, by which these inconveniences were avoided. The formula appears to be well established in the time of Cicero (*Verr.* ii. 12). The following is given by Keller (*op. cit.* § 28) as an example of it:—"Titius Judex esto. Si paret, illam rem (e.g. hominem Stichum, fundum Cornelianum, L. Annii hereditatem) qua de agitur ex jure Quiritium Auli Agerii esse, neque eam Numerius Negidius Aulo Agerio arbitratu tuo restituet, quanti ea res erit, Numerium Negidium Aulo Agerio condemnato, si non paret, absolvito" (cf. Cic. *in Verr.* ii. 12, 31; Gaius, iv. 92). Here, as Keller has observed, the object is at once attained, which in the actio in rem per sponsionem required a number of acts, viz.: 1, the entering into the sponsio before the Praetor; 2, the publication of the formula *ex sponsione;* 3, the arbitrium litis aestimandae, in case the plaintiff succeeded. The intentio of the formula is a direct claim of ownership on the part of the plaintiff, the defendant not being named in it as in an actio in personam (Gaius, iv. 87). The words from *neque* to *restituet* make the formula a formula arbitraria, of which class of formulae it was the typical instance; the condemnatio from *quanti* to *absolvito* authorises the judex either to condemn the defendant in damages, which the judex is to assess ("quanti ea res est," the thing, "cum omni causa," *i.e.* with fructus and other accretions [ACTIO]), or to absolve him. Thus it is the duty of the judex in the first place to pronounce (*pronuntiatio*) whether the thing belongs to the plaintiff, or whether restitution is due to him from the defendant. If the finding is for the plaintiff, the defendant has the opportunity of avoiding condemnation by making restitution; if he does not do so, damages are assessed against him. The plaintiff could only claim pecuniary damages under the formulary system, not specific restitution; but the defendant, after there had been a pronuntiatio against him, would often make specific restitution, so far as he was able, in order to avoid the liability to condemnation in heavy damages. The formula by combining the judicium and arbitrium dispenses with the necessity of an arbitrium litis aestimandae, and allows all equitable pleas to be taken into account. In this form of proceeding there was the stipulatio called *judicatum solvi*, by which the defendant, the possessor of the thing claimed, engaged before the Praetor to obey the decree of the judex (Gaius, iv. 91). The *vindicatio rei* was brought by a person who claimed to be owner of property (*petitor*) against the person who was in possession of it, or who had fraudulently made away with the possession of it (*possessor*). It was incumbent on the owner to prove his ownership, and such proof might be a matter of the greatest difficulty where the title of the claimant was a derivative one, since he would have to prove the right of his predecessors in title; the shortness of the period of usucapion, however, greatly facilitated the proof of ownership. The proof of ownership on the part of the plaintiff did not as a matter of course entitle him to judgment in his favour, since the defendant might have a right to keep the thing from the owner, as if he were pledgee or usufructuary, or when he had a lien over the thing for his outlay on it. [DOMINIUM.] Not only a vindicatio rei was maintained by formula petitoria, but also an action respecting a servitude or inheritance. The formula was adapted by means of a fiction to praetorian actiones in rem, of which the actio Publiciana is the chief example (Gaius, iv. 36). The formula petitoria ceased with the system of procedure to which it belonged, but the principles on which it was based were still adhered to. (Kritz, *Darstellung*, Bk. i.; Wetzell, *Der röm. Vind.*; Klagen, *Der Lehre vom Eigenthum;* Brintz, *Pandekten*, §§ 167, 168; Windscheid, *Pand.* § 193; DOMINIUM.) [E. A. W.]

VINDICTA. This word is used by Gaius (iv. 16) in describing the proceedings of a vindicatio for the rod or wand in place of a spear, by which each vindicant forcibly asserted his dominium [VINDICATIO], and it frequently signifies the rod with which a slave was struck when he was manumitted before the Praetor [MANUMISSIO]. Another meaning of vindicta was self-redress exercised by an injured party against the party committing the injury; and hence *vindicta* came to signify "vengeance," "revenge," the Italian *vendetta*. To prevent persons from taking the law into their own hands by forcible self-redress (*vindicta*) was a principal object of early law. Hence money compositions were gradually substituted in the place of vengeance, and actions were instituted for their recovery. In some cases the state itself took vengeance on criminals, and penalties were inflicted on those who broke the peace in seeking private satisfaction for their wrongs (Ihering, *Geist des römischen Rechts*, i. 122, &c.).

The actions which were given on account of delict came to be distinguished according as to whether they had for their object simply compensation, as in the *actio doli*, or simply to give the plaintiff a pecuniary penalty (*poena*), as in the *actio furti*, which was distinct from his claim to compensation, or to give him in one and the same proceeding both compensation and a penalty, as in the *actio vi bonorum raptorum* [FURTUM] (Savigny). There were, however, certain actions which, though they had for their immediate object money or property, had for their ultimate object satisfaction to the personal feelings of the injured party, and the term *vindicta* is used in a special sense to signify the personal satisfaction which is the object of these peculiar actions: *e.g.* the *actio de sepulcro violato*, which is one of them, is said "non ad rem familiarem, magis ad ultionem pertinere in sola vindicta constitui" (Dig. 47, 12, 6 and 10; cf. Dig. 29, 2, 20, § 5).

Civilians describe such actions as "actiones vindictam spirantes." Those actions of which vindicta is the object are distinguished from other actions by the fact that they are not transmissible to the heredes of the injured party, the injury not being so much to his property as to his person, and for the same reason they are not, like proprietary actions, capable of assignment. They also form exceptions to general rules as to the legal capacity of the plaintiff. It was a fundamental rule that a filiusfamilias could not maintain an action on his own account, all property which he acquired being acquired for his paterfamilias. But as vindicta and not damages or other property was the main object of the actions in question, they could, generally speaking, be brought by a filiusfamilias. So, too, a person who had acquired such a right of action did not lose it by a change of status (*capitis deminutio*), e.g. by arrogation, as in ordinary cases. It may, however, be doubted whether Savigny is right in thinking that all actions which were exceptional in these respects were considered to have vindicta for their object.

The following are cases of *actiones vindictam spirantes*:—

1. *Actio injuriarum*, or action on account of insult, by assault, libel, slander, &c. This was an action which could not be maintained by the heredes of the injured party. When a filiusfamilias was the subject of injuria, a wrong was done both to him and to his paterfamilias, for the latter was indirectly affected by the insult. The paterfamilias generally brought not only the action which he had on his own account, but also sued on account of the wrong to his filiusfamilias, as he acquired through his son all rights of action. But the filiusfamilias could bring an action in his own name with the permission of the Praetor, if his paterfamilias was absent, or was in any way prevented from bringing the action. The pecuniary damages, which were the immediate object of the action, belonged to the paterfamilias, so that the only immediate advantage which the filiusfamilias obtained for himself by bringing the action was the vindication of his honour. [It may be noticed that under the canon law a person who was insulted might claim in a judicial proceeding a public apology from the wrongdoer (46 Dist. c. 5).] If the son was emancipated, his right of action belonged exclusively to himself, and was not destroyed by the capitis deminutio (Inst. iv. 4; Dig. 47, 10; Cod. 9, 35).

2. *Actio sepulcri violati*, or action given on account of an intentional act of outrage to a grave or sepulchral monument. This could be brought by the children of the deceased, even if they refused the hereditas. The object was vindicta, which was effected by giving the plaintiff damages, which were assessed by the judex according to the gravity of the offence (Dig. 47, 12, 3, § 8: "qui de sepulcri violati actione judicant, aestimabunt, quatenus intersit, scilicet ex injuria, quae facta est, item ex lucro ejus, qui violavit, vel ex damno, quod contigit, vel ex temeritate ejus, qui fecit"). The right of action was not affected by capitis deminutio. The action could not be maintained by the heredes of the person injured. (If those who had a right to bring this action neglected to do so, any person might sue the delinquent for a penalty limited to 100 aurei by the Edict.)

3. The action on account of obstructing the burial of a corpse (Dig. 11, 7, 9).

4. *Actio de effusis et ejectis*, in respect of injury to a free person by something poured or thrown from a house (Dig. 9, 3, 5, § 5).

5. The action against a libertus in respect of an unauthorised *in jus vocatio* of his patron [PATRONUS]. If the libertus had proceeded against the son of his patron, and the father was absent, the son could institute the suit himself, as in the case of the *actio injuriarum*.

6. *Querela inofficiosi testamenti*, the character of the querelant being supposed to be affected by his disinherison [TESTAMENTUM].

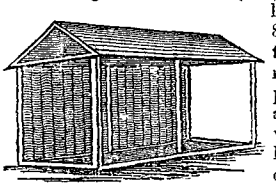
7. Actions for penalties on account of adultery (Dig. 24, 3, 15, § 1). Savigny also includes in this class of actions the *interdictum quod vi aut clam*, since it could be instituted by a filiusfamilias in his own name. He considers that the ground of this capacity of a filiusfamilias was an injury done to him personally by a person who acted in opposition to his remonstrance. If, for instance, the son inhabited a house belonging to his father or one hired from a stranger, and was disturbed in the enjoyment by some act of his neighbour, the filiusfamilias

might have an action for the amount of the damage, but the pecuniary satisfaction would belong to the father, as the case of the actio injuriarum. Savigny further includes in the same category *actiones populares*, which are actions in which the plaintiff claims a sum of money, but not as a private individual; he comes forward as a kind of representative of the state.

A filiusfamilias could bring such an action. By virtue of the *litis contestatio* [ACTIO] the action becomes the same as if it were founded on an obligatio, and this right of action as well as the money which may arise from it is acquired by the filiusfamilias for his paterfamilias. With the *populares actiones* may be classed, as belonging to the same kind, the *interdicta publica* or *popularia*, and that *operis novi nuntiatio* which is for the protection of *publicum jus;* with this distinction, that the proceedings have not for their object the recovery of a sum of money. But in the general capacity of all persons to bring such actions, independent of the general rules as to legal capacity, all these modes of proceeding agree. (Savigny, *System des heutigen römischer Rechts*, ii. 121; Vangerow, *Pandekten*, i. 145.)

[G. L.] [E. A. W.]

VI'NEA. According to the description of *vineae* given by A. Müller in Baumeister's *Denkmäler*, i. pp. 540–1, they differed from the *testudines* very slightly, viz. in not being so large and in having the sides open (Veg. iv. 15). They appear to have been used behind engines of assault to protect the men working those engines. They were called *στοΐδια* in Greek (Athen. *de Mech.* p. 31, Wescher), and Müller thinks that they were small testudines with open fronts and sides covered with skins or wicker-work. Vegetius mentions (*l. c.*) one as 16 feet long, 7 broad, and 8 high. Owing to their smallness, many were put behind one another. They were especially liable to be set on fire by the enemy (Liv. ii. 17, 2; v. 7, 3, &c.). We give a cut from Marquardt (*Staatsverw.* ii.² 530), also adopted by Schiller in Iwan Müller's *Handbuch*, iv. p. 740.



Vinea.

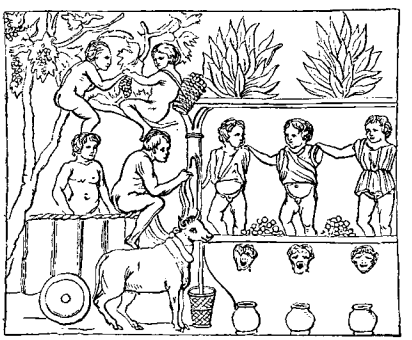
The *ἄμπελοι* described by Apollodorus (p. 141, Wescher) and Rüstow and Köchly (*Griech. Kriegswesen*, p. 313) are probably the *plutei* of the Romans [PLUTEUS]; though Droysen (*Griech. Kriegsalt.* p. 228) says that they are the same as the *vineae;* and certainly the similarity of the name lends some probability to this view. [L. C. P.]

VINUM (*οἶνος*). The general term for the fermented juice of the grape.

It appears pretty well established that the use of wine came to the Greeks from a Semitic source. The word *vinum* is undoubtedly borrowed from *οἶνος*, the neuter form, as in other cases, being due to a misunderstood accusative; and in spite of Curtius (*Gr. Etym.* No. 594) and A. Müller (Bezzenberger's *Beiträge*, i. 294), *οἶνος* is almost certainly of Semitic origin (cf. Arab. and Ethiop. *wain*, Heb. *jain*, which can hardly be, as Renan, *Hist. gén. des Langues Sémitiques*, p. 193, holds, borrowed from the Aryans). Mommsen's belief that *vinum* is not borrowed from *οἶνος*, but that both words go back to the common vocabulary of the two languages, is based mainly upon the hypothesis, now generally discredited, of a Graeco-Italic unity. The earliest home of the vine was the fertile country south of the Caucasus and the Caspian; and here we must place probably the first home of the Semites. So that the use of wine must be regarded as extending partly by land through Asia Minor and Thrace, in connexion with which it is worth while remembering the legend of Lycurgus, and also that Homer lays especial stress on the excellence of Thracian wine, and partly by the agency of Phoenician traders and Carian settlers. Mommsen argues that wine cannot have been introduced into Italy by Greeks: first, because the Latins kept their wine-feasts in honour of the native god Liber, not the Greek Bacchus; secondly, because according to the legend Mezentius demanded from the Latins or the Rutulians a tribute of wine, and the Kelts were attracted to invade Italy by the fame of its wine; and thirdly, because of the place which wine held in the early sacrificial ritual (*Hist. of Rome*, Bk. i. c. 13). A further proof is found in the name *Oenotria*, "land of the vine-pole," by which Italy was known to the Greeks. Hehn holds that legends point clearly to a time when wine was unknown; and that the fact that Jupiter Liber was the father of the vine only indicates a borrowing from Ζεὺς Ἐλευθέριος or Λύαιος. Both in Greece and in Italy wine was the only drink (besides water) at all in common use, and even slaves were freely supplied with it in historic times. But it is plain that wine was both rare and costly in the earlier ages of Italian and Roman history. Romulus is said to have used milk only in his offerings to the gods (Plin. *l. c.*): Numa to have prohibited the sprinkling of wine upon the funeral pyre; a law which Pliny (xiv. § 88) quotes to prove the costliness of wine, but which, like the story about Romulus, rather shows that it was believed to have been unknown in the earliest times. To stimulate the energies of the rustic population, Numa is also said to have ordained that it should be held impious to offer a libation to the gods of wine which had flowed from an unpruned stock. The story that Papirius the dictator, when about to join in battle with the Samnites, vowed to Jupiter a small cupful of honeyed wine (*mulsi pocillum*) if he should gain the victory, does not so much prove, as Pliny thinks, the dearness of wine, as the rough jesting humour of the general, especially as he added that he should follow this with a draught of *temetum* for himself. Soldiers, too, drank it at a triumph (see below). That wine was racked off into amphorae and stored up in regular cellars as early as the era of the Gracchi, Pliny considers proved by the existence in his own day of the *Vinum Opimianum*, described hereafter. But even then no specific appellation was given to the produce of different localities, and the jar was marked with the name of the consul alone. For many years after this foreign wines were considered far superior to native growths (one of the most

interesting signs of this being the 23 Rhodian amphorae recently found at Praeneste); and so precious were the Greek vintages esteemed in the times of Marius and Sulla that a single draught only was offered to the guests at a banquet. The rapidity with which luxury spread in this matter is well illustrated by the saying of M. Varro (Plin. xiv. § 96), that Lucullus when a boy never saw an entertainment in his father's house, however splendid, at which Greek wine was handed round more than once; but when in manhood he returned from his Asiatic conquests, he bestowed on the people a largess of more than a hundred thousand cadi. An imitated Greek wine was made at an early date, for making which Cato, 24, 112, and Colum. xii. 37, give rules. Four different kinds of wine are said to have been presented for the first time at the feast given by Julius Caesar in his third consulship (B.C. 46), these being Falernian, Chian, Lesbian, and Mamertine; and not until after this date were the merits of the numerous varieties, foreign and domestic, accurately known and fully appreciated. But during the reign of Augustus and his immediate successors the study of wines became a passion, and the most scrupulous care was bestowed upon every process connected with their production and preservation. Viticulture was very profitable, and the Italian wines became famous even as far as India (Arrian, *Peripl.* 6, 49). Pliny calculates that the number of wines in the whole world deserving to be accounted of high quality (*nobilia*) amounted to eighty, of which his own country could claim two-thirds (xiv. § 87); and in another passage (xiv. § 150) he asserts that 195 distinct kinds might be reckoned up, and that if all the varieties of these were to be included in the computation, the sum would be almost doubled (Plin. *H. N.* xiv. § 150).

The process followed in wine-making was essentially the same among both the Greeks and the Romans. After the grapes had been gathered, they were first trodden with the feet, as is represented in the following cut from an ancient relief (Mon. *Matth.* iii. tab. 45). Afterwards they were submitted to the action of the press. [TORCULAR.]



Treading the grapes. (From a relief.)

The sweet unfermented juice of the grape was termed γλεῦκος by the Greeks and *mustum* by the Romans, the latter word being properly an adjective signifying *new* or *fresh* (cf. Cato, *R. R.* 115). Of this there were several kinds distinguished according to the manner in which each was originally obtained and subsequently treated. That which flowed from the clusters, in consequence merely of their pressure upon each other before any force was applied, was known as πρόχυμα (Geopon. vi. 16) or *protropum* (Plin. *H. N.* xiv. § 85), and was reserved for manufacturing a particular species of rich wine described by Pliny (*l. c.*) to which the inhabitants of Mytilene gave the name of πρόδρομος or πρότροπος (Athen. i. p. 30 b, ii. p. 45 e). That which was obtained next, before the grapes had been fully trodden, was the *mustum lixivum*, and was considered best for keeping (Cato, *R. R.* 23; Geopon. vi. 16; Colum. xii. 41). After the grapes had been fully trodden and pressed, the mass was taken out, the edges of the husks cut (*circumcidunt extrema*), and the whole again subjected to the press: the result was the *mustum tortivum* or *circumcisicium* (Cato, *R. R.* 23; Varr. i. 54; Colum. xii. 36), which was set apart and used for inferior purposes.

A portion of the must was used at once, being drunk fresh after it had been clarified with vinegar (Geopon. vi. 15). When it was desired to preserve a quantity in the sweet state, an amphora was taken and coated with pitch within and without; it was filled with *mustum lixivum*, and corked so as to be perfectly air-tight. It was then immersed in a tank of cold fresh water or buried in wet sand, and allowed to remain for a month, six weeks, or two months. The contents after this process were found to remain unchanged for a year, and hence the name ἀεὶ γλεῦκος, i.e. *semper mustum* (Geopon. vi. 16; Plut. *Quaest. Nat.* 26; Cato, *R. R.* 120; Colum. xii. 29; Plin. *H. N.* xiv. § 83). This was probably the οἶνος of the Gospel parable of the wine-skins: at least it alone fulfils the necessary conditions of the case: cf. Farrar, *Excursus III.* on St. Luke. A considerable quantity of must from the best and oldest vines was inspissated by boiling, being then distinguished by the Greeks under the general names of ἕψημα or γλύξις (Athen. i. 31 e), while the Latin writers have various terms according to the extent to which the evaporation was carried. Thus, when the must was reduced to two-thirds of its original volume, it became *caroenum* (Pallad. Octobr. tit. xviii.); when one-half had evaporated, *defrutum* (Plin. *H. N.* xiv. § 80); when two-thirds, *sapa* (known also by the Greek names *siraeum* and *hepsema*, Plin. *l. c.*), but these words are frequently interchanged. (See Varr. *ap.* Non. p. 551 M.; Colum. xii. 19.) Similar preparations are at the present time called in Italy *musto cotto* and *sapa*, and in France *sabe*. The process was carried on in large caldrons (*vasa defrutaria*), over a slow fire of chips, on a night when there was no moon (Plin. xviii. § 318), the scum being carefully removed with leaves (Plin. *l. c.*; Verg. *Georg.* i. 296, iv. 269), and the liquid constantly stirred to prevent it from burning (Plin. xxiii. § 62; Cato, *R. R.* 105; Colum. xii. 19, 20, 21; Pallad. xi. 18; Dioscorid. v. 9). These grape-jellies—for they were nothing else—were used extensively for giving body to poor wines and making them keep, and entered as ingredients into many drinks, such as the *burranica potio*, so called from its red colour ("a rufo colore quem burrum vocant"), which was formed by mixing *sapa* with milk (Paul. D., s. v. *Burranica*; compare Ovid, *Fast.* iv. 782), and others described hereafter.

The whole of the mustum not employed for some of the above purposes was conveyed from the *lacus* to the *cella vinaria* (οἰνοθήκη, πιθεῶν, Geopon. vi. 2, 12), an apartment on the ground-floor or a little below the surface, placed in such a situation as to secure a moderate and equable temperature, and at a distance from dunghills or other objects emitting a strong odour (Varro, *R. R.* i. 13, 6; Plin. xiv. § 133; Geopon. *l. c.*). Here were the *dolia* (πίθοι), otherwise called *seriae* [DOLIUM], long bell-mouthed vessels of earthenware [hooped tubs of wood (*cupae* = *lignea vasa*) being employed in cold climates only, Plin. xiv. § 132], very carefully formed of the best clay and lined with a coating of pitch (πισσωθέντα, *picata*), the operation (πίσσωσις, *picatio*) being usually performed while they were hot from the furnace. They were usually sunk (*depressa, defossa, demersa*) one-half or two-thirds in the ground; to the former depth if the wine to be contained was likely to prove strong, to the latter if weak, and attention was paid that they should repose upon a dry bed. They were moreover sprinkled with sea-water or brine, fumigated with aromatic plants and rubbed with their ashes; all rank-smelling substances, such as rotten leather, garlic, cheese, and the like, being removed, lest they should impart a taint to the wine (Geopon. vi. 2, 3, 4; Cato, *R. R.* 23; Varro, i. 13; Colum. xii. 18, 25; Dig. 33, 6, 3). In these *dolia* the process of fermentation took place. They were not filled quite full, in order that the scum only might boil over, and this was also cleared off at regular intervals by skimming, and carried to a distance. The fermentation usually lasted for about nine days; and as soon as it had subsided and the *mustum* had become *vinum*, the dolia were closely covered, the upper portion of their interior surface as well as the lids (*opercula doliorum*) having been previously well rubbed over with a compound of defrutum, saffron, old pitch, mastic, and fir-cones (Geopon. vi. 12; Cato, *R. R.* 107; Varro, i. 65; Colum. xii. 25, 80). The *opercula* were taken off about once every thirty-six days, and oftener in hot weather, in order to cool and give air to the contents, to add any preparation required to preserve them sound, and to remove any impurities that might be thrown up. Particular attention was paid to the peculiar light scum, the ἄνθος οἴνου (*flos vini*), which frequently appeared on the surface after a certain time, since it was supposed to afford indications by its colour and consistence of the quality of the wine. If red (πορφυρίζον), broad, and soft, it was a sign that the wine was sound, though Pliny regards it as a bad sign, except with red wine; if glutinous, it was a bad symptom; if black or yellow, it denoted want of body; if white, it was a proof that the wine would keep well (μόνιμον). Each time that the opercula were replaced they were well rubbed with fir-cones (Geopon. vii. 15; Colum. xii. 38). [THYRSUS.]

The commoner sorts of wine were drunk direct from the dolium, and hence draught wine was called *vinum doliare* or *vinum de cupa* (Dig. 18, 6, 1, 4; Hor. *Epod.* ii. 47, "horna dulci vina promens dolio;" Cic. *in Pis.* 27, 67, "vinum de cupa"); but the finer kinds, such as were yielded by choice localities and possessed sufficient body to bear keeping, were drawn off (*diffundere*, μεταγγίζειν), generally the next spring, into *amphorae, cadi* or *lagoenae*, many fanciful precautions being observed in transferring them from the larger to the smaller vessel (Geopon. vii. 5, 6). These *amphorae* were made of earthenware, and in later times occasionally of glass; they were stoppered tight by a plug of wood or cork (*cortex, suber*), which was rendered impervious to air by being smeared over with pitch, clay, or gypsum (Cato, *R. R.* 120; Hor. *Carm.* iii. 8, 10). The practice of using cork seems to have been comparatively late, and to have been introduced from Gaul (Hehn, *Kulturpflanzen*,[3] p. 511). On the outside the title of the wine was painted, the date of the vintage being marked by the names of the consuls then in office; or when the jars were of glass, little tickets (*pittacia, tesserae*) were suspended from them indicating these particulars (Petron. 34). The amphorae were then stored up in repositories (*apothecae*, Colum. i. 6; Plin. *Ep.* ii. 17; *horrea*, Senec. *Ep.* 115; *tabulata*, Colum. xii. 41) completely distinct from the *cella vinaria*, and usually placed in the upper story of the house (whence *descende, testa*, Hor. *Carm.* iii. 21, 7; *deripere horreo*, iii. 28, 7) for a reason explained afterwards.

It is manifest that wines prepared and bottled, if we may use the phrase, in the manner described above, must have contained a great quantity of dregs and sediment, and it became absolutely necessary to separate these before it was drunk. This was sometimes effected by fining with yolks of eggs, those of pigeons being considered most appropriate by the fastidious (Hor. *Sat.* ii. 4, 56), or with the whites whipped up with salt (Geopon. vii. 22), but more commonly by simply straining through small cup-like utensils of silver or bronze perforated with numerous small holes, and distinguished by the various names ὑλιστήρ, τρύγοιπος, ἠθμός, *colum vinarium* (Geopon. vii. 37). [COLUM.] Occasionally a piece of linen cloth (σάκκος, *saccus*) was placed over the τρύγοιπος or *colum* (Pollux, vi. 19, x. 75) and the wine (σακκίας, *saccatus*) filtered through (Martial, viii. 45). The use of the *saccus* was considered objectionable for all delicate wines, since it was believed to injure (Hor. *Sat.* ii. 4, 54) if not entirely to destroy their flavour, and in every instance to diminish the strength of the liquor. For this reason it was employed by the dissipated in order that they might be able to swallow a greater quantity without becoming intoxicated (Plin. xiv. § 138, cf. xix. § 53; Cic. *de Fin.* ii. 8, 23). The double purpose of cooling and weakening was effectually accomplished by placing ice or snow in the filter, which under such circumstances became a *colum nivarium* (Martial, xiv. 103) or *saccus nivarius* (xiv. 104).

The wine procured from the *mustum tortivum*, which was always kept by itself, must have been thin and poor enough, but a still inferior beverage was made by pouring water upon the husks and stalks after they had been fully pressed, allowing them to soak, pressing again, and fermenting the liquor thus obtained. This, which was given to labourers in winter instead of wine, was the θάμνα or δευτέριος of the Greeks, the *lora* or *vinum operarium* of the Romans, and according to Varro (Non. p. 551 M.) was, along with sapa, defrutum, and passum, the drink of

elderly women. (See Athen. x. p. 440.) The Greeks added the water in the proportion of $\frac{1}{3}$ of the must previously pressed out, and then boiled down the mixture until $\frac{1}{3}$ had evaporated; the Italians added the water in the proportion of $\frac{1}{10}$ of the must, and threw in the skimmings of the defrutum and the dregs of the lacus. Another drink of the same character was the *faecatum* from wine-lees, and we hear also of *vinum praeliganeum* given to the vintagers, which appears to have been manufactured from inferior and half-ripe fruit gathered before the regular period (Geopon. vi. 3; Cato, *R. R.* 23, 57, 153; Varro, i. 54; Colum. xii. 40; Plin. xiv. § 86). We find an analogy to the above processes in the manufacture of cider, the best being obtained from the first squeezing of the apples and the worst from the pulp and skins macerated in water.

In all the best wines hitherto described the grapes are supposed to have been gathered as soon as they were fully ripe and fermentation to have run its full course. But a great variety of sweet wines were manufactured by checking the fermentation, or by partially drying the grapes, or by converting them completely into raisins. The γλυκὺς οἶνος of the Geoponic writers (vii. 19) belongs to the first class. Must obtained in the ordinary manner was thrown into the dolia, which remained open for three days only and were then partially covered for two more; a small aperture was left until the seventh day, when they were luted up. If the wine was wished to be still sweeter, the dolia were left open for five days and then at once closed. The free admission of air being necessary for brisk fermentation, and this usually continuing for nine days, it is evident that it would proceed weakly and imperfectly under the above circumstances. For the *Vinum Dulce* of Columella (xii. 27) the grapes were to be dried in the sun for three days after they were gathered, and trodden on the fourth during the full fervour of the mid-day heat. The *mustum lixivum* alone was to be used, and after the fermentation was finished an ounce of well-ground iris-root was added to each 50 sextarii; the wine was racked off from the lees, and was found to be sweet, sound, and wholesome (Colum. *l.* c.). For the *Vinum Diachytum*, more luscious still, the grapes were exposed to the sun for seven days upon hurdles (Plin. *H. N.* xiv. § 84).

Lastly, *Passum* or *raisin-wine* was made from grapes which were dried in the sun until they had lost half their weight, or plunged into boiling oil, which produced a similar effect, or the bunches after they were ripe were allowed to hang for some weeks upon the vine, the stalks being twisted or an incision made into the pith of the bearing shoot so as to put a stop to vegetation. The stalks and stones were removed, the raisins were steeped in must or good wine, and then trodden or subjected to the gentle action of the press. The quantity of juice which flowed forth was measured, and an equal quantity of water added to the pulpy residuum, which was again pressed and the product employed for an inferior passum called *secundarium*, an expression exactly analogous to the δευτέριος mentioned above. The passum of Crete was most prized (Mart. xiii. 106; Juv. xiv. 270), and next in rank were those of Cilicia, Africa, Italy, and the neighbouring provinces. The kinds known as *Psithium* or *Psythium* and *Melampsythium* possessed the peculiar flavour of the grape and not that of wine; the *Scybelites* from Galatia and the *Aluntium* from Sicily in like manner tasted like must. The grapes most suitable for passum were those which ripened early, especially the varieties *Apiana* (called by the Greeks *Psithia*) and *Scripula* (Geopon. vii. 18; Colum. xii. 39; Plin. *H. N.* xiv. § 8; Verg. *Georg.* ii. 93; Stat. *Silv.* iv. 9, 38). Passum was known to Plautus (*Pseud.* 741).

The Greeks recognised three colours in wines: *red* (μέλας), *white*, i.e. pale straw-colour (λευκός), and *brown* or amber-coloured (κιρρός). (Athen. i. p. 32 c.) Pliny distinguishes four: *albus* answering to λευκός, *fulvus* to κιρρός, while μέλας is subdivided into *sanguineus* and *niger*, the former being doubtless applied to bright glowing wines like Tent and Burgundy, while the *niger* or *ater* (Plaut. *Menaech.* 915) would resemble Port. (Ussing on *v.* 900 is probably wrong in regarding the epithet as an intentionally absurd one. In modern Greek red wine is called κρασὶ μαυρό.) In the ordinary Greek authors the epithet ἐρυθρὸς is as common as μέλας, and will represent the *sanguineus*.

We have seen that wine intended for keeping was racked off from the dolia into amphorae. When it was necessary in the first instance to transport it from one place to another, or when carried by travellers on a journey, it was put into bags made of goat-skin (ἀσκοί, *utres*), well pitched over so as to make the seams perfectly tight. (Cf. the commentators on Matt. ix. 17 = Mark ii. 22, Luke v. 37, and especially Tristram, *Nat. Hist. Bib.* p. 92.) The cut below, from a bronze found at Herculaneum (*Mus. Borbon.* vol. iii. tav. 28), exhibits a Silenus astride upon

Silenus on a wine-skin. (*Mus. Borbon.*)

one of them. When the quantity was large, a number of hides were sewn together, and the leathern tun thus constructed carried from place to place in a cart, as shown in the illus-

tration under AMPHORA. (Compare Lucian, *Lex.* 6.)

Among the ancients recourse was had to various devices for preventing or correcting acidity, heightening the flavour, and increasing the durability of the inferior kinds of wine. This subject was reduced to a regular system by the Greeks: Pliny, xiv. § 120, mentions four authors who had written formal treatises, and the authors of the Geoponic collection, together with Cato, Varro, and Columella, supply a multitude of precepts upon the same topic. The object in view was accomplished sometimes by merely mixing different kinds of wine together, but more frequently by throwing into the dolia or amphorae various condiments or seasonings (ἀρτύσεις, *medicamina*, *conditurae*). When two wines were mixed together, those were selected which possessed opposite good qualities and defects (Athen. i. p. 32, 6). Connoisseurs, however, justly valued most those wines which needed no such treatment (Col. xii. 19, 2; Plin. xxiii. § 45).

The principal substances employed as *conditurae* were—1. sea-water; 2. turpentine, either pure, or in the form of pitch (*pix*), tar (*pix liquida*), or resin (*resina*); 3. lime, in the form of gypsum, burnt marble, or calcined shells; 4. inspissated must; 5. aromatic herbs, spices, and gums: and these were used either singly, or cooked up into a great variety of complicated confections.

We have already seen that it was customary to line the interior of both the dolia and the amphorae with a coating of pitch; but besides this it was common to add this substance, or resin, in powder, to the must during the fermentation, from a conviction that it not only rendered the wine more full-bodied, but also communicated an agreeable bouquet, together with a certain degree of raciness or piquancy (Plin. *N. H.* xiv. § 124; Plutarch, *Symp.* v. 3). In Greece the peasants still drink little but ῥετσινατό, which is supposed to be a wholesome corrective to bad food. Wine of this sort, however, when new (*novicium resinatum*) was accounted unwholesome and apt to induce headache and giddiness (Plin. xxiii. § 46). From this circumstance it was denominated *crapula*. It was found to be serviceable in checking the fermentation of the must when too violent.

It must be remembered, that when the vinous fermentation is not well regulated, it is apt to be renewed, in which case a fresh chemical change takes place, and the wine is converted into vinegar (ὄξος, *acetum*), and this acid, again, if exposed to the air, loses its properties and becomes perfectly insipid, in which form it was called *vappa* by the Romans, who used the word figuratively for a worthless blockhead.

Now the great majority of inferior wines, being thin and watery, and containing little alcohol, are constantly liable to undergo these changes, and hence the disposition to acescence was closely watched and combated as far as possible. With this view those substances were thrown into the dolia which it was known would neutralise any acid which might be formed, such as vegetable ashes, which contain an alkali, gypsum, and pure lime, besides which we find a long list of articles, which must be regarded as preventives rather than correctives, such as the various preparations of turpentine already noticed, almonds, raisins steeped in must, parched salt, goat's milk, cedar-cones, gall-nuts, blazing pine-torches, or red-hot irons quenched in the liquid, and a multitude of others (Geopon. vii. 12, 15, 16, &c.). But in addition to these, which are all harmless, we find some traces of the use of the highly poisonous salts of lead for the same purpose (Geopon. vii. 19), a practice which produced the most fatal consequences in the Middle Ages, and was prohibited by a series of the most stringent enactments. (See Beckmann's *History of Inventions*, vol. i. p. 396, trans.)

Defrutum also was employed to a great extent; but being itself liable to turn sour, it was not used until its soundness had been tested by keeping it for a year. It was then introduced, either in its simple state, in the proportion of a sextarius to the amphora—that is, of 1 to 48—or it was combined with a great variety of aromatics, according to a prescription furnished by Columella (xii. 20). In this receipt, and others of the same kind, the various herbs were intended to give additional efficacy to the nourishing powers of the defrutum, and great pains were taken to prevent them from affecting the taste of the wine. But from a very early period it was customary to flavour wines highly by a large admixture of perfumes, plants, and spices. We find a spiced drink (ἐξ ἀρωμάτων κατασκευαζόμενος) noticed under the name of τρίμμα by Athenaeus and the writers of the New Comedy (Athen. i. p. 31 e; Pollux, vi. 18), and for the whole class Pliny has the general term *aromatites* (xiv. § 107).

There was another and very numerous family of wines, entitled οἶνοι ὑγιεινοί, into which drugs were introduced to produce medicinal effects. Such were *vinum marrubii* (horehound) for coughs; the *scillites* (squill-wine), to assist digestion, promote expectoration, and act as a general tonic; *absinthites* (wine of wormwood), corresponding to the modern *vermuth*, and above all the *myrtites* (myrtle-berry wine), which possessed innumerable virtues (Columell. xii. 32–39; Geopon. viii. 1, &c.).

Pliny, under the head of *vina ficticia*, includes not only the οἶνοι ὑγιεινοί, but a vast number of others bearing a strong analogy to our British home-made wines, such as cowslip, ginger, elderberry, and the like; and as we manufacture champagne out of gooseberries, so the Italians had their imitations of the costly vintages of the most favoured Asiatic isles. These *vina ficticia* were, as may be imagined, almost countless, every variety of fruit, flower, vegetable, shrub, and perfume being put in requisition: figs, cornels, medlars, roses, asparagus, parsley, radishes, laurels, junipers, cassia, cinnamon, saffron, nard, malobathrum, afford but a small sample. It must be remarked, that there was one material difference between the method followed by the Greeks and that adopted by the Romans in cooking these potions. The former included the drug, or whatever it might be, in a bag, which was suspended in a jar of wine, and allowed to remain as long as was thought necessary; the latter mixed the flavouring ingredient with the sweet must, and fermented them together, thus obtaining a much more powerful extract; and this is the plan pursued

for British wines, except that we are obliged to substitute sugar and water for grape-juice (Geopon. viii. 32, 33, 34; Plin. *H. N.* xiv. § 98 ff.; Colum. *ll. cc.*; Cato, *R. R.* 114, 115).

But not only were spices, fragrant roots, leaves, and gums steeped in wine or incorporated during fermentation, but even the precious perfumed essential oils (*unguenta*) were mixed with it before it was drunk. The Greeks were exceedingly partial to this kind of drink (Aelian, *V. H.* xii. 31). We also learn from Aelian (*l. c.*) that it was named *μυρρινίτης*, which seems to be the same with the *μυρρίνης* of Poseidippus (Athen. i. p. 32 b), the *μυρρίνη* of Hesychius, the *μυρίνης* of Pollux (vi. 2), and the *murrina* of Plautus (*Pseudol.* 745; compare *nardini amphoram*, *Miles Gl.* 824; Paul. D., s. vv. *Murrata potio* and *Murrina*). Others, however, take the *murrina* to be identical with *myrtites*, i.e. wine either made from myrtle-berries or with an infusion of them (Col. *l. c.*; cf. Ussing *ad loc.*). The Romans were not slow to follow the example set them, valuing bitterness so highly, says Pliny (*H. N.* xiii. § 25), that they were resolved to enjoy costly perfumes with two senses; and hence the expressions *foliata sitire* in Martial (xiv. 110) and *perfusa mero spumant unguenta Falerno* in Juvenal (vi. 303).

In a more primitive age we detect the same fondness for the admixture of something extraneous. Hecamede, when preparing a draught for Nestor, fills his cup with Pramnian wine, over which she grates goat-milk cheese and sprinkles the whole with flour (*Il.* xi. 638), the latter being a common addition at a much later epoch (Athen. x. p. 432). So also the draught administered by Circe (*Od.* x. 234) consisted of wine, cheese, barley-meal, and honey; and according to Theophrastus (Athen. i. p. 32 a) the wine drunk in the prytaneum of the Thasians was rendered delicious by their throwing into the jar which contained it a cake of wheaten flour kneaded up with honey. (Compare Plut. *Symp.* i. 1, 4.)

This leads us on to notice the most generally popular of all these compound beverages, the *οἰνόμελι* of the Greeks, the *mulsum* of the Romans. This was of two kinds; in the one honey was mixed with wine, in the other with must. The former was said to have been invented by the legendary hero Aristaeus, the first cultivator of bees (Plin. xiv. § 53), and was considered most perfect and palatable when made of some old rough (*austerum*) wine, such as Massic or Falernian (although Horace objects to the latter for this purpose, *Sat.* ii. 4, 24), and new Attic honey (Mart. iv. 13, xiii. 108; Dioscor. v. 16; Macrob. *Sat.* vii. 12). The proportions as stated in the Geoponic collection were four, by measure, of wine to one of honey; and various spices and perfumes, such as myrrh, cassia, costum, malobathrum, nard, and pepper, might be added. The second kind, the *oenomelum* of Isidore (*Orig.* xx. 3, § 11), according to the Greek authorities (Geopon. viii. 26), was made of must evaporated to one-half of its original bulk, Attic honey being added in the proportion of one to ten. This, therefore, was merely a very rich fruit syrup, in no way allied to wine. The virtues of *mulsum* are detailed by Pliny (*H. N.* xxii. § 60; cf. Geopon. *l. c.*); it was considered the most appropriate draught upon an empty stomach, and was therefore swallowed immediately before the regular business of a repast began (Hor. *Sat.* ii. 4, 25; Senec. *Ep.* 122; Petron. 34), and hence the whet (*gustatio*) coming before the cup of mulsum was called the *promulsis* (Cic. *ad Fam.* ix. 16, 8, and 20, 1). We infer from Plautus (*Bacch.* 967, 1071; compare Liv. xxxviii. 55, 2) that *mulsum* was given at a triumph by the Imperator to his soldiers.

Mulsum (sc. *vinum*) or *οἰνόμελι* is perfectly distinct from *mulsa* (sc. *aqua*). The latter, or *mead*, being made of honey and water mixed and fermented, is the *μελίκρατον* or *ὑδρόμελι* of the Greeks (Geopon. viii. 28; Dioscorid. v. 9; Col. xii. 12, 3; Isidor. *Orig.* xx. 3, § 10; Plin. *H. N.* xiv. § 113), although Pollux confounds (vi. 2) *μελίκρατον* with *οἰνόμελι*. Again, *ὑδρόμηλον* (Geopon. viii. 27) or *hydromelum* (Isidor. *Orig.* xx. 3, § 11) was cider; *ὀξύμελι* (Plin. *H. N.* xiv. § 114) was a compound of vinegar, honey, salt, and pure water, boiled together and kept for a long time; *ῥοδόμελι* was a mere confection of expressed juice of rose-leaves and honey (Geopon. viii. 29).

The ancients considered old wine not only more grateful to the palate but also more wholesome and invigorating (Athen. i. p. 26 a; ii. p. 36 e). Generally speaking, the Greek wines do not seem to have required a long time to ripen (cf. Theocr. vii. 147). Nestor in the Odyssey, indeed, drinks wine ten years old (iii. 391), and wine kept for sixteen years is incidentally mentioned by Athenaeus (xiii. p. 584 b); but the connoisseurs under the Empire pronounced that all transmarine wines arrived at a moderate degree of maturity (*ad vetustatem mediam*) in six or seven (Plin. xiv. 79). Many of the Italian varieties, however, as we shall see below, required to be kept for twenty or twenty-five years before they were drinkable (which is now considered ample for our strongest ports), and even the humble growths of Sabinum were stored up for from four to fifteen (Hor. *Carm.* i. 9, 7; Athen. i. p. 26). Hence it became a matter of importance to hasten, if possible, the natural process. This was attempted in various ways: sometimes by elaborate condiments (Geopon. vii. 24), sometimes by sinking vessels containing the must in the sea, by which an artificial mellowness was induced (*praecox vetustas*), and the wine in consequence termed *thalassites* (Plin. *H. N.* xiv. § 78); but more usually by the application of heat (Plut. *Symp.* v. 3). Thus it was customary to expose the amphorae for some years to the full fervour of the sun's rays, or to construct the *apothecae* in such a manner as to be exposed to the hot air and smoke of the bath-furnaces (Colum. i. 6, 20); and hence the name *fumaria* applied to such apartments, and the phrases *fumosos*, *fumum bibere*, *fuligine testae* in reference to the wines (Tibull. ii. 1, 26; Hor. *Carm.* iii. 8, 11; Juv. v. 35). If the operation was not conducted with care, and the amphorae not stoppered down perfectly tight, a disagreeable effect would be produced on the contents, and it is in consequence of such carelessness that Martial pours forth his maledictions on the fumaria of Marseilles (x. 36; iii. 82, 22; xiii. 123).

The year B.C. 121 is said to have been a season singularly favourable for all the productions of the earth; from the great heat of the autumn

the wine was of an unprecedented quality, and remained long celebrated as the *Vinum Opimianum*, from L. Opimius the consul of that year, who slew C. Gracchus. (Cic. *Brut.* 83, 287; Mart. i. 26, 5, &c.) A great quantity had been treasured up and sedulously preserved, so that samples were still in existence in the days of the elder Pliny, nearly two hundred years afterwards. It was reduced, he says, to the consistence of rough honey, and, like other very old wines, so strong and harsh and bitter as to be undrinkable until largely diluted with water. Such wines, however, he adds, were useful for flavouring others when mixed in small quantities (xiv. §§ 55, 94).

Our most direct information with regard to the price of common wine in Italy is derived from Columella (iii. 3, § 10), who reckons that the lowest market price of the most ordinary quality was 300 sesterces for 40 urnae; that is, 15 sesterces for the amphora, or 6*d.* a gallon nearly. At a much earlier date, the triumph of L. Metellus during the First Punic War (B.C. 250), wine was sold at the rate of 8 asses the amphora (Varro, *ap.* Plin. *H. N.* xviii. § 17), but this is quoted as an instance of extraordinary cheapness, and in the year B.C. 89 the censors P. Licinius Crassus and L. Julius Caesar issued a proclamation that no one should sell Greek and Aminean wine at so high a rate as 8 asses the amphora; but this was probably intended as a prohibition to their being sold at all, in order to check the taste then beginning to display itself for foreign luxuries, for we find that at the same time they positively forbade the use of exotic unguents (Plin. *H. N.* xiv. § 95, xiii. § 24).

The price of native wine at Athens was four drachmas for the metretes—that is, about 4½*d.* the gallon—when necessaries were dear, and Boeckh considers that we may assume one-half of this sum as the average of cheaper times. In fact, we find in an agreement in Demosthenes (*in Lacrit.* p. 928) 3000 jars (κεράμια) of Mendaean wine, which we know was used at the most sumptuous Macedonian entertainments (Athen. iv. p. 129 d), valued at 600 drachmas. If the κεράμιον is rightly estimated as about two-thirds of the ἀμφορεύς, and as holding nearly six gallons, this gives little more than 2*d.* a gallon; but still more astonishing is the marvellous cheapness of Lusitanian wine, of which more than ten gallons were sold for 3*d.* Of course we must remember that the purchasing power of money was far higher then than at present. On the other hand, high prices were given freely for the varieties held in esteem, since, as early as the time of Socrates, a metretes of Chian sold for a mina (Plut. *de Anim. Tranquill.* 10; Boeckh, *P. E.*, Book i. c. xvi.).

With respect to the way in which wine was drunk, and the customs observed by the Greeks and Romans at their drinking entertainments, the reader is referred to the article SYMPOSIUM.

It now remains for us to name the most esteemed wines, and to point out their localities; but our limits will allow us to enumerate none but the most celebrated. As far as those of Greece are concerned, our information is scanty; since in the older writers we find but a small number defined by specific appellations, the general term *οἶνος* usually standing alone without any distinguishing epithet. The wine of most early celebrity was that which the minister of Apollo, Maron, who dwelt upon the skirts of Thracian Ismarus, gave to Ulysses. It was red (ἐρυθρόν), and honey-sweet (μελιηδέα): so precious, that it was unknown to all in the mansion, save the wife of the priest and one trusty housekeeper; so strong, that a single cup was mingled with twenty of water; so fragrant, that even when thus diluted it diffused a divine and most tempting perfume (*Od.* ix. 208). Pliny (*H. N.* xiv. § 54) asserts that wine was produced in the same region in his own day, which would bear eight times its own amount of water. Homer mentions also more than once (*Il.* xi. 638; *Od.* x. 234) *Pramnian wine* (*οἶνος Πράμνειος*), an epithet which is variously interpreted by certain different writers (Athen. i. p. 22 f). The Scholiast on *Il.* l. c. explains that it got its name from a hill in Caria. It seems to have been rather the name of a kind of vine. (Cf. Ebeling, *Lex. Hom.* s. v.) In after-times a wine bearing the same name was produced in the island of Icaria, around the hill village of Latorea, in the vicinity of Ephesus, in the neighbourhood of Smyrna near the shrine of Cybele, and in Lesbos (Athen. i. p. 30 c, &c.; Plin. xiv. § 54). The Pramnian of Icaria is characterised by Eparchides as dry (*σκληρός*), harsh (*αὐστηρός*), astringent and remarkably strong,—qualities which, according to Aristophanes, rendered it particularly unpalatable to the Athenians (Athen. i. p. 30 c).

But the wines of greatest renown during the brilliant period of Grecian history and after the Roman conquest were grown in the islands of Thasos, Lesbos, Chios, and Cos, and in a few favoured spots on the opposite coast of Asia (Strabo, xiv. p. 637), such as the slopes of Mount Tmolus, the ridge which separates the valley of the Hermus from that of the Caÿster (Plin. v. § 110; Verg. *Georg.* ii. 97; Ovid, *Met.* vi. 15); Mount Messogis, which divides the tributaries of the Caÿster from those of the Maeander (Strabo, xiv. p. 650); the volcanic region of the Catacecaumene (Vitruv. iii. 3), which still retains its fame (Keppel's *Travels*, ii. p. 355); the environs of Ephesus (Dioscorid. v. 12), of Cnidus (Athen. i. p. 29 a), of Miletus (Athen. *l. c.*), and of Clazomenae (Plin. xiv. § 73 f). Among these the first place seems to have been by general consent conceded to the *Chian*, of which the most delicious varieties were brought from the heights of Ariusium, in the central parts (Verg. *Ecl.* v. 71; Plin. *H. N.* xiv. § 73; Silius, vii. 210), and from the promontory of Phanae at the southern extremity of the island (Verg. *Georg.* ii. 98). The *Thasian* and *Lesbian* occupied the second place, and the *Coan* disputed the palm with them (Athen. i. pp. 28, 29, &c.). In Lesbos the most highly prized vineyards were around Mytilene (Athen. i. p. 30 b; iii. p. 86 e, p. 92 d), and Methymna (Athen. viii. p. 363 b; Pausan. x. 19; Verg. *Georg.* ii. 89; Ovid, *Ar. Am.* i. 57). Pliny (xiv. § 73), who gives the preference over all others to the *Clazomenian* because it was least flavoured with brine, says that the Lesbian had naturally a taste of salt water, while the epithet "innocens," applied by Horace (*Carm.* i. 17, 21), seems to point out that it was light and wholesome.

It may here be observed that there is no foundation whatever for the remark that the

finest Greek wines, especially the products of the islands in the Aegean and Ionian seas, belonged for the most part to the luscious sweet class. The very reverse is proved by the epithets *αὐστηρός*, *σκληρός*, *λεπτός*, and the like, applied to a great number, while *γλυκὺς* and *γλυκάζων* are designations comparatively rare, except in the vague language of poetry. "Vinum omne dulce minus odoratum," says Pliny (*H. N.* xiv. § 80), and the ancients appear to have been fully sensible that sweet wines could not be swallowed either with pleasure or safety, except in small quantities. The mistake has arisen from not perceiving that the expressions *οἶνος γλυκὺς* and *οἶνος ἡδὺς* are by no means necessarily synonymous. The former signifies wine *positively sweet*, the latter wine agreeable to the taste from the *absence of acidity*, in most cases indicating nothing more than *sound wine*.

It is well known that all the most noble Italian wines, with a very few exceptions, were derived from Latium and Campania, and for the most part grew within a short distance of the sea. "The whole of these places," says Strabo (v. p. 234), when describing this coast, "yield excellent wine; among the most celebrated are the Caecuban, the Fundanian, the Setinian, and so also are the Falernian, the Alban, and the Statinian." But the classification adopted by Pliny (xiv. § 59 f.) will prove our best guide, and this we shall follow to a certain extent.

In the first rank, then, we must place the *Setinum*, which fairly deserves the title of *Imperial*, since it was the chosen beverage of Augustus and most of his courtiers. It grew upon the hills of Setia, above Forum Appii, looking down upon the Pomptine marshes. ("Pendula Pomptinos quae spectat Setia campos," Mart. xiii. 112; see also vi. 86, ix. 3, x. 74, xiii. 112; Juv. v. 34; Silius, viii. 378; Plin. *H. N.* l. c.) Before the age of Augustus the *Caecubum* was the most prized of all. It grew in the poplar swamps bordering on the gulf of Amyclae, close to Fundi (Mart. xiii. 115). In the time of Pliny its reputation was entirely gone, partly in consequence of the carelessness of the cultivators, and partly from its proper soil, originally a very limited space, having been cut up by the canal of Nero extending from Baiae to Ostia. Cf. Plin. xxiii. § 35: "Caecuba jam non gignuntur." The name, however, continued to be used for any first-class wine (Galen, x. p. 834). Galen (Athen. i. p. 27 a) represents it as generous, full-bodied, and heady, not arriving at maturity until it had been kept for many years (Plin. *l. c.*; Strabo, v. p. 231; Mart. xiii. 115; Hor. *Carm.* i. 20, 9, iii. 23, 2, &c.).

The second rank was occupied by the *Falernum*, of which the *Faustianum* was the most choice variety, having gained its character from the care and skill exercised in the cultivation of the vines; but when Pliny wrote, it was beginning to fall in public estimation, in consequence of the growers being more solicitous about quantity than quality. The *Falernus ager*, concerning the precise limits of which there have been many controversies, commenced at the Pons Campanus, on the left hand of those journeying towards the Urbana Colonia of Sulla (cf. *Dict. Geog.* s. v.); the *Faustianus ager* at a village about six miles from Sinuessa, so that the whole district in question may be regarded as stretching from the Massic hills to the river Vulturnus. Falernian became fit for drinking in ten years, and might be used when twenty years old, but when kept longer gave headaches, and proved injurious to the nervous system (Plin. xxiii. § 34). Pliny distinguishes three kinds, the rough (*austerum*), the sweet (*dulce*), and the thin (*tenue*); Galen (*ap.* Athen. i. p. 26 c) two only, the rough (*αὐστηρὸν*) and the sweetish (*γλυκάζων*). When the south wind prevailed during the season of the vintage, the wine was sweetish and darker in colour (*μελάντερος*); but if the grapes were gathered during weather of a different description, it was rough and tawny or amber-coloured (*κιρρός*). The ordinary appearance of Falernian, which has been made a theme of considerable discussion, seems to be determined by a passage in Pliny (*H. N.* xxxvii. § 47), in which we are informed that the finest amber was named *Fulerna*. Others arranged the varieties differently; that which grew upon the hill-tops they called *Caucinum*, that on the middle slopes *Faustianum*, that on the plain *Falernum* (Plin. *l. c.*; Athen. i. p. 26 c; Hor. *Carm.* i. 20, 10; Prop. iv. 6; Martial, ix. 95; Silius, vii. 159). It was unknown to Plautus and Cato, but occurs in Catullus and Varro.

In the third rank was the *Albanum*, from the Mons Albanus (*Mons Iuleus*, Mart. xiii. 109), of various kinds, very sweet (*praedulce*), sweetish (*γλυκάζων*), rough (Plin. xxiii. § 36), and sharp (*ὀμφακίας*); it was invigorating (*nervis utile*), and in perfection after being kept for fifteen years (Plin. *ll. cc.*; Mart. xiii. 109; Hor. *Sat.* ii. 8, 14; Juv. v. 33; Athen. i. p. 26 d). Here too we place the *Surrentinum*, from the promontory forming the southern horn of the bay of Naples, which was not drinkable until it had been kept for five-and-twenty years; for, being destitute of richness (*ἀλιπὴς*) and very dry (*ψαφαρός*), it required a long time to ripen, but was strongly recommended to convalescents, on account of its thinness and wholesomeness. Galen, however, was of opinion that it agreed with those only who were accustomed to use it constantly; Tiberius was wont to say that the physicians had conspired to dignify what was only *generous vinegar;* while his successor, Gaius Caesar, styled it *nobilis vappa* (Plin. xiv. § 64; Athen. *l. c.*). Of equal reputation were the *Massicum*, from the hills which formed the boundary between Latium and Campania, although somewhat harsh, as would seem, from the precautions recommended by the epicure in Horace (*Sat.* ii. 4, 51: cf. *Carm.* i. 1, 19; i. 7, 21; iii. 21;—Mart. xiii. 111; Silius, vii. 207), and the *Gauranum*, from the ridge above Baiae and Puteoli, produced in small quantity, but of very high quality, full-bodied (*εὔτονος*) and thick (*πάχυς*). (Athen. *l. c.*; Plin. xiv. § 63: cf. iii. § 60; Flor. iii. 5.) In the same class are to be included the *Calenum* from Cales, and the *Fundanum* from Fundi. Both had formerly held a higher place, "but vineyards," moralises Pliny (xiv. § 65), "as well as states, have their periods of rise, of glory, and of fall." The *Calenum* was light (*κοῦφος*), and better for the stomach than Falernian; the *Fundanum* was full-bodied (*εὔτονος*) and nourishing, but apt to attack both stomach and head; therefore little sought after at banquets (Strabo, v. p. 234; Athen. i. p. 27 a;

Hor. *Carm.* i. 31, 9; Juv. i. 69; Mart. x. 35, xiii. 113). This list is closed by the *Veliternum*, *Privernas*, and *Signinum*, from Velitrae, Privernum, and Signia, towns on the Volscian hills: the first was a sound wine, but had this peculiarity, that it always tasted as if mixed with some foreign substance; the second was thin and pleasant; the last was looked upon only in the light of a medicine, valuable for its astringent qualities (Athen. i. p. 27 b; Plin. *l. c.*; Mart. xiii. 116). We may safely bring in one more, the *Formianum*, from the gulf of Caieta ("Laestrygonia Bacchus in amphora," Hor. *Carm.* iii. 16, 34), associated by Horace with the Caecuban, Falernian, and Calene (Hor. *Carm.* i. 20), and compared by Galen (*ap.* Athen. i. p. 26 e) to the Privernas and Rheginum, but richer (Λιπαρωτέρος), and ripening quickly.

The fourth rank contained the *Mamertinum*, from the neighbourhood of Messana, first brought into fashion by Julius Caesar (Mart. xiii. 117). The finest, called *Potitianum* (Ἰωταλῖνος, Athen. *i.* p. 27 d), from the fields nearest to the main land, was sound (ἡδύς), light, and at the same time not without body. The *Tauromenitanum* was frequently substituted fraudulently for the Mamertinum, which it resembled (Athen. i. p. 27 d; Plin. *l. c.*).

The wine of Etruria was proverbially bad, even that of the Mons Vaticanus (Mart. i. 26, 6; vi. 92, 3, &c.). At Ravenna wine was very cheap and abundant (Mart. iii. 56, 57), and the Rhaetian wine of Verona was famous (Verg. *Georg.* ii. 96; Plin. xiv. § 67).

Of the wines in Southern Gaul, that of *Baeterrae* alone bore a high character. The rest were looked upon with suspicion, in consequence of the notorious frauds of the dealers in the Province, who carried on the business of adulteration to a great extent, and did not scruple to have recourse to noxious drugs. Among other things, it was known that they purchased aloes, to heighten the flavour and improve the colour of their merchandise, and conducted the process of artificial ripening so unskilfully as to impart a taste of smoke, which called forth, as we have seen above, the malediction of Martial on the fumaria of Marseilles (Plin. *H. N.* xiv. § 68).

The produce of the Balearic isles was compared to the first growths of Italy, and the same praise was shared by the vineyards of *Tarraco* and *Lauron*, while those of the *Laletani* were not so much famed for the quality as for the abundance of their supply (Plin. *H. N.* xiv. § 71; Mart. xiii. 118; Silius, iii. 370).

Returning to the East, several districts of Pontus, Paphlagonia, and Bithynia, Lampsacus on the Hellespont, Telmessus in Caria, Cyprus, Tripolis, Berytus, and Tyre, all claimed distinction; and above all the *Chalybonium*, originally from Beroea, but afterwards grown in the neighbourhood of Damascus also, was the chosen and only drink of the Great King (Plin. *H. N.* xiv. § 73; Geopon. v. 2; Athen. i. p. 28 d), to which we may join the *Babylonium*, called nectar by Chaereus (Athen. i. p. 29 f), and the Βύβλινος from Phoenicia, which found many admirers (Athen. i. p. 29 b). The last is spoken of elsewhere as Thracian, or Grecian, or Sicilian, which may have arisen from the same grape having been disseminated through these countries. (Compare Herod. ii. 35; Athen. i. p. 31 a.)

Passing on, in the last place, to Egypt, where, according to Hellanicus, the vine was first discovered, the *Mareoticum*, from near Alexandria, demands our attention. It is highly extolled by Athenaeus, being white, sweet, fragrant, light (λεπτός), circulating quickly through the frame, and not flying to the head; but superior even to this was the *Taenioticum*, so named from a long narrow sandy ridge (ταινία) near the western extremity of the Delta; it was aromatic, slightly astringent, and of an oily consistency, which disappeared when it was mixed with water: besides these we hear of the *Sebennyticum*, and the wine of Antylla, a town not far from Alexandria. Advancing up the valley, the wine of the Thebaïs, and especially of Coptos, was so thin and easily thrown off that it could be given without injury to fever patients; and ascending through Nubia we reach *Meroë*, whose wine has been immortalised by Lucan (Athen. i. p. 33 f; Strab. xvii. p. 799; Hor. *Carm.* i. 37, 14; Verg. *Georg.* ii. 91; Lucan, x. 162; Plin. *H. N.* xiv. § 74). Martial appears to have held them all very cheap, since he pronounces the vinegar of Egypt better than its wine (xiii. 122).

We read of several wines which received their designation, not from the region to which they belonged, but from the particular kind of grape from which they were made, like the Pramnian, or from some circumstance connected with their history or qualities. Names belonging to the former class were in all likelihood bestowed before the most favoured districts were generally known, and before the effects produced upon the vine, by change of soil and climate, had been accurately observed and studied. After these matters were better understood, habit and mercantile usage would tend to perpetuate the ancient appellation. Thus, down to a late period, we hear of the *Aminneum* (Ἀμιναῖος οἶνος, Hesych.), from the *Aminnea vitis*, which held the first place among vines, and embraced many varieties, carefully discriminated and cultivated according to different methods (Plin. *H. N.* xiv. § 46; Cato, *R. R.* 6 and 7; Colum. iii. 2, § 7; 9, § 3). It was of Grecian origin, having been conveyed by a Thessalian tribe to Italy (a story which would seem to refer to some early migration), and reared chiefly in Campania around Naples, and in the Falernus ager. Its characteristic excellence was the great body and consequent durability of its wine (*firmissima vina*, Verg. *Georg.* ii. 97; Galen, *Meth. med.* xii. 4; Geopon. viii. 22; Cels. iv. 2; Macrob. ii. 16; Auson. *Ep.* xviii. 32; Seren. Samm. xxix. 544). So, in like manner, the ψιθίος οἶνος (Athen. i. p. 28 f), from the ψιθία ἄμπελος (Colum. iii. 2, § 24), which Virgil tells us (*Georg.* ii. 93) was particularly suitable for *passum*, and the καπνίας (smoke-wine) of Plato the comic poet (Athen. i. p. 31 e), prepared in greatest perfection near Beneventum, from the κάπνεος ἄμπελος, so named in consequence of the clusters being neither white nor black, but of an intermediate dusky or smoky hue (Theophr. *H. P.* ii. 4, *C. P.* v. 3; Aristot. *de Gener.* iv. 4; Plin. *H. N.* xiv. § 39; compare xxxvii. § 118, on the gem *Capnias*).

On the other hand, the Σαπρίας, on whose divine fragrance Hermippus descants in such glowing language (Athen. i. p. 29 e), is simply some rich wine of great age, "toothless, and

sere, and wondrous old" (*ὀδόντας οὐκ ἔχων, ἤδη σαπρὸς . . . γέρων γε δαιμονίως*, Athen. x. p. 441 d; see Eustath. *ad* Hom. *Od.* ii. 340; Casaub. *ad* Athen. i. p. 29). The origin of the title *ἀνθοσμίας* is somewhat more doubtful: some will have it to denote wine from a sweet-smelling spot (Suid. *s. v.*); others more reasonably refer it to the "bouquet" of the wine itself (Hesych. *s. v.*); according to Phanias of Eresus, in one passage, it was a compound formed by adding one part of sea-water to fifty of must, although in another place he seems to say, that it was wine obtained from grapes gathered before they were ripe (Athen. i. p. 32 a; compare p. 462 e).

Those who desire more minute details upon this very extensive subject may consult the Geoponic Collection, books iii. to viii. inclusive; the whole of the 14th book of Pliny's *Natural History*, together with the first sixty sections of the 23rd; the 12th book of Columella, with the commentary of Schneider and others; the 2nd book of Virgil's *Georgics*, with the remarks of Heyne, Voss, and the old grammarians; Galen, vol. vi. 334–339, xiv. 28 ff.; Pollux, vi. foll.; Athenaeus, lib. i. and lib. x.; besides which there are a multitude of passages in other parts of the above authors, in Cato, Varro, and in the classics generally, which bear more or less upon these topics.

Of modern writers we may notice particularly, Prosper Rendella, *Tractatus de Vinea, Vindemia et Vino*, Venet. 1629; Galeatius Landrinus, *Quaestio de Mixtione Vini et Aquae*, Ferrar. 1593; Andreas Baccius, *de Naturali Vinorum Historia*, &c., Rom. 1596, *de Conviviis Antiquorum*, &c., Gronov. Thes. Graec. Antiq.; Sir Edward Barry, *Observations on the Wines of the Ancients*, Lond. 1775; Henderson, *History of Ancient and modern Wines*, Lond. 1824. Some of the most important facts are presented in a condensed form in Becker-Göll's *Gallus*, vol. iii. pp. 412–442, and *Charikles*, vol. ii. 337–352; and in Marquardt, *Röm. Privatalt.* ii. 54–84: cf. also V. Hehn, *Kulturpflanzen*,[3] pp. 63–84.

[W. R.] [A. S. W.]

VIOCU'RI. [VIAE.]

VIRGAE. [FASCES.]

VIS. Laws were passed at Rome for the purpose of making various acts of violence criminal. The LEX PLOTIA or PLAUTIA, perhaps named after M. Plautius Silvanus, B.C. 89, appears to have first made *vis* the subject of a special judicium publicum, crimes of violence having previously only been punished when they could be brought under the head of *majestas* or of the *crimen de sicariis et veneficis*. The Lex Plautia was enacted against those who devastated houses, or who occupied public places and carried arms, or who attempted to influence the magistrates and senate by assembling bodies of armed men (Cic. *ad Att.* ii. 24; *de harusp. Resp.* 8, 15; *pro Cael.* 1, 1; the dissertation of Waechter, *Neues Archiv des Criminalrechts*, vol. xiii., reprinted in *Orellii Onomasticon*).

Besides other subsidiary laws under the Republic on the subject of *vis*, the nature of which is doubtful, there was a Lex Julia of the dictator Caesar, which made certain kinds of vis subject to *aquae et ignis interdictio* (Cic. *Phil.* i. 9, 21). Under Augustus the law concerning vis was the subject of two Juliae leges, which consolidated previous enactments and became the basis of subsequent laws. These leges were respectively entitled *de vi publica* and *de vi privata*. There has been considerable difference of opinion as to the meaning of the distinction thus made between vis publica and vis privata. The explanation of some writers is that vis publica was vis exercised by public persons, as by magistrates, while vis privata was that of private individuals. Another view is that vis was *publica* when deadly weapons were employed, *privata* when they were not. The most probable explanation is that originally *vis publica* meant such vis as was an open violation of a right of the state; vis privata, on the other hand, would be vis which seemed mainly to affect an individual right, though it was made criminal as interfering with the function of the state in maintaining public order (cf. Rein, *cit. infr.*). It is to be remembered, however, that various acts of vis which under the Julian laws were treated as vis privata, were subsequently made vis publica, in order to punish them with greater severity. Hence we find acts mentioned by Paulus (*cit. infr.*) as vis privata included in the Digest under vis publica.

The Lex de Vi Publica did not apply, as the title might seem to import, exclusively to acts against the public peace, and it is not possible to define it except by enumerating its chief provisions (cf. Paul. *l. c.*; Dig. *cit. infr.*). According to the law of the Digest, it was vis publica to collect arms (*tela*) in a house or in a villa except for the purpose of hunting, or going a journey or a voyage, the word *tela* being extensively interpreted so as to be equivalent to *arma;* to attack houses with armed men; to evict a person with an armed force (*hominibus armatis*); to appear in court or in a public assembly with arms for the purpose of intimidation; for a candidate to attempt to influence an election by assembling a mob (*turba*) or a gang of slaves; to cause a mob to assemble for various unlawful purposes; to interfere in various ways with the due administration of justice, as by preventing judices from exercising their functions in security, or by forcibly hindering an accused person from going to Rome to take his trial on the day fixed for it ("ne quis reum vinciat impediatve, quominus intra certum tempus adsit"); to assault or insult ambassadors; for a magistrate to abuse his power by causing a Roman citizen to be tortured (cf. Acts xxiii. 25), or to be executed without allowing an appeal to Rome (cf. Acts xxv. 10–12); for a magistrate to compel people to pay illegal taxes ("qui nova vectigalia exercet"); to interfere by force with the burial of a person; to commit rape; to compel a person by force to promise games or gifts to the people, &c.

The punishment for the violation of the Lex Julia de vi publica was *aquae et ignis interdictio* (subsequently *deportatio in insulam*), except in the case of attacking and plundering houses or villas with an armed band, in which case the punishment was death; and the penalty was the same for carrying off a woman, married or unmarried. The cases enumerated in the Digest as falling within the penalties of the Lex Julia de vi privata, are cases where the act was of less atrocity: for instance, if a man got a number of men together for a riot, which ended in the

beating of a person, but not in his death, he came within the penalties of the Lex de Vi Privata.

It was also a case of vis privata when persons assembled in order to prevent a person being brought before the Praetor. The SENATUSCONSULTUM VOLUSIANUM extended the penalties of the lex to those who maintained another in his suit, with a view of sharing the damages awarded to him. The penalty of the law was also extended by imperial enactments to the offence of wrecking ships. It was vis privata to take the law into one's own hands by an act of violence. Thus a creditor who entered on the property of his debtor, which was not hypothecated to him, unless under judicial authority, was guilty of this offence. The penalties of this lex were the loss of a third part of the offender's property; and he was also declared to be incapable of being a senator, or decurio, or a judex; by a senatusconsultum, the name of which is not given, he was incapacitated from enjoying any honour, *quasi infamis*. (Dig. 48, 6, 7; Cod. ix. 12, 13; Paul. *Sent. rec.* v. 26; Rein, *Das Criminalrecht der Römer*, p. 732, &c.; Walter, *Geschichte d. R. R.*; Stephen, *History of the Criminal Law of England*, i. pp. 16, 17.)

[G. L.] [E. A. W.]

VIS ET VIS ARMATA. There was an interdict *unde vi* or *de vi* which could be maintained by a man who was forcibly ejected from the possession of a piece of ground or building ("unde tu illum vi dejecisti restituas") against the person who had ejected him. The interdict had two forms, according as to whether deadly weapons had been used in carrying out the ejectment or not. The interdict in the latter case of simple violence is called by Cicero *interdictum quotidianum*; the interdict in case of armed violence was known as *interdictum de vi armata*. When the interdict was brought on account of eviction by ordinary violence, the defendant could defend himself by proving that he himself had been previously evicted by the plaintiff *vi, clam*, or *precario* [POSSESSIO], but he was precluded from this defence if he had been guilty of vis armata. By a constitution of the Emperor Valentinian (Cod. 8, 4, 7), however, it was provided that a person who had evicted another by violence should in all cases restore possessio, and, if owner, should forfeit his property; if not owner, should forfeit the value. Thus the plea that the plaintiff had acquired possession *vi, clam*, or *precario* from the defendant, was excluded in the case of vis quotidiana as well as in that of vis armata. (Dig. 43, 16; Gaius, iv. 154, ed. Poste; INTERDICTUM; POSSESSIO; for an account of the praetorian action *de vi bonorum raptorum*, see FURTUM.) [E. A. W.]

VITRUM (ὕαλος), glass. A singular amount of ignorance and scepticism long prevailed with regard to the knowledge possessed by the ancients in the art of glass-making. Some asserted that it was to be regarded as exclusively a modern invention, while others, unable altogether to resist the mass of evidence to the contrary, contented themselves with believing that the substance was known only in its coarsest and rudest form. It is now clearly demonstrated to have been in common use at a very remote epoch. Various specimens still in existence prove that the manufacture had in some branches reached a point of perfection to which recent skill has not yet been able to attain; and although we may not feel disposed to go so far as Winckelmann (i. c. 2, § 20), who contends that it was used more generally and for a greater variety of purposes in the old world than among ourselves, yet when we examine the numerous collections arranged in all great public museums, we must feel convinced that it was employed as an ordinary material for all manner of domestic utensils by the Egyptians, Greeks, and Romans.

A vitreous glaze is found in remains dating from the earliest periods of Egyptian history, and we find the process of glass-blowing distinctly represented in the paintings of Beni-Hassan, which were executed during the reigns of Usertesen the First and his immediate successors (*circa* 2300 B.C.). The oldest Egyptian glass proper which can be dated with certainty is a vase of opaque blue glass in the British Museum, with a design inlaid in yellow, which includes the name of Thothmes II. (16th cent. B.C.). Vases also, wine-bottles, drinking-cups, bugles, and a multitude of other objects have been discovered in sepulchres and attached to mummies both in Upper and Lower Egypt; and although in most cases no precise date can be affixed to these relics, many of them are referred to an early period. (Wilkinson, *Ancient Egyptians*, iii.[3] pp. 141 f.; Deville, *L'Art de la Verrerie*, pl. iii.)

The Assyrians also attained to a high degree of skill in glass-making. The oldest piece with a fixed date is an alabastron of bright green glass from the North-west Palace at Nimroud, with the name of king Sargon, B.C. 719 (Layard, *Nineveh and Babylon*, p. 197; Froehner, *La Verrerie ant.* p. 16). This vase is in the British Museum.

A story has been preserved by Pliny (*H. N.* xxxvi. § 191), that glass was first discovered accidentally by some merchants who having landed on the Syrian coast at the mouth of the river Belus, and being unable to find stones to support their cooking-pots, fetched for this purpose from their ship some of the lumps of nitre which composed the cargo. This being fused by the heat of the fire, united with the sand upon which it rested and formed a stream of vitrified matter. The Phoenicians probably learnt the art of glass-making from the Egyptians; but the tale is no doubt connected with the fact recorded by Strabo (xvi. p. 758) and Josephus (*B. J.* ii. 9), that the sand of the district in question was esteemed peculiarly suitable for glass-making, and exported in great quantities to the workshops of Sidon, long the most famous in the ancient world. (See Hamburger and Michaelis on the Glass of the Hebrews and Phoenicians, *Commentar. Soc. Gott.* vol. iv.; Heeren, *Ideen*, i. p. 94.) Alexandria, another centre of the industry, sustained its reputation for many centuries; Rome derived thence a great portion of its supplies, and as late as the reign of Aurelian we find the manufacture still flourishing (Cic. *pro Rabir. Post.* 14, 40; Strabo, *l. c.*; Martial, xi. 11, xii. 74, xiv. 115; Vopisc. *Aurel.* 45; Boudet, *Sur l'Art de la Verrerie né en Égypte; Description de l'Égypte*, vol. ix. p. 213).

Glass is not mentioned in Homer, unless Helbig's theory is accepted that κύανος is a blue

vitreous glaze (Helbig, *Homerisches Epos*, p. 80). In the deposits of Mycenae and kindred sites, numerous beads, rosettes, pendants, and other ornaments of glass occur. Bottles, however, are very rare; a few only having been found at Ialysos in Rhodes.

There is some difficulty in deciding by what Greek author glass is first mentioned, because the term ὕαλος, like the Hebrew word used in the Book of Job (xxviii. 17) and translated in the LXX. by ὕαλος, unquestionably denotes not only artificial glass but rock-crystal, or indeed any transparent stone or stone-like substance (Schol. *ad* Aristoph. *Nub.* 768). Thus the ὕελος of Herodotus (iii. 24), in which the Ethiopians encased the bodies of their dead, cannot be glass, although understood in this sense by Ctesias and Diodorus (iii. 15), for we are expressly told that it was dug in abundance out of the earth; and hence commentators have conjectured that rock-crystal or rock-salt, or amber, or Oriental alabaster, or some bituminous or gummy product, might be indicated. But when the same historian in his account of sacred crocodiles (ii. 69) states that they were decorated with ear-rings made of melted stone (ἀρτήματά τε λίθινα χυτὰ καὶ χρύσεα ἐς τὰ ὦτα ἐνθέντες), we may safely conclude that he intends to describe some vitreous ornament for which he knew no appropriate name. The σφραγὶς ὑαλίνη and σφραγῖδε ὑαλίνα of an Athenian inscription referred to B.C. 398 (Boeckh, *Corp. Inscr. Gr.* n. 150, § 50), together with the passage in Aristophanes (*Acharn.* 74) where the envoy boasts that he had been drinking with the Great King ἐξ ὑαλίνων ἐκπωμάτων, are not decisive. But the early Greek pastes with designs in intaglio, preserved in all museums, make it highly probable that the seals referred to above were of glass. Vessels of glass also appear to be mentioned in the treasure lists at the beginning of the 4th century (*C. I. A.* ii. 645, 646, 656). Setting aside the two problems with regard to glass, attributed to Aristotle, as confessedly spurious, we at length find a satisfactory testimony in the works of his pupil and successor, Theophrastus, who notices the circumstances alluded to above, of the fitness of the sand at the mouth of the river Belus for the fabrication of glass. Blümner, however (*Technologie*, iv. p. 384), questions whether glass was manufactured in Greece itself, even in the time of the Diadochi.

Among the Latin writers Lucretius appears to be the first in whom the word *vitrum* occurs (iv. 604, vi. 991); but it must have been well known to his countrymen long before, for Cicero names it, along with paper and linen, as a common article of merchandise brought from Egypt (*pro Rab. Post.* 14, 40). Glass of Phoenician importation occurs indeed in cemeteries of the 8th century, at Tarquinii (Helbig, *Homerisches Epos*, p. 15). Scaurus, in his aedileship (B.C. 58), made a display of it such as was never witnessed even in after-times; for the *scena* of his gorgeous theatre was divided into three tiers, of which the under portion was of marble, the upper of gilded wood, and the middle compartment of glass (Plin. *H. N.* xxxvi. §§ 114, 189). In the poets of the Augustan age it is constantly introduced, both directly and in similes, and in such terms as to prove that it was an object with which every one must be familiar (*e.g.* Verg. *Georg.* iv. 350, *Aen.* vii. 759; Ovid, *Amor.* i. 6, 55; Prop. iv. 8, 37; Hor. *Carm.* iii. 13, 1). Strabo declares that in his day a small drinking-cup of glass might be purchased at Rome for half an as (xvi. p. 758; compare Martial, ix. 60), and so common was it in the time of Juvenal and Martial, that old men and women made a livelihood by bartering sulphur matches for broken fragments (Juv. v. 48; Martial, i. 42, x. 3; Stat. *Sylv.* i. 6, 73; compare Dio Cass. lvi. 17). When Pliny wrote, manufactories had been established not only in Italy, but in Spain and Gaul also, and glass drinking-cups had entirely superseded those of gold and silver (*H. N.* xxxvi. §§ 192–199), and in the reign of Alexander Severus we find *vitrearii* ranked along with curriers, coachmakers, goldsmiths, silversmiths, and other ordinary artificers whom the emperor taxed to raise money for his thermae (Lamprid. *Alex. Sev.* 24). A list of the glass-workers whose names are known as occurring on extant specimens, is given by Froehner, *La Verrerie antique*, p. 123.

The numerous specimens transmitted to us prove that the ancients were well acquainted with the art of imparting a great variety of colours to their glass; they were probably less successful in their attempts to render it perfectly pure and free from all colour, since we are told by Pliny that it was considered most valuable in this state. It was wrought according to the different methods now practised, being fashioned into the required shape by the blowpipe; or *cut*, as we term it, although *ground* (*teritur*) is a more accurate phrase, upon a wheel; or engraved with a sharp tool, like silver ("aliud flatu figuratur, aliud torno teritur, aliud argenti modo caelatur," Plin. *H. N.* xxxvi. § 193). The *diatreta* of Martial (xii. 70) were glass cups cut or engraved according to one or other of the above methods. The process was difficult, and accidents occurred so frequently (Mart. xiv. 115) that the jurists found it necessary to define accurately the circumstances under which the workman became liable for the value of the vessel destroyed (Dig. 9, 2, 27, 29). The art of etching upon glass, now so common, was entirely unknown, since it depends upon the properties of fluoric acid, a chemical discovery of the last century.

We may now briefly enumerate the chief uses to which glass was applied. The best idea, however, of the admirable ingenuity and skill of the ancient glass-workers, may be obtained from such a collection as that of the British Museum, or the chief continental cabinets. Specimens of the different types are finely engraved by Froehner, *La Verrerie antique* (1879).

1. Bottles, vases, cups, and cinerary urns. These specimens are extant in immense number and variety. Many which have been shaped by the blowpipe only, are remarkable for their graceful form and brilliant colours. Some have been blown out into moulds, by the blow-pipe, and appear in the form of a bunch of grapes (cf. Achilles Tatius, 2, 3), a shell, or a negro's head. Others are of the most delicate and complicated workmanship. A very remarkable object belonging to the last class, now in the Trivulsi Collection at Milan, is described in the notes to Winckelmann (i. c. 2, § 21) and figured in Vol. I. under DIATRETA. That woodcut, however, hardly does justice to the delicacy of the work, which is

better shown in the photographic plate of Adda, *Ricerche sulle Arti e sull' Industria Romana*. For a description, see DIATRETA, Vol. I., p. 626. A small fragment of a similar vase may be seen in the glass collection of the British Museum. Another cup, found at Strasburg, was dated by the name of the Emperor Maximian (286–310 A.D.). This specimen, which perished in 1870, is engraved by Deville, *L'Art de la Verrerie*, pl. xxxiii A. But the great triumph of ancient genius in this department is the celebrated Portland Vase, formerly known as the Barberini Vase, which is now in the British Museum. It was found in the 16th century at a short distance from Rome, in a marble coffin within a sepulchral vault, pronounced upon very imperfect evidence to have been the tomb of Alexander Severus. The extreme beauty of this urn led Montfaucon and other antiquaries to mistake it for a real sardonyx. Upon more accurate examination it was ascertained to be composed of dark blue glass, of a very rich tint, on the surface of which are delineated in relief elaborately wrought figures of opaque white glass. [See SCALPTURA.] With such samples before us, we need not wonder that in the time of Nero a pair of moderate-sized glass cups with handles (*pteroti*) sometimes cost fifty pounds (*HS. sex millibus*, Plin. *H. N.* xxxvi. § 195). Another method practised with success was that of adding coloured glasses in a fused state to a background, in the manner of enamel. See a medallion with a gryphon, now in the British Museum (*Catalogue of the Slade Collection*, No. 84).

2. Glass Pastes presenting fac-similes, either in relief or intaglio, of engraved precious stones. In this way have been preserved exact copies of many beautiful gems, of which the originals no longer exist, as may be seen from the catalogues of Stosch, of Tassie, and from similar publications. These were in demand for the rings of such persons as were not wealthy enough to purchase real stones, as we perceive from the phrase "vitreis gemmis ex vulgi anulis" (Plin. *H. N.* xxxv. § 48). Large medallions also of this kind are still preserved, and bas-reliefs of considerable magnitude, which successfully imitate precious materials, and in some cases the true material has only been ascertained in quite recent years. (See Winckelmann, i. c. 2, § 27.)

3. Closely allied to the preceding were imitations of coloured precious stones, such as the carbuncle, the sapphire, the amethyst, and, above all, the emerald. These counterfeits were executed with such fidelity that detection was extremely difficult, and great profits were realised by dishonest dealers who entrapped the unwary (Plin. *H. N.* xxxvii. § 197). That such frauds were practised even upon the most exalted in station is seen from the anecdote given by Trebellius Pollio of the whimsical vengeance taken by Gallienus (*Gall.* c. 12) on a rogue who had cheated him in this way, and collections are to be seen at Rome of pieces of coloured glass which were evidently once worn as jewels, from which they cannot be distinguished by the eye. (Plin. *H. N.* xxxvii. § 98; Senec. *Ep.* 90; Isidor. *Orig.* xvi. 15, § 27; Beckmann, *History of Inventions*, vol. i. p. 199, Eng. Trans. 3rd edit.)

4. One very elegant application of glass deserves to be particularly noticed. A number of fine stalks of glass of different colours were placed vertically, and arranged in such a manner as to depict upon the upper surface some figure or pattern, upon the principle of a minute mosaic. The filaments thus combined were then subjected to such a degree of heat as would suffice to soften without melting them, and were thus cemented together into a solid mass. It is evident that the picture brought out upon the upper surface would extend down through the whole of the little column thus formed, and hence, if it was cut into thin slices at right angles to the direction of the fibres, each of these sections would upon both sides represent the design which would be multiplied to an extent in proportion to the total length of the glass threads. Further, if the column is heated and drawn out, the design becomes proportionately minute. When these sections have been again fused together side by side, the result is *millefiori* glass (*Cat. of the Slade Collection*, pl. iv.). Two beautiful fragments evidently constructed in this way are accurately commented upon by Winckelmann (i. c. 2, §§ 22–24); another, more recently brought from Egypt, is shown in Wilkinson's work, Pl. xiv., figs. 5, 6, 7; cf. vol. ii. p. 146. Many mosaic pavements and pictures (*opus musivum*) belong to this head, since the cubes were frequently composed of opaque glass as well as marble, but these have been already discussed under PICTURA, pp. 397 f.

5. One method of decoration employed by the ancients consisted in enclosing designs in gold leaf between two layers of transparent glass. This is most common from the 3rd century A.D., when small Christian subjects are thus represented. Examples also occur of a good Greek period, such as three cups from Canosa, now in the British Museum, perhaps dating from 200 B.C., but these are very rare. The Christian examples have been described by Garrucci, *Vetri ornati di Figure in oro dei Cristiani*. In a few rare examples, the gold leaf has been cut away with a sharp point, in such a way as to produce the effect of a finely-stippled drawing.

6. Thick sheets of glass of various colours appear to have been laid down for paving floors, and to have been attached as a lining to the walls and ceilings of apartments in dwelling-houses, just as scagliola is frequently employed in Italy, and occasionally in our own country also. Rooms fitted up in this way were called *vitreae camerae*, and the panels *vitreae quadraturae*. Such was the kind of decoration introduced by Scaurus for the scene of his theatre, not columns nor pillars of glass as some, nor bas-reliefs as others, have imagined. (Plin. *H. N.* xxxvi. § 189; Stat. *Syl.* i. 5, 42; Senec. *Ep.* 76; Vopisc. *Firm.* c. 3; Winckelmann, i. c. 2, § 21; Passeri, *Lucernae Fictiles*, p. 67, tab. lxxi.)

7. The question whether glass windows were known to the ancients has, after much discussion, been set at rest by the excavations at Pompeii, for not only have many fragments of flat glass been disinterred from time to time, but in the tepidarium of the public baths a bronze lattice came to light with some of the panes still inserted in the frame, so as to determine at once not only their existence, but the mode in which they were secured and arranged. (Mazois, *Palais de Scaurus*, c. viii.

p. 97; *Ruines de Pompéi*, vol. iii. p. 77.) A few specimens of window glass may be seen in the glass collection of the British Museum. [DOMUS, Vol. I. p. 686 *b*.] The same collection also contains a wooden picture-frame of late Graeco-Egyptian origin, with a rebate for a sheet of glass. (Petrie, *Hawara*, pl. xii.)

8. From the time that pure glass became known, it must have been remarked that when darkened upon one side, it possessed the property of reflecting images. We are certain that an attempt was made by the Sidonians to make looking-glasses (Plin. *H. N.* xxxvi. § 193), and equally certain that it must have failed, for the use of metallic mirrors, which are more costly in the first instance, which require constant care and attain but imperfectly the end desired, was universal under the Empire. Respecting ancient mirrors, see SPECULUM.

9. A strange story with regard to an alleged invention of malleable glass is found in Petronius (c. 51), is told still more circumstantially by Dio Cassius (lvii. 21), and is alluded to by Pliny (*H. N.* xxxvii. § 195), with an expression of doubt as to its truth. An artist appeared before Tiberius with a cup of glass. This he dashed violently upon the ground. When taken up, it was neither broken nor cracked, but dinted like a piece of metal. The man then produced a mallet, and hammered it back into its original shape. The emperor inquired whether any one was acquainted with the secret, and was answered in the negative, upon which the order was given that he should be instantly beheaded, lest the precious metals might lose their value, should such a composition become generally known.

Literature.—Franks in *Art Treasures of the Manchester Exhibition* Section *Vitreous Art*; Nesbitt, *Catalogue of the Slade Collection of Glass, Notes on the History of Glass-making* (1871); Blümner, *Technologie*, iv. p. 379; Deville, *Hist. de l'Art de la Verrerie*, 1873; Froehner, *La Verrerie antique*, 1879; Marquardt and Mommsen, *Handb. d. römischen Alterthümer*, vol. vii. (1886), p. 744. References to the older literature may be found in the above works.

[W. R.] [A. H. S.]

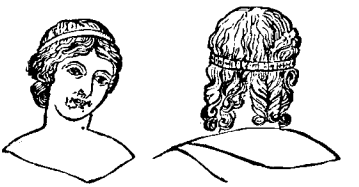
VITTA, or plural VITTAE, a ribbon or fillet, is to be considered (1) as an ordinary portion of female dress; (2) as a decoration of sacred persons and sacred things.

1. When considered as an ordinary portion of female dress, it was simply a band encircling the head, and serving to confine the tresses (*crinales vittae*); the ends, when long (*longae taenia vittae*), hanging down behind (Verg. *Aen.* vii. 351, 403; Ovid, *Met.* ii. 413, iv. 6; Isidor. xix. 31, § 6). It was worn (1) by maidens (Verg. *Aen.* ii. 168; Prop. iv. 11, 34; Val. Flacc. viii. 6; Serv. *ad* Verg. *Aen.* ii. 133); (2) by married women also, the vitta assumed on the nuptial day being of a different form from that used by virgins (Ovid, *Trist.* ii. 252; Prop. v. 3, 15, and 11, 34; Plaut. *Mil. Gl.* iii. 1, 194; Val. Max. v. 2, § 1). From the word *altera* in Prop. v. 11, 34, Marquardt is probably right in deducing that the vitta of married women was a *double band*, whereas the fillet of maidens was single (Marquardt, *Privatleben*, 46; cf. Becker-Göll, *Gallus*, ii. 31: for the wearing of ταινίαι by Greek brides, see Becker-Göll, *Charikles*, iii. 375;—Stephani, *Compte Rendu*, 1872, p. 192; 1874, p. 140).

The vitta was *not* worn by libertinae even of fair character (Tibull. i. 6, 67), much less by meretrices; hence it was looked upon as an *insigne pudoris*, and, together with the *stola* and *institia*, served to point out at first sight the freeborn matron (Ovid, *A. A.* i. 31; *R. A.* 386; *Trist.* ii. 247; *Ep. ex Pont.* iii. 3, 51).

The colour was probably a matter of choice: white and purple are both mentioned (Ovid, *Met.* ii. 413; *Ciris*, 511;—Stat. *Achill.* i. 611). One of those represented in the cuts below is ornamented with embroidery, and they were in some cases set with pearls (*vittae margaritarum*, Dig. 34, 2, 25, § 2).

The following woodcuts represent back and front views of the heads of statues from Herculaneum, on which we perceive the vitta (*Bronzi d'Ercolano*, vol. ii. tav. 72, 75).



Vittae.

A full discussion of the dressing of the hair and further illustration will be found under COMA.

For ταινίαι and vittae in Greek and Roman funerals as used for the decoration of the dead body and of the bier, see FUNUS, Vol. I. pp. 886, 890 (woodcut), and compare Becker-Göll, *Charikles*, p. 122.

2. When employed for sacred purposes, it was usually twisted round the infula [INFULA], holding together the loose flocks of wool, and depending in streamers (Verg. *Georg.* iii. 487, *Aen.* x. 537; Isidor. xix. 30, § 4; Serv. *ad* Verg. *Aen.* x. 538; Lucan. v. 142). Under this form it was employed as an ornament for (1) priests, and those who offered sacrifice (Verg. *Aen.* ii. 221, x. 537; Tac. *Ann.* i. 57); (2) priestesses, especially those of Vesta, and hence *vittata sacerdos* for a Vestal, κατ' ἐξοχήν (Verg. *Aen.* vii. 418; Ovid, *Fast.* iii. 30, vi. 457; Juv. iv. 9, vi. 50; VESTALES); (3) prophets and poets, who may be regarded as priests, and in this case the vittae were frequently intertwined with chaplets of olive or laurel (Verg. *Aen.* iii. 81, vii. 665;—Stat. *Silv.* ii. 1, 26; *Achill.* i. 11; *Theb.* iii. 466); (4) statues of deities (Verg. *Aen.* ii. 168, 296; compare Stat. *Silv.* iii. 3, 3); (5) victims decked for sacrifice (Verg. *Georg.* iii. 487, *Aen.* ii. 133, 156, v. 366; Ovid, *Ep. ex Pont.* iii. 2, 74; Stat. *Achill.* ii. 301); (6) altars (Verg. *Ecl.* viii. 64, *Aen.* iii. 64; ARA, Vol. I. p. 158 *a*); (7) temples (Prop. v. 9, 27; compare Tac. *Hist.* iv. 53); (8) the ἱκετηρία of suppliants (Verg. *Aen.* vii. 237; viii. 128). Here the vittae seem to have served to bind the festoons of wool upon the branches which were borne in the hand (Verg. *Aen.* vii. 237, viii. 128; Hom. *Il.* i. 14; Plut. *Thes.* 18; Soph. *O. T.* 3).

The sacred vittae, as well as the infulae, were made of wool, and hence the epithets *lanea* (Ovid, *Fast.* iii. 30) and *mollis* (Verg. *Ecl.* viii.

64). They were white (*niveae*, Verg. *Georg.* iii. 487; Ovid, *Met.* xiii. 643; Stat. *Theb.* iii. 466), or purple (*puniceae*, Prop. v. 9, 27), or azure (*caeruleae*) when wreathed round an altar to the manes (Verg. *Aen.* iii. 64).

[W. R.] [G. E. M.]

ULNA (ὠλένη), properly the fore-arm from the shoulder to the wrist, is also used for the whole arm, and even for the whole span of both arms; and hence, as a measure of length, it appears to be used with different significations. In most of the passages in which it occurs (Verg. *Georg.* iii. 355; Ovid, *Metam.* viii. 750; Hor. *Epod.* iv. 8) there is nothing to determine its length, but Hultsch is probably right in taking it to be one-third of the ὀργυιὰ or arm-stretch of nearly 6 feet, and therefore one-third of the human body. Hence in Verg. *Ecl.* iii. 105 three ulnae = the size of the body, and so the size of the grave of Caelius. Pliny, however, uses it as equivalent to the ὀργυιὰ, as may be seen from *H. N.* xvi. § 202, xxxii. § 133, compared with § 203 (Hultsch, *Metrol.* p. 78). [P. S.] [G. E. M.]

ULTROTRIBU'TA. [CENSOR, Vol. I. p. 402 *b*.]

UMBELLA. [UMBRACULUM.]

UMBILI'CUS. [LIBER.]

UMBO. [CLIPEUS; TOGA.]

UMBRA'CULUM, UMBE'LLA (σκιάδειον, σκιαδίσκη). Umbrellas and fans are shown on both Assyrian and Egyptian monuments before the 7th century B.C., and it may be assumed that they came to Greece with other articles of Oriental luxury about that period. By the 5th century, the use of umbrellas was so established at Athens that they were carried by the daughters of the aliens (μέτοικοι) after the Athenian maidens in the procession at the PANATHENAEA [p. 327 *a*]. So far, indeed, were they from appearing strange or incongruous that on the Eastern frieze of the Parthenon the god Eros holds the parasol of his mother Aphrodite.

Umbraculum. (From a vase-painting.)

Such umbrellas and parasols appear on vase-paintings, from those of the perfect Attic style down to the latest South Italian wares. The accompanying cut from a vase of the latter class (Millin, *Peintures de Vases Antiques*, vol. i. pl. 70) shows a lady wearing a χιτών [TUNICA] and small ἱμάτιον [PALLA], and holding a parasol over her bare head. In other paintings ladies sit on chairs shading themselves with a parasol, while in not a few a slave holds it above his mistress's head. All these pictures show forms, like those used nowadays, with a frame-work of ribs (*virgae*) which could be opened and shut (Aristophanes, *Eq.* 1347 *ff.*, τὰ δ' ὦτ' . . . . ἐξεπετάννυτο, ὥσπερ σκιάδειον καὶ πάλιν ξυνήγετο: cf. Ovid, *Art. Am.* ii. 209, "ipse tene distenta umbracula virgis").

The use of umbrellas was almost confined to women, for, as has been explained in the article PILLEUS, it was considered effeminate for men to wear a protection against the sun except when travelling. Some luxurious fops or upstarts, however, like the περιφόρητος Ἀρτέμων of Anacreon (Athen. xii. p. 534 *a*), occasionally braved public opinion and used them. In Hellenistic times a large straw hat came into fashion, doubtless as a substitute for the parasol. It is shown on an immense number of terra-cotta figures from Tanagra, Myrina, and all over the Greek world. The θολία which Praxinoa puts on in the famous toilet scene in Theocritus (*Id.* xv. 39) seems to have been something of this kind (Schol. *in* Theocr. *l. c.*; Pollux, vii. 174, x. 127; Jahn, *Arch. Beiträge*, p. 403).

At Rome the practice of using parasols probably came in with the Greek fashions which prevailed in the last two centuries of the Republic. The Roman lady walked with her parasol carried by an attendant slave (*pedisequus* or *pedisequa*; cf. Claud. *in Eutrop.* i. 464, "[Eunuchi] umbracula gestant virginibus;" Mart. xiv. 73, 6), whose place might be taken by a diligent wooer if he wished to win her good graces (Ovid, *l. c.*). Parasols were in great demand at the amphitheatre, for the *velum* was not always sufficient to keep off the sun, and it seems to have been the fashion to adopt the colour—green, &c.—of one's favourite faction on them (Juv. ix. 50; Mart. xiv. 28). [See Paciandi, *de Umbellae gestatione*, Rome, 1752; Baumeister, *Denkmäler*, art. Sonnenschirm; Iwan Müller, *Handbuch*, pp. 433, 440; Hermann-Blümner, *Privatalterth.*, p. 195 f.; Becker-Göll, *Charikles*, i. 201; Blümner, *Leben und Sitten*, p. 73; Marquardt, *Privatleben*, p. 148; Böttiger (ed. Fischer), *Sabina*, pp. 132, 135, 161.] [W. S.] [W. C. F. A.]

U'NCIA. [AS; PONDERA. Table No. XIII. at the end of the volume.]

UNCIA'RIUM FENUS. [FENUS.]

UNCTO'RES. [BALNEAE.]

UNGUENTUM (ἔλαιον, μύρον, σμῆμα or σμῆγμα). The term includes all the products of the perfumer, whether used for health or luxury; oils, ointments, pomatums, essences, salves. The first and simplest of unguents, oil, is mentioned repeatedly in Homer, usually in connexion with the bath (λοῦσαν καὶ χρῖσαν ἐλαίῳ, ἤλειψεν λίπ' ἐλαίῳ are quite stock phrases); and to the latest times it remained associated with bathing and athletic contests [ATHLETAE; BALNEAE]. The more elaborate arts of perfumery had early attained an extraordinary development in the East; the Greeks,

for whose practice the comic writers are our fullest witnesses, rapidly acquired the same tastes; the Romans did not wait till they had direct intercourse with the East, but learnt these arts at an early period from the luxurious cities of Magna Graecia.

Among the various and costly oils which were used partly for the skin and partly for the hair, the following are enumerated by Pliny (*H. N.* xiii. §§ 4–18): Delium, Mendesium, irinum, rhodinum or rosaceum, crocinum (cf. Propert. iii. 10, 22=iv. 9, 22 Müller), oenanthinum, amaracinum (cf. Lucret. ii. 847, iv. 1179, vi. 973), melinum, cyprinum, metopium, Panathenaicum, pardalium, narcissinum, sampsuchinum, susinum, sesaminum, telinum, megalium or megalesium, balaninum, nardinum, spicatum. Other favourites, likewise mentioned by Pliny, are myrrh (Propert. i. 2, 3), malobathrum (Hor. *Carm.* ii. 7, 8), costum (Id. *ib.* iii. 1, 44, with Orelli's excursus), amomum (Verg. *Ecl.* iii. 89, iv. 25), cardamomum, cinnamomum, &c., besides mineral products. A regale unguentum made for the Parthian kings was compounded of 25 precious substances (Plin. *l. c.* § 18). Soap, a Gallic or perhaps rather a German invention (Beckmann, *Hist. of Inv.* ed. Bohn, ii. 92), was used as a pomatum rather than a detergent, and imparted to the hair the red or yellow tinge so much in fashion among the Romans: the "sapo, Gallorum hoc inventum rutilandis capillis" of Pliny (*H. N.* xxviii. § 191, where the word *sapo* occurs for the first time) is doubtless identical with the *spuma Batava, caustica spuma,* and *Mattiacae pilae* of Martial (viii. 33, 20; xiv. 26 and 27; cf. *Dict. Geogr.* art. *Mattiaci*). This fancy for light hair was as old as Cato: "flavo cinere unctitabant, ut rutilae essent" (*ap.* Serv. *ad Aen.* iv. 698; cf. Val. Max. ii. 1, § 5). The "hair-restorers" also came from Germany: "femina canitiem Germanis excitat herbis" (Ov. *A. Am.* iii. 163). The effects of these *herbae* and *venena* were sometimes disappointing (Id. *Amor.* i. 14 *passim*), when recourse was had to the same country for the false hair which then became necessary (cf. GAUSAPE, last paragraph).

In addition to these oils the ancients also used various kinds of scented powders, called by the general name of διαπάσματα (Theophr. *Odor.* 8; Dioscor. i. 6; [Lucian] *Amor.* 39). To what an excess the habit of using fragrant oils and the like was carried, appears from Seneca (*Ep.* 86, § 12), who says that people anointed themselves twice or even three times a day. At Rome, however, these luxuries did not pass unrebuked in the time of Scipio (Gell. vi. [vii.] 12, § 5); and still later, in B.C. 89, the censors positively forbade the sale of exotic unguents (Plin. *H. N.* xiii. § 24). The wealthy Greeks and Romans carried their oils and essences with them, especially when they bathed, in small boxes of costly materials and beautiful workmanship, which were called *narthecia* (Cic. *de Fin.* ii. 7, § 22; Mart. xiv. 78; cf. Böttiger, *Sabina,* i. 52). Another very common kind of scent bottle was the ALABASTRUM. It was, however, thought undignified to carry one's own oil flask to the public baths, instead of having it borne by a slave: such persons were called αὐτολήκυθοι (L. and S., ed. 7, *s. v.*; Sandys, *Excurs. on Dem.* ii. 227 ff.). The traffic which was carried on in these ointments and perfumes in several towns of Greece and Southern Italy was very considerable. The persons engaged in manufacturing them were called by the Greeks μυρεψοί and μυροπῶλαι (see L. and S. *s. vv.*), by the Romans *unguentarii* (Cic. *de Off.* i. 42, § 150; Hor. *Sat.* ii. 3, 228), or, as they frequently were women, *unguentariae* (Plin. *H. N.* viii. § 14), and the art of compounding them *unguentaria.* In the wealthy and effeminate city of Capua there was a street or square called the Seplasia, which consisted entirely of shops in which unguents were sold (Cic. *in Pison.* 11, § 24; Asconius *ad loc.*; *de Lege Agr.* ii. 34, § 94; *pro Sest.* 8, § 19). On oils and unguents, see especially Becker-Göll, *Gallus,* iii. 157–167. For the cosmetics employed in painting the face, see FUCUS; for the detergents used instead of soap for washing, see FULLO; on the antiquities of the toilet generally, the work of Böttiger, *Sabina oder Morgenscenen im Putzzimmer einer reichen Römerin,* 2 vols. Leipzig, 1806, is not yet superseded. [L. S.] [W. W.]

UNIVERSITAS. The philosophical division of things (*res*) in the widest sense of the term into *res corporales*—objects of the senses—and *res incorporales*—objects of the intelligence only (Cic. *Top.* 5; Sext. Empir. *adv. Mathemat.* 3; Quintil. *Inst.* v. 10, 116; Gell. v. 15; Boeth. *Top.* iii. &c.), was applied to the objects of rights by the Roman jurists (Gaius, ii. 12–14; Dig. 1, 8, 1, 1; Inst. ii. 2, pr. 2), who were perhaps led to this way of regarding the matter by the fact that every action *in rem* related to either a corporeal thing or an incorporeal right ("si paret, rem actoris esse . . . si paret, jus utendi fruendi actoris esse"). If this is so, *res* originally meant in legal phraseology any thing of which it could be said "meum est," whether a corporeal thing or an incorporeal (real) right; but later, by an extension of meaning, *res incorporalis* came to include all rights other than dominium (which fell under *res corporalis* because the Romans habitually identified it with the *thing* over which it existed), especially the rights *in personam* termed *obligationes* (Gaius, ii. 14; Inst. ii. 2, 2).

Every thing which is in its nature divisible can be conceived as consisting of parts, in contrast with which it is itself a unit or universitas (*e.g.* "universitas agrorum," Dig. 50, 16, 239, 8; "fundi," Dig. 41, 4, 2, 6); and if this be done with reference to the subjection of one of those parts to exclusive rights in a person, that part is itself conceived as a unit or independent object of rights, and the whole is regarded *pro diviso,* as though it were divided ("Quintus Mucius ait, partis appellatione rem pro indiviso significari, nam quod pro diviso nostrum sit, id non partem, sed totum esse, Servius non ineleganter partis appellatione utrumque contineri," Dig. 50, 16, 25, 1). But some things consist of parts which cannot be physically divided from it without an essential change in their nature, and in relation thereto such a thing cannot be regarded *pro diviso;* the whole can be the object of rights, but a physical part of it cannot. The stones, for instance, of which a house is built, are not parts of it in the sense that they cannot be removed without a change in their nature, and consequently they can be owned *pro diviso* even while

unseparated; but the house itself is an integral part of the soil on which it stands, apart from which it cannot be an independent object of rights; nor can one person own the right arm of a slave, another the left, or one the head and shoulders of a horse, another the hinder quarters. The contrast between the two is thus put by Pomponius: "[unum genus corporum] continetur uno spiritu et Graece ἡνωμένον vocatur, ut homo tignum lapis et similia: alterum quod ex contingentibus hoc est pluribus inter se cohaerentibus constat, quod συνημμένον vocatur, ut aedificium navis armarium" (Dig. 41, 3, 30, pr.).

But a thing, even though physically indivisible (as a slave), may be conceived as consisting of ideal or intellectual parts: *e.g.* one person may own a field or a slave in one-third, and another may own him in two-thirds: "servus communis sic omnium est, non quasi singulorum totus, sed pro partibus, utique indivisis, ut intellectu magis partes habeant quam corpore" (Dig. 45, 3, 5): and if such a part is regarded as the object of exclusive rights, the thing is nevertheless taken *pro indiviso*, and is said to belong to two or more persons in common: no one can say that any particular physical part belongs to him exclusively. Here the whole is corporeal, the parts are intellectual. But conversely there are cases in which, though the parts are corporeal, the whole is intellectual or ideal only; as when there is a number of independent corporeal things not materially connected, but connected in thought owing to some common end or purpose so as to form in idea a whole: *e.g.* the books composing a library, or the sheep which make up a flock (Inst. ii. 20, 18). Where the purpose of the several things, so far from being different from and independent of the general purpose for which the idea is formed, is subservient to that general purpose, such intellectual wholes, consisting of corporeal parts which may be completely changed without *its* ceasing to be the same, are treated as independent objects of property, so that (*e.g.*) they can be pledged (Dig. 20, 1, 13, pr.; *ib.* 34, pr.); they are juristic "things," and are called *universitates rerum*, just as *universitates personarum* are juristic persons, or sometimes *universitates rerum distantium* to distinguish them from the so-called *universitates rerum cohaerentium*, exemplified in the passage of Pomponius cited above. Passages in which these *universitates rerum* (*distantium*) are characterised may be found in Inst. ii. 20, 18;—Dig. 30, 22; *ib.* 7, 1, 70, 3; *ib.* 6, 1, 1, 3; *ib.* 3, pr.

But the term *universitas* is not applied merely to "things" in the narrower signification. Upon its Roman use in the sense of an aggregate of proprietary rights (whether real or personal) and liabilities, especially with reference to hereditas—though we also read of peculia (Dig. 5, 3, 20, 10) and dotes (Dig. 33, 4, 1, 4) as universitates—modern jurists have founded the conception of a "universitas juris," the complex of a man's assets and liabilities, which may be the object of succession, as upon death, adrogatio, conventio in manum, &c. [SUCCESSIO]. And from its other Roman use in the sense of the aggregate of persons belonging to a corporation (Dig. 1, 8, 1, pr.; *ib.* 2, pr.; *ib.* 6, 1; *ib.* 3, 4, 2; *ib.* 7, 1 and 2; *ib.* 46, 8, 9), they have coined the expression *universitas personarum* as denoting one of the species of what are now usually termed "juristic persons."

It is only the individual man who can properly be regarded as the subject of rights and duties, and it is he who determines for himself the ends to which his property shall be devoted. But there are some ends which concern more men than the single individual, and these may often be attained by the formation of a partnership between those to whom they are an object; and others of a wider and more enduring interest still, which are an object to successive generations, *e.g.* to the inhabitants of a town, the citizens of a state, the members of a family, the practitioners of an art—or even to all mankind, as is the case with civilisation and religion. The attainment of these is facilitated by certain funds being set aside and administered for that very purpose; and thus the end seems to resemble man, for to it is ascribed the proprietary capacity which only man can properly possess, and the foundation which is its outward symbol is conceived as a person is said *personae vice, privatorum loco, esse* (Dig. 46, 1, 22; 50, 16, 16), and is described as owner, heir, creditor, and debtor (Dig. 34, 7, 1; *ib.* 4; 1, 3, 49, 4): communities of persons organised for permanent public purposes are in the writings of the Agrimensores (pp. 16, 54, ed. Lachmann) called *persona publica, persona colonia.* This is the notion of a juristic person, of which there may be said to be two kinds: corporations (*corporatio*, Nov. Severi, ii., but more ordinarily *corpus* in the authorities: the moderns speak of *universitates personarum*), and funds or property-aggregates devoted to some permanent and definite object, which, so far as proprietary rights are concerned, the state has endowed with personality and legal capacity: these are by modern writers often termed *universitates bonorum*, an expression which the Romans appear to use only in the sense of an inheritance (Dig. 6, 1, 1, pr.; 29, 1, 18, pr.).

Of corporations the following kinds occur:—(1) The Roman State, Respublica, considered as the subject of rights and duties comprised under Private Law: its property, and legal personality in respect of property, are also called Fiscus or Aerarium, though some writers (*e.g.* Baron, *Pandekten*, § 30) treat the Fiscus and State together as a juristic person of anomalous character, which cannot properly be classed as a corporation at all. By the classical jurists *respublica* is most commonly used to express a civitas dependent on Rome, not Rome herself. (2) Political or local subdivisions of the people, such as civitates, municipes, communes or communitas, vicus, colonia, provinciae, fora, conciliabula, castella (the last three, though not mentioned in the legislation of Justinian, occurring in the Tabula Heracleensis, the Lex Rubria de Gallia Cisalpina, and in Paulus, *Sent. rec.* iv. 6, 2). (3) Military subdivisions, such as legions (Dig. 28, 3, 6, 7; 41, 3, 30, pr.;—Cod. 6, 62, 2). (4) Associations of official persons and administrative authorities, of which the body of scribae became one of the most numerous and important through being employed in all branches of the administration. The general name was Scribae, which included the sub-

ordinate corporations termed Decuriae librarium, fiscalium, censualium (Dig. 37, 1, 3, 4; 46, 1, 22; 29, 2, 25, 1;—Cod. 11, 13), whose individual members, called decuriati and subsequently decuriales, had great privileges at Rome and subsequently at Constantinople (Cic. *in Verr.* iii. 79; *ad Quint. fratr.* ii. 3; Tac. *Ann.* xiii. 27; Sueton. *Octav.* 57, *Claud.* 1). Similarly the decuriones of a town were regarded as a corporation distinct from the general body of Municipes, as in Cod. 6, 62, 4; Dig. 4, 3, 15, where it is stated that an action for dolus will not lie against the Municipes, of which a fictitious person cannot be guilty, but that such action will lie against the individual decuriones who administer the affairs of the Municipes. (5) Associations of religious persons, collegia templorum (Dig. 32, 38, 6), such as the priests of the various gods and the Vestal Virgins. (6) Associations for trade and commerce, as Fabri, Pistores, Naviculariі (Dig. 3, 4, 1, pr.; 50, 13, 5, 13), the bond between whom was their common calling, though each worked on his own account. Under this head also fall certain partnerships, which, though termed *societates*, had a permanent corporate existence, such as the associations for farming the taxes (*societates publicanorum*), and for working mines (*salinae*: Dig. 3, 4, 1, pr., and 1; 37, 1, 3, 4; 47, 2, 31, 1). (7) The associations in the nature of modern clubs which were called Sodalitates, Sodalitia, Collegia Sodalitia. These were in origin friendly associations for purposes of common feasting and worship, but in course of time many of them acquired a political character, and in periods of commotion became centres of faction and intrigue, their members crowding together in public places (Cic. *ad Quint. frat.* ii. 3), so that at last the senate was compelled to propose a law subjecting those who would not disperse to the penalties of *vis*. According to Asconius, this was followed by a general dissolution of collegia, but in fact those only were dissolved which were of a mischievous character; and under the emperors the rule was established that no collegium of this or the preceding class could be founded without permission from the princeps or senate, which was granted only on special grounds (Dig. 47, 22, 1–3; 3, 4, 1, pr.). (8) There were also in the imperial period Collegia Tenuiorum (Dig. 47, 22, 1, pr.; *ib.* 3, 2), associations of poor people for mutual support, and especially to secure their members decent burial. A man could only belong to one of them: the members might meet only once a month, and paid monthly contributions. To clubs of this class even slaves could belong, on obtaining permission from their masters. Upon the whole subject compare the article on COLLEGIA.

Of the rights comprised in private law, some only can reside in corporations. An independent property or proprietary capacity is essential to the corporate character: "quibus autem permissum est corpus habere .... proprium est ad exemplum reipublicae habere res communes, arcam communem et actorem sive syndicum, per quem, tanquam in republica, quod communiter agi fierique oporteat, agatur fiat" (Dig. 3, 4, 1, 1). Corporations could own, possess, owe, be owed, and institute legal proceedings; they could possess the jus patronatus, but none of the family rights, and many of them, though capable of taking legacies, were excluded from succeeding deceased persons by way of inheritance (Dig. 30, 117, 122; *ib.* 73, 1). A corporation is not identical with its members at any given time, and remains the same "person" unaffected by changes in them (Dig. 3, 4, 7, 2); they do not share *pro parte* in its rights and liabilities ("si quid universitati debetur, singulis non debetur, nec quod debet universitas singuli debent," Dig. *ib.* 7, 1), and can become its debtors and creditors in precisely the same way as other persons can (Dig. *ib.* 9). Their rights and duties, as such members, vary with the character of the corporation itself, which may be established entirely or principally for their benefit, so that sometimes the members for the time being may be entitled to divide its property between themselves on its dissolution. Having no will of its own (Dig. 41, 2, 1), it can perform legal acts only through agents, whether these be its presidents (*magistri, rectores*) or subordinate officials, especially those appointed for the conduct of litigation (*syndici, actores*); and what these agents decide on and do within the scope of their authority is regarded as the determination and act of the corporation itself (Dig. 35, 1, 97; 50, 1, 14). Who are its duly authorised agents is usually defined by its constitution: but in the absence of such definition the aggregate of its members are to be considered its natural representatives, and the acts and resolutions of a majority at a duly summoned meeting to be taken as conclusive (Dig. 19, 160, 1; Cod. 10, 63, 5, 1), unless contrary to positive law or the interests of the public (Dig. 47, 22, 4).

Some corporations were established by the state: but the chief mode in which they arose was the voluntary association of a number of persons (not less than three: Dig. 50, 16, 85) for a common purpose which was neither unlawful nor immoral. Whether a special recognition of the associated persons as a corporation by the state was essential cannot perhaps be regarded as settled; but (notwithstanding Dig. 3, 4, 1; 47, 22, 3, 1) the better opinion would seem now to be that an association might be invested with the corporate character under general law or custom, and that as a rule it could not be denied to any lawful combination of persons so organised as to create a fund of property distinct from that of the associated persons themselves (Windscheid, *Lehrbuch*, § 60, note 3).

A corporation was dissolved by the death or withdrawal of all its members; "In universitatibus nihil refert, utrum omnes iidem maneant, an pars maneat vel omnes immutati sint: sed et si universitas ad unum redit, magis admittitur posse eum convenire et conveniri, cum jus omnium in unum reciderit et stet nomen universitatis" (Dig. 3, 4, 7, 2). But it cannot as a rule be extinguished by a resolution of its members. Of course, where no public interest stands in the way, these can agree unanimously to withdraw from the corporation and so put an end to its existence: but in such a case unanimity is indispensable unless it is provided by the constitution of the corporation itself, that for this purpose (as for others) a majority shall be able to bind a minority. It could also be

dissolved by its object becoming unlawful, as where the state prohibits associations of certain kinds which hitherto have been perfectly legal (*e.g.* the collegia sodalitia), or declares a single corporation extinct on grounds of policy (Dig. 7, 4, 21). Upon dissolution, the property of those corporations whose members were jointly entitled to its funds or income was divided among them; in other cases, any resolution of the members made before extinction as to what was to become of it was binding: if there had been no such resolution, the property went as *bona vacantia* to the Fiscus.

The second class of juristic persons (the so-called *universitates bonorum*) are those which are not necessarily supported by any natural person—a support which, as has been seen, was essential to the existence of a corporation: they are so much property, or aggregates of rights and duties, personified and regarded as capable of perpetuating their separate existence and fictitious unity indefinitely. These were uncommon at Rome before the adoption of Christianity as the state religion, though by special favour of the emperor or senate certain temples were endowed with capacity of inheriting property (Ulpian, *Reg.* 22, 6): but after Constantine's religious reformation the character of the juristic person came to be possessed by foundations established for the encouragement of the new worship, such as churches, monasteries, and religious houses generally, and by other institutions of a charitable nature, such as hospitals and almshouses, which Christianity regarded with peculiar favour (Cod. 1, 2, 23; 1, 3, 35, 46). A juristic person of any of these kinds came into existence by the dedication by any one, even in his last will, of property to a permanent end of religious or charitable character: it had full proprietary rights, including capacity to take by inheritance no less than by legacy (Cod. 1, 2, 23; 1, 3, 24, 49): like a corporation, it could act only through agents, the appointment of whom, if not provided for in the constitution of the juristic person by its founder (Cod. 1, 3, 46, 3), was entrusted to the public magistrates (*ib.* 49, 6; *Nov.* 131, 11). Alienation of property belonging to such foundations was subject to important restrictions (*Nov.* 120).

It is disputed whether the character of a juristic person can be ascribed to the successive holders of an office or magistracy (after the fashion of English "corporations sole"): but this would seem to be the case, inasmuch as a legacy to "the emperor" or "the holder of such and such a magistracy" was good without further specification (Dig. 31, 56, 2; 33, 1, 20, 1; 50, 1, 25). There is the same question with regard to a *hereditas jacens*, i.e. a man's property in the interval between his decease and acceptance by an heir, of which it is said "hereditas vice defuncti fungitur, personam defuncti sustinet" (Dig. 41, 1, 33, 2; *ib.* 34; 28, 5, 31, 1, &c.), and which, even while *res nullius*, could acquire fresh rights and incur fresh liabilities. It is difficult to explain such properties without attributing to an inheritance a fictitious juristic personality, while at the same time it is impossible to classify it with either of the two groups of juristic persons treated above.

The term *Universitas* was adopted in the Middle Ages to denote certain great schools, but not *as* schools: it denoted these places as corporations, *i.e.* as associations of individuals. The adjunct which would express the kind of persons associated would depend on circumstances: thus, in Bologna, the expression "Universitas Scholarium" was in common use: in Paris, "Universitas magistrorum." The school as such was called Schola, and from the 13th century most commonly Studium: and if it was a distinguished school, it was called Studium Generale. The first occasion on which the term *universitas* was applied to a great school is said to be a Decretal of Innocent III. of the beginning of the 13th century, addressed "Scholaribus Parisiensibus." (Dig. 3, 4; Puchta, *Institutionen*, § 222; Savigny, *System*, &c. i. p. 378, ii. 235, iii. 8; Dirksen, *Historische Bemerkungen über den Zustand der juristischen Personen nach röm. Rechte*, in his *Civil. Abhandlungen*, ii. 1; Pfeifer, *Die Lehre von den juristischen Personen*, Tübingen, 1847; Uhrig, *Ueber die jur. Personen*, Dillingen, 1854.) [J. B. M.]

VOCATIO IN JUS. [ACTIO, Vol. I. p. 14 *a*.]

VOCONIA LEX. This law was passed on the motion of Q. Voconius Saxa, trib. pleb., with the strong support of the elder Cato, A.U.C. 585 = B.C. 169 (Cic. *Sen.* § 14; Liv. *Epit.* xli.). Its provisions appear to have been two: (1) That, beginning with the censorship of A. Postumius Albinus and Q. Fulvius Flaccus (A.U.C. 581–585), no one enrolled in the burgher list as having a property of 100,000 asses (*qui centum milia aeris census est*) should make any maiden or woman his heir (Cic. *Verr.* i. 42, § 107; Gaius, ii. 274). Vangerow (in his treatise, p. 13) points out that this sum was the maximum qualification for the first class of Servius Tullius' arrangement (Liv. i. 43); and that as Cato's speech contained a reference to this classification, the restriction imposed by this law was in fact imposed upon the *classici* or first class (Gell. vii. 13). Dio Cassius (lvi. 10) gives the limit as 25,000, probably meaning *drachmae*, which were equal to 100,000 sesterces, and that is the amount named by Pseudo-Asconius (*ad* Cic. *Verr.* I. c.). Whether this substitution of "sesterces" for "asses" is due to mistake, or more probably to the tacit substitution in popular interpretation of the current coin for an extinct or disused one, cannot be decided (cf. Marquardt, *Staatsverw.* ii.[2] p. 15). A Vestal Virgin was allowed to make a woman her heir (Cic. *R. P.* iii. § 17).

(2) Another clause (general in terms, and not confined to the case of women) provided *ne cui plus legatorum nomine mortisve causa capere liceret quam heredes caperent:* and Gaius points out, that if there were many legatees, the portion left to the heir might be very small (Gaius, ii. 226, followed by Theophil. *Inst.* ii. 22). Cicero refers to the law in words which are easily reconcilable with this, but, if taken strictly, mean that no one enrolled (*i.e.* in the first class) could give in legacies an amount more than would come to the heir or heirs (*Verr.* i. 43, § 110); a provision which would secure the heir or heirs at least half the estate. Quintilian's 264th Declamation has "ne liceat mulieri nisi dimidiam partem bonorum dare;" but this, whatever be its worth, is still consistent

with Gaius, as showing the maximum which a woman could take under a will. This second clause was practically repealed by the Lex Falcidia (Gaius, ii. 227).

The Voconian law did not interfere with a woman's rights to her share in an intestate estate (Gaius, iii. 1 *sqq.*), nor with the claim of a daughter, granddaughter, &c. to a share where the will contained no disinheriting clause (Gaius, ii. 124 *sqq.*). Hence a father, though unable to make his only daughter heir by his will (Augustin, *Civ. D.* iii. 21), could bequeath her (not exceeding) one-half of his estate, or, if she was in his power, by omitting to disinherit her, could by the operation of the general law in effect leave her an equal share with other children, or, if strangers were made heirs by the will, could leave her one-half the estate. If he made a will and expressly disinherited her, she could contest the will, as undutiful (*inofficiosum*); and if no good cause for her disinherison were shown, she would obtain at least a share (Paul. iv. 5; Dig. 5, 2). If he made no will, she would get an equal share with other *sui heredes*.

The intention of the Voconian law apparently was to curb the extravagance, by limiting the pecuniary means, of women (Gell. xvii. 6; xx. 1, § 23). One of the interlocutors in Cic. *R. P.* iii. 10 attacks its aim, and also its provisions, by pointing out that by not fixing a maximum sum which a woman could take or hold, the law would work (in one or other of the above-named ways) very unequally in the case of fathers of different degrees of wealth. Moreover, from Cic. *Verr.* l. c., it is clear that rich persons, by not being enrolled, perhaps purposely, perhaps by irregularity in taking the census (cf. Huschke, *Census*, p. 61), were sometimes free from the operation of the law. Trusts (*fideicommissa*), too, afforded another means of escaping what seemed to some an unnatural law. In Cicero's time trusts were not legally enforceable (Cic. *Fin.* ii. 17, § 55); but when after Augustus trusts were protected by the praetor, the Voconian law could thereby be nullified at will (Gaius, ii. 274). Its provisions were relaxed by the Lex Papia Poppaea (Dio Cass. lvi. 10) in favour of those who had children, and it was probably repealed in fact, though not formally, before the time of Gaius (Gell. xx. 1, § 23). What was the interpretation of "census" in this law after the last burgher list was made by Vespasian is not known (Mommsen, *Röm. Staatsr.* ii.^{2} p. 408).

The words of Pliny (*Pan.* 42), "Locupletabant et fiscum et aerarium non tam Voconiae et Juliae leges, quam," &c. probably refer to the claims of the public treasury to inheritances left vacant or legacies lapsed in consequence of violation of the Lex Voconia, and of the Lex Julia de maritandis ordinibus or of that which imposed a 5 per cent. succession duty (*vicesima hereditatum*). Cf. Voigt, *Condict.* p. 227; Huschke, *ZRG.* v. 178. The policy, though not the words, of the Lex Voconia is thought by Paulus (iv. 8, § 20) to have led (*jure civili Voconiana ratione effectum*) to restricting the claims of women as heirs of an intestate estate to those who were *sui heredes* or *consanguineae* and not to further degrees.

Of the many discussions on this law, see particularly Savigny, *Verm. Schr.* i. 407 *sqq.* (1820, 1849); Haase, *Rhein. Mus.* iii. 183 *sqq.* (1829); *v.* Vangerow, *Lex Voconia* (1863).

[H. J. R.]

VOLCANA'LIA, a festival celebrated at Rome in honour of Vulcan, on the 23rd of August (x. *Kal. Sept.*), with games in the Circus Flaminius, where the god had a temple (*C. I. L.* vi. 2295; Jordan, *Ephem. Epig.* i. 36, 230). The sacrifice on this occasion consisted of fishes which the people threw into the fire (Varro, *L. L.* vi. 20), and of a red heifer and a boar-pig (*C. I. L.* vi. 826). That the festival was propitiatory, to stay the destroying fire, is shown not only by the last-mentioned inscription, which alludes to the great fire of Nero's reign, but also by the fact that Stata Mater, who stayed the fire, and Juturna and the Nymphs who supplied water, were associated in the festival (see Marquardt, *Staatsverw.* iii. 9, note 2). This may perhaps explain the selection of fish as the victims. There were *feriae Volcano* also on the 15th of May (Ov. *Fast.* v. 725; Marquardt, *Staatsverw.* iii. 575). [L. S.] [G. E. M.]

VOLSELLAE (*τριχολαβίς, τριχολάβιον*), a pair of tweezers (Plaut. *Curc.* iv. 4, 21; Mart. ix. 28, 5). The extent to which the practice of pulling out hairs was carried, both among Greeks and Romans, has been noticed under PSILOTHRUM. For the slaves, both male and female, employed for this purpose, see ALIPILUS. Several examples of ancient tweezers have been discovered; some joined with a rivet at the back like scissors, others, as in the illustration, made of flexible metal (Marquardt, *Privatl.* 581; Becker-Göll, *Gallus*, iii. 241).

Volsellae, tweezers; actual size. (From the Roman villa at Brading, Isle of Wight; preserved on the spot.)

Some of the smaller kinds of forceps used as surgical instruments are likewise called volsellae by Celsus (vi. 12, § 1; vi. 18, § 3; vii. 10, § 7). One of these is figured by Rich *s. v.*; see also the cut No. 17 under CHIRURGIA, in Vol. I.

[W. W.]

VOTA PUBLICA. These rested on the same principle as the vows and votive offerings made at critical moments, and after an escape from danger by private persons, which have been described under DONARIA. The public vows were made in time of war (Liv. v. 21, xxxvi. 2, xlii. 28; cf. Ov. *Fast.* v. 573); or of pestilence (Liv. iv. 25, xl. 37, xli. 21). A clause often occurs to the effect that the vow is made on condition that the state should be free from trouble for five or for ten years, and such vows are called *vota quinquennalia* or *decennalia* (Liv. xxi. 62; xxx. 2, 27; xxxi. 9; xlii. 28).

The things vowed, as may be seen from the above passages, were of various kinds, offerings at shrines or at pulvinaria, a tithe of the spoil, votive games [LUDI, p. 84 *b*], or a temple. The most remarkable of all vows was the VER SACRUM, which has been described in a separate article.

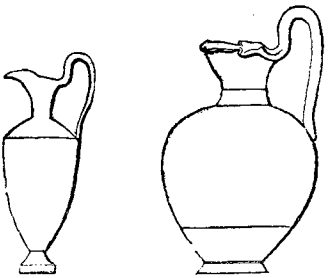
The consul or praetor who had been ordered by the senate *suscipere votum* (i.e. to undertake the obligation), or the dictator in times of a dictatorship, publicly announced (*nuncupavit*)

the vow and its object in formal words dictated to him by the Pontifex Maximus (Liv. iv. 27, xxxvi. 2). In Liv. xli. 21 we find a case where XVvir sacrorum dictates the vow, and it is announced by the voices of the assembled people; but this, according to Mommsen, was because the vow was intended to bind each individual, not the state as a whole (*Staatsrecht*, i. 244). Finally, the vows were entered in the public records in the presence of witnesses (Fest. p. 173, 13). The fulfilment of the vow at the proper time was under the charge of the magistrate who had announced it, or of his successor, if he had vacated office in the meantime; but it might in case of necessity devolve on another magistrate (cf. Liv. xxxvi. 2). When a commander in the field made a vow, the senate afterwards determined how much money should be assigned for its discharge from the treasury or from the spoils which would otherwise be paid into the treasury (Liv. xxxix. 5; xl. 44).

Besides these extraordinary public vows, there was an annual *votum publicum* (of victims to be offered) made by the new consuls on Jan. 1st, "pro reipublicae salute" (the "sollemnis votorum nuncupatio" in Liv. xxi. 63; to this also must be referred the "sollemnia precatus" in the letter of Tiberius, Tac. *Ann.* iv. 70). After the end of the Republic a special vow was added for the emperor's safety (Dio Cass. li. 19). In order, however (as Mommsen thinks), to avoid confusion between the vow for the emperor and that for the state, the 3rd of January became the day for the "votum pro salute principis"; and this day accordingly appears in the Calendars and elsewhere as *votorum nuncupatio* or simply as *vota* (*C. I. L.* i. p. 334; Tac. *Ann.* xvi. 22; Capitolin. *Pert.* 6). In the Greek writers it is called *ἡμέρα τῶν εὐχῶν* (Dio Cass. lxxix. 8). It was observed in the provinces as well as at Rome (Plin. *Ep.* x. 35, 36), and the practice was so far extended that we find *vota* for various occasions concerning the emperor, his return, his birthday, &c. (see numerous instances in Marquardt), and further for various members of the imperial family. Hence if a private person (as Sejanus) allowed his own name to be added, it was construed as a treasonable usurpation of imperial power (Dio Cass. lviii. 3; cf. lxxv. 14). For further details, see Marquardt, *Staatsverw.* iii. pp. 265–268; Mommsen, *Staatsrecht*, i. 244, ii. 810. [G. E. M.]

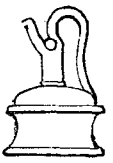
VOTO'RUM NUNCUPATIO. [VOTA PUBLICA.]

URCEUS (dim. *urceolus*) was a name applied to any sort of jug *with one handle* (Mart. xi. 56, xiv. 106, &c.), used for pouring. Hence in Hor. *A. P.* 22 the urceus is selected as the shape essentially different from the amphora. It is often mentioned as used for pouring water into another vessel (Cato, *R. R.* 10; Plin. *H. N.* xix. § 71), but in this sense is sometimes distinguished as *urceus aquarius* (Cato, *R. R.* 13; Gell. x. 24). In this use it is equivalent to the *πρόχοος* or *πρόχους*, which was used as a water jug or ewer [see PELVIS], of which a cut is given from Dennis's *Etruria*. The smaller kind of urceus aquarius served this purpose. The urceus or urceolus was also used for serving the *calda* or *frigida* at table (Mart. xiv. 105), or, like the *οἰνοχόη*, for wine (Plaut. *Mil.* iii. 2, 18). A common shape of the *οἰνοχόη* is here given, but there are other forms; sometimes an older



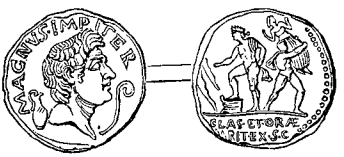
Prochous. (Dennis.) Oenochöe. (Dennis.)

shape, less rounded or bellying (see Baumeister, *Denkm.* fig. 2102), sometimes with a more pronounced spout and a base suggestive of a pyxis. This in Birch is called an *ἐπίχυσις* [EPICHYSIS]; and it is probable that it should be distinguished alike from the ordinary oenochöe and prochous. The oenochöe was used in the symposia, like the totally different cyathus, for dipping wine from the crater and pouring it into the cups, as we see on the vase-painting in Panofka, Pl. xxxiv. 2, for which purpose a jug of the above shape would be unsuitable.



ἐπίχυσις.

To these purposes of the urceus and urceolus must be added the sacrificial use; for Varro says that the *capis* used for wine at sacrifices under the *ritus Romanus* was an urceolus [see CAPIS; SIMPULUM]. Its shape is seen in the annexed coin of the gens Pompeia. The



Coin with capis and lituus on the obverse.

material of the urcei and urceoli was not only earthenware (as in Hor. *l. c.*), but also copper or bronze (Cato, *l. c.*; Juv. x. 64; Mayor *ad loc.*) and silver (Dig. 34, 2, 21). [W. S.] [G. E. M.]

USUCAPIO. "Usucapio est adjectio dominii per continuationem possessionis temporis lege definiti" (Dig. 41, 3, 3: cf. Ulpian, *Reg.* xix. 8; Isidor. *Orig.* v. 25): it is the acquisition of full Quiritarian ownership by possession continued for a prescribed period of time. It is not every system of law that recognises this title to property, and there has been no little speculation as to the reasons of its existence at Rome. The rationale suggested by Gaius (ii. 44), "ne rerum dominia diutius in incerto essent," and by other authorities (Dig. 41, 3, 1; Cic. *pro Caec.* 26; Dig. 41, 10, 5, pr.), is regarded by many writers as not satisfying, and the mode in which the subject is introduced by Gaius himself has led to the theory that usucapio originated in the distinction between the so-called Quiritarian and Bonitarian ownerships, a distinction which itself arose from the abandonment in many cases

by the Romans of the old established methods of conveyance. It would seem that as in primitive times property belonged, not to the individual, but to the family group, it was according to archaic law practically inalienable. The head of the family administered it on behalf of the group, but he could not by conveyance prejudice the rights of its other members: at Rome alienation first took the guise of a fictitious action at law, just as in England property which was strictly inalienable was enabled to be conveyed by the transparent device of a fine or recovery: the party to whom it was wished to convey the property instituted an action for the purpose of establishing his pretended title to it against the would-be conveyor, who made no defence, and so in effect admitted the plaintiff's right, whereupon the property which was the subject of the action was adjudged to the latter by the praetor. This process was called *in jure cessio*. Owing to its great inconvenience, a less troublesome method of conveyance (*mancipatio*) was subsequently introduced for certain favoured objects of property, probably those in which dealings were most common between man and man, and which were called *res mancipi*: but later still it became established that though the forms of mancipatio or in jure cessio must be strictly observed in order to transfer ownership in res mancipi, that in res nec mancipi might be conveyed by traditio or mere delivery—a conveyance of the jus gentium or natural law. The tables thus were turned, and things which but a little while before were the easiest were now the most difficult to alienate. But the cumbrousness and inconvenience of the old forms in contrast with the simplicity of traditio were now so galling that it became common, when it was wished to convey a res mancipi, to deliver it merely, though the effect of this, as the law prescribed mancipatio or in jure cessio, was that nothing strictly passed except possession; the alienor retained the legal title or jus Quiritium over the property, and the alienee was said to have the thing *in bonis* by a title which we should describe as equitable; the phrase "bonitarian ownership" commonly used to describe his interest is as old as Theophilus. Thus Gaius says (ii. 40): "There was originally in Rome only one kind of ownership: a person was either owner of a thing ex jure Quiritium, or he was not owner at all. But afterwards ownership was divided, so that one man might be owner ex jure Quiritium, and another might have the same thing in bonis." It is supposed that usucapio was introduced simply for the purpose of converting this equitable interest into dominium ex jure Quiritium; for, as Gaius says (ii. 41), "Semel impleta usucapione proinde pleno jure incipit, id est, et in bonis et ex jure Quiritium tua res esse, ac si ea mancipata vel in jura cessa esset." If this hypothesis is correct, we must hold that the changes which have been described as taking place in the law of alienation had occurred, and that the practice of merely delivering res mancipi had become common, before the enactment of the Twelve Tables, which regulated if they did not introduce the law of usucapion (Gaius, ii. 42, 54): but, after all, it does not seem unreasonable to accept the general account of the matter given by the authorities referred to above, and to find the origin of the rules on this subject in the failure of other conditions prescribed for the acquisition of property (such as the requirement of ownership, Gaius, ii. 43, or of capacity of legal action in the alienor), and in the difficulty of proving, after a considerable interval of time, the validity of a conveyance which as a matter of fact was perfectly unimpeachable in respect both of form and of title.

As to the acquisition of property by lapse of time in general, we find two distinct sets of rules in the Roman law: those of Usucapio, which are part of the jus civile, and those of Longi temporis possessio or praescriptio [PRAESCRIPTIO], which were introduced by the praetor through the Edict.

Usucapio appears to have been called in the Twelve Tables *usus* simply: the addition *auctoritas* sometimes found with it (Cic. *Top.* 4; *pro Caec.* 19) denotes the warranty of title incumbent on a vendor by mancipation, or (as some say) the addition of the jural to the actual element (*usus*), with which may be compared the *adjectio domini* in the definition cited above from Dig. 41, 3, 3, though there the proper reading may be *adeptio*, which occurs in the definitions of Ulpian (*Reg.* xix. 8) and Isidorus (*Orig.* v. 25). The time during which the thing must be possessed, that the possession may be converted into ownership, was by the Twelve Tables a year for res mobiles, two years for "fundus" or land (Gaius, ii. 42, 44, 54, 204; Cic. *Top.*; Isidor. *Orig.* loc. cit.): and during this period the possession must be continuous and unbroken (Dig. 41, 3, 16: *ib.* 31, 1; 41, 2, 1, 15; *ib.* 36); the effect of interruption [USURPATIO] was that the previous possession counted for nothing, the time having to commence afresh and run again in full. Nor could the possession of one person be added to that of another; so that if A, having possessed a res mobilis for eleven months, transferred his possession to B, the latter would still require a continuous possession of his own for another year before he acquired the dominium. The only apparent exception to this rule for centuries was that the heir succeeded to and could reckon as his own the possession of the person from whom he inherited (Dig. 4, 6, 30, pr.; 41, 3, 20, 40, &c.), provided no third person had taken possession of the object in the interval between the decease and his own acceptance of the inheritance (Dig. 41, 3, 20; 41, 4, 6, 2): but this is accounted for by the "unity of person" which in the Roman view existed between a deceased man and his heir, and which (as will be seen) they realised most completely in respect of usucapio: and it was not till the time of Antoninus and Severus that the doctrine of accessio temporis or possessionis was admitted upon any transfer of possession *inter vivos*, when by an enactment of those emperors a purchaser was allowed to add to his own possession that of his vendor (Inst. ii. 6, 13). It would seem that subsequently the same thing was done under other circumstances, as the general word *auctores* occurs in Dig. 44, 3, 5, pr.; and there is mention of accessio temporis upon transfer of possession by way of legacy, gift, dowry, pledge, &c. (*e.g.* Dig. 44, 3, 5, pr.; *ib.* 14, 3–5; 41, 2, 13, 6 *sq.*), though we may perhaps infer from Dig. 44, 3, 14, pr. ("de accessionibus possessionum nihil in perpetuum neque generaliter

definire possumus, consistunt enim in sola aequitate") that there was no established rule of law in the matter, the praetor judging of the circumstances of each case on the occurrence of litigation, and allowing or disallowing the claim to accessio as he thought right by means of his power to grant actions and exceptiones.

The possession must be civil or juristic possession—that is, to the actual detention there must be superadded the intention to deal with the property as one's own (Dig. 41, 3, 25; *ib.* 13, pr.: see POSSESSIO); and where it is derivative or representative (as in the cases of the sequester, pledgee, and precario rogans), it cannot ripen into dominium, though the possession of the sequester prevents the acquisition of the property per usucapionem by any of the sequestrating parties (Dig. 41, 2, 39). Moreover, the possession must have been acquired by a *justa causa* or *justus titulus* (Inst. ii. 6, pr.; Cod. 7, 29, 4); that is to say, the possessor must have obtained it in some way which would have made him owner, only that in the particular case, owing to some external defect (*e.g.* weakness in the transferor's title, or his incapacity of legal action), acquisition of possession is not equivalent to acquisition of ownership. The *causa* in which the possession originates is in the authorities expressed by the preposition *pro* ("possidet pro empto, pro derelicto, pro donato, pro soluto, pro herede, pro legato, pro dote," &c.). A *titulus putativus* (as where the possessor erroneously supposes there was an intention to vest the property in him, "veluti si quis, cum non emerit, emisse re existimans, possideat: vel cum ei donatum non fuerit, quasi ex donatione possideat," Inst. ii. 6, 11) would not support usucapio (Inst. *loc. cit.*), though it was not hindered if there was a causa of which the possessor was ignorant (Dig. 41, 10, 22), or as to the precise nature of which he was mistaken (Dig. 41, 3, 31, 6), and even in the absence of titulus altogether it could proceed if the possessor believed one to exist through an excusable error of fact (Dig. 41, 10, 5, 1; 22, 6, 4), as where A commissions B to buy a thing for him which B brings him with the fraudulent assurance that he has done so (Dig. 41, 4, 11).

But a person whose possession, notwithstanding the existence of a justus titulus, did not originate in bona fides could not acquire by usucapio (Inst. ii. 6, pr.; Gaius, ii. 43). By bona fides in this connexion seems to be meant a negative rather than a positive mental state—in other words, excusable ignorance of fact with regard to the circumstances which in the particular case prevent acquisition of ownership ("qui *ignorabat* . . . alienum . . . bonae fidei possessor," Dig. 48, 15, 3, pr.: "bonae fides emptor esse videtur, qui *ignoravit* eam rem alienam esse, aut putavit eum qui vendidit jus vendendi habere: puta procuratorem aut tutorem esse," Dig. 50, 16, 109): and the only cases in which its presence can be really a question are cases of materially defective acquisition, as *e.g.* where a non-owner sells and delivers property: here the purchaser, besides this causa (*pro empto*), must not know that it belongs to some one other than the vendor, or that the vendor has no authority to sell (Dig. 50, 16, 109, cited *supr.*). Bona fides was required by Roman law only at the inception of possession (Dig. 41, 1, 48, 1), and in sales also at the time of the contract (Dig. 41, 4, 2, pr., and 13); so that if the possessor discovered his error a moment after the possession became vested in him, usucapio was not hindered. This is expressed in the maxim (which, however, is not classical), "mala fides superveniens non nocet:" but under the canon and modern civil laws the rule is different, the presence of bona fides being required throughout the whole period of possession. If a man's possession commenced in good faith, the fact of his heir's knowledge that the property was not his own was immaterial, there being in contemplation of law no break in the continuity of the possession: and conversely if the ancestor's possession was mala fide in its inception, ignorance on the heir's part of the flaw in his title did not avail to enable him to acquire by usucapio.

There were certain anomalous cases in which some of the rules hitherto stated were varied, or had no application. Thus, if the state sold land which it held in pledge, and the purchaser (*praediator*) allowed the former proprietor to remain two years in possession without making entry and ejecting him, the latter recovered his ownership by what was called *usureceptio ex praediatura* (Gaius, ii. 61). A second species of usureceptio was where a man conveyed property fiduciae causa [PIGNUS], with an agreement for future reconveyance, to a friend for custody, or by way of mortgage: here, if he obtained possession, he could regain the ownership in one year (even though the property was immobilis), unless the original conveyance had been made as security for a debt which remained undischarged, in which case he could thus recover only if he had got possession neither by hire nor by precarium ("usu receptio lucrativa," Gaius, ii. 59, 60). Again, res mancipi of a woman in the guardianship of her nearest agnate had been excepted by the Twelve Tables from the operation of usucapio, unless delivery of them were made by the woman herself with the guardian's auctoritas (Gaius, ii. 47); so that if a man knowingly bought such property from the woman without the tutor's sanction, the requirement of bona fides was unsatisfied: but it was provided by a "constitutio Rutiliana," of which nothing further is known, that he could acquire a full title by usucapio unless before its completion the woman offered to return him the purchase-money (*fragm. Vat.* 1). None of these cases survived to the time of Justinian. Gaius also tells us (ii. 52) that, if a man took possession of a res hereditaria, a piece of property belonging to an inheritance, before the heir, he could acquire it by usucapio in a year (Gaius, ii. 54; Cic. *ad Att.* i. 5), even though a res immobilis, notwithstanding his knowledge that he had no title to it whatever (cf. Plin. *Ep.* 5, 1): this was called possessio or usucapio pro herede (Gaius, ii. 52), and was also *lucrativa* (*ib.* 56), "nam sciens quisque rem alienam lucrifacit." The reason, he says, why even land could in this case be acquired in a year was that an hereditas was a res incorporalis, and therefore fell under the *ceterae res* which the Twelve Tables had enacted should be acquirable in the shorter period: and he accounts for this curious form of usucapio by the desire to induce heirs to make a prompt aditio of inheritances to

which they were entitled, in order that there might be some one to perform the family sacra, and to discharge the deceased's liabilities (ii. 55): considerations which also probably will account for the doctrine that there could be no theft of res hereditariae until the heir had taken possession of them (Gaius, iii. 201; Paul. *Sent. rec.* ii. 31, 11; Dig. 47, 2, 68–70; 47, 4, 1, 15). The law on this subject, however, was altered by a senatusconsultum Juventianum passed at the instance of the Emperor Hadrian (Gaius, ii. 57), by which it was enacted that, even though the possessor had retained the property for the necessary year, the usucapio might be avoided by the heir's proving his original title against him by hereditatis petitio, though, should he not do so, the right acquired by usucapio would avail against all other persons. Subsequently the wrongful appropriation of res hereditariae of which the heir had not yet possessed himself rendered the delinquent liable to a criminal prosecution under the name of *crimen expilatae hereditatis*: "Si quis alienam hereditatem expilaverit, extra ordinem solet coerceri per accusationem expilatae hereditatis, sicut et oratione divi Marci cavetur" (Dig. 47, 19, 1; cf. *ib.* 3). After this change possessio pro herede usually denotes the interest of a person who had obtained from the praetor a grant of the bonorum possessio or praetorian inheritance, which usucapio would convert into ownership; but this case was obsolete in the law of Justinian's time, in which usucapio pro herede signifies usucapion of a res hereditaria by a person who through an excusable error believes himself heir (Dig. 41, 3, 33, 1), or of res non hereditariae by the heir who supposes them to belong to the inheritance (Dig. 41, 5, 3).

Usucapio being a "civil" mode of acquisition, by which the possessor became dominus ex jure Quiritium, it followed that no person could avail himself of it who had not the *commercium*: this in particular excluded peregrini, as was signified by the phrase of the Twelve Tables "adversus hostem aeterna auctoritas" (Cic. *de Off.* i. 12, 37): so, too, Gaius says (ii. 65), "usucapionis jus proprium est civium Romanorum." Similarly things which were not *in commercio*, incapable of being owned by private individuals, were excluded from its operation: among these were *res divini juris*, such as temples and lands dedicated to the gods, sepulchres and their approaches: *res communes* and *res publicae*, especially provincial soil (Gaius, ii. 46) and free men (Gaius, *ib.* 48). There were also a number of other things which could not be acquired by usucapion, some on account of their actual nature, some by reason of positive enactment.

As the foundation of the right is possession, and nothing can be possessed but what is corporeal and tangible ("possideri autem possunt, quae sunt corporalia . . . nec possideri intelligitur jus incorporale," Dig. 41, 2, 3, pr.; 41, 3, 4, 27), a title to mere incorporeal rights, such as servitudes and other jura in re aliena, could not be established in this manner. It would seem that in respect of urban servitudes this doctrine had been reversed—perhaps because in them there was a greater semblance of physical possession—and that the acquisition of them by usucapio had to be declared void by statute (the Lex Scribonia: see SERVITUTES): though those writers who suppose that usucapio was introduced solely to perfect the traditio of res mancipi contend that rustic servitudes, or at least some of them, could originate in this manner (Engelbach, *Ueber die Usucapion zur Zeit der Zwölf Tafeln*, Marburg, 1828). But the determination of servitudes by non-user, as to which there was never any doubt (Paul. *Sent. rec.* i. 17; *ib.* iii. 6, 30), was in effect a usucapio of libertas—a phrase actually used, in speaking of the extinction of urban servitudes, in Dig. 8, 2, 6; and it would seem that eventually a title to rights of this class could be established by longi temporis possessio or praescriptio [SERVITUTES].

The withdrawal of certain corporeal things subject to private dominium from the operation of usucapio was due either (1) to the wish to confer a privilege on the owner, or (2) to the character of the property itself. To the former class belong (*a*) res mancipi of women in agnatic guardianship, of which enough has been already said above. (*b*) Property of towns ("usucapionem recipiunt maximè res corporales, exceptis rebus . . . civitatum," Dig. 41, 3, 9: cf. Dig. 6, 2, 12, 2), though their land could be acquired by a praescriptio of twenty years (Paul. *Sent. rec.* v. 2, 4). (*c*) Res immobiles of churches and religious and charitable foundations (*Nov.* iii. 1, 131, 6). (*d*) Property of the fiscus, though *bona vacantia* were not excepted from usucapio until they had been *nuntiata* (Inst. ii. 6, 9; Dig. 41, 3, 18, 24): the same privilege was extended to the private property of the emperor (Cod. 7, 30, 2; 7, 38, 2, 3; 11, 61, 64). (*e*) Things belonging to pupilli or to minors under cura, the alienation of which was prohibited by law (Dig. 27, 9; Cod. 5, 71–74; Dig. 8, 6, 10, pr.; 41, 1, 48, pr.).

To the second class belong the following:—(*a*) Res furtivae, stolen property, which was excepted from usucapio by the Twelve Tables (Gaius, ii. 45; Inst. ii. 6, 2), whose enactment was repeated by a lex Atinia (Inst. *loc. cit.*; Gell. xvii. 7; Cic. *in Verr.* ii. 1, 42; Dig. 41, 3, 4, 6; *ib.* 33, pr.; 50, 16, 215) of unknown date, which added that the vitium furti should be purged as soon as the owner (or his agent to his knowledge) regained possession of the stolen property, or was able to bring a vindicatio for its recovery (Inst. ii. 6, 8). So too if a non-owner pledged a res aliena or gave it to another in usufruct, and subsequently stole it from the pledgee or usufructuary, recovery of possession by the latter made the thing again acquirable by usucapio (Dig. 41, 3, 49). The result was that not even a possessor in good faith of property which had been stolen at any distance of time could acquire a title to it in this manner, and Gaius (ii. 50) observes that it was consequently extremely difficult for a mere bonâ-fide possessor (who was not also Bonitarian owner) to become owner ex jure Quiritium by usucapio of movable property, because any unauthorized dealing with a res which to one's knowledge was aliena (*i.e.* not one's own) was theft in contemplation of law, though he mentions some cases by way of illustration in which it was possible: as where an heir sells property which had been deposited with, or let or lent to, the deceased, but which he believed to belong to the inheritance; or where the

usufructuary of a female slave sells or gives away her offspring in the belief that he was entitled to do so: in both of which instances the bona fides of the alienor excludes the presumption of furtum. Fugitive slaves could not be acquired by usucapio on the same principle (Inst. ii. 6, 1), their running away being regarded as a theft of themselves (Cod. 6, 1, 1). Land could not be stolen (Inst. ii. 6, 7), and therefore did not come within the provisions of the Twelve Tables or the Lex Atinia: but it was enacted by leges Julia and Plautia (Gaius, ii. 45, 51;—Dig. 41, 3, 4, 22, 23; *ib.* 48, pr.) that *res vi possessae* (and thus land from which the tenant had been forcibly ousted) should be equally excluded from the operation of usucapio, until the tenant recovered possession or was in a position to bring a vindicatio (Inst. ii. 6, 8). Justinian points out in the Institutes that a title to land in general could be more easily thus acquired than to movable property, because there would be no *vis* in a man's entering on a *locus vacans;* and though he could not become its owner himself, because his possession was mala fide, yet a bonâ-fide possessor to whom the land was conveyed by him without knowledge of the defect in his title could do so (Inst. ii. 6, 7). (*b*) Fundus dotalis, land comprised in a dos, was forbidden to be alienated by the Lex Julia de fundo dotali (Gaius, ii. 63; Inst. ii. 8, pr.), a prohibition which also excepted it from acquisition by usucapio if it came into the possession of a third person after the dos was created (Dig. 23, 5, 16), it being a general rule that wherever alienation of property was forbidden by statute, its usucapion was forbidden also ("alienationis verbum etiam usucapionem continet, vix est enim, ut non videatur alienare, qui patitur usucapi," Dig. 50, 16, 28, pr.). Justinian further enacted (Cod. 5, 12, 30) that to an action brought by the wife against a third person for the recovery of any dotal property, movable or non-movable, no exceptio of usucapio or praescriptio should be pleadable. (*c*) By the Lex Julia repetundarum it was provided that no one should be able to set up a title by usucapio to any property of which a provincial governor had become possessed against the laws relating to extortion (Dig. 48, 11, 8, pr.; 41, 1, 48, pr.): but (as in cases of theft) the *vitium* was removed by the revesting of possession in the owner (Dig. 48, 11, 8, 1). (*d*) It was declared by the Lex Mamilia that the space of five feet which the law required to be left clear between landed estates should not be acquirable by usucapio ("quoniam usucapionem intra quinque pedes esse noluerunt," Cic. *de Legg.* i. 21, 55), though under the law of Justinian it was liable to a thirty years' prescription (Cod. 3, 39, 6). (*e*) Building materials of one man used by another without the former's knowledge were not subject to usucapio so long as they remained part of the structure (Dig. 41, 1, 7, 11; 6, 1, 23, 7). (*f*) Other *res* of less importance excepted from usucapion are those belonging to the so-called peculium adventitium regulare of filiifamilias (Cod. 6, 60, 1; 6, 61, 4), and property which devolves on children of a first marriage owing to the parents' marrying again (*Nov.* 22, 24).

Two peculiar subjects to which usucapio applied under the older law deserve a brief notice. One of the modes in which a husband could obtain manus over his wife was *usus*, residence under his roof continuously for a year, though she could save her independence by staying away three successive nights (Gaius, i. 110; Gell. *Noct. Att.* iii.; Macrob. *Saturn.* i. 3): Cicero mentions this as a way in which manus could originate even in his time (*pro Flacco*, 34), but at the time at which Gaius wrote it was obsolete (i. 111). Originally, too, hereditates were regarded as acquirable by usucapio (Gaius, ii. 54), so that even the sacra passed to the person who became entitled to them in this manner (Cic. *de Legg.* ii. 19 *sq.*; *pro Flacco*, 34; *ad Att.* i. 5), but in the early days of the Empire this doctrine began to be questioned, and by the time of Gaius (*loc. cit.*) it was settled that though res hereditariae could still be thus acquired, the "universitas" could not.

The rules as to acquisition by lapse of time which were established through the Edict originated partly perhaps in the incapacity of peregrini to gain a title to property by the civil law usucapio (though this is more a matter of inference than of positive knowledge: see Puchta, *Institutionen*, § 240, note *b*), and partly also in the exemption of provincial soil from its operation. A person who had acquired a bonâ-fide possession of land by a justus titulus, and retained it continuously for ten years (or twenty if the alleged owner resided in a different province), was enabled by the edict of the governor to plead in defence to an action brought against him by such owner for its recovery the length of his possession (praescriptio or exceptio longi temporis: see PRAESCRIPTIO), and on proof of his plea the plaintiff would have judgment given against him (Paul. *Sent. rec.* v. 2, 3, 4; v. 5a, 8). The positive enactments excluding certain things from this mode of acquisition on account of a vitium (*e.g.*, res furtivae and in possessae) were as a rule applied here as well as in usucapio: but accessio temporis was generally allowed where the possession had been derived from another person by a genuine succession of title (*e.g.* between donor and donee, testator and legatee, &c.), which in usucapio we have seen was not the case. At first Praescriptio longi temporis operated only as a rule of Limitation, not making the possessor owner, but merely enabling him to repel the action of an owner who had been for a certain period out of possession; but it would seem that in course of time it acquired the operation of usucapio, a man who had possessed provincial land for the time required by the edict being able to bring a real edict for its recovery if he lost possession: "Si quis emptionis vel donationis vel alterius cujuscunque contractus titulo rem aliquam bona fide per decem vel viginti annos possederit . . . posteaque fortuito casa possessionem qui rei perdiderit, posse eum etiam actionem ad vindicandam rem eandem habere saucimus, *hoc enim et veteres leges, si quis eas recte inspexerit, sanciebant*" (Cod. 7, 39, 8, pr.: cf. Dig. 12, 2, 13, 1). Praescriptio also became a title to servitudes on Italian no less than provincial soil (Dig. 8, 5, 10, pr.), and probably also (for peregrini) to res mobiles all over the Empire ("rescriptis quibusdam Divi Magni Antonini cavetur, ut in rebus mobilibus locus sit praescriptioni diutinae

possessionis," Dig. 44, 3, 9): indeed, considering its advantages over usucapio in respect of accessio temporis and in some other points (Dig. 41, 3, 44, 5; 20, 1, 1, 2; 44, 3, 5, 1; *ib.* 12; —Cod. 4, 10, 14; 7, 36), it was perhaps sometimes relied upon as a title to soil in Italy. Indeed, the new rules seem to have entirely superseded those of usucapio in the Empire of the Visigoths, whose Lex Romana contains, in the Sentences of Paulus, a title "de Usucapione" (v. 2), the contents of which however relate entirely to longi temporis praescriptio or possessio. In the Eastern empire the two bodies of law subsisted side by side up to the time of Justinian; the acquisition of land being for the most part governed by rules of Praescriptio (for, with the exception of the few towns which had as a favour received a grant of jus Italicum, the whole of its soil was *provinciale*), and that of res mobiles by those of the old usucapio.

Justinian himself completely reformed the law on this subject. In A.D. 528 he issued a constitution definitely establishing the effect of longi temporis praescriptio as a mode of acquiring dominium, a point which seems hitherto not to have been clearly settled (Cod. 7, 39, 8, pr., cited above), and three years later he abolished the old two years' usucapio for land, and with it the distinction between solum Italicum and solum provinciale, enacting that the latter no less than the former should be acquirable in absolute ownership by a possession of ten years if both the parties were domiciled in the same, twenty if in different provinces (Cod. 7, 31). He further substituted for the old usucapio of one year for res mobiles one of three years, assimilated the rules both as to movables and immovables in respect of titulus, bona fides, and the kinds of things which could not be acquired in this manner, and allowed accessio temporis to the fullest extent in which it had been recognised by the praetorian law. The term "usucapio" is in his legislation confined to the acquisition of res mobiles, while that of land is very uniformly described by the terms "longo tempore capio," "longa possessione capio," "diutina possessione capio," "longi temporis possessio" or "praescriptio," though sometimes the two are combined (*e.g.* Inst. ii. 6, pr.: "immobiles ... per longi temporis possessionem ... usucapiantur").

Finally by Cod. 7, 39, 8, pr. and 1, Justinian introduced a new species of Prescription, usually termed "longissimi temporis praescriptio" or "usucapio extraordinaria," and based upon Theodosius II.'s thirty or forty years' limitation of actions [PRAESCRIPTIO], according to which a person who could successfully meet a real action brought against him by another for the recovery of property, movable or immovable, by the plea of thirty years' possession, was empowered, if his own possession had commenced in good faith, to himself bring a vindicatio against third persons: in other words, he was under such circumstances recognised as owner. As in the ordinary usucapio or praescriptio, accessio temporis was allowed to the fullest extent where there had been a succession in title between two possessors: but here there was no requirement of justus titulus; and though res extra commercium could not be thus acquired, all other things excepted from the ordinary usucapion or prescription were subject to acquisition in this longer period except property of pupilli, res dotales, and peculium adventitium regulare. The foundation of this new institution on Theodosius' limitation of actions appears in the rule, that in those cases where the period of limitation was forty years (*i.e.* where the property belonged to the church, a charitable foundation, the Fiscus, emperor or empress) the prescription must be of the same duration: and that where time could not be counted for purposes of limitation, it could not be reckoned for purposes of prescription either: *e.g.* the period during which the original owner was impubes could not be considered.

(Gaius, ii. 41–61; Ulpian, *Reg.* xix. 8; Paul. *Sent. rec.* v. 2; Inst. ii. 6;—Dig. 41, 3–11; 44, 3;—Cod. Theod. 4, 13;—Cod. 7, 26–31; 33–37. For discussions as to the original purpose of usucapio, reference may be made to Engelbach, *Ueber die Usucapion zur Zeit der Zwölf Tafeln*, Marburg, 1828, and Schirmer, *Grundidee der Usucapion*, 1855. For the subject in general, see Puchta, *Institutionen*, §§ 239, 240; Baron, *Pandekten*, §§ 144–147; Vangerow, *Lehrbuch der Pandekten*, §§ 314–325; and in particular Unterholzner, *Verjährungslehre*, 2nd edit., 1858. For titulus, Stintzing, *Das Wesen der bona fides und titulus in der römischen Usucapionslehre*, 1853; Mayer, *Die justa causa bei Tradition und Usucapion*, 1871. For bona fides, Möllentheil, *Ueber die Natur des guten Glaubens bei der Verjährung*, 1820, and Wächter, *Die bona fides insbesondere bei der Ersitzung des Eigenthums*, 1871.)

[J. B. M.]

USURPATIO and the verb from which it is formed have a variety of meanings in the Roman legal writings. The verb denotes: (1) Simply "to make use of:" *e.g.* "si judicium defuncti non usurpabitur, sed ad irritum vocatum est, petitio relictorum nullo jure procedit" (Cod. 6, 39, 2). (2) "To wrongfully exercise an alleged but non-existent right" ("per vim atque usurpationem vindicare," Cod. 1, 4, 6; cf. Cod. 1, 6, 1: "usurpare illicitum Collegium," Dig. 47, 22, 2: "curam," Cod. 1, 30, 3: "honorem," Dig. 50, 4, 7, 1: "nomen tutoris," Cod. 5, 6, 8). (3) "To appropriate to oneself," as in the common English sense of the word (Dig. 4, 6, 40, 1; 10, 1, 8, pr.; 50, 8, 2, 1). (4) "To preserve a right of servitude by its exercise," as opposed to "non utendo deperdere" (Dig. 8, 6, 6, 1). (5) The interruption of usucapio (Dig. 41, 3, 2; 41, 6, 5). Appius Claudius Caecus, who constructed the Via Appia and brought the Aqua Claudia to Rome, wrote a book *De Usurpationibus*, which was not extant in the time of Pomponius (Dig. 1, 2, 36).

Usurpatio in this last sense most commonly occurred from loss of possession, and even if it were subsequently regained the whole period of usucapio had to commence *de novo* and run again. Before Justinian litis contestatio (to the article on which reference may be made) in an action brought by the owner against the possessor for the recovery of the property interrupted longi temporis praescriptio (Cod. 3, 19, 2; 3, 32, 26), but not usucapio (Dig. 6, 1, 18, 20, 21; 41, 4, 21, 1), and this distinction was retained, apparently by an oversight, in his compilations, though it was not of much importance because, if the defendant lost the action, he still had to give up the property to the plaintiff, notwith-

standing the completion of usucapio during its pendency ("usucapio frustra complebitur anticipata lite," *fragm. Vat.* 12: cf. Dig. 41, 4, 2, 21; 6, 1, 18). Interruption also ensued from a judicial protest addressed by the owner to the possessor, if the latter was a person whom for some reason or other he was disabled from suing (Cod. 7, 40, 2), and possibly also from the owner's being taken captive in war (Dig. 41, 3, 15, pr.; *ib.* 44, 7; 49, 15, 12, 2; *ib.* 22, 3; *ib.* 29). As to the passage in Gellius (iii. 2) and Macrob. *Saturn.* (i. 3) relating to the non-establishment of manus per usum by absence of the wife per trinoctium, see Savigny, *System*, &c., iv. 365; Puchta, *Institutionen*, § 199, note y.

A suspension of usucapio, as distinct from its interruption, enabled the possessor to reckon the period of his possession before it took place: this occurred when the property over which the right was being prescriptively established became vested in an owner privileged in respect of usucapio (*e.g.* the Fiscus, emperor, charitable foundations, &c.), and when the owner was prevented by grounds of law from bringing his real action for its recovery (*e.g.* in the interval allowed to the heir under Justinian's legislation for preparing an inventory of the deceased's property, Cod. 6, 30, 22, 11). [J. B. M.]

USUSFRUCTUS and **USUS** were two of the personal servitudes of Roman law (Dig. 8, 1, 1): for the nature of the distinction between them and praedial servitudes, see SERVITUTES.

Ususfructus is defined as "jus alienis rebus utendi fruendi salva rerum substantia" (Dig. 7, 1, 1; Inst. ii. 4, pr.); it is the "real" right of using and taking the fruits of property, movable (including slaves) as well as immovable, the use of which does not diminish its substance: "est enim jus in corpore, quo sublato et ipsum tolli necesse est" (Inst. *ib.*; Dig. *ib.* 2: cf. Cic. *Top.* 3, "usus enim, *non abusus* legatus est"). The person entitled is called *usufructuarius* or *fructuarius* (Dig. 7, 8, 14, 1–3); the owner of the property subject to the right, *proprietarius* or *dominus proprietatis* (Inst. ii. 4, 3); and his ownership, so long as the usufruct subsists, *nuda proprietas* (Inst. *ib.* 1). Unless otherwise provided by the disposition in which it originated, a usufruct endured for the lifetime of the person entitled and no longer (Inst. ii. 4, 3; Dig. 45, 1, 38, 12): if vested in a juristic person, it could not last beyond a hundred years except by express provision (Dig. 7, 1, 56).

The things over which usufruct could exist were properly only tangible objects of property, in the use of which lies the true and essential notion of a servitude: the right of taking fruits was probably a later extension. Hence the Romans did not recognise a fructus sine usu (Paul. *Sent. rec.* iii. 6, 24; Dig. 7, 8, 14, 1); and if a right (*e.g.*) to take the annual fruits of an estate were given, it was construed either as a usufruct (which was usual in cases of bequest: Dig. 7, 1, 20), or as a mere right in personam and not a servitude at all.

Unless his rights were otherwise limited in the disposition by which they were created, the usufructuary was entitled to the detention or "natural" possession of the property (Dig. 41, 2, 12, pr.; 43, 17, 4;—Gaius, ii. 93; Inst. ii. 9, 4): to make any lawful use of it he pleased (Dig. 7, 1, 12, 1; *ib.* 15, 4; *ib.* 23, 1, &c.), and to take its fruits, whether natural, industrial, or what are termed *fructus civiles*, e.g. money made by letting out a thing on hire (Dig. *ib.* 7, pr. and 1; *ib.* 9, pr.; *ib.* 15, &c.). His title to natural fruits was *perceptio*, actual taking of possession (Inst. ii. 1, 36); but though in the case of land, for instance, he was entitled to collect and keep for himself all the fruits which were already on it, and all that were produced during the time of his enjoyment, he had no right to those which existed on the land when his interest terminated unless he had taken possession of them. Nor had he rights of any kind over accessions of the principal object (*e.g.* the issue of an ancilla, Inst. ii. 1, 37; Dig. 7, 1, 68, pr.; or "insula in flumine nata," Dig. *ib.* 9, 4), unless they were immediately bound up with so as to form an integral part of it (*e.g.* alluvio), in which case the accession also was subject to the usufruct. He might also exercise all rights annexed to the property, such as praedial servitudes. But all these rights are qualified by the words "salva rerum substantia:" they must not be exercised so as to injure the reversionary interest of the dominus, so that he may not deal with the res fructuaria otherwise than as a "bonus paterfamilias" (Inst. ii. 1, 38): rather he must act as carefully and economically as though he were himself its owner, "boni viri arbitratu" (Dig. 7, 1, 9, pr.; 7, 9, 1, pr.): "causam proprietatis deteriorem facere non debet." His duties in this respect seem to be of two kinds: firstly, not to put the thing to other or at any rate inferior uses than has been customary (*e.g.* to employ a slave in work of mere drudgery who has been engaged before in artistic or literary occupations: Dig. 7, 1, 15, 1); and secondly, not to change its character, even though it might thus be improved or made more valuable; *e.g.* he may not convert a pleasure into a fruit garden (Dig. *ib.* 13, 4), build on land save so far as is necessary for storage of its fruits (*ib.* 13, 6), or raze buildings already standing. As regards acts of waste, as they would be termed in English law, it would seem that in the absence of provision to the contrary he might, at any rate, dig for minerals, but only if the estate subject to his right was of considerable extent (Dig. *ib.* 9, 3; *ib.* 13, 5): upon this subject see Vangerow, *Lehrbuch der Pandekten*, § 344, notes 1 and 2. These common law rights of the usufructuary might, however, be curtailed by the disposition by which they were created, or even, it would seem, by subsequent agreement between the parties, in respect both of the usus and the fructus, or of either: *e.g.* he might be allowed to take certain kinds of fructus only, or a right which ordinarily is praedial (such as aquae haustus) might be conferred on one man by another as a personal servitude (Dig. 34, 1, 14, 3).

A usufruct might be released to the owner of the property, in Gaius' time (ii. 30) by *in jure cessio* [JURE CESSIO], in Justinian's by any act conclusive of the intention to surrender (Inst. ii. 4, 3): but it could not be alienated by the usufructuary to a third person (Gaius and Inst. *l. c.*;—Dig. 23, 3, 66; 10, 2, 15), though he might assign the exercise or enjoyment of it (even by way of pledge or mortgage), the actual right remaining in himself (Dig. 7, 1, 12, 2; *ib.*

38–40). The effect of an attempt to transfer it absolutely to a third person was in Gaius' time disputed: he himself (ii. 30) says that it was nugatory, while Pomponius, his contemporary, affirms (Dig. 23, 3, 66) that it caused a forfeiture to the dominus: of these two views the first was adopted by Justinian, who reproduces it in the Institutes (ii. 4, 3).

Subject and without prejudice to the usufructuary's rights, the owner of the property might deal with it as he pleased (Dig. 7, 1, 7, 1; *ib.* 13, 7, &c.), *e.g.* alienate or pledge it (Cod. 3, 33, 2): but he could not even with the other's consent create any servitudes over it which would injuriously affect the latter's rights (Dig. 7, 1, 15, 7) or surrender servitudes existing in its favour.

The usufructuary was bound to indemnify the owner for any loss occasioned by his dealing with the property in excess of his legal rights (Inst. ii. 1, 38; Dig. 7, 1, 9, pr. and 2; *ib.* 65, pr.): to see that no servitudes appurtenant to it were extinguished by non-user (Dig. *ib.* 15, 7): to keep buildings in ordinary repair (*ib.* 7, 2) and land in proper cultivation and tenantable condition (Inst. ii. 1, 38): to maintain the numbers of flocks and herds by replacing cattle, &c. which died (*ib.*): to pay all rates, taxes, &c. charged on the property itself (Dig. 7, 1, 7, 2; *ib.* 27, 3), and when his interest determined to restore it to the person entitled along with all accessions (Dig. 7, 9, 1, pr.; *ib.* 9, 3). To secure the performance of these duties he must enter into a cautio usufructuaria [CAUTIO], supported by sureties, with the owner; a practice originally introduced where the usufruct was created by bequest, but subsequently extended to nearly all cases (Dig. 7, 1, 13, pr.; Cod. 3, 33, 4); and until this was done the owner might either refuse to let him have the enjoyment of the property, or bring an action to compel him to give the requisite security (Dig. *loc. cit.*: 7, 9, 7, pr.): and though this obligation might be surrendered by the owner, where the usufruct was based on contract, if a testator bequeathed such a right to another person, and by his will released him from the cautio, the release was taken pro non scripto (Dig. 36, 4, 6, pr.; Cod. 6, 54, 7). For the legal remedies (actions and interdicts) by which the usufructuary and usuary could enforce their rights, reference should be made to the article on SERVITUTES.

The modes in which usufructus and usus were created were the same in general as for all servitudes, and for these the reader may be referred to the same article. The commonest was testamentary disposition, the right being either bequeathed directly, or the heir being directed to constitute it in favour of the legatee: "usufructus uniuscujusque rei legari potest, et aut ipso jure constituetur aut per heredem praestabitur: ex causa damnationis [LEGATUM] per heredem praestabitur, ipso jure per vindicationem" (Paul. *Sent. rec.* iii. 6, 17). In certain cases usufruct arose ipso jure in virtue of statutory enactment (*lex*); *e.g.* the pater's usufruct in the peculium adventitium of his son in power (Inst. ii. 9, 1;—Dig. 8, 6, 5; 8, 5, 1, &c.). Similarly, these rights were extinguished in the ways common to all servitudes.

The inconvenience of the rule which, on grounds of both natural and civil law (Inst. ii. 4, 2), excluded from usufruct things "quae usu tolluntur vel minuuntur" (such as money, provisions, and clothes), led to the enactment of a senatusconsultum which legalised bequests of usufruct over such kinds of property, the legatee being entitled to enjoy them on giving security to the heir that on his death or capitis deminutio he would return him things of a similar quantity or quality, or pay him their estimated value (Inst. ii. 4, 2; Dig. 7, 5, 1). As Justinian says, the senate did not introduce a genuine usufruct in such things, for that was impossible, "sed per cautionem quasi usumfructum constituit." The date of the senatusconsultum is not precisely known, but it is supposed to lie between Cicero (on account of *Top.* 3: "Non debet ea mulier, cui vir bonorum suorum usumfructum legavit, cellis vinariis et olearis plenis relictis, putare id ad se pertinere; usus enim, non abusus legatus est") and the enactment of the Lex Papia Poppaea (A.D. 9), which often speaks of usufruct over part of a whole property. The difference between the new right and usufruct proper lies in the fact that the person entitled became owner of the property in question ("ita datur ut ejus fiat," Inst. ii. 4, 2), so that the notion of a jus in re aliena is entirely absent: he may consume it entirely, and so has not to return it in specie. The main purpose of the innovation was doubtless to enable testators to bequeath a general usufruct over the whole of their property (Dig. 33, 2, 24, pr.; Cod. 3, 33, 1), but such rights were also constituted over nomina or "choses in action," whereby the person to whom they were given became entitled to call in the debt, or to take the interest payable on it (Dig. 7, 8, 2, 1; *ib.* 4): if it was the debtor himself, he was released from the obligation to pay interest, though he must give security for the discharge of the debt at the proper time (Dig. 7, 8, 12, pr. and 1). Whether clothes could be the subject of a true usufruct seems to have been doubtful: Dig. 7, 1, 15, 4; 7, 9, 9, 3, is for the affirmative: Inst. ii. 4, 2, for the negative.

[J. B. M.]

USUS is defined (Dig. 7, 8, 2) by the negation of *frui:* "cui usus relictus est, uti potest, frui non potest." But the right of mere user was not strictly confined to the personal needs of the usuary, *e.g.* the person who had a usus of a house was entitled to lodge there his family, slaves, servants, and freedmen, and apparently even a guest, though this had been doubted (Inst. ii. 5, 2; Dig. 7, 8, 2, 1; *ib.* 3; *ib.* 4, 1): but anything which came under the notion of *fructus* was as a rule denied him, so that he could not let the res usuaria out, or transfer the exercise of his right to a third person even gratuitously (Inst. ii. 5, 1; Dig. 7, 8, 11). The contrast between usus and usufructus is very characteristically marked in connexion with acquisition through slaves: "de iis autem *servis*, in quibus tantum usumfructum habemus, ita placuit, ut quidquid ex re nostra vel ex operis suis acquirant, id nobis acquiratur" (Inst. ii. 9, 4). "Per servum usuarium si stipuler vel per traditionem accipiam, an acquiram, quaeritur, si ex re mea vel ex operis ejus. Et si quidem ex operis ejus, non valebit, quoniam nec locare operas ejus possumus: sed si ex re mea, dicimus,

servum usuarium stipulantem vel per traditionem accipientem mihi acquirere, quum hac opera ejus utar" (Dig. 7, 8, 14, pr.).

But in certain cases, especially where the usus was bequeathed by will (on the principle "in testamentis plenius voluntates testantium interpretamur," Dig. 50, 17, 12), the *uti* comprised or was interpreted as *frui*: viz. (1) Where the sole utility of the property was in its fruits, as in a usus silvae (Dig. 7, 8, 22), or pecuniae (Dig. *ib.* 5, 2; *ib.* 10). (2) Where the usuary cannot "use" the property at all, or can use it only in part, so that from the other part he would derive no benefit: *e.g.* where the usus is over land with a house, he may live in the house, and take from the fruits of the land so much as he requires for the daily wants of himself, his family, and dependents (Inst. ii. 5, 1; Dig. 7, 8, 12, pr. and 1; *ib.* 15); or where it is over a house too large for his personal needs, he may let the part which he does not want for himself (Dig. 7, 8, 2, 1; *ib.* 4). The usuary was subject to substantially the same duties as the usufructuary, and for securing the performance of these he had to enter into a cautio usuaria (Dig. 7, 9, 5, 1; *ib.* 11): he also had to bear the costs of repairs and to pay the taxes if the property produced no fruits for the owner: otherwise these charges fell on the latter. If the right to fructus was vested separately from the usus in a third person, the latter (or otherwise the owner) could demand access, &c. to the things for the purpose of taking them (Inst. ii. 5, 1; Dig. 7, 8, 10, 4; *ib.* 11, 12, pr., &c.).

(Inst. ii. 4 and 5; Gaius, ii. 30–33; Paul. *Sent. rec.* iii. 6, 17–33; *Fragm. Vat.* 41–93; Dig. 7, 1 *sqq.*; 33, 2;—Cod. 3, 33; Pellat, *Sur la Propriété et sur l'Usufruit*, 1853; Kohnfeldt, *Die sogenannte irregulären Servituten nach römischen Rechte*, 1862; Burkel, *Beiträge zur Lehre vom Niessbrauch*, 1864; Roby, *Introduction to the Digest:* text and commentary on Dig. 7, 1 (1884). On quasi-usufruct, see Held, *Die Lehre vom Ususfructus earum rerum quae usu consumuntur vel minuuntur*, 1848; and Puchta, *Ueber das Alter des Quasiususfructus*, Rhein. Museum für Jurisprudenz, vol. iii. p. 82; and on usus, Beckmann, *Ueber den Inhalt und Umfang der Personalservitut des Usus nach römischen Rechte*, 1861.) [J. B. M.]

UTER'INI. [COGNATI.]

UTI POSSIDETIS. [INTERDICTUM.]

UTRES. [VINUM, p. 965 *b*.]

UXO'RIUM. [AES UXORIUM.]

X.

XENA'GI (ξεναγοί). The Spartans, as being the head of that Peloponnesian and Dorian league which was formed to secure the independence of the Greek states, had the sole command of the confederate troops in time of war, provided that the league did not disapprove of the war (see Herod. v. 75; Gilbert. *Gr. Staatsalt.* i. 96, note); they ordered the quotas which each state was to furnish, and appointed officers of their own to command them. Such officers were called ξεναγοί. The generals whom the allies sent with their troops (ἄρχοντες, στρατηγοί) were subordinate to these Spartan ξεναγοί, though they attended the council of war, as representatives of their respective countries (Thucyd. ii. 7, 10, 75; v. 54; vii. 18;—Xenoph. *Hell.* iii. 5, § 7; *Agesil.* ii. 10). After the peace of Antalcidas, the league was still more firmly established, though Argos refused to join it; and the Spartans were rigorous in exacting the required military service, demanding levies by the σκυτάλη, and sending out ξεναγοὶ to collect them: in case of desertion they could fine the state 1 stater a day for each man who was due. (Xenoph. *Hell.* v. 2, §§ 7, 22, 37; vi. 3, § 7;—Wachsmuth, *Hell. Alterth.* vol. i. pt. ii. pp. 114, 241, 1st ed.; Schömann, *Ant. Jur. Pub. Gr.* p. 426; Gilbert, *Gr. Staatsalterth.* i. 95 f.; Thumser, *Gr. Staatsalterth.* i. 214.)

[C. R. K.] [G. E. M.]

XENELA'SIA (ξενηλασία). The Lacedaemonians appear in very early times, before the legislation of Lycurgus, to have been averse to intercourse with foreigners (ξένοισι ἀπρόσμικτοι, Herod. i. 65). This disposition was encouraged by the lawgiver, who made an ordinance forbidding strangers to reside at Sparta, without special permission, and empowering the magistrate to expel from the city any stranger who misconducted himself, or set an example injurious to public morals (cf. Herod. iii. 148). Such jurisdiction was exercised by the Ephori. Thucydides (ii. 39) makes Pericles reproach the Lacedaemonians with this practice, as if its object were to prevent foreigners from becoming acquainted with such institutions and means of defence as would be dangerous for an enemy to know. The intention of Lycurgus, more probably, was to preserve the national character of his countrymen, and prevent their being corrupted by foreign manners and vices (as Xenophon says), ὅπως μὴ ῥᾳδιουργίας οἱ πολῖται ἀπὸ τῶν ξένων ἐμπίπλαιντο (*de Rep. Laced.* 14, § 4; compare Plut. *Lycurg.* 27; Schömann, *Antiq. of Greece*, p. 278, E. T.). With the same view the Spartans were themselves forbidden to go abroad without leave of the magistrate. Both these rules, as well as the feelings of the people on the subject, were much relaxed in later times when foreign rule and supremacy became the object of Spartan ambition. Even at an earlier period we find that the Spartans knew how to observe the laws of hospitality upon fit and proper occasions, such as public festivals, the reception of ambassadors, &c. (Xenoph. *Mem.* i. 2, § 61). They worshipped a Ζεὺς ξένιος and Ἀθανᾶ ξενία (Pausan. iii. 1, § 111). The connexion, called by the Greeks προξενία, was cultivated at Sparta both by the state and by individuals; of which their connexion with the Peisistratidae is an example; and also that of a Spartan family with the family of Alcibiades (Thucyd. v. 43, vi. 89, viii. 6; Herod. v. 91; compare vi. 57). [HOSPITIUM.] Many illustrious men are reported to have resided at Sparta with honour, as Terpander, Theognis, and others (Schömann, *Ant. Jur. Publ. Gr.* p. 142). Xenophon was highly esteemed by the nation, and made Spartan πρόξενος. It is noticeable that though there is no mention of ξενηλασία at Crete, yet the Dorian dislike of things foreign is evidenced by the prohibition of foreign travel for young men (Plat. *Protag.* p. 342 D). The ξενηλασία at Apollonia, a colony founded by the

Corinthians and Corcyraeans, is mentioned in Ael. *V. H.* xiii. 16. (See further on the subject of the ξενηλασία, Thucyd. i. 144, with Arnold's notes; Aristoph. *Aves*, 1013; Harpocr. *s. v.* καὶ γὰρ τὸ μηδένα.) [C. R. K.] [G. E. M.]

XENI (ξένοι). [MERCENARII.]

XENIA (ξενία). [HOSPITIUM.]

XE'NIAS GRAPHE (ξενίας γραφή). This was a prosecution at Athens for unlawfully usurping the rights of citizenship. As no man could be an Athenian citizen, except by birth or creation (φύσει, γένει or ποιήσει, δωρεᾷ), if one, having neither of these titles, assumed to act as a citizen, he was liable to a γραφὴ ξενίας, which any citizen might institute against him (Lys. *c. Agor.* § 60; Isae. *Pyrrh.* § 37;—Dem. *c. Bocot.* i. p. 999, § 18, ii. p. 1020, § 41; *c. Timoth.* p. 1204, § 66; *c. Neaer.* p. 1363, § 52, etc.); or he might be proceeded against by εἰσαγγελία (Dinarch. *c. Aristocl.* cf. Hyper. *pro Eux.* c. 19, etc.). If condemned, his property and person were forfeited to the state, and he was forthwith to be sold for a slave ([Dem.] *Epist.* iii. p. 1481, § 29; Schol. Dem. *c. Timocr.* p. 741, etc.). The judgment, however, was arrested, if he brought a δίκη ψευδομαρτυριῶν against the witnesses who had procured his conviction, and convicted them of giving false testimony. During such proceeding he was kept in safe custody to abide the event (Dem. *c. Timocr.* p. 741, § 131). [MARTYRIA; *Journ. of Philol.* vi. p. 15 f.] When a person tried on this charge was acquitted by means of fraudulent collusion with the prosecutor or witnesses, or by any species of bribery (Aristotle in *Lex. Rhet. Cantabr.* p. 674: ἐάν τις δῶρα διδοὺς ἀποφύγῃ τὴν ξενίαν: cf. Harpocr. *s.v.*), he was liable to be indicted afresh by a γραφὴ δωροξενίας, the proceedings in which, and the penalty, were the same as in the γραφὴ ξενίας. The jurisdiction in these matters belonged in the time of Demosthenes to the Thesmothetae, but anciently, at least in the time of Lysias (*de Pecun. publ.* § 8), to the Nautodicae.

In order to prevent fraudulent enrolment in the register of the δῆμοι, or ληξιαρχικὸν γραμματεῖον, which was important evidence of citizenship, the δημόται themselves were at liberty to revise their register, and expunge the names of those who had been improperly admitted. From their decision there was an appeal to a court of justice, upon which the question to be tried was much the same as in the γραφὴ ξενίας, and the appellant, if he obtained a verdict, was restored to the register; but, if judgment was given against him, was sold for a slave (Dem. *c. Eubul.* p. 1317, § 60 f.; Dionys. Halic. *de Isaeo judic.* 16, καὶ ἐὰν τὸ δεύτερον ἐξελεγχθῶσι, πεπρᾶσθαι αὐτούς, etc. Busolt. *d. griech. Staats.- u. Rechtsalt.* § 157, in I. Müller's *Handbuch d. klass. Altertumswissensch.*, probably misled by Plut. *Pericl.* 37, ἐπράθησαν οὖν ἁλόντες ὀλίγῳ πεντακισχιλίων ἐλάττους, says that those whose names were expunged from the register were sold for slaves; it was only in case of a person not acquiescing in the verdict of the demotae and appealing to a court of justice (ἔφεσις), that, if judgment there also went against him, he was sold for a slave). [DEMUS; PARENGRAPTOI.] For an example of this, see the speech of Demosthenes against Eubulides; Isae. *pro Euphil.* (*Att. Process*, ed. Lipsius, pp. 95–98, 437–441.) [C. R. K.] [H. H.]

XESTES (ξέστης). [MENSURA, p. 164 *a*; TABLES.]

XYSTUS. [GYMNASIUM; HORTUS.]

Z.

ZETE'TAE (ζητηταί), commissioners of inquiry, were appointed at Athens on special occasions as extraordinary officers, not as a regular magistracy; and were of two kinds, sometimes confused by grammarians (Harpocrat., Poll. viii. 115) and by modern writers. 1. Criminal investigators or inquisitors, to discover the authors of some crime against the state, and bring them to justice. The court of Areiopagus often discharged the office of inquisitors for the state, and were sometimes armed with special powers by the people in assembly [AREIOPAGUS, Vol. I. p. 176 *b*). During the panic consequent on the mutilation of the Hermae, the βουλὴ received absolute power to investigate (ἦν γὰρ αὐτοκράτωρ, Andoc. *de Myst.* § 15), but ζητηταὶ were also appointed (*ib.* §§ 14, 36, 40, 65). This is perhaps the only occasion on which ζητηταὶ are mentioned in connexion with an inquiry other than financial. 2. Ζητηταὶ were more frequently appointed to search for confiscated property, the goods of condemned criminals and state debtors; to invite and receive information against any persons who concealed, or assisted in concealing them, and to deliver an inventory (ἀπογραφὴ) of all such goods to the proper authorities. The delinquent was then prosecuted, either before the σύνδικοι [SYNDICUS], or it might be before the ζητηταὶ themselves, if their commission extended to the holding of a ἡγεμονία δικαστηρίου. Any person, however, who had claims against the goods which were the subject of such information, might petition to have such claims settled while the confiscation was still in process and before the state had taken possession: this was called ἐνεπισκήψασθαι ([Dem.] *c. Timoth.* pp. 1197–8, §§ 45, 46, 47; the subst. ἐνεπίσκημμα only in Harpocrat.). Such overhaulings of the treasury by the appointment of ζητηταὶ were especially frequent in times of chronic deficit, such as the Social War and the years immediately succeeding it (Dem. *c. Timocr.* p. 703, § 11); but there are earlier examples (Lys. ἀπολ. δωροδ. § 16). In the case of the alleged bribery by Harpalus we find a decree τὴν βουλὴν ζητεῖν (Dinarch. *c. Dem.* §§ 4, 55). According to Schöll, the ζητηταὶ were only introduced for a short time after the expulsion of the Thirty, and then replaced by the συλλογεῖς: the more probable opinion, already maintained under SYLLOGEIS, is that the συλλογεῖς were appointed only on that single occasion, the ζητηταὶ more frequently. They were technically an ἀρχή, though classed by Pollux (viii. 114, 115) among the ὑπηρέται or underlings [HYPERETES, in Vol. I.]: as Boeckh remarks, it was an office which men of high rank were not ashamed to accept. Another name for commissioners of inquiry into confiscated property was μαστῆρες (Hyperid. *ap.* Harpocrat. *s. v.*; Suid., Phot., *s. vv.* μαστῆρες and μάστειρες: *Lex. Seguer.* p. 279). The 17th and 19th speeches of Lysias, the διαδικασία and *de Bonis Aristoph.*, throw considerable light on

the way such inquiries were conducted at Athens. (Harpocrat. *s. v.* ζητητής: Boeckh, *P. E.* p. 158 = *Sthh.*[3] i. 192; Fränkel, n. 247 on Boeckh; *Att. Process*, p. 126 Lips.; R. Schöll, *Quaestiones fiscales juris Attici ex Lysiae orationibus illustratae*, Berlin, 1873.)

[C. R. K.] [W. W.]

ZEUGI'TAE (ζευγῖται). [CENSUS, Vol. I. p. 403.]

ZONA. [CINGULUM.]

ZO'PHORUS (ζωφόρος), "bearing animals or figures," of a panel or relief; hence especially applied to the continuous carved frieze of the Ionic and Corinthian orders, while in Doric buildings the triglyphs and metopes take the place of this member. (Vitruv. iii. 5, 10.)

[E. A. G.]

ZYTHUM (ζῦθος). [CERVESIA.]

TABLES OF GREEK AND ROMAN MEASURES, WEIGHTS, AND MONEY.

TABLE

I. Greek Measures of Length.
(1) Smaller Measures.
II. Roman Measures of Length.
(1) Smaller Measures.
III. Greek Measures of Length.
(2) Land and Itinerary.
IV. Roman Measures of Length.
(2) Land and Itinerary.
V. Greek Measures of Surface.
VI. Roman Measures of Surface.
VII. Greek Measures of Capacity.
(1) Liquid Measures.
VIII. Roman Measures of Capacity.
(1) Liquid Measures.
IX. Greek Measures of Capacity.
(2) Dry Measures.
X. Roman Measures of Capacity.
(2) Dry Measures.
XI. Greek and Oriental Weights.
XII. Greek Money.
XIII. Roman Weights.
(1) The As and its Uncial Divisions.
XIV. Roman Weights.
(2) Subdivisions of the Uncia.
XV. Roman Money. (1) Weights.
XVI. Roman Money. (2) English Values.

In the construction of these Tables, most use has been made of F. Hultsch's *Griechische und Römische Metrologie*, 2nd ed., Berlin, 1882; but Hultsch's results have been, in some instances, corrected by W. Dörpfeld in *Mittheilungen des Deutschen Instituts zu Athen*, since 1883. The tables of weights and money are founded on the articles As and PONDERA by Professor Gardner.

The Tables are so arranged as to exhibit the corresponding Greek and Roman measures in direct comparison with each other. In some of the Tables the values are given, not only in our several measures, but also in decimals of a primary unit, for the purpose of facilitating calculations. In others, *approximate values* are given; that is, values which differ from the true ones by some small fraction. Where both French and English determinations are given, these cannot correspond with the utmost exactness, but the discrepancy between them is barely noticeable, save in the highest and lowest measures determined. Fuller information will be found under MENSURA, NUMMUS, PONDERA, and the specific names.

[P. S.] [J. G.]

TABLE I.

GRECIAN MEASURES OF LENGTH. (ATTIC STANDARD.)

I. SMALLER MEASURES.											Decimals of a Metre.	Decimals of a Foot.	Feet.	Inches.
Δάκτυλος											·0185	·0607	..	·7281
2	Κόνδυλος										·037	·1213	..	1·4562
4	2	Παλαστή, Δῶρον, Δοχμή, or Δακτυλοδοχμή									·074	·2427	..	2·9124
8	4	2	Διχάς, or Λιχάς								·148	·4852	..	5·8248
11	$5\frac{1}{2}$	$2\frac{3}{4}$	$1\frac{3}{8}$	Ὀρθοδῶρον							·203	·6673	..	8·0091
12	6	3	$1\frac{1}{2}$	$1\frac{1}{11}$	Σπιθαμή						·222	·7281	..	8·7372
16	8	4	2	$1\frac{5}{11}$	$1\frac{1}{3}$	ΠΟΥ͂Σ					·296	·9708	..	11·6496
18	9	$4\frac{1}{2}$	$2\frac{1}{4}$	$1\frac{7}{11}$	$1\frac{1}{2}$	$1\frac{1}{8}$	Πυγμή				·333	1·0921	1	1·1058
20	10	5	$2\frac{1}{2}$	$1\frac{9}{11}$	$1\frac{2}{3}$	$1\frac{1}{4}$	$1\frac{1}{5}$	Πυγών			·370	1·2135	1	2·562
24	12	6	3	$2\frac{2}{11}$	2	$1\frac{1}{2}$	$1\frac{1}{3}$	$1\frac{1}{5}$	ΠΗ͂ΧΥΣ . . .		·444	1·4562	1	5·4744
72	36	18	9	$6\frac{6}{11}$	6	$4\frac{1}{2}$	4	$3\frac{3}{5}$	3	Ξύλον . . .	1·332	4·3686	4	4·4232
96	48	24	12	$8\frac{8}{11}$	8	6	$5\frac{1}{3}$	$4\frac{4}{5}$	4	$1\frac{1}{3}$	ΟΡΓΥΙΑ′ .	1·776	5·8248	5	9·8976

NOTE.—For other Standards, see Notes to Table II.

TABLE II.

ROMAN MEASURES OF LENGTH.

I. SMALLER MEASURES.							Decimals of a Metre.	Decimals of a Foot.	Feet.	Inches.
Digitus							·0185	·060675	..	·7281
$1\frac{1}{3}$	Uncia or Pollex						·0247	·0809	..	·9708
4	3	Palmus					·074	·2427	..	2·9124
12	9	3	Palmus Major (of late times)				·222	·7281	..	8·7372
16	12	4	$1\frac{1}{3}$	Pes			·296	·9708	..	11·6496
20	15	5	$1\frac{2}{3}$	$1\frac{1}{4}$	Palmipes		·370	1·2135	1	2·562
24	18	6	2	$1\frac{1}{2}$	$1\frac{1}{5}$	Cubitus	·444	1·4562	1	5·4744

NOTES TO TABLES I. AND II.

A metre is 39·37 English inches: an English foot is ·3048 metre.

It is not thought necessary to give the whole scale of the Uncial divisions of the foot. They can easily be calculated from the Uncia.

Other Standards.—The *relations* of the measures to one another were always, with hardly any exception, those above given: but the *standards* varied in different places and at different times. Thus the Attic πούς being ·296 m., the Aeginetan was ·333 m., the Olympic ·3205 m., the Philetaerean ·333 m., the Ionic ·350 m., the Phrygian ·2775 m.

In the West, though the Roman foot was ·296 m., the same as the Attic, the older Italian foot was only ·275 m., and the Drusian foot, used in Gaul and Germany, was ·333 m.

In Egypt, under the Pharaohs, the Royal ell was ·525 m., the smaller ell ·425 m.: under the Ptolemies, the Royal ell was ·533 m., the greater foot ·355 m., and the smaller foot ·303 m.

The Great Babylonian ell was ·550 m., the Royal or Persian ell ·495 m., the Phoenician ell ·4435 m.

Compared with one another, the Attic, Roman, and Phoenician feet are the same: the Aeginetan, Philetaerean, and Drusian are the same: the Italian and Phrygian are the same: the Ionic and Royal (or Greater) Egyptian are the same—either exactly or very nearly indeed.

TABLE III.

GRECIAN MEASURES OF LENGTH. (ATTIC STANDARD.)

II. LARGER MEASURES.—LAND AND ITINERARY.											Decimals of a Metre.	Decimals of a Mile.	Miles.	Feet.	Inches.
ΠΟΥ͂Σ											0·296	·0001838	..	..	11·6496
$1\frac{1}{2}$	ΠΗ͂ΧΥΣ										0·444	·0002757	..	1	5·4744
$2\frac{1}{2}$	$1\frac{2}{3}$	Βῆμα									0·739	·0004596	..	2	5·124
6	4	$2\frac{2}{5}$	ΟΡΓΥΙΑ′								1·774	·001103	..	5	9·8976
10	$6\frac{2}{3}$	4	$1\frac{2}{3}$	Κάλαμος, Ἄκαινα, or Δεκάπους							2·957	·001838	..	9	8·496
100	$66\frac{2}{3}$	40	$16\frac{2}{3}$	10	Πλέθρον						29·57	·01838	..	97	0·96
600	400	240	100	60	6	ΣΤΑ′ΔΙΟΝ or ΣΤΑ′ΔΙΟΣ					177·4	·11028	..	582	5·76
1200	800	480	200	120	12	2	Δίαυλος				354·8	·22056	..	1164	11·52
2400	1600	960	400	240	24	4	2	Ἱππικόν				·44112	..	2329	11·04
18,000	12,000	7200	3000	1800	180	30	15	$7\frac{1}{2}$	Παρασάγγης			3·3084	3	1634	4·8
36,000	24,000	14,400	6000	3600	360	60	30	15	2	Σχοῖνος		6·6168	6	3268	9·6

NOTE.—The *σχοῖνος*, above given, is that of Herodotus, but the measure seems to have varied in different reaches of the Nile, and the Romans reckoned it about 4 Roman miles. On the parasang, see note to next Table.

TABLE IV.

ROMAN MEASURES OF LENGTH.

II. LARGER MEASURES.—LAND AND ITINERARY.							Decimals of a Metre.	Decimals of a Mile.	Miles.	Feet.	Inches.
Pes							0·296	·0001838	..	..	11·6496
1½	Cubitus						0·444	·0002757	..	1	5·4744
2½	1⅔	Gradus, or Pes Sestertius					0·740	·0004596	..	2	5·124
5	3⅓	2	Passus				1·48	·0009193	..	4	10·248
10	6⅔	4	2	Decempeda, or Pertica			2·96	·001838	..	9	8·496
120	80	48	24	12	Actus (in length)		35·52	·2206	..	116	5·952
5000	3333⅓	2000	1000	500	41⅔	Mille Passuum	1480	·9193	..	4854	..

NOTES TO TABLES III. AND IV.

N.B.—The Roman mile only differs from the English by less than 1-10th.

Ancient Road Measures.—As in Tables I. and II., so here, the relations of the measures to one another are correctly given, but the standards varied. It is proper, therefore, to add the length of various road measures according to the standards in use in different parts of the ancient world.

The Attic *stadium* being 177 m., the Olympic was 192 m., the Ptolemaic 185 m., the Ionic 210 m. (A metre is 39·37 English inches.)

The Romans, using round numbers, reckoned 8 stadia to the mile. According to this relation, the Roman stadium would be 185 m., and the old Italian 165 m.

Similarly, the Greeks reckoned 30 stadia to the parasang, but the parasang was really 30 *Persian* stadia, which were longer than the Greek, being 196·8 m. The true parasang was therefore 5904 m., or 3 miles 1180 yards. (So Oppert, but Hultsch determines it at 5670 m.)

The Gallic *leuga* was 2220 m.: the German *rasta* 4440 m.

TABLE V.

GRECIAN MEASURES OF SURFACE.

(Attic Standard.)

ORDINARY LAND MEASURES.			Square Metres.	Square Feet.	Perches.	Square Feet.
ΠΟΥ͂Σ τετράγωνος (Square Foot)			0·087	·94245	..	·94245
100	Ἄκαινα (Square of the κάλαμος)		8·74	94·245	..	94·245
10,000	100	ΠΛΕ͂ΘΡΟΝ	8740	9424·5	34	167·5

NOTES.

The English acre being 160 perches or 4840 sq. yds., the πλέθρον is obviously less than $\frac{1}{4}$ of an acre.

The Egyptian ἄρουρα (Herod. ii. 168) was a square of 50 Egyptian ells each way. The ell being taken at 0·524 m., or about 21 English inches, this gives a value of about 820 sq. yds. for the ἄρουρα.

TABLE VI.

ROMAN MEASURES OF SURFACE.

ORDINARY LAND MEASURES.										Square Feet.	Acres.	Roods.	Perches.	Square Feet.
Pes Quadratus										·94245	..	..	..	·9425
100	Scrupulum, or Decempeda Quadrata*									94·245	..	..	..	94·245
480	$4\frac{4}{5}$	Actus Simplex								452·377	..	..	1	180·127
2400	24	5	Uncia†							2261·89	..	..	8	83·885
3600	36	$7\frac{1}{2}$	$1\frac{1}{2}$	Clima						3392·83	..	..	12	125·83
14,400	144	30	6	4	Actus Quadratus					13,571·318	..	1	9	231·07
28,800	288	60	12	8	2	Jugerum				27,142·636	..	2	19	189·89‡
57,600	576	120	24	16	4	2	Heredium			54,285·272	1	0	39	107·53
5,760,000	57,600	12,000	2400	1600	400	200	100	Centuria		5,428,527·2	124	2	19	135·25
23,040,000	230,400	48,000	9600	6400	1600	800	400	4	Saltus	21,714,108·8	498	1	37	268·75

* This was the square of the *pertica* or standard 10-foot measuring-rod.

† The *As* to which this *Uncia* and the above *Scrupulum* belong is the *Jugerum*. The other uncial divisions of the *Jugerum* may easily be calculated from the *Uncia*. The *Semissis* is, of course, the *Actus Quadratus*.

‡ *i.e.* almost $\frac{8}{9}$ths of an acre. The Italian *versus* was about $\frac{3}{10}$ths of a jugerum, or nearly 18 perches.

TABLE VII.

GRECIAN MEASURES OF CAPACITY.

I. ATTIC LIQUID MEASURES. (Solonian.)											Gallons.	Pints.	Approximate. Gallons.	Approximate. Pints.
Κοχλιάριον											..	·008	..	$\frac{1}{120}$
2	Χήμη										..	·016	..	$\frac{1}{60}$
$2\frac{1}{2}$	$1\frac{1}{4}$	Μύστρον									..	·02	..	$\frac{1}{48}$
5	$2\frac{1}{2}$	2	Κόγχη								..	·04	..	$\frac{1}{24}$
10	5	4	2	ΚΥΑΘΟΣ.							..	·08	..	$\frac{1}{12}$
15	$7\frac{1}{2}$	6	3	$1\frac{1}{2}$	Ὀξύβαφον						..	·12	..	$\frac{1}{8}$
30	15	12	6	3	2	Τέταρτον					..	·24	..	$\frac{1}{4}$
60	30	24	12	6	4	2	Κοτύλη, Τρυβλίον, or Ἡμίνα				..	·48	..	$\frac{1}{2}$
120	60	48	24	12	8	4	2	ΞΕΣΤΗΣ (Sextarius)			..	·96	..	1
720	360	288	144	72	48	24	12	6	ΧΟΥΣ		..	5·76	..	6
5760	2880	2304	1152	576	384	192	96	48	8	Roman Amphora (κεράμιον)	5	6·03	6	..
8640	4320	3456	1728	864	576	288	144	72	12	$1\frac{1}{2}$ ΑΜΦΟΡΕΥΣ ΜΕΤΡΗΤΗΣ	8	5·12	9	..

Note.—The above table is calculated from the *κύαθος*, as estimated above. If it is estimated at ·045 litre, the *μετρητὴς* will be determined at about 1 pint less.

TABLE VIII.

ROMAN MEASURES OF CAPACITY.

I. LIQUID MEASURES.										Gallons.	Pints.	Approximate.	
												Gallons.	Pints.
Ligula										..	·02	..	$\frac{1}{48}$
4	Cyathus*									..	·08	..	$\frac{1}{12}$
6	$1\frac{1}{2}$	Acetabulum								..	·12	..	$\frac{1}{8}$
12	3	2	Quartarius, *i.e.* $\frac{1}{4}$th of the *Sextarius*							..	·24	..	$\frac{1}{4}$
24	6	4	2	Hemina or Cotyla						..	·48	..	$\frac{1}{2}$
48	12	8	4	2	Sextarius, *i.e.* $\frac{1}{6}$th of the *Congius*					..	·96	..	1
288	72	48	24	12	6	Congius				..	5·76	..	6
1152	288	192	96	48	24	4	Urna			2	7·04	3	..
2304	576	384	192	96	48	8	2	Amphora Quadrantal		5	6·08	6	..
46,080	11,520	7680	3840	1920	960	160	40	20	Culeus	115	1·6	120	..

* According to the uncial division, the *Sextarius* was the *As*, and the *Cyathus* the *Uncia*.

Note.—The above table is also calculated from the *Cyathus*, determined at ·08 pint, and here also a calculation from the *Cyathus* = ·045 litre would make a trifling difference in the *Amphora*.

TABLE IX.

GRECIAN MEASURES OF CAPACITY.

II. ATTIC DRY MEASURES. (SOLONIAN.)								Gallons.	Pints.	Approximate.	
							ΚΥ΄ΑΘΟΣ	..	·08	..	$\frac{1}{12}$
$1\frac{1}{2}$							Ὀξύβαφον	..	·12	..	$\frac{1}{8}$
6	4						ΚΟΤΥ΄ΛΗ, or Ἡμίνα	..	·48	..	$\frac{1}{2}$
12	8	2					ΞΕ΄ΣΤΗΣ (*Sextarius*)	..	·96	..	1
24	16	4	2				ΧΟΙ΄ΝΙΞ.	..	1·92	..	2
96	64	16	8	4			Ἡμίεκτον	..	7·68	1	..
192	128	32	16	8	2		Ἑκτεύς (equal to the Roman *Modius*)	1	7·36	2	..
1152	768	192	96	48	12	6	ΜΕ΄ΔΙΜΝΟΣ	11	4·16	12	..

NOTE.—The Egyptian *hin* was about 10 κύαθοι: the Persian ἀρτάβη about 48 quarts; the Ptolemaic ἀρτάβη about 48 quarts (= 1 μέδιμνος): the Spartan *medimnus* about 65 quarts: the Ptolemaic *medimnus* about 96 quarts or 3 bushels.

TABLE X.

ROMAN MEASURES OF CAPACITY.

II. DRY MEASURES.								Gallons.	Pints.	Approximate.	
										Gallons.	Pints.
Ligula								..	·02	..	$\frac{1}{48}$
4	Cyathus *							..	·08	..	$\frac{1}{12}$
6	$1\frac{1}{2}$	Acetabulum						..	·12	..	$\frac{1}{8}$
12	3	2	Quartarius, *i.e.* 1-4th of the *Sextarius*					..	·24	..	$\frac{1}{4}$
24	6	4	2	Hemina or Cotyla				..	·48	..	$\frac{1}{2}$
48	12	8	4	2	Sextarius, *i.e.* 1-6th of the *Congius*			..	·96	..	1
384	96	64	32	16	8	Semimodius		..	7·68	1	..
768	192	128	64	32	16	2	Modius	1	7·36	2	..

* See also Table VIII. and Note.

TABLE XI.

N.B.—One pound *avoirdupois* is exactly 7,000 grains: one ounce *avoirdupois* is 437½ grains. 1 *gramme* is 15·43234 grains.

(A.) Various Oriental Weights.

	Grammes. (Approximate.)	Grains. (Approximate.)	Avoirdupois. (Approximate.)
1. Egyptian.			
Kat	9	140	$\frac{1}{3}$ oz.
10 | Outen or Ten	90	1400	$3\frac{1}{3}$ oz.
2. Babylonian Heavy Gold.			
Shekel	16·83	260	$\frac{3}{5}$ oz.
50 | Mina	841·5	13,000	1 lb. $13\frac{3}{7}$ oz.
3000 | 60 | Talent	50,490	780,000	$111\frac{3}{7}$ lbs.
3. Babylonian Heavy Silver.			
Shekel	22·4	344	$\frac{4}{5}$ oz.
50 | Mina	1,122	17,200	2 lbs. $7\frac{1}{3}$ oz.
3000 | 60 | Talent	67,320	1,032,000	$147\frac{3}{7}$ lbs.
4. Babylonian Light Gold and Light Silver Standards were exactly half the heavy gold and heavy silver respectively, so that:			
Light Gold Shekel	8·41	130	$\frac{2}{10}$ oz.
Light Silver Shekel	11·2	172	$\frac{2}{5}$ oz.
5. Phoenician Silver.			
Shekel	14·9	230	$\frac{6}{11}$ oz.
50 | Mina	745	11,500	1 lb. $10\frac{3}{4}$ oz.
3000 | 60 | Talent	44,700	690,000	$98\frac{4}{7}$ lbs.

(B.) Aeginetan and Attic Commercial Weights.

	Grammes.	Grains.
Obol	1·05	16
6 | Drachm	6·30	97
12 | 2 | Didrachm (στατήρ)	12·60	195
600 | 100 | 50 | Mina	630	9,750
36,000 | 6000 | 3000 | 60 | Talent	37,800	585,000

(C.) Euboic Weights.

	Grammes.	Grains.
Drachm	4·20	65
2 | Stater	8·40	130
100 | 50 | Mina	420	6,500
6000 | 3000 | 60 | Talent	25,200	390,000

N.B.—Just as the Euboic drachm is ⅓ of the Aeginetan stater, so the Corinthian drachm is ⅓ of the Euboic stater. See Vol. II., p. 449 *b*.

(D.) Attic Weights (Solonian Coinage).

	Grammes.	Grains.
Drachm	4·40	67·5
2 | Didrachm or Stater	8·80	135
100 | 50 | Mina	440	6,750
6000 | 3000 | 60 | Talent	26,400	405,000

N.B.—It will be seen that the ratio of the Aeginetan stater (195 gr.) to the Attic (135 gr.) is a good deal larger than 100:73 or 138:100 or $83\frac{1}{3}$:60, which are the ratios ascribed to Solon's reduction of the Attic coinage.

TABLE XII.

GRECIAN MONEY (valued by Weight).*

I. ATTIC COPPER AND SILVER.												£	s.	d.	Farthings.
Lepton (Λεπτόν)												..	..	..	·10
7	Chalcus (Χαλκοῦς)											..	..	..	·75
14	2	Dichalcon, or Quarter Obol (Δίχαλκον)										..	..	..	1·5
28	4	2	Half Obol (Ἡμιωβόλιον)									..	..	..	3
56	8	4	2	Obol (Ὀβολός)								..	..	1	1
112	16	8	4	2	Diobolus (Διώβολον)							..	..	2	2
168	24	12	6	3	1½	Triobolus (Τριώβολον)						..	..	3	3
224	32	16	8	4	2	1⅓	Tetrobolus (Τετρώβολον)					..	..	5	0
336	48	24	12	6	3	2	1½	Drachma (Δραχμή)				.	..	8	2
672	96	48	24	12	6	4	3	2	Didrachm (Δίδραχμον)			..	1	5	0
1344	192	96	48	24	12	8	6	4	2	Tetradrachm (Τετράδραχμον)		..	2	9	3
33,600	4800	2400	1200	600	300	200	150	100	50	25	Mina (Μνᾶ)	3	10	3	3
2,016,000	288,000	144,000	72,000	36,000	18,000	12,000	9000	6000	3000	1500	60 Talent (Τάλαντον)	210	18	9	0

* N.B. The above table is calculated from the weights of existing coins, and gives their value *as bullion*, if silver be taken at 5*s.* an ounce troy. But their value, if compared with English *coined* silver, would be much higher: *e.g.* the shilling weighs 87·27 gr., and contains only about 80 gr. of pure silver. The drachma, of 67·5 gr. pure, is obviously more than ⅔rds of this. For practical purposes it is perhaps better to reckon the drachma as worth about a French franc (9½*d.*), the *mina* £4. Cf. Table XVI. and notes. An Attic gold talent would be worth £3375, if gold be taken at 2*d.* a grain, and a gold didrachm would be worth £1 2*s.* 6*d.*

TABLE XIII.

ROMAN WEIGHTS.

I. THE UNCIAL DIVISIONS OF THE POUND.	Grammes.	Avoirdupois Weight.	
		Oz.	Grs.
UNCIA	27·288	..	$430·83\frac{1}{3}$*
$1\frac{1}{2}$ Sescuncia, or Sescunx	40·932	1	203·75
2 $1\frac{1}{3}$ Sextans	54·576	1	$404·16\frac{2}{3}$
3 2 $1\frac{1}{2}$ Quadrans, or Teruncius	81·864	2	168·7500
4 $2\frac{1}{3}$ 2 $1\frac{1}{3}$ Triens	109·152	3	$270·83\frac{1}{3}$
5 $3\frac{1}{3}$ $2\frac{1}{2}$ $1\frac{2}{5}$ $1\frac{1}{4}$ Quincunx	136·440	4	$354·16\frac{2}{3}$
6 4 3 2 $1\frac{1}{2}$ $1\frac{1}{5}$ SEMIS, or Semissis	163·728	5	337·5
7 $4\frac{1}{3}$ $3\frac{1}{2}$ $2\frac{1}{3}$ $1\frac{3}{4}$ $1\frac{2}{5}$ $1\frac{1}{6}$ Septunx	191·016	6	$320·33\frac{1}{3}$
8 $5\frac{1}{3}$ 4 $2\frac{2}{3}$ 2 $1\frac{3}{5}$ $1\frac{1}{3}$ $1\frac{1}{7}$ Bes, or Bessis	218·304	7	$104·16\frac{2}{3}$
9 6 $4\frac{1}{2}$ 3 $2\frac{1}{4}$ $1\frac{4}{5}$ $1\frac{1}{2}$ $1\frac{2}{7}$ $1\frac{1}{8}$ Dodrans	245·592	8	277·5
10 $6\frac{1}{3}$ 5 $3\frac{1}{3}$ $2\frac{1}{2}$ 2 $1\frac{2}{3}$ $1\frac{3}{7}$ $1\frac{1}{4}$ $1\frac{1}{9}$ Dextans	272·880	9	$270·83\frac{1}{3}$
11 $7\frac{1}{3}$ $5\frac{1}{2}$ $3\frac{2}{3}$ $2\frac{3}{4}$ $2\frac{1}{5}$ $1\frac{5}{6}$ $1\frac{4}{7}$ $1\frac{3}{8}$ $1\frac{2}{9}$ $1\frac{1}{10}$ Deunx	300·168	10	$260·83\frac{1}{3}$
12 8 6 4 3 $2\frac{2}{5}$ 2 $1\frac{5}{7}$ $1\frac{1}{2}$ $1\frac{1}{3}$ $1\frac{1}{5}$ $1\frac{1}{11}$ AS, or LIBRA	327·456	11†	237·5†

* This differs from the ounce avoirdupois (437·5 grains) by less than 7 grains.

† The *as* is taken at 5050 grains, instead of 5052·55.

TABLE XIV.

ROMAN WEIGHTS.

II. SUBDIVISIONS OF THE UNCIA.										Grains.
Siliqua										2·9224
3	Obolus									8·767361
6	2	Scrupulum								17·53472
12	4	2	Semisextula							35·0694
24	8	4	2	Sextula						70·138
36	12	6	3	1½	Sicilicus					105·2083
48	16	8	4	2	1⅓	Duella				140·277
72	24	12	6	3	2	1½	Semuncia			120·416
144	48	24	12	6	4	3	2	Uncia		420·833
1728	576	288	144	72	48	36	24	12	As or Libra	5050

TABLE XV.

NORMAL WEIGHTS OF ROMAN COINS IN ENGLISH GRAINS.

	B.C. 350.	B.C. 269.*	B.C. 210.†	B.C. 89.	Augustus.‡	Nero.	Caracalla.§
GOLD.							
Aureus . .	..	..	52·5	..	126·	112·	101
SILVER.							
Denarius . .	..	70	60	60	60	52	..
Quinarius . .	..	35	30	..	30	26	..
Sestertius . .	..	17·5	15	..	15	..	..
Victoriatus .	..	..	..	45	..	..	..
Antoninianus.	..	..	..	..	..	..	84
COPPER.							
Sestertius (brass) .	..	..	..	..	420	420	
Dupondius (brass) .	..	..	..	..	210	210	
As (*libella*) .	5050	1750	421	210	200?	200	
Semis . . .	2525	875	210	105	100?		

* In B.C. 269 1 *denarius* = 4 *sestertii* = 10 *asses* or *libellae*.

† In B.C. 210 1 *denarius* = 1 Attic drachma = 4 *sestertii* = 16 *asses*. (1 *aureus* = 15 *denarii*.)

‡ Temp. Augusti, 1 *aureus* = 25 *denarii* = 100 *sestertii* = 400 *asses*.

§ Temp. Caracallae, 1 *aureus* = 20 *Antoniniani* = 100 *sestertii* = 400 *asses*.

The gold *solidus* of Constantine and his successors weighed a little over 80 grains.

N.B.—The English sovereign weighs 123·27447 grains; the shilling 87·27272 gr.; the penny 145·83333 gr. These weights form the basis of Table XVI.

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TABLE XVI.

ROMAN COINS COMPARED, IN WEIGHT, WITH ENGLISH.

	B.C. 350.	B.C. 269.	B.C. 210.	B.C. 89.	Augustus.	Nero.	Caracalla.
GOLD.							
Aureus . .	..	..	£$\frac{17}{40}$	..	£1$\frac{1}{45}$	£$\frac{10}{11}$	£$\frac{9}{11}$
SILVER.							
Denarius . .	..	$\frac{4}{5}s.$	$\frac{11}{16}s.$	$\frac{11}{16}s.$	$\frac{11}{16}s.$	$\frac{3}{5}s.$	..
Quinarius .	..	$\frac{2}{5}s.$	$\frac{11}{32}s.$	..	$\frac{11}{32}s.$	$\frac{3}{10}s.$	..
Sestertius .	..	$\frac{1}{5}s.$	$\frac{11}{64}s.$	..	$\frac{11}{64}s.$	..	..
Victoriatus .	..	..	..	$\frac{33}{64}s.$	..	..	..
Antoninianus	..	..	..	..	..	..	$\frac{28}{29}s.$
COPPER.							
Sestertius (brass) .	..	..	..	..	2$\frac{7}{8}d.$	2$\frac{7}{8}d.$	..
Dupondius (brass) .	..	..	..	..	1$\frac{7}{16}d.$	1$\frac{7}{16}d.$	..
As	34$\frac{1}{2}d.$	12$d.$	2$\frac{7}{8}d.$	1$\frac{7}{16}d.$	1$\frac{3}{8}d.$ (?)	1$\frac{3}{8}d.$	..
Semis . . .	17$\frac{1}{4}d.$	6$d.$	1$\frac{7}{16}d.$	$\frac{3}{4}d.$	..	..	..

NOTE.—The above table gives a good idea of the *size* of the coin, but not so accurate a notion of its *intrinsic value*, for the English sovereign contains $\frac{1}{12}$th alloy, the shilling $\frac{3}{40}$ths alloy, the penny $\frac{1}{20}$th alloy.

The intrinsic value of a gold coin may be determined from the fact that the Bank of England is bound to buy gold bullion at the fixed rate of £3 17*s.* 9*d.* per oz. Troy of 480 grs. Hence, for instance, the *aureus* of Augustus would fetch £1 0*s.* 9½*d.* But the price of silver bullion is not fixed, and has varied within the last 20 years from 5*s.* to 3*s.* 8*d.* per oz. Troy; and similarly the value of copper varies. The relative values, again, of gold to silver and of silver to copper fluctuated considerably in ancient times, as they do now, and the intrinsic values of *e.g.* the *aureus* to the *denarius*, taken now, would not correspond to their relative values of 1 aureus = 25 denarii. Cf. also the article As.

For practical purposes, the *aureus* of Augustus = £1 sterling; the *denarius* = a franc (9$\frac{3}{5}d.$); the *sestertius* = 2$\frac{2}{5}d.$ or $\frac{1}{100}$th of £1. A sum given in *sestertii* may be converted into pounds sterling by dividing it by 100.

GREEK INDEX.

The numerals indicate the volumes and pages, and the letters a *and* b *the first and second columns respectively.*

A.

Ἀβακίσκος, i. 1, a; ii. 397, b.
Ἄβαξ, i. 1, a.
Ἀβρὰ περίκουρος, ii. 378, a.
Ἀβροσύνη, ii. 944, b.
Ἄγαλμα, ii. 785, a; ii. 794, a.
Ἀγαμίου γραφή, i. 43, a.
Ἀγαθοεργοί, i. 43, a.
Ἀγγαρεία, i. 124, b.
Ἄγγαρος, i. 124, b.
Ἀγγοθήκη, i. 1005, a.
Ἀγέλαστοι, i. 43, b.
Ἀγελάτης, i. 43, b.
Ἀγέλη, i. 43, a.
Ἀγεωργίου δίκη, i. 43, b.
Ἄγημα, i. 43, b.
Ἀγητής, i. 366, a.
Ἀγητόρειον, i. 366, a.
Ἀγητόρια, i. 366, a.
Ἀγήτωρ, i. 136, b.
Ἄγκοινα, ii. 223, b.
Ἀγκύλη, i. 935, b.
Ἀγκύρα, ii. 83, b; ii. 218, a.
Ἀγκυρίζειν, ii. 83, b.
Ἀγκῶνες, ii. 854, a.
Ἀγνῦθες, ii. 765, a.
Ἀγορά, i. 44, b.
„ γυναικεία, i. 48, a.
„ πλήθουσα, i. 48, a; i. 392, b; i. 635, a.
Ἀγορανόμος, i. 49, a.
Ἀγόρας πληθώρη, i. 48, a.
Ἀγοραστής, i. 48, b.
Ἀγραυλία, i. 54, b.
Ἀγραφίου γραφή, i. 49, b.
Ἄγραφοι νόμοι, ii. 238, a.
Ἀγράφου μετάλλου γραφή, i. 49, b.
Ἀγριάνιος, i. 339, b.
Ἀγριώνια, i. 92, b.
Ἀγριώνιος, i. 338, b.
Ἀγροῖκος, ii. 377, a.
Ἀγρονόμοι, i. 93, a; i. 985, b.
Ἀγροτέρας θυσία, i. 93, a.
Ἄγνιος, i. 340, a.
Ἀγυρμός, i. 718, b.
Ἀγύρται, i. 93, b.
Ἄγχειν, ii. 83, b.
Ἀγχέμαχοι, i. 190, a.
Ἀγχιστεία, i. 906, a.
Ἀγωνάρχαι, i. 44, b.
Ἀγῶνες, i. 44, b; i. 628, b.
„ ἀτίμητοι, ii. 842, b.
„ εἰσελαστικοί, i. 239, b.
„ τίμητοι, i. 622, b; ii. 843, a.
Ἀγωνισταί, i. 237, b.
Ἀγωνοδίκαι, i. 44, b.
Ἀγωνοθέται, i. 44, b.
Ἄδδιξ, Ἄδδιξις, i. 24, b.
Ἄδεια, i. 24, b; i. 102, a.
Ἀδέσποτοι, i. 941, a; ii. 62, b.
Ἀδηφαγία, i. 238, b.
Ἀδύνατοι, i. 31, a.
Ἀδώνια, i. 25, a.
Ἄδυτον, ii. 774, b.
Ἀεναῦται, i. 35, b.
Ἀείσιτοι, i. 721, a; ii. 515, a.
Ἀειφυγία, i. 741, b.
Ἀετός, i. 218, b; i. 829, b.
Ἀέτωμα, i. 829, b.
Ἄζυγες, i. 695, a.
Ἀθήναιον, i. 236, b
Ἀθληταί, i. 237, a.
Ἀθλητῆρες, i. 237, a.
Ἀθλοθέται, i. 44, b.
Αἰάκεια, i. 31, a.
Αἰάντεια, i. 94, a.
Αἰγανέαι, ii. 936, b.
Αἰγιαλέες, ii. 875, b.
Αἰγικορεῖς, i. 901, b; ii. 876, b.
Αἰγινητῶν ἑορτή, i. 33, b.
Αἰγίοχος, i. 34, a.
Αἰγίς, i. 34, a.
Αἰγοκέρως, i. 70, a; i. 220, b.
Αἰγυπτιακά, ii. 301, a.
Αἴθουσα, i. 94, b.
Αἰκία, i. 128, a.
Αἰκίας δίκη, i. 94, a.
Αἰκίζεσθαι, ii. 851, b.
Αἴνιγμα, i. 35, b.
Αἰνικός, i. 340, a.
Αἶξ, i. 218, a.
Αἰσυμνήτης, i. 41, a; i. 44, b.
Αἰσχρολογία, i. 518, b.
Αἶτας, i. 769, a.
Αἴτναια, i. 41, a.
Αἰτωλῶν, τὸ κοινὸν τῶν, i. 41, a.
Αἰχμή, i. 935, a.
Αἰχμοφόροι, i. 935, a.
Αἰώρημα, ii. 816, b.
Ἄκαινα, Ἀκαίνη, i. 4, b.
Ἄκαπνα ξύλα, i. 5, a.
Ἀκάτειος, ii. 217, b.
Ἀκάτιον, i. 5, a; ii. 223, a.
Ἄκατος, i. 5, a; ii. 223, a.
Ἄκενα, i. 4, b.
Ἀκέστρα, i. 23, b.
Ἀκινάκης, i. 10, a.
Ἀκμόθετον, i. 1005, b.
Ἄκμων, i. 1005, b.
Ἀκοὴν μαρτυρεῖν, i. 94, b.
Ἀκονιτί, ii. 272, a.
Ἀκόντιον, i. 936, b.
Ἀκοντισμός, i. 937, b.
Ἄκρα, i. 200, b.
Ἀκράτισμα, i. 10, b; i. 392, b.
Ἀκρατοφόρον, i. 10, b.
Ἀκρόαμα, i. 11, a.
Ἀκροβατικόν, ii. 107, b.
Ἀκροθίνιον, i. 688, a.
Ἀκρόλειον, i. 688, a.
Ἀκρόλιθοι, i. 11, a; ii. 696, b.
Ἀκρόνυχος, i. 225, a.
Ἀκροπόδιον, i. 11, a.
Ἀκροπόλει, ἐγγεγραμμένος ἐν, i. 49, b.
Ἀκρόπολις, i. 11, b; ii. 907, b.
Ἀκροστιχίς, ii. 671, a.
Ἀκροστόλιον, ii. 211, a.
Ἀκροστόμιον, i. 870, a.
Ἀκροφύσιον, i. 870, a.
Ἀκροχειρία, i. 930, a.
Ἀκροχειρισμός, ii. 83, a.
Ἀκρωτηριάζειν, i. 11, b; ii. 566, a.
Ἀκρωτήριον, i. 11, b.
Ἄκτια, i. 14, a.
Ἄκυρος, ii. 516, b.
Ἀκωκή, i. 934, b.
Ἄκων, i. 936, b.
Ἀλαβαστροθήκη, i. 95, b.
Ἀλάβαστρον, i. 95, b.
Ἀλάβαστρος, i. 95, b.
Ἄλαδε μύσται, i. 718, a.
Ἀλαί, ii. 592, a.
Ἀλαῖα, i. 97, a.
Ἀλαλκομένιος, i. 338, b.
Ἀλέαια, i. 97, a.
Ἀλείπται, i. 98, a.
Ἀλειπτήριον, i. 98, a; i. 268, a.
Ἀλῆτις, i. 36, a.
Ἀλία, i. 45, a.
Ἄλια, i. 932, b.
Ἁλίεια, i. 932, b.
Ἀλίνδησις, i. 930, a; ii. 82, b.
Ἀλκαθοῖα, i. 96, b.
Ἀλλαγαί, ii. 121, b.
Ἄλλῃξ, or Ἄλλιξ, i. 98, b.
Ἄλμα, ii. 364, b.
Ἅλμη, ii. 592, a.
Ἀλογίου δίκη, i. 99, a.
Ἀλοπήγιον, ii. 592, a.
Ἁλτῆρες, i. 932, b; ii. 365, a.
Ἀλυσίδιον, i. 385, b.
Ἀλύσιον, i. 385, b.
Ἄλυσις, i. 385, b.
Ἀλύται, ii. 271, b.
Ἀλυτάρχης, ii. 271, b.
Ἀλφεσίβοιαι, i. 691, a.

Ἀλῶα, i. 98, b.
Ἀλῶα, i. 98, b.
Ἀλωή, or Ἀλωή, i. 64, a.
Ἄλως, i. 64, a.
Ἀμάλιος, i. 338, a.
Ἄμαξα, i. 216, b; i. 933, a; ii. 433, b.
Ἀμαξόποδες, i. 932, b; ii. 433, b.
Ἀμαρύνθια, i. 99, a.
Ἀμαρύσια, i. 99, a.
Ἄμβλωσις, i. 4, a.
Ἀμβροσία, i. 101, b.
Ἄμβων, i. 292, b.
Ἄμιτρος, ii. 174, a.
Ἄμμα, ii. 83, a.
Ἄμμα, i. 101, b; ii. 164, b.
Ἀμνηστία, i. 102, a.
Ἀμνοσκοπία, ii. 300, a.
Ἀμόργη, ii. 265, a.
Ἀμόργινα, i. 102, a.
Ἀμοργίς, i. 102, a.
Ἄμπελοι, ii. 962, a.
Ἀμπεχόνη, i. 102, b.
Ἀμπίτταρες, i. 940, b.
Ἀμπυκτήρ, i. 117, b.
Ἄμπυξ, i. 117, b.
Ἀμύκλαι, i. 333, a.
Ἀμυκλαῖδες, i. 333, a.
Ἀμυστὶ πίνειν, i. 120, b.
Ἀμφιαράϊα, i. 102, b.
Ἀμφίβληστρον, ii. 546, a.
Ἀμφίδουλος, ii. 656, b.
Ἀμφιδρόμια, i. 105, b.
Ἀμφιθάλαμος, i. 106, b.
Ἀμφιθέατρον, i. 106, b.
Ἀμφικτύονες, i. 102, b.
Ἀμφίμαλλοι, ii. 762, a.
Ἀμφίορκια, i. 106, a.
Ἀμφιπρόστυλος, ii. 775, b.
Ἀμφισβητεῖν, i. 947, a.
Ἀμφισβήτησις, i. 106, a.
Ἀμφιτάπητες, -οι, ii. 762, a.
Ἀμφιφορεύς, i. 115, a.
Ἀμφιφῶντες, ii. 181, b; ii. 581, b.
Ἀμφορεύς, i. 115, a.
„ μετρητής, ii. 170, b.
Ἀμφωμοσία, i. 106, a.
Ἀμφωτίδες, ii. 524, b.
Ἀναβαθμοί, i. 661, b; i. 663, b.
Ἀναβολεῖς, i. 742, a.
Ἀναγκαῖον, i. 362, b.
Ἀναγκαιοφαγία, i. 238, a.
Ἀνάγλυπτα, i. 121, a.
Ἀνάγλυφα, i. 121, a.
Ἀναγνώρισις, ii. 864, a.
Ἀναγωγῆς δίκη, i. 121, a.
Ἀναγώγια, i. 121, a.
Ἀναδέσμη, i. 121, a.
Ἀναδικία, i. 144, a.
Ἀναθήματα, i. 687, a.
Ἀναθυμίασις, ii. 282, a.
Ἀνακαλυπτήρια, ii. 136, b.
Ἀνάκεια, i. 121, a.
Ἀνακειμένα, i. 687, a.
Ἀνάκειον, i. 121, a.
Ἀνακινήματα, i. 930, a.
Ἀνακλητήρια, i. 121, b.
Ἀνάκλητοι, i. 791, b.
Ἀνακλινοπάλη, ii. 329, a.
Ἀνάκλιντρον, ii. 17, b.
Ἀνάκρισις, i. 121, b; i. 167, a.
Ἀνάκτορον, ii. 774, b.
Ἀνάλημμα, i. 123, a.
Ἄναξ, ii. 548, a.
Ἀναξαγόρεια, i. 123, b.
Ἀναξυρίδες, i. 314, b.
Ἀνάπαιστος, i. 422, a.
Ἀναπαυστηρία, ii. 854, b.
Ἀναπηνίζεσθαι, ii. 767, b.
Ἀναπιέσματα, ii. 817, b.
Ἀναπτύσσειν, i. 771, b.
Ἀνάρρυσις, i. 134, b.
Ἀνάσιμος, ii. 375, b.
Ἀνασπαστήρια, i. 385, a.
Ἀνατοκισμός, i. 123, a; i. 835, a.
Ἀνατολή, i. 224, b.
Ἀνατρέπειν, ii. 84, a.
Ἀναυμαχίου γραφή, i. 123, b.
Ἀνάφορον, i. 211, a.
Ἀνδραποδισμοῦ γραφή, i. 123, b.
Ἀνδραποδιστής, i. 123, b.
Ἀνδρεῖα, ii. 749, a.
Ἀνδριάς, ii. 395, b.
Ἀνδρογεώνια, i. 123, b.
Ἀνδρολη̃ψία, i. 123, b.
Ἀνδρολήψιον, i. 123, b.
Ἀνδρομέδη, i. 218, b.
Ἀνδρῶνες, i. 124, b; i. 662, a.
Ἀνδρωνῖτις, i. 660, b.
Ἄνευ ὕδατος δίκη, i. 973, a.
Ἀνεψιαδοῦς, ii. 385, a.
Ἀνθεία, i. 127, a.
Ἀνθεστήρια, i. 638, b.
Ἀνθεστηριών, i. 338, a; i. 399, a.
Ἀνθεσφόρια, i. 126, b.
Ἄνθη, ii. 390, b.
Ἀνθοσμίας, ii. 971, a.
Ἀνθράκιον, i. 127, a.
Ἀνθυπωμοσία, i. 623, a; i. 629, b.
Ἄνοδος, ii. 833, b.
Ἄνοπλοι, i. 190, a.
Ἄντεος, i. 339, a.
Ἀντεπίρρημα, i. 422, a.
Ἀντερειδίς, ii. 854, b.
Ἀντηρίδες, ii. 216, b.
Ἀντιγόνεια, i. 127, b.
Ἀντιγονίδες, i. 347, b.
Ἀντίγονος, i. 696, a.
Ἀντιγραφεῖς, i. 128, a.
Ἀντιγραφή, i. 127, b; i. 753, a.
Ἀντίδοσις, i. 127, a.
Ἀντίληξις, i. 623, a.
Ἀντινόεια, i. 128, b.
Ἀντίον, ii. 765, a.
Ἀντιπάθεια, ii. 559, b.
Ἀντίστρεπτα, i. 938, b.
Ἀντιστροφή, i. 421, b; ii. 564, a.
Ἀντιτίμησις, i. 404, a.
Ἀντίφερνα, i. 690, b.
Ἀντιφωνία, ii. 193, b.
Ἀντληρίαι, ii. 831, b.
Ἀντλία, i. 128, b.
Ἄντλος, ii. 212, b.
Ἄντυξ, i. 129, b; i. 458, b; i. 577, b.
Ἀντωβή, i. 422, a.
Ἀντωμοσία, i. 121, b.
Ἀνυποδησία, ii. 684, b.
Ἀξίνη, ii. 616, a.
Ἄξονες, i. 264, a; ii. 239, b.
Ἄξων, i. 578, a; ii. 239, b.
Ἄορ, i. 919, a.
Ἀορτήρ, i. 284, a.
Ἀπάγελοι, i. 43, a.
Ἀπαγωγή, i. 133, b; i. 733, a.
Ἀπατησέως τοῦ δήμου γραφή, i. 134, a.
Ἀπατούρια, i. 134, b.
Ἀπατούριος, i. 339, a.
Ἀπατουριών, i. 338, b; i. 339, a; i. 340, a.
Ἀπαύλια, ii. 136, b.
Ἀπαυλιστήρια, ii. 136, b.
Ἄπειροι, i. 130, a.
Ἀπείρονες, i. 130, a.
Ἀπελεύθερος, ii. 61, a.
Ἄπελλα, i. 915, a.
Ἀπελλαῖος, i. 338, a; i. 339, a.
Ἀπενιαυτισμός, i. 741, b.
Ἀπήνη, i. 135, b.
Ἀποβάτης, i. 618, b.
Ἀπογονικούς, i. 340, a.
Ἀπογραφή, i. 137, a.
Ἀπογράφων, i. 137, b.
Ἀποδέκται, i. 136, b; ii. 677, b.
Ἀπόδεσμος, i. 827, a; ii. 720, b.
Ἀποδιδρασκίνδα, i. 137, a.
Ἀποθεραπεία, i. 98, a.
Ἀποθέωσις, i. 139, b.
Ἀποθήκη, i. 139, b; i. 975, b.
Ἀποικία, i. 476, b.
Ἄποικοι, i. 474, b.
Ἀποκήρυξις, i. 137, b.
Ἀπόκλητοι, i. 42, a.
Ἀπολείψεως δίκη, i. 648, a.
Ἀπόλειψις, i. 647, b.
Ἀπολλώνια, i. 138, a.
Ἀπομαγδαλίαι, i. 394, a; ii. 126, a.
Ἀπόπατοι, i. 664, a.
Ἀποπέμψεως δίκη, i. 647, b.
Ἀπόπεμψις, i. 647, b.
Ἀποπνίγειν, ii. 83, b.
Ἀπόπτυγμα, ii. 903, b.
Ἀπορραντήρια, ii. 773, b.
Ἀπόρραξις, i. 293, a; ii. 423, b.
Ἀπορρήσεως δίκη, i. 138, b.
Ἀπόρρησις, i. 138, b.
Ἀπόρρητα, i. 139, a.
Ἀποστασίου δίκη, i. 139, a.
Ἀποστολεῖς, i. 139, a.
Ἀποτειχισμός, ii. 919, a.
Ἀποτελεσματικός, i. 213, a.
Ἀποτιμᾶν, i. 692, b.
Ἀποτίμημα, i. 692, b; i. 971, b.
Ἀποτιμηταί, ii. 174, a.
Ἀποτυμπανισμός, i. 143, b.
Ἀπόφανσις, i. 138, a.
Ἀπόφασις, i. 127, a; i. 138, a; i. 176, b.
Ἀποφορά, i. 138, a.
Ἀποφόρητα, i. 138, b.
Ἀποφορήτη, i. 138, b.
Ἀποφράδες ἡμέραι, i. 138, b.
Ἀποχειροτονεῖν, i. 168, b; i. 409, b.
Ἀποχειροτονία, i. 409, b.
Ἀπρόσκλητος δίκη, i. 146, a.
Ἀπροστασίου γραφή, i. 146, b; i. 168, a.
Ἀραβάρχης, i. 158, b.
Ἀραιόστυλος, ii. 777, b.
Ἀράτεια, i. 158, b.

Ἀρβύλη, i. 332, b; ii. 373, b.
Ἀργάδεις, i. 901, b; ii. 876, b.
Ἄργια, i. 195, a.
Ἀργίας γραφή, i. 184, b.
„ νόμος, i. 184, b.
Ἄργιλος, i. 842, a.
Ἀργοὶ λίθοι, i. 178, a; ii. 700, a.
Ἀργοναυτικά, ii. 299, b.
Ἀργυράσπιδες, i. 184, b.
Ἀργύριον, ii. 248, b.
Ἀργυρίου δίκη, i. 185, a.
Ἀργυροκοπεῖον, i. 185, a; ii. 177, a.
Ἀργυρολόγοι, i. 185, a.
Ἄργυρος, i. 183, b.
Ἀργυροσταμίαι, i. 185, a.
Ἀργυρώνητοι, ii. 656, b.
Ἀργώ, i. 222, b.
Ἀρδάλιον, i. 174, b.
Ἀρδάνιον, i. 174, b; i. 885, b.
Ἀρδιοθήρα, i. 872, a; ii. 587, b.
Ἄρδις, ii. 587, a.
Ἄρειος, i. 340, a.
„ πάγος, i. 175, a.
Ἄρεσκος, i. 521, a.
Ἀρησιών, i. 338, b.
Ἀριάδνεια, i. 185, b.
Ἀριθμητική, i. 187, b; ii. 76, b.
Ἀρίς, ii. 793, b.
Ἀριστεροστάται, i. 420, b.
Ἀριστίνδην, i. 442, a.
Ἀριστοκρατία, i. 187, a.
Ἄριστον, i. 391, b.
Ἀρκαδικόν, τὸ κοινόν, i. 162, a.
Ἀρκτεία, i. 316, b.
Ἀρκτεύειν, i. 316, b.
Ἀρκτεύεσθαι, i. 316, b.
Ἄρκτοι, i. 316, b.
Ἄρκτος μεγάλη, i. 216, a.
„ μικρά, i. 216, b.
Ἀρκτοῦρος, i. 217, a.
Ἀρκτοφύλαξ, i. 217, a.
Ἄρκυς, ii. 546, a.
Ἀρκύωρος, ii. 936, b.
Ἅρμα, i. 577, b; i. 933, a.
Ἁρμάμαξα, i. 933, a.
Ἁρμογή, ii. 390, b.
Ἁρμονία, ii. 198, a.
Ἁρμονίαι, ii. 538, b.
Ἁρμονική, ii. 192, b.
Ἁρμοστής, i. 933, a.
Ἀρνακίς, i. 543, b.
Ἀρνίς, i. 192, b.
Ἄροτοι ἱεροί, i. 193, a.
Ἄροτρον, i. 159, a.
Ἄρουρα, i. 197, b; ii. 164, b.
Ἁρπαγή, i. 933, b.
Ἁρπαγῆς γραφή, i. 933, b.
Ἁρπαστόν, ii. 424, a.
Ἁρπεδονάπται, i. 924, a.
Ἅρπη, i. 823, a.
Ἁρρηφόρια, i. 193, b.
Ἁρρηφόροι, i. 194, a.
Ἄρσις, ii. 558, b.
Ἀρτάβη, i. 194, a.
Ἀρταμίτιος, i. 339, b.
Ἀρτεμίσια, i. 194, b.
Ἀρτεμίσιος, i. 339, a.
Ἀρτεμισιών, i. 339, a; i. 340, a.
Ἄρτια ἢ περιττὰ παίζειν, ii. 336, b.
Ἀρτιάζειν, ii. 336, b.
Ἀρτιασμός, ii. 336, b.
Ἄρτιοι, i. 188, a.
Ἀρτοπωλίδες, i. 394, a.
Ἄρτυναι, -οι, i. 197, b.
Ἀρτύσεις, ii. 966, a.
Ἀρύβαλλος, i. 201, a.
Ἀρύταινα, i. 268, b.
Ἀρχαιρεσίαι, i. 409, b; i. 702, b.
Ἀρχεῖον, i. 162, b.
Ἀρχέλαοι, ii. 875, b.
Ἀρχή, i. 165, b.
Ἀρχηγέτης, i. 753, a.
Ἀρχίατρος, i. 162, b.
Ἀρχιβούκολος, i. 309, a.
Ἀρχιερανιστής, i. 758, b.
Ἀρχιερεύς, i. 241, b; i. 340, a.
Ἀρχιθέωρος, i. 611, a; ii. 825, a.
Ἀρχιτεκτονία, i. 163, b.
Ἀρχιτεκτονική, i. 163, b.
Ἀρχιτέκτων, ii. 818, a.
Ἄρχων, i. 165, a.
„ ἐπώνυμος, i. 167, b.
Ἀρχώνης, i. 266, b; ii. 366, a; ii. 771, a.
Ἀσάμινθος, i. 208, a.
Ἀσεβείας γραφή, i. 210, a.
Ἀσιάρχαι, i. 210, b.
Ἀσίλλα, i. 211, a.
Ἀσκάντης, ii. 18, a.
Ἀσκληπίεια, i. 209, b; ii. 154, a.
Ἀσκός, i. 210, a; ii. 965, b.
Ἀσκωλιασμός, i. 209, b.
Ἄσκωμα, ii. 223, b.
Ἀσπίς, i. 458, b.
Ἀσπισταί, i. 190, a.
Ἀσσάριον, i. 211, a.
Ἀστέρες ἀγαθοποιοί, i. 213, a.
„ ἐπίκοινοι, i. 213, a.
„ κακοποιοί, i. 213, a.
Ἀστράβη, i. 742, a.
Ἀστράγαλος, i. 212, a; ii. 247, a; ii. 759, a.
Ἀστραγαλωτή, i. 864, a.
Ἀστρατείας γραφή, i. 212, b.
Ἄστρον, τὸ, i. 221, b.
Ἀστρονομία, i. 214, a.
Ἀστυνόμοι, i. 234, a.
Ἀσυλία, i. 234, b.
Ἄσυλον, i. 235, a.
Ἀσυνάρτητα, ii. 563, a.
Ἀτέλεια, i. 236, a.
Ἀτιμία, i. 241, b.
Ἄτιμος, i. 242, a.
Ἀτλαγενεῖς, i. 219, b.
Ἄτλαντες, i. 243, b.
Ἄτρακτος, i. 897, b.
Ἀττικὸς πάροικος, i. 478, b.
Ἀττικουργές, i. 245, a.
Αὐδυναῖος, i. 339, a.
Αὐθέψης, i. 263, a.
Αὐλαία, i. 259, b.
Αὔλειος θύρα, i. 661, b.
Αὐλή, i. 259, b; i. 655, b.
Αὐλητής, i. 417, b; ii. 841, b.
Αὐλητική, ii. 840, a.
Αὐλοθήκη, ii. 841, b.
Αὖλος, ii. 161, b.
Αὐλός, ii. 840, a.
Αὐλῳδία, ii. 528, b.
Αὐτοκάβδαλοι, i. 516, a.
Αὐτοκρατορικός, i. 340, a.
Αὐτολεκύθοι, ii. 977, a.
Αὐτομολίας γραφή, i. 263, b.
Αὐτονομία, ii. 682, a.
Αὐτόνομοι, i. 263, b.
Αὐτοσχεδιαστική, i. 514, a; ii. 859, a.
Αὐτοτελὴς δίκη, i. 630, b.
Ἀφαιρέσεως δίκη, i. 764, b.
Ἀφαίρεσις, ii. 75, b.
Ἀφαμιῶται, i. 555, a.
Ἀφανὴς οὐσία, i. 136, a.
Ἄφεσις, i. 964, a; ii. 693, b.
Ἀφεταί, i. 941, a; ii. 62, b.
Ἄφετοι, ii. 935, a.
Ἀφίδιτος ἡμέρα, ii. 750, b.
Ἄφλαστον, ii. 211, a.
Ἄφοδος, i. 664, a.
Ἀφορμῆς δίκη, i. 136, a.
Ἄφρακτος ναῦς, ii. 214, b.
Ἀφροδίσια, i. 136, b.
Ἀφροδίσιος, i. 340, a.
Ἀχαϊκόν, τό, i. 8, a.
Ἀχάνη, i. 10, a.
Ἀχθοφόρος, i. 266, a.
Ἀχίτων, ii. 320, b.
Ἄψηφοι, i. 130, a.
Ἁψίς, i. 4, b; i. 578, a.
Ἀψύχων δίκη, i. 146, b.

B.

Βαδρόμιος, i. 339, b.
Βάθρα, ii. 619, a.
Βαίτυλος, ii. 774, a.
Βακτηρία, i. 265, b; i. 628, b.
Βακχική, ii. 593, a.
Βαλανάγρα, i. 451, a; ii. 467, b.
Βαλανεῖον, i. 266, b.
Βαλανεύς, i. 268, b.
Βαλανοδόκη, ii. 467, b.
Βάλανος, i. 451, a; ii. 467, b.
Βαλάντιον, i. 565, a; ii. 126, a.
Βαλβίς, i. 644, b; ii. 693, b.
Βαλλάντιον, i. 565, a.
Βαναυσία, i. 195, a.
Βαπταί, i. 285, a.
Βάραθρον, i. 285, a.
Βάρβιτον, -os, ii. 106, b.
Βᾶρις, i. 286, b.
Βαρούλκον, ii. 107, b.
Βασανισταί, ii. 852, a.
Βάσανος, ii. 851, a.
Βασίλεια, i. 287, a; i. 293, b.
Βασίλειον, i. 293, b.
Βασιλεύς, i. 168, a; ii. 546, b.
Βασιλίδες, i. 332, b.
Βασιλίνδα, i. 293, a.
Βασίλινναι, i. 168, a.
Βασίλιος, i. 340, a.
Βασίλισσα, i. 168, a; ii. 202, b.
Βάσις, ii. 558, b.
Βασκανία, i. 827, b.
Βάσκανος ὀφθαλμός, i. 827, b.
Βασσάρα, i. 293, b.
Βατήρ, ii. 693, b.
Βατιακή, i. 294, b.
Βαυκάλη, i. 294, b.

Βαυκάλιον, i. 294, b.
Βαύκαλις, i. 294, b.
Βαυκίδες, i. 294, b; ii. 685, a.
Βαφή, ii. 3, a.
Βεβαιώσεως δίκη, i. 295, a.
Βελόνη, i. 23, b.
Βελονίς, i. 23, b.
Βέμβηξ, -ιξ, i. 929, a; ii. 906, b.
Βενδιδαῖος, i. 340, a.
Βενδίδεια, i. 295, b.
Βερονίκης βόστρυχος, i. 223, a.
„ πλόκαμος, i. 223, a.
Βηλός, i. 987, a.
Βῆμα, i. 295, b; i. 698, a; i. 921, a; ii. 162, a; ii. 870, a.
Βήσα, -ιον, i. 296, b.
Βήσσα, i. 296, b.
Βίαιος τροφή, i. 238, a.
Βιαίων δίκη, i. 297, a.
Βίβασις, ii. 594, a.
Βιβλιογράφοι, ii. 60, a.
Βιβλιοθήκη, i. 297, b.
Βιβλιοκάπηλοι, ii. 60, a.
Βιβλίον, ii. 57, b.
Βίβλος, ii. 57, b.
Βιδαῖοι, i. 298, b.
Βῖκος, i. 298, b.
Βιός, i. 169, b.
Βίρρος, i. 299, a.
Βλάβης δίκη, i. 122, b; i. 299, a; i. 814, b.
Βλαύτη, i. 332, b; ii. 685 a.
Βλαύτια, i. 332, b.
Βοαγός, i. 299, b.
Βοαθόος, i. 338, a.
Βοηδρόμια, i. 300, a.
Βοηδρομιών, i. 338, a; i. 339, a.
Βοηθοί, ii. 344, b.
Βοηλασίαι, i. 766, b.
Βόθρος, ii. 832, a.
Βοιωτάρχης, -ος, i. 300, a.
Βολίς, i. 384, b.
Βομβύκια, ii. 649, b.
Βομβυλή, i. 302, b.
Βομβυλιός, i. 116, b; i. 302, b.
Βόμβυξ, ii. 840, b.
Βορεασμοί, i. 308, b.
Βορεασμός, i. 308, b.
Βοτανισμός, i. 63, b.
Βοτανομαντεία, i. 647, a.
Βουαγόρ, -ος, i. 299, b.
Βοῦαι, i. 43, b.
Βουκάτιος, i. 338, a, b.
Βούκερας, -ως, i. 70, a.
Βουκίδιον, i. 294, b.
Βούκολοι, i. 308, b.
Βουλεύσεως γραφή, i. 313, b; ii. 518, b.
Βουλευταί, i. 309, b.
Βουλευτήριον, i. 313, a; i. 577, a.
Βουλή, i. 309, a.
Βούτυρον, -ος, i. 319, a.
Βουφονία, i. 636, b.
Βουφονιών, i. 338, b.
Βοῶναι, i. 308, b.
Βοώτης, i. 217, a.
Βραβεῖς, i. 44, b.
Βραβευταί, i. 44, b.
Βρασίδεια, i. 316, a.
Βραυρώνια, i. 316, a.
Βραχίολος, i. 315, b.
Βραχιόνιον, i. 315, b.
Βροχίς, i. 244, b.
Βρῦτον, i. 407, a.
Βύβλος, ii. 57, b.
Βυκάνη, i. 317, b.
Βυρσεύς, i. 542, a.
Βυρσοδέψης, i. 542, a.
Βύσιος, i. 339, a.
Βυσσός, i. 319, b.
Βωμονίκης, i. 303, a.
Βωμός, i. 157, a.
Βωρεῖς, ii. 876, a.

Γ.

Γάγγαμον, ii. 546, a.
Γάλλοι, i. 899, b.
Γάλως, i. 43, a.
Γαμηλία, i. 900, b.
Γαμηλίων, i. 338, a.
Γάμοροι, i. 911, b.
Γάμος, ii. 130, a.
Γάνωσις, ii. 395, a.
Γάρνον, i. 578, a.
Γαστραφέτης, ii. 856, a.
Γαυλός, i. 323, a.
Γελέοντες, i. 901, a; ii. 876, b.
Γελωτοποιοί, ii. 205, b; ii. 344, a.
Γενεθλιαλογία, i. 213, a.
Γένειον, i. 285, a.
Γενέσια, i. 888, a.
Γένεσις, i. 213, b.
Γεννῆται, i. 903, b; ii. 877, a.
Γένος, i. 903, a; ii. 559, a; ii. 875, a.
Γεραιραί, i. 639, a.
Γέρανος, i. 986, b; ii. 593, a.
Γερανοῦλκος, i. 986, b.
Γεραραί, i. 639, a.
Γεράστιος, i. 339, a.
Γέροντες, i. 912, a.
Γερουσία, i. 577, a; i. 912, a.
Γέρρα, i. 562, a; i. 699, a; i. 916, a; ii. 752, a.
Γερωΐα, i. 914, a.
Γερωνία, ii. 749, b.
Γερωχία, i. 914, a.
Γέφυρα, ii. 456, b.
Γεφυρίζειν, i. 515, a.
Γεφυρισμός, i. 719, b.
Γεφυρισταί, i. 515, a.
Γεωμόροι, i. 911, b; ii. 876, b.
Γίγγλυμος, i. 364, b.
Γίγγρας, ii. 841, a.
Γλεῦκος, ii. 963, a.
Γλύξις, ii. 963, b.
Γλυπτικὴ σφραγίδων, ii. 601, b.
Γλύφανον, ii. 601, a.
Γλωσσοκομεῖον, ii. 841, b.
Γλῶττα, ii. 840, a.
Γναφεύς, i. 881, a.
Γνήσιος, i. 25, b.
Γνώμων, i. 923, b; i. 972, b; ii. 243, a; ii. 443, a.
Γοής, ii. 728, a.
Γόμφος, i. 452, b; ii. 538, b.
Γοργύρα, i. 362, b.
Γορπιαῖος, i. 339, a.
Γραΐδιον ἐλεύθερον, ii. 375, b.
„ ἰσχνόν, ii. 377, b.
„ λυκαίνιον, ii. 377, b.
„ οἰκετικόν, ii. 375, b.
„ οἰκουρόν, ii 377, b.
Γράμμα, ii. 613, b.
Γραμματεῖον, ii. 753, a.
„ ληξιαρχικόν, i. 26, a; i. 616, b.
„ φρατρικόν, i. 26, a.
Γραμματεύς, i. 9, b; i. 921, b.
Γραμματίδιον, i. 394, a.
Γραμματιστής, ii. 96, b.
Γραμματοδιδάσκαλοι, ii. 94, b.
Γραμμή, ii. 390, a; ii. 693, b.
Γραμμῆς, παίζειν διά, i. 929, a.
Γραφεῖον, ii. 390, a; ii. 713, b.
Γραφή, i. 922, a; ii. 389, b.
Γραφὴ ἀγαμίου, i. 43, a.
„ ἀγραφίου, i. 49, b.
„ ἀγράφου μετάλλου, i. 49, b.
„ ἀναυμαχίου, i. 123, b.
„ ἀνδραποδισμοῦ, i. 123, b.
„ ἀπατησέως τοῦ δήμου, i. 134, a.
„ ἀπροστασίου, i. 146, b; i. 168, a.
„ ἀργίας, i. 184, b.
„ ἁρπαγῆς, i. 933, b.
„ ἀσεβείας, i. 210, a.
„ ἀστρατείας, i. 212, b.
„ αὐτομολίας, i. 263, b.
„ βουλεύσεως, i. 313, b; ii. 518, b.
„ δειλίας, i. 212, b.
„ δεκασμοῦ, i. 599, b.
„ δημοσίᾳ, i. 628, b.
„ δωρυδοκίας, i. 599, b.
„ δωροξενίας, ii. 991, a.
„ δώρων, i. 599, b.
„ εἰργμοῦ, i. 938, b.
„ ἐξαγωγῆς, i. 764, a.
„ ἑταιρήσεως, i. 958, b.
„ ἰδίᾳ, i. 628, b.
„ ἱεροσυλίας, i. 961, a.
„ κακογαμίου, i. 43, a.
„ καταλύσεως τοῦ δήμου, i. 383, b.
„ κατασκοπῆς, i. 385, a.
„ κλοπῆς, i. 462, b.
„ λιποναυτίου, i. 123, b.
„ λιποστρατίου, i. 212, b.
„ λιποταξίου, i. 212, b.
„ μοιχείας, i. 29, b.
„ νομίσματος διαφθορᾶς, ii. 237, a.
„ ξενίας, ii. 991, a.
„ ὀψιγαμίου, i. 43, a.
„ παρανοίας, ii. 339, a.
„ παρανόμων, ii. 339, b.
„ παραπρεσβείας, ii. 342, b.
„ παραγωγείας, ii. 491, b.
„ περὶ τῶν εὐθυνῶν, i. 764, a.
„ προδοσίας, ii. 500, a.
„ ῥητορική, i. 739, a; ii. 555, b.
„ συκοφαντίας, ii. 732, a.
„ τραύματος ἐκ προνοίας, ii. 868, a.
„ τυμβωρυχίας, ii. 913, b.

Γραφὴ τυραννίδος, i. 168, b.
„ ὕβρεως, i. 982, b.
„ ὑποβολῆς, i. 986, a.
„ φαρμακείας, ii. 382, b.
„ φαρμάκων, ii. 382, a.
„ φθορᾶς τῶν ἐλευθέρων, ii. 388, a.
„ φόνου, ii. 386, b.
„ ψευδεγγραφῆς, ii. 518, b.
„ ψευδοκλητείας, i. 456, b; ii. 519, a.
Γραφική, ii. 389, b.
Γραφίς, ii. 390, a; ii. 713, b.
Γρῖφος, i. 35, b; ii. 546, a.
Γροσφομάχοι, i. 936, b.
Γρόσφος, i. 936, b.
Γύαλα, ii. 77, b.
Γύης, i. 159, b; ii. 161, a.
Γυμνασιάρχης, i. 928, a.
Γυμνασίαρχος, i. 928, a.
Γυμνάσιον, i. 925, b.
Γυμνασταί, i. 928, b.
Γυμνήσιοι, i. 930, b.
Γυμνῆται, i. 190, a.
Γυμνῆτες, i. 190, a; i. 930, b.
Γυμνοί, i. 190, a.
Γυμνοπαιδία, i. 931, a.
Γυμνός, ii. 248, a.
Γυναικοκόσμοι, i. 931, b.
Γυναικονόμοι, i. 931, b.
Γυναικωνῖτις, i. 660, b.
Γυνὴ λεκτική, ii. 377, b.
„ οὖλη, ii. 377, b.
Γωνία, ii. 243, a.
Γωρυτός, i. 170, b.

Δ.

Δάγυνον, ii. 526, a.
Δαγύς, ii. 526, a.
Δαδαφόριος, i. 338, a.
Δᾳδίον, ii. 755, b.
Δᾳδουργεῖν, ii. 755, b.
Δᾳδουργός, ii. 755, b.
Δᾳδουχήσασα, i. 721, b.
Δᾳδοῦχος, i. 721, a.
Δαειρῖτις, i. 721, b.
Δαίδαλα, i. 592, b; i. 593, a.
Δαιδάλεια, i. 592, b.
Δαῖς, ii. 755, b.
Δαίσιος, i. 339, a.
Δακτυλῆθραι, ii. 121, a.
Δακτυλιογλύφος, ii. 604, a.
Δακτυλιοθήκη, i. 592, b.
Δακτύλιος, i. 129, b.
Δάκτυλος, i. 592, b; ii. 161, b.
Δάλιος, i. 339, b.
Δαλματική, i. 594, a.
Δαμαρέτειον νόμισμα, i. 594, a.
Δαμάτριος, i. 338, b.
Δαμιοῦργοι, i. 613, a.
Δαμοσία, i. 596, b; ii. 441, b.
Δανάκης, i. 596, b.
Δάνεισμα ἀμφοτερόπλουν, i. 833, a.
„ ἑτερόπλουν, i. 833, a.
Δανεισταί, i. 179, b.
Δάπις, ii. 761, b.
Δαρεικός, i. 597, b.
Δᾶς, ii. 755, b.
Δατηταί, i. 598, b.
Δαφνηφόρος, -ια, i. 597, a.
Δεῖγμα, i. 609, b.
Δεικηλικταί, i. 514, b.
Δείλη, i. 635, a.
Δειλίας γραφή, i. 212, b.
Δεῖπνον, i. 391, b.
Δειπνοφόροι, ii. 303, b.
Δεκαδαρχία, i. 591, a.
Δεκαδοῦχοι, i. 591, a.
Δεκάπρωτοι, i. 599, b.
Δεκαρχία, i. 591, a.
Δεκασμός, i. 100, a; i. 599, b.
Δεκασμοῦ γραφή, i. 599, b.
Δεκάστιλος, ii. 777, a.
Δεκατεύειν, i. 316, b.
Δεκατειταί, i. 604, b.
Δεκατευτήριον, i. 604, b.
Δεκάτη, i. 603, a; ii. 233, b; ii. 772, a.
Δεκατηλόγοι, i. 604, b.
Δεκατηφόροι ἀπαρχαί, i. 603, b.
Δεκατῶναι, i. 604, b.
Δελματική, i. 594, a.
Δέλτοι, ii. 753, a.
Δελτωτόν, i. 218, b.
Δελφίν, i. 218, b.
Δελφίνια, i. 611, b.
Δελφίς, i. 218, b; i. 611, b.
Δέμνιον, ii. 17, a.
Δεξαμενή, ii. 429, b.
Δεξιοστάται, i. 420, b.
Δέπας, i. 617, b; ii. 161, b.
Δέραιον, i. 470, a.
Δέρμα, i. 542, a.
Δερματικόν, i. 618, b; ii. 771, b.
Δερματομαλάκτης, i. 542, a.
Δέρρις, i. 427, a.
Δεσμοφύλακες, i. 942, a.
Δεσμωτήριον, i. 362, a.
Δεσποσιοναῦται, i. 940, b; ii. 62, b.
Δέστρον, i. 578, a.
Δευτεραγωνιστής, i. 966, a.
Δευτέριος, ii. 964, b.
Δευτερολογία, ii. 746, a.
Δευτεροπότμοι, i. 889, a.
Δῆγμα, i. 876, b.
Δήλια, i. 610, b; ii. 826, b.
Δηλιασταί, i. 103, a.
Δημαγωγοί, ii. 746, a.
Δημαρχεξούσιος, i. 340, a.
Δήμαρχοι, i. 611, b.
Δημήγοροι, ii. 746, a.
Δημητρία, i. 612, b.
Δημήτριος, i. 340, a.
Δημιόπρατα, i. 612, b.
Δημιουργοί, i. 9, b; i. 612, b; ii. 757, a; ii. 876, b.
Δήμιος, i. 613, a; i. 942, b; ii. 852, a.
Δημόκοινος, i. 614, a; i. 942, b; ii. 852, a.
Δημοκρατία, i. 613, a.
Δημοποίητος, i. 443, a.
Δῆμος, i. 614, b.
Δημόσια γράμματα, i. 12, b.
Δημόσιοι, i. 614, a.
Δημόσιον, i. 37, a; i. 162, b.
Δημόσιος, i. 942, b.
Δημόται, i. 616, a.
Διάβαθρον, i. 332, b.
Διαβατήρια, i. 619, a.
Διαβήτης, i. 429, b.
Διαγραμμισμός, i. 695, a.
Διαγραφεῖς, i. 712, b.
Διαγραφή, ii. 390, a.
Διαγώγιον, i. 604, b.
Διάδημα, i. 619, b.
Διαδικασία, i. 620, b; ii. 385, b.
„ κλήρου, i. 26, a.
„ τῆς ἐπικλήρου, i. 747, a.
Διαδόσεις, i. 625, a.
Διάζομαι, ii. 765, a.
Διάζωμα, ii. 721, a.
Διαζώματα, ii. 815, a.
Διαθῆκαι, i. 945, b; i. 946, a; ii. 299, b.
Δίαιτα, i. 623, b.
Διαιτηταί, i. 620, b.
Διαιτητική, i. 623, b.
Διάκριοι, ii. 877, a.
Διαλαμβάνειν, ii. 84, b.
Διαμαρτυρία, i. 122, a.
Διαμαστίγωσις, i. 625, a.
Διάμιτρος ἑταίρα, ii. 378, a.
Διανομαί, i. 625, a.
Διαπάσματα, ii. 977, a.
Διαπύλιον, ii. 771, b.
Διάσια, i. 626, a.
Διάστυλος, ii. 777, b.
Διαυλοδρόμοι, i. 581, b.
Δίαυλος, i. 581, b; ii. 163, a; ii. 693, b.
Διαχειροτονία, i. 409, b.
Διάχρυσος ἑταίρα, ii. 378, a
Διαψήφισις, i. 625, b.
Δίβος, i. 696, a.
Διδασκαλεῖον, i. 417, b; ii. 94, a.
Διδασκαλίαι, i. 417, b; ii. 865, a.
Διδάσκαλος, i. 417, b.
Δίδραχμον, i. 694, b.
Δίδυμοι, i. 219, b.
Διελκυστίνδα παίζειν, i. 928, b.
Διηγερτικά, ii. 136, b.
Διῆρες, i. 663, b.
Διθύραμβος, ii. 858, a.
Δίκαι ἔμμηνοι, i. 478, a; i. 730, a.
Δίκελλα, ii. 66, b.
Διπτόλια, i. 636, b.
Δικαστήριον, i. 626, b.
Δικαστής, i. 627, a.
Δικαστικόν, i. 628, a.
Δίκελλα, ii. 66, b.
Δίκη, i. 628, b.
„ ἀγεωργίου, i. 43, b.
„ αἰκίας, i. 94, a.
„ ἀλσογίου, i. 99, a.
„ ἀναγωγῆς, i. 121, a.
„ ἀνάδικος, i. 144, b.
„ ἄνευ ὕδατος, i. 973, a.
„ ἀπολείψεως, i. 648, a.
„ ἀποπέμψεως, i. 647, b.
„ ἀπορρήσεως, i. 138, b.
„ ἀποστασίου, i. 139, a; i. 168, a.
„ ἀπὸ συμβόλων, ii. 734, a.
„ ἀπρόσκλητος, i. 146, a; i. 629, a.
„ ἀπροστασίου, i. 168, a.

Δίκη ἀργυρίου, i. 185, a.
„ αὐτοτελής, i. 630, b.
„ ἀφαιρέσεως, i. 764, b.
„ ἀφορμῆς, i. 136, a.
„ ἀψύχων, i. 146, b.
„ βεβαιώσεως, i. 295, a.
„ βιαίων, i. 297, a.
„ βλάβης, i. 122, b; i. 299, a; i. 814, b.
„ ἐγγύης, i. 737, a.
„ ἐλευθεροπρασίου, i. 123, b.
„ ἐμπορική, ii. 225, a; ii. 338, b; ii. 734, b.
„ ἐνοικίου, i. 737, a.
„ ἐξαιρέσεως, i. 764, b.
„ ἐξούλης, i. 815, b.
„ ἐπιτριηραρχήματος, ii. 889, b.
„ ἐρανική, i. 759, a.
„ καθυφέσεως, i. 923, a.
„ κακηγορίας, i. 321, b.
„ κακηγορίου, i. 321, b.
„ κακολογίας, i. 321, b.
„ κακοτεκνιῶν, i. 322, b.
„ κακοξενίας, i. 978, a.
„ κάρπου, i. 367, a; i. 737, a.
„ κλοπῆς, i. 462, b.
„ λειπομαρτυρίου, i. 122, b; i. 814, b.
„ λοιδορίας, i. 321, b.
„ οἰκίας, ii. 262, a.
„ οὐσίας, i. 737, b.
„ παρακαταθήκης, i. 136, a.
„ προεισφορᾶς, ii. 500, b.
„ προικός, i. 692, b; ii. 678, b.
„ πρὸς ὕδωρ, i. 973, a.
„ σίτου, ii. 678, a.
„ Σκυρία, ii. 614, b.
„ συμβολαίων, or συνθηκῶν παραβάσεως, ii. 734, a.
„ τιμητή, i. 630, a.
„ τραχεῖα, ii. 614, b.
„ φονική, ii. 384, b.
„ χρέους, i. 424, a.
„ χρηματική, i. 752, b.
„ ψευδομαρτυριῶν, ii. 129, a.
Δίκρανον, i. 894, a.
Δίκροτα, ii. 223, a.
Δίκρουν ξύλον, i. 894, a.
Δικτύννια, i. 634, b.
Δίκτυον, ii. 299, b; ii. 545, a.
Διμάχαι, i. 637, a.
Δίμιτος, ii. 767, a.
Διοικήσεως, ὁ ἐπί, ii. 761, b.
Διόκλεια, i. 637, a.
Διονύσια, i. 637, a.
„ ἐν ἄστει, or μεγάλα, i. 640, a.
„ κατ' ἀγρούς, or μικρά, i. 638, a.
Διονύσιος, i. 340, a.
Δῖος, i. 339, a; i. 340, a.
Διοσημεῖα, i. 647, a.
Διοσκούρια, i. 640, b.
Διοσκούρος, i. 340, a.
Δίπλαξ, ii. 318, b.
Διπλῆ, i. 521, a.
Διπλοΐδιον, ii. 903, b.
Διπλοῖς, ii. 903, b.
Διπόλια, or Διπόλεια, i. 636, b.
Δίπτερος, ii. 775, b.
Δίπτυχα, i. 643, b; ii. 753, b.
Δίσκος, i. 644, b.
Δίσκουρα, i. 644, b.
Διστάδιον, ii. 163, a.
Διστεγία, ii. 817, a.
Δίτονον, ii. 193, b.
Διφθέρα, i. 641, a; ii. 58, b; ii. 362, b; ii. 752, b.
Διφθερίας, ii. 375, b.
Διφθερῖτις, ii. 375, b.
Δίφρος, i. 577, b; i. 578, a; ii. 618, b.
Δίφρος ὀκλαδίας, ii. 619, a.
Δίχαλκον, i. 630, b.
Διχάς, ii. 161, b.
Διχόμηνις, i. 338, a.
Διχορία, i. 421, b.
Διωβελία, i. 637, a; ii. 826, a.
Διώβολον, i. 637, a.
Δίωγμα, ii. 832, b.
Διωμοσία, i. 121, b.
Δίωστρα, ii. 854, a.
Δίωτος, i. 115 a; i. 640, b.
Δόκανα, τά, i. 649, a; ii. 700, a.
Δοκιμασία, i. 649, a; i. 739, a.
Δολιχοδρόμοι, i. 582, a; ii. 693, b.
Δόλιχος, i. 581, b; ii. 693, b.
Δόλων, i. 651, a.
Δόμοι, ii. 853, b.
Δόναξ, i. 329, b.
Δορά, i. 542, a.
Δοράτιον, i. 935, a.
Δορατοθήκη, i. 935, b.
Δοριάλωτοι, ii. 656, a.
Δόρπεια, i. 134, b.
Δορπία, i. 134, b.
Δόρπον, i. 391, a.
Δόρυ, i. 934, b.
Δορυφόροι, i. 772, b; i. 935, a.
Δόσις, i. 947, a.
Δοῦλος, ii. 656, a.
Δοχμή, ii. 161, b.
Δράκων, i. 217, a.
Δράσσειν, -εσθαι, ii. 83, a.
Δραχμή, i. 694, a; ii. 448, b.
Δρεπάνη, Δρέπανον, i. 823, a.
Δροῖται, i. 887, b.
Δρόμος, i. 581, a; ii. 693, b.
Δρυόχοι, ii. 211, a; ii. 223, b.
Δρύφακτοι, i. 351, a; i. 987, b.
Δυμανᾶται, ii. 875, a.
Δυμᾶνες, i. 914, a; ii. 875, a.
Δύναμις, i. 188, b.
Δυναστεία, ii. 266, b.
Δυνατοί, ii. 233, a.
Δύστρος, i. 339, a.
Δῶμα, i. 657, b.
Δῶρα, i. 687, b.
Δωροδοκίας γραφή, i. 599, b.
Δῶρον, ii. 161, a.
Δωροξενίας γραφή, ii. 991, a.
Δώρων γραφή, i. 599, b.
Δωτίνη, i. 692, a.

E.

Ἑανός, ii. 314, b.
Ἔαρ, i. 333, a.
Ἐγγύη, i. 736, a.
Ἐγγυητική, i. 1005, a.
Ἐγγύης δίκη, i. 737, a.
Ἐγγύησις, ii. 134, b.
Ἐγκεκτημένος, i. 732, b.
Ἐγκεντρίς, i. 331, b.
Ἔγκλημα, i. 629, a.
Ἔγκληρος, i. 746, b.
Ἐγκόμβωμα, i. 732, b.
Ἔγκτημα, i. 732, b.
Ἔγκτησις, i. 732, b.
Ἐγκτητικόν, i. 616, b; i. 733, a.
Ἐγκύκλιος παιδεία, ii. 95, a.
Ἔγκωπον, ii. 215, a.
Ἐγχειρίδιον, ii. 525, a.
Ἔγχος, i. 934, b.
Ἐγχυστρίζειν, i. 426, b.
Ἐγχυστρίστριαι, i. 427, a.
Ἔδαφος, ii. 223, b.
Ἕδνα, i. 691, a.
Ἕδρη, ii. 618, b.
Ἑεδνα, i. 691, a.
Ἐθελοπρόξενος, i. 980, b.
Εἰανός, ii. 314, b.
Εἴδωλον κόρακος, i. 222, b.
Εἵκας, i. 338, b.
Εἰκονικός, ii. 377, b.
Εἰκονογραφία, ii. 389, b.
Εἰκοστή, i. 603, a; i. 707, b.
Εἰκοστολόγος, i. 707, b.
Εἴλωτες, -αι, i. 939, b.
Εἶμαν, i. 340, a.
Εἰργμοῦ δίκη, i. 938, b.
Εἰρεσιώνη, ii. 526, b; ii. 581, b.
Εἴρην, i. 707, b.
Εἴριον, i. 319, b.
Εἰσάγειν, i. 708, a.
Εἰσαγγελία, i. 708, b.
Εἰσαγωγεῖς, i. 708, a.
Εἰσιτήρια, i. 710, b.
Εἰσπνήλας, i. 769, a.
Εἰσποιεῖσθαι, i. 25, b.
Εἰσποίησις, i. 25, b.
Εἰσποιητός, i. 25, b.
Εἰσφέρειν, i. 713, a.
Εἰσφορά, i. 711, a.
Ἑκατόμβαια, i. 943, a.
Ἑκατόμβαιος, i. 339, a.
Ἑκατομβαιών, i. 338, a.
Ἑκατομβεύς, i. 339, a.
Ἑκατομβή, i. 943, a.
Ἑκατομφόνια, i. 937, b.
Ἑκατοστή, ii. 366, a.
Ἔκγονοι, i. 948, a.
Ἔκδικος, i. 703, b.
Ἔκδοσις, i. 833, a.
Ἐκεχειρία, i. 960, a.
Ἐκκλησία, i. 697, b; i. 914, b.
„ κυρία, i. 697, b.
„ λοχῖτις, i. 504, b.
„ μικρά, i. 703, a.
„ νόμιμος, i. 697, b.
„ σύγκλητος, i. 698, a.
„ φρατρική, i. 503, b.
Ἔκκλητοι, i. 703, a.
Ἐκκύκλημα, i. 815, a; ii. 816, b.
Ἐκλογεῖς, i. 704, a.
Ἐκμαγεῖον, ii. 125, b.
Ἐκμαρτυρία, i. 704, a.
Ἐκποιεῖν, i. 25, b.

Ἐκποιεῖσθαι, i. 25, b.
Ἔκτευς, Ἕκτη, i. 937, b.
Ἑκτημόριοι, i. 938, a.
Ἔκτυπον, ii. 794, a.
Ἔκτυπος, i. 704, a.
Ἐκτύπωμα, ii. 794, a.
Ἐκφορά, i. 886, b.
Ἐκφυλλοφορία, i. 310, a.
Ἐλαία, Ἔλαιον, ii. 262, a; ii. 976, b.
Ἐλαιοφόρον, i. 279, a.
Ἐλαίων, ii. 262, a.
Ἐλαιῶναι, i. 575, b.
Ἐλατήρ, ii. 899, a.
Ἐλαφηβόλια, i. 713, b.
Ἐλαφηβολιών, i. 338, a.
Ἔλαφος, i. 713, b.
Ἐλένεια, ii. 157, a.
Ἔλεος, ii. 137, a.
Ἐλέπολις, i. 938, b.
Ἐλευθέρια, i. 725, b.
Ἐλευθεροπρασίου δίκη, i. 123, b.
Ἐλευσίνια, i. 715, b.
Ἐλέφας, i. 715, a.
Ἑλίκη, i. 216, a.
Ἕλιξ, i. 939, a.
Ἑλκυστίνδα παίζειν, i. 928, b.
Ἑλλανοδίκαι, i. 772, a; i. 939, a; ii. 271, a.
Ἑλληνοταμίαι, i. 939, a.
Ἐλλιμένιον, i. 726, a; ii. 366, a.
Ἐλλιμενισταί, i. 726, a.
Ἑλλόβιον, i. 1002, a.
Ἑλλώτια, or Ἐλλώτια, i. 726, a.
Ἕλυμα, i. 159, b.
Ἐμβάλλειν, ii. 84, a.
Ἐμβάς, i. 727, a.
Ἔμβασις, i. 266, b.
Ἐμβατεία, i. 727, b.
Ἐμβάτης, i. 332, b; ii. 174, b; ii. 861, b.
Ἐμβάφιον, i. 7, b.
Ἔμβλημα, i. 727, b.
Ἐμβολή, i. 186, a.
Ἐμβόλιμος, i. 338, a.
Ἔμβολον, ii. 217, a.
Ἔμβολος, i. 578, a.
Ἐμμέλεια, i. 422, a; ii. 862, b.
Ἐμμελής, ii. 192, b.
Ἔμμηνοι δίκαι, i. 478, a; i. 730, a.
Ἐμπαιστικὴ τέχνη, i. 325, a.
Ἐμπέλωροι, i. 49, a.
Ἐμπερόνημα, i. 841, a.
Ἔμπλεκτον, i. 327, b; ii. 188, a.
Ἔμπλεξις, ii. 764, b.
Ἐμπορικὴ δίκη, ii. 225, a; ii. 338, b; ii. 734, b.
Ἐμπόριον, i. 731, b.
Ἔμπορος, i. 731, b.
Ἔμφρουροι, i. 730, b.
Ἐμφύτευσις, i. 730, b.
Ἐναγίσματα, i. 888, a.
Ἔνατα, i. 888, a.
Ἔνδαδος, ii. 755, b.
Ἐνδαδοῦν, ii. 755, b.
Ἔνδειξις, i. 733, a.
Ἕνδεκα, οἱ, i. 942, a.
Ἐνδοῦναι, i. 661, b.
Ἐνδρομίς, i. 735, a.
Ἔνδυμα, i. 101, b.
Ἐνδυσποιτρόπιος, i. 339, a.
Ἐνεπίσκημμα, ii. 337, a; ii. 744, a.
Ἐνετή, i. 840, b.
Ἐνέχυρα, i. 735, b; i. 832, b.
Ἐννεάκρουνος, i. 147, a.
Ἐννεατηρίς, i. 337, b.
Ἐνόδιον, ii. 546, a.
„ σύμβολον, i. 646, b.
Ἐνοικίου δίκη, i. 737, a.
Ἔνοπτρον, ii. 688, a.
Ἔντασις, i. 737, b; ii. 780, b.
Ἔντεα, i. 189, b.
Ἐντόνιον, ii. 853, b.
Ἐνωμοτίαι, i. 769, a.
Ἐνώτιον, i. 1002, a.
Ἐξαγωγή, i. 727, b.
Ἐξαγωγῆς γραφή, i. 764, a.
Ἐξαιρέσεως δίκη, i. 764, b.
Ἐξάμιτον, ii. 770, b.
Ἐξάστυλος, ii. 777, a.
Ἐξεγγυᾶσθαι, i. 737, a.
Ἐξέδρα, i. 765, a.
Ἐξελιγμός, i. 771, a.
Ἐξετασταί, i. 763, a; i. 813, a.
Ἐξηγηταί, i. 721, b; i. 762, a; i. 765, b; i. 1039, b.
Ἐξήρεις, ii. 211, a.
Ἐξίμιτον, ii. 770, b.
Ἐξιτήρια, i. 813, b.
Ἐξόδια, i. 813, b.
Ἔξοδος, i. 420, b; ii. 864, b.
Ἐξούλης δίκη, i. 815, b.
Ἐξωμίς, i. 814, a; ii. 321, b.
Ἐξωμοσία, i. 814, b.
Ἐξώστρα, i. 815, a.
Ἑορτὴ λαμπάδος, ii. 4, b.
Ἐπαγγελία, i. 738, b.
Ἐπάϊκλον, ii. 750, b.
Ἔπαινος, i. 892, a.
Ἐπακτρίς, i. 391, b.
Ἐπάλξεις, ii. 919, a.
Ἐπάριτοι, i. 739, a.
Ἐπεισόδιον, i. 814, a; ii. 864, b.
Ἐπεξόδια, i. 813, b.
Ἐπευνακταί, i. 739, a.
Ἐπιβάται, i. 745, b.
Ἔπιβδα, i. 135, a.
Ἐπίβλημα, i. 101, b.
Ἐπιβολή, i. 745, b.
Ἐπίβολος, i. 578, a.
Ἐπιβώμιος, i. 721, a.
Ἐπιγαμία, i. 445, a.
Ἐπίγραμμα, ii. 843, a.
Ἐπιγραφεῖς, i. 712, b.
Ἐπιδαύρια, i. 718, b.
Ἐπιδειπνίς, i. 397, b.
Ἐπιδικασία, i. 747, a; i. 944, a; ii. 134, b.
Ἐπίδικος, i. 746, b.
Ἐπιδόσεις, i. 748, b.
Ἐπιζυγίς, ii. 853, b.
Ἐπίθημα, ii. 158, a.
Ἐπικεφάλαιον, ii. 933, b.
Ἐπίκληρος, i. 746, b.
Ἐπίκλιντρον, ii. 17, b.
Ἐπίκοινος, ii. 424, a.
Ἐπίκουροι, ii. 165, a.
Ἐπίκριον, ii. 211, b.
Ἐπίλεκτοι, i. 787, a.
Ἐπίλουτρον, i. 267, b.
Ἐπιμεληταί, i. 722, a; i. 749, a.
Ἐπιμεληταὶ τοῦ ἐμπορίου, i. 49, a; i. 749, a.
„ τῶν κακούργων, i. 750, a.
„ τῆς κοινῆς προσόδου, i. 748, a; ii. 761, a.
„ τῶν μοριῶν Ἐλαιῶν, i. 749, a.
„ τῶν Μυστηρίων, i. 749, a.
„ τῶν νεωρίων, i. 749, b.
„ δδῶν, i. 969, a.
„ τῆς πομπῆς τῷ Διονύσῳ, i. 749, b.
„ τῶν συμμοριῶν, i. 749, b.
„ τῶν φυλῶν, i. 749, b.
Ἐπίμορτος γῆ, i. 938, a.
Ἐπιμύλιον, ii. 175, b.
Ἐπιπάραδος, i. 420, b.
Ἐπιπλοκή, ii. 559, b.
Ἐπιπορπίς, i. 840, b.
Ἐπίπροικοι, i. 944, b.
Ἐπίρρημα, i. 422, a; i. 521, a.
Ἐπίσειον, ii. 223, b.
Ἐπίσειστος δεύτερος, ii. 377, a.
„ ἡγεμών, ii. 377, b.
„ στρατιώτης, ii. 377, a.
Ἐπίσημα, i. 1011, a; ii. 72, b.
Ἐπίσημον, i. 1011, a.
Ἐπισκήπτειν εἰς Ἄρειον πάγον, i. 178, a.
Ἐπίσκηψις, ii. 129, a.
Ἐπίσκοποι, i. 750, a.
Ἐπίσκυρος, ii. 424, a.
Ἐπισπάσασθαι, i. 661, b.
Ἐπισπαστήρ, i. 989, b.
Ἐπιστάτης, i. 310, b; i. 750, a; i. 771, a; i. 772, a.
„ τῶν δημοσίων ἔργων, i. 750, a.
„ τῶν ὑδάτων, i. 750, b.
Ἐπιστολεύς, i. 531, b.
Ἐπιστράτηγος, ii. 717, a.
Ἐπιστύλιον, i. 531, b.
Ἐπίσσωτρον, i. 578, a.
Ἐπίταγμα, i. 779, b.
Ἐπιτάφια, ii. 828, b.
Ἐπιτιμία, i. 241, b.
Ἐπίτιμος, i. 817, a.
Ἐπιτολή, i. 224, b.
Ἐπίτονοι, ii. 17, b; ii. 211, b.
Ἐπιτριηραρχήματος δίκη, ii. 889, b.
Ἐπιτροπῆς δίκη, i. 752, a.
Ἐπίτροπος, i. 751, a; ii. 957, b.
Ἐπιχειροτονία, i. 168, b; 409, b; i. 697, b.
Ἐπιφορά, ii. 388, a.
Ἐπίχυσις, i. 746, a.
Ἔποικος, i. 474, b.
Ἐπόπται, i. 720, a; i. 723, a.
Ἐποπτεία, i. 723, a.
Ἐποχλεύς, ii. 723, b.
Ἐποψία, i. 723, a.
Ἐπωβελία, i. 752, b; ii. 732, a.
Ἐπῳδός, ii. 728, a.

Ἐπωνία, ii. 771, b.
Ἐπώνυμος, i. 753, a.
„ τῶν ἡλικιῶν, i. 753, a.
„ τῶν φυλῶν, i. 753, a.
Ἐπωτίδες, ii. 246, b.
Ἐρανάρχης, i. 758, b.
Ἐρανίζειν, i. 758, a.
Ἐρανικὴ δίκη, i. 759, a.
Ἐρανισταί, i. 758, a.
Ἔρανον συνιστάναι, i. 758, b.
„ συλλέγειν, i. 758, b.
Ἔρανος, i. 393, a; i. 758, a.
Ἐράνου πληρωτής, i. 758, b.
Ἔργα καὶ ἡμέραι, ii. 300, a.
Ἔργα σφυρήλατα, ii. 79, a.
Ἐργαδεῖς, i. 901, b.
Ἐργάνη, ii. 6, a.
Ἐργαστήριον, ii. 153, b.
Ἐργαστῖναι, ii. 327, a.
Ἐρέβινθος, i. 69, a.
Ἐρετμά, ii. 212, a.
Ἐρεχθεῖον, ii. 785, a.
Ἔριθοι, ii. 771, a.
Ἔριφος, i. 218, a.
Ἑρμαῖ, i. 953, b.
Ἕρμαια, i. 953, b; i. 955, b.
Ἑρμαῖος, i. 339, b; i. 340, a.
Ἕρματα, i. 1002, a.
Ἑρμαφρόδιτος, i. 956, a.
Ἑρμίδια, i. 953, b.
Ἑρμογλυφεῖον, i. 954, b.
Ἑρμογλύφος, i. 954, a.
Ἑρμοκοπίδαι, i. 954, b.
Ἑρμώνειος, ii. 376, b.
„ δεύτερος, ii. 377, a.
Ἐρώτια, i. 760, a.
Ἐρωτίδια, i. 760, a.
Ἐρρηφόρια, i. 194, a.
Ἐρρηφόροι, i. 194, a.
Ἐρσηφόρια, i. 194, a.
Ἐρσηφόροι, i. 194, a.
Ἐρυκτῆρες, i. 940, b; ii. 62, b.
Ἔσθιος, i. 340, a.
Ἐσκαμμένα, τά, ii. 365, a.
Ἔσοπτρον, ii. 688, a.
Ἑστία, i. 868, a.
Ἑστιάσεις, i. 956, b.
Ἑστιάτωρ, i. 956, b.
Ἐσχάρα, i. 157, a; i. 868, a.
Ἐσχαρεύς, ii. 219, a.
Ἐσχαρίς, i. 868, a.
Ἑταῖρα διάμιτρος, ii. 378, a.
„ διάχρυσος, ii. 378, a.
Ἑταῖραι, i. 956, b.
Ἑταιρεῖαι, i. 470, a; i. 759, b.
Ἑταιρήσεως γραφή, i. 958, b.
Ἑταιρίδιον, ii. 378, a.
Ἕταιροι, i. 777, a.
Ἑτερομήκης, i. 188, b.
Ἑτερόπορπος, i. 841, a.
Ἔτος ἱερόν, ii. 939, b.
Εὖα, ii. 306, b.
Εὐαγγέλιος, i. 339, a.
Εὐανδρία, ii. 326, b.
Εὐαστής, ii. 306, b.
Εὔζωνος, i. 427, b; ii. 315, a.
Εὐθυδικία, i. 121, b; i. 630, a; ii. 338, b.
Εὐθύνη, i. 762, b.
Εὔθυνοι, -αι, i. 762, b.
Εὐθυτοκία, i. 123, a; i. 832, a.
Εὐθύτονον, ii. 853, a.
Εὔκλεια, i. 761, a.
Εὔμαρις, i. 332, b.
Εὐμολπίδαι, i. 761, a.
Εὐνή, ii. 17, a; ii. 218, a.
Εὐπατρίδαι, i. 762, a; ii. 876, b.
Εὔστυλος, ii. 777, b.
Εὐφημεῖτε, i. 646, b.
Εὐφημία, i. 646, b.
Ἐφαπτίς, ii. 321, a.
Ἐφελκύσασθαι, i. 661, b.
Ἐφέσια, i. 740, a.
Ἐφέσια γράμματα, i. 740, b.
Ἔφεσις, i. 144, a.
Ἐφεστρίς, i. 101, b; ii. 321, a.
Ἔφεται, i. 740, b.
Ἐφηβεία, i. 739, b.
Ἐφηβική, ii. 424, a.
Ἔφηβος, i. 739, b.
Ἐφήγησις, i. 734, a.
Ἐφημερίδες, i. 213, b.
Ἐφίππειον, i. 742, a.
Ἐφίππιον, i. 742, a.
Ἐφίππιος, i. 581, a.
Ἐφοδεία, i. 377, a.
Ἐφόδια, ii. 714, b.
Ἐφόδιον, ii. 954, a.
Ἔφοροι, i. 723, a; i. 743, a.
Ἐφυφή, ii. 765, a.
Ἐχέτλη, i. 159, b.
Ἔχῖνος, i. 703, b; ii. 782, b.
Ἕψημα, ii. 963, b.
Ἕψησις, ii. 828, b.

Z.

Ζάκοροι, i. 33, b; ii. 571, b.
Ζατρίκιον, ii. 13, b.
Ζέα, or Ζείa, i. 65, b; i. 67, b.
Ζευγῖται, i. 403, b; i. 774, a; ii. 877, a.
Ζεῦγος, ii. 840, a.
Ζημία, ii. 835, a.
Ζητηταί, ii. 991, b.
Ζυγά, ii. 213, a.
Ζύγιοι, ii. 215, a.
Ζυγῖται, ii. 215, a.
Ζύγον, i. 420, b; i. 1034, b; ii. 105, a; ii. 685, a.
Ζύγος, i. 1034, b, ii. 685, a.
Ζύγωσις, ii. 800, b.
Ζῦθος, i. 407, a.
Ζωγραφεῖν, ii. 391, a.
Ζωγραφία, ii. 389, b.
Ζῶμα, i. 428, a; ii. 77, b.
Ζωμὸς μέλας, ii. 750, b.
Ζώνη, i. 190, a; i. 427, a; ii. 815, a.
Ζώνιον, i. 427, a.
Ζωοφόρος, ii. 781, b; ii. 992, b.
Ζωστήρ, i. 427, a; ii. 77, b.
Ζωφόρος, ii. 992, b.

H.

Ἥβη, i. 649, b.
Ἡγεμόνες συμμορίας, i. 712, a; ii. 737, a.
Ἡγεμονία δικαστηρίου, i. 708, a.
Ἡγεμών, ii. 476, a; ii. 483, b.
„ πρεσβύτης, ii. 376, b.
„ θεράπων, ii. 377, b.
Ἡγετορία, ii. 440, a.
Ἡδυποτίδες, i. 347, b.
Ἠθάνιον, i. 488, b.
Ἦθμός, i. 488, b; ii. 964, b.
Ἡλακάτη, i. 897, b; ii. 223, b.
Ἤλεκτρον, -os, i. 714, a.
Ἡλιασταί, i. 627, a.
Ἡλιοτρόπιον, i. 972, b.
Ἥλος, i. 452, b.
Ἡμαρ δείελον, i. 635, a.
„ μέσον, i. 635, a.
Ἡμέρα κυρία τοῦ νόμου, i. 123, a.
„ μέση, i. 635, a.
Ἡμέραι ἀποφράδες, i. 138, b.
Ἡμεροδανεισταί, i. 832, a.
Ἡμεροδρόμοι, i. 941, b.
Ἡμεροσκόποι, i 941, b.
Ἡμιδιπλοΐδιον, ii. 904, b.
Ἡμιεκτεόν, i. 937, b.
Ἡμιέκτον, i. 937, b.
Ἡμικύκλιον, i. 941, b.
Ἡμίλιγδος, ii. 796, a.
Ἡμίμνα, or Ἡμίνα, i. 560, a; i. 941, b.
Ἡμιπόδιον, ii. 161, b.
Ἡμιτύβιον, ii. 723, a; ii. 944, b.
Ἡμιχόρια, i. 421, a.
Ἡνία, i. 932, a.
Ἡνίοχος, i. 218, a; i. 580, a.
Ἥραια, i. 942, b.
Ἡραῖος, i. 338, a; i. 340, a.
Ἡράκλεια, i. 942, b.
Ἡρακλεῖδαι, ii. 876, a.
Ἡράκλειος, i. 339, a; i. 340, a.
Ἡράσιος, i. 338, a.
Ἡροάνθεια, i. 760, a.
Ἡρῷον, i. 888, b; ii. 643, b.
Ἥτριον, ii. 765, a; ii. 770, a.
Ἠχεῖα, ii. 815, b.
Ἠώς, i. 634, b.

Θ.

Θαιρός, i. 364, b.
Θαλάμιοι, ii. 215, a.
Θαλαμῖται, ii. 215, a.
Θάλαμος, i. 657, b; ii. 214, a.
Θαλλοφόροι, ii. 327, a.
Θαλύσια, i. 99, a; ii. 809, b.
Θάμνα, ii. 964, b.
Θάπτειν, i. 887, a.
Θαργήλια, ii. 809, b.
Θαργηλιών, i. 338, a.
Θέατρον, ii. 814, b.
Θεατροπώλης, ii. 818, a.
Θεατρώνης, ii. 818, a.
Θειλούθιος, i. 339, b.
Θέμα, i. 213, b.
Θέμιστες, ii. 237, b.
Θεογονία, ii. 300, b.
Θεοδαίσια, ii. 827, a.
Θεοδόσιος, i. 340, a.
Θεολογεῖον, ii. 817, a.
Θεοξενία, ii. 827, a.

Θεοξένιος, i. 339, a.
Θεοφανία, ii. 824, b.
Θεραπευτικοί, ii. 344, a.
Θεράπων, i. 772, a; i. 940, b.
„ μαίσων, ii. 377, b.
„ τέττιξ, ii. 377, b.
Θερμαστρίς, i. 871, b.
Θέρμος, i. 68, b.
Θέρος, i. 233, a.
Θέσις, i. 25, b; ii. 558, b.
Θεσμοθέται, i. 167, b.
Θεσμός, ii. 238, b; ii. 829, a.
Θεσμοφόρια, ii. 829, a.
Θεσμοφόριος, i. 339, b.
Θεσμοφοριών, i. 340, a
Θεσμοφύλακες, i. 942, a
Θετοί, i. 25, b.
Θετταλοικέται, ii. 364, b.
Θευδάσιος, i. 339, b.
Θεωρία, i. 611, a; ii. 825, b.
Θεωρικά, ii. 825, b.
Θεωρίς, i. 611, a; ii. 826, b.
Θεωροί, i. 611, a; ii. 825, a.
Θῆκαι, ii. 645, a.
Θήρα, ii. 936, b.
Θηρίκλειοι, i. 347, a.
Θηριομάχοι, i. 297, a.
Θηρίον, i. 222, b.
Θησαυρός, ii. 779, a; ii. 828, a.
Θησεῖα, ii. 828, b.
Θῆσσα, i. 947, b.
Θῆτες, i. 403, b; ii. 836, b; ii. 877, a.
Θίασος, i. 758, a.
Θιούιος, i. 339, b.
Θοινὴ γαμική, ii. 136, a.
Θολία, ii. 976, b.
Θόλος, ii. 514, a; ii. 836, b.
Θώκος, i. 45, a.
Θρανῖται, ii. 215, a.
Θρῆνυς, ii. 211, b; ii. 618, b; ii. 837, a.
Θρονισμοί, ii. 300, a.
Θρόνος, ii. 157, a; ii. 837, a.
Θυεία, ii. 180, b.
Θυηπολικόν, ii. 300, a.
Θύλακος, i. 314, b; ii. 122, a.
Θυμέλη, ii. 814, a.
Θυμιατήριον, ii. 907, a.
Θύρα, i. 987, a.
„ αὔλειος, i. 987, a.
„ βασίλειος, ii. 817, b.
„ κηπαία, i. 663, b.
„ μέσαυλος, i. 662, b.
„ μέταυλος, i. 662, b.
Θυρεός, ii. 614, a.
Θύρετρον, i. 988, b.
Θυρίδες, i. 663, b.
Θυρσολόηχος, ii. 839, b.
Θύρσος, ii. 839, a.
Θυρών, i. 661, b.
Θυρωρεῖον, i. 661, b.
Θυρωρός, i. 661, b; i. 990, b.
Θύσανοι, i. 859, a.
Θυσία, ii. 579, a.
Θυτήριον, i. 157, a; i. 222, b.
Θώραξ, i. 578, a; ii. 77, b.

I.

Ἰακχαγωγός, i. 721, b.
Ἴακχος, i. 718, a.
Ἰαμβική, i. 516, a.
Ἴαμβοι, i. 516, a.
Ἰατραλειπτής, i. 98, a; i. 990, b.
Ἰατρεῖον, ii. 153, b; ii. 918, a.
Ἰατρική, ii. 152, a.
Ἰατρός, ii. 153, a.
Ἰατροσοφιστής, i. 990, b.
Ἰβύκινον, ii. 595, a.
Ἴγδις, ii. 180, b.
Ἰδιώτης, ii. 556, a.
Ἱερὰ βοτάνη, ii. 588, b.
Ἱέραια, i. 721, b.
Ἱεράκιον, i. 127, a.
Ἱερατεῖον, i. 292, b.
Ἱεραύλης, i. 721, b.
Ἱέρεια, ii. 568, b.
Ἱερεῖς τῶν σωτήρων, i. 959, a.
Ἱερεύς, ii. 568, b.
Ἱερογραμματεῖς, i. 104, a.
Ἱεροδιδάσκαλος, ii. 460, b.
Ἱερόδουλοι, i. 959, a.
Ἱεροὶ λόγοι, ii. 299, b.
Ἱεροκῆρυξ, i. 721, a.
Ἱερομαντεία, i. 646, b.
Ἱερομηνία, i. 960, a.
Ἱερομνήμονες, i. 104, a; i. 960, b.
Ἱερόν, ii. 774, a.
Ἱερονῖκαι, i. 239, a.
Ἱερονόμος, ii. 460, b.
Ἱεροποιοί, i. 960, b.
Ἱερός, i. 339, b.
Ἱεροσέβαστος, i. 339, a.
Ἱεροσκοπία, i. 646, b.
Ἱεροστολιστικά, ii. 300, a.
Ἱερόφαντις, i. 721, a.
Ἱεροφύλαξ, ii. 460, b.
Ἱεροσυλίας γραφή, i. 961, a.
Ἱεροφάντης, i. 720, b; i. 761, a; ii. 460, b.
Ἰθώμαια, i. 1026, a.
Ἱκετηρία, i. 210, a.
Ἵκρια, ii. 211, b; ii. 539, a; ii. 812, a.
Ἰκτῖνος, i. 223, b.
Ἴλαι, i. 777, a.
Ἰλαῖος, i. 339, a.
Ἱλάρια, i. 961, b.
Ἱμάντες, ii. 217, b.
Ἱμάντες πυκτικοί, i. 328, b.
Ἱμάτιον, i. 520, b; ii. 318, a.
Ἰνδική, ii. 936, b.
Ἰνῶα, i. 1011, a.
Ἰός, ii. 587, a.
Ἰούλιος, i. 340, a.
Ἰπνοπλάθος, ii. 794, a.
Ἰπνός, ii. 6, b.
Ἱππαγρέται, i. 769, b.
Ἱππαρμοστής, i. 769, b.
Ἵππαρχος, i. 9, b; i. 775, a; ii. 757, a.
Ἱππεῖς, i. 403, b; ii. 877, a.
Ἱππικόν, i. 962, a; ii. 163, a; ii. 695, a.
Ἵππιος, i. 581, b.
Ἱπποβόται, i. 962, a.
Ἱπποδάμεια, i. 962, a.
Ἱπποδρόμιος, i. 338, b.
Ἱππόδρομος, i. 430, a; i. 962, a.
Ἱπποπῆραι, i. 965, a.
Ἵππος, i. 218, b.
Ἱπποτροφία, i. 775, a.
Ἵππου προτομή, i. 218, b.
Ἴρηνη, i. 707, b.
Ἰσηγορία, ii. 658, b.
Ἴσθμια, i. 1023, b.
Ἴσθμιον, ii. 178, b.
Ἰσθμιονίκης, i. 1024, b.
Ἰσοπολιτεία, ii. 9, b.
Ἰσοτελεῖς, i. 923, a; ii. 747, b.
Ἰστίον, ii. 217, b.
Ἱστοβοεύς, i. 159, b.
Ἱστοδόκη, ii. 211, b.
Ἱστόποδες, ii. 765, a.
Ἱστός, ii. 217, b; ii. 764, b.
Ἱστών, i. 663, a; ii. 771, a.
Ἴτυς, i. 458, b; i. 578, a.
Ἰφικρατίδες, i. 332, b.
Ἰχθύες, i. 220, b.
Ἰχθὺς νότιος or μέγας, i. 223, a.

K.

Καββαλική, ii. 82, a.
Καβείρια, i. 319, b.
Καδίσκοι, ii. 516, a.
Κάδος, i. 323, a; ii. 516, a.
Καθαρμοί, ii. 583, b.
Καθαρσία, ii. 103, a.
Κάθαρσις, ii. 101, a; ii. 864, b.
Καθέδρα, i. 386, a; ii. 618, b.
Κάθετος, ii. 373, b.
Κάθοδος, ii. 833, b.
Καθυφέσεως δίκη, i. 923, a.
Καιάδας, i. 390, a.
Καῖρος, ii. 765, a.
Καίρωμα, ii. 766, a.
Καισάριος, i. 339, a.
Καίτρα, -έα, i. 408, a.
Κακηγορίας δίκη, i. 321, b.
Κακηγορίου δίκη, i. 321, b.
Κακκάβη, -ος, i. 321, a.
Κακολογίας δίκη, i. 321, b.
Κακοτεκνιῶν δίκη, i. 322, b.
Κάκωσις, i. 321, b.
Κάλαθος, i. 330, a; i. 492, b.
Καλαμαίων, i. 339, a; i. 340, a.
Καλάμινος, ii. 902, a.
Καλαμίς, i. 330, a.
Καλαμογλύφος, ii. 601, a.
Κάλαμος, i. 329, b.
Καλάσιρις, ii. 944, b.
Καλήτωρ, i. 331, a.
Καλίκιος, i. 333, b.
Καλλιγένεια, ii. 834, b.
Καλλιερεῖν, i. 646, b.
Καλλιστεῖα, i. 348, a.
Κάλοι, ii. 211, b.
Καλόπους, i. 873, a.
Κάλπις, i. 348, b; i. 985, a.
Καλυπτήρ, i. 849, a; ii. 764, a.
Κάλωες, ii. 217, b.
Κάμαξ, i. 935, a.
Καμάρα, i. 171, a; i. 349, b.
Κάμινος, i. 873, a.

Κάμον, i. 407, b.
Καμπτήρ, ii. 693, b.
Κάναβος, or Κάνναβος, i. 350, b; ii. 796, a.
Κάναθρον, or Κάνναθρον, i. 351, a.
Κάνθαρος, i. 356, a.
Κανθήλια, i. 461, a.
Κάνναβις, -os, i. 71, a.
Κάνδυς, i. 353, b.
Κάνειον, Κανοῦν, i. 354, a.
Κανηφόρος, i. 354, a; ii. 327, a.
Κανών, i. 354, b; i. 459, a; ii. 541, b; ii. 765, a.
Καπηλεῖον, i. 387, a.
Κάπηλος, i. 387, b; i. 731, b.
Καπνίας, ii. 970, b.
Καπνοδόκη, i. 664, a.
Καπνομαντεία, i. 646, b.
Καπυρὶς ἀκταῖα, ii. 322, a.
Καράβιον, κάραβος, i. 361, a.
Καρβατίνη, i. 361, b; ii. 684, b.
Καρδοπεῖον, ii. 176, a.
Καρκίνος, i. 219, b; i. 429, b.
Καρνεάται, i. 366, a.
Καρνεῖα, i. 365, b.
Καρνεῖος, i. 338, a; i. 339, b.
Κάρνυξ, ii. 902, a.
Καρπαία, ii. 593, b.
Κάρπασος, i. 361, a.
Κάρπεντον, i. 366, a.
Καρποῦ δίκη, i. 367, a; i. 737, a.
Καρυατίς, i. 368, a.
Καρχήσιον, i. 363, b.
Κασσάρα, i. 293, b.
Κασσιέπεια, i. 218, a.
Κασσίτερος, ii. 167, a.
Κατάβασις εἰς Ἅϊδου, ii. 299, b.
Κατάβλημα, ii. 223, b.
Καταβολή, ii. 771, a.
Καταγωγή, ii. 121, a.
Καταγώγια, i. 121, a.
Καταγώγιον, i. 387, a; i. 978, a.
Καταγωγίς, ii. 854, a.
Καταζωστικά, ii. 300, a.
Καταῖτυξ, i. 571, b; i. 899, a.
Κατακλησία, i. 698, a.
Κατακοιμητικά, ii. 136, b.
Κατάκομος, ii. 375, b.
Καταλλαγή, i. 179, b.
Καταλογή, i. 422, a.
Κατάλογος, i. 383, a; i. 805, a.
Καταλύσεως τοῦ δήμου γραφή, i. 383, b.
Κατάλυσις, i. 387, a; i. 978, a.
Καταπαλταφεσία, ii. 857, a.
Καταπάλτης, ii. 853, a.
Καταπειρατηρίη, i. 384, b.
Καταρράκτης, i. 384, b; i. 989, b.
Κατασκοπῆς γραφή, i. 385, a.
Καταστρώματα, ii. 214, b.
Κατάφρακτοι, i. 383, b.
Καταχειροτονία, i. 409, b.
Καταχύσματα, ii. 658, b.
Κατεγγυᾶν, i. 629, a; i. 737, a.
Κατεπακτὴ πύλη, i. 384, b.
Κατηγορία, i. 922, b.
Κατήγορος, ii. 745, a.
Κάτοικοι, i. 781 a.
Κάτοπτρον, ii. 688, a.
Κατορύττειν, i. 887, a.
Κάττυμα, ii. 685, a.
Κατοχεύς, i. 989, a.
Κάτρινος, i. 159, b.
Κάτω τριχίας, ii. 377, b.
„ τετριχωμένος, ii. 377, b.
Κατωνάκη, ii. 362, b.
Κατωνακοφόροι, ii. 362, b.
Καύκαλις, i. 294, b.
Καῦσις, ii. 391, b.
Καυτήριον, i. 414, b; ii. 393, a.
Καψιδρώτιον, ii. 723, b.
Κεάδας, i. 390, a.
Κειμήλια, ii. 934, b.
Κειρία, ii. 17, b.
Κεκρύπειον, ii. 785, a.
Κεκρύφαλος, i. 499, a.
Κελεύντες, ii. 765, a.
Κελήτιον, i. 391, a.
Κελευστής, ii. 219, a; ii. 468, b.
Κέλης, i. 391, a; i. 964, b; ii. 223, b.
Κενοί, ii. 559, a.
Κενοτάφιον, i. 397, b.
Κένταυρος, i. 222, b.
Κέντρον, i. 331, b.
Κέντρων, i. 404, b.
Κεραία, ii. 217, b; ii. 759, b.
Κεραΐτις, i. 70, a.
Κεραμεύς, i. 842, a.
Κεράμιον, ii. 968, a.
Κεραμίς, ii. 763, b.
Κέραμος, i. 842, a; i. 849, a; ii. 763, b.
Κέρας, ii. 565, a; ii. 901, a.
Κερατίον, ii. 675, b.
Κέρδων, i. 406, a.
Κερκίδες, ii. 765, a; ii. 815, a.
Κέρκουρος, Κερκοῦρος, i. 405, b.
Κερματιστής, i. 179, b.
Κερνήφοροι, ii. 581, a.
Κερουλκός, ii. 218, a.
Κεστός, i. 407, b.
Κεφάλαιον, ii. 75, b.
Κεφαλή, i. 186, a.
Κημός, i. 357, b; ii. 546,
Κηπαία θύρα, i. 663, b.
Κῆπος, i. 976, a.
Κηποτάφιον, i. 405, b.
Κηρός, i. 405, b; ii. 753, b.
Κηρύκειον, i. 322, b.
Κῆρυξ, i. 721, a.
Κήρωμα, i. 406, a.
Κῆτος, i. 221, a.
Κηφεύς, i. 217, a.
Κιβώριον, i. 427, a.
Κιβωτός, i. 160, b.
Κιγκλίδες, i. 351, a.
Κίδαρις, ii. 839, b.
Κιθάρα, ii. 104, b.
Κίθαρις, ii. 105, a.
Κιθαρῳδία, ii. 528, b.
Κιλλίβας, i. 427, a; ii. 390, b.
Κιονίσκοι, ii. 645, a.
Κισσύβιον, i. 439, b.
Κίστη, or Κιστίς, i. 439, b.
Κιστοφόρος, i. 441, a.
Κίταρις, ii. 839, b.
Κίων, i. 489, a.
Κλάρια, ii. 747, a.
Κλαρῶται, i. 555, a; i. 944, a.
Κλειδίον, i. 450, b.
Κλειδοποιός, i. 989, b.
Κλειδοῦχοι, i. 452, a; ii. 571, b.
Κλεῖθρον, i. 989, a.
Κλεῖς, i. 450, b; i. 989, b.
Κλεισίας, i. 988, b.
Κλεψίαμβος, i. 422, b.
Κλεψύδρα, i. 973, a.
Κλῆρος, i. 947, a; ii. 756, a.
Κληρουχία, i. 477, a.
Κληροῦχοι, i. 477, a; ii. 892, a.
Κλητεύειν, i. 122, b.
Κλητῆρες, i. 456, a.
Κλήτορες, i. 456, a.
Κλίβανος, i. 873, a.
Κλίμα, i. 458, a.
Κλιμακίδες, ii. 224, a.
Κλιμακίζειν, ii. 84, b.
Κλιμακίς, ii. 855, b.
Κλῖμαξ, ii. 212, b; ii. 601, a; ii. 817, b.
Κλίνη, ii. 14, a; ii. 17, a.
Κλιντήρ, ii. 618, b.
Κλισίας, i. 988, b.
Κλισίη, ii. 618, b; ii. 752, a.
Κλισμός, ii. 618, b.
Κλοιός, i. 302, b; i. 470, a.
Κλοπῆς δίκη, i. 462, b.
„ γραφή, i. 462, b.
Κναφεύς, i. 881, a.
Κνέφαλλον, ii. 17, b.
Κνῆμαι, i. 578, a.
Κνημίς, ii. 260, b.
Κνισμός, ii. 834, b.
Κόγχη, i. 524, a.
Κόθορνος, i. 557, b.
Κοίλη, ii. 854, a.
Κοιμητήριον, ii. 749, b.
Κοινωνικά, ii. 892, a.
Κοιτῶνες, i. 662, a.
Κόλακες, ii. 344, a.
Κόλαξ, ii. 377, b.
Κολαπτήρ, ii. 601, b.
Κολεός, i. 919, b.
Κολλαβισμός, ii. 201, b.
Κόλλησις, ii. 166, b.
Κολλυβιστής, i. 471, a.
Κόλλυβος, i. 471, a.
Κολλύρα, -ιον, i. 471, b.
Κολοσσικώτερα, i. 488, a.
Κολοσσός, i. 487, a.
Κόλπος, i. 427, b.
Κολυμβήθρα, ii. 429, b.
Κόμη, i. 496, a.
Κομμάτιον, i. 422, a.
Κομμός, ii. 864, b.
Κόνδυ, i. 526, b.
Κόνδυλος, ii. 161, b.
Κονία, i. 881, b.
Κονίαμα, ii. 391, a.
Κονίποδες, i. 333, a.
Κονίστρα, ii. 814, b.
Κοντός, i. 540, b; ii. 212, b.
Κοπίς, i. 541, a; i. 572, b; i. 823, a; i. 982, b.
Κοπρῶνες, i. 664, a.
Κόπτειν, i. 990, b.
Κόραξ, i. 989, b.
Κόρδαξ, i. 422, a; i. 516, a.
Κόρη, ii. 376, a; ii. 377, b; ii. 526, a.
Κορινθία κόρη, i. 958, a.
Κορινθιάζεσθαι, i. 958, a.
Κόρμα, i. 407, a.
Κοροπλάθος, ii. 794, a.

Κοροπλάστης, ii. 794, a.
Κοροπλαστική, ii. 401, a.
Κορύβαντες, i. 553, a.
Κορυβαντικά, i. 553, a.
Κορυβαντισμός, i. 553, a.
Κόρυμβος, i. 497, a.
Κορύνη, i. 450, a; ii. 361, b.
Κόρυς, i. 898, b.
Κορυφαία, i. 876, a.
Κορυφαῖος, i. 420, b.
Κορώνη, i. 170, a; i. 989, b.
Κορωνίς, i. 551, b.
Κοσμητής, i. 553, b; i. 928, a; i. 986, a.
Κοσμοί, i. 553, b.
Κόσσαβος, i. 558, b.
Κοσσύμβη, ii. 363, a.
Κοσύμβη, i. 521, a.
Κότινος, ii. 272, a.
Κοτταβεῖον, i. 558, b.
Κοττάβιον, i. 558, b.
Κότταβος, i. 558, b.
Κόττυτες, i. 560, a.
Κοτύλη, -ος, i. 559, b; i. 590, a.
Κοτύττια, i. 560, a.
Κουλεόν, i. 919, b.
Κουρεῶτις, i. 135, a.
Κούριμος παρθένος, ii. 376, a.
Κοῦρμι, i. 407, a.
Κουτάλη, ii. 615, a.
Κόφινος, i. 541, a.
Κοχλιάριον, i. 464, b.
Κοχλίας, i. 463, b.
Κοχλίς, i. 463, b.
Κόχλος, i. 317, b.
Κράββατος, ii. 18, a.
Κραδίης νόμος, ii. 810, a.
Κράνος, i. 898, b.
Κρασπεδῖται, i. 421, a.
Κράσπεδον, ii. 3, a.
Κρατευταί, i. 562, b.
Κρατευτήριον, i. 562, b.
Κρατήρ, i. 222, b; i. 560, b
Κρατῆρες, ii. 299, a.
Κρεάγρα, i. 933, b.
Κρεμάθρα, ii. 817, a.
Κρέμβαλα, i. 564, b.
Κρεοδαίτης, i. 596, b; i. 772, a.
Κρεοπωλεῖον, ii. 106, b.
Κρήδεμνον, i. 331, b.
Κρῆναι, i. 146, b.
Κρήναρχοι, i. 147, b.
Κρήνη, i. 870, b.
Κρηνοφύλακες, i. 147, b.
Κρηπίς, i. 563, a; ii. 863, a.
Κριθομαντεία, i. 646, b.
Κρίκος, i. 989, b; ii. 223, b; ii. 899, a.
Κριός, i. 185, b; i. 219, a.
Κριταί, i. 564, a.
Κροκή, ii. 765, a.
Κροκωτόν, -ός, i. 564, a.
Κρόνια, i. 564, b.
Κροσσοί, i. 859, a.
Κρόταλον, i. 564, b.
Κροταφίς, ii. 116, a.
Κρούειν, i. 990, b.
Κροῦμα, i. 565, a.
Κρουνοί, i. 146, b.
Κρούπεζαι, ii. 613, b.
Κρουπέζια, i. 591, a; ii. 614, a.
Κροῦσις, ii. 199, a.
Κροῦσμα, i. 565, a.
Κρυπτεία, i. 569, b.
Κρυπτή, i. 568, b.
Κρυπτία, i. 569, b.
Κρωβύλος, i. 497, a.
Κτείς, ii. 360, a; ii. 765, a.
Κτενιστής, ii. 369, a.
Κτήματα, i. 732, b.
Κτίσις κόσμου, ii. 299, b.
Κύαθος, i. 589, b.
Κυάμος, i. 68, a.
Κυανεψιών, i. 339, a.
Κυβεία, i. 695, a; ii. 11, a.
Κυβερνήσια, ii. 828, b.
Κυβερνήτης, ii. 219, a.
Κυβιστῆρες, ii. 593, b.
Κύβος, i. 571, a; i. 695, a; ii. 799, a.
Κυθηροδίκης, ii. 371, b.
Κύκλα, i. 578, a.
Κυκλάς, i. 590, a.
Κύκλος, i. 47, a; ii. 657, a.
Κύκνος, i. 218, a.
Κύλισις, ii. 82, b.
Κυλικεῖα, i. 346, b.
Κύλινδρος, i. 590, a; ii. 59, a.
Κύλιξ, i. 346, b.
Κυλίχνη, -ις, -ιον, i. 348, a.
Κῦμα, i. 590, b.
Κυματίον, i. 590, b.
Κύμβαλον, i. 590, b.
Κύμβη, i. 590, b.
Κύμβος, -ιον, i. 591, b.
Κυνέη, i. 898, b; ii. 427, a.
Κυνηγεσία, ii. 694, b; ii. 936, b.
Κυνηγέτης, ii. 936, b.
Κυνηγετικὸν θέατρον, ii. 937, a.
Κυνόσουρα, i. 216, b.
Κυνόσουρις, i. 216, b.
Κυνοφόντις, i. 192, b.
Κύπασσις, ii. 944, b.
Κυρβασία, ii. 839, b.
Κύρβεις, i. 264, a; ii. 240, a.
Κυρία, ἡ, i. 622, b.
Κύριοι, i. 135, a.
Κύριος, i. 313, b; i. 592, a; ii. 516, b.
Κυρτίς, ii. 546, b.
Κυψέλη, i. 160, b; ii. 546, b.
Κύων, i. 221, b.
Κώδων, ii. 844, b.
Κώεα, ii. 17, b.
Κωλαγρέται, i. 469, b.
Κωλακρέται, i. 469, b.
Κῶλον, ii. 560, b.
Κῶμαι, i. 770, a.
Κῶμος, i. 640, a.
Κωμῳδία, i. 514, a.
Κώνειον, i. 942, a.
Κῶνος, ii. 906, b.
Κωνωπεῖον, i. 529, a.
Κώπη, i. 359, b; ii. 212, a.
Κωπώ, i. 597, b.
Κωρυκομαχία, i. 553, b; i. 930, a.
Κώρυκος, i. 553, b.
Κῶς, i. 362, b.
Κωφὸν πρόσωπον, i. 966, a.

Λ.

Λαβή, i. 359, b; ii. 83, a.
Λαβίς, i. 872, a.
Λαβύρινθος, ii. 1, a.
Λάγυνος, ii. 4, a.
Λαγωβόλος, ii. 361, b.
Λαγωός, Λαγώς, i. 221, b.
Λάθυρος, i. 69, a.
Λακωνικαί, -ά, i. 333, a.
Λαμπαδαρχία, ii. 4, b.
Λαμπαδηδρομία, ii. 4, b.
Λαμπαδηφορία, ii. 5, b.
Λαμπαδηφόροι, ii. 5, b.
Λαμπάδιον, ii. 378, a.
Λαμπάδισταί, ii. 5, b.
Λαμπάδος ἑορτή, ii. 4, b.
Λαμπαδοῦχος ἀγών, ii. 4, b.
„ δρόμος, ii. 4, b.
Λαμπάς, ii. 4, b.
Λαοδίκιος, i. 339, a.
Λάρνακες, i. 887, b.
Λάρναξ, i. 160, b.
Λαταγεῖον, i. 558, b.
Λάταξ, i. 558, b.
Λατομίαι, i. 363, b; ii. 13, b.
Λατύπη, i. 327, b.
Λαῦραι, ii. 1, a.
Λαύρη, i. 656, a.
Λαυροστάται, i. 420, b.
Λάφρια, ii. 7, a.
Λαφυροπῶλαι, i. 596, b; i. 772, a.
Λέβης, ii. 13, b; ii. 125, b.
Λεῖαι, ii. 765, a.
Λειπομαρτυρίου δίκη, i. 122, b; i. 814, b.
Λειτουργία, ii. 27, a.
Λεκάνη, i. 558, b.
Λεκανιδίον, ii. 349, b.
Λεκάνιον, ii. 349, b.
Λεκανίς, ii. 349, b.
Λεκανίσκη, ii. 349, b.
Λέμβος, ii. 30, a.
Λέξις εἰρομένη, ii. 77, a.
Λέπαδνα, i. 579, b.
Λεπάστη, ii. 31, a.
Λεπτά, ii. 74, a.
Λερναῖα, ii. 31, b
Λέσχη, ii. 31, b.
Λευκὸς ἀνήρ, ii. 375, a.
Λεύκωμα, ii. 753, b.
Λεχέρνα, i. 943, a.
Λέχος, ii. 17, a.
Λέων, i. 219, b.
Λεωνιδεῖα, ii. 31, a.
Ληδάριον, ii. 321, a.
Λῆδος, ii. 321, a.
Λήκυθος, i. 117, b; i. 279, a; i. 885, b; i. 925, a.
Λήναια, i. 638, a.
Λήναιος, i. 339, a.
Ληναίων, i. 338, b; i. 339, a; i. 340, a.
Ληνοί, i. 887, b.
Ληνός, ii. 217, b; ii. 850, a.
Ληξιαρχικὸν γραμματεῖον, i. 26, a; i. 616, b.
Ληξιάρχοι, i. 698, b.
Λῆξις, i. 629, a.
Ληροί, ii. 67, a.

Λησστοσαλπιγκταί, ii. 901, b.
Λιβανομαντεία, i. 646, b.
Λιβυρνίς, ii. 222, a.
Λιβυρνόν, ii. 222, a.
Λιθικά, ii. 300, a.
Λιθοβόλια, ii. 67, b.
Λιθοβόλος, ii. 853, a.
Λίθος, i. 901, b.
„ ἀναιδείας, i. 178, a.
„ ὕβρεως, i. 178, a.
Λιθοτομίαι, ii. 13, b.
Λικμητηρίς, ii. 312, a.
Λίκνον, i. 573, a; ii. 919, a.
Λικνοφόρος, ii. 919, b.
Λίνον, i. 71, b.
Λιποναυτίου γραφή, i. 133, b.
Λιποστρατίου γραφή, i. 212, b.
Λιποταξίου γραφή, i. 212, b.
Λίστριον, i. 464, b.
Λίτρα, ii. 69, a.
Λιχάς, ii. 161, b.
Λογεῖον, ii. 813, a.
Λογισταί, i. 49, a.
Λογιστήριον, i. 763, b.
Λογιστής, i. 336, a; i. 763, a.
Λογιστική, ii. 71, a.
Λογογράφοι, ii. 77, a.
Λογοποιοί, ii. 77, b.
Λόγχη, i. 936, a.
Λογχοφόροι, i. 935, a.
Λοετρόν, i. 266, b.
Λοιδορίας δίκη, i. 321, b.
Λοπάδιον, ii. 349, b.
Λουτήρ, i. 267, b.
Λουτήριον, i. 267, b.
Λουτρόν, i. 266, b; i. 275, b.
„ νυμφικόν, i. 269, a.
Λουτροφόρος, i. 269, a; ii. 645, a.
Λόφος, i. 899, a.
Λοχαγοί, i. 769, a; ii. 763, b.
Λόχος, i. 769, a; i. 770, a; ii. 763, b.
„ ὄρθιος, i. 771, b.
Λυγίζειν, ii. 83, b.
Λύκαια, ii. 104, a.
Λυκομήδειος, ii. 377, a.
Λύκος, i. 933, b.
Λύρα, i. 217, b; ii. 104, b.
Λυχνεῖον, i. 352, a.
Λυχνίον, i. 352, a.
Λύχνος, ii. 81, b.
Λυχνοῦχος, i. 352, a; ii. 6, b.
Λῶος, i. 339, a.
Λώπη, ii. 321, a.
Λῶπος, ii. 321, a.
Λωποδύτης, i. 144, a; i. 707, a.

M.

Μάγαδις, ii. 106, b.
Μαγειρεῖα, i. 47, b.
Μάγειροι, i. 394, a.
Μάζα, i. 394, a; ii. 151, a.
Μαζονόμος, -ιον, ii. 151, a.
Μαιμακτηριών, i. 338, a.
Μαῖσων, ii. 378, a.
Μαισωνικά, i. 518, a.
Μάκελλα, ii. 66, b.
Μακρόν, i. 422, a.
Μάκτρα, i. 2, a.
Μάλθη, ii. 753, a.
Μαλλός, ii. 762, a.
Μάνδαλος, i. 989, a.
Μάνδραι, ii. 568, a.
Μανδύη, ii. 322, a.
Μάνης, i. 558, b.
Μαντεῖον, ii. 277, b.
Μάντεις, i. 645, b.
Μαντική, i. 645, a.
Μάρης, ii. 126, a.
Μάρις, ii. 126, a.
Μάριστον, ii. 126, a.
Μαρσύπιον, ii. 126, a.
Μαρτυρία, ii. 126, b.
Μαστῆρες, ii. 991, b.
Μαστιγονόμοι, ii. 129, b.
Μαστιγοφόροι, ii. 129, b.
Μάστιξ, i. 864, a.
„ κεραμική, i. 818, b.
Μασχαλιστήρ, i. 284, b.
Μάχαιρα, i. 572, b; ii. 525, a.
Μαχαίριον, ii. 525, a.
Μεγαλογραφία, ii. 389, b.
Μέγαρον, ii. 774, b; ii. 831, b.
Μέδιμνος, ii. 155, b.
Μέδος, i. 407, b.
Μειαγωγός, i. 135, a.
Μείλια, i. 691, b.
Μειλίχαι, i. 328, b.
Μεῖον, i. 135, a.
Μέλαν, i. 244, a.
Μελανδοχεῖον, i. 244, b.
Μελανδόχον, i. 244, b.
Μελαντηρία, i. 332, a.
Μέλας ἀνήρ, ii. 375, a.
Μελία, i. 935, a.
Μελίκρατον, ii. 967, b.
Μελιττοῦτα, i. 885, b.
Μελλείρηη, i. 707, b.
Μελοποιΐα, ii. 198, b.
Μενελάεια, ii. 157, a.
Μεσαύλιος θύρα, i. 662, b.
Μέσαυλος θύρα, i. 662, b.
Μεσημβρία, i. 635, a.
Μεσοβασιλεύς, i. 1021, a.
Μεσόδμη, i. 657, a; ii. 211, b.
Μεσόκουρος πρόσφατος, ii. 375, b.
„ ὠχρά, ii. 375, b.
Μεσολαβεῖν, ii. 329, a.
Μεσοστάται, ii. 853, a.
Μεσότοιχος, ii. 345, b.
Μεταβάτης, i. 618, b.
Μεταβολή, ii. 198, b.
Μεταγείτνια, ii. 166, a.
Μεταγειτνιών, i. 338, a.
Μέταλλον, ii. 166, a.
Μετανιπτρίς, i. 394, b.
Μετάνιπτρον, i. 394, b.
Μέταξα, ii. 650, a.
Μετάρχιος, i. 340, a.
Μετάστασις, i. 420, b.
Μέταυλος θύρα, i. 662, b.
Μετεωρολογία, i. 213, a.
Μετοίκια, ii. 748, a.
Μετοίκιον, i. 236, a; ii. 62, a; ii. 168, b; ii. 771, b.
Μέτοικοι, ii. 62, a; ii. 168, a.
Μετόπη, i. 489, a; ii. 170, a.
Μετόπωρον, i. 233, b.
Μετρητής, ii. 170, b.
Μέτρον, ii. 158, b.
Μετρονόμοι, ii. 170, b.
Μηδική, i. 69, b.
Μήλη, i. 414, b.
Μήν, i. 338, a.
„ ἀπίων, i. 338, b.
„ ἐμβόλιμος, i. 338, a.
„ ἐπὶ δέκα, i. 338, b.
„ ἱστάμενος, i. 338, a.
„ κοῖλος, i. 337, a.
„ λήγων, i. 338, b.
„ μεσῶν, i. 338, b.
„ παυόμενος, i. 338, b.
„ πλήρης, i. 337, a.
„ φθίνων, i. 338, a.
Μήνυσις, i. 702, a.
Μητραγύρται, i. 93, b.
Μητρόπολις, i. 474, b.
Μήτρωον, i. 162, b.
Μητρῷος, i. 340, a.
Μηχαναί, ii. 107, b.
Μίλιον, ii. 163, a.
Μῖμος, ii. 172, a.
Μισθοφόροι, ii. 164, b.
Μισθώσεως οἴκου φάσις, ii. 173, b.
Μισθωτοί, ii. 164, b.
Μίτοι, ii. 765, a.
Μίτρα, ii. 174, a.
Μίτρη, i. 190, a; ii. 77, b.
Μνᾶ, ii. 448, b.
Μνοία, i. 555, a.
Μνῶται, i. 555, a.
Μόθακες, i. 446, b; i. 941, a.
Μόθωνες, i. 446, b; i. 941, a.
Μοιχείας γραφή, i. 29, b.
Μολυβδίδες, i. 884, a.
Μολυβδίς, ii. 373, b.
Μολυβδομαντεία, i. 647, a.
Μόλυβδος, ii. 167, a.
Μοναρχία, ii. 177, a.
Μονόγαμμος, ii. 390, a.
Μονομάχοι, i. 916, a.
Μονοφάγοι, i. 33, b.
Μονοχρώματα, ii. 390, a.
Μονῳδία, ii. 864, a.
Μόρα, i. 769, a.
Μορίαι, i. 210, b; ii. 263, a.
Μορτή, i. 938, a.
Μουνύχια, ii. 181, b.
Μουνυχιών, i. 338, a.
Μούσεια, ii. 192, a.
Μουσεῖον, ii. 192, a.
Μουσική, ii. 192, b.
Μοχλός, i. 989, b.
Μυΐνδα, ii. 201, b.
Μυκτῆρες, ii. 81, b.
Μύλη, ii. 175, a.
Μύλος, ii. 175, a.
Μύξαι, ii. 81, b.
Μυρεψοί, ii. 977, b.
Μυριάδες, ii. 76, a.
Μυρίοι, ii. 201, b.
Μύρμηκες, i. 328, b.
Μυροθήκιον, i. 279, a.
Μύρον, ii. 976, b.
Μυροπῶλαι, ii. 977, b.
Μυρρίναι, i. 47, b.
Μυρρινίτης, ii. 967, a.
Μύσια, ii. 202, a.
Μυσταγωγός, i. 718, a; i. 721, b.

Μύσται, i. 718, a; i. 723, a.
Μύσταξ, ii. 200, b.
Μυστήρια, ii. 202, a.
Μυστίλη, i. 394, a.
Μύστρον, i. 394, a; ii. 205, a.
Μύστρος, i. 394, a.
Μύωψ, i. 331, b.

N.

Νάβλα, ii. 106, b.
Ναός, i. 125, a; ii. 774, a.
Νάρθηξ, i. 864, b.
Ναυαρχία, ii. 206, a.
Ναύαρχος, ii. 206, a.
Ναύκληροι, ii. 747, b.
Ναυκραρία, ii. 207, a; ii. 877, b.
Ναύκραρος, ii. 207, a.
Ναῦς, i. 292, b; ii. 208, a.
Ναύσταθμον, i. 191, a.
Ναυτικαὶ συγγραφαί, i. 833, b.
Ναυτικοὶ τόκοι, i. 833, a.
Ναυτικὸν δάνεισμα, i. 833, a.
Ναυτοδίκαι, ii. 225, a.
Νεανίσκος ἁπαλός, ii. 375, b; ii. 377, a.
„ μέλας, ii. 377, a.
„ οὖλος, ii. 375, b; ii. 377, a.
„ πάγχρηστος, ii. 375, a.
„ πάρουλος, ii. 375, b.
„ πάρωχρος, ii. 375, b.
„ πιναρός, ii. 375, b.
„ ὑπέρογκος, ii. 375, b.
„ ὠχρός, ii. 375, b.
Νεκρόδειπνον, i. 887, b.
Νεκροφόροι, i. 886, b.
Νεκυομαντεῖον, ii. 292, a.
Νεκύσια, i. 888, a.
Νεκύσιος, i. 340, a.
Νεμαῖα, ii. 228, a.
Νέμεα, ii. 227, a.
Νεμεῖα, ii. 227, a.
Νεμέσεια, ii. 228, a.
Νεοδαμώδεις, i. 941, a.
Νεοτευτικά, ἤ. 300, a.
Νευρόσπαστα, ii. 526, a.
Νευρότονοι, ii. 853, b.
Νεωκόροι, i. 33, b; ii. 228, a; ii. 571, b.
Νεώρια, ii. 206, a.
Νεώς, ii. 774, a.
Νεώσοικοι, ii. 206, a.
Νῆμα σηρικόν, ii. 650, a.
Νηστεία, ii. 834, a.
Νίτρον, i. 881, b.
Νομεῖς, ii. 223, b.
Νόμισμα, ii. 248, b; ii. 687, a.
Νομίσματος διαφθορᾶς γραφή, ii. 237, a.
Νομογράφοι, i. 42, a.
Νομοθέτης, i. 168, b; ii. 241, b.
Νόμος, ii. 237, b.
„ κραδίης, ii. 810, a.
„ πύθικος, ii. 528, b
Νομοφύλακες, ii. 237, a.
Νοσοκομεῖον, ii. 917, b.
Νουμηνία, i. 338, a.
Νοῦμμος, ii. 248, b.
Νυμφαγωγός, ii. 136, a.
Νύμφη, i. 159, b; ii. 526, a.
Νύσσα, i. 964, b; ii. 693, b.
Νυχθήμερον, i. 634, b.

Ξ.

Ξανθικός, i. 339, a.
Ξανθὸς ἀνήρ, ii. 375, a.
Ξανθότερος ἀνήρ, ii. 375, a.
Ξεναγοί, ii. 990, a.
Ξενηλασία, ii. 990, b
Ξενία, i. 977, b; ii. 827, a.
Ξενίας γραφή, ii. 991, a.
Ξενικὸν τέλος, i. 49, b.
Ξένος, i. 977, b; ii. 164, b.
Ξενῶνες, i. 977, a; i. 978, b.
Ξέστης, ii. 164, a; ii. 531, a; ii. 668, a.
Ξίφος, i. 919, a.
Ξόανον, i. 592, b; ii. 698, a; ii. 785, a.
Ξυλή, i. 773, a.
Ξύλα ἄκαπνα, i. 5, a.
Ξυλήφιον, i. 377, a.
Ξυλοκοπία, i. 897, b.
Ξύλον, ii. 228, b.
Ξυρίας ἀνήρ, ii. 375, a.
Ξυστάρχος, i. 928, a.
Ξυστίς, ii. 321, a.
Ξυστός, i. 927, a.
Ξύστρα, i. 268, b.

O.

Ὀβελίσκος, ii. 252, b.
Ὀβελός, ii. 252, b.
Ὀβολός, ii. 260, a; ii. 448, b.
Ὀβολοστάται, i. 832, a.
Ὄγκος, ii. 375, a; ii. 862, a.
Ὁδοὶ βασιλήιαι, ii. 947, a.
Ὀδοντάγρα, i. 415, b; i. 872, a.
Ὀδοντόσμηγμα, i. 617, a.
Ὀδοντότριμμα, i. 617, a.
Ὁδοποιοί, i. 968, b; ii. 949, b.
Ὁδός, οὐδός, i. 987, a.
Ὀθόνη, ii. 176, a.
Ὀθόνιον, ii. 649, b.
Οἰκέτης, ii. 656, b.
Οἰκετικὸν μεσόκουρον, ii. 375, b.
Οἰκήματα, i. 662, a.
Οἴκησις, i. 654, a.
Οἰκητήριον, i. 654, a.
Οἰκία, i. 654, a.
Οἰκίας δίκη, ii. 262, a.
Οἰκιστής, i. 474, b.
Οἶκοι, i. 662, a.
Οἰκονόμος, ii. 957, b.
Οἶκος, i. 654, a.
Οἰκόσιτος, i. 699, b.
Οἰκοτρίβαιος, ii. 656, b.
Οἰκότριψ, ii. 656, b.
Οἰνηροὶ θεράποντες, ii. 741, a.
Οἰνιστήρια, i. 497, b.
Οἰνοθήκη, ii. 964, a.
Οἰνόμελι, ii. 967, a.
Οἶνος, ii. 962, a.
Οἰνόφορον, ii. 261, b.
Οἰνοχόαι, ii. 740, b; ii. 982, a.
Οἰνοχόοι, ii. 741, a.
Οἴνωπες, ii. 876, a.
Ὄϊστός, i. 218, b; ii. 587, a.
Οἰωνισταί, i. 248, b.
Οἰωνιστική, i. 646, b.
Οἰωνομάντεις, i. 248, b.
Οἰωνοπόλος, i. 248, b.
Οἰωνοσκόποι, i. 248, b.
Ὄκλασμα, ii. 834, b.
Ὀκρίβας, ii. 390, b; ii. 813, b.
Ὀκταετηρίς, i. 342, a.
Ὀκτάστυλος, ii. 777, a.
Ὀλιγαρχία, i. 187, a; ii. 266, a.
Ὄλμιον, ii. 840, b.
Ὄλμος, ii. 180, b.
Ὄλμος, ii. 893, a.
Ὁλοκαυτεῖν, ii. 584, a.
Ὁλοσφυρήτα ἔργα, ii. 116, b.
Ὀλύμπια, ii. 268, a.
Ὀλυμπιάς, ii. 274, a.
Ὀλυμπιονῖκαι, i. 239, a.
Ὄλυρα, i. 67, b.
Ὁμογάλακτες, ii. 877, a.
Ὅμοιοι, i. 447, b; i. 596, b; i. 969, b.
Ὁμολογία, ii. 746, b.
Ὁμολῴοις, i. 339, b.
Ὁμοφωνία, ii. 193, b.
Ὀμφάλος, i. 458, b; ii. 59, a.
Ὀνεᾶται, ii. 875, b.
Ὀνειροπολία, i. 647, a.
Ὄνισκος, ii. 853, b.
Ὄνομα, ii. 233, a.
Ὀνομαστικά, ii. 300, a.
Ὄνος, ii. 175, b.
Ὀξίς, i. 7, b.
Ὄξος, ii. 966, a.
Ὀξυβάφιον, i. 7, b.
Ὀξύβαφον, i. 7, b; i. 591, a.
Ὀξυγράφοι, ii. 244, a.
Ὀξύμελι, ii. 967, b.
Ὀξυπύνδακα, i. 347, b.
Ὄπαιον, i. 723, b; ii. 783, a.
Ὀπή, ii. 170, a; ii. 782, b.
Ὀπισθόδομος, ii. 777, b.
Ὅπλα, i. 189, b.
Ὁπλῆτες, i. 901, b; ii. 876, b.
Ὁπλῖται, i. 190, a.
Ὁπλίτης δρόμος, i. 582, a.
Ὁπλιτοδρομία, ii. 5, a.
Ὁπλιτοδρόμοι, i. 582, a.
Ὁπλοθήκη, i. 190, b.
Ὅπλον, ii. 854, a.
Ὀπτήρια, ii. 136, b.
Ὀπώρα, i. 233, a.
Ὄργανον, ii. 107, a.
Ὀργεῶνες, i. 903, b.
Ὀργία, ii. 202, a.
Ὀργυιά, ii. 162, a; ii. 297, a.
Ὄρεγμα, ii. 162, a.
Ὀρείχαλκος, ii. 297, a.
Ὀρθόδωρον, ii. 161, b.
Ὀρθοστάτης, ii. 854, b.
Ὁρισταί, i. 972, a.

Ὅρκοι, ii. 300, a.
Ὅρκος, i. 1045, a.
Ὅρμος, ii. 178, b; ii. 594, a.
Ὀρνιθοτροφία, i. 78, a.
Ὄρνις, i. 218, a.
„ αἴολος, i. 218, a.
Ὄροβος, i. 70, a.
Ὅροι, i. 127, a; i. 971, a.
Ὀρπανοδικασταί, i. 752, b.
Ὄρυγμα, i. 285, a.
Ὀρφανοφύλακες, i. 752, b.
Ὀρφός, i. 221, a.
Ὄρχησις, ii. 592, b.
Ὀρχηστοδιδάσκαλος, i. 967, a; ii. 594, b.
Ὀρχήστρα, ii. 811, b; ii. 814, a.
Ὅσιοι, ii. 283, a.
Ὁσιωτήρ, ii. 283, a.
Ὀστρακίνδα, ii. 306, a.
Ὀστρακισμός, i. 818, a.
Ὄστρακον, i. 842, a.
Ὀσχοφόρια, ii. 303, b.
Ὀσχοφόροι, ii. 303, b.
Οὐδός, i. 987, a.
Οὐλαμοί, i. 769, b.
Οὖλος θεράπων, ii. 377, b.
Οὐραγός, i. 770, b; i. 784, a.
Οὐρανία, ii. 423, b.
Οὐριάχος, i. 935, a.
Οὐσίας δίκη, i. 737, b.
Ὄφεις, i. 191, b.
Ὀφιοῦχος, i. 218, a.
Ὄφις, i. 217, a; i. 218, b.
Ὀφωνιασμός, ii. 714, b.
Ὀχάνη, i. 459, b.
Ὄχανον, i. 459, b.
Ὀχλοκρατία, i. 614, a; ii. 260, a.
Ὀψία, i. 635, a.
Ὄψον, ii. 276, b.
Ὀψοπωλεῖον, ii. 106, b.
Ὀψοπωλία, ii. 106, b.
Ὀψοφάγος, ii. 277, a.
Ὀψώνιον, ii. 714, b.

Π.

Παγκρατιασταί, ii. 324, b.
Παγκράτιον, ii. 324, a.
Πάγχρηστος, ii. 377, a.
Παιάν, ii. 307, a.
Παιδαγωγεῖον, ii. 95, b.
Παιδαγωγός, ii. 307, b.
Παιδαριώνες, i. 48, b.
Παιδεραστία, i. 926, a.
Παιδισκεῖον, i. 957, b.
Παιδονόμος, ii. 308, a.
Παιδοτριβαί, i. 928, b; ii. 312, b.
Παιδῶνες, i. 48, b.
Παιήων, ii. 307, a.
Παιώνιον, ii. 918, a.
Πάλαισμα, ii. 82, a.
Παλαισμοσύνη, ii. 82, a.
Παλαιστή, i. 571, a; ii. 161, a.
Παλαίστρα, ii. 312, a.
Παλαιστροφύλακες, i. 929, b.
Πάλη, ii. 82, a.
Παλιγκάπηλος, i. 387, b.
Παλίντονος, -ον, i. 170, b; ii. 855, a.
Παλλακή, i. 525, a; ii. 377, b.
Παλλακίς, i. 525, a.
Παλτόν, i. 934, b.
Παμβασιλεία, ii. 177, a.
Παμβοιώτια, ii. 324, a.
Παμβοιώτιος, i. 338, b.
Πάμμαχοι, ii. 324, b.
Πάμφυλοι, i. 914, a; ii. 875, a.
Παναγεῖς, i. 721, b.
Παναθήναια, ii. 324, a.
Πάναμος, i. 338, b; i. 339, b.
Πάνδια, ii. 333, a.
Πανδοκεῖον, i. 387, a; i. 978, a.
Πανδρόσειον, ii. 785, a.
Πανελλήνια, ii. 334, a.
Πανήγυρις, ii. 333, b.
Πάνημος, i. 339, a.
Πανιώνια, ii. 334, a.
Πανοπλίη, i. 190, a.
Πανόψια, ii. 526, b.
Παντόμιμος, ii. 334, a.
Πάππος, ii. 377, b.
„ ἕτερος, ii. 376, b.
„ πρῶτος, ii. 376, b.
Πάπυρος, ii. 57, b.
Παράβασις, i. 422, a.
Παραβίας, -η, i. 407, a.
Παραβόλιον, i. 144, b; ii. 336, b.
Παράβολον, i. 144, b; ii. 336, b.
Παραγναθίδες, i. 899, a.
Παραγναθίδιον, i. 876, b.
Παραγραφή, i. 122, a; i. 753, a; ii. 338, a.
Παραγωγή, i. 770, b.
Παραγώδης, ii. 945, b.
Παράδεισος, ii. 338, a.
Παραδοξονίκης, i. 239, a.
Παραθήκη, ii. 337, b.
Παραθύρα, i. 987, a.
Παραιβάτης, i. 580, a.
Παρακαταβάλλειν, i. 947, a.
Παρακαταβολή, i. 106, a; i. 123, a; i. 137, b; i. 629, b; ii. 337, a.
Παρακαταθήκη, i. 136, a; ii. 337, b.
Παρακαταθήκης δίκη, i. 136, a.
Παρακρούειν, ii. 84, a.
Παραλῖται, ii. 826, b.
Πάραλοι, ii. 826, b; ii. 877, a.
Πάραλος, ii. 826, b.
Παράμεσος δάκτυλος, i. 130, b.
Παραμηρίδια, ii. 369, a.
Παρανοίας γραφή, ii. 339, a.
Παρανόμων γραφή, ii. 339, b.
Παράνυμφος, ii. 136, a.
Παραξόνιον, i. 578, a.
Παραπέτασμα, i. 259, b.
Παραπήγματα, i. 223, b.
Παραπρεσβεία, ii. 341, a.
Παρασρεσβείας γραφή, ii. 342, b.
Παραπυλίς, ii. 467, b.
Παραρρύματα, ii. 223, b.
Παρασάγγης, ii. 163, a; ii. 343, a.
Παράσημον, i. 1011, a; ii. 216, b.
Παράσιτος, ii. 343, b; ii. 377, b.
Παρασκήνιον, i. 421, b; i. 966, a; ii. 817, b.
Παραστάδες, i. 125, a.
Παραστάς, i. 125, b; i. 662, b.
Παράστασι, ναὸς ἐν, ii. 775, b.
Παράστασις, i. 629, b; ii. 344, a; ii. 771, b.
Παραστάται, i. 420, b; i. 942, a; ii. 217, b; ii. 853, a.
Παράταξις, ii. 220, b.
Παρατίλτριαι, i. 98, a.
Παρατρυπήματα, ii. 840, b.
Παραφωνία, ii. 199, b.
Παραχορήγημα, i. 418, a; i. 966, a; ii. 818, b.
Παράχρωμος, ii. 375, b.
Παραχύτης, i. 268, b.
Παραψήστον, ii. 378, a.
Παρέγγραπτοι, ii. 345, a.
Παρέγγραφοι, ii. 345, a.
Παρεδρία, ii. 345, a.
Πάρεδροι, ii. 344, b.
Παρεμβάλλειν, ii. 84, a.
Παρεξειρεσία, ii. 216, b.
Παρήϊον, i. 876, b.
Παρήορος, i. 579, a.
Παρθενίαι, ii. 348, b.
Παρθένιοι, ii. 348, b.
Παρθένος, i. 219, b.
Πάροδοι, ii. 814, b.
Πάροδος, i. 420, b; i. 421, b; ii. 216, b; ii. 864, b.
Πάροχος, ii. 136, a.
Παροψίς, i. 386, b.
Παρυφή, ii. 67, a.
Παστός, ii. 349, a.
Παστοφόριον, ii. 349, b.
Παστοφόρος, ii. 349, a.
Πάταικοι, i. 1011, b.
Πατρονόμοι, ii. 356, a.
Πατροῦχοι, i. 747, b.
Πατρῳῶχοι, i. 747, b.
Παυσικάπη, ii. 176, a.
Παχεῖα γραῦς, ii. 377, b.
Πέδη, i. 523, b.
Πεδιαῖοι, ii. 877, a.
Πέδιλον, i. 332, a; ii. 684, b.
Πεδοστράβαι, ii. 936, b.
Πεζακοντισταί, i. 987, a.
Πέζαρχοι, ii. 757, a.
Πεζέταιροι, i. 777, a.
Πέλανοι, ii. 581, b.
Πέλανορ, ii. 362, a.
Πελάται, ii. 362, a.
Πελάτης, ii. 362, a.
Πελείαδες, ii. 279, b.
Πέλεκυς, ii. 616, a.
Πέλμα, ii. 685, a.
Πελτασταί, i. 190, a; i. 776, a; ii. 363, b.
Πέλτη, ii. 363, b.
Πέλυντρα, ii. 932, b.
Πελώρια, ii. 363, b.
Πέμματα, ii. 581, b.
Πεμπάδες, i. 770, b.
Πεμπαστής, ii. 71, a.
Πενέσται, ii. 364, a.
Πενταετηρίς, i. 14, a; i. 103, a; i. 720, b; ii. 104, a.
Πένταθλον, ii. 364, b.
Πεντακοσιοπέδιμνοι, i. 403, b; ii. 877, a.
Πεντάλιθος, i. 929, a.
Πεντάπτυχα, ii. 753, b.
Πεντελιθίζειν, ii. 759, b.

Πεντηκόνταρχος, ii. 219, a.
Πεντηκόντορος, ii. 213, b; ii. 215, a.
Πεντηκοστή, ii. 366, a.
Πεντηκοστήρ, i. 769, a.
Πεντηκοστολόγοι, ii. 366, a.
Πεντηκοστύς, i. 769, a.
Πεντήρεις, ii. 221, a.
Πέπερι, ii. 429, b.
Πέπλος, ii. 299, b; ii. 314, b; ii. 902, b.
Περίακτοι, ii. 817, a.
Περίαμμα, i. 118, a.
Περίαπτον, i. 118, a.
Περίβαρα, i. 333, a.
Περιβαρίδες, i. 333, a; ii. 685, a.
Περίβλημα, ii. 318, a.
Περιβόλαιον, ii. 846, a.
Περίβολος, ii. 568, a.
Περιβραχιόνιον, i. 315, b.
Περιγραφή, ii. 390, a.
Περίδειπνον, i. 887, b.
Περιδρομίδες, i. 927, a.
Περιέπιος, i. 340, a.
Περίζωμα, ii. 82, b; ii. 721, a.
Περικάρπιον, i. 315, b.
Περικόχλιον, i. 464, a.
Περιμηρίδια, i. 831, a; ii. 369, a.
Περίνεφ, ii. 215, a.
Περιοδονῖκαι, i. 239, a.
Περίοδος, ii. 562, a.
Περίοικοι, i. 447, a; ii. 369, b.
Περιπέτεια, ii. 864, a.
Περιπόδιον, i. 1012, a.
Περίπολοι, i. 740, a; i. 774, a.
Περίπτερος, ii. 775, b.
Περιπτύσσειν, i. 771, b.
Περισκελίς, ii. 373, a.
Περισσοί, i. 188, a.
Περιστερεών, i. 488, b; ii. 588, b.
Περιστεροτροφεῖον, i. 488, b.
Περίστια, i. 699, b
Περιστίαρχος, i. 699, b.
Περιστομίς, ii. 853, b.
Περιστύλιον, i. 662, a; ii. 373, b.
Περιτειχισμός, ii. 919, a.
Περίτιος, i. 339, a.
Περιτομεύς, ii. 601, a.
Περίτρητα, ii. 855, a.
Περονατρίς, i. 841, a.
Περόνη, i. 840, b; ii. 854, a.
Περονίς, i. 840, b.
Περσεύς, i. 218, a.
Περσικά, -αι, i. 333, a.
Πεσσοί, ii. 11, a.
Πεταλισμός, i. 819, b.
Πέτασος, ii. 428, a.
Πέταυρον, ii. 379, a.
Πέτευρον, ii. 379, a.
Πετροβόλος, ii. 853, a.
Πεττεία, ii. 11, a.
Πεύκη, ii. 755, b.
Πῆγμα, ii. 361, b.
Πηδάλιον, ii. 212, a.
Πηκτίς, ii. 106, b.
Πήληξ, i. 898, b.
Πηλοπατίδες, i. 333, a.
Πηλοπάτις, ii. 373, b.
Πηλοπλάθος, i. 842, a.
Πηλός, i. 842, a.
Πηλουργός, i. 842, a.
Πήνη, ii. 765, a.
Πηνίζεσθαι, ii. 767, b.
Πηνίκη, i. 498, b.
Πήνιον, i. 898, a; ii. 767, b.
Πήρα, ii. 122, a; ii. 368, a.
Πῆχυς, i. 170, a; i. 571, a; ii. 161, a.
Πιεστήρ, -ήριον, ii. 850, a.
Πιθεῶν, ii. 964, a.
Πιθοιγία, i. 638, b.
Πίθος, i. 650, a; ii. 964, a.
Πιλίδιον, ii. 427, a.
Πῖλος, ii. 427, a; ii. 932, b.
Πινακική, i. 213, a.
Πινάκιον, ii. 753, a.
Πινακοθήκη, ii. 429, a.
Πίναξ, ii. 752, b.
„ ἐκκλησιαστικός, i. 616, a.
Πῖνον, i. 407, a.
Πίσον, i. 69, a.
Πίσσωσις, ii. 964, a.
Πλαγγών, ii. 526, a.
Πλαίσιον, i. 772, a.
Πλάκες, ii. 645, a.
Πλανῆται, ii. 432, a.
Πλανωμένοι ἀστέρες, ii. 432, a.
Πλάσμα, i. 841, b; ii. 831, b.
Πλάστης, i. 841, b.
Πλαστική, i. 841, b.
Πλαταγή, i. 591, a.
Πλαταγώνιον, i. 591, a.
Πλατεῖον ἐπιγεγραμμένον, i. 377, b.
Πλέθρον, ii. 162, a.
Πλειάδες, i. 219, a.
Πλειστοβολίνδα, ii. 760, a.
Πληθύπατος, i. 340, a.
Πληϊάδες, i. 219, a.
Πλῆκτρον, ii. 106, a.
Πλήμνη, i. 578, a.
Πλημοχόαι, i. 720, a.
Πλημοχόη, i. 720, a.
Πλινθίον, i. 772, a; ii. 8, a; ii. 853, a.
Πλινθίς, ii. 8, a.
Πλινθοποιΐα, ii. 8, b.
Πλίνθος, i. 848, a; ii. 8, a; ii. 439, b.
Πλινθοφόροι, ii. 8, b.
Πλουμαρίος, ii. 439, b.
Πλούσιοι, ii. 233, a.
Πλουτοκρατία, ii. 266, b.
Πλυντήρια, ii. 440, a.
Πνῖγος, i. 422, a.
Πνύξ, i. 698, a.
Ποδανιπτήρ, ii. 364, a.
Ποδεῖα, ii. 932, b.
Πόδες, ii. 211, b; ii. 559, a.
Ποδοκάκκη, i. 362, a; ii. 228, b.
Ποιεῖν, i. 25, b.
Ποιεῖσθαι, i. 25, b.
Ποίησις, i. 25, b.
Ποιητός, i. 25, b.
Ποίθιοι, ii. 530, a.
Ποινή, ii. 440, b.
Ποιτρόπιος, i. 338, a.
Πόλεις, ii. 12, a.
Πολέμαρχος, i. 168, a; i. 769, a; ii. 441, a.
Πολιὰ κατάκομος, ii. 375, b.
Πόλις ἔκκλητος, ii. 735, a.
Πολιτεία, i. 441, b.
Πολίτης, i. 441, b; ii. 169, a.
Πολιτοφύλακες, ii. 757, a.
Πόλος, i. 972, b; ii. 442, b.
Πολυήρεις, ii. 213, b.
Πολύμιτος, ii. 770, b.
Πολύπτυχα, ii. 753, b.
Πομπή, i. 437, a.
Πόντος, i. 340, a.
Πόπανα, ii. 581, b.
Πορισταί, ii. 466, a.
Πορνεῖον, i. 957, b.
Πόρνη, i. 956, b.
Πορνικὸν τέλος, i. 957, b; ii. 771, b.
Πορνοβοσκοί, i. 957, a.
Πορνοβοσκός, ii. 377, a.
Πορνοτελῶναι, i. 957, b.
Πόρπαμα, i. 841, a.
Πόρπαξ, i. 459, b.
Πόρπη, i. 840, b.
Ποσειδεών, i. 338, a; i. 339, a; i. 340, a.
Ποσιδαών, i. 339, a.
Ποσίνδα, ii. 336, b.
Ποταμός, i. 221, b.
Ποτίκρανον, i. 407, b.
Πότος, ii. 740, a.
Ποῦς, ii. 161, a.
Πράκτορες, ii. 474, a.
Πραξιεργίδαι, ii. 440, a.
Πρατὴρ λίθος, ii. 657, a.
Πρεσβύτης, ii. 376, b.
Πρηστῆρες, i. 870, a.
Πρῆστις, i. 221, a.
Πρίων, ii. 650, b.
Προάγνευσις, i. 717, b.
Προαγωγείας γραφή, ii. 491, b.
Προάγων, ii. 818, b.
Προακτούρια, ii. 501, a.
Προβολή, i. 663, b; ii. 492, a.
Προβούλευμα, i. 311, b; i. 709, b.
Πρόβουλοι, ii. 493, a.
Προγάμεια, ii. 136, a.
Προδικασία, ii. 385, b.
Πρόδομος, ii. 777, b.
Προδοσία, ii. 499, b.
Προδοσίας γραφή, ii. 500, a.
Πρόδρομοι, i. 778, a.
Πρόδρομος, ii. 963, b.
Προεδρία, i. 1024, b; ii. 815, a.
Πρόεδροι, i. 310, b.
Προεισφορά, i. 711, a; ii. 737, a.
Προεισφορᾶς δίκη, ii. 500, b.
Προεμβολίς, ii. 217, a.
Προηρσίσ, ii. 501, a.
Πρόθεσις, i. 885, b.
Προθεσμία, i. 735, b; ii. 506, a.
Προθεσμίας νόμος, ii. 506, a.
Πρόθυρον, i. 661, b; i. 990, a.
Προικὸς δίκη, i. 692, b; ii. 678, b.
Προῖξ, i. 691, a.
Προκάθαρσις, i. 717, b.
Προκαλεῖσθαι, i. 622, a.
Προκαταβολή, ii. 771, b.
Προκάταρξις, ii. 69, a.
Πρόκλησις, i. 622, a; i. 629, a; ii. 852, a.
Προκοιτών, i. 671, b.
Προκύων, i. 222, a.
Πρόλογος, ii. 864, b.
Προμαντεία, ii. 282, b.

Πρόμαχοι, i. 190, a.
Προμήθεια, ii. 6, a.
Προμήκης, i. 188, b.
Προμνήστριαι, ii. 136, a.
Προμνηστρίδες, ii. 135, b.
Πρόναος, i. 292, b; ii. 777, b.
Προξενία, i. 978, b.
Πρόξενος, i. 978, b.
Πρόπλασμα, ii. 501, b.
Πρόπους, ii. 217, b.
Προπύλαια, ii. 502, b.
Πρόρρησις, i. 718, b; ii. 385, b.
Προσκατάβλημα, ii. 771, b.
Προσκεφάλειον, i. 407, b; ii. 17, b.
Προσκήνιον, ii. 812, a.
Πρόσκλησις, i. 629, a; ii. 127, b.
Προσκύνησις, i. 28, b.
Πρόσοδον γράψασθαι, i. 311, b.
Προστάς, i. 662, b.
Προστατήριος, i. 339, b.
Προστάτης, ii. 62, a; ii. 169, a.
„ τοῦ δήμου, ii. 504, b.
Προστερνίδιον, i. 284, b.
Προστηθίδιον, i. 284, b.
Προστιμᾶν, ii. 844, a.
Προστιμᾶσθαι, ii. 844, a.
Πρόστιμημα, ii. 844, a.
Πρόστυλος, ii. 775, b.
Πρόστφον, i. 662, a.
Πρὸς ὕδωρ δίκη, i. 973, a.
Προσωπεῖον, ii. 374, a.
Πρόσωπον, ii. 374, a.
Προτέλεια γάμων, ii. 136, a.
Προτομή, i. 186, a.
Πρότονοι, ii. 211, b.
Πρότροπος, ii. 963, b.
Προτρύγαια, ii. 506, b.
Προύνεικοι, i. 48, b.
Προφήτης, ii. 281, a.
Προφορεῖσθαι, ii. 765, b.
Προχειροτονία, i. 312, a.
Πρόχοος, -ους, ii. 982, a.
Πρόχυμα, ii. 963, b.
Προωμοσία, i. 121, b.
Πρυλέες, i. 767, a.
Πρύλις, ii. 593, b.
Πρύμνη, ii. 212, a.
Πρυτανεία, i. 310, b; ii. 719, b.
Πρυτανεῖα, i. 137, b; ii. 513, b; ii. 771, b.
Πρυτανεῖον, ii. 513, b.
Πρυτανεῖς, i. 310, b; ii. 513, b; ii. 719, b.
Πρωΐ, i. 635, a.
Πρωΐα, i. 635, a.
Πρώρα, ii. 211, b.
Πρωρεύς, ii. 219, a.
Πρωταγωνιστής, i. 966, a.
Πρωτόλειον, i. 688, a.
Πρωτολογία, ii. 745, b.
Πρωτοστάτης, i. 429, b; i. 770, b; i. 772, a.
Πτερά, i. 159, b.
Πτέρνα, ii. 854, a.
Πτερνίζειν, ii. 84, a.
Πτερόεντα πέδιλα, ii. 758, a.
Πτέρυγες, ii. 78, a.
Πτύγμα, ii. 315, a.
Πτύον, ii. 312, a.
Πυανέψια, ii. 526, b.
Πυανεψιών, i. 338, a.
Πυγμαχία, ii. 524, a.
Πυγμή, ii. 161, a; ii. 524, a.
Πυγμοσύνη, ii. 524, a.
Πυγών, ii. 161, a.
Πυέλοι, i. 268, a; i. 887, b.
Πυθαΐσται, ii. 529, a; ii. 825, b.
Πύθια, ii. 528, a.
Πύθικος νόμος, ii. 528, b.
Πύθιοι, ii. 530, a.
Πυθμήν, i. 989, a.
Πυθόχρηστοι, i. 766, a.
Πυκνόστυλος, ii. 777, b.
Πύκται, ii. 524, a.
Πυλαγόραι, i. 104, a.
Πυλαία, i. 104, a.
Πύλη, ii. 466, b.
Πυλίς, ii. 467, b.
Πυλῶν, i. 661, b; ii. 467, b.
Πύξ, ii. 524, a.
Πυξίδιον, i. 319, a.
Πυξίον, i. 244, b; i. 319, a; ii. 399, a; ii. 753, a.
Πύξις, ii. 530, a.
Πύξος, i. 319, a.
Πυράγρα, i. 871, b.
Πυραί, i. 887, b.
Πύργος, i. 877, a; ii. 527, a; ii. 907, b.
Πυρεῖα, i. 991, a.
Πυρία, i. 268, a.
Πυριατήριον, i. 268, a.
Πυρομαντεία, i. 646, b.
Πυρριχή, i. 516, a; ii. 527, a; ii. 593, b.
Πυρφόροι, i. 721, b.
Πῶγων, i. 285, a.
Πωλῆται, ii. 442, a.
Πωλητήριον, ii. 442, b.
Πῶρος, ii. 780, a.

P.

Ῥαβδίον, ii. 393, a.
Ῥαβδονόμοι, i. 44, b.
Ῥάβδος, i. 265, b.
Ῥαβδοῦχοι, i. 44, b; ii. 64, b; ii. 818, b.
Ῥαβδοφόροι, ii. 64, b; ii. 571, b.
Ῥαβίνθιος, i. 340, a.
Ῥαιστήρ, ii. 116, a.
Ῥαφίς, i. 23, b.
Ῥήγεα, ii. 17, b.
Ῥητορικὴ γραφή, i. 739, a; ii. 555, b.
Ῥήτρα, ii. 556, b.
Ῥήτωρ, ii. 556, a; ii. 746, a.
Ῥιζάγρα, i. 872, a.
Ῥίνη, ii. 67, a.
Ῥινοπύλη, ii. 467, b.
Ῥιπίς, i. 863, b.
Ῥιπιστήρ, i. 863, b.
Ῥοδάνη, ii. 765, a.
Ῥοδόμελι, ii. 967, b.
Ῥόμβος, i. 929, a; ii. 906, b.
Ῥομφαία, i. 920, a; i. 937, a.
Ῥόπαλον, i. 450, a.
Ῥόπτρον, i. 990, b.
Ῥυκάνη, ii. 567, b.
Ῥῦμα, ii. 541, b.
Ῥύμμα, i. 269, a.
Ῥυμός, i. 578, b; ii. 779, a.
Ῥυπαρογραφία, ii. 416, b.
Ῥύσια, ii. 734, a.
Ῥυτόν, ii. 565, a.
Ῥωμαῖα, ii. 348, a.
Ῥωμαῖος, i. 340, a.
Ῥωπογραφία, ii. 389, b.

Σ.

Σαβύκη, ii. 594, b.
Σαγηνεύειν, ii. 546, b.
Σαγήνη, ii. 546, a.
Σάγιον, ii. 71, b.
Σακκίας, ii. 964, b.
Σάκκος, i. 499, a; ii. 568, a; ii. 964, b.
Σάκος, i. 458, b.
Σαλαμίνια, ii. 826, b.
Σαλαμίνιοι, ii. 826, b.
Σαλπιγκτής, ii. 902, a.
Σάλπιγξ, ii. 901, a.
Σαμβύκη, ii. 594, b.
Σαμβυκιστρίαι, ii. 595, a.
Σανδάλιον, ii. 685, a.
Σάνδαλον, ii. 685, a.
Σανδύκη, ii. 595, a.
Σανίς, i. 988, b.
Σάντραξ, ii. 13, b.
Σαπρίας, ii. 970, b.
Σάρακον, i. 70, a.
Σάραπις, ii. 322, a; ii. 944, b.
Σαρδών, ii. 545, b.
Σάρισα, i. 778, a; i. 937, a.
Σάτυρος, ii. 858, b.
Σαυρωτήρ, i. 935, a.
Σεβαστός, i. 340, a.
Σειλήνιοι, i. 309, a.
Σειραῖος, i. 579, a.
Σειραφόρος, i. 579, a.
Σείριος, i. 221, b.
Σεισάχθεια, ii. 449, a; ii. 617, a.
Σεῖστρον, ii. 676, a.
Σελευκίδες, i. 347, b.
Σεληνίς, ii. 674, a.
Σηκοί, i. 210, b.
Σηκός, i. 391, a; ii. 774, a.
Σήκωμα, i. 851, b; ii. 696, b.
Σημαίαι, ii. 672, b.
Σημασία, ii. 199, b.
Σημεῖα, ii. 243, b.
Σημειογράφοι, ii. 244, a.
Σημεῖον, i. 1011, a.
Σηρικόν, ii. 649, b.
Σηρικοποιός, ii. 650, a.
Σθένος, ii. 713, b.
Σίγλος, i. 598, a; ii. 672, a.
Σιδάρεος, ii. 672, a.
Σιδηρομαντεία, i. 647, a.
Σίδηρος, ii. 166, a.
Σικελικός, ii. 377, b.
Σίκιννις, i. 422, a.
Σίκλος, ii. 672, a.
Σικυώνια, i. 333, a.
Σινδών, ii. 944, b.
Σισύρα, ii. 362, b.

Σισύρνα, ii. 362, b.
Σιτευτής, i. 826, a.
Σιτηρέσιον, i. 418, a; i. 776, a; ii. 714, b.
Σίτησις, ii. 514, b.
Σιτοδεῖαι, ii. 677, b.
Σιτοπῶλαι, ii. 677, b.
Σῖτος, ii. 676, b.
Σίτου δίκη, ii. 678, a.
Σιτοφυλακεῖον, i. 975, b.
Σιτοφύλακες, ii. 676, b.
Σίττυβαι, -οι, ii. 59, a.
Σιτῶναι, i. 575, b; ii. 677, b.
Σίφων, i. 570, b.
Σκαλεία, i. 63, a.
Σκαλίς, ii. 597, a.
Σκαλιστήριον, ii. 597, a.
Σκαλμοί, ii. 212, a.
Σκαπάνη, ii. 311, b.
Σκαπέρδα, i. 929, a.
Σκαφεῖον, ii. 311, b.
Σκάφη, i. 575, a.
Σκαφηφορία, i. 985, b.
Σκαφίον, ii. 312, a; ii. 611, a.
Σκέπαρνον, i. 208, b.
Σκευοθήκη, i. 190, b.
Σκευοποιός, ii. 374, a.
Σκευόφορος, i. 986, a.
Σκηνή, i. 46, b; ii. 752, a; ii. 812, a.
Σκηνογραφία, ii. 389, b; ii. 816, a; ii. 860, a.
Σκηπτοῦχοι, ii. 611, b.
Σκῆπτρον, i. 265, b; ii. 611, b.
Σκία, ii. 390, b.
Σκιαγραφία, ii. 390, a.
Σκιάδειον, ii. 976, a.
Σκιαδηφορία, i. 985, b.
Σκιαδίσκη, ii. 976, a.
Σκιάζειν, ii. 390, b.
Σκιάθηρον, i. 972, b.
Σκιαριφησμός, ii. 390, a.
Σκιάς, ii. 515, a; ii. 822, a.
Σκιμπόδιον, ii. 14, a.
Σκίμπους, ii. 18, a; ii. 618, b.
Σκίρα, ii. 833, b.
Σκιροφόρια, ii. 612, a; ii. 831, b.
Σκιροφοριών, i. 338, a.
Σκόλια, ii. 741, b; ii. 777, b.
Σκόλοψ, i. 565, a.
Σκορπίος, i. 220, a.
Σκύθαι, i. 614, a.
Σκυρία δίκη, ii. 614, b.
Σκύρος, i. 327, b.
Σκυτάλη, i. 265, b; ii. 615, a; ii. 747, a.
Σκυτίνη μάστιξ, i. 864, a.
Σκύφος, ii. 614, a.
Σκωπαῖοι, ii. 205, b.
Σμῆγμα, i. 68, b; ii. 976, b.
Σμῆμα, ii. 976, b.
Σμίλη, i. 414, b; ii. 601, a.
Σμιλίον, ii. 601, a.
Σμίνθια, ii. 679, b.
Σμινύη, ii. 537, b.
Σόλος, i. 644, b.
Σοροί, i. 887, b.
Σουδάριον, ii. 723, a.
Σοῦμμος, i. 696, a.
Σπάδιον, ii. 162, b; ii. 693, a.
Σπάθη, i. 160, a; i. 919, b; ii. 765, a.
Σπαθητός, ii. 768, a.
Σπάργανον, i. 1005, a.
Σπαρτοπόλιος, ii. 375, a.
„ λεκτική, ii. 377, b.
Σπεῖρα, i. 407, b; ii. 690, b.
Σπεῖραι βοείαι, i. 328, b.
Σπιθαμή, i. 571, a; ii. 161 b; ii. 691, a.
Σπογγεύς, ii. 692, a.
Σπογγία, ii. 692, a.
Σπογγοθήρας, ii. 692, a.
Σπογγοκολυμβητής, ii. 692, a.
Σπολάς, ii. 80, b; ii. 362, b.
Σπονδαί, i. 394, b; i. 960, a.
Σπονδοφόροι, i. 721, b; i. 960, a; i. 1025, a.
Σπόνδυλοι, ii. 516, a.
Σπυρίς, i. 541, a.
Σταδιοδρόμοι, i. 581, a; ii. 693, b.
Στάδιοι, ii. 693, a.
Στάδιον, i. 581, a; ii. 162, b; ii. 693, a.
Στάθμη, ii. 373, b.
Σταθμοί, ii. 444, b.
Σταθμός, i. 656, b; i. 987, a; ii. 63, b; ii. 121, a.
Σταθμοῦχοι, ii. 747, b.
Σταῖδια, ii. 962, a.
Σταμίνες, ii. 539, a.
Σταμνίον, ii. 695, a.
Στάμνος, ii. 695, a.
Στάσιμον, i. 421, b; ii. 864, b.
Στατήρ, ii. 695, a.
Σταυρός, i. 565, a.
Σταφυλή, ii. 56, b.
Σταφυλοδρόμοι, i. 366, a.
Στεγαστήρ, i. 849, a.
Στεῖρα, ii. 216, a.
Στεφανηπλόκοι, i. 545, a.
Στεφανοποιοί, i. 545, a.
Στέφανος, i. 217, b; i. 545, a.
„ νόστιος, i. 222, b.
Στεφάνωμα, i. 545, a.
Στῆλαι, i. 1046, b; ii. 712, a.
Στήματα, ii. 854, a.
Στήμων, ii. 765, a.
Στήνια, ii. 831, a.
Στίλπωνες, ii. 205, b.
Στίχος, ii. 215, a.
Στλεγγίς, i. 268, b; i. 499, a.
Στοά, ii. 468, a.
Στοιχεῖον, i. 972, b.
Στοῖχος, i. 420, b.
Στολὴ δειπνίτις, i. 396, a; ii. 748, a.
Στόλος, ii. 208, a.
Στόμιον, i. 876, a.
Στομίς, ii. 840, b.
Στόμωμα, ii. 3, a.
Στόμωσις, ii. 3, a.
Στράτειος, i. 340, a.
Στρατηγία, ii. 717, a.
Στρατηγός, i. 9, b; i. 42, a; ii. 717, a.
„ ὁ ἐπὶ διοικήσεως, ii. 761, b.
Στρατόνικος, i. 339, a.
Στρατός, i. 766, b.
Στρεβλόω, ii. 851, b.
Στρεπτός, ii. 857, a.
Στρέφειν, ii. 84, a.
Στρόβιλος, i. 929, a; ii. 906, b.
Στροφεύς, i. 364, b.
Στροφή, i. 421, b; i. 422, a; ii. 564, a.
Στρόφιγξ, i. 364, b.
Στρόφιον, i. 720, b; ii. 572, b; ii. 720, b.
Στρωματόδεσμος, ii. 126, b.
Στρῶμναι, ii. 15, b.
Στρωτῆρες, ii. 216, b.
Στῦλος, i. 489, a; ii. 713, b.
Στυράκιον, i. 935, a.
Στύραξ, i. 935, a.
Σύβακχοι, ii. 810, a.
Συβήνη, ii. 841, b.
Συγγενεῖς, i. 903, b.
Συγγραφεῖς, ii. 747, b.
Συγγραφή, i. 411, a; ii. 746, b.
Σύγκλητος ἐκκλησία, i. 698, a.
Συγκομιστήρια, i. 99, a.
Συγχορηγορία, i. 418, b.
Συζυγία, ii. 560, a.
Συκοφάντης, ii. 730, b.
Συκοφαντίας γραφή, ii. 732, a.
Σῦλαι, ii. 732, b.
Συλλογεῖς, ii. 733, a.
Συμβόλαιον, ii. 733, b.
Συμβολαίων παραβάσεως δίκη, ii. 734, a.
Συμβολή, i. 393, a.
Σύμβολον, i. 627, b; ii. 734, a.
Συμβόλων, δίκαι ἀπό, ii. 734, a.
Σύμβουλοι, ii. 344, b.
Σύμμαχοι, ii. 681, a.
Συμμορία, i. 712, a; ii. 736, a; ii. 891, a.
Συμπόσιον, ii. 740, a.
Συμφορεῖς, i. 772, a; ii. 441, b.
Συμφωνία, ii. 199, a; ii. 739, a.
Συναγωγή, i. 540, b.
Συνάλλαγμα, ii. 733, b.
Συνάρχοντες, ii. 719, b.
Σύνδικος, ii. 743, b.
Συνδρομή, i. 213, a.
Συνέδρια, ii. 751, a.
Σύνεδροι, i. 42, a.
Συνηγορικόν, ii. 745, b.
Συνήγορος, i. 763, a; ii. 744, b.
Σύνθεσις, ii. 75, b.
Συνθήκη, ii. 733, b.
Συνθηκῶν παραβάσεως δίκη, ii. 734, a.
Σύνθημα, ii. 799, b.
Σύνοδος, i. 540, b.
Συνοικέσια, ii. 747, b.
Συνοικία, ii. 747, b.
Συνορφανισταί, i. 752, b.
Συνουσία, i. 540, b.
Συντάξεις, ii. 748, a.
Σύνταξις, i. 707, b; ii. 748, a.
Συντέλεια, ii. 737, b; ii. 891, a.
Συντελεῖς, ii. 737, b; ii. 891, a.
Συντριήραρχοι, ii. 890, a.
Συνωρίς, i. 579, a.
Σῦριγξ, ii. 748, a; ii. 840, a.
Σύρμα, ii. 317, b.
Σύσκηνοι, i. 540, a; i. 596, b.
Συσσίτια, ii. 749, a.
Σύστασις, i. 718, a.
Σύστυλος, ii. 777, b.
Σφαγίς, i. 572, b.
Σφαῖρα, ii. 421, b.

Σφαῖραι, i. 328, b.
Σφαιρεῖς, ii. 422, a.
Σφαίρισις, i. 928, b.
Σφαιριστήριον, i. 928, b; ii. 422, a.
Σφαιριστική, ii. 422, b.
Σφαιριστικός, i. 928, b.
Σφαιρομαχία, i. 928, b; ii. 423, b.
Σφενδόνη, i. 130, a; i. 499, a; i. 883, b; ii. 693, b.
Σφενδονήται, i. 883, b.
Σφηνοπώγων, ii. 375, b; ii. 377, a.
Σφόνδυλος, ii. 906, b.
Σφραγίς, i. 130, a.
Σφῦρα, ii. 116, a.
Σφυρήλατον, -ος, ii. 690, b.
Σχαστηρία, ii. 854, a.
Σχεδίαι, ii. 457, b; ii. 538, a.
Σχῆμα τετράγωνον, i. 420, b; i. 953, b.
Σχήματα, i. 419, b.
Σχοινία, ii. 224, a.
Σχοινοβάτης, i. 883, a.
Σχοῖνος, ii. 163, b.
Σωλήν, i. 862, a; ii. 853, a.
Σωμάτιον, i. 520, b; ii. 863, a.
Σωματοφύλακες, i. 777, b.
Σῶστρα, ii. 658, a.
Σωτήρια, ii. 300, a.
Σῶτρα, i. 578, a.
Σωφρονισταί, i. 928, b.
Σωφρονιστήριον, i. 362, b.
Σωφροσύνη, i. 928, b.

T.

Τάβλα, i. 695, a.
Τάγηνον, ii. 597, b.
Ταγός, ii. 755, b.
Ταινία, i. 827, a; ii. 720, b.
Ταλαιών, i. 339, b.
Τάλαντα, ii. 63, b.
Τάλαντον, ii. 449, a; ii. 758, a.
Τάλαρος, i. 330, a.
Ταλασία, ii. 770, b.
Ταλασιουργία, ii. 770, b.
Ταμίας, ii. 760, a.
Ταξίαρχοι, ii. 763, a.
Τάξις, i. 772, a; i. 772, b; ii. 763, a.
Τάπης, ii. 17, b; ii. 761, b.
Τάπις, ii. 761, b.
Ταργηλιών, i. 339, b.
Ταρρός, ii. 224, a.
Τάρσος, i. 562, a; ii. 650, b.
Ταρσώματα, ii. 215, a.
Ταῦλα, i. 696, b.
Ταυρεών, i. 339, a.
Ταῦρος, i. 219, a.
Τάφοι, ii. 643, a.
Ταφροποιοί, i. 750, a.
Τάφρος, ii. 919, a.
Τέθριππος, i. 579, b.
Τειχοποιός, ii. 764, b.
Τεῖχος, ii. 182, a.
Τελεμών, i. 284, a.
Τελαμῶνες, i. 243, b.
Τέλειον ἑταιρικόν, ii. 377, b.
Τελέοντες, i. 901, b.
Τελεστήριον, ii. 774, b.
Τελεταί, ii. 202, a; ii. 299, b.
Τέλος, ii. 693, b; ii. 771, b.
Τελώνης, ii. 771, a.
Τέμενος, ii. 772, b; ii. 934, b.
Τέρετρα, ii. 538, a; ii. 793, a.
Τέρθριοι, ii. 224, a.
Τέρμα, ii. 693, b.
Τεσσερακοντήρης, ii. 800, a.
Τέταρτον, ii. 535, b.
Τετραδαρχία, ii. 808, b.
Τετράδραχμον, i. 694, b.
Τετραλογία, ii. 860, b.
Τετραορία, i. 579, b.
Τετράρχης, ii. 808, b.
Τετραρχία, ii. 808, b.
Τετράς, ii. 756, a.
Τετράστυλος, ii. 777, a.
Τετρήρεις, ii. 221, a.
Τετρώβολον, ii. 451, a.
Τετταράκοντα, οἱ, ii. 809, a.
Τέττιξ, i. 497, a.
Τεύχεα, i. 189, b.
Τεχνῖται, i. 195, b.
Τήβεννα, ii. 845, b.
Τήγανον, ii. 597, b.
Τῆλις, i. 70, a.
Τιάρα, ii. 839, b.
Τιάρας, ii. 839, b.
Τιβέριος, i. 339, a.
Τιθηνίδια, ii. 845, a.
Τίμημα, i. 403, a; i. 746, a; i. 751, b; ii. 842, a.
Τιμητεία, i. 397, b.
Τιμητής, i. 397, b.
Τιμοκρατία, ii. 266, b.
Τίφη, i. 67, b.
Τοίχαρχος, ii. 219, a.
Τοιχογραφία, ii. 391, a.
Τοῖχοι, ii. 211, a.
Τοῖχος, ii. 211, a; ii. 345, b.
Τοιχωρύχος, i. 660, a; i. 707, a.
Τοκογλύφοι, i. 832, a.
Τόκοι ἔγγειοι, i. 831, b.
„ ἔγγυοι, i. 831, b.
„ ναυτικοί, i. 833, a.
Τόκος, i. 831, a.
Τολύπη, i. 897, b.
Τομεύς, ii. 601, a.
Τομός, ii. 59, a.
Τόνοι, ii. 17, b; ii. 853, a.
Τόνος, ii. 198, a; ii. 390, b.
Τόξαρχοι, i. 614, a.
Τόξευμα, ii. 587, a.
Τοξευτήρ, Τοξευτής, i. 220, b.
Τοξῖτις, ii. 854, a.
Τοξοθήκη, i. 170, b.
Τόξον, i. 169, b; i. 218, b.
Τοξόται, i. 598, a; i. 614, a.
Τορευτική, i. 323, b.
Τορύνη, ii. 901, a.
Τραγήματα, ii. 819, b.
Τραγῳδία, ii. 858, b.
Τράπεζα, ii. 157, a.
Τράπεζαι δεύτεραι, i. 394, b; ii. 158, a.
„ πρῶται, i. 394, b; ii. 158, a.
Τραπεζῖται, i. 179, b.
Τραπεζοκόμος, i. 394, a.
Τραπεζοποιός, i. 394, a.
Τραύματος ἐκ προνοίας γραφή, ii. 868, a.
Τράφηξ, ii. 224, a.
Τραχηλίζειν, ii. 84, b.
Τραχεῖα δίκη, ii. 614, b.
Τρήματα, ii. 853, a.
Τριαγμός, ii. 299, b
Τρίαινα, i. 897, a.
Τριακάδες, i. 888, b; i. 905, a; ii. 875, b.
Τριακάς, i. 338, a; i. 888, b.
Τριακοσιομέδιμνοι, i. 403, b.
Τριακτήρ, ii. 82, b.
Τριβίς, ii. 853, b.
Τριβόλος, ii. 870, a.
Τρίβων, ii. 321, b; ii. 869, b.
Τριγλύφος, ii. 782, b.
Τρίγωνον, i. 218, b.
Τριετηρίς, i. 337, a.
Τριηραρχία, ii. 888, b.
Τριήραρχοι, ii. 888, b.
Τριηραύλης, ii. 219, a.
Τριήρεις, ii. 221, a.
Τριηροποιοί, i. 750, a; ii. 892, b.
Τριλογία, ii. 860, b.
Τρίμμα, ii. 740, b; ii. 966, b.
Τρίπους, ii. 892, b.
Τρίπτυχα, ii. 753, b.
Τρίτα, i. 888, a.
Τριταγωνιστής, i. 966, a.
Τριττύα, ii. 725, b.
Τριττύς, ii. 582, b; ii. 876, a.
Τριχολαβίς, i. 414, b; ii. 981, b.
Τρίψις, ἡ παραστευτική, i. 98, a.
Τριώβολον, i. 628, a; ii. 771, b.
Τροπαῖον, ii. 900, a.
Τρόπις, ii. 211, a.
Τροπός, ii. 224, a.
Τροπωτήρ, ii. 224, a.
Τροφὴ βίαιος, i. 238, a.
Τρόχιλος, ii. 690, b.
Τροχοπέδη, ii. 723, b.
Τροχός, i. 578, a; i. 581, a; i. 843, a; ii. 899, a.
Τρυβλίον, i. 560, a; ii. 351, a.
Τρύγοιπος, ii. 964, b.
Τρύπανον, ii. 793, a.
Τρυπήματα, i. 489, a; ii. 840, b.
Τρυτάνη, ii. 63, b.
Τρυφάλεια, i. 899, a.
Τυλεῖον, ii. 17, b.
Τύλη, i. 407, b; ii. 17, b.
Τύμβος, ii. 913, b.
Τυμβωρυχίας γραφή, ii. 913, b.
Τύμπανον, ii. 851, a; ii. 914, a.
Τύπος, i. 872, b; ii. 794, a.
Τυρανίδος γραφή, i. 168, b.
Τυραννίς, ii. 915, a.
Τύραννος, ii. 914, b.
Τυρρηνικά, i. 333, a.

Y.

Ὑάδες, i. 219, a.
Ὑακίνθια, i. 982, a.
Ὑακίνθιος, i. 339, b.
Ὕαλος, ii. 972, a.

Ὑᾶται, ii. 875, b.
Ὑβεως γραφή, i. 982, b.
Ὕβρις, i. 982, b.
Ὕδατος χύσις, i. 220, b.
Ὑδραγωγία, i. 146, b.
Ὑδραλέτης, ii. 176, b.
Ὑδρανός, i. 721, b.
Ὑδράργυρος, ii. 167, b.
Ὑδραύλης, i. 984, b.
Ὑδραυλικὸν ὀργάνον, i. 984, a.
Ὕδραυλις, i. 984, a.
Ὑδραυλος, i. 984, a.
Ὕδρη, i. 217, a; i. 222, b.
Ὑδρία, i. 348, b; i. 985, a; ii. 679, a.
Ὑδριαφορία, i. 985, a.
Ὑδρόμελι, ii. 967, b.
Ὑδρόμηλον, ii. 967, b.
Ὑδρόμυλος, ii. 176, b.
Ὕδρος, i. 222, b.
Ὑδροχόος, i. 220, b.
Ὕδωρ, i. 220, b.
Ὑληωροί, i. 985, b.
Ὑλιστήρ, ii. 964, b.
Ὑλλεῖς, i. 914, a; ii. 875, a.
Ὑλωροί, i. 985, b.
Ὕμνοι, ii. 299, b.
Ὕννις, i. 159, b.
Ὑπαιθρον, ii. 783, a.
Ὕπαιθρος, ii. 777, a.
Ὑπασπισταί, i. 772, a; i. 778, a.
Ὕπατος, i. 532, a.
Ὑπέραι, ii. 211, b.
Ὑπερβερεταῖος, i. 339, a.
Ὑπερβέρετος, i. 340, a.
Ὑπερήμερος, i. 735, b.
Ὑπέρθυρον, i. 988, a.
Ὕπερος, ii. 181, a.
Ὑπερτερία, i. 578, a.
Ὑπερῷον, i. 656, a; i. 658, b; i. 663, b; ii. 777, b.
Ὑπεύθυνος, i. 165, b; i. 763, a.
Ὑπήνη, i. 285, a; ii. 200, b.
Ὑπηρεσία, i. 985, b; ii. 890, a.
Ὑπηρέτης, i. 985, b.
Ὑπόβλημα, ii. 224, a.
Ὑποβολῆς γραφή, i. 986, a.
Ὑπογραμματεύς, i. 922, a.
Ὑπογραφή, ii. 390, a.
Ὑπόδημα, i. 332, a; ii. 684, b.
Ὑποδιδάσκαλος, i. 417, b.
Ὑποζώματα, ii. 224, a.
Ὑποθήκη, i. 832, b.
Ὑποκόλπιον, i. 420, b.
Ὑποκοσμηταί, i. 986, a.
Ὑποκριτής, i. 965, b; ii. 859, a.
Ὑπομείονες, i. 969, a.
Ὑπομνήματα, i. 12, b.
Ὑπόνομος, i. 146, b; i. 461, b; i. 573, b; i. 728, b.
Ὑποπόδιον, ii. 618, b.
Ὑπόπτερνις, ii. 854, a.
Ὑπόρυγμα, i. 573, b.
Ὑπόρχημα, i. 986, b; ii. 863, a.
Ὑποσκελίζειν, ii. 84, a.
Ὑποτραχήλιον, i. 490, b.
Ὑποχαλινδία, i. 876, b.
Ὑπόχη, ii. 546, b.
Ὑπτιασμός, ii. 329, a.
Ὑπωμοσία, i. 121, b; i. 621, b; i. 629, b.
Ὕσπληξ, i. 433, a; ii. 693, b.
Ὕσσός, i. 936, a.
Ὑστερόποτμοι, i. 889, a.
Ὑστριχίς, i. 864, a.
Ὑφάνται, ii. 770, b.
Ὑφόλμιον, ii. 840, b.

Φ.

Φαιδρύνται, i. 721, b; ii. 778, a.
Φαικάδες, i. 333, a.
Φαικάσια, i. 333, a.
Φαινίνδα, ii. 424, a.
Φακός, i. 68, b.
Φάλαγγες, ii. 379, b.
Φάλαγξ, i. 767, b; i. 768, b—779.
Φάλαρον, ii. 380, a; ii. 674, a.
Φάλκης, ii. 216, a.
Φάλος, i. 899, a.
Φανός, i. 830, a; ii. 7, a.
Φαρέτρα, ii. 381, b.
Φαρμακείας κατηγορία, ii. 382, b.
Φαρμακευτρίαι, ii. 382, b.
Φαρμακίδες, ii. 382, b.
Φαρμακοί, ii. 810, a.
Φάρμακον, ii. 390, b.
Φαρμακοπώλης, ii. 382, b.
Φαρμάκων γραφή, ii. 382, a.
Φᾶρος, ii. 315, a; ii. 319, a; ii. 729, b.
Φάρος, ii. 383, a.
Φάσγανον, i. 919, a.
Φάσηλος, ii. 223, b.
Φασήολος, i. 69, a.
Φάσις, ii. 383, b.
„ μισθώσεως οἴκου, ii. 173, b.
Φενάκη, i. 498, b.
Φενίνδα, ii. 424, a.
Φεννίς, ii. 424, a.
Φερνή, i. 691, a.
Φθινόπωρον, i. 233, b.
Φθορά, i. 29, b.
„ τῶν ἐλευθέρων, ii. 388, a.
Φιάλη, ii. 349, b; ii. 674, a.
Φιδίτης, ii. 750, b.
Φιδίτια, ii. 750, a.
Φιμός, i. 357, b; i. 877, a.
Φλάσκη, -ιον, ii. 4, a.
Φλιάσιος, i. 339, a.
Φλύακες, i. 516, a.
Φοινίκη, i. 216, b.
Φονικὴ δίκη, ii. 384, b.
Φόνος, ii. 384, b.
Φόνου γραφή, ii. 386, b.
Φορβεία, i. 357, b; ii. 840, b.
Φορεαφόροι, ii. 14, a.
Φορεῖον, ii. 14, a.
Φόρμιγξ, ii. 105, a.
Φορμός, ii. 677, b.
Φόρος, i. 138, b; ii. 387, a; ii. 772, a.
Φορτίς, ii. 209, b.
Φρατρία, i. 444, a; ii. 875, a.
Φρατρίαρχος, i. 906, a.
Φρατρικὸν γραμματεῖον, i. 96, a.
Φράτωρ, i. 905, b.
Φρουρά, i. 772, b.
Φρούραρχοι, i. 750, a.
Φρυκτοί, ii. 516, a.
Φυγή, i. 816, b.
Φύκος, i. 880, a.
Φυλακεῖον, i. 377, a.
Φύλακες, i. 750, a; ii. 344, b.
Φυλακτήριον, i. 118, a.
Φύλαρχοι, ii. 388, a.
Φυλή, i. 775, a; ii. 875, a.
Φυλοβασιλεῖς, i. 442, a; i. 762, b; ii. 388, b.
Φῦλον, ii. 875, a.
Φύσαι, i. 870, a.
Φυσικά, ii. 299, a.
Φωλεόν, -ος, ii. 95, b.
Φώσσων, ii. 944, b.
Φωταγωγοί, i. 663, b.
Φῶτιγξ, ii. 841, a.

X.

Χαλαστήρια, i. 385, a.
Χαλινός, i. 876, a; ii. 217, b.
Χαλκεῖα, i. 408, a.
Χάλκειον, i. 558, b.
Χαλκιοίκια, i. 409, a.
Χαλκίον, i. 409, a.
Χαλκισμός, ii. 742, a.
Χαλκός, i. 38, b.
Χαλκοῦς, i. 409, a.
Χαμεύνη, ii. 18, a.
Χαμεύνιον, ii. 18, a.
Χάρακες, ii. 918, b.
Χαρίλα, i. 409, a.
Χαρώνιοι κλίμακες, ii. 817, b.
Χέδροπα, i. 68, a.
Χειλωτήρ, ii. 840, b.
Χεῖμα, Χειμών, i. 233, a.
Χείρ, ii. 854, a.
Χειράμαξα, -ιον, i. 411, a.
Χειρίδες, ii. 120, b.
Χειριδωτὸς χιτών, ii. 903, b.
Χειροβαλλίστρα, i. 169, b.
Χειρόγραφον, i. 411, a; ii. 746, b.
Χειρολαβής, i. 159, b.
Χειρόμακτρον, i. 394, a; ii. 125, b.
Χειρονίπτρον, i. 410, b; ii. 125, b.
Χειρονομία, i. 409, b; i. 930, a.
Χειρότεχναι, i. 195, b.
Χειροτονεῖν, i. 409, b.
Χειροτονητοί, i. 409, b.
Χειροτονία, i. 409, b.
Χειρουργία, i. 412, a.
Χείρων, i. 222, b.
Χειρώνακτες, i. 195, b.
Χειρωνάξιον, i. 196, a.
Χελιδόνια, i. 410, a.
Χελιδονισταί, i. 410, b.
Χελληστύες, ii. 876, a.
Χέλυς, i. 217, b.
Χέλυσμα, ii. 216, a.
Χελώνη, ii. 807, b.
Χελώνιον, ii. 854, a.
Χερνῆτες, i. 195, b.
Χερνιβεῖον, i. 410, b.

Χέρνιβον, i. 410, b.
Χέρνιψ, ii. 125, b.
Χηλαί, i. 220, a.
Χηλή, i. 410, a.
Χηλός, i. 160, b.
Χημή, i. 410, b.
Χηνίσκος, ii. 216, b.
Χηρωσταί, i. 946, a.
Χθόνια, i. 426, b.
Χιλίαρχοι, i. 797, a.
Χιτών, ii. 902, b.
„ ἀμφιμάσχαλος, ii. 322, a.
„ ἑτερομάσχαλος, ii. 322, a.
„ ὀρθοστάδιος, ii. 904, b.
„ στρεπτός, ii. 903, a.
„ σχιστός, ii. 905, a.
„ χειριδωτός, ii. 903, b.
Χιτώνια, i. 415, b.
Χιτώνιον, ii. 904, a.
Χιτωνίσκος, ii. 904, a.
Χλαῖνα, ii. 3, b; ii. 17, b; ii. 318, b.
Χλαμύς, i. 415, b.
Χλαμύδιον, i. 416, a.
Χλανίδιον, ii. 321, a.
Χλανίς, i. 774, b; ii. 321, a.
Χλανίσκον, ii. 321, a.
Χλόεια, i. 417, a.
Χλοιά, i. 417, a.
Χνοή, i. 578, a.
Χοαί, i. 888, a; ii. 581, a.
Χόες, i. 638, b.
Χοεύς, i. 424, a.
Χοινικίς, i. 417, a.
Χοινικομέτραι, ii. 657, b.
Χοῖνιξ, i. 417, a; ii. 228, b.
Χοιρεᾶτοι, ii. 875, b.
Χοιρῖναι, ii. 516, a.
Χοραγός, i. 420, b.
Χοραύλης, ii. 739, b.
Χορευταί, i. 420, a.
Χορηγεῖον, i. 417, b; ii. 818, a.
Χορηγία, i. 417, a.
Χορηγός, i. 417, a.
Χοροδιδάσκαλος, i. 417, b.
Χορολέκτης, i. 417, b; i. 420, b.
Χοροποιός, i. 420, b.
Χορός, i. 419, a; i. 931, a.
„ κύκλιος, ii. 858, a.
„ τραγικός, ii. 858, a.
Χοροστάτης, i. 420, b.
Χορταῖος, ii. 378, b.
Χοῦς, i. 424, a.
Χραίνειν, ii. 390, b.
Χρέους δίκη, i. 424, a.
Χρεωκοπία, ii. 617, a.
Χρεώστης, i. 832, b.
Χρήματα, ii. 248, b.
Χρηματισταί, i. 195, b.
Χρησμοί, i. 645, b.
Χρησμόλογοι, i. 646, a; ii. 669, a.
Χρηστήριον, ii. 277, b.
Χρήστης, i. 832, b.
Χρηστογραφία, ii. 413, b.
Χρονολογία, i. 424, b.
Χρυσίον, i. 262, a.
Χρυσός, i. 260, b.
Χρυσώνητοι, i. 555, a; ii. 656, b.
Χρυσωτής, ii. 396, a.
Χρώζειν, ii. 390, b.
Χρῶμα, ii. 390, b.
Χύτρα, i. 426, b; ii. 267, a.
Χύτραι, i. 47, b.
Χυτρεύς, i. 842, a.
Χύτροι, i. 639, b.
Χυτροπλάθος, i. 842, a.
Χύτρος, i. 426, b; ii. 267, a.
Χῶμα, i. 43, b.
Χῶραι, ii. 12, a.
Χωρὶς οἰκοῦντες, ii. 62, a.
Χωροβάτης, i. 419, a.

Ψ.

Ψάλιον, i. 876, b.
Ψαλίς, i. 872, b.
Ψέλιον, i. 191, b.
Ψευδεγγραφῆς γραφή, ii. 518, b.
Ψευδοδίπτερος, ii. 775, b.
Ψευδόθυρον, i. 987, a.
Ψευδοκλητείας γραφή, i. 456, b; ii. 519, a.
Ψευδοκόρη, ii. 377, b.
Ψευδομαρτυριῶν δίκη, ii. 129, a.
Ψευδοπερίπτερος, ii. 776, b.
Ψήφισμα, i. 312, a; i. 700, b; ii. 243, a.
Ψῆφος, i. 130, a; ii. 11, a; ii. 397, b; ii. 516, a.
Ψιλοί, i. 190, a.
Ψιλεῖς, i. 421, a.
Ψιλοτάπιδες, ii. 762, a.
Ψίλωθρον, ii. 519, b.
Ψυκτήρ, ii. 519, b.
Ψυχοπομπεῖον, ii. 292, a.

Ω.

Ὠαρίων, i. 221, a.
Ὠβαί, i. 914, a.
Ὠδεῖον, ii. 822, a.
Ὠδή, i. 422, a.
Ὠλένη, ii. 976, a.
Ὠμά, i. 844, b.
Ὠμοφαγία, ii. 303, a.
Ὠοθυτικά, ii. 300, b.
Ὠοσκοπικά, ii. 300, b.
Ὠοσκύφιον, i. 427, a.
Ὥρα, i. 970, b.
Ὡραῖον ἑταιρίδιον, ii. 378, a.
Ὠρεῖον, i. 975, b.
Ὠρίων, i. 221, a.
Ὡρολόγιον, i. 972, b.
Ὡροσκόπος, i. 213, b.
Ὠσχοφόρια, ii. 303, b.
Ὦτα, ii. 780, a.
Ὦχρος, i. 70, a.

LATIN INDEX.

A.

Abactores, i. 3, a.
Abaculus, i. 1, a.
Abacus, i. 1, a.
Abalienatio, ii. 117, b.
Abamita, i. 469, a.
Abavia, i. 469, a.
Abavunculus, i. 469, a.
Abavus, i. 469, a.
Abigeatores, i. 3, a.
Abigei, i. 3, a.
Abmatertera, i. 469, a.
Abnepos, i. 469, a.
Abneptis, i. 469, a.
Abnormis, ii. 243, b.
Abolla, i. 3, b.
Abortio, i. 4, a.
Abortus, i. 4, a.
Abpatruus, i. 469, a.
Abrasax, i. 4, a.
Abraxas, i. 4, a.
Abrogare legem, ii. 33, a.
Abrogatio magistratus, i. 4, b.
Absentia, ii. 544, a.
Absinthites, ii. 966, b.
Absis, i. 4, b.
Absolutio, i. 17, b; i. 1030, b.
Abstinendi beneficium, i. 948, b.
Abusus, ii. 988, a.
Acapna, i. 5, a.
Accensi, i. 5, a; i. 782, b.
Accensus, i. 5, b.
Acceptilatio, i. 6, a.
Acceptum, or Accepto, facere, or ferre, i. 6, a.
Acceptum habere, i. 6, a.
Accessio, i. 6, b.
Acclamatio, i. 7, a.
Accubatio, i. 7, a.
Accubitalia, i. 7, a.
Accubitio, i. 7, a.
Accubitum, i. 7, a; ii. 157, b.
Accusatio, i. 1027, a.
Accusator, i. 23, a; i. 1028, b.
Acerra, i. 7, b.
Acetabulum, i. 7, b; i. 8, a.
Acetum, ii. 966, a.
Achaicum foedus, i. 8, a.
Acies, i. 807, b.
Acilia lex, ii. 34, b; ii. 542, b.
Acilia Calpurnia lex, ii. 34, b.
Acinaces, i. 10, a.
Aciscularius, i. 209, a.
Aciusculus, i. 209, a.
Aclis, Aclys, i. 385, a.
Acna, Acnua, i. 10, b; i. 57, b.
Acquisitiones civiles, i. 653, a.
„ naturales, i. 653, a.
Acratophorum, i. 10, b.
Acroama, i. 11, a.
Acropodium, i. 11, a.
Acropolis, i. 11, b; ii. 907, b.
Acroterium, i. 11, b.
Acta, i. 12, a.
„ diurna, i. 12, b.
„ forensia, i. 13, b.
„ jurare in, i. 12, a.
„ militaria, i. 13, b.
„ patrum, i. 12, a.
„ senatus, i. 12, a; ii. 630, b.
Actarius, i. 12, a; i. 13, a.
Actia, i. 14, a.
Actio, i. 14, a; i. 1018, a.
„ adjectitiae qualitatis, i. 766, a.
„ de aedibus incensis, i. 595, b.
„ aestimatoria, i. 1010, b; ii. 535, a.
„ albi corrupti, i. 96, b.
„ aquae pluviae arcendae, i. 157, a.
„ arbitraria, i. 18, b.
„ de arboribus succisis, i. 595, b.
„ auctoritatis, i. 246, b.
„ bonae fidei, i. 22, a.
„ bonorum vi raptorum, i. 896, b.
„ certi, incerti, i. 406, b.
„ civilis, i. 21, a.
„ commodati, i. 513, a.
„ communi dividundo, i. 513, b.
„ per condictionem, i. 16, a.
„ confessoria, i. 527, b; ii. 655, a.
„ damni injuria dati, i. 595, a.
„ dejecti effusive, i. 609, b.
„ depensi, i. 1014, b.
„ depositi, i. 618, a.
„ directa, i. 21, b.
„ de distrahendis rationibus, i. 897, a.
„ de dolo malo, ii. 543, b.
„ de effusis et ejectis, ii. 961, b.
„ empti et venditi, i. 731, b.
„ exercitoria, i. 766, a.
„ ad exhibendum, i. 813, a.
„ extra ordinem, i. 22, b.
Actio in factum, i. 21, b.
„ familiae erciscundae, i. 825, a.
„ famosa, ii. 63, a.
„ fictitia, i. 855, b.
„ fiduciaria, i. 22, a.
„ finium regundorum, i. 859, b.
„ furti, i. 895, b.
„ honoraria, i. 21, a.
„ hypothecaria, ii. 419, b.
„ injuriarum, i. 1010, b; ii. 961, a.
„ institoria, i. 1012, a.
„ institutoria, i. 1014, a.
„ judicati, i. 1031, b.
„ in judicio, i. 1040, b.
„ per judicis postulationem, i. 15, b.
„ in jure, i. 1040, b.
„ quod jussu, i. 1052, a.
„ legis, or legitima, i. 14, a; ii. 67, a.
„ locati conducti, i. 387, a.
„ mandati, ii. 120, a.
„ per manus injectionem, i. 16, a.
„ mutui, ii. 201, a.
„ negativa, i. 653, a.
„ negatoria, i. 527, b; i. 653, a; ii. 655, a.
„ negotiorum gestorum, i. 22, a; i. 226, b.
„ noxalis, ii. 246, a.
„ de pastu pecoris, i. 595, b.
„ de pauperie, ii. 360, a.
„ de peculio, ii. 661, b.
„ perpetua, ii. 481, a.
„ persecutoria, ii. 481, a.
„ in personam, i. 15, b.
„ pignoratitia, ii. 421, a.
„ poenalis, i. 22, a.
„ popularis, ii. 962, a.
„ praejudicialis, ii. 479, a.
„ praetoria, i. 21, a.
„ Publiciana in rem, i. 21, b; i. 653, a; ii. 523, b.
„ quadrupli, i. 895, b.
„ quanti minoris, ii. 535, a.
„ de rationibus distrahendis, ii. 911, b.
„ de recepto, ii. 539, a.
„ redhibitoria, ii. 540, a.
„ rei uxoriae, or dotis, i. 694, a.
„ in rem, i. 15, b.
„ de in rem verso, ii. 661, b.

Actio rerum amotarum, i. 897, a.
„ restitutoria, ii. 545, a.
„ de rupitiis, i. 595, b.
„ Rutiliana, i. 306, b.
„ sacramenti, i. 15, a; ii. 958, a.
„ sepulchri violati, ii. 961, b.
„ Serviana, ii. 419, b.
„ de servo occelso or occiso, i. 595, b.
„ pro socio, ii. 680, a.
„ ex stipulatu, i. 694, a.
„ stricti juris, i. 22, a.
„ temporalis, ii. 481, a.
„ de tigno juncto, i. 897, a.
„ tributoria, ii. 661, b.
„ tutelae, ii. 911, b.
„ utilis, i. 21, b.
„ vindictam spirans, ii. 961, a.
Actor, i. 23, a.
„ praedii, ii. 957, b.
„ publicus, i. 23, a.
„ rerum privatarum nostrarum, i. 23, a.
Actuariae naves, ii. 223, a.
Actuarii, i. 12, a; i. 13, a; i. 23, a; ii. 245, b.
„ centuriales, i. 85, a.
Actus, i. 23, b; ii. 162, a.
„ minimus, i. 23, b.
„ quadratus, i. 23, b; i. 57, b; ii. 163, b.
„ servitus, ii. 653, b.
„ simplex, i. 23, b.
Acus, i. 23, b; i. 68, a.
Adamas, i. 118, a.
Adclamationes, ii. 630, b.
Adcrescendi jure, i. 951, a.
Addico, i. 246, a; i. 1040, a.
Addicti, ii. 229, b.
Addictio, ii. 230, b.
Ademptio, ii. 22, b.
„ equi, i. 402, a.
Adeptio, ii. 983, b.
Adfines, i. 42, b.
Adfinitas, i. 42, b.
Adgnati, i. 468, a.
Adgnatio, i. 468, a.
Aditio hereditatis, i. 1021, b.
Adjectio, i. 737, b; ii. 780, b; ii. 983, b.
Adjudicatio, i. 17, b; i. 653, b.
Adlecti, i. 24, b; ii. 624, a.
Adlectio, i. 24, b; ii. 622, a.
Adlector, i. 25, a.
Adlocutio, i. 25, a.
Adminicula hominum, i. 60, a.
Admissio, i. 25, a.
Admissionales, i. 25, a.
Admissionis primae, secundae, &c., amici, i. 25, a.
Adnepos, i. 469, a.
Adneptis, i. 469, a.
Adnotatio, i. 531, b.
Adobruere, i. 63, b.
Adolescentes, i. 1000, a.
Adonia, i. 25, a.
Adoptio, i. 25, b.
„ apud praetorem, i. 27, b.
Adoptio per populum, i. 26, b.
Adoratio, i. 28, b.
Adrogatio, i. 26, b.
Adscripti glebae, ii. 656, b; ii. 664, b.
Adscripticii, i. 782, b.
Adsertor, i. 211, b.
Adsessor, i. 211, b.
Adsidui, ii. 70, b.
Adstipulatio, ii. 257, a.
Adstipulator, ii. 257, a.
Adventus, i. 30, a.
Adversaria, i. 30, a.
Adversarius, i. 23, a.
Adulterium (Greek), i. 29, a.
„ (Roman), i. 29, b.
Adulti, i. 1000, a.
Advocatus, i. 30, b.
„ fisci, i. 30, b.
Adytum, ii. 774, b.
Aebutia lex, i. 405, b; ii. 34, b.
Aedes, i. 665, a; ii. 773, a.
„ sacra, ii. 773, a.
Aedicula, i. 31, a.
Aediculae, i. 31, a; ii. 645, a.
Aediles, i. 31, b.
„ cereales, i. 33, a.
Aeditimi, i. 33, b.
Aeditui, i. 33, b.
Aeditumi, i. 33, b.
Aegis, i. 34, a.
Aelia lex, ii. 35, a.
„ Sentia lex, ii. 35, a; ii. 357, a.
Aemilia lex, ii. 35, b.
„ Baebia lex, ii. 39, b.
„ Lepidi lex, ii. 725, a.
„ Scauri lex, ii. 725, a.
Aenatores, i. 35, b.
Aenigma, i. 35, b.
Aenum, i. 35, b.
Aequipondium, ii. 696, a.
Aera, i. 425, b.
Aerarii, i. 36, b.
„ Praefecti, i. 38, a.
„ Praetores, i. 38, b.
„ Quaestores, i. 38, a.
„ Tribuni, i. 40, b; ii. 871, a.
Aerarium, i. 37, a.
„ militare, i. 37, b.
„ Praetores ad, i. 38, b.
„ sanctius, i. 37, b.
„ sanctum, i. 37, b.
Aerii nummi, i. 40, a.
Aero, i. 38, b.
Aes, i. 38, b; ii. 844, b.
Aes (money), i. 40, a.
„ Aegineticum, i. 39, a.
„ alienum, i. 40, a.
„ circumforaneum, i. 40, b.
„ Corinthiacum, i. 39, a.
„ Deliacum, i. 39, a.
„ equestre, i. 40, b.
„ grave, i. 40, b; i. 202, a.
„ hordearium, or hordiarium, i. 40, b.
„ manuarium, i. 40, b.
„ militare, i. 40, b.
„ rude, i. 41, a; i. 201, b.
„ thermarum, i. 271, b.
„ uxorium, i. 41, a.
Aestivae feriae, i. 839, a.
Aetolicum concilium, i. 41, b.
„ foedus, i. 41, a.
Affines, i. 42, b.
Affinitas, i. 42, b.
Agaso, i. 43, a.
Agema, i. 43, b; i. 772, a.
Ager, i. 49, b; i. 84, b; i. 884, b.
„ arcifinius, i. 84, b.
„ assignatus, i. 86, b.
„ concessus, i. 87, a.
„ divisus et assignatus, i. 84, b.
„ effatus, ii. 443, b.
„ emphyteusis, i. 730, b.
„ emphyteuticaria praedia, i. 731, b.
„ limitatus, i. 86, b.
„ mensura comprehensus, i. 84, b.
„ occupatorius, i. 52, b; i. 89, b.
„ privatus, i. 53, a.
„ publicus, i. 49, b; ii. 509, a.
„ quaestorius, i. 50, a.
„ redditus, i. 51, a.
„ restibilis, i. 62, b; i. 68, a; i. 72, a.
„ sanctus, i. 43, b.
„ scamnatus, i. 89, a.
„ scripturarius, ii. 613, b.
„ strigatus, i. 89, a.
„ vectigalis, i. 51, a; i. 730, b.
„ viritanus, i. 50, b.
Agger, i. 43, b.
Agitator, i. 437, a.
Agmen, i. 806, b.
„ quadratum, i. 807, a.
Agnati, i. 468, b.
Agnatio, i. 468, a.
Agnomen, ii. 234, b.
Agolum, i. 44, a.
Agonales, ii. 589, b.
„ dies, i. 44, a.
Agonalia, i. 44, a.
Agonensis, ii. 589, b.
Agonia, i. 44, a.
Agora, i. 44, b.
Agoranomi, i. 49, a.
Agrariae leges, i. 49, b.
Agraulia, i. 54, b.
Agricultura, i. 55, a.
Agrimensores, i. 83, b.
Agrimetatio, i. 84, b.
Agripetae, i. 477, a.
Agronomi, i. 93, a.
Ahenatores, i. 35, b.
Ahenum, i. 35, b.
Ala, i. 95, a.
Alabarches, i. 95, a.
Alabaster, i. 95, b.
Alabastrum, i. 95, b.
Alae, i. 380, b; i. 670, b; i. 786, b; i. 790, b.
Alares, i. 95, a.
Alarii, i. 95, a.
Alauda, i. 96, a.
„ legio, i. 96, a.
Albarium opus, ii. 346, a.

Albogalerus, i. 135, b.
Album, i. 96, b.
„ decurionum, i. 96, b.
„ judicum, i. 96, b; i. 1029, a.
„ senatorum, i. 96, b.
Alea, i. 96, b.
Aleator, i. 96, b.
Ales, i. 218, a; i. 250, a.
Alica, i. 66, b.
Alicula, i. 97, a.
Alimentarii pueri et puellae, i. 97, b.
Alipilus, i. 98, a.
Aliptae, i. 98, a.
Allecti, i. 24, b.
Alluvio, i. 98, b.
Altare, i. 57, b.
Altercationes, ii. 629, b.
Altius non tollendi servitus, ii. 653, a.
Aluta, i. 334, b.
Amanuensis, i. 99, a.
Ambacti, i. 99, a.
Ambarvalia, i. 99, a; i. 200, b.
Ambitio, i. 100, b.
Ambitus, i. 100, a.
Ambrosia, i. 101, b.
Ambubaiae, i. 101, b.
Ambulationes, i. 977, a; ii. 951, b.
Amburbiale, i. 101, b.
Amburbium, i. 101, b.
Amentum, i. 935, b.
Amicire, i. 101, b.
Amictorium, i. 101, b.
Amictus, i. 101, b.
Amiculum, i. 101, b.
Amita, i. 469, a.
Amnis, i. 221, b.
Amphictyones, i. 102, b.
Amphimalla, ii. 762, a.
Amphitapae, ii. 762, a.
Amphitheatrum, i. 106, b.
Amphora, i. 115, a; ii. 530, b; ii. 964, b.
Ampliatio, i. 1030, a.
Amptruare, ii. 590, a.
Ampulla, i. 116, b.
Ampullarius, i. 117, b.
Amuletum, i. 118, a.
Amurca, ii. 265, a; ii. 850, b.
Amussis, or Amussium, i. 120, b.
Amylum, i. 66, b.
Amystis, i. 120, b.
Anagnostae, i. 121, a.
Anancaeum, i. 123, a.
Anates, i. 79, b.
Anatocismus, i. 123, a; i. 835, a.
Ancilia, ii. 590, b.
Ancilla, ii. 662, a.
Ancones, ii. 545, b.
Andabatae, i. 917, b.
Andromeda, or Andromede, i. 218, b.
Angaria, i. 124, b.
Angariorum exhibitio, or praestatio, i. 124, b.
Angiportus, or Angiportum, i. 124, b.
Anguifer, i. 218, a.
Anguis, i. 217, a; i. 218, b; i. 222, b.
Anguitenens, i. 218, a.
Angustus clavus, i. 453, b.
Animadversio censoria, i. 401, a.
Animus furandi, i. 895, a.
Anio novus, i. 150, a.
„ vetus, i. 148, a.
Annales maximi, i. 829, b; ii. 462, a.
Annalis lex, ii. 36, a.
Annona, i. 124, b.
„ civica, i. 879, b; ii. 993, b.
Annulus, i. 129, b.
Annus magnus, i. 337, a.
„ vertens, i. 340, b.
Anquina, ii. 223, b.
Anquisitio, i. 1027, a.
Ansa, i. 562, b; ii. 696, a.
Anseres, i. 79, a.
Antae, i. 125, a.
Anteambulones, i. 125, b.
Antecanis, or Antecanem, i. 222, a.
Antecenia, i. 395, a.
Antecessor, i. 1039, b.
Antecessores, i. 125, b.
Antecursores, i. 125, b.
Antefix, i. 849, b.
Antefixa, i. 125, b.
Antemeridianum tempus, i. 635, b.
Antenna, ii. 217, b.
Antepagmenta, i. 126, b; i. 987, a.
Antepilani, i. 785, a.
Antesignani, i. 807, b; ii. 672, b.
Antestatio, i. 14, a.
Antia lex, ii. 725, a.
Antichresis, ii. 420, b.
Anticum, i. 987, a.
Antidos, i. 690, b.
Antinoeia, i. 128, b.
Antinous, i. 218, b.
Antiquarii, ii. 64, a.
Antistes, ii. 943, b.
Antlia, i. 128, b.
Antoniae leges, ii. 36, a.
Anuli aurei jus, i. 132, a.
Anulorum jus, i. 133, a.
Anulus, i. 129, b.
Apaturia, i. 134, b.
Apes, i. 81, a.
Apex, i. 135, b.
Apicula, i. 135, b.
Aplustre, ii. 216, b.
Apocha, i. 6, a.
Apodectae, i. 136, b; ii. 677, b.
Apodyterium, i. 272, b.
Apollinares ludi, ii. 89, b.
Apophoreta, i. 138, b.
Apotheca, i. 139, b.
Apotheosis, i. 139, b.
Apparitores, i. 144, a.
Appellatio (Greek), i. 144, a.
„ (Roman), i. 144, b.
Applicatio, i. 820, a; ii. 435, b.
Applicationis jus, i. 820, a; ii. 435, b.
Apsis, i. 4, b.
Apuleia lex, i. 1014, b; ii. 36, a.
„ agraria lex, ii. 36, a.
„ frumentaria lex, i. 878, a.
„ majestatis lex, ii. 36, a; ii. 114, b.
Aqua, i. 220, b.
„ Alexandrina, i. 151, a.
„ Algentia, i. 151, a.
„ Alsietina, or Augusta, i. 150, a.
„ Appia, i. 148, a.
„ caduca, i. 155, b.
„ Claudia, i. 150, a.
„ Crabra, i. 151, b.
„ Julia, i. 149, a.
„ Marcia, i. 148, a.
„ pluvia, i. 157, a.
„ Septimiana, i. 151, a.
„ Tepula, i. 149, a.
„ Trajana, i. 151, a.
„ Virgo, i. 149, a.
Aquae ductus, i. 146, b.
„ ductus servitus, ii. 653, b.
„ effusio, i. 220, b.
„ haustus servitus, ii. 653, b.
„ et ignis interdictio, i. 820, a.
„ pluviae arcendae actio, i. 157, a.
Aquaelicium, i. 156, b.
Aquaemanalis, i. 157, a.
Aquarii, i. 157, a.
Aquarioli, i. 157, a.
Aquarius, i. 220, b.
Aquila, i. 218, b; ii. 672, a.
Aquilia lex, i. 595, b.
Aquilicium, i. 156, b.
Aquilifer, i. 801, a.
Ara, i. 157, a; i. 222, b.
Arabarches, i. 158, b.
Aratio, i. 60, b.
Aratrum, i. 159, a.
Aratrum auritum, i. 60, b.
Arbiter, i. 15, b; i. 1026, a.
Arbiter bibendi, ii. 743, a.
Arbitraria actio, i. 18, b.
Arbitria, i. 1026, b.
Arbitrium, i. 1026, b.
Arbor infelix, i. 160, b.
Arbusculae, i. 932, b; ii. 433, b.
Arca, i. 160, b; ii. 935, b.
„ publica, i. 161, b.
Arcadicum foedus, i. 162, a.
Arcarius, i. 161, b; ii. 936, a.
Arcera, i. 162, b.
Archiater, i. 162, b.
Archimimus, i. 891, b; ii. 173, a.
Architectura, i. 163, b.
Archium, ii. 805, b.
Archon, i. 165, a.
Arcifinius ager, i. 84, b.
Arcirma, i. 169, b.
Arcitenens, i. 220, b.
Arctophylax, i. 217, a.
Arctos Lycaonis, i. 216, b.
„ Parrhasis, i. 216, b.
Arcturus, i. 217, a.
Arctus major, i. 216, a.
„ minor, i. 216, b.
Arcuballista, i. 169, a.
Arculum, i. 169, b.

Arcuma, i. 169, b.
Arcus, i. 169, b; i. 171, a; i. 220, b.
„ Augusti, i. 173, b.
„ Claudii, i. 173, b.
„ Constantini, i. 174, b.
„ Drusi, i. 173, b.
„ Gallieni, i. 174, b.
„ Septimii Severi, i. 174, a.
„ Tiberii, i. 173, b.
„ Titi, i. 174, a.
„ Trajani, i. 174, a.
„ triumphalis, i. 172, a.
Area, i. 64, a; i. 175, a; i. 245, a; i. 884, b.
Areiopagus, i. 175, a.
Arena, i. 110, b; i. 113, a; i. 178, b; i. 435, b.
Arenaria, ii. 422, b.
Arenariae, ii. 933, a.
Arenarii, i. 179, a.
Arepennis, i. 23, b.
Aretalogi, i. 179, a.
Argei, i. 179, a.
Argentarii, i. 179, b.
Argentum, i. 183, a.
„ vivum, ii. 167, b.
Argilla, i. 842, a.
Argo, i. 222, b.
Argyraspides, i. 184, b.
Aries, i. 185, b; i. 219, a.
Arinca, i. 67, b.
Arithmetica, i. 187, b; ii. 71, a.
Arma, Armatura, i. 189, b.
Armamenta, i. 190, b.
Armamentarium, i. 190, b.
Armarium, i. 161, a; i. 191, a; i. 298, a.
Armatura levis, i. 190, a.
Armelausa, i. 191, a.
Armilausa, i. 191, a.
Armilla, i. 191, b; ii. 868, a.
Armillum, i. 192, b.
Armilustrium, i. 192, b.
Aromatites, ii. 966, b.
Arquites, ii. 588, a.
Arra, Arrabo, i. 193, a.
Arrogatio, i. 26, b.
Artaba, i. 194, a.
Artifices, i. 194, b.
Artopta, ii. 431, b.
Arvales Fratres, i. 198, a.
Arundo, ii. 588, a; ii. 765, a.
Arura, i. 197, b.
Aruspices, i. 934, a.
Arvum, i. 72, a.
Arx, i. 200, b.
As, i. 201, b; ii. 63, a.
„ libralis, i. 202, b.
Ascia, i. 208, b.
Asclepiadae, ii. 152, b.
Asellus, i. 76, b.
Asiarchae, i. 210, b.
Asinus, i. 76, b.
Assa, i. 277, b.
Assarius, i. 211, a.
Asser, i. 211, a.
Asseres falcati, i. 211, b; i. 824, a.
„ lecticarii, ii. 14, b.
Assertor, i. 211, b.
Assertus, i. 211, b.
Assessor, i. 211, b.
Assiduitas, i. 100, a.
Astragalus, i. 212, a; ii. 247, a; ii. 759, a.
Astrologi, i. 213, a.
Astrologia, i. 212, b.
Astronomi, i. 213, a.
Astronomia, i. 214, a.
Asyli jus, i. 235, a.
Asylum, i. 235, a.
Atavia, i. 469, a.
Atavus, i. 469, a.
Atellanae Fabulae, i. 522, b.
Aternia Tarpeia lex, ii. 36, b.
Athenaeum, i. 236, b.
Athletae, i. 237, a.
Atia lex, ii. 36, b.
Atilia lex, ii. 36, b.
Atinia lex, ii. 36, b.
Atlantes, i. 243, b.
Atlantides, i. 219, b.
Atramentale, i. 244, b.
Atramentarium, i. 244, b.
Atramentum, i. 244, a; ii. 392, b.
Atrium, i. 245, a; i. 274, a; i. 669, b.
Atticurges, i. 245, a.
Auceps, i. 245, b.
Auctio, i. 245, b.
Auctor, i. 246, a; ii. 722, a.
Auctoramentum, i. 297, a; i. 916, b.
Auctorati, i. 916, b.
Auctores fieri, i. 246, a.
Auctoritas, i. 246, b; ii. 637, b.
„ Patrum, i. 247, a; i. 506, a.
„ senatus, ii. 630, b; ii. 637, b.
Auctoritatem imponere, i. 246, b.
Aucupium, i. 245, b.
Auditores, i. 1037, b.
Auditorium, i. 247, b; ii. 814, b.
Avena, i. 67, b.
Averta, ii. 122, a.
Aufidia lex, i. 101, a.
Augmenta, ii. 586, b.
Augur, i. 248, a.
Auguraculum, i. 201, a; ii. 772, b.
Augurale, i. 251, b.
Auguratorium, i. 380, b.
Augurium, i. 248, a; i. 646, b.
„ ex avibus, i. 250, a.
„ ex caelo, i. 249, b.
„ ex diris, i. 251, a.
„ ex quadrupedibus, i. 250, b.
„ ex tripudiis, i. 250, b.
Augustales, i. 257, b; i. 258, a.
Augustalia, i. 257, b.
Augustus, i. 259, b.
Avia, i. 469, a.
Aviaria, i. 77, b; i. 78, a.
Avis, i. 218, a.
Aula, i. 259, b; ii. 267, a.
Aulaeum, i. 259, b; ii. 821, b.
Aurarius, ii. 155, a.
Aurelia lex, i. 1028, a.
Aures, i. 159, b.
Aureus nummus, i. 207, a; i. 260, b.
Aurichalcum, ii. 297, a.
Auriculae ornatrix, i. 1002, b.
Auriga, i. 218, a; i. 437, a.
Aurigae manus, i. 218, a.
Aurigator, i. 218, a.
Aurum, i. 260, b.
„ coronarium, i. 262, a.
„ lustrale, i. 262, b.
Auspex, i. 248, a.
Auspicium, i. 248, a.
Authenticum, ii. 246, a.
Authepsa, i. 263, a.
Autonomi, i. 263, b.
Avunculus, i. 469, a.
Avus, i. 469, a.
Auxilia, i. 787, a; i. 790, a; ii. 683, b.
Auxiliares, i. 787, a.
Axamenta, ii. 590, b.
Axis, i. 578, a.

B.

Babylonicum, i. 264, b.
Babylonii, i. 213, a.
„ numeri, i. 213, a.
Bacchanalia, i. 264, b.
Baculum, i. 265, b.
Baebia lex, ii. 36, b.
„ Aemilia lex, ii. 39, b.
Bajulus, i. 266, a.
Balatro, i. 266, a.
Balineae, i. 266, b.
Balineum, i. 266, b; i. 269, a.
Ballista, ii. 855, a.
Balneae, i. 266, b.
Balnearium, i. 269, b.
Balneator, i. 270, b; i. 274, a.
Balneum, i. 266, b; i. 269, a.
Baltearius, i. 284, b.
Balteus, or Baltea, i. 284, a; ii. 847, b.
Baptisterium, i. 275, b.
Barathrum, i. 285, a.
Barba, i. 285, a.
Barbati bene, i. 286, a.
Barbatuli, i. 286, a.
Bardocucullus, i. 571, b.
Baris, i. 286, b.
Bascauda, i. 287, a.
Basilica (building), i. 287, a.
„ (legal work), i. 292, b.
Basilicus, ii. 760, a.
Basilium, i. 293, b.
Bassara, -is, i. 293, b.
Bastagarii, i. 294, a.
Basterna, i. 294, a.
Batavi, i. 795, b.
Batiaca, i. 294, b.
Batillum, i. 294, b.
Baxae, or Baxeae, i. 294, b.
Bellaria, i. 397, b.
Bellicrepa saltatio, ii. 594, b.
Beneficiarius, i. 296, a; i. 804, a.
Beneficium, i. 296, a; i. 994, b.
„ abstinendi, i. 948, b.

Benignitas, i. 100, a.
Benna, i. 296, b.
Berenices coma, or crinis, i. 223, a.
Bes, ii. 455, a.
Besa, bessa, i. 296, b.
Bestia, i. 222, b.
Bestiarii, i. 297, a.
Bibasis, ii. 594, a.
Bibliopola, ii. 60, a.
Bibliotheca, i. 297, b.
Bidens, i. 298, b; ii. 311, b.
Bidental, i. 298, b.
Bidiaei, i. 298, b.
Biga, or Bigae, i. 579, b.
Bigati, i. 299, a.
Billix, ii. 767, a.
Bipalium, ii. 312, a.
Bipennis, ii. 616, a.
Biremis, ii. 209, b.
Birrus, i. 299, a.
Bisaccium, i. 965, a.
Bisellium, ii. 620, a.
Bisextum, i. 344, a.
Bisextus, i. 344, b.
Bissextilis annus, i. 344, b.
Boiae, i. 302, b.
Bombycinum, ii. 649, b.
Bombyx, ii. 649, b.
Bona, i. 303, a.
„ caduca, i. 304, a.
„ fides, i. 304, b.
„ rapta, i. 896, b.
„ vacantia, i. 305, a.
Bonam copiam jurare, i. 305, b.
Bonorum cessio, i. 305, b.
„ collatio, i. 306, a.
„ emtio, et emtor, i. 306, a.
„ possessio, i. 307, a.
„ vi raptorum, actio, i. 896, b.
Boötes, i. 217, a.
Boves Icarii, i. 216, b.
Bracae, i. 314, b.
Bracchiale, i. 315, b.
Branchidae, ii. 287, a.
Brattea, i. 316, a.
Bratteator, i. 316, a.
Bravium, i. 437, b.
Breviarium, i. 316, b.
„ Alaricianum, i. 316, b.
Bruttiani, i. 317, b.
Bucco, i. 522, b.
Bucculae, i. 899, a.
Bucina, i. 317, b.
Bucinator, i. 35, b; i. 318, a.
Bulga, i. 318, a.
Bulla, i. 318, b.
Bura, or Buris, i. 159, b.
Burranica potio, ii. 963, b.
Burrus, i. 299, a.
Bustum, i. 893, a.
Butyrum, i. 319, a.
Buxum, i. 319, a.
Byssus, i. 319, b.

C.

Caccabus, i. 35, b; i. 321, a.
Caduceator, i. 323, a.
Caduceus, i. 322, b.
Caducum, i. 304, a.
Cadurcum, i. 323, a.
Cadus, i. 323, a; ii. 964, b.
Caecilia lex de censoribus, ii. 36, b.
„ lex de vectigalibus, ii. 37, a.
„ Didia lex, ii. 37, a.
Caelatura, i. 323, b.
Caelebs, ii. 44, a.
Caelia lex, ii. 752, a.
Caelibatus, ii. 45, b.
Caementa, -um, i. 327, b.
Caerimonia, ii. 573, a.
Caeritum tabulae, i. 36, b.
Caesar, i. 328, b.
Caestus, i. 328, b.
Caetra, i. 408, a.
Calamistrum, i. 329, a.
Calamus, i. 329, b.
Calathiscus, i. 330, a.
Calathus, i. 330, a.
Calator, i. 331, a.
Calautica, i. 331, b; i. 502, a.
Calcar, i. 331, b.
Calceamen, i. 333, b.
Calceamentum, i. 333, b.
Calcearium, i. 453, a.
Calceus, i. 332, a.
Calculator, i. 336, a.
Calculi, i. 336, a.
Calda, i. 336, a.
„ lavatio, i. 282, b.
Caldarium, i. 272, a; i. 336, b.
Calendae, i. 336, b.
„ Fabariae, i. 68, b.
Calendarium, i. 336, b; i. 828, b.
Calida, i. 336, a.
Caliendrum, i. 346, a.
Caliga, i. 346, b.
Calix, i. 156, a; i. 346, b; i. 348, a.
Callis, i. 348, a.
Calo, i. 348, a.
Calpar, ii. 957, b.
Calpurnia lex de ambitu, i. 100, b.
„ „ de repetundis, ii. 542, a.
Calvatica, i. 502, a.
Calumnia, i. 349, a.
Calumniae judicium, i. 349, a.
„ jusjurandum, i. 349, a.
Calx, i. 433, b.
Camara, i. 349, b.
Camera, i. 349, b.
Camillae, Camilli, i. 350, a; ii. 144, a.
Caminus, i. 686, b.
Camisia, i. 350, a.
Campagus, i. 350, a.
Campestre, i. 350, a; ii. 721, a.
Campidoctores, i. 350, b.
Campus sceleratus, ii. 942, b.
Canabae, ii. 69, b.
Canaliculus, i. 350, b; ii. 854, a.
Canalis, i. 350, b.
Cancellarius, i. 351, b.
Cancelli, i. 351, a; i. 433, a.
Cancer, i. 219, b.
Candela, i. 351, b.
Candelabrum, i. 352, a.
Candidarii, ii. 430, b.
Candidati, i. 802, a.
Candidatus, i. 100, a.
Canephorus, i. 354, a; ii. 327, a.
Canes Pastorales, i. 77, a.
Canis, or Canis Sirius, i. 221, b.
„ or Canicula, i. 221, b; i. 222, a.
„ Venatici, i. 77, a.
„ Villatici, i. 77, a.
Canistrum, i. 354, a.
Canna, i. 330, a.
Cannaba, i. 350, b.
Cannabis, i. 71, a.
Canon, i. 354, b.
Cantabrum, i. 356, a.
Cantharus, i. 356, a.
Canthus, i. 578, a.
Canticum, i. 357, a; i. 522, a.
Canuleia lex, ii. 32, b; ii. 37, a.
Capella, i. 218, a.
Caper, i. 220, b.
Capis, i. 357, a.
Capisterium, i. 357, b.
Capistrum, i. 357, b.
Capita aut navia, i. 358, b.
Capital, i. 358, b.
Capite censi, i. 359, b.
Capitis deminutio, i. 360, a; ii. 801, b.
„ „ media, i. 360, a.
„ minutio, i. 360, a.
Capitium, i. 358, b; ii. 720, b.
Capitolini, ii. 90, a.
„ ludi, ii. 90, a.
Capra, i. 218, a.
Capricornus, i. 220, b.
Capsa, i. 275, a; i. 358, b.
Capsarii, i. 275, a; i. 359, a; ii. 97, a.
Capsula, i. 358, b.
Captio, ii. 461, a.
Capulator, ii. 850, b.
Capulus, i. 359, b; i. 891, b.
Caput, i. 359, b; ii. 696, a.
„ extorum, i. 360, b.
Carabus, i. 361, a.
Caracalla, i. 361, a.
Caragi, -ii, ii. 687, b.
Carbasus, i. 361, a.
Carbatina, i. 361, b.
Carcer, i. 362, a.
Carcerarii, i. 802, a.
Carceres, i. 430, a.
Carchesium, i. 363, b.
Cardo, i. 84, b; i. 364, b.
Caristia, i. 365, a.
Carmen saeculare, ii. 93, b.
„ saliare, ii. 590, b.
Carmentalia, i. 365, b.
Carminator, ii. 360, a.
Carnarium, i. 365, b.
Carneia, i. 365, b.
Carnifex, i. 366, a.
Caroenum, ii. 963, b.

Carroballista, ii. 857, a.
Carpentum, i. 366, a.
Carptor, i. 397, a.
Carrago, i. 367, a.
Carruca, i. 367, b.
Carrus, or Carrum, i. 367, a.
Cartibulum, i. 367, b.
Caryatides, i. 368, a.
Cassia lex, ii. 37, a.
„ „ agraria, ii. 37, a.
„ „ tabellaria, ii. 37, a.
„ „ Terentia frumentaria, ii. 37, b.
Cassiopeia, or Cassiepeia, i. 218, a.
Cassis, i. 898, b; ii. 546, a.
Castella, ii. 247, b.
Castellarii, i. 156, b.
Castellum aquae, i. 154, b.
Castigatio, i. 811, b.
Castra, i. 369, a.
„ stativa, i. 369, b.
Castrense peculium, ii. 353, a.
Castrenses, i. 383, a.
Castrensis corona, i. 548, b.
Catagrapha, ii. 404, a.
Cataphracti, i. 383, b.
Catapirates, i. 384, b.
Catapulta, ii. 853, a.
Cataracta, i. 384, b.
Catasta, ii. 664, b.
Cateia, i. 385, a.
Catella, i. 385, b.
Catena, i. 385, b.
Catervarii, i. 917, b.
Cathedra, i. 386, a; ii. 619, a.
Catillum, or Catillus, i. 386, b; ii. 175, b.
Catinum, or Catinus, i. 386, b.
Cavaedium, i. 669, b.
Cavea, i. 110, b; i. 430, b; ii. 821, b.
Cavere, i. 390, a.
Cavernae, i. 1, b.
Cavi menses, i. 341, a.
Caulae, ii. 568, a.
Caupo, i. 387, a.
Caupona, i. 387, a.
Causae probatio, ii. 353, a.
Causia, i. 388, b.
Cautio, i. 389, a.
„ Muciana, i. 389, b.
Cavum aedium, i. 669, b.
Celeres, i. 390, a; i. 754, a.
Celerum tribunus, i. 781, a.
Cella, i. 390, b; ii. 774, a.
Cellae familiares, i. 672, b.
„ servorum, i. 672, b.
„ vinariae, ii. 964, a.
Cellarius, i. 390, b.
Celox, i. 391, a.
Cena, i. 391, b.
„ recta, ii. 692, b.
Cenacula, i. 665, b.
Cenatoria vestis, i. 396, a; ii. 748, a.
Cenotaphium, i. 397, b.
Censere, i. 399, b.
Censiti, i. 472, a.
Censitores, i. 403, a.
Censor, i. 397, b.
Censoria nota, i. 401, a; i. 1007, a.
Censuales, i. 403, a.
Censura, i. 397, b.
Census, i. 399, a.
„ (Greek), i. 403, a.
Centaurus, i. 222, b.
Centesima, i. 404, b.
„ rerum venalium, i. 38, a; i. 404, b.
Centesimae usurae, i. 835, a.
Centesimatio, i. 602, a.
Cento, i. 404, b.
Centonarii, i. 404, b.
Centrum, ii. 696, a.
Centumviri, i. 404, b.
Centunculus, i. 404, b.
Centuria, i. 50, a; i. 57, b; i. 85, a; i. 782, a; i. 1034, b; ii. 163, b.
Centuriata comitia, i. 504, b.
Centurio, i. 798, b.
„ primipili, i. 798, b.
Cepheis, i. 218, b.
Cepheus, i. 217, a.
Cepotaphium, i. 405, b.
Cera, i. 405, b; i. 822, b; ii. 753, a; ii. 805, a.
Cerae, ii. 753, a.
Ceratae tabulae, ii. 754, a.
Cerdo, i. 406, a.
Cerei, ii. 600, b.
Cerevisia, i. 407, a.
Ceriales Ludi, i. 406, a.
Cerialia, i. 406, a.
Cernere hereditatem, i. 950, a.
Ceroma, i. 406, a.
Certamen, i. 241, a.
Certi, incerti actio, i. 406, b.
Ceruchi, ii. 218, a.
Cervesia, i. 407, a.
Cervi, i. 407, b; ii. 918, b.
Cervical, i. 407, b.
Cervisia, i. 407, a.
Cervoli, i. 380, a; ii. 918, b.
Cessio bonorum, i. 305, b.
Cessio in jure, i. 653, a; i. 1036, a; ii. 983, a.
Cesticillus, i. 407, b.
Cestius pons, ii. 458, b.
Cestrum, ii. 393, a.
Cestus, i. 407, b.
Cetra, i. 408, a.
Cetus, i. 221, a.
Chalcidium, i. 408, b.
Chalcus, ii. 455, a.
Chaldaei, i. 213, a.
Charistia, i. 365, a.
Charta, ii. 57, b.
Cheironomia, i. 409, b; i. 930, a.
Chelae, i. 220, a.
Cheniscus, ii. 216, b.
Chiramaxium, i. 411, a.
Chirographum, i. 411, a.
Chiron, i. 222, b.
Chirurgia, i. 412, a.
Chlamys, i. 415, b.
Choragus, i. 419, a.
Choregia, i. 417, a.
Choregus, i. 417, a.
Chorobates, i. 419, a.
Chorus, i. 419, a.
Chronologia, i. 424, b.
Chryselephantina, i. 426, a.
Chrysendeta, i. 426, a.
Chrysoaspides, i. 185, a.
Cibaria servorum, i. 59, a.
Cibarium secundarium, i. 66, b.
Ciborium, i. 427, a.
Cicer, i. 69, a.
Cicera, i. 70, a.
Cicercula, i. 69, a.
Cidaris, ii. 839, b.
Cilicia, i. 74, b.
Cilicium, i. 427, a.
Cilliba, i. 427, a; ii. 157, a.
Cincia, or Muneralis, lex, ii. 37, b.
Cinctura, i. 427, a.
Cinctus, ii. 905, b.
„ Gabinus, ii. 3, a; ii. 848, b.
Cinerarius, i. 329, b.
Cingulum, i. 427, a.
Ciniflo, i. 329, b.
Cippus, i. 429, a; ii. 443, b.
Circenses ludi, i. 437, a.
Circinus, i. 429, b.
Circuitores, i. 156, b; i. 337, a.
Circumlitio, ii. 395, b.
Circumluvio, i. 98, b.
Circus, i. 430, a.
„ Maximus, i. 430, a.
Cisiarii, i. 439, a.
Cisium, i. 439, a.
Cista, i. 439, b.
Cistella, i. 439, b.
Cistophorus, i. 441, a.
Cithara, ii. 104, b.
Civica corona, i. 547, b.
Civile jus, i. 449, a; i. 1041, a.
Civilis actio, i. 21, a.
Civis, i. 448, a.
Civitas (Greek), i. 441, b.
„ (Roman), i. 448, a.
Clabularis, i. 450, a.
Clandestina possessio, i. 1018, a.
Clarigatio, i. 840, a.
Clarissimi, i. 992, a.
Classica corona, i. 548, b.
Classici, i. 380, b; i. 802, b.
Classicum, i. 544, a.
Clathri, i. 686, b.
Clava, i. 450, a.
Clavarium, i. 453, a.
Claudia lex, ii. 38, a.
Clavicula, i. 380, a.
Claviger, i. 452, a.
Clavis, i. 450, b; ii. 899, a.
Clavola, ii. 263, b.
Claustra, i. 989, a.
Clavularis, i. 450, a.
Clavus, i. 452, b.
„ angustus, i. 453, b.
„ annalis, i. 453, b.
„ latus, i. 453, b.
Clepsydra, i. 973, a.
Clibanarii, i. 384, a.
Cliens, i. 456, b.
Clientela, i. 457, a.
Clima, i. 458, a; ii. 163, b.
Clipeus, -um, i. 458, b; i. 993, a.
Clitellae, i. 461, a.
Cloaca, i. 461, b.
Cloacae servitus, ii. 653, a.
Cloacarium, i. 462, b

Cloacarum curatores, i. 462, b.
Clodiae leges, i. 878, b; ii. 38, b.
Coactiliarii, ii. 945, a.
Coactor, i. 463, b.
Coactura, ii. 850, b.
Coa vestis, i. 463, b.
Cochlea, or Coclea, i. 463, b.
Cochlis, i. 463, b.
Cocleae, i. 82, a.
Coclear, i. 464, b.
Codex, i. 464, b; ii. 753, b.
„ accepti et expensi, i. 465, a.
„ Gregorianus et Hermogianus, i. 466, a.
„ Hermogeanius, i. 466, b.
„ Justinianus, i. 466, b.
„ Theodosianus, i. 467, a.
Codicilli, i. 464, b; ii. 753, b; ii. 807, a.
Coemptio, i. 648, b; ii. 140, b; ii. 801, b.
Coercitio, ii. 111, a; ii. 874, a.
Cognati, i. 468, a.
Cognatio, i. 468, a.
Cognitio extraordinaria, i. 1018, b; i. 1031, a.
Cognitor, i. 20, b.
Cognomen, ii. 234, a.
Coheres, i. 948, b.
Cohors, i. 785, b.
„ in plano, i. 78, a.
Cohortes civium Romanorum, i. 791, b.
„ equitatae, i. 790, a.
„ milliariae, i. 790, a.
„ peditatae, i. 790, a.
„ praetoriae, i. 791, a; i. 793, b.
„ quingenariae, i. 790, a.
„ vigilum, i. 794, b.
„ urbanae, i. 794, a.
Coliphia, i. 238, a.
Coliseum, i. 107, b.
Collare, -ium, i. 470, a.
Collatio bonorum, i. 306, a.
Collectarii, i. 181, b.
Collegae, i. 470, a.
Collegatarii, ii. 20, b.
Collegium, i. 470, a; ii. 979, a.
Colliciae, i. 471, a; i. 849, a.
Colliquiae, i. 471, a.
Collybus, i. 181, b.
Collyrium, i. 471, b.
Colobium, ii. 317, a.
Colonatus, i. 471, b.
Coloni, i. 471, b; ii. 70, a.
„ indigenae, i. 60, a.
Colonia, i. 472, b.
Colonus, i. 60, a.
„ urbanus, i. 60, a.
Colores, i. 484, a.
Colosseum, i. 107, b.
Colossicotera, i. 488, a.
Colossus, i. 487, a.
Colum, i. 488, b; ii. 964, b.
Columbar, i. 488, b.
Columbarium, i. 79, b; i. 488, b; ii. 647, b.
Columella, ii. 854, b; ii. 868, a.
Columen, i. 489, a.
Columna, i. 489, a.
„ cochlis, i. 495, a.
„ rostrata, i. 495, a.
Columnarium, i. 496, a.
Colus, i. 897, b.
Coma, i. 496, a.
Comes, i. 502, b; ii. 489, b; ii. 509, b.
Comissatio, i. 503, a; ii. 740, a.
Comitia, i. 503, a.
„ calata, i. 503, a; i. 504, b; ii. 802, b; ii. 804, b.
„ centuriata, i. 504, b.
„ consularia, i. 505, b.
„ curiata, i. 503, b; ii. 802, b.
„ praetoria, i. 505, b.
„ tributa, i. 509, a; ii. 884, a.
Commendationes morientium, i. 855, b.
Commentariensis, i. 803, a; i. 804, b.
Commentarii sacrorum, ii. 462, a.
„ Senatus, i. 12, a; ii. 631, a.
Commentarium, i. 1039, a; ii. 154, b.
Commentarius, i. 512, a; i. 1039, a.
Commercium, i. 448, b.
Commissoria lex, i. 512, b.
Commissum, i. 512, b.
Commixtio, i. 527, b.
Commodans, i. 513, a.
Commodatarius, i. 513, a.
Commodati actio, i. 513, a.
Commodatum, i. 513, a.
Communi dividundo actio, i. 513, b.
Comoedia, i. 514, a.
Compensatio, i. 523, a.
Comperendini dies, i. 636, b; i. 1030, a.
Compes, i. 523, b.
Competitor, i. 100, a.
Compitalia, i. 523, b.
Compitalicii ludi, i. 523, b.
Complexus remigum, ii. 215, a.
Compluvium, i. 669, b.
Compotatio, ii. 742, b.
Compromissum, i. 1026, b; ii. 539, b.
Computatio, ii. 71, a.
Concamerata sudatio, i. 272, a.
Conceptivae feriae, i. 837, a.
Concha, i. 317, b; i. 524, a.
Conciliabulum, i. 482, a.
Conciliarii, i. 212, a.
Concilium, i. 524, b.
„ plebis, i. 510, a.
Concio, i. 538, a.
Conclamatio, i. 889, b.
Conclave, i. 525, a.
Concubina (Greek), i. 525, a.
„ (Roman), i. 526, a.
Concubinatus, i. 526, a.
Condemnatio, i. 17, b; i. 1030, b.
Condictio, i. 15, b; i. 16, a; i. 896, a; ii. 958, a.
Conditurae, ii. 966, a.
Conductio, ii. 70, a.
Conductor, ii. 70, a; ii. 402, b.
Condus, i. 391, a.
Confarreatio, i. 648, a; ii. 140, b.
Confessio, i. 526, b.
Confessoria actio, i. 527, b.
Confidejussor, i. 1014, b.
Confidepromissor, i. 1014, b.
Confusio, i. 527, b.
Congiarium, i. 528, b.
Congius, i. 529, a.
Conjuratio, i. 805, b; i. 1049, b.
Connubium, ii. 138, b.
Conopeum, i. 529, a.
Conquisitores, i. 529, b.
Consanguinei, i. 468, b.
Conscripti, ii. 621, a.
Consecratio, i. 139, b; i. 1002, b.
Consensus, ii. 256, a.
Consiliarii, i. 529, b.
Consilium, i. 529, b.
Consistorium, i. 530, b.
Consobrina, i. 469, a.
Consobrinus, i. 469, a.
Consortium, ii. 680, b.
Consponsor, i. 1014, b.
Constellatio, i. 214, b.
Constitutiones, i. 531, b.
Consualia, i. 532, a.
Consul, i. 532, a.
Consulares, ii. 510, b.
Consularis, i. 537, b.
Consulti, i. 1037, a.
Contestari, ii. 68, a.
Contignationes, i. 666, b.
Contio, i. 538, a.
Contorniati, i. 538, b.
Contractus, ii. 256, a.
Contrados, i. 690, b.
Contrascriptor, ii. 696, b.
Contrectatio, i. 895, a.
Contribules, ii. 885, a.
Controversia, i. 83, b; i. 1026, a.
Contubernales, i. 540, a.
Contubernium, i. 526, b; i. 540, a; ii. 660, b.
Contumelia, i. 1010, a.
Contus, i. 540, b.
Conventio in manum, ii. 138, b; ii. 141, b.
Conventiones, ii. 256, a.
Conventus, i. 540, b; ii. 507, b.
Convicium, i. 1010, a.
Convivii magister, ii. 743, a.
„ rex, ii. 743, a.
Convivium, ii. 740, a.
Cooptare, i. 470, a.
Cooptatio, i. 909, b; ii. 461, b.
Copa, -o, i. 387, a.
Cophinus, i. 541, a.
Corbicula, i. 541, b.
Corbis, i. 541, b.
Corbitae, i. 541, b.
Corbula, i. 541, b.
Coriarius, i. 542, a.
Cornelia lex agraria, ii. 38, b.
„ „ de alea, i. 97, a.
„ „ de falsis, i. 822, a.
„ „ frumentaria, i. 878, a.

Cornelia lex de injuriis, i. 1010, b.
„ „ judiciaria, i. 1028, a.
„ „ majestatis, ii. 114, b.
„ „ de novis tabellis, ii. 40, a.
„ „ nummaria, i. 822, a.
„ „ de parricidio, ii. 39, a.
„ „ de proscriptione et proscriptis, ii. 504, a.
„ „ de repetundis, ii. 542, b.
„ „ de sacerdotiis, ii. 461, b.
„ „ de sicariis et veneficis, i. 1003, a; ii. 11, a; ii. 39, a; ii. 939, b.
„ „ de sponsoribus, i. 1015, a.
„ „ sumptuaria, ii. 725, a.
„ „ testamentaria, i. 822, a.
„ „ tribunicia, ii. 39, b.
„ „ unciaria, ii. 39, b.
Cornelia Baebia lex, i. 100, b; ii. 39, b.
„ Caecilia lex, i. 878, b.
„ et Caecilia lex, ii. 39, b.
Cornicines, i. 35, b; i. 544, a.
Cornicularius, i. 543, b; i. 803, b.
Corniculum, i. 543, b.
Cornu, i. 543, b.
Cornua, ii. 59, a.
Cornucopia, -ae, i. 544, b.
Corolla, i. 545, a.
Corona, i. 217, b; i. 490, a; i. 545, a.
„ Ariadnes, i. 217, b.
„ castrensis, i. 548, b.
„ civica, i. 547, b.
„ classica, i. 548, b.
„ convivialis, i. 550, b.
„ Etrusca, i. 546, a.
„ funebris, i. 550, a.
„ graminea, i. 547, b.
„ hospitalis, i. 547, b.
„ lemniscata, i. 546, a.
„ longa, i. 546, a.
„ Minoa, i. 217, b.
„ muralis, i. 548, b.
„ natalicia, i. 551, b.
„ navalis, i. 548, b.
„ nuptialis, i. 551, b.
„ obsidionalis, i. 547, b.
„ oleagina, i. 549, a.
„ ovalis, i. 549, a.
„ pactilis, i. 546, b.
„ pampinea, i. 549, b.
„ plectilis, i. 546, b.
„ radiata, i. 549, b.
„ rostrata, i. 548, b.
„ spicea, i. 549, b.
„ sutilis, i. 545, b.
„ tonsa, i. 546, b.
„ torta, i. 546, b.
Corona triumphalis, i. 548, b.
„ vallaris, i. 548, b.
Coronarii, -ae, i. 545, a.
Coronis, i. 490, a; i. 551, b.
Coronix, i. 551, b.
Corporati, ii. 978, b.
Corporatio, i. 470, a; ii. 978, b.
Corpus, ii. 59, a.
„ juris civilis, i. 551, b.
Correctores, ii. 487, a.
Correus, ii. 258, b.
Corrigia, i. 552, a.
Cortina, i. 552, a.
Corvus, i. 222, b; i. 552, b.
Corybantes, i. 553, a.
Corycaeum, i. 283, a; i. 927, a.
Corycus, i. 553, b.
Coryphaeus, i. 420, a.
Corytus, i. 170, b.
Cosmetae, i. 553, b.
Cosmetes, i. 553, b; i. 928, a.
Cosmetriae, i. 553, b.
Cosmi, i. 553, b.
Cothurnus, i. 557, b; ii. 861, b.
Cotoriae, ii. 933, a.
Cotyla, i. 559, b.
Covinarii, i. 560, b.
Covinus, i. 560, a.
Crapula, ii. 966, a.
Crater, Cratera, i. 222, b; i. 560, b.
Crates, i. 562, a.
Craticula, -um, i. 562, b.
Creditor, ii. 254, b.
Creditum, i. 182, a.
Crepida, i. 562, b.
Crepidata fabula, i. 563, a.
„ tragoedia, i. 423, b; i. 563, a.
Crepido, ii. 951, a.
Creta, i. 433, b.
„ fullonia, i. 881, b.
Cretifodinae, ii. 933, a.
Cretio hereditatis, i. 950, a.
Cretula, ii. 754, a.
Crimen, i. 563, a.
Crimina extraordinaria, i. 564, a.
Criobolium, ii. 763, a.
Crista, i. 899, a.
Crocota, i. 564, a.
Crotalistria, i. 565, a.
Crotalum, i. 564, b.
Cruda, i. 844, b.
Crumena, i. 565, a.
Crusta, i. 326, a; i. 728, a.
Crux, i. 565, a.
Crypta, i. 568, b.
Cryptoporticus, i. 569, a; ii. 957, a.
Ctesibica machina, i. 570, b.
Cubicularii, i. 571, a.
Cubiculum, i. 112, b; i. 571, a; i. 671, a.
Cubitus, i. 571, a.
Cubus, i. 571, a.
Cuculio, i. 59, b.
Cucullus, i. 571, a.
Cucurbita, i. 590, a.
Cudo, or Cudon, i. 571, b; i. 899, a.
Culcita, ii. 18, b.
Culeus, i. 571, b; i. 572, a.
Culina, i. 671, b.
Culleus, i. 571, b; i. 572, a.
Culmen, i. 489, a.
Culpa, i. 572, a.
„ lata, i. 572, a.
„ levis, i. 572, b.
Culter, i. 572, b.
Cultrarius, i. 572, b.
Cumatium, i. 590, b.
Cunabula, i. 573, a; i. 1005, a.
Cunae, i. 573, a.
Cunaria, i. 573, a.
Cuneus, i. 112, b; ii. 815, a.
Cuniculus, i. 573, b.
Cupa, i. 573, b; ii. 868, a; ii. 964, a.
Cura adolescentium, i. 574, a.
„ annonae, i. 32, b.
„ anuli, i. 131, a.
„ bonorum, i. 575, b.
„ „ absentis, i. 575, b.
„ „ et ventris, i. 575, b.
„ furiosorum, i. 575, a.
„ hereditatis, i. 575, b.
„ „ *jacentis*, i. 575, b.
„ ludorum, i. 32, b.
„ minorum, i. 574, a.
„ urbis, i. 32, a.
Curatela, i. 574, a.
Curator, i. 574, a.
Curatores, i. 575, b; i. 801, b.
„ alvei et riparum, i. 575, b.
„ annonae, i. 575, b.
„ aquarum, i. 156, a.
„ kalendarii, i. 576, a.
„ ludorum, i. 576, a.
„ operum publicorum, i. 576, a.
„ regionum, i. 576, a.
„ reipublicae, i. 576, a.
„ tabularum publicarum, i. 576, a.
„ viarum, ii. 948, b.
Curia, i. 482, a; i. 576, b; i. 577, a.
Curiae, i. 482, a; i. 576, b.
Curiales, i. 482, a; i. 577, a; i. 606, b.
Curiata comitia, i. 503, b.
Curio, i. 577, b.
„ maximus, i. 577, b.
Curriculum, i. 434, b.
Currus, i. 216, a; i. 577, b.
„ arcuatus, i. 581, a.
Cursores, i. 581, a.
Cursus, i. 581, a.
„ publicus, i. 583, a.
Curvatura, ii. 854, a.
Curules magistratus, ii. 619, b.
Curulis sella, ii. 619, b.
Cuspis, i. 934, b.
Custodia, i. 589, a.
Custodes, custodiae, i. 377, a; i. 801, b.
Custos urbis, ii. 477, a.
Cyathus, i. 589, b; ii. 530, b.
Cybaea, i. 590, a.
Cyclas, i. 590, a.
Cycnus, i. 218, a.

Cylindrus, i. 590, a.
Cyma, i. 590, b.
Cymatium, i. 590, b.
Cymba, i. 590, b.
Cymbalistria, i. 591, b.
Cymbalum, i. 590, b.
Cymbium, i. 591, b.
Cynosura, i. 216, b.

D.

Dactyliotheca, i. 592, b.
Daedala, -eia, i. 592, b.
Dalmatica, i. 594, a.
Damni injuria actio, i. 595, a.
Damnum, i. 594, b.
„ infectum, i. 594, b.
„ injuria datum, i. 595, a.
Dardanarii, i. 597, b.
Daricus, i. 597, b.
Dealbatores, i. 598, b.
Debitor, ii. 254, b.
Decanus, i. 599, a.
Decemjugis, i. 579, b.
Decempeda, i. 600, a; ii. 162, a.
Decem Primi, i. 600, a.
Decemviri, i. 600, b.
„ agris dividundis, i. 602, a.
„ legibus scribendis, i. 600, b.
„ litibus, or stlitibus, judicandis, i. 601, a.
„ sacrorum, or sacris faciendis, i. 601, b.
Decennalia, or Decennia, i. 602, a.
Decimanus, i. 84, b.
Decimatio, i. 602, a.
Decimatrus, ii. 535, b.
Declamatio, i. 602, a.
Declinatio, i. 458, a.
Decocta, ii. 520, a.
Decoctor, i. 602, b.
Decreta, i. 531, b.
Decretum, i. 602, b.
Decumae, i. 603, a.
Decumani, i. 605, b.
Decuncis, i. 606, a.
Decuria, i. 606, a.
Decuriae, ii. 613, a; ii. 979, a.
„ judicum, i. 1028, a.
Decuriales, ii. 979, a.
Decurialis, i. 606, b.
Decuriati, ii. 979, a.
Decuriatio, i. 100, b.
Decuriones, i. 482, a; i. 606, b; i. 754, a.
Decursio, -us, i. 608, a.
Decursoria, ii. 457, b.
Decussis, i. 608, b.
Dedicare, i. 687, b.
Dedicatio, i. 608, b.
Deditícii, i. 608, b.
Deditio, i. 608, b; ii. 681, b.
Deducere, i. 608, b.
Deductio, i. 608, b.
Deductores, i. 100, a; i. 608, b.
Defensor civitatis, i. 609, a.
Defensores, ii. 513, a.
Defrutum, ii. 963, b.
Dejecti effusive actio, i. 609, b.
Delatio nominis, i. 610, a.
Delator, i. 610, b.
Delectus, i. 805, a.
Delia, i. 610, b.
Delictum, i. 563, b.
Delmatica, i. 594, a.
Delphin, or Delphinus, i. 218, b.
Delphines, -i, i. 434, b.
Delphinia, i. 611, a.
Delta, ii. 248, a.
Delubrum, ii. 773, b.
Demarchi, i. 611, b.
Demensum, ii. 666, b.
Demetria, i. 612, b.
Deminutio capitis, i. 360, a.
Demiurgi, i. 612, b.
Demonstratio, i. 17, b.
Demus, i. 614, b.
Denarius, i. 617, a.
Dendrophori, i. 617, a.
Denecales feriae, i. 837, a.
Dens, or Dentale, i. 160, a.
Dentifricium, i. 617, a.
Depensi actio, i. 1014, b.
Deponens, i. 618, a.
Depontani senes, i. 617, b.
Deportatio, i. 820, b.
„ in insulam, i. 820, b.
Depositarius, i. 618, a.
Depositi actio, i. 618, a.
Depositor, i. 618, a.
Depositum, i. 182, a; i. 618, a.
Derelictio, ii. 652, a.
Derogare legem, ii. 33, a.
Desertor, i. 618, b.
Designator, i. 891, a.
Desultor, i. 618, b.
Detestatio sacrorum, i. 911, a.
Devergentia, i. 458, a.
Deversorium, i. 387, b.
Deunx, i. 619, a; ii. 455, a.
Devotio, ii. 583, a.
Dextans, i. 619, a; ii. 455, a.
Dextrale, i. 619, a.
Dextrocherium, i. 619, a.
Diadema, i. 619, b.
Diaeta, i. 672, b.
Diaetetica, i. 623, b.
Dialis flamen, i. 865, a.
Diarium, ii. 666, b.
Diatreta, i. 626, a; ii. 973, b.
Dicere, i. 631, b.
Dictator, i. 630, b.
Didia lex, ii. 724, b.
Diem dicere, i. 1027, a.
Dies, i. 634, b.
„ atri, i. 636, a.
„ civilis, i. 634, b.
„ comitiales, i. 636, a.
„ comperendini, i. 636, b.
„ fasti, i. 635, b.
„ feriati, i. 636, a; i. 836, b.
„ festi, i. 636, b.
„ fissi, i. 636, b.
„ intercisi, i. 636, a.
„ lustricus, ii. 102, b.
„ naturalis, i. 634, b.
Dies nefasti, i. 636, a.
„ parentales, i. 893, b.
„ postriduani, i. 636, a.
„ proeliales, i. 636, b.
„ profesti, i. 636, b.
„ religiosi, i. 636, a.
„ sementina, i. 838, b.
„ stati, i. 636, b.
„ vitiosi, i. 636, a.
Diffarreatio, i. 648, b.
Digesta, ii. 330, a.
Digitalia, ii. 121, a.
Digitus, i. 592, b; ii. 161, b.
Dilatoria exceptio, i. 19, b.
Dilectus, i. 805, a.
Diligentia, i. 572, a.
Dimachae, i. 637, a.
Dimachaeri, i. 917, b.
Dimensum, ii. 666, b.
Dionysia, i. 637, a.
Dioptra, i. 924, a.
Diploma, i. 641, a.
Diptycha, i. 643, b; ii. 753, b.
Directa actio, i. 21, b.
Diribitores, i. 508, a; i. 644, a.
Discessio, ii. 629, a.
Discinctus, ii. 905, b.
Discus, i. 644, b.
Dispensator, i. 645, a; ii. 666, a.
Dissignator, i. 891, a.
Diverbia, i. 357, a; i. 522, a.
Dividiculum, i. 154, b.
Divinatio, i. 645, a.
„ (law term), i. 647, a.
Divisores, i. 100, b.
Divortium, i. 647, b.
Doctores, i. 801, b.
Dodrans, i. 650, a; ii. 455, a.
Dogmatici, ii. 153, a.
Dolabella, i. 650, a.
Dolabra, i. 650, a.
Dolium, i. 650, a; ii. 964, a.
Dolo, i. 651, a.
De dolo malo actio, ii. 543, b.
Dolus malus, i. 572, a.
Domicilium, i. 651, a.
Dominium, i. 651, b.
Dominus, i. 654, a; i. 916, b.
Domitia lex, ii. 461, b.
Domus, i. 213, b; i. 654, a.
„ triumphalis, ii. 897, b.
Dona, i. 687, b.
Donaria, i. 687, a.
Donatio, i. 688, b.
„ mortis causa, i. 689, b.
„ propter nuptias, i. 690, b.
Donationes inter virum et uxorem, i. 689, a.
Donativum, i. 528, b.
Dormitoria, i. 671, a.
Dorsuarius, i. 694, a.
Dorsum, ii 951, a.
Dos (Greek), i. 691, a.
„ (Roman), i. 693, a.
„ adventicia, i. 693, a.
„ constituta, i. 693, a.
„ profectitia, i. 693, a.
„ recepticia, i. 693, a.
Dossuarius, i. 694, a.
Dotis actio, i. 694, a.
„ datio, i. 693, a.

Dotis dictio, i. 693, a.
„ promissio, i. 693, a.
Drachma, i. 694, a; ii. 455, a.
Draco, i. 217, a.
Ducenarii, i. 694, b.
Ducentesima, i. 404, b.
Duillia lex, ii. 40, a.
„ Maenia lex, ii. 40, b.
Dulciarii, ii. 430, b.
Duodecim scripta, i. 695, a.
Duo Viri, i. 696, b.
„ aedi dedicandae, i. 697, a.
„ juri dicundo, i. 697, a.
„ navales, i. 697, a.
„ perduellionis, ii. 368, a.
„ quinquennales, i. 697, a.
„ sacrorum, i. 697, a.
„ viis extra urbem purgandis, i. 697, a; ii. 949, a.
Duplarii, i. 697, a.
Duplicarii, i. 697, a; i. 787, b.
Duplicatio, i. 20, a.
Duplum, i. 895, b.
Dupondium, i. 697, b.
Dupondius, i. 203, a; i. 697, b.
Dussis, i. 201, b.
Duumvir, i. 696, b.
Dux, i. 793, a; ii. 506, b.

E.

Ebur, i. 715, a.
Ecclesia, i. 697, b.
Eclectici, ii. 153, a.
Ectypum, i. 704, a.
Eculeus, i. 704, b.
Ecurria, i. 753, b.
Edere actionem, i. 14, a.
Edicta, i. 531, b.
Edictales constitutiones, i. 531, b.
Edictum, i. 704, b.
„ aedilicium, i. 704, b.
„ perpetuum, i. 705, a.
„ provinciale, i. 705, b.
„ repentinum, i. 705, a.
„ Theodorici, i. 706, b.
„ tralaticium, i. 705, a.
„ urbanum, i. 705, b.
Editor, i. 916, b.
Editoris Tribunal, i. 112, b.
Effigies, i. 891, b.
Effractor, i. 707, a.
Elaeothesium, i. 272, b; i. 927, a.
Electrum, i. 714, a.
Elephantus, i. 715, a.
Eleusinia, i. 715, b.
Ellychnium, ii. 81, b.
Elogia, i. 992, b.
Emancipatio, i. 726, a.
Emansor, i. 618, b.
Emblema, i. 727, b.
Embolia, i. 11, a.
Emeriti, i. 809, a.
Emissarium, i. 728, b.
Emphyteusis, i. 730, b.
Emphyteuta, i. 730, b.
Emphyteuticaria praedia, i. 731, a.
Empirici, ii. 153, a.
Emporium, i. 731, b.
Empti et venditi actio, i. 731, b.
Emptio bonorum, i. 306, a.
„ et venditio, i. 731, b.
Encaustica, ii. 392, b.
Endromis, i. 735, a.
Engonasi, or Engonasin, i. 217, b.
Ensis, i. 919, a.
Entasis, i. 737, b.
Ephebeum, i. 927, a.
Ephebia, i. 283, a.
Ephesia, i. 740, a.
Ephesiae litterae, i. 740, b.
Ephippium, i. 742, a.
Ephori, i. 743, a.
Epibatae, i. 745, b.
Epidemiurgi, i. 613, a.
Epirhedium, ii. 540, a.
Epistola, i. 531, b; ii. 293, b; ii. 628, b.
Epistylium, i. 750, b.
Epitaphium, ii. 828, b.
Epithalamium, ii. 136, b.
Epitoxis, ii. 854, a.
Epulones, i. 753, b.
Epulum Jovis, i. 753, b; ii. 16, a.
Equester ordo, ii. 296, a.
Equirria, i. 753, b.
Equites, i. 753, b; i. 917, b.
„ equo publico, i. 754, a.
„ singulares Augusti, i. 794, b.
Equitum transvectio, i. 755, b.
„ centurias recognoscere, i. 755, a.
Equuleus, i. 704, b.
Equus, i. 218, b.
„ October, ii. 261, b.
Ergastulum, i. 760, a; ii. 956, a.
Ericius, i. 760, a.
Eridanus, i. 221, b.
Erigone, i. 219, b.
Erogatio, i. 156, a.
Ervilia, i. 70, a.
Ervum, i. 70, a.
Eschatocollion, ii. 59, a.
Esseda, i. 760, b.
Essedarii, i. 760, b; i. 917, b.
Essedum, i. 760, b.
Everriator, i. 893, b.
Evictio, i. 761, a.
Evocati, i. 761, b; i. 791, b.
Euripus, i. 113, a; i. 436, a.
Exactio capitum, ii. 933, b.
Ex-archiatri, i. 163, a.
Ex-archiatris, i. 163, a.
Exauguratio, i. 765, a.
Excellentissimi, i. 992, a.
Exceptio, i. 19, a; ii. 480, b.
„ dilatoria, i. 19, b.
„ doli, ii. 254, a.
„ litis dividuae, i. 19, b.
„ peremptoria, i. 19, b.
Exceptores, ii. 245, b.
Excubiae, i. 377, a.
Excubitores, i. 765, a.
Excusatio, i. 995, a.
Execratio, i. 1048, b.
Exedra, i. 282, a; i. 671, b; i. 765, a.
Exercitatores, i. 801, b.
Exercitor navis, i. 766, b.
Exercitoria actio, i. 766, a.
Exercitus, i. 766, b.
Exhibendum, actio ad, i. 813, a.
Exodia, i. 813, b.
Exostra, i. 815, a.
Expensilatio, ii. 254, a.
Expromissio, i. 1014, a.
Exsequiae, i. 891, a.
Exsilium, i. 816, b.
Exsul, i. 820, a.
Exta, ii. 586, b.
Exterere, i. 64, a.
Extispices, i. 934, b.
Extispicium, i. 934, b.
Extranei heredes, i. 949, b.
Extraordinarii, i. 786, a; i. 787, a; i. 806, b.
Exverrae, i. 893, b.
Exverriator, i. 893, b.
Exuviae, ii. 691, a.

F.

Faba, i. 68, a.
Fabacia, i. 68, b.
Fabatarium, i. 821, a.
Fabia lex, ii. 432, a.
Fabri, i. 821, a.
„ aurarii, ii. 945, a.
Fabula crepidata, i. 563, a.
„ palliata, i. 522, a.
„ praetextata, ii. 865, b.
„ togata, i. 522, a.
„ trabeata, i. 522, a.
Fabulae Atellanae, i. 522, b.
„ Salticae, ii. 335, a.
Facitergium, ii. 723, b.
Factiones aurigarum, i. 438, b.
Factorium, i. 821, b.
Factus, ii. 266, a.
Faecatum, ii. 965, a.
Faeniseca, i. 71, a.
Faenum, i. 70, b.
Faenum Graecum, i. 70, a.
Fala, i. 821, b.
Falarica, i. 937, a.
Falcidia lex, ii. 21, b.
Falcula, i. 823, a.
Falsarii, i. 822, b.
Falsum, i. 821, b.
Falx, i. 823, a; ii. 311, b.
Familia, i. 824, a; i. 917, a; ii. 665, b.
Familiae emptor, i. 824, b; ii. 801, a.
„ erciscundae actio, or judicium, i. 825, a.
Familiaris, i. 824, a.
Famosi libelli, ii. 57, a; ii. 115, a.
Famulus, i. 824, a.
Fanatici, i. 825, b; ii. 773, b.

Fannia lex, ii. 724, b.
Fanum, i. 825, b; ii. 773, b.
Far Clusinum, i. 65, b.
„ venuculum rutilum, i. 65, b.
„ „ candidum, i. 65, b.
Farrago, i. 70, b.
Farreum, ii. 140, b.
Fartor, i. 826, a.
Fas, i. 828, a.
Fasces, i. 826, a.
Fascia, i. 827, a.
Fascinum, i. 827, b.
Fasciola, i. 827, a.
Fasti, i. 828, a.
„ annales, i. 829, b.
„ calendares, i. 828, a.
„ Capitolini, i. 829, b.
„ consulares, i. 829, b.
„ dies, i. 828, a.
„ historici, i. 829, b.
„ sacri, i. 828, a.
„ triumphales, ii. 897, b
Fastigium, i. 154, b; i. 829, b.
Fauces, i. 671, a.
Favete linguis, i. 646, b.
Fax, i. 830, a.
Februa, ii. 99, b.
Februare, ii. 100, b.
Feminalia, i. 831, a.
Fenestra, i. 831, a.
Fenus, i. 831, a.
„ nauticum, i. 836, a.
Ferae magna minorque, i. 216, b.
Feralia, i. 893, b.
Ferculum, i. 836, a.
Ferentarii, i. 5, b; i. 782, a.
Feretrum, i. 891, b; ii. 19, b.
Feriae, i. 836, b.
„ Aeginetarum, i. 33, b.
„ aestivae, i. 839, a.
„ conceptivae, or conceptae, i. 837, a.
„ denecales, i. 837, a.
„ imperativae, i. 837, a.
„ Latinae, i. 838, a.
„ matronales, ii. 144, b.
„ praecidaneae, i. 839, a.
„ privatae, i. 837, a.
„ publicae, i. 837, a.
„ sementivae, i. 838, b.
„ stativae, i. 837, a.
„ stultorum, i. 873, a.
„ vindemiales, i. 839, a.
Ferre legem, ii. 33, a.
Ferrum, ii. 166, a.
Ferula, i. 864, b.
Fescennina, i. 839, a.
Festi dies, i. 636, b.
Festuca, i. 839, b.
Fetiales, i. 839, b.
Fibula, i. 840, b.
Fictile, i. 841, b.
Fictio, i. 855, a.
Fictor, i. 842, a; ii. 794, a.
Fideicommissarii praetores, i. 856, a.
Fideicommissarius, i. 857, a.
Fideicommissum, i. 855, b.
Fidejussor, i. 1014, b.
Fidepromissor, i. 1014, b.
Fides, i. 217, b; ii. 104, b.
Fidicula, i. 217, b; i. 858, a.
Fidis, i. 217, b.
Fiducia, i. 858, a.
Fiduciaria actio, i. 22, a.
Fiduciarius, i. 857, a; i. 858, b.
Figlinae, i. 842, a.
Figmentum, i. 842, a.
Figulina ars, i. 842, a.
Figulus, i. 842, a.
Filamen, i. 864, b.
Filia, i. 469, a.
Filiafamilias, ii. 351, b.
Filius, i. 469, a.
Filiusfamilias, i. 26, b; i. 825, a; ii. 351, b.
Filum, i. 864, b.
Fimbriae, i. 859, a.
Finis, ii. 655, a.
Finitores, i. 83, a.
Finium regundorum actio, i. 859, b.
Fiscales, i. 918, a.
Fiscalis praetor, i. 861, b.
Fiscus, i. 860, a.
Fistuca, i. 862, a.
Fistula, i. 862, a; ii. 748, b.
Flabelliferae, i. 863, b.
Flabellum, i. 863, b.
Flagellum, i. 864, a.
Flagrum, i. 864, a.
Flamen, i. 864, b.
„ Augustalis, i. 258, b.
„ Curialis, i. 577, a.
„ Dialis, i. 865, a.
„ Martialis, i. 865, a.
„ Quirinalis, i. 865, a.
Flaminia lex, ii. 42, a.
Flaminica, i. 866, a.
Flammearii, i. 867, b.
Flammeolum, i. 867, a.
Flammeum, i. 866, b; ii. 142, b.
Flavia agraria lex, ii. 42, a.
Flexumines, i. 755, a.
Floralia, i. 867, b.
Flos (siliginis), i. 66, b.
Flumen, ii. 653, a.
Fluminis recipiendi, or immittendi servitus, ii. 653, a.
Focale, i. 868, a.
Foculus, i. 868, a.
Focus, i. 868, a.
Fodinae, ii. 933, a.
Foederatae civitates, i. 868, b.
Foederati, i. 868, b.
Foedus, i. 868, b; ii. 682, a.
Foenus, i. 834, a.
„ nauticum, i. 836, a.
Folliculus, i. 869, b.
Follis, i. 869, b.
Fons, i. 870, b.
Foramina, ii. 853, a.
Forceps, i. 871, b.
Fordicidia, i. 872, a.
Fores, i. 669, a.
Forfex, i. 872, b.
Forficula, i. 872, b.
Fori, i. 430, a; ii. 216, b.
Foris, i. 988, b.
Forma, i. 872, b.
Formacei, i. 58, a.
Formella, i. 872, b.
Formido, ii. 545, b.
Formula, i. 18, a; i. 872, b.
Formula arbitraria, i. 1019, a.
„ in factum concepta, i. 18, a.
„ in jus concepta, i. 18, a.
„ petitoria, ii. 959, b.
Formulae praejudiciales, ii. 479, a.
Fornacalia, i. 873, a.
Fornacatores, i. 279, a.
Fornacula, i. 873, a.
Fornax, i. 873, a.
Fornix, i. 171, a; i. 873, b.
Foro cedere, or abire, i. 183, a.
„ mergi, i. 183, a.
Forpex, i. 874, a.
Foruli, i. 298, a.
Forum, i. 540, b; i. 874, a.
Fossa, i. 57, a; i. 380, a; ii. 951, b.
„ caeca, i. 57, a.
„ patens, i. 57, a.
Framea, i. 937, a.
Frater, i. 469, a.
Fratres arvales, i. 198, a.
Frenum, i. 876, a.
Frigida mensa, i. 396, b.
Frigidarium, i. 272, b; i. 275, a; i. 927, a.
Fritillus, i. 877, a.
Frontale, i. 117, b.
Fructuaria res, ii. 988, b.
Fructuarius, ii. 988, a.
Fructus, i. 652, b; ii. 989, b.
Frumenta, i. 65, a.
Frumentariae leges, i. 877, a.
Frumentarii, i. 793, a; i. 880, a.
Frumentatio, i. 877, b.
Frumento servando, de, i. 64, b.
Frumentum, ii. 715, a.
Fucus, i. 880, a.
Fuga lata, i. 821, a.
„ libera, i. 821, a.
Fugitivarii, ii. 662, a.
Fugitivus, ii. 662, a.
Fulcra, ii. 18, b.
Fullo, i. 881, a.
Fullonica, i. 882, b.
Fullonicum, i. 882, b.
Fullonium, i. 882, b.
Fumarium, ii. 967, b.
Fumi immittendi servitus, ii. 653, a.
Funale, i. 882, b.
Funalis, i. 883, a.
„ equus, i. 579, b.
Funambulus, i. 883, a.
Funarius, i. 579, a.
Funda, i. 883, b; ii. 546, a.
Funditores, i. 883, b.
Fundus, i. 56, a; i. 884, b.
„ dotalis, ii. 986, a.
Funes, i. 437, a; ii. 853, a.
Funus, i. 884, b.
„ indictivum, i. 891, a.
„ privatum, i. 890, b.
„ publicum, i. 890, b.
„ translaticium, i. 891, a.
Fur, i. 895, b.
Furca, i. 894, a.
Furcifer, i. 894, b.
Furcilla, i. 894, a.
Furcula, i. 894, a.

Furfures, i. 66, b.
Furia, or Fusia Caninia lex, ii. 42, a; ii. 124, b.
Furiosus, i. 575, a; ii. 801, a.
Furnus, i. 873, a.
Furti actio, i. 895, b.
Furtum, i. 894, b.
„ conceptum, i. 896, b.
„ manifestum, i. 895, b.
„ nec manifestum, i. 895, b.
„ oblatum, i. 896, b.
„ usus, i. 895, a.
Fuscina, i. 897, a.
Fustium animadversio, i. 897, b.
Fustuarium, i. 897, b.
Fusus, i. 897, b.

G.

Gabinia lex, i. 507, b; ii. 752, a.
Gabinus cinctus, ii. 3, a; ii. 848, b.
Gaesum, i. 936, b.
Gaius, i. 1013, a.
Galea, i. 898, b.
Galerus, -um, i. 899, b.
Gallare, i. 900, a.
Galli, i. 899, b; i. 918, a.
Gallicae, i. 900, b.
Gallinae, i. 78, a.
Ganea, i. 388, b.
Gausapa, i. 901, a.
Gausape, i. 901, a.
Gausapum, i. 901, a.
Gemini, i. 219, b.
Gemma, i. 901, b.
Gemoniae Scalae, i. 363, b.
Gener, i. 42, b.
Genera, ii. 559, a.
Genethliaci, i. 213, a.
Geniculatus, i. 217, b.
Genitura, i. 213, b.
Gens, i. 906, b.
Gentiles, i. 907, a.
Gentilitas, i. 907, a.
Gentilicia sacra, i. 910, b.
Gentium jus, i. 907, a.
Genus scansorium, ii. 107, b.
Germani, i. 468, b; i. 795, b.
Gerrae, i. 916, a.
Gesta, i. 13, b.
Gestatio, i. 977, a.
Gladiatores, i. 916, a.
Gladiatorium, i. 916, b.
Gladius, i. 919, a.
Glandes, i. 884, a.
Glires, i. 82, b.
Glomus, i. 897, b.
Glos, i. 43, a.
Glutinatores, ii. 58, b.
Gomphi, ii. 951, a.
Gradus, i. 112, a; i. 469, a; i. 921, a; ii. 162, a.
„ cognationis, i. 469, a.
Graecostasis, i. 921, a.
Grammaticus, ii. 96, b.
Granea, i. 66, b.
Graphiarium, ii. 714, a.
Graphica, ii. 390, a.
Graphium, ii. 714, a.
Grassatores, ii. 11, a.
Gregorianus Codex, i. 466, a.
Gremium, i. 292, b; ii. 951, b.
Groma, i. 378, b; i. 923, b.
Gromatici, i. 83, b; i. 923, b.
Gubernaculum, ii. 208, a.
Gustatio, i. 396, b.
Gustus, i. 396, b.
Guttus, i. 279, a; i. 925, a.
Gymnasium, i. 925, b.

H.

Habenae, i. 932, a.
Habitatio, ii. 652, b.
Haedi, i. 218, a.
Haeres, i. 943, a; i. 948, b.
Halicastrum, i. 65, b.
Halteres, i. 932, b.
Harmamaxa, i. 933, a.
Harmostes, i. 933, a.
Harpaginetuli, i. 933, b.
Harpago, i. 933, b.
Harpastum, ii. 422, b.
Haruga, i. 934, b.
Harundo, i. 329, b.
Haruspices, i. 934, a.
Haruspicina ars, i. 646, b; i. 934, a.
Haruspicium, i. 646, b.
Hasta, i. 934, b.
„ celibaris, i. 937, a.
„ pura, i. 937, a.
„ vendere sub, i. 246, a.
Hastarium, i. 937, b.
Hastati, i. 783, b; i. 785, a.
Helepolis, i. 938, b.
Heliaea, i. 627, a.
Heliocaminus, i. 686, b.
Helix, i. 939, a.
Hellanodicae, i. 939, a; ii. 271, a.
Hellenotamiae, i. 939, a.
Helotes, -ae, i. 939, b.
Hemina, i. 529, a; i. 560, a; i. 941, b; ii. 530, a.
Heminarium, i. 529, a.
Hemistrigium, i. 381, b.
Hepatizon, i. 39, a.
Heracleia, i. 942, b.
Heraea, i. 942, b.
Herculanei, i. 241, b.
Hercules, i. 217, b.
Hereditas, i. 948, b.
Heredium, ii. 163, b.
Heres ex libella, i. 203, b.
Heres (Greek), i. 943, b.
„ (Roman), i. 948, b.
Hermae, i. 953, b.
Hermaea, i. 955, b.
Hermanubis, i. 955, a.
Hermaphroditus, i. 956, a.
Hermares, i. 955, a.
Hermathena, i. 955, a.
Hermeracles, i. 955, a.
Hermogenianus codex, i. 466, a.
Hermuli, i. 953, b.
Herones, i. 956, b.
Hexaphori, ii. 379, b.
Hexaphoron, ii. 14, b.
Hexeres, ii. 221, a.
Hieronica lex, i. 605, b; ii. 507, a.
Hilaria, i. 961, b.
Hippocratici, ii. 153, a.
Hippodromus, i. 962, a; i. 977, a.
Hippoperae, i. 965, a.
Hirpex, i. 1023, b.
Hister, i. 967, b.
Histrio, i. 965, b.
Holoserica, ii. 650, a.
Holosericopratae, ii. 650, a.
Honoraria actio, i. 21, a.
Honorarii ludi, ii. 85, b.
Honorarium, i. 30, b; ii. 37, b.
„ jus, i. 705, a.
Honores, i. 969, b.
Hoplomachi, i. 918, a.
Hora, i. 970, b.
„ genitalis, i. 213, b.
Hordearium aes, i. 40, b.
Hordeum, i. 66, b.
„ cantherinum, i. 67, a.
„ Galaticum, or distichum, i. 67, a.
„ hexastichum, i. 67, a.
Horologium, i. 972, b.
Horoscopus, i. 213, b.
Horrearii, i. 976, a.
Horreum, i. 975, b.
Hortator, ii. 468, b.
Hortensia lex, ii. 32, b; ii. 42, b; ii. 437, b.
Hortus, i. 976, a.
Hospes, i. 981, b.
Hospitalia, i. 978, b.
Hospitium, i. 977, a; i. 978, b.
Hostia, ii. 586, b.
Hostis, i. 977, b; ii. 474, a.
Hostus, ii. 266, a.
Hyacinthia, i. 982, a.
Hyades, i. 219, a; i. 232, a.
Hydra, Hydros, i. 222, b.
Hydraula, i. 984, b.
Hydraulus, i. 984, a.
Hydriae, ii. 645, a.
Hydromelum, ii. 967, b.
Hypaethrae, i. 282, a.
Hypaethrum, ii. 783, a.
Hypocaustum, i. 278, a.
Hypogeum, i. 672, b.
Hypotheca, ii. 419, b.
Hypothecaria actio, ii. 419, b.
Hypotrachelium, i. 490, b.

I, J.

Jaculatores, i. 784, b.
Jaculum, i. 936, b; ii. 546, a.
Janitor, i. 669, a; i. 990, b.
Janua, i. 669, a; i. 987, a.
Iatralipta, i. 990, b.

Iatraliptice, i. 990, b.
Iatrosophista, i. 990, b.
Idus, i. 334, a.
Jejunum solum, i. 56, b.
Jentaculum, i. 394, b.
Igniaria, i. 991, a.
Ignominia, i. 1007, a.
Ilicet, i. 893, b.
Illustres, i. 991, b.
Ilotae, i. 939, b.
Imagines, i. 891, b; i. 992, a; ii. 672, a.
Imaginiferi, i. 801, a; ii. 673, a.
Imbrices, i. 849, a; ii. 764, a.
Immolatio, ii. 586, b.
Immunes, i. 804, b.
Immunitas, i. 994, a.
Impendium, i. 834, a.
Imperativae feriae, i. 837, a.
Imperator, i. 995, b.
Imperium, i. 995, b; ii. 549, b.
Impilia, ii. 932, b.
Impluvium, i. 682, a.
Impuberes, i. 1000, a.
Impubes, i. 999, b.
Inauguratio, i. 1001, b.
„ regis, ii. 552, b.
Inaurator, i. 316, a.
Inauris, i. 1002, a.
Incendium, i. 1002, b.
Incensus, i. 400, a.
Incestum, -us, i. 1003, b.
Incitega, i. 1005, a.
Inclinatio, i. 458, a.
Incola, i. 651, b.
Incorporales res, i. 652, a.
Incubatio, i. 688, a.
Incunabula, i. 1005, a.
Incus, i. 1005, b.
Indago, ii. 545, b.
Index, ii. 59, a.
Indices, i. 992, b.
Indigitamenta, ii. 462, a.
Induere, i. 101, b.
Indumentum, ii. 314, b.
Indutus, i. 101, b; ii. 903, a.
Infames, i. 1006, a.
Infamia, i. 1006, a.
Infans, i. 999, b.
Infantia, i. 1000, a.
Infector, ii. 945, a.
Inferiae, i. 893, b.
Infula, i. 1009, a.
Infundibulum, ii. 176, b.
Ingeniculatus, i. 217, b.
Ingeniculus, i. 217, b.
Ingenui, i. 1009, a.
Ingenuitas, i. 1009, b.
Ingratus, ii. 357, a.
Injuria, i. 1010, a.
Injuriarum actio, i. 1010, b; ii. 961, a.
Inlicium, i. 506, b.
Innixus, i. 217, b.
Inofficiosi querela, ii. 806, a.
Inofficiosum testamentum, ii. 806, a.
Inquilini, i. 471, b.
Inquilinus, i. 516, b; i. 820, a; ii. 70, a.
Inscripta, ii. 469, b.
Insigne, i. 1011, a.
Insignia triumphi, ii. 897, b.
Insilia, i. 1012, a.
Instauratio, ii. 86, a.
Instita, i. 1012, a; ii. 716, b.
Institor, i. 1012, b.
Institoria actio, i. 1012, a.
Institutiones, i. 1012, b.
Institutoria actio, i. 1014, a.
Instrumenta agriculturae, i. 58, b.
Insubuli, ii. 765, a.
Insula, i. 665, a.
Integrum, restitutio in, ii. 543, a.
Intentio, i. 17, b.
Intercessio, i. 1014, a; i. 1015, b.
Intercisi dies, i. 636, a.
Interdictio aquae et ignis, i. 820, a.
Interdictum, i. 1018, a.
„ adipiscendae possessionis, i. 1019, b.
„ duplicia, i. 1020, b.
„ exhibitorium, i. 1018, a.
„ possessorium, i. 1019, b.
„ de precario, i. 1020, a.
„ prohibitorium, i. 1018, a.
„ quorum bonorum, i. 1019, b.
„ recuperandae possessionis, i. 1020, a.
„ restitutorium, i. 1018, a.
„ retinendae possessionis, i. 1019, b.
„ Salvianum, i. 1019, b.
„ sectorium, i. 1019, b; ii. 615, b.
„ simplicia, i. 1020, b.
„ uti possidetis, i. 1020, a.
„ utrubi, i. 1020, a.
Intergerinus, ii. 345, b.
Intergerivus, ii. 345, b.
Internundinum, ii. 252, a.
Interpellatio, ii. 180, b.
Interpres, i. 1021, a.
Interregnum, i. 1021, a.
Interrex, i. 1021, a.
Interscalmium, ii. 213, b.
Intervallum, i. 374, a.
Interula, ii. 906, a.
Intestabilis, i. 1023, a.
Intestato, heredes ab, i. 952, a.
Intestatus, i. 948, b.
Intestinum opus, i. 1023, b.
Inventarium, i. 953, a.
Investis, i. 1001, a.
Irpex, i. 1023, b.
Iselastici ludi, i. 241, b.
Isthmia, i. 1023, b.
Italia, ii. 506, b.
Italici, ii. 681, b.
Iter, ii. 457, b.
Iterare, i. 60, b.
Itineris servitus, ii. 653, b.
Jubere, ii. 637, a.
Judex, i. 1026, a; ii. 15, a; ii. 508, b.
„ ordinarius, i. 1031, b.
„ pedaneus, i. 1031, b.
„ quaestionis, i. 1028, b.
Judicati actio, i. 1031, b.
Judices editi, i. 1032, a.
„ editicii, i. 100, b; i. 1028, b.
Judicia duplicia, i. 825, a.
„ extraordinaria, i. 1029, b.
„ legitima, i. 1029, b; i. 1040, a.
„ quae imperio, i. 1029, b; i. 1040, a.
Judicium, i. 1026, a.
„ album, i. 1032, b.
„ populi, i. 1027, a.
„ privatum, i. 1029, a.
„ publicum, i. 1032, a.
Jugarii, i. 59, a.
Jugerum, i. 1034, a.
Jugum, i. 1034, b; ii. 163, b; ii. 765, a.
Jugumentum, i. 987, a.
Jugus, i. 1034, a.
Juliae leges, ii. 43, a.
Julia lex de adulteriis, i. 29, b.
„ agraria, ii. 43, a.
„ de ambitu, i. 101, a.
„ de annona, ii. 43, a.
„ de bonis cedendis, ii. 43, a.
„ caducaria, ii. 43, a.
„ de caede et veneficio, ii. 43, a.
„ de civitate, i. 482, a; ii. 43, a.
„ de foenore, ii. 43, b.
„ de fundo dotali, ii. 43, b.
„ judiciaria, ii. 43, b.
„ majestatis, ii. 114, b.
„ municipalis, ii. 44, a.
„ et Papia Poppaea, ii. 44, a.
„ peculatus, ii. 361, a.
„ et Plautia, ii. 45, b.
„ de provinciis, ii. 43, b.
„ repetundarum, ii. 543, a.
„ de residuis, ii. 361, a.
„ de sacerdotiis, ii. 43, b.
„ de sacrilegio, ii. 587, a.
„ sumptuaria, ii. 45, b. ii. 725, a.
„ theatralis, ii. 45, b.
„ et Titia, ii. 45, b.
„ de vi publica et privata, ii. 971, b.
„ vicesimaria, ii. 954, b.
Junea, or Junia, Norbana lex, i. 10, b; i. 450, a; ii. 45, b; ii. 62, b; ii. 124, a.
Junia lex repetundarum, ii. 542, b.
Juniores, i. 505.
Jura in re, i. 652, a.
Jure, actio in, i. 1040, b.
„ adcrescendi, i. 951, a.
„ agere, i. 1036, a.

Jure, cessio in, i. 13, b; i. 1036, a; ii. 983, a.
Jureconsulti, i. 1037, a.
Jurgium, i. 1036, a.
Juridici, i. 1036, b.
Juris auctores, i. 246, b; i. 1037, a.
„ studiosi, i. 212, a.
Jurisconsulti, i. 1037, a.
Jurisdictio, i. 540, b; i. 1039, b.
Jurisperiti, i. 1037, a.
Jurisprudentes, i. 1037, a.
Jus, i. 1040, b.
„ aquae impetratae, i. 155, b.
„ Aelianum, i. 1044, a.
„ anuli aurei, i. 132, a.
„ anulorum, i. 133, a.
„ applicationis, i. 820, a; ii. 435, b.
„ asyli, i. 235, a.
„ augurum, i. 249, b.
„ civile, i. 449, a; i. 1041, a.
„ „ Flavianum, i. 1044, b.
„ „ Papirianum, i. 1044, b.
„ civitatis, i. 448, a.
„ commercii, i. 448, b.
„ connubii, i. 448, b.
„ edicendi, i. 704, b.
„ eundi, ii. 653, b.
„ exulandi, i. 820, a.
„ fetiale, i. 840, a; i. 1041, b.
„ gentium, or gentilitatis, i. 907, a; i. 1041, a.
„ honorarium, i. 705, a; i. 1044, a.
„ honorum, i. 448, b.
„ imaginum, i. 993, b.
„ Italicum, i. 480, b.
„ Latii, i. 449, a; ii. 9, b.
„ liberorum, ii. 45, a.
„ naturale, i. 1043, a.
„ non scriptum, i. 1044, a.
„ pascendi, ii. 653, b.
„ Pontificium, i. 1041, b; ii. 462, a.
„ possessionis, ii. 470, a.
„ postliminii, ii. 472, b.
„ praediatorum, ii. 480, a.
„ praetorium, i. 705, a; i. 1044, a.
„ prensionis, i. 589, a.
„ privatum, i. 448, b; i. 1042, a.
„ proferendi pomerii, ii. 444, a.
„ publice epulandi, ii. 626, b.
„ publicum, i. 448, b; i. 1042, a.
„ Quiritium, i. 448, b; i. 1042, b.
„ relationis, ii. 628, a.
„ respondendi, i. 1038, a.
„ sacrum, i. 1041, b.
„ scriptum, i. 1044, a.
„ senatus, ii. 626, b.
„ sententiae, ii. 622, b.
„ suffragii, i. 448, b.
„ superficiarium, ii. 726, b.
„ virgarum in histriones, i. 968, b.
„ vocatio, in, i. 15, a.
Jusjurandum, i. 1045, a.
Jusjurandum calumniae, i. 349, a.
Jussu quod actio, i. 1052, a.
Justa funera, i. 889, b.
Justinianeus codex, i. 466, b.
Justitium, i. 1052, a.
Justum, i. 1040, b.
Juvenalia, or juvenales ludi, i. 1053, a.

L.

Labrum, i. 277, a; ii. 850, b; ii. 868, a.
Labyrinthus, ii. 1, a.
Lacerna, ii. 2, b.
Lacinia, ii. 2, b.
Laconicum, i. 268, a; i. 272, a; i. 277, b; i. 278, a.
Lacunar, i. 686, a; ii. 778, b.
Lacus, i. 155, a; ii. 3, a; ii. 850, b.
Lacusculi, ii. 850, b.
Laena, ii. 3, b.
Laesa majestas, ii. 115, b.
Lagoenae, ii. 964, b.
Lagona, ii. 4, a.
Laguna, ii. 4, a.
Lamina, ii. 650, b.
Lancea, i. 936, a.
Lancula, ii. 696, a.
Lanarius, ii. 426, b.
Lanificium, ii. 770, b.
Laniger, i. 219, a.
Lanista, i. 916, b.
Lanterna, ii. 6, b.
Lanx, ii. 7, a.
Lapicidinae, ii. 13, b; ii. 933, a.
Lapis specularis, i. 686, b.
Laquear, i. 686, a.
Laquearii, i. 686, a; i. 918, a.
Laqueus, ii. 7, b.
Lararium, i. 672, b; ii. 7, b.
Larentalia, ii. 8, a.
Larentinalia, ii. 8, a.
Largitio, i. 528, b.
Larva, ii. 374, a.
Lata fuga, i. 821, a.
Later, i. 848, a; ii. 8, a.
Laterculus, ii. 8, a.
Lateres crudi, ii. 187, a.
Laterna, ii. 6, b.
Laticlavius, i. 456, a.
Latii jus, i. 449, a; ii. 9, b.
Latinae feriae, i. 838, a.
Latini Juniani, ii. 10, b.
Latinitas, ii. 9, b.
Latinus, i. 448, b.
Latium, ii. 9, b.
Latomiae, ii. 13, b.
Latrina, i. 269, b; i. 664, a; i. 672, a.
Latrocinium, ii. 11, a.
Latrones, ii. 11, a.
Latrunculi, ii. 11, a.
Latumiae, ii. 13, b.
Latus clavus, i. 453, b.
Lavatio calda, i. 282, b.
Laudatio funebris, i. 892, a.
Lautia, ii. 24, b.
Lautomiae, ii. 13, b.
Lautumiae, ii. 13, b.
Lebes, ii. 13, b.
Lectica, ii. 14, a.
Lecticarii, ii. 14, b.
Lecticula, ii. 19, b.
Lectio senatus, ii. 621, a.
Lectisternium, ii. 15, b; ii. 730, a.
Lectores, i. 121, a.
Lectus, ii. 17, a.
„ cubicularis, ii. 18, a.
„ funebris, i. 890, a; ii. 19, b.
„ genialis, ii. 19, a.
„ lucubratorius, ii. 19, a.
„ tricliniaris, ii. 19, a; ii. 887, b.
Legatarius, ii. 19, b.
Legatio libera, ii. 24, b.
Legativum, ii. 954, a.
Legatum, ii. 19, b.
Legatus, ii. 23, a; ii. 509, b.
„ legionis, i. 797, b.
Leges, ii. 32, a.
„ censoriae, i. 402, a.
„ centuriatae, ii. 32, a.
„ Corneliae, ii. 725, a.
„ curiatae, i. 504, a; ii. 32, a.
„ Juliae, ii. 43, a; ii. 725, a.
„ sumptuariae, ii. 723, b.
„ tabellariae, ii. 751, b.
Legio, i. 788, a.
Legis actiones, i. 14, a; ii. 67, a.
„ Aquiliae actio, i. 595, b.
Legitima hereditas, i. 949, a.
Legitimae actiones, i. 14, a.
Legitimum spatium, ii. 655, b.
Legitimus modus, ii. 655, b.
Legumina, i. 68, a.
Lembus, ii. 30, a.
Lemniscus, i. 546, a.
Lemuria, ii. 30, b.
Lenaea, i. 638, a.
Leno, ii. 30, b.
Lenocinium, ii. 30, b.
Lens, i. 68, b.
Lenticula, i. 68, b.
Leo, i. 219, b.
Leporaria, i. 80, b.
Leporinum, ii. 945, b.
Lepus, i. 221, b.
Leria, ii. 67, a.
Lernaea, ii. 31, b.
Lessus, i. 891, a.
Levir, i. 43, a.
Lex, ii. 32, a.
„ Acilia, ii. 34, b; ii. 542, b.
„ „ Calpurnia, ii. 34, b.
„ Aebutia, i. 17, a; i. 405, a; ii. 34, b; ii. 125, b.
„ Aelia, ii. 35, a.
„ „ Sentia, i. 450, a; ii. 35, a; ii. 357, a.
„ Aemilia, ii. 35, b; ii. 725, a.
„ „ de censoribus, ii. 35, b.
„ „ Baebia, ii. 39, b.
„ „ Lepidi, ii. 725, a.

Lex Aemilia Scauri, ii. 725, a.
„ agraria, i. 49, b; ii. 35, b.
„ ambitus, i. 100, b.
„ Ampia, ii. 35, b.
„ Anastasiana, ii. 36, a.
„ annalis, or Villia, ii. 36, a.
„ annua, i. 705, a.
„ Antia, ii. 725, a.
„ Antonia, ii. 36, a.
„ Apuleia, i. 1014, b; ii. 36, a.
„ „ agraria, ii. 36, a.
„ „ frumentaria, i. 878, a; ii. 36,a.
„ „ majestatis, ii. 36, a; ii. 114,b.
„ Aquilia, i. 101, a; ii. 32, b.
„ Aternia Tarpeia, i. 31, b; ii. 36, b.
„ Atia de sacerdotiis, ii. 36, b.
„ Atilia, ii. 36, b; ii. 45, b; ii. 910, a.
„ Atinia, ii. 36, b.
„ Aufidia, i. 101, a.
„ Aurelia, i. 1028, a.
„ Baebia, ii. 36, b.
„ „ Aemilia, ii. 39, b.
„ Caecilia de Censoribus, or Censoria, ii. 36, b.
„ „ de vectigalibus, ii. 37, a.
„ „ Didia, ii. 37, a.
„ Caelia tabellaria, ii. 752, a.
„ Calidia, ii. 37, a.
„ Calpurnia, i. 16, a.
„ „ de ambitu, i. 100, b.
„ „ de repetundis, ii. 542, a.
„ Canuleia, ii. 32, b; ii. 37, a.
„ Cassia, ii. 37, a.
„ „ agraria, ii. 37, a.
„ „ tabellaria, ii. 37, a; ii. 752, a.
„ „ Terentia frumentaria, ii. 37, b.
„ Censoria, ii. 520, b.
„ Cicereia, i. 1015, a; ii. 37, b.
„ Cincia, ii. 37, b.
„ Claudia, ii. 38, a; ii. 912, b.
„ Clodiae, i. 878, b; ii. 38, b.
„ Coctia, ii. 38, b.
„ Coloniae Genetivae, ii. 38,b.
„ Commissoria, ii. 419, a.
„ Cornelia agraria, ii. 38, b.
„ „ de alea, i. 97, a.
„ „ de civitate, ii. 38, b.
„ „ de edictis, ii. 39,b.
„ „ de falsis, i. 822, a.
„ „ frumentaria, i. 878, a.
„ „ de injuriis, i. 1010, b; ii. 40,a.
„ „ judiciaria, ii. 39,b.
„ „ de lusu, ii. 40, a.
„ „ de magistratibus, ii. 39, a.
„ „ majestatis, ii. 114, b.
Lex Cornelia ne quis legibus solveretur, ii. 40, a.
„ „ de novis tabellis, ii. 40, a.
„ „ de novorum civium et libertinorum suffragiis, ii. 39, b.
„ „ nummaria, i. 822, a.
„ „ de parricidio, ii. 39, a.
„ „ de proscriptione et proscriptis, ii. 504, a.
„ „ de provinciis ordinandis, ii.39,a.
„ „ de recipiendo Mario, ii. 39, b.
„ „ de rejectione judicum, ii. 39, b.
„ „ de repetundis, ii. 542, b.
„ „ de restituendo Cicerone, ii. 40, a.
„ „ de revocandis exsulibus, ii. 39, b.
„ „ de sacerdotiis, ii. 461, b.
„ „ de sententia ferenda, ii. 39, a.
„ „ de sicariis et veneficis, i. 1003,a; ii. 11, a; ii. 39,a; ii. 939, b.
„ „ de sponsoribus, i. 1015, a; ii. 40,a.
„ „ sumptuaria, ii. 725, a.
„ „ testamentaria, i. 822, a.
„ „ tribunicia, ii. 39,b.
„ „ unciaria, ii. 39, b.
„ „ de vadimonio, i. 17, b.
„ „ Baebia, i. 100, b.
„ „ „ de ambitu, ii. 39, b.
„ „ Caecilia, i. 878, b; ii. 39, b.
„ „ Fulvia, i. 100, b.
„ Crepereia, ii. 40, a.
„ Curiata de adoptione, ii. 40, a.
„ „ de imperio, i. 247,a; i. 504, a; ii. 552, a.
„ Decia, ii. 40, a.
„ decimaria, ii. 40, a.
„ Didia, ii. 724, b.
„ Domitia de sacerdotiis, ii. 40, a; ii. 461, b.
„ Duilia, ii. 40, a.
„ „ maenia, ii. 40, b.
„ Duodecim Tabularum, ii. 40, b.
„ Fabia de plagio, ii. 432, a.
„ Fabricia, ii. 42, a.
„ Falcidia, ii. 21, b.
„ Fannia, ii. 724, b.
„ Flaminia, ii. 42, a.
„ Flavia agraria, ii. 42, a.
Lex frumentariae, i. 877, a.
„ Fufia de religione, ii. 42, a.
„ „ judiciaria, ii. 42, a.
„ Furia or Fusia Caninia, ii. 42, a; ii. 124, b.
„ „ Atilia, ii. 42, a.
„ „ de sponsu, i. 1014, b; ii. 125, b.
„ „ or Fusia testamentaria, ii. 21, b.
„ Gabinia de senatu, ii. 42, b.
„ „ tabellaria, i. 507,b; ii. 752, a.
„ „ de uno imperatore, ii. 42, b.
„ „ de versura, ii.42, b.
„ Gabiniae, i. 101, a; ii. 42, b.
„ Gellia Cornelia, ii. 42, b.
„ Genucia, ii. 42, b.
„ Glicia, ii. 42, b.
„ Gundobada, ii. 42, b.
„ Herennia, ii. 42, b.
„ Hieronica, i. 605, b; ii. 507, a.
„ Hirtia, ii. 42, b.
„ Horatia, ii. 42, b.
„ „ Valeria, ii. 42, b.
„ Hortensia de nundinis, ii. 42, b.
„ „ de plebiscitis, ii. 32, b; ii. 42, b; ii. 437, b.
„ Hostilia, ii. 42, b.
„ Icilia, ii. 43, a.
„ judicaria, i. 1027, b.
„ judicaria C. Gracchi, i. 1027, b.
„ Julia de adulteriis, i. 29, b; i. 648, b.
„ „ de ambitu, i. 101, a.
„ „ de civitate, i. 482, a.
„ „ de majestate, ii.114,b.
„ „ Miscella, ii. 43, b.
„ „ municipalis, i. 1007,a; ii. 44, a.
„ „ et Papia Poppaea, ii. 44, a.
„ „ peculatus, ii. 361, a.
„ „ et Plautia, ii. 45, b.
„ „ de repetundis, ii. 543, a.
„ „ theatralis, ii. 45, b.
„ „ et Titia, ii. 45, b.
„ „ de vi, i. 1003, a.
„ Juliae, ii. 43, a.
„ Junia de peregrinis, ii. 45, b.
„ „ Licinia, ii. 47, a.
„ „ Norbana, i. 10, b; i. 450, a; ii. 45, b; ii. 62, b; ii. 124, a.
„ „ repetundarum, ii. 542, b.
„ „ Velleia, ii. 46, a.
„ Laetoria, ii. 46, a.
„ Lentuli, ii. 46, a.
„ Licinia de sodaliciis, i. 100, b.
„ „ Junia, ii. 47, a.
„ „ Mucia de civibus regundis, ii. 47, a.

Lex Licinia sumptuaria, ii. 725, a.
„ Liciniae rogationes, ii. 46, a.
„ Liviae, i. 878, a; ii. 47, b.
„ Lutatia de vi, ii. 47, b.
„ Maenia, ii. 47, b.
„ majestatis, ii. 114, b.
„ Malacensis, Malacitana, i. 482, a; ii. 116, a.
„ Mamilia de coloniis, ii. 47, b.
„ „ finium regundarum, ii. 47, b.
„ mancipii, ii. 119, a.
„ Manilia, ii. 48, a.
„ Manilianae, ii. 48, a.
„ Manlia de vicesima, i. 37, b; ii. 124, b.
„ Marcia, ii. 48, a.
„ Maria, ii. 48, a; ii. 125, b.
„ Menenia, ii. 48, a.
„ Mensia, ii. 48, a.
„ Messia, ii. 48, a.
„ Metilia, ii. 48, a.
„ Minucia, ii. 48, b.
„ Mucia, ii. 48, b.
„ Muneralis, ii. 37, b.
„ Nervae agraria, ii. 48, b.
„ Octavia, i. 878, a.
„ Ogulnia, ii. 48, b.
„ Oppia, ii. 724, b.
„ Orchia, ii. 724, b.
„ Ovinia, ii. 48, b; ii. 621, b; ii. 623, a.
„ Papia de peregrinis, ii. 45, b.
„ „ Poppaea, i. 304, a; i. 648, b; ii. 357, b; ii. 358, a.
„ Papiria, or Julia Papiria de mulctarum aestimatione, ii. 48, b.
„ Papiria, ii. 48, b.
„ „ Plautia, ii. 48, b.
„ „ Poetelia, ii. 49, b.
„ „ tabellaria, ii. 752, a.
„ Pedia, ii. 49, a.
„ Peducaea, ii. 49, a.
„ Pesulania, ii. 49, a.
„ Petreia, ii. 49, a.
„ Petronia, ii. 49, a.
„ Pinaria, i. 100, b; ii. 49, a.
„ Plaetoria, i. 574, b; i. 635, b; ii. 49, a.
„ Plautia, or Plotia de vi, ii. 971, a.
„ „ or Plotia judiciaria, i. 1028, a; ii. 49, b.
„ „ Papiria, i. 449, a; ii. 48, b.
„ Poetelia, i. 16, b; i. 100, b; ii. 49, b; ii. 125, b.
„ „ Papiria, ii. 49, b; ii. 231, a.
„ Pompeia, ii. 49, b.
„ „ de ambitu, i. 100, b.
„ „ judiciaria, i. 1028, a.
Lex Pompeia de jure magistratuum, ii. 49, b.
„ „ de parricidiis, ii. 49, b.
„ „ tribunitia, ii. 50, a.
„ „ de vi, i. 1003, a; ii. 50, a.
„ Pompeiae, ii. 49, b.
„ Porciae de capite civium, ii. 50, b.
„ Porcia de provinciis, ii. 50, b.
„ Praediatoria, ii. 50, b.
„ Publicia, ii. 50, b.
„ „ de alea, i. 97, a.
„ Publilia, i. 16, b; i. 31, b; ii. 50, b; ii. 621, b.
„ „ de sponsoribus, i. 1014, b; ii. 125, b.
„ Publiliae, ii. 32, b; ii. 51, a; ii. 437, b.
„ Pupia, ii. 51, b.
„ Quintia, ii. 51, b.
„ regia, ii. 51, b.
„ regiae, ii. 32, a.
„ Remmia, i. 349, a.
„ repetundarum, ii. 542, a.
„ de residuis, ii. 361, a.
„ Rhodia, ii. 52, a.
„ Roscia theatralis, ii. 52, a; ii. 821, b.
„ Rubria, ii. 32, b; ii. 52, a.
„ Rupiliae, ii. 52, b; ii. 507, a.
„ Rutilia, ii. 52, b.
„ sacratae, ii. 52, b.
„ Saenia, ii. 53, a.
„ Salpensana, i. 1016, b; ii. 53, a.
„ Satura, ii. 33, b; ii. 597, b.
„ Scantinia, ii. 53, a.
„ Scribonia, ii. 53, a.
„ Sempronia de foenore, ii. 53, b.
„ Semproniae, ii. 53, a; ii. 507, b; ii. 632, a.
„ Servilia agraria, ii. 54, a.
„ „ Caepionis, i. 1027, b.
„ „ Glaucia, ii. 542, b.
„ „ „ de repetundis, ii. 54, a; ii. 542, b.
„ „ judiciaria, ii. 54, a.
„ Sestia, ii. 54, a.
„ Silia, i. 16, a; ii. 54, a.
„ Sulpicia Sempronia, ii. 54, b.
„ Sulpiciae, ii. 54, a.
„ Sumptuariae, ii. 723, b.
„ Tabellariae, i. 507, b; ii. 751, b.
„ Tarpeia Aternia, i. 31, b; ii. 36, b.
„ Terentia Cassia, i. 878, a.
„ Terentilia, ii. 54, b.
„ Testamentariae, ii. 54, b.
„ Thoria, ii. 54, b.
„ Titia, ii. 55, a.
„ „ de alea, i. 97, a.
„ „ de tutoribus, ii. 55, a.
Lex Trebonia, ii. 55, a.
„ Tribunicia, ii. 55, a.
„ Tullia de ambitu, i. 100, b.
„ Valeria, de proscriptione, ii. 504, a.
„ Valeriae, ii. 55, b.
„ „ et Horatiae, ii. 55, b; ii. 532, b.
„ Vallia, i. 16, b; ii. 56, a; ii. 125, b.
„ Varia, ii. 114, b.
„ Vatinia, ii. 56, a.
„ „ de colonis, ii. 56, a.
„ Vectibulici, ii. 56, a.
„ de vi, ii. 971, a.
„ viaria, ii. 56, a; ii. 948, b.
„ vicesimaria, ii. 954, b.
„ Villia annalis, ii. 36, a.
„ Visellia, i. 133, a; ii. 56, a.
„ Voconia, ii. 56, a.
„ Ursonensis, i. 16, a.
Libatio, ii. 581, a.
Libella, ii. 56, b.
Libellus, ii. 56, b; ii. 293, b.
Liber, i. 1009, a; ii. 57, b; ii. 60, b.
„ statu, ii. 123, b.
Libera fuga, i. 821, a.
Liberales ludi, ii. 61, a.
Liberalia, ii. 61, a.
Liberalis causa, i. 211, b.
„ manus, i. 211, b.
Liberalitas, i. 100, a.
Liberi, i. 1009, a.
Libertas, ii. 682, a.
Libertus (Greek), ii. 61, a.
„ (Roman), ii. 62, b.
Libertinus, i. 1009, a; ii. 62, b.
Libitinarii, i. 890, b.
Libra, ii. 56, b; ii. 63, b.
„ or as, ii. 63, a.
Librae, i. 220, a.
Libramentum, i. 154, b; ii. 854, a.
Librarii, ii. 60, a; ii. 64, a.
Librarius legionis, i. 13, b.
Librator, ii. 64, a.
Libripens, ii. 118, b.
Liburna, ii. 222, a.
Liburnica, ii. 222, a.
Liceri, i. 246, a.
Licia, ii. 765, a.
Liciatorum, ii. 765, a.
Licinia lex de sodaliciis, i. 100, b.
„ Junia lex, ii. 47, a.
„ Mucia lex, ii. 47, a.
„ lex sumptuaria, ii. 725, a.
Liciniae rogationes, ii. 46, a.
Licitari, i. 246, a.
Licitatio fructuum, i. 1020, b.
Licium, ii. 721, a.
Lictor, ii. 64, b.
Ligo, ii. 66, b.
Ligula, i. 335, b; ii. 67, a; ii. 530, b.
Lima, ii. 67, a.
Limbus, ii. 67, a.
Limen, i. 987, a; ii. 473, a.
Limes, i. 86, b.
Limitatio, i. 86, a.

Limus, ii. 67, b.
Linea, ii. 390, a.
Linearii, i. 85, b.
Lingula, i. 335, b.
Linteones, ii. 770, b.
Linum, i. 71, b; ii. 753, b.
Lirare, i. 60, b.
Literae, ii. 628, b.
Literarum obligatio, ii. 253, a.
Literati, ii. 666, a.
Liticines, i. 35, b; i. 544, a.
Litigare per formulas, i. 17, b.
Litis contestatio, ii. 67, b; ii. 259, b.
Litis dividuae exceptio, i. 19, b.
Litterator, ii. 97, a.
Lituus, ii. 69, a.
Lixae, i. 348, b; ii. 69, b.
Lixivium, i. 881, b; ii. 963, b.
Locare agrum, i. 59, b.
Locarii, ii. 88, a.
Locati conducti actio, i. 387, a.
Locatio conductio, ii. 70, a.
Locator, ii. 70, a.
Loculamentum, i. 298, a.
Loculi, ii. 70, b.
Locuples, ii. 70, b.
Locus liberatus et effatus, ii. 773, a.
Lodicula, ii. 71, a.
Lodix, ii. 71, a.
Logistae, i. 763, a.
Logistica, ii. 71, a.
Lomentum, i. 68, b.
Lora, ii. 964, b.
Lorarii, i. 864, b.
Lorica, ii. 77, b.
Lorum, i. 864, a.
Lucar, ii. 81, a.
Luceres, ii. 878, a.
Lucerna, ii. 81, b.
Lucta, ii. 82, a.
Luctatio, ii. 82, a.
Ludi, ii. 84, b.
„ Actiaci, ii. 89, a.
„ Apollinares, ii. 89, b.
„ Augustales, i. 257, b.
„ Capitolini, ii. 90, a.
„ Ceriales, i. 406, a.
„ Circenses, i. 437, a; ii. 85, b; ii. 86, a.
„ Florales, i. 867, b.
„ funebres, ii. 85, a.
„ honorarii, ii. 85, b.
„ Juvenales, i. 1053, a.
„ liberales, i. 264, b.
„ magni, ii. 84, b.
„ Martiales, ii. 90, a.
„ Megalenses, ii. 155, b.
„ natalicii, ii. 85, a.
„ Palatini, ii. 90, b.
„ piscatorii, ii. 90, b.
„ plebeii, ii. 90, b.
„ pontificales, ii. 89, a.
„ quaestorii, ii. 87, a.
„ quinquennales, i. 14, a.
„ Romani, ii. 91, a.
„ saeculares, ii. 92, a.
„ scenici, ii. 84, b.
„ sevirales, ii. 90, b.
„ Taurii, ii. 93, b.
„ Terentini, ii. 92, a.
Ludi veneris genetricis, ii. 93, b.
„ victoriae Caesaris, ii. 93, b.
„ „ Sullanae, ii. 94, a.
„ Volcanalici, ii. 94, a.
„ Votivi, ii. 84, b.
Ludus, i. 916, b.
„ duodecim scriptorum, i. 695, a; ii. 12, a.
„ latrunculorum, ii. 11, a.
„ litterarius, ii. 94, a.
„ matutinus, ii. 937, a.
„ Trojae, ii. 899, a.
Lumen, i. 156, a; i. 862, b.
Luminum servitus, ii. 653, a.
Lunula, i. 335, b.
Lupanar, i. 388, b.
Lupatum, i. 876, b.
Lupercalia, ii. 99, a.
Luperci, ii. 100, a.
Lupi, ii. 651, a.
Lupinus, i. 68, b.
Lupus ferreus, ii. 101, a.
Lustratio, ii. 101, a.
Lustrum, ii. 103, b.
Lyceum, i. 926, b.
Lyra, i. 217, b; ii. 104, b.

M.

Macchus, i. 522, b.
Macedonianum senatusconsultum, ii. 640, a.
Macellarius, ii. 107, a.
Macellum, ii. 106, b.
Maceria, ii. 182, a.
Machinae, ii. 107, a.
Macrum solum, i. 56, b.
Mactra, i. 2, a.
Maenia lex, ii. 47, b.
Maenianum, i. 110, b; i. 112, a; i. 430, b; i. 665, b; ii. 109, b.
Magadis, ii. 106, b.
Magister, ii. 109, b.
„ admissionum, i. 25, b.
„ armorum, ii. 109, b.
„ auctionis, i. 245, b.
„ a censibus, ii. 109, b.
„ chori, i. 424, a.
„ collegii, ii. 110, a.
„ convivii, ii. 743, a.
„ epistolarum, ii. 110, a.
„ equitum, i. 633, b.
„ fani, ii. 110, a.
„ libellorum, ii. 57, a; ii. 110, a.
„ memoriae, ii. 110, a.
„ militum, ii. 110, a.
„ navis, i. 766, b.
„ officiorum, ii. 110, a.
„ pagi, ii. 310, a.
„ plebi, ii. 113, a.
„ populi, i. 630, b.
„ a rationibus, ii. 110, a.
„ scriniorum, ii. 110, a.
„ societatis, ii. 110, a.
„ vicorum, ii. 110, b; ii. 955, a.
Magistratus, ii. 110, b.
Magmenta, ii. 586, b.
Magnetarches, ii. 757, b.
Magnifici, i. 992, a.
Majestas, ii. 114, a.
Majores, i. 1000, a.
Malleolus, ii. 116, a.
Malleus, ii. 116, a.
Malluvium, ii. 125, b.
Malus, ii. 821, b.
„ oculus, i. 827, b.
Mamilia lex, ii. 47, b.
Mammaeani, i. 97, b.
Mamuralia, i. 753, b.
Manceps, ii. 116, b.
Mancipatio, ii. 118, a; ii. 803, b.
Mancipi res, i. 653, b; ii. 983, a.
Mancipii causa, ii. 117, a.
Mancipium, ii. 117, b.
Mandata, i. 531, b; ii. 120, b.
Mandatarius, ii. 120, a.
Mandati actio, ii. 120, a.
Mandator, ii. 120, a.
Mandatum, ii. 120, a.
Mandra, ii. 12, b.
Mane, i. 635, b.
Mangones, ii. 664, b.
Maniae, ii. 304, a.
Manica, ii. 120, b.
Manicula, i. 160, a.
Manilia lex, ii. 48, a.
Manipulares, i. 783.
Manipularii, i. 783.
Manipulus, i. 783, b; i. 787, b; ii. 672, a.
Manlia lex, i. 37, b; ii. 124, b.
Mansio, ii. 121, a.
Mansiones, ii. 121, b; ii. 590, a.
Mantele, ii. 122, a.
Mantica, ii. 122, a.
Manuarium aes, i. 40, b.
Manubiae, ii. 475, a; ii. 691, a.
Manucla, ii. 854, a.
Manum, conventio in, ii. 138, b; ii. 141, b.
Manumissio, ii. 122, a.
Manumissor, ii. 123, b.
Manupiarium, ii. 723, b.
Manus, i. 40, b; ii. 141, b.
„ ferrea, i. 934, a.
„ injectio, i. 16, a; ii. 124, b.
Mappa, ii. 125, b.
Marcellus, ii. 116, a.
Marcia lex, ii. 48, a.
Marculus, ii. 116, a.
Marcus, ii. 116, a.
Margo, ii. 951, a.
Maria lex, ii. 48, a; ii. 125, b.
Marra, ii. 126, a.
Marrubium, ii. 966, b.
Marsupium, ii. 126, a.
Marsyas, i. 481, a.
Martialis flamen, i. 865, a.
Martiales ludi, ii. 90, a.
Mastigia, i. 864, a.
Matara, i. 937, a.
Mater, i. 469, a.
Materfamilias, i. 825, a; ii. 138, b.
Matertera, i. 469, a.
Mathesis, i. 213, a.
Matralia, ii. 130, a.

Matrimonium, ii. 130, a.
Matrona, ii. 138, b.
Matronales feriae, ii. 144, b.
Matronalia, ii. 144, b.
Mausoleum, ii. 144, b.
Mazonomus, ii. 151, a.
Medianae, ii. 853, a.
Mediastini, i. 59, a; ii. 151, b.
Medica, i. 69, b.
Medicamentum, ii. 390, b.
Medicamina, ii. 966, a.
Medici, i. 802, b.
Medicina, ii. 152, a.
Medicus, ii. 153, a.
Medimnus, ii. 155, b.
Meditrinalia, ii. 155, b.
Meddix tuticus, ii. 151, a.
Medulla nudata, i. 66, b.
Megalenses ludi, ii. 155, b.
Megalensia, ii. 155, b.
Megalesia, ii. 155, b.
Melitensis vestis, ii. 157, a.
Melligo, i. 82, a.
Membrana, ii. 58, a.
Mensa, ii. 157, a.
„ de, i. 182, a.
Mensae Delphicae, i. 1, a.
„ scripturam, per, i. 182, a.
„ Vasariae, i. 1, b.
Mensam, per, i. 182, a.
Mensarii, i. 181, a.
Mensularii, i. 181, a.
Mensia lex, ii. 48, a.
Mensis, i. 341.
Mensores, i. 83, b; ii. 158, a.
Menstruum, ii. 666, b.
Mensura, ii. 158, b.
Mercenarii, ii. 164, b.
Mercenarius, i. 59, a.
Merenda, i. 394, b.
Merga, i. 64, a.
Meridiani, i. 918, a.
Meridies, i. 635, b.
Merx peculiaris, ii. 661, b.
Messio, i. 63, b.
Metae, i. 432, b; i. 435, a.
Metallum, ii. 166, a.
Metatores, i. 372, b.
Metaxarii, ii. 650, a.
Methodici, ii. 153, a.
Metretes, ii. 170, b.
Metronomi, ii. 170, b.
Micare digitis, ii. 171, a.
Miliarium, ii. 868, a.
Milium, i. 67, a.
Mille passuum, ii. 171, b.
Milliare, ii. 171, b.
Milliarium, i. 279, b; ii. 171, b.
„ aureum, ii. 171, b; ii. 952, a.
Milvus, i. 223, a.
Mimus, ii. 172, a.
Mina, ii. 446, a.
Minores, i. 574, a; i. 1000, a.
Minucia lex, ii. 48, b.
Minutio capitis, i. 360, a.
Missio, i. 809, b; i. 917, b.
„ causaria, i. 809, b.
„ honesta, i. 809, b.
„ ignominiosa, i. 811, b.
Missus, i. 438, a.
Mitra, i. 499, b; ii. 174, a.
Modiolus, i. 578, a; ii. 174, b; ii. 868, a.
Modius, ii. 174, b.
Modulus, ii. 174, b.
„ acceptorius, i. 156, a.
„ erogatorius, i. 156, a.
Modus legitimus, ii. 655, b.
Moenia, ii. 182, a.
Mola, ii. 175, a.
„ salsa, ii. 143, b; ii. 581, b.
Monarchia, ii. 177, a.
Moneta, ii. 177, a; ii. 249, a.
Monetales triumviri, ii. 178, a.
Monile, ii. 178, b.
Monochromata, ii. 390, a.
Monopodium, ii. 157, b.
Monoxylon, ii. 460, a.
Monstrum, ii. 499, a.
Mora, ii. 180, a.
Morbus comitialis, i. 508, a.
Morio, ii. 205, b.
Mortarium, ii. 180, b; ii. 868, a.
Morum regimen, i. 400, b.
„ cura, or praefectura, i. 401, a.
Mos, i. 1042, a.
Motio e tribu, ii. 882, b.
Muciana cautio, i. 389, b.
Mula, -us, i. 76, b.
Mulier, ii. 912, b.
Mulleus, i. 334, a.
Mulsa, ii. 967, b.
Mulsum, ii. 967, b.
Multa, ii. 440, b.
Multicia, ii. 770, b.
Munerator, i. 916, b.
Municeps, ii. 181, b.
Municipes, ii. 979, a.
Municipium, i. 483, a.
Munifex, i. 296, a.
Munus, i. 893, b; i. 916, b; i. 970, a.
Munychia, ii. 181, b.
Muralis corona, i. 548, b.
Murex, ii. 870, a.
Muries, ii. 941, b.
Murrea vasa, ii. 181, b.
Murrhina vasa, ii. 181, b.
Murrina, ii. 967, a.
Murus, ii. 182, a.
Muscarium, i. 863, b.
Musculus, ii. 191, b.
Museum, ii. 192, a.
Musica, ii. 192, b.
Musivarii, ii. 397, a.
Musivum opus, ii. 397, a.
Mustaceum, ii. 143, b.
Mustax, ii. 200, b.
Mustum, ii. 963, a.
Mutationes, ii. 121, b.
Mutui actio, ii. 201, a.
„ datio, ii. 201, a.
Mutuli, i. 491, b.
Mutus, ii. 801, a.
Mutuum, ii. 201, a.
Myrmillones, i. 918, a.
Myrtites, ii. 966, b.
Mysteria, ii. 202, a.
Mystrum, ii. 205, a.

N.

Naenia, i. 891, a.
Nani, ii. 205, a.
Napus, i. 69, a.
Narthecia, ii. 977, a.
Nassa, ii. 546, b.
Nassiterna, ii. 205, b.
Natalicii ludi, ii. 85, a.
Natalibus restitutio, i. 1009, b.
Natatio, i. 275, b; i. 282, b.
Natatorium, i. 275, b.
Natura, i. 1043, a.
Naturales, ii. 358, b.
Naturalis ratio, i. 1042, b.
Navalia, ii. 206, a.
Navales duoviri, i. 697, a.
Navalis corona, i. 548, b.
Navarchus, ii. 206, a.
Navis, ii. 208, a.
Naumachia, ii. 224, b.
Naumachiarii, ii. 225, a.
Nauta, ii. 225, a.
Nebris, ii. 225, b.
Necessarii heredes, i. 949, b.
Nefasti dies, i. 636, a.
Negativa actio, i. 653, a.
Negatoria actio, i. 527, b; i. 653, a; ii. 655, a.
Negligentia, i. 572, a.
Negotiatores, ii. 226, a.
Negotiorum gestorum actio, ii. 226, b.
Nenia, i. 891, a.
Nepos, i. 469, a.
Neptis, i. 469, a.
Neptunalia, ii. 228, b.
Neronia, ii. 536, a.
Nervus, ii. 228, b.
Nexum, ii. 229, a.
Nexus, ii. 229, b.
Nidus, i. 298, a.
Nisus, or Nixus, i. 217, b.
Nitrum, i. 881, b.
Nobiles, ii. 231, a.
Nobilitas, ii. 231, a.
Nodus, ii. 233, a.
Nomen, i. 835, a; ii. 233, a.
„ expedire, or expungere, i. 182, b.
„ Latinum, ii. 681, a.
„ (Greek), ii. 233, a.
„ (Roman), ii. 233, b.
Nomenclator, i. 100, a; ii. 235, b.
Nominatio, ii. 235, b; ii. 551, b.
Nomino, ii. 235, b.
Nonae, i. 344, a.
Norma, ii. 243, a.
Notae, ii. 243, b.
„ censoria, i. 401, a; i. 1006, a.
Notarii, i. 13, a; ii. 245, a.
Notatio censoria, i. 401, a.
Novale, i. 72, a.
Novalis, i. 72, a.
Novatio, ii. 259, a.
Novellae, ii. 245, b.
„ constitutiones, ii. 245, b.
Novendiale, i. 893, a.
Noverca, i. 43, a.

Novi homines, ii. 232, a.
„ operis nuntiatio, ii. 275, a.
Noxa, ii. 246, a.
Noxalis actio, ii. 246, a.
Noxia, ii. 246, a.
Nubilarium, i. 64, b.
Nuces, ii. 247, a.
Nucleus, ii. 951, a.
Nudipedalia, ii. 248, a.
Nudus, ii. 248, a.
Numerus, i. 793, a.
Nummularii, i. 181, a.
Nummus, or Numus, ii. 248, b.
„ aureus, i. 260, b.
Numularii, i. 181, a.
Nuncupatio, ii. 119, a; ii. 801, a.
Nundinae, ii. 251, b.
Nundinum, ii. 252, a.
Nuntiatio, i. 252, a; ii. 275, b.
Nuptiae, ii. 130, a.
Nurus, i. 42, b.
Nymphaeum, i. 678, a.

O.

Oarion, or Orion, i 221, a; i. 231, a.
Obarator, i. 63, a.
Obba, ii. 252, b.
Obeliscus, ii. 252, b.
Obices, i. 989, a.
Obligatio, ii. 253, a.
Obligationes, ii. 254, b.
Obnuntiatio, i. 252, b.
Obolus, ii. 260, a; ii. 455, a.
Obrogare legem, ii. 33, a.
Obsidionalis corona, i. 547, b.
Obsonator, ii. 277, a.
Obsonium, ii. 276, b.
Occasus, i. 224, b.
Occatio, i. 63, a.
Occupatio, ii. 260, a.
Ocinum, or Ocymum, i. 70, b.
Ocrea, ii. 260, b.
Octaeteris, i. 342, a.
Octava, ii. 934, a.
Octavia lex, i. 878, a.
October equus, ii. 261, b.
Octophoron, ii. 14, b.
Ocularius, ii. 155, a.
Odeum, ii. 822, a.
Oecus, i. 671, b.
Oenomelum, ii. 967, a.
Oenophorum, ii. 261, b.
Oenophorus, ii. 262, a.
Offendix, i. 135, b.
Officium admissionis, i. 23, a.
Offringere, i. 60, b.
Ogulnia lex, ii. 48, b.
Olea, ii. 262, a.
Oleagina corona, i. 549, a.
Oleitas, ii. 264, b.
Olenie, i. 218, a.
Olenium astrum, or pecus, i. 218, a.
Oletum, ii. 262, a.
Oleum, ii. 262, a.
Oliva, ii. 262, a.
Olivarum conditura, ii. 265, a.
Olivetum, ii. 262, a.
Olivitas, ii. 264, b.
Olla, ii. 267, a.
Ollaria, ii. 268, a.
Olor, i. 218, a.
Olympia, i. 14, a; ii. 268, a.
Onager, ii. 856, b.
Onerariae naves, i. 541, b.
Oneris ferendi servitus, ii. 653, a.
Onyx, alabaster, i. 95, b.
Opalia, ii. 275, b.
Operae, ii. 357, a.
„ servorum et animalium, ii. 652, b.
Operarii, i. 13, a; i. 58, b.
Opercula, ii. 964, a.
Operis novi nuntiatio, ii. 275, b.
Opima spolia, ii. 691, b.
Opimianum vinum, ii. 962, b.
Opinatores, ii. 276, a.
Opisthographi, ii. 59, a.
Oppia lex, ii. 724, b.
Oppidum, i. 434, a; ii. 276, a.
Opsonium, ii. 276, b.
Optio tabellariorum, ii. 696, b.
Optiones, i. 801, b.
Optimates, ii. 232, b.
Opus, or acceptum referre, i. 402, b.
Opus albarium, ii. 346, a.
„ incertum, ii. 188, b.
„ mixtum, ii. 190, a.
„ musivum, ii. 397, a.
„ novum, ii. 275, b.
„ quadratum, ii. 187, a.
„ reticulatum, ii. 189, a.
Oraculum, ii. 277, b.
Orarium, ii. 723, b.
Oratio, i. 29, a.
Orationes, i. 531, b.
„ principum, ii. 293, b.
Orator, ii. 294, a.
Orbis, i. 843, a; ii. 157, b; ii. 868, a.
Orbus, ii. 45, a.
Orca, ii. 679, b.
Orchestra, ii. 811, b; ii. 814, a.
Orchia lex, ii. 724, b.
Orcinus libertus, ii. 123, b.
„ senator, ii. 123, b.
Ordinarii gladiatores, i. 918, a.
„ servi, ii. 666, a.
Ordinarius judex, i. 1031, b.
Ordinum ductores, ii. 295, b.
Ordiri, ii. 765, b.
Ordo, i. 482, a; i. 606, b; ii. 295, b.
„ Augustalium, ii. 296, a.
„ decurionum, i. 482, a; i. 606, b; ii. 296, a.
„ equestris, i. 756, a; i. 783, a; ii. 296, a.
„ senatorius, ii. 296, a; ii. 625, b.
„ sententiarum, ii. 628, b.
Oreae, i. 876, b.
Organum, ii. 107, a.
Orichalcum, ii. 297, a.
Originarii, i. 472, a.
Orion, i. 221, a.
Ornamenta triumphalia, ii. 898, a.
Ornatio, ii. 632, b.
Ornatrix, i. 501, b.
Orneatae, ii. 372, b.
Ornithones, i. 77, b; i. 80, a.
Orphica, ii. 297, b.
Ortus, i. 224, b.
Os resectum, i. 892, b; i. 893, b.
Oscines, i. 250, a.
Oscillatio, ii. 304, b.
Oscillum, ii. 304, a.
Ostentum, ii. 499, a.
Ostiarium, ii. 306, a.
Ostiarius, i. 669, a.
Ostium, i. 669, a; i. 987, a.
Ova, i. 434, b.
Ovalis corona, i. 549, a.
Ovatio, ii. 306, b.
Oves, i. 73, a.
Ovile, i. 508, a.
Ovinia lex, ii. 48, b; ii. 621, b; ii. 623 a.

P.

Pabula, i. 69, b.
Pactio, ii. 256, a.
Pactum, ii. 256, a.
Paean, ii. 307, a.
Paedagogia, ii. 308, a.
Paedagogium, ii. 308, a.
Paedagogus, ii. 307, b.
Paenula, ii. 308, b.
Paganalia, ii. 311, a.
Pagani, ii. 310, b.
Paganica, ii. 422, b.
Pagi, ii. 309, b; ii. 955, a.
Pagus, ii. 309, b; ii. 955, a.
Pala, i. 130, a; ii. 311, b.
Palaestra, ii. 312, a.
Palaria, ii. 324, a.
Palatini ludi, ii. 90, b.
Palilia, ii. 347, b.
Palilicium, or Parilicium sidus, i. 219, a.
Palimpsestus, ii. 58, b.
Palla, ii. 314, b.
Palliata fabula, i. 522, a.
Palliatus, ii. 322, a.
Palliolum, ii. 322, b.
Pallium, ii. 318, a.
Palmipes, ii. 322, b.
Palmus, i. 571, a; ii. 322, b.
Paludamentum, ii. 322, b.
Paludatus, ii. 323, a.
Palus, ii. 324, a.
Panathenaea, ii. 324, a.
Pancratiastae, ii. 325, a.
Pancratium, ii. 328, a.
Pandectae, ii. 330, a.
Pandia, ii. 333, a.
Panegyris, ii. 333, b.
Panicum, i. 67, a.
Panis gradilis, i. 879, b.
Pantomimus, ii. 334, a.
Panus, ii. 765, a.
Papia lex de peregrinis, ii. 45, b.

Papia Poppaea lex, i. 304, a; i. 648, b; ii. 357, b; ii. 358, b.
Papilio, ii. 752, b.
Papiria lex, ii. 48, b.
„ Plautia lex, ii. 48, b.
„ Poetelia lex, ii. 49, b.
„ tabellaria lex, ii. 752, a.
Papyrus, ii. 58, a.
Par impar ludere, ii. 336, b.
Paradisus, ii. 338, a.
Paragauda, ii. 945, b.
Paralleli, ii. 853, a.
Parangariae, i. 587, b.
Parapechium, ii. 945, b.
Parapherna, i. 693, b.
Parasanga, ii. 343, a.
Parasiti, ii. 343, b.
Parentalia, i. 893, b.
Parentatio, i. 894, a.
Paries, ii. 345, b.
Parilia, ii. 347, b.
Parma, i. 784, b; ii. 348, a.
Parmula, ii. 348, a.
Parochi, ii. 348, a.
Paropsis, i. 386, b.
Parricida, ii. 49, b.
Parricidium, ii. 49, b.
Partiarius, i. 60, a.
Pascendi servitus, ii. 653, b.
Pascua publica, ii. 613, a.
Passum, ii. 965, a.
Passus, ii. 349, a.
Pastillarii, ii. 349, a.
Pastillus, -um, ii. 349, a.
Pastio, i. 72, a.
„ agrestis, i. 72, b.
„ villatica, i. 77, b.
Pastophoroi, ii. 349, a.
Pastores, i. 77, a.
Patagium, ii. 716, b.
Patrum auctoritas, i. 247, a; ii. 355, a.
Patella, ii. 349, b.
Pater, i. 469, a.
„ familias, i. 825, a; ii. 351, b.
„ patratus, i. 840, a.
Patera, ii. 349, b.
Patibulum, ii. 351, a.
Patina, ii. 351, a.
Patres, ii. 354, a; ii. 620, b.
„ conscripti, ii. 621, a.
Patria potestas, ii. 351, b.
Patricii, ii. 353, b.
Patrimi et matrimi, or Patrimes et matrimes, ii. 356, a.
Patrimus, ii. 356, a.
Patrona, ii. 356, b.
Patronomi, ii. 356, a.
Patronus, ii. 356, b.
Patruus, i. 469, a.
Pavae, -i, i. 79, a.
Pavimentum, i. 685, b.
Pavonaceum, ii. 764, a.
Pavones, i. 79, a.
Pauperie, actio de, ii. 360, a.
Pauperies, ii. 359, b.
Pausarius, ii. 468, b.
Pausia, ii. 265, a.
Pecoris servitus, ii. 653, b.
Pecten, ii. 360, a; ii. 765, a.
Pectinator, ii. 360, a.
Pecuarii, ii. 613, a.
Pecudes majores, i. 75, a.
„ minores, i. 72, b.
Peculator, ii. 360, b.
Peculatus, ii. 360, b.
Peculio, actio de, ii. 661, b.
Peculium, ii. 353, a; ii. 661, a.
„ castrense, ii. 353, a.
Pecunia, ii. 361, a.
„ certa, ii. 255, b.
„ vacua, i. 182, a.
Pecuniae repetundae, ii. 542, a.
Pecus, ii. 613, b.
„ Bubulum, i. 75, a.
„ Caprinum, i. 74, a.
„ Equinum, i. 76, a.
„ hirtum, i. 72, b.
„ Suillum, i. 74, b.
„ Tarentinum, or Graecum, i. 72, b.
Pedaneus judex, i. 1031, b.
Pedarii senatores, ii. 624, b.
Pedes, ii. 559, a.
Pedisequi, ii. 361, a; ii. 696, b.
Peducaea, lex, ii. 49, a.
Pedum, ii. 361, b.
Pegasus, i. 218, b.
Pegma, ii. 361, b.
Pegmares, ii. 361, b.
Pellex, i. 526, a.
Pelliarii, ii. 363, a.
Pellionarii, ii. 363, a.
Pellis, ii. 362, a.
Pelta, ii. 363, b.
Pelvis, ii. 364, a.
Penicillus, -um, ii. 390, a.
Peniculi, ii. 692, a.
Pensio, i. 59, b.
Pentacosiomedimni, i. 403, b; ii. 877, a.
Pentaspastos, ii. 108, a.
Pentathlon, ii. 364, b.
Peplus, ii. 319, b.
Per condictionem, ii. 366, b.
„ judicis postulationem, ii. 367, a.
„ manus injectionem, ii. 124, b.
„ pignoris capionem, ii. 367, b.
Pera, ii. 368, a.
Perceptio, ii. 988, b.
Perduellio, ii. 114, a.
Perduellionis duoviri, ii. 368, a.
Peregrinus, i. 448, b.
Peremptoria exceptio, i. 19, b.
Perferre legem, ii. 33, a.
Pergamena, ii. 58, b.
Pergula, ii. 97, a; ii. 368, b.
Periscelis, ii. 373, a.
Peristiarchus, i. 699, b.
Peristroma, ii. 18, a; ii. 762, b.
Peristylium, i. 671, a; ii. 373, b.
Permutatio, i. 181, a.
Pero, ii. 373, b.
Perpendiculum, ii. 373, b.
Perpetua actio, ii. 481, a.
Perrogatio, ii. 629, b.
Perscribere, i. 182, a.
Perscriptio, i. 182, a.
Persea, i. 218, b.
Perseus, i. 218, a.
Persecutoria actio, ii. 481, a.
Persona, ii. 374, a.
Pertica, ii. 162, a.
Pes, ii. 159, b; ii. 161, b.
„ Drusianus, ii. 159, b.
„ monetalis, ii. 160, a.
„ sestertius, ii. 667, a.
Pessulus, i. 989, a.
Pesulani lex, ii. 49, a.
Petasus, ii. 429, a.
Petauristae, ii. 379, a.
Petaurum, ii. 379, a.
Petitor, i. 23, a; i. 100, a.
Petorritum, or Petoritum, ii. 379, b.
Petreia lex, ii. 49, a.
Petronia lex, ii. 49, a.
Phalae, i. 821, b.
Phalangae, ii. 379, b.
Phalangarii, ii. 379, b.
Phalanx, i. 768, b–779, b.
Phalarica, i. 937, a.
Phalerae, ii. 380, a; ii. 674, a.
Phallus, i. 638, a; i. 827, b.
Pharetra, ii. 381, b.
Pharos, or Pharus, ii. 383, a.
Phaselus, ii. 223, b.
Phaseolus, i. 69, a.
Phasiani, i. 78, b.
Philyra, ii. 57, b.
Picatio, ii. 964, a.
Pictura, ii. 389, b.
Pigmentarii, ii. 939, b.
Pigmentum, ii. 390, b.
Pignoratitia actio, ii. 421, a.
Pignoris capio, ii. 367, b.
Pignus, ii. 419, a.
Pila, ii. 180, b; ii. 421, b.
„ trigonalis, ii. 422, b.
Pilae, ii. 937, b.
Pilani, i. 784, b.
Pilentum, ii. 426, a.
Pilicrepus, ii. 426, a.
Pilleolum, ii. 427, a.
Pilleum, ii. 426, b.
Pilleus, ii. 426, b.
Pilum, i. 783, b; i. 936, a; ii. 181, a.
Pinacotheca, ii. 429, a.
Pinaria lex, i. 100, b; ii. 49, a.
Pinsere, i. 66, a.
Piper, ii. 429, b.
Piperatorium, ii. 429, b.
Piscatorii ludi, ii. 90, b.
Pisces, i. 220, b.
Piscis, i. 223, a.
Piscina, i. 82, b; i. 154, b; i. 272, b; i. 275, b; i. 283, b; ii. 429, b.
Pistillum, ii. 181, a.
Pistor, ii. 430, a.
Pistrinum, ii. 181, a.
Pistris, or Pistrix, i. 221, a.
Pistum, ii. 181, a.
Pittacium, ii. 964, b.
Pisum, i. 69, a.
Pix, ii. 966, a.
Plaetoria lex, i. 574, b; i. 635, b.
Plaga, ii. 546, a.
Plagiarius, ii. 432, a.

Plagium, ii. 431, b.
Planetae, ii. 432, a.
Planetarii, i. 213, a.
Planipes, ii. 172, b; ii. 680, a.
Plastae, ii. 794, a.
Plaustrum, or Plostrum, i. 216, a; ii. 433, b.
Plautia, or Plotia lex de vi, ii. 971, a.
„ judiciaria, i. 1028, a; ii. 49, b.
Plebeii, ii. 434, a.
„ ludi, ii. 90, b.
Plebes, ii. 434, a.
Plebiscitum, ii. 32, b; ii. 437, a.
Plebs, ii. 434, a.
Plectrum, ii. 106, a.
Pleiades, i. 219, a; i. 227, a.
Pleni menses, i. 341, a.
Plostellum poenicum, i. 64, b; ii. 870, a.
Plumarii, ii. 439, b.
Plumbum, ii. 167, a.
Pluteus, ii. 18, b; ii. 439, b.
Pneumatici, ii. 153, a.
Pnyx, i. 698, a.
Poculum, i. 346, b.
Podium, i. 110, b; i. 113, a; i. 490, b; ii. 440, b.
Poena, ii. 440, b.
Poenae militum, i. 811, a.
Poetelia Papiria lex, ii. 49, b; ii. 231, a.
Politor, i. 59, a.
Pollen, i. 66, b.
Pollex, i. 571, a; ii. 161, b.
Pollicitatio, ii. 256, a.
Pollinctores, i. 890, a.
Polubrum, ii. 125, b.
Polus, i. 972, b; ii. 442, b.
Polyeres, ii. 213, b.
Polymita, ii. 770, b.
Pomeridianum tempus, i. 635, b.
Pomerium, or Pomoerium, ii. 443, a.
Pompa, i. 437, a.
„ Circensis, i. 437, a.
Pompeiae leges, ii. 49, b.
Pondera, ii. 444, b; ii. 765, a.
Pons, i. 508, a; ii. 456, b.
„ Aelius, ii. 458, b.
„ Aemilius, ii. 458, a.
„ Aurelius, ii. 459, a.
„ Cestius, ii. 458, b.
„ Fabricius, ii. 458, b.
„ Janiculensis, ii. 459, a.
„ Molvius, ii. 459, b.
„ Neronianus, ii. 459, a.
„ Palatinus, ii. 458, b.
„ Sublicius, ii. 458, a.
„ suffragiorum, ii. 460, b.
„ Vaticanus, ii. 459, a.
Pontifex, ii. 460, b.
Pontificales libri, ii. 462, a.
„ ludi, ii. 89, a.
Pontifices minores, ii. 463, b.
Pontificii libri, ii. 462, a.
Pontificium jus, i. 1041, b; ii. 462, a.
Popa, i. 572, b; ii. 586, b; ii. 617, a.
Popina, i. 388, a.
Poplifugia, ii. 463, b.
Populares, ii. 232, b.
„ actiones, ii. 962, a.
Popularia, i. 112, a.
Populi scitum, ii. 32, b.
Populifugia, or Poplifugia, ii. 463, b.
Populus, i. 112, b; ii. 464, b.
Por, ii. 664, a.
Porciae leges, ii. 50, b.
Porta, ii. 466, b.
„ decumana, i. 375, b.
„ Libitinensis, i. 436, a.
„ pompae, i. 436, a.
„ praetoria, or extraordinaria, i. 375, b.
„ principalis, i. 375, b.
„ quaestoria, i. 375, b.
„ triumphalis, i. 436, a; ii. 897, a.
Portentum, ii. 499, a.
Porticus, ii. 468, a.
Portisculus, ii. 468, b.
Portitores, ii. 469, a; ii. 523, a.
Portorium, ii. 468, b.
Portumnalia, ii. 469, b.
Portunalia, ii. 469, b.
Posca, ii. 469, b.
Possessio, i. 53, a; ii. 469, b.
„ bonae fidei, i. 653, a.
„ bonorum, i. 307, a.
„ clandestina, i. 1018, a.
Possessor, ii. 472, b; ii. 520, b.
Postes, i. 987, a.
Posticum, i. 987, a; ii. 777, b.
Postliminium, ii. 472, b.
Postmeridianum tempus, i. 635, b.
Postsignani, i. 807, b.
Postulaticii, i. 918, a.
Postumus, i. 951, b.
Potestas, ii. 351, b.
Praecidianeae feriae, i. 839, a.
Praecinctio, i. 110, b; i. 112, a; ii. 815, a.
Praecinctus, i. 427, b.
Praecones, ii. 474, b.
Praeconium, ii. 475, a.
Praeda, ii. 475, a; ii. 691, a.
Praedia, ii. 475, b.
Praediator, ii. 480, a; ii. 984, b.
Praediatorium jus, ii. 480, a.
Praediatura, ii. 984, b.
Praediorum servitutes, ii. 652, b.
Praedium, ii. 475, b; ii. 652, b.
Praefecti sociorum, i. 786, b.
Praefectus, ii. 476, a.
„ Aegypti, ii. 476, a.
„ aerarii, i. 38, a.
„ alimentorum, i. 97, b.
„ annonae, i. 877, b; ii. 476, a.
„ aquarum, i. 156, a.
„ arcendis latrociniis, i. 796, b.
„ castrorum, i. 798, a; ii. 476, b.
„ classis, ii. 476, b.
„ fabrûm, i. 798, a; i. 821, b.
„ jure dicundo, i. 483, b.
Praefectus legionis, i. 798, a.
„ orae maritimae, i. 796, b.
„ praetorio, ii. 476, b.
„ sociorum, i. 786, b.
„ vigilum, i. 795, a.
„ urbi, ii. 477, a; ii. 553, b.
Praefectura, i. 483, a.
Praefericulum, ii. 478, b.
Praeficae, i. 890, a.
Praefurnium, i. 273, a; i. 279, a; i. 873, a.
Praejudicium, ii. 478, b.
Praelusio, i. 917, a.
Praenomen, ii. 234, a.
„ imperatoris, i. 998, a.
Praepetes, i. 250, a.
Praepositus, ii. 479, b; ii. 696, b.
Praerogativa centuria, i. 509, a.
Praes, ii. 479, b.
Praescriptio, i. 19, a; ii. 480, a.
Praeses, ii. 511, a.
Praesidia, i. 377, a.
Praestatio, ii. 255, b.
Praetentura, i. 380, b.
Praeteritii senatores, ii. 622, a.
Praetexta, ii. 849, a.
Praetextata fabula, ii. 865, b.
Praetextatus, ii. 821, b.
Praetor, ii. 481, b.
„ peregrinus, ii. 482, a.
„ urbanus, ii. 481, b.
Praetoria actio, i. 21, a.
„ cohors, i. 791, a.
Praetoriani, i. 793, b.
Praetorii latera, i. 380, a.
Praetorium, i. 373, a; i. 379, a; i. 380, a; ii. 483, a.
Praevaricatio, ii. 642, a.
Pragmatici, ii. 294, b.
Prandium, i. 394, b.
Prata, i. 70, b.
Precarium, i. 53, a; i. 1020, a.
Prelum, ii. 483, a; ii. 850, a.
Prensatio, i. 100, a.
Primicerius, ii. 483, b.
Primipilaris, i. 800, a.
Primus pilus, i. 799, b.
Princeps, ii. 483, b.
„ juventutis, i. 757, b.
„ senatus, ii. 642, a.
„ tabularius, ii. 696, b.
Principales, i. 800, b.
Principatus, ii. 484, a.
Principes, i. 783, b; i. 785, a.
Principia, i. 784, b.
„ via, i. 374, a.
Principium, i. 504, a.
Privatae feriae, i. 837, a.
Privatum jus, i. 448, b; i. 1042, a.
Privilegium, i. 819, b; ii. 33, a.
Privigna, i. 42, b.
Privignus, i. 42, b.
Proamita, i. 469, a.
Proavia, i. 469, a.
Proavunculus, i. 469, a.
Proavus, i. 469, a.
Procinctus, ii. 803, b.
Proconsul, ii. 493, b; ii. 507, b.
Procuratio, ii. 498, b.

Procurator, i. 20, b; i. 59, a; ii. 496, b; ii. 666, a; ii. 696, b.
„ alimentorum, i. 97, b.
„ peni, i. 391, a.
Procyon, i. 222, a.
Prodigium, ii. 499, a.
Prodigus, ii. 801, a.
Prodomus, i. 661, a; ii. 777, b.
Proeliales dies, i. 636, b.
Professor, i. 1039, b.
Profesti dies, i. 636, b.
Profusiones, ii. 581, a.
Progener, i. 42, b.
Projiciendi Servitus, ii. 653, a.
Proletarii, i. 359, b; ii. 501, a.
Promatertera, i. 469, a.
Promissa, ii. 256, a.
Promissor, ii. 256, b.
Promulsis, i. 396, b; ii. 967, b.
Promus, i. 391, a.
Promus condus, i. 391, a.
Pronepos, i. 469, a.
Proneptis, i. 469, a.
Pronubae, ii. 143, a.
Pronuntiatio, i. 1031, a; ii. 629, b.
Pronurus, i. 42, b.
Propatruus, i. 469, a.
Propinatio, ii. 743, a.
Proplasma, ii. 501, b; ii. 697, a.
Propnigeum, i. 279, a; i. 927, a.
Propraetor, ii. 501, b.
Proprietarius, ii. 988, a.
Proprietas, i. 651, b.
Proscenium, ii. 812, a.
Proscindere, i. 60, b.
Proscribere, ii. 503, b.
Proscripti, ii. 503, b.
Proscriptio, ii. 503, b.
Prosecta, ii. 586, b.
Prosocrus, i. 42, b.
Prospectus servitus, ii. 653, a.
Protropum, ii. 963, b.
Provincia, ii. 506, b.
Provinciae, ii. 111, a.
Provocatio, i. 145, a.
Provocatores, i. 918, a.
Proximus infantiae, i. 1001, a.
„ pubertati, i. 1001, a.
Prudentes, i. 1037, a.
Pubertas, i. 574, b; i. 1000, b.
Pubes, i. 1000, a.
Publicae feriae, i. 837, a.
Publicani, ii. 520, b.
Publici servi, ii. 662, b.
Publicia lex, ii. 50, b.
Publiciana in rem actio, ii. 523, b.
Publicum, i. 37, a; ii. 520, b.
„ jus, i. 448, b; i. 1042, a.
Publicus ager, i. 49, b; ii. 509, a.
Publilia lex, i. 16, b; i. 31, b; ii. 50, b.
Publiliae leges, ii. 32, b; ii. 51, a.
Puer, ii. 664, a.
Pugilatus, ii. 524, a.
Pugiles, ii. 524, a.
Pugillares, ii. 753, a.
Pugio, ii. 525, a.
Pullarius, i. 250, b.
Pullati, i. 112, b.
Pulmentarium servorum, i. 59, b.
Pulpitum, ii. 814, b.
Puls, i. 67, a; ii. 525, b.
„ fabata, i. 68, b.
Pulvinar, i. 430, b; ii. 15, b; ii. 526, a.
Pulvini, i. 112, a.
Pulvinus, ii. 526, a.
Pumilio, ii. 205, a.
Pumilus, ii. 205, b.
Puncta, ii. 696, a.
Punctae, i. 156, a.
Pupa, ii. 526, a.
Pupia lex, ii. 51, b.
Pupillus, i. 1000, a; ii. 909, b.
Pupillaris substitutio, i. 950, b.
Puteal, ii. 526, a.
Puteus, i. 153, b; i. 275, b.
Puticulae, ii. 647, b.
Puticuli, ii. 647, a.
Pyra, i. 893, a.
Pyrgus, i. 877, a.
Pyrrhica, ii. 527, a.
Pythia, ii. 282, a.
Pytho, ii. 281, a.
Pyxis, ii. 530, a.

Q.

Quadra, ii. 690, b.
Quadragesima, ii. 530, b.
Quadrans, i. 202, b; ii. 455, a.
Quadrantal, ii. 530, b.
Quadriga, i. 579, b.
Quadrigatus, i. 205, a.
Quadriremes, ii. 221, a.
Quadrupes, ii. 359, b.
Quadruplatores, ii. 531, b.
Quadruplicatio, i. 20, a.
Quaesitor, i. 1032, b.
Quaestionarii, i. 803, b.
Quaestiones, i. 1032, a.
„ perpetuae, i. 1027, b.
Quaestor, ii. 532, a.
Quaestores aerarii, ii. 533, b.
„ alimentorum, i. 97, b.
„ classici, ii. 534, b.
„ parricidii, ii. 532, b.
„ pecuniae alimentariae, i. 97, b.
„ principis, ii. 534, b.
„ rerum capitalium, ii. 533, a.
„ sacri palatii, ii. 636, a.
„ urbani, ii. 532, b.
Quaestoria munera, ii. 87, a.
Quaestorii ludi, ii. 87, a.
Quaestorium, i. 381, a.
Quaestura Ostiensis, ii. 534, b.
Quales-quales, ii. 666, a.
Qualus, i. 330, a.
Quanti minoris actio, ii. 535, a.
Quartarius, ii. 530, b; ii. 535, a.
Quasillariae, i. 330, b; ii. 771, a.
Quasillus, i. 330, a.
Quaternio, i. 207, a.
Quatuorviri jure dicundo, i. 483, b.
„ viarum curandarum, ii. 949, a.
Querela inofficiosi testamenti, ii. 806, a.
Quinarius, i. 617, a.
Quinctilis, i. 344, b.
Quincunx, ii. 455, a.
Quindecemviri, i. 601, b.
Quingenaria, ii. 958, a.
Quinquagesima, ii. 535, b.
Quinquatria, ii. 535, b.
Quinquatrus, ii. 535, b.
„ minores or minusculae, ii. 536, a.
Quinquennalia, ii. 536, a.
Quinquennalis, i. 483, a.
Quinqueremes, ii. 221, a.
Quinquertium, ii. 364, b.
Quinqueviri, ii. 536, a.
„ mensarii, i. 181, a; ii. 536, b.
Quintana, i. 374, b.
Quintia lex, ii. 51, b.
Quintilis, i. 341, a.
Quirinalia, ii. 536, b.
Quirinalis flamen, i. 865, a.
Quiritium jus, i. 448, b; i. 1042, b.
Quod jussu, actio, i. 1052, a.
Quorum bonorum, interdictum, ii. 536, b.

R.

Radius, i. 578, a; ii. 537, b; ii. 765, a.
Ramenta sulpurata, i. 991, b.
Ramnenses, ii. 878, a.
Ramnes, ii. 878, a.
Rapina, i. 69, b.
„ or rapta bona, i. 896, b.
Rastellus, ii. 537, b.
Raster, ii. 537, b.
Rastrum, ii. 537, b.
Rates, ii. 538, a.
Ratiocinandi ars, ii. 71, a.
Rationes, i. 182, a.
Rationibus distrahendis, actio de, ii. 911, b.
Rationis subductio, ii. 71, a.
Recepta; de recepto, actio, ii. 539, a.
Recinium, ii. 565, a.
Rector, ii. 979, b.
Recuperatores, i. 1026, a.
Reda, ii. 539, b.
Redemptor, i. 402, b; ii. 70, a.
Redhibitoria actio, ii. 540, a.
Redimiculum, ii. 174, b.
Refriva, i. 68, b.
Reges socii, ii. 682, a.
Regia, i. 287, a; ii. 540, a.
„ lex, ii. 51, b.
Regifugium, ii. 540, b.
Regilla, ii. 142, b; ii. 906, a.

Regina sacrorum, ii. 555, a.
Regio, ii. 541, a.
Regula, ii. 541, b.
Rei contrectatio, i. 895, a.
„ uxoriae, or dotis actio, i. 694, a.
Relatio, ii. 628, a.
Relegatio, i. 819, b.
Relegatus, i. 821, a.
Religiosus locus, i. 893, b.
Remancipatio, i. 648, b; i. 726, b.
Remmia lex, i. 349, a.
Remulcum, ii. 541, b.
Remuria, ii. 30, b.
Remus, ii. 212, a; ii. 215, a.
Renuntiatio, i. 508, a.
Repagula, i. 989, b.
Reparator, i. 60, b.
Repetundae, ii. 542, a.
Replicatio, i. 19, b.
Repolire, i. 64, b.
Repositorium, i. 396, b.
Repotia, ii. 144, b.
Repudium, i. 648, b.
Repurgare, i. 64, b.
Res, i. 652, a.
„ communes, i. 652, b.
„ corporales, i. 652, a; ii. 977, b.
„ divini juris, i. 652, b; i. 1041, b; ii. 985, a.
„ fiduciaria, ii. 858, a.
„ fructuaria, ii. 988, b.
„ fungibiles, i. 652, b.
„ furtivae, ii. 985, b.
„ hereditaria, ii. 984, b.
„ humani juris, i. 1041, b.
„ immobiles, i. 652, a.
„ incorporales, i. 652, a; ii. 977, b.
„ mancipi, i. 653, b; ii. 983, a.
„ mobiles, i. 652, a.
„ nec mancipi, i. 653, b; ii. 983, a.
„ privatae, i. 652, b.
„ publicae, i. 652, b.
„ religiosae, i. 652, b.
„ sacrae, i. 652, b.
„ sanctae, i. 652, b.
„ serviens, ii. 652, a.
„ singulorum, i. 652, b.
„ universitatis, i. 652, b.
„ uxoria, i. 693, a.
„ vi possessae, ii. 986, a.
Rescripta, i. 531, b.
Rescriptum, i. 531, b.
Resina, ii. 966, a.
Responsa, i. 1037, a.
Respublica, ii. 978, b.
Restitutio in integrum, ii. 542, a.
Restitutoria actio, ii. 545, a.
Rete, ii. 545, a.
Retentio dotis, i. 649, a.
Retentura, i. 381, a.
Retiarii, i. 918, a.
Reticulum, i. 499, a; ii. 545, a.
Reus, i. 23, a; ii. 258, b.
Rex, ii. 546, b.
„ convivii, ii. 743, a.
„ sacrificulus, ii. 555, a.
Rex sacrificus, ii. 555, a.
„ sacrorum, ii. 555, a.
Rhetor, ii. 97, a.
Rhodia lex, ii. 52, a.
Rhombus, ii. 906, b.
Rhythmica, ii. 558, a.
Rica, i. 866, a; ii. 565, b.
Ricinium, ii. 565, a.
Rivus subterraneus, i. 154, a.
Robigalia, ii. 566, a.
Roborarium, ii. 338, a.
Robur, i. 363, a.
Robus, i. 65, a.
Rogare legem, ii. 33, a.
Rogatio, i. 1027, a; ii. 33, a.
Rogationem accipere, ii. 33, a.
„ promulgare, ii. 33, a.
Rogationes Liciniae, ii. 46, a.
Rogator, i. 508, a; ii. 751, a.
Rogus, i. 893, a.
Romphaea, i. 920, a; i. 937, a.
Rorarii, i. 782, a; i. 784, b.
Rosatio, i. 894, a.
Roscia theatralis lex, ii. 52, a; ii. 821, b.
Rostra, ii. 566, a.
Rostrata columna, i. 495, a.
„ corona, i. 548, b.
Rostrum, ii. 217, a.
Rota, i. 578, a; i. 843, a; ii. 567, a.
„ figularis, i. 843, a.
Rubria lex, ii. 32, b; ii. 52, a.
Rubrica, i. 244, b.
Rudens, ii. 217, b.
Ruderatio, i. 685, b.
Rudiarii, i. 917, b.
Rudis, i. 917, a.
Rudus, ii. 951, a.
Rufuli, i. 797, a.
Rumpia, i. 920, a; i. 937, a.
Runcatio, i. 63, b.
Runcina, ii. 567, b.
Rupiliae leges, ii. 52, b.
Rustici, i. 471, b.
Rutabulum, ii. 567, b.
Rutellum, ii. 567, b.
Rutiliana actio, i. 306, b.
Rutrum, ii. 567, b.

S.

Sabaia, -um, i. 407, a.
Saccatus, ii. 964, b.
Saccus, ii. 568, a; ii. 964, b.
Sacellum, ii. 568, a.
Sacena, i. 650, a.
Sacer, i. 1049, a.
Sacerdos, ii. 568, b.
Sacerdotes Augustales, i. 258, a.
Sacerdotium, ii. 568, b.
Sacomarii, ii. 696, b.
Sacra, ii. 577, a.
„ gentilicia, i. 910, b; ii. 577, b.
„ municipalia, ii. 577, a.
„ privata, ii. 577, b.
„ publica, ii. 578, a.
Sacramento, ii. 958, a.
Sacramentum, i. 805, b; i. 1049, a; ii. 958, a.
Sacrarium, i. 672, b; ii. 579, a.
Sacratae leges, ii. 52, b.
Sacrificium, ii. 579, a.
Sacrilegium, ii. 587, a.
Sacrilegus, ii. 587, a.
Sacrorum detestatio, i. 911, a.
Sacrosanctitas, ii. 113, b.
Sacrum novemdiale, i. 837, a.
Saeculares ludi, ii. 92, a.
Saeculum, ii. 92, a.
Saepes, i. 57, b.
Saepimentum, i. 57, b.
Saepta, i. 507, b.
Sagarii, ii. 588, b.
Sagatio, ii. 589, a.
Sagitta, i. 218, b; ii. 587, a.
Sagittarii, ii. 588, a.
Sagittarius, i. 220, b.
Sagittifer, i. 220, b.
Sagittipotens, i. 220, b.
Sagmina, ii. 588, a.
Sagulum, ii. 589, a.
Sagum, ii. 588, b.
Salaminia, ii. 826, b.
Salarium, ii. 589, a.
Salientes, i. 871, a.
Salii, ii. 589, a.
Salillum, ii. 592, a.
Salinae, ii. 592, a.
Salinator, ii. 592, a.
Salinum, ii. 592, a.
Salsilago, ii. 592, a.
Salsugo, ii. 592, a.
Saltatio, ii. 592, b.
Saltus, i. 51, a; i. 57, b; ii. 613, a.
Salvianum interdictum, i. 1019, b.
Salutatio, ii. 594, b.
„ pro imperio, i. 998, b.
Salutatores, ii. 594, b.
Sambuca, ii. 594, b.
Sambucistriae, ii. 595, a.
Samnites, i. 918, b.
Sampsa, ii. 850, a.
Sandalium, ii. 685, b.
Sandapila, i. 892, a.
Sapa, ii. 963, b.
Sapo, i. 881, b; ii. 595, b; ii. 977, a.
Sarcinae, i. 807, a.
Sarcophagus, i. 892, b; ii. 595, b.
Sarculatio, i. 63, a.
Sarculum, i. 63, a; ii. 597, a.
Sarisa, i. 778, a; i. 936, b.
Saritio, i. 63, a.
Saronia, ii. 597, a.
Sarracum, ii. 597, a.
Sartago, ii. 597, b.
Satio, i. 62, a.
„ septimontialis, i. 68, a.
„ trimestris, i. 62, b.
Satira, ii. 597, b.
Satura, ii. 597, b.
„ lex, ii. 33, b; ii. 597, b.
Saturnalia, ii. 599, b.
Scabellum, i. 432, b.
Scabillum, i. 591, a.

Scaena, ii. 817, b; ii. 820, b.
Scalae, ii. 601, a.
„ Gemoniae, i. 363, b.
Scalpellum, i. 414, b.
Scalprum, ii. 601, a.
Scalptura, ii. 601, b.
Scamnum, i. 380, b.
Scandulae, ii. 763, b.
Scantinia lex, ii. 53, a.
Scaphium, ii. 611, a.
Scapus, i. 68, a; ii. 696, a; ii. 765, a.
Scarabaeus, ii. 602, b.
Scenici ludi, ii. 84, b.
Sceptrum, ii. 611, b.
Schidae, ii. 58, a.
Schola, i. 275, b; i. 277, a.
Scholae, i. 381, a.
„ auctores, i. 246, b.
Scillites, ii. 966, b.
Sciothericum, i. 974, b.
Scipio, ii. 612, a.
Scire, ii. 637, a.
Scirpea, ii. 433, b.
Scissor, i. 397, a.
Scitum populi, ii. 32, b.
Scobis, ii. 612, b.
Scopa, ii. 612, b.
Scordiscus, i. 742, b.
Scorpio, i. 220, a; ii. 853, a.
Scorpius, i. 220, a.
Scortea, ii. 308, b.
Scotia, ii. 690, b.
Scribae, i. 12, a; ii. 612, b.
Scribere, i. 182, a.
Scribonia lex, ii. 53, a.
Scrinium, i. 358, b.
Scriplum, ii. 613, b.
Scripta, ii. 469, b.
„ duodecim, i. 695, a.
Scriptura, i. 52, b; ii. 613, a.
Scripturarii, ii. 613, b.
Scripulum, i. 57, b; ii. 163, b; ii. 455, a; ii. 613, b.
Scrobes, i. 157, b.
Scrupulum, i. 1034, a; ii. 613, b.
Sculptura, ii. 601, b.
Sculponeae, i. 59, b; ii. 613, b.
Scutella, ii. 614, a.
Scutica, i. 864, a.
Scutum, ii. 614, a.
Scyphus, ii. 614, a.
Scytale, ii. 615, a.
Secale, i. 67, b.
Secespita, ii. 615, a.
Secretarium, i. 248, a.
Sectatores, i. 100, a.
Sectio, ii. 475, b; ii. 615, b.
Sector, ii. 475, b; ii. 615, b.
Sectorium interdictum, i. 1019, b; ii. 615, b.
Secundarium, ii. 965, a.
Securis, ii. 616, a.
Secutores, i. 803, b; i. 918, b.
Sedile, ii. 619, a.
Seges, i. 72, a.
Sella, i. 386, a; ii. 617, b.
„ curulis, ii. 619, b.
Sellisternium, ii. 16, a.
Sembella, ii. 56, b.
Semen adoreum, i. 65, b.
„ trimestre, i. 65, b.
Sementina dies, i. 838, b.
Sementivae feriae, i. 838, b.
Semimares, i. 900, a.
Semis, Semissis, i. 202, b; ii. 455, a.
Semita, ii. 951, a.
Sempronia lex de foenere, ii. 53, b.
Semproniae leges, ii. 53, a.
Semuncia, ii. 455, a.
Semunciarium fenus, i. 835, b.
Senator, ii. 620, b.
Senatores Orcini, ii. 123, b.
„ pedarii, ii. 624, b.
Senatus, ii. 620, b.
„ auctoritas, ii. 630, b; ii. 637, b.
Senatusconsultum, ii. 636, a.
„ Afinianum, ii. 638, a.
„ Apronianum, ii. 638, a.
„ Articuleianum, ii. 638, b.
„ de Bacchanalibus, ii. 638, b.
„ Calvisianum, ii. 45, a; ii. 638, b.
„ Claudianum, ii. 45, a; ii. 638, b.
„ de collusione detegenda, ii. 639, b.
„ Dasumianum, ii. 639, b.
„ Fabianum, ii. 638, a.
„ Hadriani, ii. 639, b.
„ Hosidianum, ii. 639, b.
„ Juncianum, ii. 639, b.
„ Junianum, ii. 639, b.
„ Juventianum, ii. 639, b.
„ Largianum, ii. 640, a.
„ Libonianum, ii. 640, a.
„ de ludis saecularibus, ii. 640, a.
„ Macedonianum, ii. 640, a.
„ Memmianum, ii. 45, a; ii. 640, b.
„ Neronianum, ii. 640, b.
„ Orfitianum, ii. 640, b.
„ Ostorianum, ii. 63, a.
„ Papinianum, ii. 638, a.
„ Pegasianum, i. 857, b; ii. 641, a.
„ Persicianum, ii. 44, b; ii. 641, a.
„ Pisonianum, ii. 640, b.
„ Plancianum, ii. 641, a.
„ Rubrianum, ii. 641, b.
„ Sabinianum, ii. 638, a.
„ Silanianum, ii. 641, b.
„ tacitum, i. 12, a.
„ Tertullianum, ii. 641, b.
„ Trebellianum, i. 857, a; ii. 642, a.
„ Turpilianum, ii. 642, a.
„ Velleianum, ii. 642, a.
„ Vitrasianum, ii. 642, b.
„ Volusianum, ii. 642, b.
Senatus jus, ii. 626, b.
Seniores, i. 505, a.
Sententia, ii. 622, a.
Septem Triones, i. 216, b.
Septemviri Epulones, i. 753, b.
Septimatrus, ii. 535, b.
Septimontium, ii. 578, b.
Septunx, ii. 455, a.
Sepulchri violati actio, ii. 961, b.
Sepulchrum, ii. 643, a.
Sequestres, i. 100, a.
Sera, i. 989, b.
Seriae, ii. 964, a.
Sericarii, ii. 650, a.
Sericum, ii. 649, b.
Sermo, ii. 599, a.
Serpens, i. 217, a; i. 218, b.
Serpentarius, i. 218, b.
Serra, ii. 650, b.
Serrarius, ii. 650, b.
Serrati, sc. denarii, ii. 651, b.
Serrula, ii. 650, b.
Serta, i. 545, a.
Servare de coelo, i. 252, a.
Serviana actio, ii. 419, b.
Servilia agraria lex, ii. 54, a.
„ Glaucia lex, ii. 542, b.
„ judiciaria lex, ii. 54, a.
Servitus, ii. 652, a; ii. 659, b.
Servitutes, ii. 651, b.
Servus (Greek), ii. 656, a.
„ (Roman), i. 59, a; ii. 659, b.
„ ad manum, i. 99, a.
„ publicus, i. 12, a; ii. 662, b.
Sescuncia, ii. 455, a.
Sesquiplares, or Sesquiplarii, i. 787, b; i. 809, a.
Sessorium, i. 366, a; i. 568, b.
Sestertium, i. 366, a; i. 568, b.
Sestertius, ii. 667, a.
Sevir turmae equitum, i. 757, b.
Seviri, i. 259, a.
Sex suffragia, i. 754, a.
Sexatrus, ii. 535, b.
Sextans, i. 202, b; ii. 455, a.
Sextarius, ii. 530, b; ii. 668, a.
Sextilis, i. 341, a.
Sextula, ii. 455, a; ii. 668, a.
Sibina, i. 937, a.
Sibyllini libri, ii. 668, a.
Sica, ii. 671, b.
Sicarius, ii. 672, a.
Sicilicus, ii. 455, a; ii. 672, a.
Sicilire pratum, i. 71, a.
Siclus, ii. 672, a.
Sidareus, ii. 672, a.
Sidus natalicium, i. 213, b.
Sigillaria, ii. 600, b.
Sigla, ii. 244, a.
Sigma, ii. 157, b.
Signa, i. 380, b.
„ militaria, ii. 672, a.
Signifer, i. 800, b; ii. 672, b.
Signinum opus, ii. 397, b.
Signum, i. 807, b.
Silatum, i. 394, b.
Silentiarii, ii. 479, b.
Silentium, i. 251, b.
Silia lex, i. 16, a; ii. 54, a.
Silicarii, i. 156, b.
Silicernium, i. 893, a.
Siligo, i. 65, b.
Simila, or Similago, i. 66, b.
Siliqua, ii. 455, a; ii. 675, b.
Silvae, ii. 613, a.
Simpulum, or Simpuvium, ii. 675, b.
Sindon, ii. 945, b.
Singulares, i. 803, b.

Sinus, ii. 847, a.
Siparium, ii. 821, b.
Siparum, ii. 224, a.
Sirius, i. 221, b; i. 229, b.
Sistrum, ii. 676, a.
Sitella, ii. 679, a.
Siticines, i. 891, a; ii. 901, a.
Situla, ii. 679, a.
Sobrina, i. 469, a.
Sobrinus, i. 469, a.
Socculus, ii. 679, b.
Soccus, ii. 679, b.
Socer, i. 42, b.
„ magnus, i. 42, b.
Societas, ii. 680, a; ii. 979, a.
Socii, i. 786, a; i. 868, b; ii. 681, a.
Socio, actio pro, ii. 680, a.
Socius, ii. 681, a.
Socrus, i. 42, b.
„ magna, i. 42, b.
Sodales, i. 470, a.
„ Augustales, i. 258, a.
„ Titii, ii. 845, b.
Sodalitas, ii. 845, b; ii. 979, a.
Sodalitium, i. 100, b; ii. 979, a.
Solarium, i. 672, b; i. 974, b; ii. 933, a.
Solea, ii. 684, b.
Solidus, ii. 687, a.
Solistimum, i. 250, b.
Solitaurilia, ii. 725, b.
Solium, i. 273, a; ii. 838, b.
Solvere ex arca, i. 161, b.
Solum, i. 685, b.
Solutio, ii. 258, b.
Sonipes ales, i. 218, b.
Sophronistae, i. 928, b.
Sordidati, ii. 849, b.
Soror, i. 469, a.
Sortes, ii. 292, b; ii. 687, a.
„ conviviales, ii. 799, b.
Sortilegi, ii. 687, b.
Spadones, i. 900, a; ii. 44, b.
Sparsiones, ii. 799, b.
Sparus, i. 936, b.
Spatha, ii. 765, a.
Spatium, i. 435, b.
„ legitimum, ii. 655, b.
Specificatio, -or, i. 528, a.
Specillum, i. 414, b.
Spectabiles, i. 992, a.
Spectio, i. 252, a.
Specularia, i. 686, b; i. 977, b.
Specularis lapis, i. 686, b; i. 977, b.
Speculatores, i. 802, a.
Speculum, ii. 688, a.
Specus, i. 153, b.
Sphaeristerium, i. 283, a; i. 928, b.
Spiculum, i. 934, b; i. 936, b.
Spina, i. 430, b.
Spira, ii. 690, b.
Spirula, ii. 690, b.
Spolia, ii. 691, a.
Spoliarium, i. 274, b.
Sponda, ii. 18, b.
Spondeo, ii. 256, b.
Spongia, ii. 692, a.
Sponsa, ii. 139, b.
Sponsalia, ii. 139, b.
Sponsio, i. 1014, b; ii. 959, b.
Sponsor, i. 1014, b.
Sponsus, ii. 140, a.
Sporta, i. 541, a.
Sportula, ii. 692, a.
Stabularius, ii. 539, a.
Stadium, ii. 162, b; ii. 693, a.
Stalagmia, i. 1002, a.
Stamen, ii. 765, a.
Stannum, ii. 167, b.
Stater, ii. 695, a.
Statera, ii. 696, a.
Stati dies, i. 636, b.
Stationes, i. 377, a; ii. 696, b.
„ fisci, ii. 696, b.
„ municipiorum, i. 921, a.
Stativae feriae, i. 837, a.
Stator, i. 794, b.
Statores, i. 794, b.
Statu liber, ii. 123, b.
Statua laureata, ii. 898, b.
„ triumphalis, ii. 898, b.
Statuaria ars, ii. 696, b.
Statumen, ii. 951, a.
Stela, ii. 712, a.
Stellae Parrhasides, i. 216, b.
„ errantes, ii. 432, a.
Sterculinii servitus, ii. 653, a.
Stercoratio, i. 61, a.
Stercutius, i. 61, a.
Sterquilinium, i. 61, a.
Stesichorus, ii. 760, a.
Stibadium, ii. 157, b.
Stillicidii servitus, ii. 653, a.
Stillicidium, ii. 653, a.
Stilus, ii. 390, a; ii. 713, b.
Stipendiaria, ii. 475, b.
Stipendiarii, ii. 714, a.
Stipendium, ii. 714, b.
Stipes, ii. 324, a.
Stipulatio, ii. 256, a.
Stipulator, ii. 256, b.
Stiva, i. 159, b; i. 160, a.
Stola, ii. 716, b.
Stragulum, ii. 19, a.
Stratores, i. 804, a.
Strenae, ii. 720, a.
Striae, i. 490, b.
Striga, i. 381, b.
Strigil, i. 278, a; i. 279, a.
Strophium, ii. 720, b.
Structor, i. 396, b.
Studiosi juris, i. 212, a.
Stultorum feriae, i. 873, a.
Stuprum, i. 29, b; i. 526, a; i. 1004, b.
Stylus, ii. 713, b.
Suasor, i. 246, a.
Subligaculum, i. 919, b; ii. 721, a.
Sublimissimi, i. 992, a.
Subrogare legem, ii. 33, a.
Subruncivi, i. 85, a.
Subscriptio, i. 531, b.
„ censoria, i. 401, a; i. 1007, a.
Subseciva, i. 54, b; i. 87, a.
Subsellium, ii. 619, b; ii. 873, a.
Subserica, ii. 650, a.
Subsignanus, i. 807, b.
Subsortitio, i. 1028, b.
Substitutio, i. 950, b.
Substitutio pupillaris, i. 950, b.
Subtegmen, ii. 770, a.
Subtemen, ii. 765, a.
Subucula, ii. 905, b.
Successio, ii. 721, b.
Successor, ii. 723, a.
Succinctus, i. 427, b.
Succolare, ii. 14, b.
Sucula, ii. 853, a.
Sudarium, ii. 723, a.
Sudatio concamerata, i. 272, a.
Sudatorium, i. 277, b.
Suffibulum, ii. 943, a.
Suffitio, i. 893, b.
Sufflamen, ii. 723, b.
Suffragia sex, i. 754, a.
Suffragium, ii. 751, a.
Suggestus, -um, i. 112, b; ii 723, b.
Sui heredes, i. 949, b.
Sulci, ii. 951, b.
Sulcus, i. 69, b; i. 70, a.
Sulpicia Sempronia lex, ii. 54, b.
Sulpiciae leges, ii. 54, a.
Sulpurata ramenta, i. 991, b.
Sumptuariae leges, ii. 723, b.
Suovetaurilia, ii. 102, b; ii. 582, b; ii. 725, b.
Supercilium, i. 987, a.
Superficiarius, ii. 726, b.
Superficies, ii. 726, b.
Supernumerarii, i. 5, a.
Superstitio, ii. 727, b.
Supparum, ii. 224, a; ii. 729, b; ii. 906, a.
Supparus, ii. 729, b.
Supplicatio, ii. 729, b.
Suppositicii, i. 918, b.
Suprema, *sc.* tempestas, i. 635, b.
Surdus, ii. 801, a.
Susceptores, i. 402, b.
Suspensura, i. 278, b.
Symphoniaci, ii. 739, a.
Symposium, ii. 740, a.
Syndicus, ii. 743, b.
Syngrapha, i. 411, a.
Synthesis, ii. 600, a; ii. 748, a.
Syrinx, ii. 748, a.
Syssitia, ii. 749, a.

T.

Tabella, i. 642, b; ii. 751, a.
Tabellariae leges, ii. 751, b.
Tabellarius, ii. 752, a.
Tabellio, ii. 752, a.
Taberna, i. 46, a; i. 387, b; i. 679, b; ii. 752, a.
„ deversoria, i. 387, b.
Tabernacularius, ii. 752, b.
Tabernaculum, ii. 752, a.
Tablinum, i. 670, b.
Tabula lusoria, ii. 752, b.
Tabulae, i. 182, a; ii. 753, a.
„ censoriae, i. 400, b; ii. 754, b.
„ novae, ii. 754, a.
„ publicae, i. 12, b; i. 13, a; ii. 754, b.

Tabulae votivae, i. 688, a.
Tabulam, adesse ad, i. 245, b.
Tabularii, i. 803, a; ii. 754, b.
Tabularium, i. 12, b; ii. 754, b.
Tabulata, i. 666, b; ii. 850, b.
Tabulinum, i. 380, b.
Taeda, ii. 755, b.
Taenia, ii. 975, a.
Talaria, i. 864, b; ii. 758, a.
Talarus, i. 330, b.
Talasius, ii. 144, a.
Talassio, ii. 144, a.
Talea, ii. 263, b.
Talentum, ii. 446, a; ii. 758, a.
Talio, ii. 758, b.
Talus, i. 864, b; ii. 759, a.
Tapete, ii. 761, b.
Tarpeia Aternia lex, i. 31, b; ii. 36, b.
Tauria, ii. 762, b.
Taurii ludi, ii. 93, b.
Taurobolia, ii. 577, a; ii. 762, b.
Taurus, i. 219, a.
Tectores, i. 156, b.
Tectorium opus, ii. 346, a.
Tegula, i. 849, a; ii. 763, b.
Tela, ii. 764, b.
Telamones, i. 243, b.
Temetum, ii. 962, b.
Temo, i. 159, b; i. 578, b.
Templum, i. 251, a; ii. 566, a; ii. 772, b.
Temporalis actio, ii. 481, a.
Temporis praescriptio, ii. 481, a.
Tensae, ii. 823, b.
Tentipellium, i. 872, b.
Tentorium, ii. 752, a.
Tepidarium, i. 272, b; i. 276, a.
Terebra, ii. 793, a.
Terentilia lex, ii. 54, b.
Terentini ludi, ii. 92, a.
Terminalia, ii. 793, b.
Termini, i. 91, a; i. 953, b.
Terra cariosa, i. 60, b.
„ restibilis, i. 71, b.
Territorium, ii. 878, b.
Tertiare, i. 60, b.
Teruncius, ii. 56, b.
Tescum, i. 251, a.
Tessella, ii. 397, b; ii. 799, a.
Tessera, ii. 397, b; ii. 799, a.
„ nummaria, or frumentaria, i. 878, b.
Tesseraconteres, ii. 800, a.
Tesserarii, i. 801, b.
Tesserula, ii. 799, a.
Testa, i. 842, a; ii. 763, b.
Testamentariae leges, ii. 54, b.
Testamentifactio, ii. 801, a.
Testamentum, ii. 800, b.
Testator, ii. 801, a.
Testis, ii. 805, a.
Testudo, ii. 807, b.
Tetraphori, ii. 379, b.
Tetrarcha, ii. 808, b.
Tetrarches, ii. 808, b.
Textores, ii. 770, b.
Textrices, ii. 770, b.
Textrinum, ii. 771, a.
Thalassites, ii. 967, b.
Thargelia, ii. 809, b.
Theatridium, i. 282, b.
Theatrum, ii. 811, b.
Thensae, ii. 823, b.
Theodosianus codex, i. 467, a.
Thermae, i. 266, b.
Thermopolium, i. 336, a; i. 388, a.
Thesauri, ii. 779, a.
Thesmophoria, ii. 829, a.
Thorax, ii. 77, b.
Thoria lex, ii. 54, b.
Thraces, i. 918, b.
Threces, i. 918, b.
Thronus, ii. 837, a.
Thymelici, ii. 814, b.
Thyrsus, ii. 839, a.
Tiara, ii. 839, b.
Tiberinalia, ii. 469, b.
Tibia, ii. 840, a.
Tibicen, ii. 841, b.
Tigni immittendi servitus, ii. 653, a.
Tigno juncto, actio de, i. 897, a.
Tintinnabulum, ii. 844, b.
Tirocinium, ii. 848, b.
Titia lex, ii. 55, a.
Titienses, ii. 878, a.
Tities, ii. 845, b; ii. 878, a.
Titii Sodales, ii. 845, b.
Titulus, i. 380, a; i. 992, b; ii. 59, a; ii. 984, a.
Toculliones, i. 832, a.
Toga, ii. 845, b.
„ candida, ii. 849, a.
„ laxa, ii. 848, a.
„ picta, ii. 849, b.
„ praetexta, ii. 849, a.
„ pulla, ii. 849, b.
„ pura, ii. 849, a.
„ purpurea, ii. 849, b.
„ virilis, i. 1001, a; ii. 849, a.
Togata fabula, i. 522, a.
Togatus, ii. 322, a; ii. 683, a.
Tomentum, ii. 18, b.
Topiaria ars, i. 977, a.
Topiarius, i. 977, a.
Toralia, ii. 762, a.
Torcular, ii. 850, a.
Torcularium, ii. 850, b.
Torculum, ii. 850, a.
Tormentum, ii. 851, a; ii. 853, a.
Torques, ii. 857, a.
Torquis, ii. 857, a.
Torus, i. 891, b; ii. 18, b.
Toxicum, ii. 587, b.
Trabea, ii. 550, a; ii. 849, b.
Trabeata fabula, i. 522, a.
Traditio, i. 653, b.
Tragoedia, ii. 858, a.
„ crepidata, i. 423, b; i. 563, a.
Tragula, i. 937, a; ii. 546, a.
Tragum, ii. 546, a.
Traha, i. 64, a; ii. 870, a.
Trahea, i. 64, a; ii. 870, a.
Trama, ii. 765, a.
Tramoserica, ii. 650, a.
Transenna, ii. 867, a.
Transfuga, i. 618, b.
Transvectio equitum, i. 755, b.
Trapetum, ii. 867, b.
Trebonia lex, ii. 55, a.
Tresviri, ii. 868, b.
„ agro dividundo, ii. 869, a.
„ capitales, ii. 868, b.
„ coloniae deducendae, ii. 869, a.
„ epulones, i. 753, b.
„ equitum turmas recognoscendi, or legendis equitum decuriis, ii. 869, a.
„ mensarii, i. 181, a.
„ monetales, ii. 178, a.
„ nocturni, ii. 868, b.
„ reficiendis aedibus, ii. 869, a.
„ reipublicae constituendae, ii. 869, a.
„ sacris conquirendis donisque persignandis, ii. 869, b.
„ senatus legendi, ii. 869, b.
Triarii, i. 783, a.
Tribula, i. 64, a.
Tribules, ii. 884, b.
Tribulum, i. 64, a; ii. 870, a.
Tribulus, ii. 870, a.
Tribunal, i. 380, b; ii. 870, a.
Tribuni aerarii, i. 40, b; ii. 871, a.
„ cohortium, i. 797, a.
„ militum, i. 797, a; ii. 870, b.
„ militum consulari potestate, ii. 871, b.
„ plebis, ii. 872, a.
Tribunicia lex, ii. 55, a.,
„ potestas, ii. 873, b.
Tribunus, ii. 870, b.
„ celerum, ii. 553, b; ii. 870, b.
Tribus (Greek), ii. 875, a.
„ (Roman), ii. 877, b.
Tributa comitia, i. 509, a; ii. 884, a.
Tributaria, ii. 475, b.
Tributoria actio, ii. 661, b.
Tributum, ii. 887, a.
Tricliniarcha, ii. 888, b.
Triclinium, ii. 887, b.
„ funebre, i. 894, a.
Tridens, i. 897, a.
Triens, i. 202, b; ii. 455, a.
Triga, i. 579, b.
Triglyphus, ii. 892, b.
Trigon, ii. 425, a.
Trilix, ii. 767, a.
Trimestris faba, i. 68, a.
Trinepos, i. 469, a.
Trineptis, i. 469, a.
Trinum nundinum, ii. 252, a.
Trinundinus, ii. 252, a.
Triplicatio, i. 20, a.
Tripos, ii. 892, b.
Tripudium, i. 250, b.
Triremes, ii. 214, a.
Tritavia, i. 469, a.
Tritavus, i. 469, a.
Triticum, i. 65, a.
„ spelta, i. 65, b.

Triticum trimestre, i. 65, b.
Tritura, i. 64, a.
Triumphalia ornamenta, ii. 898, a.
Triumphalis corona, i. 548, b.
„ domus, ii. 897, b.
„ statua, ii. 898, b.
„ vestis, ii. 897, b.
Triumphus, ii. 894, a.
„ castrensis, ii. 898, a.
„ navalis, ii. 898, a.
Trochus, ii. 899, a.
Trojae ludus, ii. 899, a.
Tropaeum, ii. 900, a.
Trossuli, i. 755, a.
Trua, ii. 901, a.
Trulla, ii. 901, a.
Trulleum, ii. 364, a.
Trullissatio, ii. 346, a.
Truncus, ii. 263, b.
Trutina, ii. 696, b.
„ campana, ii. 696, a.
Tuba, ii. 901, a.
Tubicen, i. 35, b.
Tubilustrium, ii. 536, a.
Tubus, tubulus, i. 862, a; ii. 763, b.
Tudicula, ii. 868, a.
Tugurium, ii. 902, a.
Tullia lex de ambitu, i. 100, b.
Tullianum, i. 363, a.
Tumultuarii, i. 805, b.
Tumultus, i. 805, b.
Tunica, ii. 902, b.
„ palmata, ii. 849, b.
„ recta, ii. 142, b; ii. 769, a; ii. 906, a.
Tunicati, ii. 905, b.
Turbo, ii. 906, b.
Turibulum, ii. 907, a.
Turma, i. 754, a; i. 787, a.
Turricula, i. 877, a.
Turris, ii. 907, b.
Tutela, ii. 909, a.
Tutelae actio, ii. 911, b.
Tutor, ii. 909, a.
Tutulus, i. 866, a.
Tympanistriae, ii. 914, a.
Tympanum, i. 129, a; i. 829, b; ii. 433, b; ii. 914, a.

U, V.

Vacantia bona, i. 305, a.
Vacatio militiae, ii. 917, b.
Vadari reum, i. 17, b.
Vades dare, i. 14, b; i. 17, b.
Vadimonium, Vas, i. 17, b; ii. 479, b.
Vagina, i. 919, b.
Valeriae leges, ii. 55, b.
„ et Horatiae leges, ii. 55, b; ii. 532, b.
Valeria lex, ii. 504, a.
Valetudinarium, i. 380, b; ii. 917, b.
Vallaris corona, i. 548, b.
Vallis Murcia, i. 430, a.
Vallum, i. 44, a; i. 380, a; ii. 918, a.
Vallus, ii. 918, b.
Valva, i. 988, b.
Vannus, ii. 919, a.
Vappa, ii. 966, a.
Vari, ii. 545, b.
Varia lex, ii. 114, b.
Vas, ii. 479, b; ii. 919, b.
Vasarium, ii. 589, a.
Vatillum, i. 294, b.
Vatinia lex, ii. 56, a.
Udo, ii. 932, b.
Vectigal rerum venalium, i. 404, b.
Vectigalia, ii. 932, b.
„ templorum, ii. 934, b.
Vectigalis ager, i. 51, a; i. 730, b.
Velarium, i. 110, a; ii. 821, b.
Velati, i. 5, b.
Velites, i. 784, b; i. 918, b.
Velleianum senatusconsultum, ii. 642, a.
Velum, ii. 217, b; ii. 821, a.
Venabulum, ii. 938, b.
Venaliciarii, ii. 664, b.
Venatio, ii. 936, b.
Venditio, i. 731, b.
Venefica, ii. 939, b.
Veneficium, ii. 939, a.
Veneficus, ii. 939, b.
Venereus jactus, ii. 759, b.
Venter, i. 154, a.
Ventilabrum, ii. 312, a.
Ventilatio, i. 64, b.
Venus, ii. 759, b.
Ver sacrum, ii. 583, a; ii. 939, b.
Verbena, ii. 588, a; ii. 720, a.
Verbenarius, i. 840, a; ii. 588, a.
Vergiliae, i. 219, a.
Vergiliarum sidus, i. 219, a.
Verna, ii. 662, b.
Verriculum, ii. 546, a.
Verso, actio in rem, ii. 661, b.
Versura, i. 61, a; i. 835, a.
Versus, i. 61, a; ii. 163, b.
„ quadratus, i. 57, b.
Verticillus, i. 898, a; ii. 906, b.
Veru, i. 936, b.
Vervactor, i. 60, b.
Vervactum, i. 60, b.
Verutum, i. 936, b.
Vespae, i. 892, a.
Vespillones, i. 892, a.
Vestalis, ii. 940, b.
„ maxima, ii. 943, b.
Vestes bombycinae, ii. 649, b.
„ Coae, ii. 649, b.
„ Sericae, ii. 649, b.
Vestibulum, i. 668, b.
Vesticeps, i. 1001, a.
Vestis, ii. 944, a.
„ cenatoria, i. 396, a; ii. 748, a.
„ triumphalis, ii. 897, b.
Veteranus, i. 792, b.
Veteratores, ii. 665, a.
Veteretum, i. 68, a.
Veterinarium, i. 380, b.
Vexillarii, i. 792, b.
Vexillum, i. 792, b; ii. 672, a.
Via glareata, ii. 950, b.
„ munita, ii. 950, b.
„ privata, ii. 947, a.
„ publica, ii. 946, b.
„ sagularis, i. 380, a.
„ terrena, ii. 950, b.
Viae, ii. 946, b.
„ servitus, ii. 653, b.
„ vicinariae, or vicinales, i. 380, a; ii. 947, a.
Viaria lex, ii. 56, a; ii. 948, b.
Viaticum, ii. 954, a.
Viator, ii. 954, a.
Vicarii servi, ii. 666, a.
Vicesima, ii. 954, b.
„ hereditatum et legatorum, i. 38, a; ii. 954, b.
„ libertatis, ii. 954, b.
Vicesimaria lex, ii. 954, b.
Vicesimatio, i. 602, a.
Vicia, i. 70, a.
Vico magistri, ii. 955, a.
Victima, ii. 586, b.
Vicus, ii. 955, a.
Victoriatus, i. 206, a; ii. 954, b.
Vigiles, i. 794, b.
Vigiliae, i. 377, a.
Vigintisexviri, ii. 955, b.
Vigintiviri, ii. 955, b.
Vilica, i. 59, a.
Vilicus, ii. 957, b.
„ ex horreis, i. 976, a.
Villa, i. 884, b; ii. 956, a.
„ fructuaria, i. 58, b; ii. 956, a.
„ publica, i. 399, b.
„ rustica, i. 58, a; ii. 956, a.
„ urbana, i. 58, b; ii. 956, a.
Villia annalis lex, ii. 36, a.
Villicus, i. 59, a; i. 156, b; ii. 957, b.
„ amphitheatri, i. 113, a.
Vinalia, ii. 957, b.
Vindemialis feria, i. 839, a.
Vindex, i. 14, b; ii. 125, a.
Vindicatio, i. 14, b; ii. 957, b.
„ in ingenuitatem, ii. 958, a.
„ in libertatem, ii. 958, a.
„ in servitutem, ii. 958, a.
„ per formulam petitoriam, ii. 959, b.
„ per sponsionem, ii. 959, b.
Vindiciae, ii. 959, a.
Vindicta, ii. 122, b; ii. 961, a.
Vinea, ii. 962, a.
Vinum, ii. 962, a.
Violatio, i. 894, a.
Virgae, i. 826, a.
Virgines Vestales, ii. 940, a.
Virgo, i. 219, b.
„ Vestalis Maxima, ii. 943, a.
Viridarium, i. 977, b.
Virilis pars, ii. 359, a.
„ toga, i. 1001, a; ii. 849, a.

Vis, ii. 971, a.
„ privata, ii. 971, b.
„ publica, ii. 971, b.
„ et vis armata, ii. 972, a.
Visceratio, i. 893, b.
Visellia lex, i. 133, a.
Vitelliani, ii. 754, a.
Vitium, i. 252, a.
Vitrearii, ii. 973, b.
Vitricus, i. 43, a.
Vitrum, ii. 972, a.
Vitta, Vittae, ii. 975, a.
Vittata sacerdos, ii. 975, b.
Vivaria, i. 80, b.
Uliginosus campus, i. 60, b.
Ulna, ii. 976, a.
Ulpiani pueri puellaeque, i. 97, b.
Ultrotributa, i. 402, b.
Umbella, ii. 976, a.
Umbilicus, ii. 59, a.
Umbo, ii. 847, b; ii. 951, a.
Umbraculum, ii. 976, a.
Uncia, i. 202, b; ii. 455, a.
Unciarum fenus, i. 835, b.
Unctores, i. 98, b.
Unctorium, i. 276, b.
Unctuarium, i. 98, b; i. 273, b.
Unguentum, ii. 976, b.
Unguentaria, ii. 977, b.
Unguentariae, ii. 977, b.
Unguentarii, ii. 977, b.
Universitas, ii. 977, b.
Universum, ii. 723, a.
Vocatio in jus, i. 15, a.
Voconia lex, ii. 56, a; ii. 980, b.
Volcanalia, ii. 981, b.
Volgares, ii. 666, a.
Volsellae, ii. 981, b.
Volucris, i. 218, a.
Volumen, ii. 59, a.
Volutae, i. 939, a.
Vomitoria, i. 110, b.
Vota publica, ii. 981, b.
Votorum nuncupatio, ii. 982, a.
Urceolus, i. 192, b; ii. 982, a.
Urceus, ii. 982, a.
Urna, ii. 530, b; ii. 679, b.
Urpex, i. 1023, b.
Ursa major, i. 216, a.
„ minor, i. 216, b.
„ Moenalis, i. 216, b.
Ustrina, i. 893, a.
Ustrinum, i. 893, a.
Usucapio, ii. 982, b.
Usufructuarius, ii. 988, a.
Usurae, i. 835, a.
Usurecceptio, ii. 984, b.
Usurpatio, ii. 987, b.
Usus, ii. 988, a; ii. 989, b.
Usus auctoritas, ii. 983, b.
Ususfructus, ii. 988, a.
Uterini, i. 468, b.
Uti possidetis, i. 1020, a.
Utilis actio, i. 21, b.
Utres, ii. 965, a.
Utrubi, i. 1020, a.
Uxor, ii. 138, b.
Uxorium, i. 41, a.

X.

Xystarchus, i. 241, b.
Xystici, i. 239, a.
Xystus, i. 927, a; i. 976, b; ii. 956, b.

Z.

Zona, i. 427, a.
Zophorus, i. 490, a; ii. 992, b.
Zotheca, -ula, i. 671, b.

ENGLISH INDEX.

A.

Account-books, i. 465, a.
Actors (Greek), i. 965, b.
„ (Roman), i. 967, b.
Adjutant, i. 543, b.
Admiral, ii. 206, a.
Adoption (Greek), i. 25, b.
„ (Roman), i. 26, a.
Adultery, i. 29, a.
Advocate, ii. 743, b; ii. 744, b.
Adze, i. 208, b.
Agent, i. 20, b; ii. 496, b.
Agrarian laws, i. 49, b.
Agriculture, i. 55, a.
Ale, i. 407, a.
Aliens, resident, ii. 168, b.
Allies, ii. 681, a.
Altar, i. 157, a; i. 222, b.
Ambassadors, ii. 23, a.
Amber, i. 714, a.
Amnesty, i. 102, a.
Amphitheatre, i. 106, b.
Amulets, i. 118, a.
Anchor, ii. 218, a.
Anklets, ii. 373, a.
Annexe, ii. 368, a.
Anvil, i. 1005, b.
Appeal, i. 144, a.
Apron, ii. 67, b; ii. 721, a.
Aqueduct, i. 146, b.
Arbitrator, i. 620, b.
Arch, i. 171, a; i. 873, b.
Archer, the, i. 220, b.
Archers, ii. 588, a.
Architecture, i. 163, b.
Archives, ii. 754, b.
Arena, i. 113, a.
Aristocracy, i. 187, a.
Arithmetic, i. 187, b.
Armour, i. 189, b.
Armoury, i. 190, b.
Arms, i. 189, b.
Army (Greek), i. 766, b.
„ (Roman), i. 781, a.
Arrest, i. 133, b.
Arrow, the, i. 218, b.
Arrows, ii. 587, a.
Arson, i. 1002, b.
Artillery, ii. 853, a.
Artisans, i. 194, b.
Assemblies and Councils (Greek), i. 44, b; i. 102, b; i. 175, a; i. 197, b; i. 309, a; i. 697, b; i. 703, a; i. 912, a; ii. 201, b; ii. 333, b; ii. 334, a.
Assemblies and Councils (Roman), i. 503, a; i. 524, b; i. 529, b; i. 538, a; i. 540, b; i. 576, b; i. 1036, b.
Astrology, i. 212, b.
Astronomy, i. 214, a.
Athletes, i. 237, a.
Attorney, i. 20, b; ii. 496, b.
Auction (sale), i. 245, b.
Augur, Auguries, i. 248, a.
Autonomy, i. 263, a.
Axe, ii. 616, a.
Axle, i. 578, a.

B.

Badge, i. 1011, a.
Bag, ii. 568, a.
Bagpipe, ii. 739, a.
Bail (Greek), i. 736, a.
„ (Roman), i. 14, b.
Baize, i. 901, a.
Bakers, ii. 430, a.
Balance, the, i. 220, a.
Balcony, ii. 109, b.
Baldric, i. 284, a.
Ball, game at, i. 869, b; ii. 421, b.
Ballot, ii. 751, b.
Bangles, ii. 373, a.
Bankers, i. 179, b.
Bankrupts, i. 602, b.
Banishment (Greek), i. 816, b.
„ (Roman), i. 819, b.
Barrel, i. 573, b.
Basin, i. 410, b; ii. 364, a.
Basket, i. 38, b; i. 287, a; i. 541, a; ii. 692, a.
Baths (Greek), i. 266, b.
„ (Roman), i. 269, a.
Battering-ram, i. 185, b.
Bear, the Great, i. 216, a.
„ the Lesser or Little, i. 216, b.
Bear-warden, the, i. 217, a.
Beard, i. 285, a.
Beds, ii. 17, a.
Beer, i. 407, a.
Beggars, i. 93, b.
Bell, ii. 844, b.
Bellows, i. 870, a.
Belt, i. 284, a; i. 427, b.
Berenice, the hair of, i. 223, a.
Bit (of horses), i. 876, b.
Blacking, i. 244, a.
Blanket, ii. 71, a.
Boat, i. 391, a; i. 464, b; i. 590, b; ii. 30, a; ii. 223, a.
Bobbin, ii. 765, a.
Boeotian constitution, i. 300, a.
Bond, ii. 229, a.
Books, ii. 57, b.
Bookseller, ii. 59, b.
Bootlace, i. 552, a.
Boots, i. 557, b; i. 727, a; ii. 373, b.
Booty, ii. 691, a.
Boss, i. 318, b.
Bottomry, i. 833, a.
Bow, i. 169, b.
Bowl, i. 560, b; ii. 31, a; ii. 252, b; ii. 478, b.
Boxing, ii. 524, a.
Bracelet, i. 191, b.
Brasier, i. 868, a.
Breakfast, i. 392, b.
Bribery (Greek), i. 599, b.
„ (Roman), i. 100, a.
Bricks, i. 848, a; ii. 8, a; ii. 182, b.
Bridge, ii. 456, b.
Bridle, i. 876, a.
Bronze, i. 38, b; ii. 697, b.
Brooch, i. 840, b.
Broom, ii. 612, b.
Bucket, ii. 679, a.
Bull, the, i. 219, a.
Burglar, i. 707, a.
Burial (Greek), i. 885, a.
„ (Roman), i. 889, b.
Butter, i. 319, a.

C.

Cake, ii. 151, a.
Calculation, ii. 75, b.
Calendar (Greek), i. 336, b.
„ (Roman), i. 340, a.
Caltrop, ii. 870, a.
Calumny, i. 349, a.
Cameos, ii. 606, b.
Camp, i. 369, a.
„ breaking up of, i. 378, a.
„ choice of ground for, i. 369, b.
„ construction of, i. 369, b
„ of Hyginus, i. 378, a.
„ of Polybius, i. 370, b.
Camp-oath, the, i. 376, a.

Campstool, ii. 619, a.
Canal, i. 350, b.
Candle, i. 351, b.
Candlestick, i. 352, a.
Canton, ii. 309, b.
Canvassing, i. 100, a.
Cap, i. 135, b; i. 899, b.
Capital (of columns), i. 490, b.
Carpets, ii. 761, b.
Carrier, i. 294, a.
Cart, ii. 433, b; ii. 597, a.
Cask, i. 573, b.
Casket, ii. 70, b; ii. 530, a.
Casque, i. 898, b.
Castanets, i. 564, b.
Catalogue, i. 383, a.
Catapult, ii. 853, a.
Ceilings, i. 685, b.
Censer, ii. 907, a.
Centaur, the, i. 222, b.
Chain, i. 385, b.
Chairs, ii. 618, b.
Chandelier, i. 882, b.
Chariot, i. 577, b; i. 760, b.
Charioteer, the, i. 218, a.
Chest, i. 160, b.
Chimneys, i. 664, a; i. 674, b; i. 687, a.
Chronology, i. 424, b.
Cipher, ii. 243, b.
Circumvallation, ii. 918, b.
Circus, i. 430, a.
Citizenship (Greek), i. 441, b.
„ (Roman), i. 448, a.
Clarinet, ii. 841, a.
Claws, the, i. 220, a.
Clerks (Athenian), i. 311, a; i. 921, b.
„ (Roman), i. 23, a; ii. 612, b.
Cloaks, i. 3, a; i. 97, a; ii. 2, b; ii. 308, b; ii. 318, a; ii. 322, b; ii. 588, b.
Clocks, i. 972, b.
Clogs, ii. 613, b.
Clubs (social), i. 758, a.
Coffer, i. 160, b.
Coffins, i. 161, a; i. 887, b; i. 891, b; ii. 595, b.
Coinage, ii. 444, b.
Colander, i. 488, b.
Collar, i. 470, a.
Collectors, ii. 733, a.
Colleges, i. 470, a.
Colony (Greek), i. 472, b.
„ (Roman), i. 479, a.
Colours, i. 484, a.
Column, i. 489, a.
Combs, ii. 360, a.
Comedy (Greek), i. 514, a.
„ (Roman), i. 521, b.
Commanders (military), ii. 717, a; ii. 763, a.
Commissioners, i. 813, a; i. 960, b; ii. 733, b; ii. 991, b.
Compass, i. 429, b.
Concubines, i. 525, a.
Confederacies, i. 868, b.
Conspiracy, i. 313, b.
Constellations, i. 214, b.
Conveyance (legal), ii. 117, a.
Cooks, i. 394, a.
Copper, i. 38, b; i. 409, a.
Cordage, ii. 217, b.
Corn, ii. 676, b.
„ crops, i. 65, a.
„ drag, ii. 870, a.
„ laws, i. 877, a.
„ merchants, i. 880, a.
„ preservation of, i. 64, b.
Corporations, ii. 978, b.
Corset, ii. 720, b.
Cottage, ii. 902, a.
Couches, ii. 17, a.
Country-house, ii. 956, a.
Couriers, i. 941, b.
Cowardice, i. 212, b.
Cowl, i. 571, a.
Crab, the, i. 219, b.
Cradle, i. 573, a.
Crane, i. 552, b.
Cretan constitution, i. 553, b.
Criers, ii. 474, b.
Crime, i. 563, a.
Crook, ii. 361, b.
Crops, i. 65, a.
Cross, i. 565, a.
Crossbow, i. 169, a.
Crow, the, i. 222, b.
Crown, i. 545, a.
„ the Northern, i. 217, b.
„ the Southern, i. 222, b.
Crucifixion, i. 565, b.
Cubit, ii. 162, a.
Cuirass, ii. 77, b.
Cup, the, i. 222, b.
Cupboard, i. 191, a.
Cups, i. 559, b; i. 589, b; i. 591, b; i. 617, b; i. 626, a; ii. 614, a.
Curling-irons, i. 874, a.
Curtain, i. 259, b.
Cushion, i. 407, b; ii. 526, a.
Custom-duty, ii. 366, a; ii. 530, b; ii. 535, b.
Cymbal, i. 590, b.

D.

Daggers, ii. 525, a; ii. 671, b.
Damage, i. 594, b.
Dance, the Pyrrhic, ii. 527, a.
Dancing, ii. 592, b.
Day, i. 634, b.
Debts, ii. 253, a.
Decrees, i. 602, b.
Democracy, i. 613, a.
Demurrer, ii. 480, a.
Depilatory, ii. 519, b.
Depository, ii. 754, b.
Desertion, i. 212, b.
Dice, ii. 799, a.
Dice-box, i. 877, a.
Dining-room, ii. 887, b.
Dinner, i. 392, a; i. 395, a.
Dish, i. 386, b; ii. 7, a; ii. 151, a; ii. 349, b; ii. 351, a.
Distaff, i. 897, b.
Dithyramb, ii. 858, a.
Divination, i. 645, a.
Divorce (Greek), i. 647, a.
„ (Roman), i. 648, a.
Doctor, ii. 153, a.
Dog, the Great, i. 221, b.
„ the Little, i. 222, a.
Doles, i. 528, b; i. 625, a.
Dolls, ii. 526, a.
Dolphin, the, i. 218, b.
Door, i. 987, a.
Dovecote, i. 488, b.
Dowry (Greek), i. 691, a.
„ (Roman), i. 693, a.
Drag, i. 933, b; ii. 723, b.
Dragon, the, i. 217, a.
Drains, i. 57, a; i. 461, b.
Draughts, game of, ii. 11, a.
Drawers, ii. 721, a.
Dress, ii. 944, a.
Drinking-horn, ii. 565, a.
Drugs, ii. 382, b.
Drum, ii. 914, a.
Dry-docks, ii. 206, a.
Dwarfs, ii. 205, a.
Dynasty, i. 905, a.

E.

Eagle, the, i. 218, b.
Ear-ring, i. 1002, a.
Earthenware, i. 841, b; ii. 919, b.
Edicts, i. 704, b.
Education (Greek), ii. 94, a.
„ (Roman), ii. 96, b.
Eleven, the, i. 942, a.
Emblems, i. 850, b.
Enchantment, i. 827, b.
Engineers, i. 821, b.
Engines, ii. 107, a; ii. 853, a.
Engraving, ii. 601, b.
Ensign, i. 1011, a.
Ensigns, military, ii. 672, a.
Envoy, ii. 23, a.
Era, i. 425, b.
Eviction, i. 761, a.
Evil eye, i. 827, b.
Executioner, i. 366, a.
Expiation, ii. 730, a.

F.

Family, i. 903, a.
Fan, i. 863, b.
Farm, ii. 956, a.
Felting, ii. 426, b.
Fences, i. 57, b.
Fetters, i. 523, b.
Figure-head, i. 1011, b.
File, ii. 67, a.
Fillet, ii. 975, a.
Fines, i. 745, b.
Fire-place, i. 868, a.
Firewood, i. 5, a.
Fish, the Southern, i. 223, a.

Fishes, the, i. 220, b.
Fishpond, ii. 429, b.
Flesh-hook, i. 933, b.
Floors of houses, i. 685, b.
Flute, ii. 840, a.
Foot (measure of length), ii. 159, b.
Foot-race, i. 581, a.
Fork, i. 894, a.
Fortification, ii. 918, a.
Fountain, i. 870, b.
Fowler, i. 245, b.
Freedman (Greek), ii. 61, a.
„ (Roman), ii. 62, b.
Freeholders, ii. 70, b.
Fresco, ii. 390, b.
Frieze, i. 901, a.
Fringe, i. 859, a.
Frying-pan, ii. 597, b.
Fuller, i. 881, a.
Funerals (Greek), i. 885, a.
„ (Roman), i. 889, b.
Furnace, i. 279, b; i. 873, a.

G.

Gambler, Gaming, i. 96, b.
Games (public), ii. 84, b.
„ (amusements), i. 36, a; i. 137, a; i. 558, b; i. 644, b; i. 695, a; i. 928, b; i. 929, a; ii. 11, a; ii. 171, a; ii. 201, b; ii. 247, a; ii. 306, a; ii. 336, b; ii. 421, b; ii. 752, b; ii. 759, a; ii. 799, a; ii. 899, a; ii. 906, b.
Garden, i. 976, a.
Gates of cities, ii. 466, b.
Gem-engraving, ii. 602, a.
Gems, i. 901, b; ii. 602, a.
Gimlet, ii. 793, a.
Girdle, i. 407, b; i. 427, b.
Gladiators, i. 916, a.
Glass, ii. 972, a.
Goat, the, i. 220, b.
Gold, i. 260, b.
Gown, ii. 716, b.
Granary, i. 975, b.
Grappling-iron, ii. 101, a.
Graves, ii. 644, a.
Greaves, ii. 260, b.
Groom, i. 43, a.
Gruel, ii. 525, b.
Guardians (Greek), i. 749, a; i. 751, a.
„ (Roman), i. 594, a; i. 814, a; ii. 909, a.
Guards, i. 376, a.
Gymnastics, i. 925, b.

H.

Hair (Greek), i. 496, a.
„ (Roman), i. 499, b.
Hamlet, ii. 955, a.
Hammers, i. 209, a; ii. 116, a.
Handbells, ii. 844, b.
Handkerchief, ii. 723, a.
Harbour-dues, i. 726, a.
Hare, the, i. 221, b.
Harness, ii. 380, a.
Harp, ii. 594, b.
Harrow, i. 1023, b.
Harrowing, i. 63, a.
Hat, i. 388, b.
Hatchet, ii. 616, a.
Head-quarters, ii. 483, a.
Hearth, i. 868, a.
Heir (Greek), i. 943, b.
„ (Roman), i. 948, b.
Heliacal rising, i. 225, a.
„ setting, i. 225, a.
Helmet, i. 571, b; i. 898, b.
Hemlock, i. 942, a.
Heraclean tablet, ii. 44, a.
Heralds, ii. 474, b.
Hide and seek, i. 137, a.
Hinge, i. 364, b.
Hoe, i. 209, a; ii. 66, b; ii. 537, b; ii. 567, b; ii. 597, a.
Hoeing, i. 63, a.
Holidays, i. 836, b.
Homesteads, ii. 955, a.
Homicide, ii. 384, b.
Honours, i. 969, b.
Hoop, ii. 899, a.
Horology, i. 972, b.
Horse, the Little, i. 218, b.
Horse-shoe, ii. 685, b.
Hospitality, i. 977, a.
Hospitals, ii. 918, a.
Hour, i. 970, b.
House (Greek), i. 659, a.
„ (Roman), i. 664, b.
Hunting, ii. 936, b.
Hunting-spear, ii. 936, b.
Hurdle, i. 562, a.
Hut, ii. 902, a.

I, J.

Jar, i. 650, a; i. 985, a; ii. 267, a; ii. 695, a.
Jewel-box, ii. 530, a.
Imprisonment, i. 362, a.
Incense box, i. 7, b.
„ offerings, ii. 581, a.
Infirmary, ii. 917, b.
Informer, i. 610, b; ii. 730, b.
Inheritance (Greek), i. 943, b.
„ (Roman), i. 948, b.
Ink, i. 244, a.
Inn (Greek), i. 387, a.
„ (Roman), i. 387, b.
Inspectors, i. 750, a.
Intaglios, ii. 608, b.
Intercalary month, i. 341, a.
Interest of money (Greek), i. 123, a; i. 831, a.
„ (Roman), i. 834, a.
Interpreter, i. 765, b; i. 1021, a.
Isthmian games, i. 1023, b.
Italy, i. 481, b.
Judges (Greek), i. 564, a; i. 627, a; i. 740, b.
„ (Roman), i. 1026, a.
Jug, ii. 4, a; ii. 982, a.
Jurisdiction, i. 1039, b.
Ivory, i. 715, a.

K.

Kettle, ii. 13, b.
Key, i. 450, b.
Kids, the, i. 218, a; i. 232, b.
Kiln, i. 873, a.
King (Greek), ii. 546, b.
„ (Roman), ii. 549, a.
Kitchen, i. 671, b.
Kite, the, i. 223, a.
Knife, i. 572, b; ii. 601, a.
Knights (Athenian), i. 403, b.
„ (Roman), i. 753, b.
Knockers, i. 990, b.
Knuckle-bones, ii. 759, a.

L.

Labyrinth, ii. 1, a.
Ladders, ii. 213, a; ii. 601, a.
Ladle, ii. 901, a.
Lamps, ii. 81, b.
Land-surveyors, i. 83, a; ii. 158, a.
Lanterns, ii. 6, b.
Law, i. 1040, b; ii. 32, a; ii. 237, b.
Lawsuits (Greek), i. 628, b.
„ (Roman), i. 14, a.
Legacy, ii. 19, b.
Legion, i. 788, a.
Leguminous crops, i. 68, a.
Letter-carrier, ii. 752, a.
Level (carpenter's), ii. 56, b.
„ (mason's), i. 120, b.
Levy, i. 805, a.
Library, i. 297, b.
Light-house, ii. 383, a.
Linen, i. 319, b.
Link, i. 883, a.
Lion, i. 219, b.
Liquidators, i. 598, b.
Litters, i. 162, b; i. 294, a; ii. 14, a.
Liturgies, ii. 27, a.
Loaf, ii. 151, a.
Loans, i. 513, a.
Looking-glass, ii. 688, a.
Loom, ii. 764, b.
Lots, ii. 687, a.
Luncheon, i. 392, b.
Lyre, the, i. 217, b; i. 225, b.
Lyres, ii. 104, b.

M.

Machines, ii. 107, a.
Magic, ii. 727, 728; ii. 906, b.
Magistrates (Greek), i. 93, a; i. 165, a; i. 469, b; i. 613, b; i. 708, a; i. 743, a; i. 931, b; i. 939, a; i. 942, a; i. 959, a; ii. 237, a; ii. 308, a; ii. 442, a; ii. 676, b; ii. 755, b; ii. 809, a.
„ (Roman), i. 600, b; i. 606, b; i. 630, b; i. 694, b; i. 696, b; ii. 110, b; ii. 151, a; ii. 868, b.
Mallet, ii. 116, a.
Mamertine, i. 363, a.
Mantle, i. 415, b; ii. 318, a; ii. 565, a; ii. 729, b.
Manuring, i. 61, a.
Market, ii. 106, b; ii. 251, b.
Marriage (Greek), ii. 130, a.
„ (Roman), ii. 138, a.
Masks, ii. 304, a; ii. 374, a.
Masonry, ii. 184, b.
Masts, ii. 211, b.
Meals (Greek), i. 391, b.
„ (Roman), i. 394, b.
Measure, ii. 158, a.
Measures of land, i. 57, b.
Medicine, ii. 152, a.
Mercenary soldiers, ii. 164, b.
Merchant-ships, i. 541, b; i. 590, a.
Metals, ii. 166, a.
Mile, ii. 171, b.
Mile-stones, ii. 171, b.
Mills, ii. 175, a.
Mines, i. 573, b; ii. 167, b.
Mint, ii. 177, a.
Mirror, ii. 688, a.
Mitre, ii. 174, a.
Monarchy, ii. 177, a.
Money, coined, ii. 248, b.
„ (Greek), gold, i. 262, a.
„ (Roman), „ i. 262, a.
Month (Greek), i. 337, a.
„ (Roman), i. 340, b; i. 341, a.
Mortars, ii. 180, b.
Mosaics, ii. 396, b.
Mosquito-curtains, i. 529, a.
Mould, i. 872, b.
Mourning for the dead, i. 885, b; i. 889, a.
Moustaches, ii. 200, b.
Music, ii. 192, b.
Mysteries, ii. 202, a.

N.

Nail, i. 452, b.
Names (Greek), ii. 233, a.
Names (Roman), ii. 233, b.
Napkin, ii. 122, a; ii. 125, b.
Necklaces, ii. 178, b; ii. 380, b.
Needle, i. 23, b.
Nemean games, ii. 227, a.
Nets, ii. 545, a.
Nobles, ii. 231, a.
Notary, ii. 752, a; ii. 754, b.
Note-books, i. 30, a; i. 512, a.
Notice-board, i. 96, b.

O.

Oars, ii. 212, a.
Oath (Greek), i. 1045, a.
„ (Roman), i. 1048, b.
Obelisks, ii. 252, a.
Oboe, ii. 841, a.
Ochlocracy, ii. 260, a.
October-horse, ii. 261, b.
Officers, duty of, i. 376, b.
„ parade of, i. 376, b.
Oil-press, i. 821, b; ii. 850, a.
Oligarchy, ii. 266, a.
Olive-oil, ii. 262, a.
Olives, ii. 262, a.
Olympiad, ii. 274, a.
Olympic games, ii. 268, a.
Oracles, ii. 277, b.
Orders of architecture, i. 489, a; i. 490, b; i. 491, b; i. 492, a; i. 493, b.
Organ, i. 984, a.
Organist, i. 984, b.
Ostracism, i. 818, a.
Oven, i. 873, a.
Ounce, i. 202, b; ii. 455, a.

P.

Paint, i. 880, a.
Painting, ii. 389, b.
Palanquin, ii. 14, a.
Panniers, i. 461, a.
Pantomime, ii. 334, a.
Paper, ii. 57, b.
Parasite, ii. 343, b.
Parasol, ii. 976, a.
Parchment, ii. 57, b.
Partnership, ii. 680, a.
Pattern, i. 872, b.
Pay of soldiers, i. 40, b; ii. 714, b.
Pedestal, i. 11, a.
Pediment, i. 11, b; i. 829, b.
Pen, i. 329, b.
Pepper, ii. 429, b.
Perfumery, ii. 976, b.
Physicians, ii. 153, a.
Pickaxe, ii. 126, a.
Picture gallery, ii. 429, a.
Pillory, i. 488, b.
Pillow, i. 407, b.
Pin, i. 23, b.
Pincers, i. 871, b.
Pipe, ii. 748, a; ii. 840, a.
Piracy, ii. 209, b.
Pitchfork, i. 894, a.
Planets, ii. 432, a.
Pledges, ii. 419, a.
Plough, i. 159, a; i. 216, a.
Ploughing, i. 60, b.
Plumbline, ii. 373, b.
Poisoning, ii. 382, b; ii. 939, a.
Poles, ii. 212, b.
Police, i. 234, a; i. 569, b; ii. 129, b; ii. 170, b.
Polychromy, ii. 395, a.
Pomade, ii. 595, b.
Porridge, ii. 525, b.
Portcullis, i. 384, b.
Portico, i. 94, b; ii. 468, a.
Portrait-masks, i. 992, a.
Postal service, i. 583, a; ii. 121, b.
Pottery, i. 841, b; ii. 919, b.
Priests, i. 258, a; i. 761, a; i. 839, b; i. 864, b; ii. 568, b; ii. 589, a.
Prison, i. 362, a; i. 760, a.
Prodigies, ii. 499, a.
Property-tax (Greek), i. 711, a.
„ (Roman), ii. 887, a.
Proscription, ii. 503, b.
Prostitutes, i. 956, b.
Prow, ii. 208, a.
Pump, i. 464, a; i. 570, b.
Punishments (civil), i. 143, b; i. 161, b; i. 285, a; i. 362, a; i. 390, a; i. 565, a; i. 704, b; i. 760, a; i. 858, a; i. 864, a; i. 894, a; i. 932, a; ii. 7, b; ii. 13, b; ii. 351, a.
„ (military), i. 212, b; i. 602, a; i. 618, b; i 897, b.
Purification, ii. 101, a.
Purses, i. 565, a; ii. 126, a.
Pyrrhic dance, ii. 527, a.
Pythian games, ii. 528, a.

Q.

Quack-doctors, ii. 382, b.
Quarries, ii. 13, b.
Quiver, ii. 381, b.
Quoit, i. 644, b.

R.

Race-course, ii. 693, a.
Races, i. 433, a.
Raft, ii. 538, a.
Rake, ii. 537, b.
Ram, the, i. 219, a.
Rampart, i. 44, a.
Rattle, ii. 676, a.

Raven, the, i. 222, b.
Reaping, i. 63, b.
Referee, i. 44, b.
Reins, i. 932, a.
Relationship, i. 42, b; i. 468, a.
Resident aliens, ii. 168, b.
Revenues, ii. 932, b.
Rhythm, ii. 558, a.
Riddle, i. 35, b.
Rings, i. 129, b.
Ritual (Greek), ii. 584, a.
„ (Roman), ii. 585, b.
Road, ii. 946, b.
Robbers, ii. 11, a.
Rod, i. 839, b.
Rope-dancers, i. 883, a.
Rounds, i. 377, a.
Rudder, ii. 212, a.

S.

Sackbut, ii. 595, a.
Sacrifices, i. 710, b; i. 813, b; ii. 579, a.
Sacrilege, ii. 587, a.
Saddle-bags, i. 965, a.
Saddles, i. 742, a.
Sails, ii. 211, b.
Salary, ii. 589, a.
Salt, ii. 592, a.
Salt-cellar, ii. 592, a.
Salt-works, ii. 592, a.
Sandal, i. 294, b; ii. 684, b; ii. 758, a.
Satire, ii. 597, b.
Saucer, ii. 349, b.
Saw, ii. 650, b.
Sawdust, ii. 612, b.
Scales, ii. 63, b.
Scene-painting, ii. 816, a.
Sceptre, ii. 611, b.
Schools, ii. 94, a.
Scorpion, the, i. 220, a.
Screens, i. 351, a.
Screw, i. 464, a; i. 939, a.
Sculpture, ii. 696, b.
Scythe, i. 823, a.
Seats, ii. 617, b.
Sedan-chair, ii. 620, a.
Senate (Greek), i. 309, a; i. 912, a.
„ (Roman), ii. 620, b.
Sentinels, i. 376, b; i. 765, a.
Sepulchre, ii. 643, a.
Serfs, ii. 364, a.
Serpent-holder, the, i. 218, a.
Servitude, ii. 651, b; ii. 988, a.
Sham-fight, ii. 899, a.
Shawl, ii. 318, a.
Shears, i. 872, b.
Shelf, ii. 440, a.
Shields, i. 458, b; ii. 348, a; ii. 363, b; ii. 614, a.
Ships, ii. 208, a.
Shirt, i. 350, a; ii. 902, b.
Shoe, i. 332, a; i. 562, b; i. 727, a; i. 900, b; ii. 679, b; ii. 932, b.
Shops, ii. 752, a.
Shorthand, ii. 243, b.
Shuttle, ii. 765, a.
Sibyl, ii. 668, a.
Sickle, i. 823, a.
Sideboard, i. 1, a.
Signs, Northern, i. 216, a.
„ of the Zodiac, i. 219, a.
Silk, ii. 649, b.
Silver, i. 183, a.
Slaves (Greek), ii. 656, a.
„ (Roman), ii. 659, b.
Sleeve, ii. 120, b.
Sling, i. 883, b.
Slingers, i. 883, b.
Slipper, ii. 679, b.
Snake, the, i. 218, b.
Soap, i. 881, b; ii. 595, b.
Soothsayers, i. 934, a.
Sounding-lead, i. 384, b.
Sowing, i. 62, a.
Spade, ii. 311, b.
Span, ii. 161, b; ii. 691, a.
Spartan constitution, i. 912, b.
Spear, i. 934, b.
Spectacles, ii. 84, b.
Speusinians, i. 614, a.
Spindle, i. 897, b; ii. 906, b.
Sponge, ii. 692, a.
Spoon, i. 464, b.
Spring-board, ii. 379, a.
Stage, ii. 566, a.
Standards, military, ii. 672, a.
Stars, fixed, i. 223, b.
Statuary, i. 853, b; ii. 696, b.
Steelyard, ii. 696, a.
Step, i. 921, a.
Stern, i. 211, a.
Storehouse, ii. 828, a.
Store-room, i. 390, b.
Stoves, i. 664, a.
Straps, i. 932, a.
Street, ii. 955, a.
Sun-dial, i. 972, b.
Surety, ii. 479, b.
Surgery, i. 412, a.
Sutlers, ii. 69, b.
Swaddling-clothes, i. 1005, a.
Swan, the, i. 218, a.
Sword, i. 919, a.

T.

Table-cloth, ii. 122, a.
Tables, ii. 157, a.
Talent, ii. 446, a; ii. 758, a.
Tambourine, ii. 914, a.
Tanner, i. 542, a.
Taper, i. 883, a.
Tapestry, ii. 761, b.
Target, i. 408, a.
Tassel, i. 859, a.
Tax-collector, i. 704, a; ii. 771, a.
Taxes (Greek), i. 707, b; i. 711, a; ii. 771, b.
„ (Roman), ii. 887, a; ii. 932, b; ii. 954, b.
Temple, i. 825, b; ii. 772, b.
Terra-cotta, i. 853, b; ii. 698, a; ii. 794, a.
Testament, ii. 800, b.
Theatre, ii. 811, b.
Theft, i. 462, b; i. 894, b.
Thessalian constitution, ii. 755, b.
Threshing, i. 64, a.
Threshold, i. 987, a.
Throne, ii. 837, a.
Thrum, i. 859, a.
Tickets, ii. 799, b.
Tiles, roofing, i. 849, a; ii. 763, b.
Tithes, i. 603, a.
Tolls, ii. 468, b.
Tombs, ii. 643, a.
Tongs, i. 871, b.
Tooth-powder, i. 617, a.
Top, ii. 906, b.
Top-boots, i. 735, a.
Torch, i. 830, a; ii. 755, b.
Torch-race, ii. 4, b.
Torture, ii. 851, a.
Towel, ii. 122, a.
Tower, ii. 527, a; ii. 907, b.
Tow-rope, ii. 541, b.
Tragedy (Greek), ii. 858, a.
„ (Roman), ii. 865, b.
Training schools, ii. 312, a.
Transit dues, ii. 468, b.
Treason, ii. 114, a; ii. 499, b.
Treasury, i. 37, a; i. 161, b; i. 860, a; ii. 828, a.
Treaty, i. 868, b.
Triangle, the, i. 218, b.
Tribes (Greek), ii. 875, a.
„ (Roman), ii. 877, b.
Tribunes, ii. 870, b.
Tribute, ii. 387, a; ii. 887, a.
Trident, i. 897, a.
Tripod, ii. 892, b.
Trophy, ii. 900, a.
Trousers, i. 314, b.
Trumpet, i. 317, b; ii. 69, a; ii. 901, a.
Truncheon, ii. 468, b.
Tumblers, ii. 593, b.
Tunnel, i. 568, b.
Tweezers, ii. 981, b.
Twelve Tables, ii. 40, b.
Twins, the, i. 219, b.

U, V.

Vase-making, i. 842, a; ii. 919, b.
Vase-painting, ii. 398, a; ii. 929, b.
Vases, ii. 919, b.
Vault, i. 569, a; i. 873, b.
Veil, i. 866, b.
Veto, i. 1015, b.
Villa, ii. 956, a.
Vinegar, i. 966, a.
Virgin, the, i. 219, b.
Umbrella, ii. 976, a.
Umpire, i. 620, b.

Voting (Greek), i. 311, b; i. 409, b; ii. 516, a.
„ (Roman), i. 507, b; ii. 751, a.
Voting-tablets, ii. 751, a.
Usurers, i. 832, a; ii. 226, b.

W.

Waggon, ii. 433, b; ii. 597, a.
„ the, i. 216, a.
Waggoner, the, i. 217, a.
Wain, Charles's, i. 216, a.
Walking-stick, i. 265, b.
Wall, i. 683, b; ii. 182, a; ii. 345, b.
Wallet, ii. 122, a; ii. 368, a.
War-tax, ii. 736, a.
„ ships, ii. 220, a; ii. 800, a.
Waterman, the, i. 220, b.
Water-organ, i. 984, a.
„ pipe, i. 862, a.
Watersnake, the, i. 222, b.
Waterstream, the, i. 220, b.
Weaving, ii. 764, b.
Weeding, i. 63, b.
Whale, the, i. 221, a.
Wheel, i. 578, a; i. 843, a; ii. 914, b.
Whip, i. 864, a.
Wills, ii. 800, b.
Window, i. 663, b; i. 686, a; i. 831, a.
Wine, ii. 962, a.
„ cooler, i. 294, b; ii. 519, b.
„ press, ii. 850, a.
Winnowing, i. 64, b; ii. 919, a.
Witnesses (Greek), ii. 126, b.
„ (Roman), i. 1048, b.
Wolf, the, i. 222, b.
Worship, ii. 577, a.
Wrestling, ii. 82, a.
Writing tablets, ii. 753, a.

Y.

Yards of a sail, ii. 211, b.
Year (Greek), i. 336, b.
„ (Roman), i. 340, a.
„ division of, i. 233, a.
Yoke, i. 1034, b.

APPENDIX.

THE whole of Volume II. was in type, and Volume I. already published, when the tract ascribed to Aristotle *on the Athenian Constitution* first appeared. The following Appendix shows the principal points on which the conclusions arrived at in the Dictionary require to be modified, if that authority is followed, and also supplies references to several passages of the treatise which support opinions already expressed. In the first part of the Appendix, which bears on articles in Volume I., Dr. Hager is responsible for the notes on Civitas, Eisangelia, Emmenoi Dikai, Endeixis, Epitropus, Eponymus, Euthyne, Exomosia, Exsilium, Heres, Jusjurandum; Mr. Wayte for the remainder. As regards the notes which refer to articles in Volume II., Dr. Hager is responsible for those on Nomos, Paranoias Dike, Prostates tou Demou, Psephus, Seisachtheia; Mr. Wayte for those on Sitophylaces, Synegorus, Tamias, Tettaraconta, Tribus, Trieropoei; Mr. Marindin for the remainder.

APPENDIX TO VOLUME I.

ADYNATI. The quotation from Harpocration can now be corrected from the author's own words. No other rate of payment is mentioned than two obols daily; and a special *ταμίας*, chosen by lot, presided over the distribution (*Ἀθ. πολ.* c. 49).

AGORANOMI. The statement as to their number, five for the city and five for the Peiraeus, is in accordance with the text (c. 51).

ANTIGRAPHEIS. The distinction between these and the GRAMMATEIS is perhaps too strongly emphasised in both articles. The *γραμματεύς*, an assessor to the *βουλή* (*ὃς παρακάθηται*), is appointed *ἐπὶ τοὺς νόμους*, and sees that they are correctly transcribed (*ἀντιγράφεται καὶ οὗτος πάντας*, c. 54).

APODECTAE. They had summary jurisdiction to the value of ten drachmas only: beyond that, *εἰς τὸ δικαστήριον εἰσάγοντες ἔμμηνα* (c. 52).

ARCHON. Against the received tradition that the Medontidae, the early successors of Codrus, held office for life, but without the title of king, the contention of Lugebil and Caillemer (see ARCHON, p. 165 *b*) that both the name and the attributes of royalty survived almost unchanged, has now received important confirmation. In *Ἀθ. πολ.* c. 3 it is stated that "in the times before Draco" the head of the state was styled *βασιλεύς*, and ruled for life; next to him was a *πολέμαρχος*, or commander-in-chief, who indeed dates back to the period of the real kings; thirdly, an *ἄρχων*, or chief civil magistrate. These two officers were probably elected for a term of years by the Eupatrids, and formed an important check on the autocracy of the titular king. Mr. Kenyon remarks: "The abolition of the title of king as that of the chief magistrate of the state probably took place when the decennial system was established. The name was then retained only for sacrificial and similar reasons, and, to mark the fact that the kingly rule was actually at an end, the magistrate bearing the title was degraded to the second position, while the Archon, whose name naturally suggested itself as the best substitute for that of king, was promoted to the titular headship of the state."

Fresh light is also thrown on the question discussed at p. 166 *b*, as to the time when the election by lot was introduced. We find "the following stages in the history of the method of election to this office: (1) prior to Draco, the archons were nominated by the Areopagus; (2) under the Draconian constitution they were elected by the ecclesia; (3) under the Solonian constitution, so far as it was not disturbed by internal troubles and revolutions, they were chosen by lot from forty candidates selected by the four tribes; (4) under the constitution of Cleisthenes they were directly elected by the people in the ecclesia; (5) after 487 B.C. they were appointed by lot from 100 (*or* 500, *see* below) candidates selected by the ten tribes; (6) at some later period the process of the lot was adopted also in the preliminary selection by the tribes" (Mr. K., pp. 59–60; *Ἀθ. πολ.* c. 22). As regards the number of candidates selected under the arrangement of 487 B.C. the MS. here gives 500, but the writer had previously stated (c. 8) that each tribe chose ten candidates, making a total of 100. It is probable that for *πεντακοσίων* (*φ'*) we should read *ἑκατόν* (*ρ'*).

After the expulsion of Damasias, who in a two years' archonship (B.C. 582–1) tried to establish a tyranny, we have for one year the unprecedented

number of *ten* archons, of whom five were Eupatrids, three ἄγροικοι = Geomori, and two Demiurgi (c. 13). The conjecture mentioned at p. 167 *a*, that the tenth tribe, which did not elect an archon, was compensated by having the appointment of the secretary (γραμματεύς), is stated as a fact ('Aθ. πολ. c. 55).

The received account of the abolition of the property qualification (ARCHON, p. 167 *a*) must also be modified. If, according to Plutarch's account, Aristides in 479 B.C. widened the area of eligibility, he may at most have extended it from the πεντακοσιομέδιμνοι to the ἱππεῖς. It is now definitely stated ('Aθ. πολ. c. 26) that the ζευγῖται first became eligible in 457 B.C., "five years after the death of Ephialtes": which shows incidentally that the murder of Ephialtes must have taken place immediately after the triumph of his democratic legislation in 462. It is a further curious fact, that the property qualification was never entirely abolished by law. The θητικὸν τέλος, or lowest class, was still in theory ineligible for any office, but in the time of Aristotle a member of that class was allowed to represent himself as a ζευγίτης by a legal fiction (c. 7).

In the archons' oath we get a rational explanation of the χρυσῆ εἰκὼν without the absurd addition ἰσομέτρητος (see ARCHON, p. 169 *a*). The archons and, it would seem, the diaetetae also, swore that if they accepted bribes they would dedicate a golden image—presumably of equal value to the amount received, though this is not explicitly stated. A somewhat similar explanation is given by Thompson on Plat. *Phaedr.* 235 D ('Aθ. πολ. cc. 7, 54).

It has generally been held, as by Schömann (*Antiq.* i. 401–2, E. T.), that all magistracies (ἀρχαὶ in the technical sense) were unpaid at Athens (cf. HYPERETES, p. 986 *a*). The treatise before us mentions, on the contrary, the pay of many public officers; and there is reason to think that that of the archons was four obols a day, though the passage ('Aθ. πολ. c. 62) is mutilated and the words ἐννε[έα ἄρχον]τες partly conjectural.

AREIOPAGUS. Our account, in all its main features, is thoroughly confirmed by the 'Aθ. πολ. The Areiopagus unquestionably existed before the time of Draco, and till then, it would seem, was the only council; in those times it appointed the archons, who already, after their year of office, were called up into it. It was thus a close corporation of Eupatrids, then the only depositaries of real political power. Draco, whose legislative changes went much further than has hitherto been supposed, was the first to constitute a second βουλή (see below, App. under BOULÉ); he also gave additional importance to the ecclesia, which had previously existed only in a rudimentary and uninfluential form, and assigned to it the election of archons.

The conduct of the Areiopagites at the time of the battle of Salamis (Vol. I. p. 176 *a*) was rewarded by a greatly increased respect for their authority; and for the first sixteen years of Athenian naval supremacy (B.C. 478–462) they once more became the ruling power in the state ('Aθ. πολ. cc. 23, 41). The personality of Ephialtes, who put an end to this state of things, and the precise date of his reforms, now come out more clearly. It was in the archonship of Conon, B.C. 462, that he overthrew the Areiopagus; he was at this time the leader of the democratical party, not Pericles, whose advent to power must be dated some years later. As has been already said (Vol. I. p. 177 *b*), the curtailment of the powers of the Areiopagus was necessary to the expansion of Athens, and must be pronounced justifiable; it was not, however, carried out by constitutional methods: Ephialtes put many Areiopagites to death, and was himself assassinated ('Aθ. πολ. c. 26).

ASTYNOMI. We have further proof (c. 50) that the Astynomi, and not the Areiopagus, were charged with preventing encroachments of private buildings upon the streets. From the same passage it is clear that windows were not allowed to open back into the street: cf. DOMUS, p. 663 *b*; JANUA, p. 987 *b*.

BOULÉ. The origin of the second or probouleutic council is now definitely ascribed to Draco: the number was 401, chosen apparently by lot from the whole body of citizens (ἐκ τῆς πολιτείας, c. 4); for the odd number compare the 51 Ephetae, and the juries of 201, 501, &c. dicasts. The additional member was omitted by Solon, who assigned an equal number to each of the four tribes (c. 8); the ten Cleisthenean tribes and βουλὴ of 500 are described in the usual terms (c. 21). The limitations on the powers of the βουλὴ are insisted on: the people alone is sovereign, and governs by psephismata and dicasteries (αἱ τῆς βουλῆς κρίσεις εἰς τὸν δῆμον ἐληλύθασιν, c. 41; οὐ κυρία δ' ἡ κρίσις, ἀλλ' ἐφέσιμος εἰς τὸ δικαστήριον, c. 45). Compare Aristot. *Pol.* iv. 4 = p. 1292, 5. The control of the βουλὴ over naval matters through ἀρχιτέκτονες and τριηροποιοί, subordinate to itself, and the conditions of its receiving the annual compliment (δωρεάν, crown, or "vote of thanks"), are in accordance with the text of Demosthenes (*Androt.* pp. 598–9, §§ 17–20; cf. BOULÉ, p. 310 *a*; 'Aθ. πολ. c. 46). The "naval architects," or "master ship-builders," however, are mentioned only by our author. The ἀρχιτέκτων of Dem. *de Cor.* p. 234, § 28, is a different person.

The pay of the βουλευταί, usually stated as a drachma a day, is given as five obols ('Aθ. πολ. c. 62). Under the oligarchy of 411 B.C. those of the Four Hundred βουλευταὶ who were absent without leave were to be fined a drachma a day (c. 30).

The functions of the Prytanes, Proedri, and Epistatae are clearly and simply explained in accordance with the view now universally held [BOULÉ, p. 311 *a*]. There is only one set of Proedri, one from each of the non-presiding tribes, and there are two Epistatae (c. 44). According to Aristotle (c. 43), the four first prytanies were the longest, having the extra (thirty-sixth) day: our statement (p. 310 *b*) that the four last were the longest is based on an inscription of B.C. 410; but the rule may have changed between that date and the middle of the following century.

CENSUS (GREEK). In this article the property qualification of the Zeugitae is given, on the authority of Boeckh and Schömann, at 150 medimni a year. The more usual statement, following Plutarch (*Sol.* 18) and several passages of the grammarians, puts the figure at 200: a view strongly maintained by Grote (ii. 320 n.,

ed. 1862). Gilbert (*Staatsalterth.* i. 133) declares that the question cannot be positively decided. To the testimony of later writers in favour of the number 200 is now added the earlier and better authority of Aristotle (*Ἀθ. πολ.* c. 7), and this must be pronounced by far the most probable opinion.

CIVITAS (GREEK). The *Ἀθηναίων πολιτεία*, if right in this matter, throws a new light upon the legislation of Draco: in a less degree, on that of Solon and Cleisthenes. From c. 4 it appears that Draco not merely codified the law (though this is particularly emphasised in the summary of political changes in c. 41, *ἧι ἐπὶ Δράκοντος ἐν ᾗ καὶ νόμους ἀνέγραψαν πρῶτον* *), but also gave Athens a constitution. A share in the government (*ἡ πολιτεία*) was given to all who could furnish a military equipment (*τοῖς ὅπλα παρεχομένοις*—the same qualification was necessary after the overthrow of the Four Hundred, Thuc. viii. 97: *τοῖς πεντακισχιλίοις ἐψηφίσαντο τὰ πράγματα παραδοῦναι, εἶναι δὲ αὐτῶν ὁπόσοι καὶ ὅπλα παρέχονται*). This body elected (*αἱρεῖσθαι*) the more important magistrates. There were property qualifications of varying amount for the different offices, *e.g.* of 100 (?: cf. Appendix, *s. v.* STRATEGUS) minae for *στρατηγοὶ* and *ἵππαρχοι*, they had besides to be married and to have children more than ten years old; cf. Dinarch. *c. Dem.* § 71: *καὶ τοὺς μὲν νόμους προλέγειν τῷ ῥήτορι καὶ τῷ στρατηγῷ· τὴν παρὰ τοῦ δήμου πίστιν ἀξιοῦντι λαμβάνειν, παιδοποιεῖσθαι κατὰ τοὺς νόμους, γῆν ἐντὸς ὅρων κεκτῆσθαι*, etc.; the property qualification of the nine archons and the *ταμίαι* was only 10 minae. Moreover 401 members of this body (over thirty years of age) were elected by lot as senate, and some others were in the same way appointed to some less important magistracies; but as no one could be a member of the senate or hold one of these offices a second time, before all other qualified persons had had their turn, the lot decided merely the order in which such persons should succeed. According to *Ἀθ. πολ.* the creation of a senate, which has hitherto been ascribed to Solon, was the work of Draco; nor was the property classification Solon's work, for it is incidentally mentioned as existing in the time of Draco, who ordained that for non-attendance at a meeting of the *βουλὴ* or *ἐκκλησία* a senator should pay three, two, or one drachma according as he was a *πεντακοσιομέδιμνος*, a *ἱππεὺς* or a *ζευγίτης*. No further information is given as to the functions of *βουλὴ* and *ἐκκλησία*; probably they did not exercise any important powers, the Areopagitic council having still (as before c. 3) control over all the magistrates, and being the guardian of the laws (*ἡ δὲ βουλὴ ἡ ἐξ Ἀρείου πάγου φύλαξ ἦν τῶν νόμων καὶ διετήρει τὰς ἀρχὰς ὅπως κατὰ τοὺς νόμους ἄρχωσιν*: cf. Tisamenus' decree in Andoc. *Myst.* § 84, *ἐπιμελείσθω ἡ βουλὴ ἡ ἐξ Ἀρείου πάγου τῶν νόμων, ὅπως ἂν αἱ ἀρχαὶ τοῖς κειμένοις νόμοις χρῶνται*); in fact it would seem to have possessed the right of revising decisions (*ἐξῆν δὲ τῷ ἀδικουμένῳ πρὸ[ς τὴν τῶν] Ἀρεοπαγειτ[ῶν] βουλὴν εἰσαγγέλλειν ἀποφαίνοντι παρ' ὃν ἀδικεῖται νόμον*). These constitutional changes failed, however, to remove the prevailing distress: they did not touch the large class of people who could not furnish a military equipment, and these remained as before *ἐπὶ τοῖς σώ[μα]σι δεδεμένοι* (cc. 2, 5).

Solon therefore, when he was elected *διαλλακτὴς καὶ ἄρχων* by the contending parties (*κοινῇ*), first attacked the economic question, as has been described under SEISACHTHEIA (cf. *Ἀθ. πολ.* cc. 9, 10). Then all the laws of Draco (*θεσμοὶ*) except those on homicide were repealed, and the new code of laws (*νόμοι*, c. 6; *θεσμοί*, cc. 12, 35) was written on *κύρβεις* and placed *ἐν τῇ στοᾷ τῇ βασιλείῳ* (=Harpocr. *s. v. κύρβεις*). The most democratic features of his constitution are said to be: the prohibition of borrowing on the security of a man's person, the right of every one to commence an action for wrong done to him—*τὸ ἐξεῖναι τῷ βουλομένῳ* [*γράφεσθαι*, Mr. Kenyon] *ὑπὲρ τῶν ἀδικουμένων*—and the right of appeal to a court of law—[*ᾗ*] *μάλιστά φασιν ἰσχυκέναι τὸ πλῆθος—ἡ εἰς τὸ δικ[αστήριον] ἔφ[εσι]ς. κύριος γὰρ ὢν ὁ δῆμος τῆς ψήφου κύριος γίνεται τῆς πολιτείας* (c. 9). As regards Solon's reconstruction of the constitution, he used the classification of the people according to their property for political purposes (c. 7): offices (archons, *ταμίαι, πωληταί, οἱ ἕνδεκα, κωλακρέται*) were filled from the first three property classes, some from one, others from another (*ἑκάστοις ἀνάλογον τῷ μεγέθει τοῦ τιμ[ή]μ[ατο]ς ἀποδιδοὺς τ[ὴν ἀρ]χήν*), *e.g.* only Pentacosiomedimnoi were eligible as archons and *ταμίαι*, and it was not until 457 B.C. that *ζευγῖται* were admitted to the archonship (c. 26, the *ἱππεῖς* must have become qualified before that time), whilst the *ταμίαι τῆς Ἀθηνᾶς* had to be members of the first class—at least nominally, even in the days of the writer (cc. 8, 47, *ἐκ πεντακοσιομεδίμνων κατὰ τὸν Σόλωνος νόμ[ον—ἔτι γὰρ ὁ ν]όμος κύριός ἐστιν,—ἄρχει δ' ὁ λαχὼν κἂν πάνυ πένης ᾖ*). To the fourth class, the Thetes, Solon also gave a share of political power for the first time: a voice in the assembly and a seat in the law-courts.

Solon re-established the senate to the number of 400 (100 from each tribe), and left to the Areiopagitic council the guardianship of the laws (*νομοφυλακεῖν*) and its other important functions, giving it the right to pass judgment on those who conspired to overthrow the constitution (c. 8, *καὶ τοὺς ἐπὶ καταλύσει τοῦ δήμου συν[ι]σταμένους ἔκρινεν, Σόλωνος θεν[τός]*; cf. the law in c. 16).

Cleisthenes put an end to the four old tribes with their subdivisions, the trittyes and naucraries, and instituted a new set of tribes, ten in number (*ἀναμῖξαι βουλόμενος ὅπως μετασχῶσι πλείους τῆς πολιτείας*, c. 21), each to contain three trittyes, of which one was taken from the plain, one from the shore, and one from the mountain. See further under DEMUS. Cleisthenes left the *γένη* and *φρατρίαι* and *ἱερωσύναι* undisturbed, increased the number of the members of the senate to 500 (fifty from each tribe), and introduced the direct election of the principal magistrates (*τοὺς στρατηγοὺς ἡροῦντο κατὰ φυλάς, ἐξ ἑκάστης φυλῆς ἕνα*, c. 22) by the

* Mr. Kenyon infers from c. 3, *ὅπως ἀναγράψαντες τὰ θέσμια φυλάττωσι πρὸς τὴν τῶν* [*παρανομούν*]*ντων κρίσιν*, "that the thesmothetae received their name not merely from the fact that they made law by administering it, but from being the first to lay it down in written decisions. There was, therefore, some written basis of law before the time of Draco."

popular assembly, which, as far as the nine archons are concerned, remained in force until 487 B.C., when selection by lot, closely resembling that of Solon, seems to have been re-introduced. Out of consideration for the new citizens (*νεοπολῖται*) whom Cleisthenes had introduced in large numbers, Cleisthenes altered the official mode of designation (*c.* 21) [DEMUS]. The account of Cleisthenes' reforms is summed up (c. 22), *τούτων δὲ γενομένων δημοτικωτέρα πολ[ὺ τῆς Σ]όλωνος ἐγένετο ἡ πολιτεία* (cf. c. 41, but see c. 29, Cleitophon's rider)· *καὶ γὰρ συνέβη τοὺς μὲν Σόλωνος νόμους ἀφανίσαι τὴν τυραννίδα διὰ τὸ μὴ χρῆσθαι, τοὺς δὲ ἄλλους θεῖναι τὸν Κλεισθένην στοχαζόμενον τοῦ πλήθους, ἐν οἷς ἐτέθη καὶ ὁ περὶ τοῦ ὀστρακισμοῦ νόμος.*

From c. 40 we learn that Thrasybulus proposed to grant citizenship *πᾶσι τοῖς ἐκ Πειραιέως συγκατελθοῦσι (ὧν ἔνιοι φανερῶς ἦσαν δοῦλοι)*, and that Archinus instituted against him a *γραφὴ παρανόμων*. This was Thrasybulus *ὁ Στειριεύς*, and Archinus won his case (Aeschin. *c. Ctes.* § 195; one scholiast explains that Thrasybulus proposed civic rights for the orator Cephalus, another for Lysias: cf. [Plut.] *Vitt. X. Oratt.* p. 835 E *f*).

C. 42 deals with the manner of registration of the youths in the *ληξιαρχικὸν γραμματεῖον*, on completion of their eighteenth year, as it existed in the writer's own time. The demotae having sworn the customary oath, decided by vote *εἰ δοκοῦσι γεγονέναι τὴν ἡλικίαν τὴν ἐκ τοῦ νόμου*, and secondly *εἰ ἐλεύθερός ἐστι καὶ γέγονε κατὰ τοὺς νόμους*. If they were not satisfied on the former point, the particular youth was relegated to the *παῖδες*: if they found that a youth was not *ἐλεύθερος*, the latter might appeal to a court of law, before which the demotae were represented by five *κατήγοροι* elected from amongst themselves; and in case the court decided against the youth, he was sold by the state, whilst, on receiving a verdict in his favour, he was of necessity entered in the register of the deme. A second *δοκιμασία* was instituted by the senate; and if it was found that the name of one under eighteen years had been entered, they inflicted a penalty on the demotae who had admitted him. For details how the youths spent the following two years, see EPHEBUS. The account continues: *φρουροῦσι δὲ τὰ δύο ἔτη . . . καὶ ἀτελεῖς εἰσὶ πάντων καὶ δίκην οὔτε διδόασιν οὔτε λαμβάνουσιν ἵνα μὴ πράγμασι συμμιγεῖεν (?) τι, πλὴν περὶ κλήρου καὶ ἐπικλήρου, κἂν τινι κατὰ τὸ γένος ἱερωσύνη γένηται.* (This refers probably to disputes as to who was entitled to the succession in a priestly office: cf. c. 57 and Pollux, viii. 90, *δίκαι δὲ πρὸς αὐτὸν (βασιλέα) λαγχάνονται . . . ἱερωσύνης ἀμφισβητήσεως*). The second dokimasia on the part of the senate is, it seems, only mentioned here. As regards the *ἀτέλεια*, it is evident from Lys. *c. Diog.* § 24, that orphans were at that time released from liturgies only one year: *οὓς (τοὺς ὀρφανοὺς) ἡ πόλις οὐ μόνον παῖδας ὄντας ἀτελεῖς ἐποίησεν ἀλλὰ καὶ ἐπειδὰν δοκιμασθῶσιν, ἐνιαυτὸν ἀφῆκεν ἁπασῶν τῶν λειτουργιῶν.* The list of such lawsuits is either not complete—for see the action in Lys. *c. Theomn.* (§ 4, *φαίνομαι οὖν τρισκαιδεκαέτης ὤν, ὅτε ὁ πατὴρ ὑπὸ τῶν τριάκοντα ἀπέθνησκε· ταύτην δὲ ἔχων τὴν ἡλικίαν οὔτε . . . οὔτε ἐκείνῳ ἀδικουμένῳ ἠδυνάμην βοηθῆσαι.* § 31, *ὃς μόνος* [of the brothers] *ἐπειδὴ τάχιστα ἐδοκιμάσθην, ἐπεξῆλθον τοῖς τριάκοντα ἐν Ἀρείῳ Πάγῳ*)—or it applies to the writer's time only. The time of Lysias is referred to by *πρότερον* in c. 60, *πρότερον δ' ἐπώλει τὸν κάπτον ἡ πόλις*; cf. Lys. *pro Olea sacr.* § 2, *πρὸς τοὺς ἐωνημένους τοὺς κάρπους τῶν μοριῶν*: but the punishment mentioned there (§§ 3, 5, 26, 41) was not death (p. 817 *a*; cf. also App. *s. v.* STRATEGUS for the date of the election of generals for special duties).

It is stated in c. 26 that in 451 B.C., on the proposal of Pericles, it was decreed *μὴ μετέχειν τῆς πόλεως ὃς ἂν μὴ ἐξ ἀμφοῖν ἀστοῖν ᾖ γεγονώς* (cf. c. 13: among the followers of Pisistratus were also *οἱ τῷ γένει μὴ καθαροί*. The account goes on: *σημεῖον δ' ὅτι μετὰ τὴν τῶν τυράννων κατάλυσιν* [Mr. Kenyon] *ἐποίησαν διαφημισμὸν* [Mr. Kenyon, *διαψηφισμὸν*?] *ὡς πολλῶν κοινωνούντων τῆς πολιτείας οὐ προσῆκον*), and that the same law prevailed in the time of the writer is said in c. 42. No mention is made in the treatise of Aristophon's proposal in B.C. 403, *ὃς ἂν μὴ ἐξ ἀστῆς γένηται νόθον εἶναι*, and of Nicomedes' amendment, *τοὺς δὲ πρὸ Εὐκλείδου ἀνεξετάστους ἀφεῖσθαι*, and we know that this became law (Isae. *Cir. Her.* § 43).

We find in c. 55 the proceedings at the dokimasia of the nine archons fully described. The questions as to descent bear out Pollux's statement (viii. 85, *εἰ Ἀθηναῖοί εἰσιν ἑκατέρωθεν ἐκ τριγονίας*); they were: *τίς σοι πατὴρ καὶ πόθεν τῶν δήμων, καὶ τίς πατρὸς πατὴρ καὶ τίς μήτηρ, καὶ τίς μητρὸς πατὴρ καὶ πόθεν τῶν δήμων· μετὰ δὲ ταῦτα εἰ ἔστιν αὐτῷ Ἀπόλλων πατρῷος καὶ Ζεὺς ἑρκεῖος καὶ ποῦ ταῦτα τὰ ἱερά ἐστιν*, etc.

DECUMAE. We read of Pisistratus (*Ἀθ. πολ.* c. 16) *ἐπράττετο γὰρ ἀπὸ τῶν γιγνομένων δεκάτην*. This is direct evidence for the tithe, which has hitherto been merely inferred from Thucyd. vi. 54. The difficulty still remains, that the sons who levied only an *εἰκοστὴ* are always stated to have been more oppressive than their father. They may have lightened this particular tax, and levied others more burdensome.

DEMUS. The ten Cleisthenean tribes, like the four old-Ionic, were divided each into three *τριττύες*: the number of demes must have been unevenly distributed among trittyes as well as tribes (*Ἀθ. πολ.* c. 21). The same passage confirms what is stated as probable [DEMUS, p. 616 *a*], that before the time of Cleisthenes, Athenians were not described by the name of their deme.

DIAETETAE. According to our author (c. 53), they were men of just sixty years of age, bound under the penalty of atimia to serve in that capacity for the first year after their superannuation from military service. Cf. below, App. *s. v.* EPONYMI.

DICASTERION, DICASTES. The dicasteries existed at least as early as the time of Solon (c. 9), a point which has been regarded as doubtful. The dicasticon is here expressly referred to Pericles as its author (c. 27): no other amount than three obols is mentioned (c. 62). The usual number of the jury in civil cases was 201 if the amount was below 1000 drachmas; above that sum 401 (*Ἀθ. πολ.* c. 53).

DIOBELIA, DIOBOLON. The evidence on which this payment is ascribed to Pericles is insufficient. Our author (c. 28), who uses the form *διωβολία* (which is found also in the passage cited from the *Politics* of Aristotle), states definitely that it was first established by Cleophon. As regards the words which follow, speaking of an increase by Callicrates, see note on THEORICON.

ECCLESIA. It has been mentioned (App. *s. v.* AREIOPAGUS) that the Ecclesia first took a definite shape in the legislation of Draco. The four regular assemblies in each prytany, of which only the first was called *κυρία*, appear in the text of the *Ἀθ. πολ.* in accordance with the citations from Aristotle in Harpocration and Pollux [ECCLESIA, p. 697 *b*]. The name of Callistratus does not occur in the account of the *μισθὸς ἐκκλησιαστικός* [*ib.* p. 699 *a*]: it is briefly stated that Agyrrhius first gave an obol, one Heraclides raised it to a *διώβολον*, Agyrrhius again to a *τριώβολον* (c. 41). A very different statement in another part of the work must be left unexplained: *μισθοφοροῦσι δὲ πρῶτον [μὲν ὁ δῆμος] ταῖς μὲν ἄλλαις ἐκκλησίαις δραχμήν, τῇ δὲ κυρίᾳ ἐννέα* (*i.e.* nine obols or a drachma and a half, c. 62). If, as Mr. Kenyon supposes, this doubling and trebling of the pay was the work of demagogues of the fourth century, we should probably have found some mention of it in the orators and grammarians. The word *δῆμος*, it will be seen, has been supplied from conjecture, but seems to give the sense required by the context.

As regards the business taken at each meeting, the details given by the grammarians [ECCLESIA, p. 702 *b*] may be supplemented, but are not contradicted. In the first or *κυρία ἐκκλησία* of each prytany, after the "claims to succession" (*λήξεις κλήρων*) the words *καὶ τῶν ἐπικλήρων* follow, and may easily have dropped out (c. 43). Then follows an account of matters reserved for the *κυρία ἐκκλησία* of the sixth prytany: questions of ostracism, and of the prosecution of informers (*προβολαὶ συκοφαντῶν*). The *Ἀθ. πολ.*, in agreement with other authorities, assigns the second assembly of each prytany to *ἱκετηρίαι*: as to the third and fourth it differs somewhat from Pollux, whose account we had followed: *αἱ δὲ δύο περὶ τῶν ἄλλων εἰσίν, ἐν αἷς κελεύουσιν οἱ νόμοι τρία μὲν ἱερῶν χρηματίζειν, τρία δὲ κήρυξιν καὶ πρεσβείαις, τρία δ' ὁσίων*: *i.e.* not more than three proposals or motions on each of these subjects were allowed in each prytany.

Schömann's conjecture [*ib.* p. 702 b] that the *ἀρχαιρεσίαι* took place in the ninth prytany must now give place to the definite statement that they were in the first prytany after the sixth in which the omens were favourable (*ποιοῦσι δ' οἱ μετὰ τὴν ϙ πρυτανεύοντες ἐφ' ὧν ἂν εὐσημία γένηται*, c. 44). This of course applies only to *ἀρχαὶ χειροτονηταὶ* such as the Strategi and other military officers: *ἀρχαὶ κληρωταί*, as we have stated *l. c.*, might be filled up at the very end of the year.

EISAGOGEIS. These magistrates were five in number, *δυοῖν φυλαῖν ἕκαστος* (c. 52), instead of the more usual ten.

EISANGELIA. *Εἰσαγγέλλειν πρὸς τὴν τῶν Ἀρεοπαγειτῶν βουλὴν* is used in c. 4 (for the time before Solon) of one who had been illegally dealt with by a magistrate, and now pointed out the law which had not been observed (*ἐξῆν δὲ τῷ ἀδικουμένῳ πρὸ[ς τὴν τῶν] Ἀρεοπαγειτ[ῶν] βουλὴν εἰσαγγέλλειν ἀποφαίνοντι παρ' ὃν ἀδικεῖται νόμον*).

Under the rule of the Four Hundred it was proposed to abolish *τὰς τῶν παρανόμων γραφὰς καὶ τὰς εἰσαγγελίας*, etc. *ὅπως ἂν οἱ ἐθέλοντες Ἀθηναῖοι συμβουλεύωσι περὶ τῶν προκειμένων*, etc. (c. 29). Anyone accusing such persons as had come forward with proposals was to be punished most severely: *ἔνδειξιν αὐτοῦ εἶναι καὶ ἀπαγωγὴν πρὸς τοὺς στρατηγούς, τοὺς δὲ στρατηγοὺς παραδοῦναι τοῖς ἕνδεκα θανάτῳ ζημιῶσαι.* (Thuc. viii. 67 gives a much briefer account.)

Among the instances of gross abuse of the eisangelia Hyper. *pro Eux.* col. 19 mentions that of Diognides and the metoec Antidorus against whom an eisangelia was laid, *ὡς πλέονος μισθοῦντες τὰς αὐλητρίδας ἢ ὁ νόμος κελεύει*—this law is quoted in c. 50.

From c. 45 we learn that in former times the senate had summary jurisdiction, *χρήμασιν ζημιῶσαι καὶ δῆσαι καὶ ἀποκτεῖναι*, but that, when they were on the point of putting a certain Lysimachus to death, they were deprived of it by the people. This does not agree with c. 48, *καὶ ταῦτα εἰσπρά[ττειν ἡ βο]υλὴ καὶ δῆσαι [κυρ]ία κατὰ τοὺς νόμους ἐστίν*: cf. *C. I. A.* ii. No. 809 b (B.C. 325–4). In the time of Demosthenes the senate was competent to impose a fine of 500 drachmae (Dem. *c. Everg.* and *Mnes.* p. 1152, § 43), nor was the eisangelia laid by a private individual before the senate, at that time confined to charges against magistrates for not carrying out the laws, as described in c. 45 (*ἔξεστι δὲ καὶ τοῖς ἰδιώταις εἰσαγγέλλειν ἣν ἂν βούλωνται τῶν ἀρχῶν μὴ χρῆσθαι τοῖς νόμοις*).

The passage about the functions of the thesmothetae in Pollux, viii. 87 f., is almost verbally taken from c. 59; thus the statement that they laid the eisangeliae before the popular assembly, which Boeckh considered wrong and due to a misapprehension of some sort, is taken *verbatim* from the *Ἀθην. πολ.* But whilst the *Ἀθην. πολ.* has: *καὶ γραφὰς παρανόμων καὶ νόμου μὴ ἐπιτήδειον θεῖναι καὶ προεδρικὴν καὶ ἐπιστατικὴν καὶ στρατηγοῖς εὐθύνας*, Pollux strangely enough omits *προεδρικὴν καὶ ἐπιστατικήν*. Harpocr., *s. v. ῥητορικὴ γραφή*, mentions the *πρυτανικὴ καὶ ἐπιστατικὴ γραφή* [RHETORICE GRAPHE].

2. Among the charges laid before the Archon are mentioned in c. 56 *γονέων* (Mr. Wyse) *κακώσεως*, with the remark *αὗται δέ εἰσιν ἀζήμιοι τῷ βουλομένῳ διώκειν*: this seems to point to the *εἰσαγγελία κακώσεως γονέων*, cf. Bekk. *Anecd.* p. 269, 5 f., and Harpocr. *s. v. κακώσεως*.

3. In c. 53 the eisangelia against *διαιτηταί* is mentioned: *ἔστι δὲ καὶ εἰσαγγέλλειν εἰς τοὺς διαιτητὰς* (papyrus: Mr. Kenyon reads *δικαστὰς*) *ἐάν τις ἀδικηθῇ ὑπὸ τοῦ διαιτητοῦ, κἂν τινος καταγνῶσιν ἀτιμοῦσθαι κελεύουσιν οἱ νόμοι. ἔφεσις δ' ἐστὶ καὶ τούτοις.* Appeal to a law-court was inferred by Fränkel, *Att. Geschworenger*, p. 73 n., from Dem. *c. Mid.* p. 543, § 91. The reading of the papyrus *εἰς τοὺς διαιτητὰς* ought not to have been altered to *εἰς τοὺς δικαστὰς* on the authority of Harpocr. *s. v. εἰσαγγελία*: Bergk's alteration there from *πρὸς τοὺς δικαστὰς* to *πρὸς τοὺς διαιτητὰς* is borne out by

the papyrus. [In the article in Vol. I. p. 710 *b*, Bergk's reading is by a printer's error wrongly given; read also Schol. Plat. *Legg.* p. 920 D instead of p. 926 D.]

EMMENOI DIKAI. In c. 52, the εἰσαγωγεῖς are mentioned as still existing. They were five in number, appointed by lot *δυοῖν φυλαῖν ἕκαστος, οἳ τὰς ἐμμήνους εἰσάγουσι δίκας.* The list of the classes of cases coming under this head is longer and more detailed than that given elsewhere: *προικὸς ἐάν τις ὀφείλων μὴ ἀποδῷ κἂν τις ἐπὶ δραχμῇ δανεισάμενος ἀποστερῇ* (*i.e.* 12 per cent.: in Dem. *c. Aphob.* i. p. 818, § 17, *c. Neaer.* p. 1362, § 52, the interest as fixed by law is at the rate of 9 obols, *i.e.* 18 per cent. in case of non-fulfilment of marriage-contract or of divorce) *κἂν τις ἐν ἀγορᾷ βουλόμενος ἐργάζεσθαι δανείσηται παρά τινος ἀφορμήν.*

αἰκίας (this action was brought before the Forty in the time of Demosthenes, Dem. *c. Pantaen.* p. 976, § 33; cf. Schol. Plat. *de Republ.* v. p. 464 E);

ἐρανικαὶ καὶ κοινωνικαί (Harpocr. *s. v. κοινωνικῶν· τάχα δὲ καὶ περὶ τῶν ἑκούσιον κοινωνίαν συνθεμένων ἐμπορίας ἢ τινος ἄλλου*: cf. Dem. *c. Pantaen.* p. 977, § 38, *οἱ κοινωνοῦντες μετάλλου*);

ἀνδραπόδων, ὑποζυγ[ίω]ν (cf. the title of Dinarch. *c. Antiph. περὶ ἵππου*, etc.);

τριηραρχίας καὶ τραπεζιτικαί.

The *δίκαι μεταλλικαὶ* and *ἐμπορικαὶ* are not mentioned, probably because they belonged to the *ἡγεμονία* of the thesmothetae (Dem. *c. Apat.* p. 892, § 12; *Ἀθην. πολ.* c. 59 = Pollux, viii. 88).

Then follows the sentence *οὗτοι μὲν οὖν ταύτας δικάζουσιν ἐμμήνους εἰσάγ[ον]τες, οἱ δ' ἀποδέκται τοῖς τελώναις καὶ κατὰ τῶν τελωνῶν, τὰ μὲν μεχρὶ δέκα δραχμῶν ὄντες κύριοι, τὰ δ' ἄλλ' εἰς τὸ δικαστήριον εἰσάγοντες ἔμμηνα* (cf. Pollux, viii. 97); here *δικάζειν* seems to refer to the *ἡγεμονία.*

ENDEIXIS. From c. 52 we learn that some *ἐνδείξεις* were laid before the Eleven and some before the thesmothetae. From c. 29 it appears that during the rule of the Four Hundred they were laid before the generals. This measure was directed against those who prosecuted anyone for anti-constitutional propositions. The *ἔνδειξις* against persons who acted as dicasts, though disqualified as state-debtors or *ἄτιμοι*, is discussed in c. 63, *ἐνδεἰκνυται κατὰ τὸ δικαστήριον εἰσαγγελί[α]* (Mr. Kenyon now reads *ἐ. καὶ [εἰς] τὸ δικαστήριον εἰσάγεται*), *ἐὰν δ' ἁλῷ προστιμ[ῶσιν αὐτ]ῷ οἱ δικασταὶ ὅ τι ἂν δοκῇ ἄξιος εἶναι παθε[ῖν] ἢ ἀποτῖσαι. ἐὰν δὲ ἀργυρίου τιμηθῇ δεῖ αὐτὸν δεδέ[σθαι] ἕως ἂν ἐκτίσῃ τό τε πρότερον ὄφλημ[α ἔ]φ' ᾧ ἐνεδείχθη καὶ ὅ τι αὐτῷ προστιμήσῃ τ[ὸ δικ]αστήριον.*

EPIMELETAE. Three kinds of *ἐπιμεληταὶ* are mentioned in the *Ἀθ. πολ.*, Nos. 3, 4, and 5 in our article. The received account of the *ἐπιμεληταὶ τοῦ ἐμπορίου* (No. 3) is taken mainly from Harpocration, who copied Aristotle. The only point worth noticing is the reading *σιτικὸν* (*Ἀθ. πολ.* c. 51) for the *Ἀττικὸν* of Harpocrat. and *ἀστικὸν* of *Lex. Seguer.* p. 255. It appears to us that *Ἀττικὸν ἐμπόριον*, a common phrase for "the port of Athens," is the best reading of the three: cf. Dinarch. *c. Dem.* § 96, *τί κατεσκεύακεν οἰκοδόμημα Δημοσθένης ἐν τῷ ἐμπορίῳ τῷ ὑμετέρῳ ἢ ἐν τῷ ἄστει ἢ ἄλλοθί που τῆς χώρας*; where *ἐμπόριον* is simply the Peiraeus.

The *ἐπιμεληταὶ τῶν μυστηρίων* (No. 4) are mentioned in c. 57 as associated with the king archon: here also we find nothing that has not been already extracted by Harpocrat. On the *ἐπιμεληταὶ τῆς πομπῆς τῷ Διονύσῳ* (No. 5) there is a difference of some importance. "They were formerly chosen by *χειροτονία*, and paid the expenses [of the greater Dionysia] themselves: but now (*Ἀθ. πολ.* c. 56) by lot, and the state allows them 100 minae for expenses." This change must have been very recent when the tract was written, as *χειροτονία* was still the rule in B.C. 349–8, the date of the *Midias* (p. 519, § 15). Whether the 100 minae were allotted to each of the ten, or to the whole body, is not clear from the words of the *Ἀθ. πολ.*: but £400, rather than £4000, is the more likely sum for the Athenians to have voted for the festival.

Another *ἐπιμελητὴς* is mentioned in *Ἀθ. πολ.* c. 43, and not, it would seem, elsewhere; the *ἐπ. τῶν ὑδάτων.* The office was an important one, as he was elected by *χειροτονία*: and he is apparently to be identified with the *ἐπιστάτης τῶν ὑδάτων* (Plut. *Themist.* 31; EPISTATES). The *κρηνοφύλακες* (Hesych., Phot.) were probably his subordinates, and the *κρηνοφυλάκιον* their place of business.

EPISKEUASTAE. To the list of Athenian public officers must now be added ten *ἱερῶν ἐπισκευασταί*, "repairers of temples," chosen by lot and allowed the very moderate sum of 30 minae (£120) for their department (*Ἀθ. πολ.* c. 50). For the ordinary, unofficial sense of *ἐπισκευαστής*, cf. Dem. *c. Androt.* p. 615, § 69, p. 618, § 78.

EPITROPUS. C. 56 contains a full account (of which Pollux, viii. 89, gives a summary) of the functions of the archon; we quote here the passages which refer to the superintendence he exercised over orphans and their estates: *γραφαὶ δ[ὲ καὶ δ]ίκαι λαγχάνονται πρὸς αὐτόν, ἂς ἀνακρίνας εἶτ' [εἰς δι]καστήριον εἰσά[γει]. . . .*

ὀρφανῶν κ[ακώ]σεως (αὗται δ' εἰσὶ κατὰ τῶν ἐπιτρόπων)

ἐπικλήρου κακώσε[ως] (αὗται δέ εἰσι κατὰ [τῶν] ἐπιτρόπων καὶ τῶν συνοικούντων),

οἴκου ὀρφανικοῦ κακώσεως (εἰσὶ δὲ καὶ [αὗται κατὰ τῶν] ἐπιτρό[πω]ν). . . .

εἰς ἐπιτροπῆς κατάστασιν, εἰς ἐπιτροπῆς διαδικασίαν, εἰ [πλείονες τῆς αὐτῆς θέλουσ]ιν ἐπίτροπον αὐτὸν ἐγγράψαι. . . .

μισθοῖ δὲ καὶ τοὺς οἴκους τῶν ὀρφανῶν.

EPONYMI. Under this head we have to notice a new explanation of the difficult phrase *ἐπώνυμοι τῶν ἡλικιῶν.* In c. 53 we read *εἰσὶ γὰρ ἐπώνυμοι δέκα μὲν οἱ τῶν φυλῶν, δύο δὲ καὶ τετταράκοντα οἱ τῶν ἡλικιῶν*: and that formerly the names of the *ἔφηβοι* were written *εἰς λελευκωμένα γραμματεῖα*, and in the time of the writer *εἰς στήλην χαλκῆν καὶ ἵσταται ἡ στήλη πρὸ τοῦ βουλε[υτ]ηρίου παρὰ τοὺς ἐπωνύμους.* Mr. Kenyon observes: "It seems that for the purposes of military service a cycle of forty-two years was arranged, to each of which a name was given, probably chosen, like those of the eponymi of the ten tribes, from the heroes of Athenian legendary history. Thus when a youth was enrolled in the lists of the tribes and became liable for military service, his name was entered on a roll, with the name of the year according to the archon and the name of

the eponymous hero from whom his military service was to be dated." (The meaning of *ὁ ἐπώνυμος ὁ τῷ προτέρῳ* [*ἔτει*] *δε διαιτηκὼς* is not explained.) "For all official purposes, such as the indication of what years were to be called out for service on any particular occasion, these names were employed:" *χρῶνται δὲ τοῖς ἐπωνύμοις καὶ πρὸς τὰς στρατείας, καὶ ὅταν ἡλικίαν ἐκπέμπωσι προγράφουσιν ἀπὸ τίνος ἄρχοντος καὶ ἐπων*[*ύμου μ*]*έχρι τινῶν δεῖ στρατεύεσθαι.* [App. *s. v.* DIAETETAE.] As a matter of fact the orators use a shorter expression: *ψηφισαμένων δ' ὑμῶν . . . καὶ τοὺς μέχρι τριάκοντ' ἔτη γεγονότας ἐξιέναι*, Aeschin. *F. L.* § 133: *ἐψηφίσασθε . . . καὶ τοὺς μέχρι πέντε καὶ τετταράκοντα ἐτῶν αὐτοὺς ἐμβαίνειν*, Dem. *Olynth.* iii. p. 29, § 4: cf. Lycurg. *c. Leocr.* § 39.

EUTHYNE. The *λογισταὶ* are twice mentioned. From c. 48 we learn that they, ten in number, were appointed by lot from among the members of the senate, to check the accounts of the different officers in each prytany; and in c. 54, *λογισταὶ δέκα καὶ συνήγοροι τούτοις δέκα* are mentioned as appointed by lot. Then follows a detailed account of the proceedings in the law-courts: if they prove a man guilty of embezzlement (*κλοπή*: cf. Dem. *c. Timocr.* p. 735, § 112, *εἰ μέν τις ἀγορανόμος . . . . κλοπῆς ἐν εὐθύναις ἥλωκεν, ... τούτῳ μὲν τὴν δεκαπλασίαν εἶναι*; Aeschin. *c. Ctes.* § 10; Plut. *Arist.* 4), then the dicasts find him guilty of embezzlement, and he is fined in ten times the amount of the sum proved against him. The same procedure took place in case of bribes (cf. Dem. *F. L.* p. 429, § 273, *δῶρα λαβεῖν ἔδοξε πρεσβεύσας*), the fine being again tenfold; whilst in the case of *ἀδικίου* the fine was in the same amount as the fraud if paid before the 9th prytany, and double the amount if deferred. The *δίκη ἀδικίου* is mentioned in Plut. *Per.* 32, *εἴτε κλοπῆς καὶ δώρων εἴτ' ἀδικίου βούλοιτό τις ὀνομάζειν τὴν δίωξιν* of Pericles regarding the expenditure of public money; cf. Harpocr. *s. v.* and Pollux, viii. 31. Two *πάρεδροι* to each *εὐθυνος*, appointed by lot, are mentioned in c. 48. The duty of the *πάρεδροι* was to station themselves in the *ἀγοραὶ* by the Eponymi of the several tribes, and there to receive complaints against persons who had received their discharge from a court of law within three days from such discharge. The complaint was entered upon a tablet with the name of the complainant and the person accused, together with the amount of the *τίμημα* (*τίμημα* [*παραλ*]*αβόμενος*, Mr. Kenyon: *ἐπιγραφόμενος ?*). This he handed to the *εὐθυνος* who investigated the matter (*ὁ δὲ λαβὼν τοῦτο καὶ ἀ*[*κούσας*], Mr. Kenyon: *ἀ*[*νακρίνας*]*?*); and if he judged the man guilty, he passed over the matter if a private one to the *δικασταὶ οἱ κατὰ δήμους οἳ τὴν φυλὴν ταύτην εἰσάγουσιν*, but if a public matter to the thesmothetae.

EXOMOSIA. (2.) The exomosia of those enrolled by the *καταλογεῖς* as horsemen is mentioned in c. 49: *οὗτοι* (*οἱ ἵππαρχοι καὶ φύλαρχοι*) *παραλαβόντες εἰσφέρουσι τ*[*ὸν*] *κατάλογον εἰς τὴν βουλὴν καὶ τὸν πίνακα ἀνοίξαντες, ἐν ᾧ κατασεσημασμένα τὰ ὀνόματα τῶν ἱππέων ἐστί, τοὺς μὲν ἐξομνυμένους τῶν πρότερον ἐγγεγραμμένων μὴ δυνατοὺς εἶναι τοῖς σώμασιν ἱππεύειν ἐξαλείφουσι, τοὺς δὲ κατειλεγμένους* [*κ*]*αλοῦσι, κἂν μέν τις ἐξομόσηται μὴ δύνασθαι τῷ σώματι ἱππεύειν ἢ τῇ οὐσίᾳ τοῦτον ἀφιᾶσιν*, etc.

EXSILIUM. In c. 22 it is stated that Cleisthenes introduced ostracism (*ὃς* sc. *νόμος ἐτέθη διὰ τὴν ὑποψίαν τῶν ἐν ταῖς δυνάμεσιν, ὅτι Πεισίστρατος δημαγωγὸς καὶ στρατηγὸς ὢν τύραννος κατέστη*; cf. Harpocr. *s. v.* "Ιππαρχος). It was in the first place aimed at the supporters of his family who still remained at Athens—the first victim was Hipparchus, the son of Charmus, the law being put in force against him two years after the battle of Marathon, and in 487 B.C. Megacles, the son of Hippocrates, was ostracised—but soon it became to be used *εἴ τις δοκοίη μείζων εἶναι, e.g.* Xanthippus, the son of Ariphron, in 468 B.C., Aristides, Damonides (c. 27). The only foundation for the story that Cleisthenes himself was ostracised is Aelian (*V. H.* xiii. 24). At the approach of Xerxes the persons ostracised were recalled, and it was henceforward ordained that persons ostracised should reside *ἐντὸς Γεραιστοῦ καὶ Σκυλλαίου ἢ ἀτίμους εἶναι καθάπαξ*, *i.e.* between the extreme south of Euboea and east of Argolis respectively. "The regulation," Mr. Kenyon remarks, "cannot, however, have been strictly observed subsequently; for instance, we find the ostracised Themistocles living in Argos (Thuc. i. 135), and the ostracised Hyperbolus in Samos (Thuc. viii. 73)." These facts, and the statement of Philochorus in *Lex. Rhet. Cantabr.* s. v. *ὀστρακισμοῦ τρόπος· μὴ ἐπιβαίνοντα ἐντὸς Γεραίστου τοῦ Εὐβοίας ἀκρωτηρίου*, suggest the reading *ἐκτὸς* instead of *ἐντὸς* in the *Ἀθην. πολ.*

GEOMORI. For these, the second of the Theseian classes in early Attica, the name *ἄ*[*γρ*]*οικοι* occurs *Ἀθ. πολ.* c. 13. The restoration of the illegible letters is undoubted. In a passage already cited (Dion. Hal. ii. 8) the plebs at Rome are called *ἄγροικοι* in distinction from the *εὐπατρίδαι* or patricians. Cf. Hesych. *s. v. ἀγροιῶται*: *ἄγροικοι, καὶ γένος Ἀθήνησιν, οἳ ἀντιδιεστέλλοντο πρὸς τοὺς εὐπατρίδας· ἦν δὲ τὸ τῶν γεωργῶν, καὶ τρίτον τὸ τῶν δημιουργῶν.*

HECTEMORII. The following passage confirms the view taken in the text: *καὶ δὴ καὶ ἐδούλευον οἱ πένητε*[*ς τοῖς*] *πλουσίοις καὶ αὐτοὶ* [*καὶ τ*]*ὰ τέκνα καὶ αἱ γυναῖκες, καὶ ἐκαλοῦντο πελάται καὶ ἑκτημόροι· ἐπὶ ταύτης γὰρ τῆς μισθώσεως* [*εἶ*]*ργάζοντο τῶν πλουσίων τοὺς ἀγρούς (Ἀθ. πολ.* c. 2). Thus the *ἑκτημόριοι* or *ἑκτημόροι* (the latter form, given also by Hesychius, seems the correct one) *received* only a sixth part of the produce: *ἀντί*, however, rather than *ἐπί*, seems the preposition to be supplied.

HENDECA, HOI. Meier's conjecture as to the early origin of this body is now confirmed: Solon provided for their election, it would seem, out of the first three classes, and is not said to have created the office (*Ἀθ. πολ.* c. 7). The account of their duties (c. 52) adds no new particulars.

HERES. The Thirty are said (c. 35) to have struck out in Solon's law relative to the right of bequest (*περὶ τοῦ δοῦναι τὰ ἑαυτοῦ ᾧ ἂν ἐθέλῃ*) the provisions *ἐὰν μὴ μανιῶν ἢ γηρῶν ἢ γυναικὶ πιθόμενος*, to limit the opportunities of the sycophants (*ὅπως μὴ ᾖ τοῖς συκοφάνταις ἔφοδος*).

HODOPOEI. We now learn that they were five in number, and appointed by lot: they

repaired (ἐπισκενάζειν) the roads, having public slaves (δημόσιοι ἐργάται) under them ('Aθ. πολ. c. 54).

JUSJURANDUM. Some particulars about the oath of the nine archons are supplied by the 'Aθ. πολ.; it is said that they swear [καθάπερ] ἐπὶ 'Ακάστου [τῆς πόλεως ἄρξ]ειν; and this is used as an argument to show that the archon was first associated with the king at the accession of Acastus (c. 3: cf. ARCHON).

The archons were bound to observe the laws of Solon by an oath which was still sworn by them in the time of the writer (c. 7; cf. c. 55): ἀναβάντες δ' ἐπὶ τοῦτον (τὸν λίθον ὑφ' ᾧ τὰ ταμιεῖα ἐστίν) ὀμνύουσιν δικαίως ἄρξειν καὶ κατὰ τοὺς νόμους καὶ δῶρα μὴ λήψεσθαι τῆς ἀρχῆς ἕνεκα, κἂν τι λάβωσιν ἀνδριάντα ἀναθήσειν χρυσοῦν. ἐντεῦθεν δ' ὀμόσαντες, etc. At the same stone οἱ μάρτυρες ἐξόμνυνται τὰς μαρτυρίας.

The treaty in c. 23 (ἐφ' οἷς [ὅρκοις] καὶ τοὺς μύδρους ἐν τῷ πελάγει καθεῖσαν) supplies a parallel to Herod. i. 165 (p. 1046 *a*).

APPENDIX TO VOLUME II.

METOECI. C. 58 confirms the statements (p. 170 *a*) as to their actions at law before the polemarch.

METRONOMI. Fränkel's view as to their number (see p. 170 *b*) is confirmed by 'Aθ. πολ. c. 51.

NAUCRARIA. The passage in c. 8 clearly makes the ναυκραρίαι date from a period before Solon: not only the context, but the tense ἦσαν νενεμημέναι admits of no other explanation. The transference of the duties to the demarchi is stated in c. 21.

NOMOS. For Draco's constitutional changes cf. note on CIVITAS.

Solon's law περὶ τῶν τυράννων is quoted c. 16. The text is evidently corrupt. Perhaps the law was ἐάν τις ἐπὶ τυραννίδι ἐπανιστῆται ἢ συγκαθίστῃ τὴν τυραννίδα ἄτιμον εἶναι αὐτὸν καὶ γένος. In Andoc. *Myst.* § 97 a law is quoted (professedly Solonian) in which the same phrases occur—κτενῶ . . . . καὶ ἐάν τις τυραννεῖν ἐπαναστῇ ἢ τὸν τύραννον συγκαταστήσῃ. Dobree inserts ἐπὶ τῷ before τυραννεῖν: probably in the 'Aθην. πολ. τυραννεῖν was written above ἐπὶ τυραννίδι, and a copyist inserted the phrase lower down in the text. The story (Plut. *Sol.* 18) about want of clearness in Solon's laws occurs in c. 9.

Cc. 29 to 32 give at great length the constitutional schemes of the Four Hundred, quoting apparently from original documents.

Of the Thirty it is said (c. 35): τὸ μὲν οὖν πρῶτον . . . . προσεποιοῦντο διοικεῖν τὴν πάτριον πο[λιτ]είαν (the restoration of the "ancient constitution" was included in the terms of peace) καὶ τοὺς περὶ τῶν 'Αρεοπαγιτῶν καθεῖλον ἐξ 'Αρείου [πάγου] καὶ τῶν Σόλωνος θεσμῶν ὅσοι διαμφισβητ[ήσ]εις εἶχον, *e.g.* in Solon's law regarding testamentary dispositions they abolished the provisions ἐὰν μὴ μανιῶν ἢ γηρῶν ἢ γυναικὶ πιθόμενος (Dem. *c. Steph.* ii. p. 1133, § 14 *lex*). Cf. Schol. Aeschin. *c. Tim.* § 39, ἐλυμήναντο τοὺς Δράκοντος καὶ Σόλωνος νόμους.

Of the restoration of the democracy after the fall of the Thirty little is said in c. 39: τὰς δὲ δίκας τοῦ φόνου εἶναι κατὰ τὰ πάτρια, κ.τ.λ. (the text is unfortunately corrupt), an amnesty was granted with certain exceptions, and in c. 40 an instance is given of the zeal with which Archinus prosecuted a breach of this amnesty (ἐπεί τις ἤρξατο τῶν κατεληλυθότων μνησικακεῖν, ἀπαγαγὼν τοῦτον ἐπὶ τὴν βουλὴν καὶ πείσας ἄκριτον ἀποκτεῖναι, etc.: cf. Isocr. *c. Callim.* § 3).

OLEA. We learn from c. 60 that the state management of the μορίαι described in the article (p. 263 *a*) was earlier than the date of the treatise 'Aθ. πολ., and that the penalty in those older times for damaging one of the trees was death (at an earlier date probably than the oration of Lysias). In the writer's own time the owner of the land where the μορίαι grew was obliged to render to the archon 1½ cotylae of oil for each tree, and (since the registers of the trees doubtless remained, so that their destruction entailed no loss of oil upon the state) the state penalty became obsolete. The archon had to hand over the oil so received to the ταμίαι at the end of his year of office. The ταμίαι stored it in the Acropolis till the Panathenaea, when they delivered it to the athlothetae.

PANATHENAEA. The statement (p. 327 *b*) that the officials of the greater festival were the *Athlothetae*, not the Hieropoioi, is confirmed by cc. 54 and 60. In c. 49 it is mentioned that the selection of weavers for the sacred πέπλ[ος] (p. 327 *a*) was first in the hands of the βουλή, and afterwards of a δικαστήριον (see note on βουλή).

PARANOIAS DIKE. It was laid before the archon: ἐάν τις αἰτιᾶται τινα παρανοοῦντα τ[ὰ ἑαυτοῦ κτήματα ἀ]πολλύ[ναι], c. 56.

PAREDRI. The number, two for each of the three superior archons, is confirmed by c. 56: also that they were subject to δοκιμασία and εὔθυναι. The two πάρεδροι of the εὔθυνοι are mentioned in c. 48.

PHYLARCHI. The surmise that the ten phylarchi were elected by cheirotonia is confirmed by c. 61 [see p. 388 *b*, where a misprint, "one *tribe* commanded the cavalry contingent," should be altered to "one phylarch"]. Their examination of the cavalry roll in presence of the βουλή, and in conjunction with the hipparchs, and their register of the vote passed as to the fitness or unfitness of those who pleaded incapacity for service, are mentioned in c. 49.

POLETAE. The statements in the article are confirmed by the account of the Poletae in c. 47 with some additional details. They are said to ratify the lease of revenues conferred on any τελώνης by the βουλή, in conjunction with the ταμίας τῶν στρατιωτικῶν and the superintendents of the theoricon. The Poletae deliver to the βουλὴ tablets (γραμματεῖα λελευκωμένα) stating the amount of payments (καταβολαί) to be made in each prytany. The greater number

481 M

were made in the 9th prytany of the year (cf. THOLOS).

PROBOULI. The statement (p. 493 *b*) in which we followed Grote, that there was no sufficient ground for supposing that the *ξυγγραφῆς αὐτοκράτορες* of Thuc. viii. 67 were the same as the *πρόβουλοι* must be modified. In c. 29 we are told that on the motion of Pythodorus twenty persons over forty years of age were elected, in addition to the ten *προϋπάρχοντες πρόβουλοι*, to draw up the constitution under the 400. We should infer, with Mr. Kenyon, that this "pre-existing" board of ten commissioners was a continuation of that mentioned in Thuc. viii. 1; and that the party of Peisander having either reappointed them, or appointed others with the same title, added twenty to carry out the work. So far this treatise justifies Androtion and Philochorus when Harpocration (*s. v. συγγραφεῖς*) cites as speaking of *thirty in all*; and Grote is probably wrong in supposing that they confused the oligarchy of the 400 with that of the Thirty.

PROSTATES TOU DEMOU. In the *Ἀθ. πολ.* the term *προστάτης τοῦ δήμου* (or *τοῦ πλήθους*) is constantly used in the sense of "leader of the popular party": *e.g.* Solon (*πρῶτος ἐγένετο τοῦ δήμου*] *προστάτης*, cc. 2, 28), Pisistratus (*δεύτερος*, c. 28), Cleisthenes (cc. 21, 28), Xanthippus, Themistoles and Aristides (cc. 23, 28), Ephialtes (cc. 25, 28), Pericles, Cleon, Cleophon. These are opposed to the leaders for the time being of the other party (*προστ. τῶν γνωρίμων, τῶν εὐπόρων, τῶν γνωρίμων*. Hipparchus, the son of Charmus, is called *ἡγεμὼν καὶ προστάτης* of the *φίλοι τῶν τυράννων*, c. 22).

PRYTANEUM. C. 62 notes that the Athlothetae dined in the Prytaneum in the month in which the Panathenaea was celebrated, from the 4th of the month onwards. It should be observed that this treatise (c. 43) speaks of the Nine as still dining together in the Tholos (cf. 515 *b*).

SEPHUS. Unfortunately the greater portion of the detailed account of the procedure in the jury-courts is either lost or exists only in a very mutilated condition. On p. 168 ff. we have the description of the voting: of the two *ἀμφορεῖς*, one was of metal, *ὁ κύριος*—the other of wood, *ὁ ἄκυρος*, placed separate (*διαίρετοι*); the *ἀμφορεὺς* of metal is described (Schol. Aristoph. *Ec.* 1147, and Pollux, viii. 123, are correct); *ἔπειτα πάλιν [ὁ κήρυξ κηρ]ύττ[ει], ἡ τε [τρυπη]μένη τοῦ πρ[ό]τερο[ν λέγοντος] ἡ [δὲ] πλή[ρης τοῦ] ὑστέρου λέγοντος . . . . τῶν ψήφων τοῦ μὲν ἑτέρου τὰς τετρυπημένας, τοῦ δὲ φ[εύγοντος] τὰς πλήρεις· ὁποτέρῳ δ' [ἂν πλείω γένηται οὗτος νικᾷ. ἂν δὲ [ἴσαι, ἀποφεύγει]. (Cf. *Lex. Rhet. Cantabr.* s. v. *ἴσαι αἱ ψῆφοι αὐτῶν.*) Εἶτ]α πάλιν Τιμῶσι, ἂν δεῇ τιμῆσαι, τὸν αὐτὸν τρόπον ψηφιζόμενοι, τὸ μὲν σύμβολον ἀποδιδόντες, βακτηρίαν δὲ πάλιν παραλαμβάνοντες* (cf. p. 163=Schol. Aristoph. *Plut.* 278; see *Dem. de Cor.* p. 298, § 210), *ἡ δὲ τίμησίς ἐστιν ὑδρίσκος ἡμίχους ὕδατος ἑκατέρων.* That the clepsydra was filled again for the *τίμησις* was known from Aeschin. *c. Ctes.* § 197: *ἤδη τὸ ῥεῖθρον ὕδωρ ἐγχεῖται τῇ τιμήσει*, but only now do we learn the amount of water put in, half a χοῦς. The time allowed was certainly short, considering that in a *γραφὴ παραπρεσβείας* each side was allowed eleven *ἀμφορεῖς* (Aeschin. *F. L.* § 126), and in an inheritance suit each party was allowed one *ἀμφορεὺς* for the first speech, and the quarter of that, three *χόες*, for the second. (Dem. *c. Macart.* p. 1052, § 8.)

SEISACHTHEIA. This measure, which was a cancelling of all debts, both public and private (c. 6), preceded Solon's legislation, and the reform of the money standard and of the system of weights and measures followed the legislation (c. 10; it was not contemporary with the Seisachtheia, Plut. *Sol.* 15). Some particulars are given as to the monetary standard introduced by Solon: unfortunately the reform of the system of weights and measures is only mentioned as a fact without details.

SITOPHYLACES. Fränkel's view as to their number, five for the city and five for the Peiraeus, is shown to be correct (*Ἀθ. πολ.* c. 51).

STRATEGUS. *Ἀθ. πολ.*, c. 4, speaks of *στρατηγοὶ* in the time of Draco, mentioning the qualification that they must be married, and adding that they must have children over ten years of age. As the text stands we are told of a property qualification of 100 minae; but, since the qualification of an archon (at that time a more important office) was only ten minae, this is unlikely, and *ἕκαστον η'* (implying a qualification of eight minae) may be a truer reading than *ἢ ἑκατόν*.

The election of one strategus from each tribe in the time of Cleisthenes is mentioned in c. 57: we learn also that after the reforms of Cleisthenes they were still of lower rank than the archons and subordinate in military rule to the Polemarch (c. 22, *τῆς δ' ἀπάσης στρατιᾶς ἡγεμὼν ἦν ὁ Πολέμαρχος*). This bears out the account of Herod. vi. 109, 111, placing the growth of their importance later.

From c. 61 we learn that, instead of one being elected as in older times from each tribe, the ten were now chosen by *χειροτονία* from the whole body of citizens (*ἐξ ἁπάντων*), which obviously gave a greater freedom for choosing the best men. It is not, however, stated when this change was made.

The assignment of the five first strategi to special duties is mentioned as fixed and definite: 1. the commander of hoplites on service out of the country: 2. over the local defence and general-in-chief in case of invasion: 3. over Munychia: 4. over the shore (= the *χώρα παραλία* of *C. I. G.* 178, 179, as Mr. Kenyon remarks)—3 and 4 are reckoned together as *ἐπὶ τὸν Πειραιέα*: 5. *ἐπὶ τὰς συμμορίας*, the duties specified being to make out the register of the trierarchs, to carry out the *ἀντιδόσεις* and to preside at legal proceedings connected with the trierarchy (cf. p. 892 *a*). The other five strategi were employed as occasion demanded (*τοὺς δ' ἄλλους πρὸς τὰ πάροντα πράγματα ἐκπέμπουσιν*). It is added that the strategus could imprison and fine (*ἐπιβολὴν ἐπιβάλλειν*) anyone guilty of breach of discipline on service, but that the fine was rarely resorted to. It will be seen from the above that the treatise gives a clearer view of the question of election (discussed on pp. 719, 720), and a definite apportionment of their functions in more regular order (cf. p. 718 *a*). In this point the supposed date of the treatise will bear out Gilbert's deduction from inscriptions (*Gr. Staatsalt.* i. p. 221), that the

special office of στρατηγὸς ἐπὶ συμμορίας began sometime between [illegible] and 324 B.C.; and agrees also with the [illegible] which he notices, that a further apportion[illegible] out of offices, not here mentioned, such as ἐπὶ τὸ ναυτικόν, ἐπὶ τοὺς ξένους, &c. (presumably taking up the other five strategi), is traceable first in reference to an event (*C. I. A.* ii. 331) shortly before 315 B.C. (*i.e.* later than the date assigned to Ἀθ. πολ.).*

SYNEGORUS. For the συνήγοροι τῶν λογιστῶν, see App. *s. v.* EUTHYNE.

TAMIAS. The ταμίαι, who were required by the law of Solon to be πεντακοσιομέδιμνοι (cc. 7, 8, 47), are undoubtedly the ταμίαι τῆς θεοῦ. Here, again, a legal fiction came in; the property qualification was never actually repealed, but the poorest man was eligible in practice (c. 47). What is said of their duties contains nothing new, the passages having been extracted by the grammarians. The ταμίαι τοῖς ἄλλοις θεοῖς or τῶν ἄλλων θεῶν, *i.e.* of all except Athena, are mentioned c. 30; the passage, however, refers to the short-lived rule of the Four Hundred. The ταμίαι of the sacred triremes (see p. 761 *b*) are mentioned in Ἀθ. πολ. c. 61: χειροτονοῦσι δὲ καὶ ταμίαν τῆς Παράλου καὶ ἄλλον τῆς [τοῦ Ἄ]μμωνος (cf. THEORIS; Gilbert, *Staatsalterth.* i. 330, n. 3). On this ταμίας see also Köhler in *Mittheil. des archäol. Instituts*, viii. 165 ff. Inscriptions show that the ταμίας of the Paralos could also be trierarch of another ship: *C. I. A.* ii. 804 b, line 66, and *ib.* 808. The ταμίας τῶν στρατιωτικῶν (p. 761 *b*), in addition to his military duties, is curiously enough associated with the βουλὴ in matters connected with the Panathenaic festival (c. 49). See also App. *s. v.* ADYNATI.

TETTARACONTA, HOI. Their origin is now ascribed to Pisistratus (Ἀθ. πολ. c. 16); their number at this time is not stated. They reappear under Pericles, B.C. 453, and are then thirty (c. 26). In c. 53 their duties are described: ten drachmas as the limit of their competence to decide; and the traditional reason for the change of number from thirty to forty. The opening words, Κληροῦσι δὲ καὶ τετταράκοντα, τέτταρας ἐξ ἑκάστης φυλῆς, now supply documentary evidence for the view maintained in our concluding paragraph (p. 809 *b*), which hitherto has rested partly upon conjecture.

THEORICON. According to c. 43 of Ἀθ. πολ. the superintendents of the θεωρικὸν were elected, not chosen by lot: from the same chapter it is clear that there were more than one, since the plural τῶν ἐπὶ τὸ θεωρικὸν is contrasted with the singular ταμίας στρατιωτικῶν. It is even more impossible to get over (by such an argument as Gilbert uses for the passage in Aeschin. *c. Ctes.* § 25) the words in c. 47, μετὰ τοῦ ταμίου τῶν στρατιωτικῶν καὶ τῶν ἐπὶ τὸ θεωρικὸν ᾑρημένων ἐναντίον τῆς βουλῆς κατακυροῦσιν, &c. The evidence therefore from this treatise is opposed to the view supported by Gilbert (*Gr. Staatsalt.* i. 230) and Fränkel (note on Boeckh, *Staatsh.* i. p. 225), and may incline us to hold, with Boeckh, that there were more than one.

As regards the payment of two obols [see DIOBELIA; THEATRUM, p. 819 *b*; THEORICON, p. 526 *a*], there is a passage in Ἀθ. πολ. c. 28, μετὰ δὲ ταῦτα κατέλυσε Καλλικράτης [illegible] πρῶτος ὑποσχόμενος ἐπιθήσειν πρὸς τοὺς δυοῖν ὀβόλοιν ἄλλον ὄβολον. If this means that Callicrates raised the θεωρικὸν for any [illegible] period to 3 obols for a single spectacle, it is at variance with other authorities. But the words πρῶτος ὑποσχόμενος, &c. seem to imply that it was a promise of a demagogue, imitated afterwards by others, which was either never carried out at all or revoked soon after. This would illustrate Arist. *Pol.* ii. vii. 19 = p. 12[illegible]

THEORIS. The office of a treasurer for the Paralus and the Ammonis or Ammonias is noticed in c. 61 (see note on TAMIAS). The treasurer of the Salaminia is not mentioned, and agrees with the account supported by Boeckh and Fränkel (*op. cit.*), that in the course of the 4th century B.C. *Salaminia* ceased to be the name of a sacred ship, appearing as the name of an ordinary war-ship (for which a trierarch is mentioned) in the navy records. Fränkel regards as the earliest inscription in which the Salaminia so appears one of B.C. 357 (*C. I. A.* ii. [illegible]); if the argument is correct, it follows that [illegible] that date until the Ammonis was built. The mention of only one ship, the Paralus, can have been available for theoria other than the mission to Delos. Fränkel observed that the sacred ships are not mentioned in the navy records. Such names as *Hiera*, *Theoris* occurring in the lists of ships do not denote a special destination. The reference to Plutarch should be *Thes.* 2[illegible]

TRIBUS. The four old-Ionic tribes were of immemorial antiquity, and were retained, though altered by Solon, being still divided into τριττύες and ναυκραρίαι (Ἀθ. πολ. c. 8). The constitution of Cleisthenes is described at length in c. 21, and the writer brings out forcibly the design of the legislator to break up the old organisation of party ties: cf. DEMUS, Vol. I. 615 *a*. He did not adopt the number of twelve tribes, as these could have coincided with the old division of the four tribes into twelve τριττύες: he divided each of his ten tribes into τριττύες on a new principle, assigning one τριττὺς to the ἄστυ, one to the παραλία, and one to the μεσόγαια, ὅπως ἑκάστη (φυλὴ) μετέχῃ πάντων τῶν τόπων. This theory, already advanced as probable, that the city and ports now formed ten demes, one belonging to each tribe, thus becomes almost a certainty [DEMUS, *l. c.*].

TRIEROPOEI. See App. *s. v.* B[illegible] the words of c. 46, ποιεῖται δὲ (ἡ βουλὴ) τριήρεις, δέκα ἄνδρας ἐξ [ἁπάντων] ἑλομένη τριηροποιούς, we suggest that the lacuna is to be supplied with ἑαυτῆς rather than ἁπάντων. The τριηροποιοί may possibly have been subordinate body appointed by, as they were unquestionably responsible to, the βουλή; but it is more likely that they were a committee of the Bouleutae themselves.

* Since the above was in print, a writer in the *Quarterly Review* has given reasons for believing that the date of the treatise is much later (*Q. R.* for April 1891, p. 345).

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